

NORTH DAKOTA LEGISLATIVE COUNCIL

Minutes of the

LEGISLATIVE MANAGEMENT COMMITTEE

Monday, October 4, 2004
Harvest Room, State Capitol
Bismarck, North Dakota

Senator Bob Stenehjem, Chairman, called the meeting to order at 1:30 p.m.

Members present: Senators Bob Stenehjem, Randel Christmann, David P. O'Connell, Herb Urlacher; Representatives Rick Berg, LeRoy G. Bernstein, Merle Boucher, Eliot Glassheim, David Monson

Member absent: Senator Michael A. Every

Others present: John M. Andrist, State Senator, Crosby

Lonny Winrich, State Representative, Grand Forks
Karen Collins, Spherion, Bismarck

Gary Preszler, Rick Larson; Land Department, Bismarck

Kathy Bernstein, Fargo

David Straley, North Dakota Chamber, Bismarck

Brad Fay, Bismarck

Karen Mund, Legislative Council, Bismarck

It was moved by Senator O'Connell, seconded by Representative Berg, and carried on a voice vote to approve the minutes of the June 24, 2004, meeting of the committee.

LEGISLATIVE COMPENSATION COMMISSION REPORT

Chairman Stenehjem recognized Ms. Roxanne Woeste, Senior Fiscal Analyst, Legislative Council, for a review of the recommendations of the Legislative Compensation Commission. Ms. Woeste said the Legislative Compensation Commission is recommending:

1. The compensation for regular, special, or organizational sessions remain at the current level.
2. The monthly compensation paid to legislators during their term of office remain at the current level.
3. The compensation for interim meetings remain at the current level.
4. The maximum legislator lodging expense reimbursement allowed during legislative sessions be increased from \$650 per month to \$900 per month for licensed lodging establishments and to \$750 per month for any other lodging.
5. The state mileage reimbursement rate be increased from 31 to 37.5 cents per mile.

Ms. Woeste said the estimated general fund impact for the 2005-07 biennium of increasing the maximum lodging expense reimbursement during legislative sessions as recommended by the commission is \$98,000. She said the estimated fiscal impact for all state agencies for the 2005-07 biennium of increasing the state mileage reimbursement rate as recommended by the commission is \$212,546 general fund and \$178,474 other funds. She said the fiscal impact for the legislative branch is approximately \$50,600 for the Legislative Assembly and \$56,600 for the Legislative Council.

The director pointed out that the Legislative Compensation Commission is an agency of the executive branch and the bills will be prefiled as agency bills. He said the bills as recommended do not have emergency clauses so they will be effective August 1, 2005. He said unless an emergency clause and retroactive clause are added by amendment, the lodging reimbursement bill will not be effective until the 2007 legislative session.

USE OF LEGISLATIVE CHAMBERS

Chairman Stenehjem called on the assistant director to review the *Guidelines for Use of Legislative Chambers and Displays in Memorial Hall, North Dakota State Capitol*.

The assistant director reviewed a request from Ms. Rebecca Ness, Governor, North Dakota Intercollegiate State Legislature, requesting use of the House and Senate chambers on November 12-13, 2004. The assistant director said the committee approved a similar use on April 26-28, 2002.

In response to a question from Representative Boucher, the director said groups that have requested use of the chambers include the North Dakota High School Activities Association, North Dakota Silver-Haired Education Association, Program Committee of the North Dakota Leadership Seminar, and the North Dakota Intercollegiate State Legislature.

It was moved by Representative Berg, seconded by Senator Christmann, and carried on a voice vote that the committee approve the request of the North Dakota Intercollegiate State Legislature for use of the House and Senate chambers on November 12-13, 2004.

Chairman Stenehjem recognized Mr. Rick Larson, Director of Minerals Management, Land Department, for presentation of a request by the Land Department to use the House chamber for state oil and gas lease auctions. Mr. Larson said the Land Department holds lease auctions four times a year--the first Tuesday in February, May, August, and November. He said the House chamber is an impressive room and would be fitting for holding an auction that raises substantial sums of money for the state.

In response to a question from Senator Christmann, Mr. Larson said recent auctions have been held in local motel facilities.

In response to a question from Representative Bernstein, Mr. Larson said the request is for use of the House chamber four times a year, except during a legislative session.

