

NORTH DAKOTA LEGISLATIVE COUNCIL

Minutes of the

LEGISLATIVE MANAGEMENT COMMITTEE

Thursday, October 8, 1998
Harvest Room, State Capitol
Bismarck, North Dakota

Representative John Dorso, Chairman, called the meeting to order at 9:00 a.m.

Members present: Representatives John Dorso, Merle Boucher, William E. Kretschmar, Mike Timm; Senators Aaron Krauter, Gary J. Nelson, David E. Nething

Members absent: Representative Pam Gullerson; Senators Tony Grindberg, Tim Mathern

Others present: See attached appendix

MINUTES

It was moved by Representative Timm, seconded by Representative Kretschmar, and carried on a voice vote that the minutes of the June 9, 1998, meeting be approved as distributed.

LEGISLATIVE INFORMATION SERVICES

On-Line Bill Status System

Chairman Dorso recognized Mr. Martin G. Hoag, North Dakota State University, for an update on access to the on-line bill status system by users outside state government. Mr. Hoag distributed a prepared statement, a copy of which is on file in the Legislative Council office.

Mr. Hoag said the North Dakota University System will be offering two systems--a legislative bill tracking system and a bill status information system. He said data will be available from the first day of the session through June 30, 1999, and the proposed fees are for a subscription for that entire time period. He said the fees would apply to users outside state government and would be collected by the University System to defray the costs of system development and support.

Mr. Hoag described the legislative bill tracking system, which will provide tracking reports on sets of bills identified as a group. He said the fee for a one-user account with two tracking lists (a tracking list is a set of bills tracked as a group) would be \$300 and the fee for each additional tracking list would be \$30. He said demonstrations will be conducted in Fargo and Bismarck in November, and early subscribers will be able to experiment with the system using 1997 data until November 30, 1998.

Mr. Hoag said the bill status information system contains most of the information available from the traditional bill status information system, e.g., bill and journal text, bill status, and committee hearing

information. The main difference between this system and the information available on the legislative branch web page without charge, he said, would be that the subscription system would provide real-time vote results, budget status inquiry, and section number comparisons. He said a portion of the fees collected for this service would go to the Information Services Division to pay for mainframe costs incurred. He said the subscription fee for a one-user account would be \$300.

In response to a question from Representative Dorso, Mr. Hoag said the fee for a subscription to the legislative bill tracking system in 1997 was \$150, and the proposed fee of \$300 is more realistic to recover the costs.

In response to a question from Representative Boucher, Mr. Hoag said there were approximately 30 paying subscribers to the 1997 service, but more subscribers are expected for the 1999 service. He said plans are to actively market this service during business conferences in Fargo and Bismarck.

In response to a question from Senator Krauter, Mr. Hoag said a fee could be imposed for state agency access to the system, but under the agreement between the University System, the Information Services Division, and the Legislative Council, each party provides some type of service, e.g., the Information Services Division and state agencies pay license fees for various types of software used to either provide or obtain access to the information, and it would be difficult to allocate any subscription fee to the appropriate parties.

Senator Nelson expressed his appreciation for the work North Dakota State University has done in providing this service and freeing legislative staff so they can focus on providing service to legislators.

LEGISLATIVE RENOVATION PROJECTS

Chamber Renovation Project

Chairman Dorso recognized Mr. Warren Tvenge, Tvenge Associates Architects and Planners, Bismarck, for a report on the status of the renovation of the House and Senate chambers. Mr. Tvenge said the renovation is almost complete, with the final touches being the installation of the correct hardware for the file drawers. He said the original contract was for \$248,328 and that amount included \$15,000 for

contingencies. He said additional unforeseen expenses resulted in change orders totaling an additional \$5,645. He summarized the biggest components of the change orders as the additional electrical wiring due to the electrical wiring "snake pit" discovered when the House podium was removed; the additional ductwork under the rostrum areas and the floor patches to fill in areas to the same level as the original tile; the reupholstery for the President's and Speaker's ornamental chairs at the front desk and six benches in the House; the special color pattern of the carpet to match the chairs in the House and Senate; and printer carts for the printers at the front desks. He emphasized the major change resulted from the removal of the House platform and the discovery of the type of electrical wiring under that platform. He said the wiring was replaced and new, empty conduits were added to anticipate future wiring needs.

It was moved by Senator Nething, seconded by Representative Kretschmar, and carried on a roll call vote that the committee affirm the change orders and the additional cost to complete the legislative renovation project. Representatives Dorso, Boucher, Kretschmar, and Timm and Senators Krauter, Nelson, and Nething voted "aye." No negative votes were cast.

Chairman Dorso recessed the meeting for a tour of the House and Senate chambers. After the tour, Vice Chairman Nelson reconvened the meeting in the Harvest Room.

It was moved by Representative Boucher, seconded by Representative Timm, and carried on a voice vote that the Legislative Council staff be requested to send a letter to the contractors expressing appreciation for the quality of work on the project.

Proposed 1999-2000 Legislative Renovation Projects

The assistant director presented a proposed estimate for replacing the fabric on balcony seats with fabric matching the chairs in the chamber and providing new burlap wrap under the new fabric, including the cost of removing and then reinstalling the seats and backs. He said the estimate is \$19,527 for 249 seats and six backs in the House and 191 seats and six backs in the Senate. He said the cost would be reduced by approximately \$2,000 to \$3,000 if fabric similar to, rather than identical to, the fabric in the chamber chairs were used.

The assistant director said the Legislative Council staff is also attempting to obtain an estimate for refinishing the legislators' desks in each chamber. He said a number of desks are in rough shape and wood molding has been damaged or is missing. He said Audio Systems, Bismarck, has been requested to provide estimates for various options for replacing the sound system in each chamber. He said North Star Audio, Bismarck, also has requested the opportunity

to be consulted regarding the sound system. He said individuals from the two firms were not able to attend today's meeting but would be invited to the November 11, 1998, meeting of the committee.