It was moved by Representative Boucher and seconded by Representative Bernstein that the committee approve the request of the Land Department for use of the House chamber for oil and gas lease auctions. Representative Berg said auctions have not been held in the House chamber for a number of years. He said he would prefer to approve use of the House chamber for the November 2, 2004, auction and then additional requests can be made to use the chamber after the results of each auction. The director said if the committee approves the use of the House chamber by the Land Department for purposes of conducting an oil and gas lease auction, personnel of the Land Department do not have to appear before the committee to make each additional request, but they can submit requests to the Legislative Council staff to submit to the committee. He said use of the chambers has been approved by the committee on a case-by-case basis, rather than a one-time approval for recurring events. He said the chambers are not always available, such as when the sound system is being worked on. It was also noted the chambers are not available during legislative sessions. After this discussion, **Representative Boucher, with the consent of his second, withdrew his motion.**

It was moved by Representative Berg, seconded by Representative Monson, and carried on a voice vote that the committee approve the request of the Land Department for use of the House chamber on November 2, 2004, for an oil and gas lease auction.

LEGISLATIVE SESSION ARRANGEMENTS Photography Contract

At the request of Chairman Stenehjem, the assistant director reviewed the *Invitation to Bid - Legislative Assembly Photography Services*. The assistant director said the invitation to bid was sent to

31 photography firms in an area encompassed by Linton, Mott, Dickinson, Crosby, and Minot. He said one bid was received--\$3,700 by Anderson Photography, Crosby. He said two bids were received in 2002--\$3,700 by Anderson Photography and \$4,495 by Robert Knutson Photography, Bismarck. He said Anderson Photography has had the photography contracts during the 1995-2003 legislative sessions.

It was moved by Representative Berg, seconded by Representative Monson, and carried on a roll call vote that the committee accept the proposal by Anderson Photography to provide photography services to the 59th Legislative Assembly. Senators Stenehjem, Christmann, O'Connell, and Urlacher and Representatives Berg, Bernstein, Boucher, Glassheim, and Monson voted "aye." No negative votes were cast.

Secretarial, Telephone Message, and Bill and Journal Room Services

At the request of Chairman Stenehjem, the assistant director reviewed the *Invitation to Bid - Legislative Assembly Secretarial, Telephone Message, and Bill and Journal Room Services*. The assistant director said the invitation to bid was sent to nine temporary personnel and secretarial services in the Bismarck-Mandan area. The assistant director said three firms submitted bids to provide secretarial, telephone message, and bill and journal room services based on 12 employees for 75 legislative days. He said the daily bids were \$1,044.48 by Spherion, \$1,204.74 by Expressway Personnel, and \$1,259.08 by Kelly Services. He said Spherion provided secretarial, telephone message, and bill and journal room services during the 2003 legislative session at a bid price of \$1,532.56 per day for 18 employees but actually billed \$1,221.73 per day. He said the bid specifications provided that the proposal must be accompanied by no fewer than three references but Kelly Services did not provide the references with its bid. He said the pay range in the Spherion bid is telephone message services - \$7.75; bill and journal room services - \$7.75 to \$8.25; and secretarial and telephone message services - \$8.25 to \$8.75. For comparison purposes, he said, in 2003 a legislative assistant (assistant sergeants-at-arms and pages) of the Legislative Assembly received a base pay of \$68 per day.

It was moved by Representative Monson, seconded by Representative Berg, and carried on a roll call vote that the committee recommend acceptance of the bid by Spherion to provide secretarial, telephone message, and bill and journal room services. Senators Stenehjem, Christmann, and Urlacher and Representatives Berg, Bernstein, Boucher, Glassheim, and Monson voted "aye." Senator O'Connell voted "nay."

CONTRACTS FOR PRINTING LEGISLATIVE DOCUMENTS Bills, Resolutions, and Journals

At the request of Chairman Stenehjem, the assistant director reviewed the bids for printing the bills, resolutions, and journals. The assistant director said the Central Services Division of the Office of Management and Budget is responsible for preparing and awarding the bids for printing legislative documents. He said the bids received are presented to the committee for informational purposes. He said in the past, a position of the committee was requested because the bid included operation of the bill and journal room. He said the bid specifications are now solely for printing rather than providing bill and journal room staff services. The assistant director said bidders were Quality Printing Service and United Printing.

Representative Berg noted the paper specification for the daily journals was for recycled bond grade 4. Quality Printing identified Great White grade 4 and United Printing identified Husky Recycled grade 3 paper. He inquired whether that indicated a difference in the quality of the paper. The assistant director said state law provides that the Office of Management and Budget is in charge of printing for state government, so personnel in that department are responsible for determining if bids for printing meet specifications. (After the meeting, the assistant director contacted Mr. Gary Vasey, Central Services Division, who informed the assistant director that the bids identified brands of paper equivalent, equal to, or greater than the quality specified in the bid.)

The assistant director provided comparisons to the 2003 contract, e.g., in 2003 the price for 350 copies of a 1-page bill was \$22 and the 2005 bids for 325 copies of a 1-page bill are \$25 and \$18, and in 2003 the price for 200 copies of a 1-page engrossed bill was \$20 and the 2005 bids for 200 copies of a 1-page engrossed bill are \$23 and \$17.

LEGISLATIVE SESSION ARRANGEMENTS Secretarial Services Policy

At the request of Chairman Stenehjem, the assistant director reviewed the *Policy Regarding Secretarial Services to Legislators*. The assistant director said the policy was recommended by the Legislative Management Committee and approved by the Legislative Council in November 2002. 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. He said the policy as presented to the committee is as approved in November 2002 with changes indicated by underscore and overstrike. He said the proposed revision primarily reflects the

change in hours operation of 7:30 a.m. to 5:30 p.m. in 2003 to the hours of 7:30 a.m. to 5:00 p.m. in 2005.

It was moved by Representative Berg, seconded by Representative Monson, and carried on a voice vote that the committee recommend the revised policy regarding secretarial services to legislators.

Letter Files

The assistant director reviewed the policy of providing letter files or "brief bags" to legislators. He said brief bags have been authorized for legislators after each election since 1984. He said brief bags 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 during the organizational session. He said legislators who desire a brief bag need to return that request form to the Legislative Council office. He said leather-type letter files were provided until 2002 when the Legislative Management Committee approved canvas-type brief bags rather than the leather-type letter files.

It was moved by Senator Christmann, seconded by Representative Glassheim, and carried on a roll call vote that the Legislative Council staff continue the policy of providing brief bags to new and holdover legislators after each election upon the request of each legislator and that the brief bags provided during the 2005 legislative session be similar to those provided during the 2003 legislative session. Senators Stenehjem, Christmann, O'Connell, and Urlacher and Representatives Berg, Bernstein, Boucher, Glassheim, and Monson voted "aye." No negative votes were cast.

Legislator Stationery

The assistant director reviewed the policy regarding stationery provided to legislators. He said each legislator receives 500 sheets of regular (8.5 inches x 11 inches) stationery and 500 envelopes and the Speaker, leaders, and assistant leaders also receive 500 sheets of Monarch (7.5 inches x 10.5 inches) stationery and 500 Monarch 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. In 2003, he said, legislators were provided the option of receiving either 250 or 500 sheets of regular stationery on their first request.

The assistant director said legislators have requested something other than regular stationery because they write short notes to constituents rather than formal letters. He suggested that legislators have the option of receiving regular or Monarch stationery.

It was moved by Senator O'Connell that legislators have the option of initially receiving 250 or 500 sheets of regular or Monarch stationery.

Representative Berg said he would prefer that legislators have the option of receiving 250 sheets of each type of stationery rather than only one or the other. **Chairman Stenehjem declared the motion died for lack of a second.**

It was moved by Representative Berg, seconded by Representative Glassheim, and carried on a roll call vote that legislators have the option of initially receiving none, 250 sheets of regular or Monarch stationery and envelopes, 250 sheets of each type of stationery and envelopes, or 500 sheets of either type of stationery and envelopes. Senators Stenehjem, Christmann, O'Connell, and Urlacher and Representatives Berg, Bernstein, Boucher, Glassheim, and Monson voted "aye." No negative votes were cast.

Journal Distribution Policy

The assistant director reviewed recent journal distribution policies. Until 1985, he said, legislators were provided with a form to identify up to 15 individuals who could receive daily journals at no cost. From 1985 through 1993, 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. From 1995 through 2001, he said, the desk forces announced to legislators that a legislator could have a daily journal sent, without charge, to as many as three persons and that additional sets would have to receive the approval of the legislator's leader. In 2003, he said, the desk forces announced to legislators that a legislator could have daily journals sent, without charge, to any person upon approval of the legislator's leader.