Representative Dorso said the projects to be considered for legislative renovation should be prioritized. He said the sound system is in need of replacement. He noted that any failure of one microphone affects the entire section in which that microphone is located in either chamber. Senator Nelson agreed and said the two projects for priority should be the audio system and refinishing the desks. Representative Boucher agreed that the sound system needs replacement, and as a result of that process the desks may very well need work in light of any microphone or speaker installation.

CONTRACTS FOR PRINTING LEGISLATIVE DOCUMENTS

Bills, Resolutions, and Journals and Bill and Journal Room Contract

At the request of Chairman Dorso, the assistant director reviewed the bid received to print bills, resolutions, and journals and to operate the bill and journal room. He said Quality Printing Service, Bismarck, submitted the only bid. He said the bid for operating the bill and journal room was \$440 per day for 82 days--14 days before the Legislative Assembly convenes (beginning December 14, 1998) and an estimated 66 legislative days and the two business days during the February recess when the Legislative Assembly is not in session. He said the 1997 contract price was \$445 per day.

It was moved by Representative Timm, seconded by Representative Kretschmar, and carried on a roll call vote that the committee accept the bid by Quality Printing Service to print bills, resolutions, and journals and to operate the bill and journal room and that the contract be for the documents to be printed on recycled paper. Representatives Dorso, Boucher, Kretschmar, and Timm and Senators Krauter and Nelson voted "aye." No negative votes were cast.

The assistant director said Quality Printing Service was also the only bidder for the Session Laws printing contract.

LEGISLATIVE SESSION ARRANGEMENTS

Legislators' Stationery

The assistant director reviewed the policy regarding stationery provided to legislators. He said each legislator receives 500 sheets of regular (8½-inch by 11-inch) stationery and 500 envelopes and the Speaker, leaders, and assistant leaders also receive 500 sheets of Monarch (7½-inch by 10½-inch) stationery and 500 Monarch (3⅞-inch by 7½-inch) envelopes. He said the leaders receive as much

regular stationery as they need, and other legislators can request an additional 500 sheets of stationery and 500 envelopes.

It was moved by Senator Nelson, seconded by Representative Timm, and carried on a voice vote that the committee approve the use of the stationery of the same type as that used during the 1997 session (24 lb. laser print stationery) and that the policy on stationery be continued during the 1999 session.

Letter Files

The assistant director described past policy of providing letter files to legislators. He said letter files have been authorized for legislators after each election since 1984. He said letter files are provided to new legislators as well as holdover legislators who request them. He said a request form is placed in the information packet distributed to legislators at the organizational session. He said legislators who desire a letter file need to return that request form to the Legislative Council office.

It was moved by Representative Timm, seconded by Senator Krauter, and carried on a voice vote that the Legislative Council staff continue the policy of providing letter files to new and holdover legislators after each election, with each legislator to request the letter file.

Legislators' Expense Reimbursement Policy

The assistant director described the policy and items reimbursable as lodging expenses of legislators. The policy established for the 1987 through 1991 Legislative Assemblies was that reimbursable expenses were utilities--electricity and heat, water (including garbage collection and sewer charges), basic telephone service, and telephone installation charges; furniture--rental of furniture and appliance and transit charges for moving rental furniture and appliances; and repairs for damage while a legislator is a tenant--repairs to structure, plumbing, or electrical repairs, and repairs to furniture or appliances. For the 1993, 1995, and 1997 Legislative Assemblies, reimbursable expenses did not include repairs. He said legislators must voucher the expenses and the total reimbursable expense for lodging is limited by North Dakota Century Code (NDCC) Section 54-03-20 to \$650 per calendar month.

It was moved by Senator Nething, seconded by Representative Boucher, and carried on a voice vote that the legislative expense reimbursement policy for the 56th Legislative Assembly be the same as that followed for the 55th Legislative Assembly.

Photography Contract

At the request of Chairman Dorso, the assistant director reviewed the bids received for the

photography contract for the 56th Legislative Assembly. The bids ranged from \$3,000 by Anderson Photography, Crosby, to \$5,591.72 by Photography by Scott Berge, Bismarck. He said Anderson Photography had the contracts during the 1995 and 1997 legislative sessions.

Representative Timm said the individual pictures provided to the 55th Legislative Assembly were okay, but he was not impressed with the small composite pictures. He said it is very difficult to read the names under the pictures. Concern was also expressed over the quality of the appearance of the large composite pictures because the printing had been pasted on rather than printed on the background.

It was moved by Senator Nething, seconded by Senator Nelson, and carried on a roll call vote that the committee accept the proposal by Anderson Photography, Crosby, to provide photography services to the 56th Legislative Assembly. Representatives Dorso, Boucher, Kretschmar, and Timm and Senators Krauter, Nelson, and Nething voted "aye." No negative votes were cast.

Senator Nething requested the Legislative Council staff to notify Anderson Photography of the award of the contract and also express the concerns expressed by committee members over the difficulty in reading the print in the small composite pictures.

Journal Distribution Policy

The assistant director reviewed recent journal distribution policies. Under the policy in effect until 1985, he said, legislators were provided with a form to identify up to 15 individuals who could receive daily journals at no cost. Under the policy established for the 1985 through 1993 Legislative Assemblies, he said, during the organizational session the desk forces announced to legislators that legislators could have daily journals sent, without charge, to as many as 15 persons. Under the policy established for the 1995 and 1997 Legislative Assemblies, he said, the desk forces announced to legislators that a legislator could have daily journals sent, without charge, to as many as three persons and that any additional sets would have to receive the approval of the legislator's leader. He said 38 courtesy copies were sent as a result of legislator requests during the 1997 session.

Senator Nelson said the text of the journals is available on the Internet and the announcement by the desk forces should include the request that legislators ask each person for whom they request journals to be sent whether that person has Internet access and could obtain copies of the journals through that means.