Beginning in 1999, the assistant director said, each legislator who wanted this service was requested to ask the person to whom the journals were to be sent whether that person had Internet access because the journals were available on the legislative branch web page.

It was moved by Representative Berg, seconded by Representative Boucher, and carried on a roll call vote that the journal distribution policy for the 59th Legislative Assembly be that a legislator may have daily journals sent, without charge, to any person upon approval of the legislator's leader and that a legislator be requested to ask the person to whom the journals are sent whether that person has Internet access. Senators Stenehjem, Christmann, O'Connell, and Urlacher and Representatives Berg, Bernstein, Boucher, and Monson voted "aye." Representative Glassheim voted "nay."

Incoming WATS Line Service

The assistant director said six incoming WATS lines have been provided for persons within the state to call toll free to the legislative telephone message

center and either receive information on legislative activity or leave messages for legislators. He said callers do not receive any "busy" signal. If a line is busy during regular business hours, he said, the caller is given two options--one for staying on the line and one for leaving a message for legislators from the caller's district. The message feature is available 24 hours a day seven days a week. During the 2003 legislative session, he said, the message center received 10,021 calls.

It was moved by Senator O'Connell, seconded by Representative Berg, and carried on a roll call vote that the incoming WATS line service be continued for the 59th Legislative Assembly on the basis it was provided for the 58th Legislative Assembly. Senators Stenehjem, Christmann, O'Connell, and Urlacher and Representatives Berg, Bernstein, Boucher, Glassheim, and Monson voted "aye." No negative votes were cast.

Legislators' Expense Reimbursement Policy

The assistant director reviewed the policy on items reimbursable as lodging expenses of legislators for the 58th Legislative Assembly. Reimbursable expenses were utilities (electricity, heat, and water [including garbage collection and sewer charges]); basic telephone service and telephone installation charges; and furniture (rental of furniture and appliances and transit charges for moving rental furniture and appliances). 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 Representative Berg, seconded by Senator Christmann, and carried on a roll call vote that the legislative expense reimbursement policy for the 59th Legislative Assembly be the same as that followed for the 58th Legislative Assembly. Senators Stenehjem, Christmann, O'Connell, and Urlacher and Representatives Berg, Bernstein, Boucher, Glassheim, and Monson voted "aye." No negative votes were cast.

Session Employment Coordinators

The assistant director explained that personnel traditionally have been hired to coordinate the receipt of applications for legislative employment. In 2002, 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.

It was moved by Representative Monson, seconded by Representative Berg, 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.

Attendance at Legislative Council Meeting

The assistant director said the Legislative Management Committee in 1998 requested the Legislative Council to reimburse newly elected legislators for travel expenses to attend the Legislative Council meeting in November. He said this has been done since 1998 as a means of introducing new legislators to issues they would be facing during the regular session. He said this also allows the opportunity for legislators to caucus and establish their organizational structure.

It was moved by Senator O'Connell, seconded by Senator Urlacher, and carried on a roll call vote that the committee recommend that newly elected legislators be reimbursed for travel expenses for attending the Legislative Council meeting in November. Senators Stenehjem, Christmann, O'Connell, and Urlacher and Representatives Berg, Bernstein, and Glassheim voted "aye." No negative votes were cast.

LEGISLATIVE RULES

House and Senate Rule Differences

The assistant director reviewed a memorandum entitled *House and Senate Rule Differences*. He said the major differences between the House and Senate rules are:

- House Rule 202 provides that the Speaker may appoint a member to preside in the Speaker's absence, while Senate Rule 202 provides that the President Pro Tempore (who is elected by the Senate) is to preside in the absence of the President.
- House Rule 205 requires legislative guests to have passes, provides for the floor to be cleared from 12:00 noon to 1:00 p.m. on any legislative day, and provides for a designated area in the balcony for legislative guests who have passes, while Senate Rule 205 does not have similar provisions.
- House Rule 318 requires a majority vote of members-elect of the House for adoption of a clincher motion, while Senate Rule 318 allows adoption of a clincher motion by a majority vote of the members present.
- House Rule 318 lists four questions that require unanimous consent of the House, while Senate Rule 318 lists only one question requiring unanimous consent.
- Senate Rule 321 provides that if a member has not voted before the key is closed, the member may vote before the vote is announced, while House Rule 321 does not so provide.
- Senate Rule 329 provides for referral of measures proposing a change in the audit or fiscal procedures of a state agency or institution to the Appropriations Committee, while House Rule 329 does not so provide.
- House Rule 331 provides that a measure may not be withdrawn after placement on the calendar after receipt of a committee report, while Senate Rule 331 does not so provide.
- House Rule 336 provides that the committee chairman, after consultation with and approval of the Speaker of the House, may request the majority leader to set a time certain for floor debate, while Senate Rule 336 provides that the committee chairman, after consultation with and approval of the President of the Senate and the majority and minority leaders, may set a time certain for floor debate.
- Senate Rule 341 provides that a member may change the member's vote for purposes of reconsideration after the vote is closed but before it is announced, while House Rule 341 does not so provide.
- Senate Rule 350 requires the chairman to recommend, by motion on the floor, whether to concur in amendments to a measure that was amended by the other house, while House Rule 350 is silent on whether a motion is to be the method of making the recommendation. House Rule 350 provides that without objection a motion to accept recommendations to not concur and to appoint conference committees must be voted on in a single vote, while Senate Rule 350 does not.
- House Rule 360 provides for the introduction of former members of the Legislative Assembly, while Senate Rule 360 provides for introduction of individuals of statewide, national, or international prominence and others at the discretion of the President.
- House and Senate Rules 402 contain different bill introduction deadline dates.
- Senate Rule 509 requires a motion for ordering a measure to be reported back to the Senate to be made by the majority leader or the chairman of the committee, while House Rule 509 only provides the ordering of a measure by a majority of the members present.
- House Rule 601 provides that when a committee fails to adopt any recommendation due to lack of a majority, the chairman is to report the bill to the floor with whatever minority reports individual committee members may request and provides that without objection proposed amendments on the sixth order must be voted on in a single vote, while

Senate Rule 601 does not so provide in either instance.

- House Rule 605 provides that if a conference committee report is to adopt recommended amendments, adoption of the report is adoption of the amendments, and if the report is to reject recommended amendments, adoption of the report is rejection of the amendments, while Senate Rule 605 does not so provide.

Officers and Employee Positions

The assistant director reviewed *Proposed Amendments to Senate and House Rules 206* [59217.0100]. He said this proposal addresses the issue of requiring recorded roll call votes for election of the Secretary of the Senate/Chief Clerk of the House, journal reporter, and sergeant-at-arms. He said the current procedure is to suspend these rules because the voting system is not loaded with names and a manual roll call vote would be required. He said adoption of this rules change would eliminate the need to suspend the rules because the results of the vote, rather than a roll of the names, would be printed in the journal.

It was moved by Senator O'Connell, seconded by Representative Berg, and carried on a voice vote that the committee approve the proposed amendments to Senate and House Rules 206 relating to election of officers.

Prefiling Procedure

The assistant director reviewed *Proposed Amendments to Senate and House Rules 401(3)* [59220.0100]. He said this proposal updates the procedure as described in the rules for the prefiling of bills and resolutions. He said Senate and House Rules 401(3) authorize prefiling with the President of the Senate or the Speaker of the House assigning prefiled bills and resolutions to committee and arranging for notice of hearing. In practice, he said, the Legislative Council director consults with the majority leaders who determine appropriate committee assignments.

It was moved by Representative Berg, seconded by Senator O'Connell, and carried on a voice vote that the committee approve the proposed amendments to Senate and House Rules 401(3) relating to the procedure for prefiling bills and resolutions.

Prefiling of Appropriation Bills

The assistant director reviewed *Proposed Amendments to Joint Rule 208* [59384.0100]. He said this proposal reflects the timeframe for requiring the filing of bills implementing the Governor's budget under NDCC Section 54-44.1-07, as amended in 2003. He said that section provides, in part, that the drafts of the appropriation bills must be submitted to the Legislative Council within seven days after the adjournment of the organizational session. He said this provision

is a statutory requirement that those bills be filed with the Legislative Council within seven days after adjournment of the organizational session.

It was moved by Senator Christmann and seconded by Representative Berg that the committee approve the proposed amendments to Joint Rule 208 relating to the prefiling of bills implementing the budget recommended by the Governor. Representative Berg said this timeframe allows the Office of Management and Budget the time to prepare the bills after presentation of the budget recommendation to legislators during the organizational session. After this discussion, **the motion carried on a voice vote.**

Numbers of Copies of Printed Bills and Resolutions

The assistant director reviewed *Proposed Amendments to Joint Rule 603(2)* [59222.0100]. He said Joint Rule 603(2) provides for copies of engrossed bills to be printed on request of the Secretary of the Senate or Chief Clerk of the House. Since 2001, he said, copies of engrossed bills are printed automatically without involvement of the Secretary or the Chief Clerk. Under Joint Rule 603(1), he said, the Legislative Council determines the number of copies of engrossed bills to be printed. He said the only time the Secretary of the Senate or the Chief Clerk of the House becomes involved is if a bill is engrossed on motion of the Senate or House or on request of a leader. He said this primarily involves bills originating in the other house. He said this is very rare, especially because engrossed bills are now reprinted and made available and versions of bills as amended in the other house are available on the legislative branch web site.

It was moved by Senator Christmann, seconded by Senator O'Connell, and carried on a voice vote that the committee approve the proposed amendments to Joint Rule 603(2) relating to the number of bills to be printed when requested by the Secretary of the Senate or Chief Clerk of the House.

Legislative Ethics Statement

The assistant director reviewed *Proposed Amendments to Joint Rule 1001(3)* [59223.0100]. He said this proposal eliminates a reference to two-year terms of members in the rules on ethics. He said members have four-year terms, except when truncated as the result of redistricting, resignation, or death.

It was moved by Representative Berg, seconded by Representative Monson, and carried on a voice vote that the committee approve the proposed amendments to Joint Rule 1001(3) relating to references to two-year terms of members.

Rereferral of Bills by Appropriations Committee

Chairman Stenehjem recognized Representative Lonny Winrich who presented *Proposed Amendments to Senate and House Rules 329 and 510*. Representative Winrich said the proposal is to address the issue of the Appropriations Committee changing the intent of a measure after that measure has been considered by another standing committee. He said the proposal addresses only a measure rereferred to the Appropriations Committee as the result of having a fiscal note indicating that the measure has an effect of \$50,000 or more on the appropriation of a state agency. If the measure is rereferred to the Appropriations Committee at least two days before the normal deadline for rereferral, he said, and if the Appropriations Committee changes the intent of that measure, the Appropriations Committee is to report that bill back to the floor with its recommendation and recommend rereferral of that bill to the original standing committee that heard the bill. He said the original standing committee would then review the bill and return the bill to the floor and indicate whether the committee concurs in the amendments recommended by the Appropriations Committee. He said this would be very similar to when a measure is amended in the other house and it is returned to the house of origin and reviewed by the standing committee for determination of whether to concur in the amendments of the other house. He said the Appropriations Committee is to report that measure back at least two days before the deadline for reporting bills out of the Appropriations Committee so there would be enough time for the original standing committee to review those amendments.

Representative Winrich said under the current procedure, the Appropriations Committee makes substantive changes to bills and the members of the original standing committee that heard the bill are not involved with the amendments and are not informed of those amendments nor given time to consider those amendments as a committee.

Representative Monson said he does not see a reason for making this type of change because individual legislators can always raise the issue on the floor, debate the amendments as recommended by the Appropriations Committee, or move to rerefer the bill to the original committee that heard the bill.

Representative Boucher said in practice the only procedure available is a vote to accept or reject the amendments, especially because the House does not allow floor amendments to the extent the Senate does. He said the proposal would allow the committee that made the original policy recommendation on the bill to review the changes as made by the Appropriations Committee.

Representative Glassheim said this proposal is a first step. He said it would be preferable for Appropriations Committee authority to be restricted to

money matters only, as is attempted by House and Senate Rules 510. He said a restriction could be that the Appropriations Committee report would indicate that the policy in the bill as recommended to the committee would require \$X, but the Appropriations Committee recommends \$Y, and if that is not acceptable the bill would be rereferred to the original standing committee for change.

Senator Christmann said this would add another step to a tight timeframe. He said this could also detract from the ability of the bill to receive a favorable report if the bill is reported out of committee before budget levels are determined.