It was moved by Senator Krauter, seconded by Senator Nething, and carried on a voice vote that the journal distribution policy for the 56th Legislative Assembly would be that the desk force of each house inform legislators that a legislator could have daily journals sent, without charge, to

as many as three persons, and that any additional sets would have to receive the approval of the legislator's leader, and that a legislator be requested to ask the person to whom the journals are to be sent whether that person has Internet access.

Television Coverage

Vice Chairman Nelson recognized Mr. Jerry Steever, Manager, Dakota Cable Communications, and Mr. Guy F. Rittel, Executive Director, Cable Access Television, Bismarck. Mr. Steever said Dakota Cable Communications will make every effort to provide live television coverage of the 1999 legislative session in a manner similar to that provided during the 1997 legislative session, i.e., coverage would be of Senate and House floor sessions on alternating weeks, beginning with the House during the first week of the session. He said the sessions are carried live by the Bismarck, Mandan, and Lincoln cable systems. In 1995, he said, the sessions were taped and the tapes were sent to cable systems in other cities. He said the managers of those systems have expressed interest in similar arrangements during the 1999 session and they are working on those arrangements. Mr. Rittel said a letter will be sent to each cable company in the major cities asking if the cable company desires tapes of the floor sessions for rebroadcast. If so, he said, they would need to send tapes to Community Access Television or money for purchase of those tapes and also the postage to send those tapes to the cable systems.

Senator Nething inquired whether it would be possible to cover the House floor sessions in the morning and the Senate floor sessions in the afternoon. Representative Dorso said a decision had not been made as to when House floor sessions would be held, but they probably would be in the mornings as they were in 1995 and 1997. Mr. Rittel said that could be considered, but the current proposal is for single-chamber coverage on alternating weeks.

It was moved by Senator Nething, seconded by Senator Nelson, and carried on a voice vote that the committee authorize Dakota Cable Communications and Community Access Television to provide coverage of the 56th Legislative Assembly as provided during the 1997 legislative session at the expense of Dakota Cable Communications and with specific arrangements approved by the director of the Legislative Council.

Floor Session Audio Access

Chairman Dorso recognized Mr. Curt W. Zimmerman, Director, Facility Management Division, for a presentation on external access to the legislative audio system. Mr. Zimmerman reported that his presentation is the result of a request by the committee for the executive branch to present a proposal for entities

outside the legislative branch to receive access to the audio of the floor sessions of the House and Senate. He said the options presented to the committee at its February 18, 1998, meeting provided a variety of methods to obtain audio of the floor sessions. He presented two proposals to the committee--installation of a new amplifier in the tower to which speakers would be wired or use of a server to provide Real Audio access through the state intranet. He said the cost of a new amplifier is \$3,040, not including the cost of installing the wiring and speakers. He distributed a schematic diagram for providing Real Audio access through the state intranet and the Internet. A copy of the diagram is on file in the Legislative Council office. He said access through Real Audio software and a server and related equipment could be provided at an approximate cost of \$8,500 for new equipment. He said, however, that the Information Services Division has equipment and software available and Real Audio access could be provided through this equipment and software at no charge. He said up to 180 users could obtain access and beyond that point there would need to be some filtering mechanism. He said the possibility also exists that the Information Services Division will have the equipment and software in place to provide Real Audio access through the Internet. Under this option, he said, the speakers in the executive branch--the Governor's office and the Office of Management and Budget--will be disconnected because of the access provided through personal computers with Real Audio software.

Representative Dorso said any decision to limit access through personal computers with Real Audio is a decision that can be made by the Information Services Division without involving the Legislative Management Committee.

It was moved by Representative Boucher, seconded by Senator Nething, and carried on a voice vote that the committee accept the proposal by the Facility Management Division and the Information Services Division to make available audio access of the floor sessions through Real Audio on the state intranet and the Internet, when possible.

Organizational Session Agenda

The assistant director reviewed a proposed *Agenda for the Legislative Organizational Session*. He said the agenda was based on the 1996 organizational session agenda. He said the major changes include having the opening prayers by the chaplains immediately after the call to order in each house; providing concurrent e-mail, Internet, and word processing sessions on the afternoon of the first day and the morning of the second day; and providing LAWS system training in the Senate chamber in the afternoon of the second day and in the House chamber in the afternoon of the third day. He said the intent

behind the training for legislators is that freshman legislators would be attending the orientation sessions, leadership would be involved in committee assignments, and returning veteran legislators could update their computer skills during "open" periods. He said LAWS training also would be provided on Monday, January 4, 1999--the day before the 56th Legislative Assembly convenes in regular session.

It was moved by Senator Nething, seconded by Senator Krauter, and carried on a voice vote that the committee approve the proposed agenda for the 1998 legislative organizational session.

Incoming WATS Lines

The assistant director reviewed information on the use of the six incoming WATS lines provided during the 1997 session for residents of the state to contact legislators or obtain information on legislative proposals. He said the number of calls during the 1997 session was 28,443, compared to 41,668 during the 1995 session and 62,320 calls during the 1993 session. He noted the Legislative Council has reserved the WATS line number of 1-888-ND-LEGIS (1-888-635-3447). He said the monthly totals were 5,930 calls in January, 12,418 calls in February, 8,246 calls in March, and 1,839 calls in April.

Representative Dorso inquired when the committee would be considering legislative employee numbers and compensation. The assistant director said this information would be presented to the committee at its November 11, 1998, meeting. Representative Dorso suggested that consideration be given to reducing the number of telephone room personnel based on the reduced number of calls over the past three sessions. During the 1995 session, the House employed the chief telephone attendant, four telephone attendants, and a telephone page, and the Senate employed four telephone attendants and a telephone page, for a total of 11 people in the telephone room. He suggested that a possibility may be to employ fewer personnel and use voice mail for people to leave a message for legislators rather than receive a busy signal. In cases in which a message would be to call back, the operator could call back as soon as that person becomes available. Senator Nething said a number of constituents have indicated that the line is busy when they call. He said the use of voice mail would eliminate that concern because a message could be left and that usage could also result in fewer telephone room attendants. However, he cautioned, the type of message on the voice mail is critical as is the individual who records the message.