Consent Calendar

The assistant director reviewed *Proposed Amendments to Joint Rule 206* [59221.0100]. He said bills or resolutions receiving do pass recommendations may be placed on the consent calendar. During the 2003 legislative session, he said, the House placed measures having do not pass recommendations on the consent calendar, e.g., House Concurrent Resolution No. 3045 and House Concurrent Resolution No. 3046. He said this proposal would specifically authorize do not pass items to be placed on the consent calendar by motion.

Representative Glassheim suggested that rather than require a motion to place a measure having a do not pass recommendation on the consent calendar, the definition of uncontested bill or resolution could be expanded to include a measure receiving a unanimous do not pass recommendation from the committee. Thus, he said, the measure could be placed on the consent calendar just as other measures that receive unanimous recommendations.

Senator Christmann said there is a difference between a unanimous do pass and a unanimous do not pass recommendation and it would be more appropriate to require a motion to place a measure that received a do not pass recommendation on the consent calendar.

Representative Berg said any member can request that any measure be taken off the consent calendar. With this safeguard, he said, it would be more efficient for a committee to recommend placement on the consent calendar than for a motion to be made on the floor of either house.

It was moved by Representative Berg, seconded by Representative Monson, and carried that the proposal to amend Joint Rule 206 be revised to include within the definition of uncontested bill or resolution a bill or resolution that receives a unanimous do not pass recommendation and to eliminate the requirement for a motion for such measures to be placed on the consent calendar and that the committee approve the proposed amendments to Joint Rule 206, as revised, relating to the placement of bills receiving a unanimous do not pass

recommendation from committee on the consent calendar.

Vote on Behalf of Members

The assistant director reviewed *Proposed Amendments to Senate and House Rules 321* [59218.0100]. He said this proposal addresses the issue of whether someone else can vote for a member who is not at the member's desk and is not in front of the rail. Presumably, he said, the member is physically behind the rail, in a leader's office, or in another room behind the chamber. Under Senate and House Rules 102, he said, a member must be physically present in the chamber. He said the voting must be on behalf of a member who has announced verbal instructions while in the chamber.

It was moved by Representative Berg, seconded by Representative Boucher, and carried on a voice vote that the committee approve the proposed amendments to Senate and House Rules 321 relating to voting by members.

Procedure for Concurrence

The assistant director reviewed *Proposed Amendments to Senate Rule 350* [59219.0100]. He said this proposal is in response to a suggestion from Senator John M. Andrist which pointed out that he had never heard of a no vote on the question of appointment of a conference committee and it would appear the process could be expedited by approving appointment of conference committees in one motion. The assistant director said Senate Rule 350, as amended, tracks the language of House Rule 350, which was amended in 1995 as a result of a similar recommendation of the Legislative Management Committee during the 1993-94 interim. The proposal would provide that without objection a motion to accept recommendations to not concur and to appoint conference committees must be voted on in a single vote. If any member objects to voting on a recommendation to not concur, that recommendation must be voted on as a separate item. He said this procedure has been followed by the House since 1995.

BILL DRAFT REGARDING ORGANIZATIONAL SESSION

The assistant director reviewed a bill draft [50186.0100] relating to the meeting of the legislative organizational session. He said NDCC Section 54-03.1-02 provides that in each even-numbered year on the first Tuesday after the first Monday in December or on a date selected by the Legislative Council the members of the Legislative Assembly are to meet at the Capitol at 9:00 a.m. for the purpose of conducting an organizational session. Since 2002, he said, the Legislative Council has selected Monday as the day to begin the organizational session. Until 2002, he said, the Legislative Assembly convened at 9:00 a.m. Starting in 2002, he said, orientation

classes for legislators started at 9:00 a.m. and the Legislative Assembly convened at 1:00 p.m. He said the bill draft proposes that the organizational session would convene on the first Monday in the month of December or on a date selected by the Legislative Council and would meet at the hour of 1:00 p.m. or at a time designated by the Legislative Council. He said the "default" position would be the first Monday in December at 1:00 p.m. He said the Legislative Management Committee would determine the actual time of convening when the committee approves the agenda for the organizational session.

Representative Berg suggested the 1:00 p.m. default time be removed from the bill draft so that there would be no reference to time other than at a time designated by the Legislative Council.

It was moved by Representative Berg, seconded by Senator Christmann, and carried on a voice vote that the bill draft, as amended, relating to the meeting of the legislative organizational session be approved and recommended to the Legislative Council.