Senator Nelson agreed that there should be an option of using current technology so that a person calling the telephone room would not receive a busy signal. He requested the Legislative Council staff to provide information at the next meeting on lowering the number of telephone room personnel and

providing a method for individuals to leave messages or to receive a message rather than a busy signal.

Session Employment Coordinators

The assistant director explained that personnel traditionally have been hired to coordinate the receipt of applications for legislative employment. In 1996, he said, each political party had one person to screen prospective employees to determine whether they had the appropriate skills. Unless otherwise directed by the committee, he said, one employment coordinator would be employed from each party, rather than each house. He said the employment coordinators usually have been the secretaries to the leaders, e.g., in 1996 the Senate majority leader's secretary and the Senate minority leader's secretary were the employment coordinators. Based on the proposed session employee training schedule, he said, these persons should be employed by November 19.

The assistant director said he would work with the leaders to determine who would be the employment coordinators.

It was moved by Senator Nelson, seconded by Senator Krauter, and carried on a voice vote that the Legislative Council staff, in consultation with the legislative leaders, be authorized to hire one person to represent each political party to screen employees before the convening of the Legislative Assembly and to report to the Employment Committees, and that the two persons hired be paid from Legislative Assembly funds.

Session Employee Orientation and Training

The assistant director presented a tentative session employee training agenda entitled *Orientation and Training Sessions for Certain Legislative Employees*. He said the agenda provides for extensive computer training for legislative employees. He said the agenda proposes training for leaders' staff, primarily the session employment coordinators, starting Thursday, November 19; training for House and Senate desk reporters starting December 14; training for House committee clerks during the week starting December 14 and Senate committee clerks during the week starting December 21; training for the assistant House chief clerk, assistant secretary of the Senate, and the Senate bill clerk starting Monday, December 28, and for the House bill clerk starting Tuesday, December 29; training for the calendar clerks starting Wednesday, December 30; and training for additional leaders' staff starting Wednesday, December 30. He said the key to much of the training schedule depends on the session staff being in place. He said the training for the leaders' staff beginning November 19 is not limited to the session employment coordinators, and the training for the House and Senate committee clerks is not required to be during those weeks because a clerk for either

house could attend either week depending on when the clerk is employed.

It was moved by Senator Nething, seconded by Senator Krauter, and carried on a voice vote that the committee approve the plan for orientation and training of session employees as outlined in the memorandum and that employees not identified in the plan begin work on a schedule similar to that followed for the 55th Legislative Assembly.

Bill and Journal Room Services

The assistant director said the normal procedure is for an employee to be employed by mid-December to begin organizing the bill and journal room and to respond to requests for copies of prefiled bills and resolutions. He said this provision was included in the contract for operating the bill and journal room, and the contractor is to provide a person as of December 14, 1998.

Secretarial Services Policy

The assistant director reviewed the *Policy Regarding Secretarial Services to Legislators* approved by the Legislative Council in November 1996. He said the policy is included in the information packet distributed to legislators during the organizational session. The policy points out that secretaries performing secretarial services are employees of the secretarial service and not legislative employees, describes secretarial services as being available between 7:30 a.m. and 5:30 p.m., provides for 24-hour turnaround, and provides procedures for any comment or complaint--first to the onsite supervisor, then to the chairman of the Employment Committee of the respective house.

It was moved by Representative Timm, seconded by Senator Krauter, and carried that the policy approved by the Legislative Council in November 1996 be continued as the policy applicable to secretarial services during the 1999 legislative session.

Secretarial Services Contract

The assistant director reviewed the *Invitation to Bid - Legislative Assembly Secretarial Services*. He said this invitation to bid was prepared based on the 1996 invitation to bid and was updated to reflect 1997 session experience. During the 1997 session, the secretarial service produced 3,463 documents and transcribed 40 tapes of minutes of a standing committee whose clerk quit. The secretarial service contractor provided seven employees and one supervisor during the 1997 session for a total amount of \$41,462.50. He said this information is included in the invitation to bid to provide background information and an idea to prospective bidders as to the amount of work and the expectation that there may be other assignments, e.g., transcribing tapes, not normally within the contract requirements. He said the bid

continues the specification for seven employees and one supervisor and requests the bid on a per day basis for 66 legislative days.

It was moved by Senator Nething, seconded by Senator Krauter, and carried on a voice vote that the committee approve the invitation to bid for Legislative Assembly secretarial services and authorize the Legislative Council staff to solicit bids for the 1999 secretarial service.

LEGISLATIVE RULES

Rules Changes Approved by the Committee

The assistant director reviewed a memorandum entitled *Legislative Rules Changes Approved by the Legislative Management Committee*. He said the memorandum compiles the rules changes that have been approved by the committee to date and is revised after each committee meeting to include any approved rules amendments. He said the memorandum is the basis for the information presented to the Rules Committees during the organizational session.

At the request of Chairman Dorso, the assistant director reviewed rules memorandums and rules amendments addressing issues raised during the 1997 legislative session.

Contents of House and Senate Journals

The assistant director reviewed proposed amendments to Senate and House Rules 203(1) to provide that the listing of currently registered lobbyists be printed in the journal on the adjournment of the legislative session rather than on the 35th legislative day. He said this proposal resulted from a suggestion by the Secretary of State that there could be a more timely means of providing lists of lobbyists to legislators due to the fact that the Secretary of State has provided those lists on a daily basis to each chamber during the early weeks of the legislative session. He said Legislative Council staff met with representatives of the office of the Secretary of State and developed an arrangement whereby the Secretary of State would include the listing of lobbyists on the Secretary of State's web page which would be updated as the list is changed; the Legislative Council would maintain a link to the Secretary of State's lobbyist list on the legislative branch web page; and a final list of lobbyists registered during a legislative session would be included in the journals at the close of the legislative session in order to maintain historical records. He said the list could either be printed in the journals on the last legislative day or as an addendum to the journals after the Legislative Assembly has adjourned. He said the link to the Secretary of State's lobbyist registration information has been placed on the legislative branch web page.

It was moved by Senator Nelson, seconded by Representative Timm, and carried on a voice vote that the committee approve the proposed

amendments to Senate and House Rules 203(1), relating to the inclusion of lobbyists lists in the journals.

Orders of Business - Consent Calendar

The assistant director reviewed proposed amendments to Senate and House Rules 301 and Joint Rule 207(5) to eliminate the requirement that the consent calendar be considered immediately before consideration of bills and resolutions on second reading and final passage and to provide that this consideration be moved from the 10th order to the 15th order and the consideration of unfinished business be moved from the 15th order to the 10th order. He said this proposed amendment addresses the concern that the consent calendar is not being considered when the rules require it to be considered. Rather, he said, the consent calendar is normally considered at the end of the day. Rather than revising all the orders of business, he said, unfinished business was moved to the 10th order and consideration of consent calendar items was moved to the 15th order.

Senator Nething said the original purpose of the consent calendar was to speed up the consideration of "easy" bills. Senator Nelson said the Senate allows the consent calendar to build up to include a number of items so that time is actually saved rather than considering a consent calendar that has only one item. Representative Dorso said the House also lets the consent calendar "build up" and considers the consent calendar at the end of the day. He said the procedure followed in the House is that members of either caucus can inform their appropriate leader as to whether any item on the consent calendar should be removed. If any member makes the request, he said, that item is removed from the consent calendar.

It was moved by Representative Timm, seconded by Representative Kretschmar, and carried on a voice vote that the committee approve the proposed amendments to Senate and House Rules 301 and Joint Rule 207(5), relating to consideration of the consent calendar.

Referral of Measures to Appropriations Committees

The assistant director reviewed proposed amendments to Senate and House Rules 329 to require any measure that is required to be referred or rereferred to the Appropriations Committee which is passed by the Senate or the House is deemed reconsidered and must be rereferred to and acted upon by the Appropriations Committee rather than restricting this automatic "deemer" provision only to those measures that received a do not pass recommendation from the original committee. Without this "deemer" provision, he said, a bill that should have been referred or rereferred to the Appropriations Committee but has passed the House on second reading is subject to being questioned as to whether the passage has

been in accordance with the rules, and the correct procedure is to move reconsideration of the measure to stop transmittal to the other house after passage.

It was moved by Senator Nething and seconded by Representative Timm that the committee approve the proposed amendments to Senate and House Rules 329, relating to referral or rereferral of measures to the Appropriations Committees.

Senator Nelson said the current procedure allows flexibility in those cases when it is not necessary to refer measures to the Appropriations Committee. Representative Timm said members do not like to rerefer measures to the Appropriations Committee because of past experiences with that committee substantially amending the substance of a measure without involving the substantive standing committee that heard the bill. Representative Boucher said members have complained about the changes the Appropriations Committee has made to substance under the guise of budget consideration. Representative Dorso said the Appropriations Committee does have to deal with substance if the substance requires an appropriation of funds that are not available under budget parameters. After this discussion, **Senator Nething, with the consent of his second, withdrew his motion.**

Transmittal of Measures to Other House

The assistant director reviewed proposed amendments to Senate and House Rules 346 to provide that after the 58th legislative day the Secretary of the Senate or Chief Clerk of the House, as appropriate, is to transmit a bill or resolution to the other house immediately after the second reading of the bill or resolution unless the majority or minority leader has given notice of intention to move the reconsideration of that bill or resolution. He said this would complement current rules that provide for transmittal of bills or resolutions at the end of the daily session on the 33rd legislative day and after the 49th legislative day and immediate consideration of bills and resolutions on the calendar after the 55th legislative day. Otherwise, he said, measures are retained until the next legislative day for purposes of reconsideration. He said this "faster" transmittal under House and Senate Rules 346 and under this rules amendment is not done if the majority or minority leader has given notice of intention to move reconsideration of that bill or resolution. He said this proposed amendment would eliminate the need for a motion for immediate transmittal after the 58th legislative day.

Senator Nelson said this is done now with respect to messaging at the end of the day. He urges the leaders to emphasize to their caucuses that members need to notify the majority or minority leader rather than notify the desk force directly.

It was moved by Senator Nelson, seconded by Senator Nething, and carried on a voice vote that

the committee approve the proposed amendments to Senate and House Rules 346, relating to transmittal of measures to the other house immediately after the second reading after the 58th legislative day.

Senator Nelson requested that the timeline of legislative deadlines attached to the proposed rules amendment be increased in size and distributed to all members as part of their information packets they receive during the organizational session, to the majority and minority leaders, and to each committee chairman.

Legislative Guests

Clearing the Floor

The assistant director reviewed proposed amendments to Senate and House Rules 205(3) to require the sergeant-at-arms to clear the floor of the chamber 60 minutes rather than 30 minutes before the Senate or House convenes. He said this rules amendment was in response to a suggestion to increase the time-span prior to the floor session when only members and employees are allowed on the floor.

Representative Timm said the House sergeant-at-arms expressed concerns to him during the 1997 session of the trouble the sergeants-at-arms had in clearing the floor before the sessions. He said people refuse to leave and continue to remain on the floor up until the time the session convenes.

It was moved by Senator Nething, seconded by Representative Timm, and carried on a voice vote that the committee approve the proposed amendments to Senate and House Rules 205(3), relating to the time period for clearing the floor of persons other than legislative employees.