ORGANIZATIONAL SESSION AGENDA

The assistant director referred to the agenda of the legislative organizational session as approved by the committee in June. He said a suggestion has been received concerning a presentation on sexual harassment. He said the presentation would be by personnel of Human Resource Management Services of the Office of Management and Budget.

Representative Berg said it would be appropriate to provide 10 to 20 minutes on the agenda for such a presentation.

Representative Boucher suggested the presentation could be after the presentations on ethics to each house.

It was moved by Senator O'Connell, seconded by Representative Boucher, and carried on a voice vote that the agenda of the legislative organizational session be revised to add a 15-minute presentation relating to sexual harassment to the Senate and the House at approximately 1:45 p.m. on Tuesday, December 7.

The director said that Representative Klemin has requested approximately 15 minutes for a presentation to the House and the Senate regarding uniform state laws.

Representative Berg said the presentation by Representative Klemin or Senator Trenbeath could be included after the reports of the Legislative Council at 9:10 a.m. on Tuesday, December 7.

It was moved by Representative Berg and seconded by Representative Monson that a 15-minute presentation relating to uniform state laws by Representative Klemin and Senator Trenbeath be scheduled after the reports on the recommendations of the Legislative Council at 9:10 a.m. on Tuesday, December 7, to the joint

session. Senator Christmann questioned whether this would be an appropriate presentation for the organizational session rather than during the Legislative Council meeting. Representative Berg said uniform laws affect everyone and as many legislators as possible should be informed of issues regarding uniform laws. After this discussion, **the motion carried on a voice vote.**

SESSION ARRANGEMENTS

Security Key Access to Capitol

The assistant director said security cards are provided to legislators in order to allow access to the Capitol outside regular business hours. He said all legislators have received security cards but some question whether they have returned the cards or ever received the cards. He suggested that the policy be that security access cards will be provided to legislators on request and upon a legislator signing a form acknowledging receipt of the card. He said a form notifying the legislator of the policy, containing the request for the card, and acknowledging receipt of a card could be included with the informational packet distributed to legislators during the organizational session. He noted that NDCC Section 44-08-18 provides that upon failure to return a key upon termination of employment results in holding of the final salary check or \$5. He said it is difficult to withhold a final check when a salary check is deposited directly into a legislator's financial institution.

It was moved by Representative Berg, seconded by Representative Boucher, and carried on a voice vote that the committee approve a policy of providing security cards to legislators on request upon signing a form acknowledging receipt of the card.

Photo Identification Cards

Discussion arose as to the issuance of photo identification cards for legislators. Ms. Karen Mund, Legislative Administrator, Legislative Council, said identification cards are issued to all legislators and a photo identification card is issued to a legislator on request.

Appliances in Legislative Wing

At the request of the chairman, the assistant director reported on the policy of Facility Management concerning refrigerators, microwaves, hotplates, and other appliances in the Capitol complex. The policy

provides that microwaves placed within the Capitol complex must be compact in size and cannot exceed 1,000 watts; refrigerators cannot exceed three cubic feet; and other cooking appliances such as toasters, popcorn poppers, frying pans, hotplates, and cup warmers are not allowed in Capitol office areas. He said he reviewed this policy with the committee for informational purposes.

Vendors in Legislative Wing

The assistant director said an issue has arisen concerning whether private vendors should be allowed space in which to locate in the legislative wing during legislative sessions. Specifically, he said, Facility Management has inquired as to the legislative position on continuing the shoeshine stand. In 1988, he said, the Director of Institutions informed the Legislative Management Committee that Pride Industries would no longer be operating a shoeshine stand and inquired as to whether the Director of Institutions should find a replacement. At that time, he said, committee members generally agreed that if the operation is feasible, one should be located in the Capitol during the legislative session. He said this is the last statement by the committee on operation of a shoeshine stand in the Capitol and that is why Facility Management is inquiring as to whether a shoeshine stand should be continued.

Representative Glassheim asked whether there is any location other than the main hallway, which could be used for a shoeshine stand. The assistant director said it was proposed to the operator of the shoeshine stand during the 2003 legislative session that the stand be relocated to the public coat room area but the shoeshine operator declined to be relocated.

Chairman Stenehjem deferred further discussion on this issue until the next committee meeting.

No further business appearing, Chairman Stenehjem adjourned the meeting at 4:15 p.m.

Jay E. Buringrud
Assistant Director

John D. Olsrud
Director