Reserved Seating

The assistant director reviewed proposed amendments to House Rules 359(3) and 361(3), (4), and (5) to require legislative guests to be seated in the first row and to reserve portions of the first row in the House chamber for legislative guests.

Representative Timm said the purpose of permitting guests is to allow legislators to explain the legislative process to those guests. He said requiring guests to sit in the first row would remove this personal contact. He said the House sergeant-at-arms also expressed concerns to him over the practice of members requesting the sergeants-at-arms to approach other members and request those members' guest passes so one member could have more than one guest on the floor during the day.

Representative Dorso said the original purpose of the request for this rules amendment was to reserve space for dignitaries. Representative Dorso requested that the proposed amendment to House Rule 359(3), requiring guests to be seated in the first row, be deleted from the proposed rules amendment.

Representative Timm said seat No. 86 was reserved for the Speaker so he could relinquish the chair and easily go to the floor and speak on a subject. He suggested that that seat be reserved as the floor seat for whomever is elected Speaker of the House. Representative Boucher suggested that the first row of the middle two sections be the row reserved for dignitaries.

It was moved by Representative Boucher, seconded by Representative Kretschmar, and carried on a voice vote that the proposed amendments to House Rule 361(4) be revised to provide that seat Nos. 26, 27, 28, 29, 55, 56, 57, and 58 be reserved and seat No. 86 be reserved for the Speaker of the House.

It was moved by Representative Boucher, seconded by Representative Kretschmar, and carried on a voice vote that the proposed amendment to House Rule 359(3) be deleted from the proposed amendments and that the committee approve the proposed amendments to House Rule 361(4) and (5), as amended, relating to reserved seating in the House chamber.

Divided Committee Reports

The assistant director reviewed proposed amendments to Senate Rule 602 and House Rules 601(1) and 602 to require minority reports to be signed by at least two members of a Senate committee or three members of the Senate Appropriations Committee or three members of a House committee or four members of the House Appropriations Committee who voted against the majority report.

Representative Dorso said this amendment addresses the single member who requests minority reports and in one instance during the 1997 session members of the committee who voted with the majority report also signed the minority report.

It was moved by Representative Timm, seconded by Representative Kretschmar, and carried on a voice vote that the committee approve the proposed amendments to Senate Rule 602 and House Rules 601(1) and 602, relating to divided committee reports.

Crossover of Measures

The assistant director reviewed proposed amendments to Joint Rule 203 to provide that all resolutions, rather than just resolutions directing Legislative Council studies, would be subject to the 40th legislative day crossover deadline.

Representative Timm inquired whether there was a problem with not having such a deadline. Representative Dorso said there is no valid reason for resolutions not to be subject to crossover the same as bills. He said these resolutions should be heard and reported back in time to avoid a "crunch" late in the session.

It was moved by Senator Nething, seconded by Representative Kretschmar, and carried on a voice vote that the committee approve proposed amendments to Joint Rule 203, relating to the deadline for all resolutions to cross over to the other house.

Agency Privilege for Introducing Bills

The assistant director reviewed information regarding Joint Rule 208, relating to the introduction of executive agency and Supreme Court bills. He

said the information does not propose any "amendment" but is provided as a means of allowing discussion of a request at the committee meeting in June 1997 with respect to the effect of agencies requesting legislators to be listed as sponsors of agency bills. He reviewed statistics from the 1993, 1995, and 1997 legislative sessions as to the total House and Senate bills introduced, agency bills introduced in each house, and the time when bills were introduced.

Session	House Bills Introduced	Agency Bills Introduced in House	Prefiled Bills Introduced in House	Nonprefiled Bills Through First Introduction Deadline
1993	520	145	215	132
1995	502	82	176	136
1997	482	57	168	163

Session	Senate Bills Introduced	Agency Bills Introduced in Senate	Prefiled Bills Introduced in Senate	Nonprefiled Bills Through First Introduction Deadline
1993	453	168	237	193
1995	539	111	220	215
1997	399	64	136	171

The assistant director said these statistics show that there has been a 17 percent reduction in the number of bills introduced from 1993 to 1997 and a 61 percent reduction in the number of agency bills during that period. However, he said, although there has been a general reduction of 17 percent in the number of bills introduced and a reduction of 22 percent in the number of House bills prefiled and 43 percent in the number of Senate bills prefiled, there has been an increase of 23 percent in the number of House bills introduced by the first introduction deadline and a reduction of 11 percent in the number of Senate bills introduced by the first introduction deadline. He said the statistics show that the reduction in the number of prefiled bills has been offset by an "increase" in the number of bills introduced by the first introduction deadline, many of which are "form and style" bills legislators introduce on behalf of agencies.

Senator Nething said the statistics bother him because the process is being subverted by agencies going to individual legislators to introduce bills. He said this results in fewer bills being scheduled early in the session for hearing and more bills being scheduled during a shorter time period for hearing bills. He suggested that one method may be to require legislators who introduce bills on behalf of agencies to identify those bills on their face.

Representative Boucher said he does not favor the promotion of agencies asking legislators to introduce agency bills.

Representative Dorso requested the Legislative Council staff prepare a letter to be sent to all executive branch agencies and the Supreme Court urging the agencies to use the agency introduction privilege

rather than going to individual legislators. He also requested a letter be sent to the Governor pointing out the statistics showing that agencies going to individual legislators to introduce bills has affected the ability of the Legislative Assembly to schedule bills early in the session and requesting the Governor to encourage agencies to use the agency introduction privilege rather than burdening legislators with the responsibility of appearing before committees solely to defer to agency representatives.

Copies of Measures

The assistant director reviewed proposed rules amendments to Joint Rule 603(1) increasing the number of printed resolutions from 400 to 500. He said this change was included in the contract for printing bills and resolutions which the committee awarded earlier during this meeting.

It was moved by Senator Nelson, seconded by Representative Kretschmar, and carried on a voice vote that the committee approve the proposed amendments to Joint Rule 603(1), relating to the number of copies of printed resolutions.

Use of Committee Rooms

The assistant director reviewed a memorandum reviewing Joint Rule 803 and NDCC Section 48-08-04 relating to use of legislative areas and policies of selected states regarding use of legislative committee rooms. The memorandum also presents a proposed policy governing use of committee rooms during the

interim. He said the proposed policy follows closely the guidelines for use of the legislative chambers.

Under the proposed policy, the first priority for the use of legislative committee rooms is for the legislative branch. During legislative sessions, the use of legislative committee rooms is governed by Joint Rule 803 and during the interim, the use of committee rooms is governed by Section 48-08-04, and any authorization by the Legislative Council, or its designee, is subject to the following requirements:

- An agency of state government may use committee rooms for official purposes of the agency. Any other group or organization may use committee rooms as necessary for educational and informational meetings that have a reasonable relationship to the legislative process only if the group or organization arranges for security, janitorial, and other services with the Office of Management and Budget and either is sponsored by a state agency or signs a facilities use agreement as required under the guidelines for use of legislative chambers and displays in Memorial Hall. Committee rooms may not be provided for use by a group or organization if the purpose of the meeting is to advocate the introduction of legislation or to encourage or oppose the enactment of legislation or any decision on a matter before the Legislative Assembly or Legislative Council or any legislative committee.
- Any planned function may not interfere with the business or activities of the legislative branch.
- No other suitable facilities are available on the Capitol grounds or in a privately operated facility that may or may not charge a fee for that use.
- Prior approval is obtained from the Legislative Management Committee, or if time does not permit the obtaining of approval from the committee, approval may be obtained from the director of the Legislative Council or the director's designee.

The assistant director said the description of purposes for which any other group or organization may use committee rooms is similar to the restriction the Nebraska Legislature imposes on use of public legislative areas.

The director said the current policy during the interim is that the Legislative Council relinquishes control over all committee rooms other than the Harvest Room and the Roughrider Room, which are reserved for legislative use. He said the Facility Management Division manages the use of the other committee rooms. He suggested that this flexibility be maintained and rather than requiring approval from the Legislative Management Committee if time does permit, the proposed policy be revised to provide that

prior approval is to be obtained from the Legislative Management Committee for use contrary to the policy if time permits.

It was moved by Senator Nething, seconded by Representative Kretschmar, and carried on a voice vote that the proposed policy be amended to provide that prior approval is to be obtained from the Legislative Management Committee for use contrary to the policy rather than for any type of use, that the director may arrange with the Facility Management Division to manage the scheduling of committee rooms, and that the committee approve the proposed policy as revised.

Republication of Rules Book

The assistant director noted that the rules book has been republished before each session to incorporate rules changes approved at the organizational session, to renumber rules as appropriate, and to make style and grammar changes as necessary.

It was moved by Senator Nething, seconded by Senator Nelson, and carried on a voice vote that the committee approve republication of the rules book with appropriate correction of obsolete references, renumbering of rules, correction of grammatical and typographical errors, and use of colored pages to identify different sections.

GENERAL ADMINISTRATIVE MATTERS

Reimbursement of Expenses for Attending Legislative Council Meeting

The assistant director said legislators who are members of the Legislative Council and chairmen of interim committees receive expense reimbursement and per diem for attending the Legislative Council meeting in November. He said other legislators receive expense reimbursement. During the 1996-97 interim, he said, the Legislative Management Committee recommended that new members be reimbursed expenses for attending the Legislative Council meeting in November. He said one reason was to facilitate the selection of leaders as early as possible so that decisions could be made for making arrangements for the upcoming session and the organizational session in December. He said newly elected members of the Legislative Assembly are not legislators and if this policy is to continue, the committee needs to make a recommendation to the Legislative Council.

Senator Nelson said regardless of whether the leaders are elected at caucuses before the Legislative Council meeting or before the organizational session, it is important for new members to become acquainted with issues to be considered by the Legislative Assembly and attending the Legislative Council meeting would be invaluable for acquiring this knowledge.

It was moved by Senator Nelson, seconded by Senator Nething, and carried on a voice vote that the committee recommend that new members be reimbursed expenses for attending the final Legislative Council meeting in November.

Senator Nelson requested that each leader inform the director of the Legislative Council as to whether that leader's party plans any caucus or other meeting immediately before the Legislative Council meeting so that information could be included in a letter sent to each legislator and newly elected legislator.

Legislative Records Retention Policies

The assistant director reviewed a memorandum entitled *Records Retention Policy - Legislative Assembly* and a memorandum entitled *Records Retention Policy - Legislative Council*.

The director said the primary reason for proposing the policies is because NDCC Section 44-04-17.1 defines record as including preliminary drafts and working papers and thus makes those open records under Section 44-04-18 which it could be argued could not be destroyed unless in accordance with a records management program.

Representative Timm suggested that adopting a written policy may lead to inadvertent violation of the policy. The director agreed but said questions would only arise if the policy were not followed. He said a larger issue is the effect of preliminary drafts and working papers being public records.

Senator Nething said legislators should consider changing the law on open records and defining working papers as not including items that normally would be disposed of at the end of the day.

It was moved by Senator Nething, seconded by Representative Kretschmar, and carried on a voice vote that the committee approve the records retention policy for the Legislative Assembly and the records retention policy for the Legislative Council.

Surplus Property - Disposition of Legislative Computers

The assistant director reviewed a memorandum entitled *State Surplus Property Requirements - Disposition of Legislative Computers*. The memorandum describes the surplus property procedure and statutory requirements. Under NDCC Section 54-44-04.6, any person in charge of a state agency is to inform the director of the Office of Management and Budget if the agency possesses property surplus to its needs. The property must be transferred at fair market value to state agencies, political subdivisions, and nonprofit organizations eligible to receive federal surplus property. Any property that is not disposed of through a transfer at fair market value to a state agency, political subdivision, or nonprofit organization must be sold on sealed bids or at public auction to the highest and best bidder if the property is valued at more than

\$3,000 or through negotiation at fair value for property that is valued less than \$3,000. Under the surplus property disposal manual, a disposing agency may note on the form used to report surplus property any interest by another agency for the items being reported. The Office of Management and Budget will honor an agency's request to transfer property to another agency and will allow the transferring agency to establish a fee for the transferred property (the Office of Management and Budget charges a \$10 transfer fee to the agency receiving transferred property). With respect to determining the value of computers, the Office of Management and Budget would contact computer vendors and conduct Internet research to determine the fair market value for personal computers deemed to be surplus property, but if the transferring agency establishes a particular price, the Office of Management and Budget will not sell the item for a lower price without consulting the transferring agency.

Senator Nelson said he would prefer that legislators have the option of purchasing the computers otherwise to be surplus. However, he said, before proceeding with the actions necessary to provide this option, the committee should have an idea as to the interest by legislators in purchasing their computers.

The director referred to the \$200 to \$250 trade-in value used by vendors of notebook computers demonstrated to the committee but pointed out that those vendors indicated that third-party retailers would clean the computers and sell those computers with a warranty for approximately \$500 each.

In response to a question from Representative Dorso, Ms. Maryann F. Trauger, Information Technology Coordinator, Legislative Council, said the Council staff will "clean up" the IBM ThinkPad computers to be disposed of by deleting all software other than Windows 95 because that other software is needed to be placed on other computers.

Senator Nelson requested that all legislators be surveyed to determine whether any legislator is interested in acquiring the IBM ThinkPad computers to be disposed of by the Legislative Council. Representative Dorso requested that the notice include the fact that the only software on the computers would be Windows 95 and no warranty would be provided and include a suggested price of \$250 to \$500. Senator Nelson suggested that the proposed price be \$350. He requested the Legislative Council staff to obtain some pricing information to ensure that the price included in the survey would be higher than the fair market value determined by the Office of Management and Budget if those computers were transferred to surplus property. He requested that the survey be by e-mail and by postal mail.

LEGISLATIVE REAPPORTIONMENT

Proposed Study Resolution

The assistant director presented a concurrent resolution draft directing the Legislative Council to study the state of the law and technology with respect to legislative redistricting. He said this draft was prepared in response to a request for a study resolution similar to that passed in 1989 so preliminary steps can be taken during the 1999-2000 interim to plan for legislative redistricting in 2001.

It was moved by Senator Nething, seconded by Senator Krauter, and carried on a voice vote that the concurrent resolution draft relating to a Legislative Council study of the state of the law and technology with respect to legislative redistricting be approved and recommended to the Legislative Council.

Census 2000 Redistricting Data Program

The director reported that as the result of the decision by the committee at the June 9, 1998, meeting to decline to participate in Phase 2 of the census 2000 redistricting data program, a letter signed by the four leaders and the Governor was sent to the Redistricting Data Office of the United States Census Bureau declining participation by North Dakota in the program. He said the committee decision was based on the fact that the program would provide information on a precinct-level basis, and precincts are not used in North Dakota as building blocks for legislative districts. He said legislative districts are based on census blocks, which are used to establish legislative districts, and political subdivisions redraw their precincts based on the new legislative districts. He said most other states maintain the integrity of precincts and build legislative districts from precincts.

The director said after the letter was sent to the Census Bureau, the Governor's liaison to the Census Bureau met with the Legislative Council staff to review the effect of nonparticipation.

Chairman Dorso recognized Mr. Nels Grundvig, Governor's liaison to the Census Bureau. Mr. Grundvig said he is a research analyst with Job Service North Dakota, and the Governor appointed him as liaison to the Census Bureau for purposes of the 2000 census. He distributed a prepared statement, a copy of which is on file in the Legislative Council office.

Mr. Grundvig said Phase 2 is a voluntary phase of the United States census 2000 and the state can withdraw at any time. He said the state is asked to submit the boundaries of voting districts or precincts to the Census Bureau and this data is then used for mapping purposes. He said the state could provide

the boundaries of current legislative districts and the Census Bureau would provide demographic information on adults in those districts. He said the only cost to the state would be to provide the legislative district boundary information. He said the advantage of participation is that the state would receive information on current legislative districts. He said this information could be used as the initial phase for legislative redistricting in 2001. He said the only disadvantage is that district maps would have to be verified by someone, probably a member of the Secretary of State's office.

The director said the information that will be provided by the Census Bureau if the state participates in Phase 2 was previously provided by the consultant hired to assist in drawing legislative districts.

Chairman Dorso recognized Mr. Al Jaeger, Secretary of State. Mr. Jaeger said the Secretary of State could only verify the descriptions as contained in NDCC Section 54-03-01.9.

It was moved by Senator Nething, seconded by Representative Kretschmar, and carried on a voice vote that the committee reconsider its decision to decline to participate in Phase 2 of the census 2000 redistricting data program.

It was moved by Senator Nething, seconded by Representative Kretschmar, and carried on a roll call vote that the committee, on behalf of the legislative branch, approve participation in Phase 2 of the census 2000 redistricting data program and that the Redistricting Data Office be informed of this decision. Representatives Dorso, Boucher, Kretschmar, and Timm and Senators Nelson and Nething voted "aye." No negative votes were cast.

No further business appearing, Chairman Dorso adjourned the meeting at 3:00 p.m. He announced that the next meeting of the committee is tentatively scheduled to begin at 2:00 p.m. on November 11, 1998.

Jay E. Buringrud
Assistant Director

John D. Olsrud
Director

ATTACH: 1