

## RESULTS OF 2007 LEGISLATIVE PROCESS QUESTIONNAIRE

Following the 2007 regular session, a questionnaire soliciting answers to seven questions on legislative rules and procedures was sent to each member of the Legislative Assembly.

Of the 141 questionnaires sent, 68 (48%) were returned--27 by senators and 41 by representatives. The questions asked and the answers and comments received have been reproduced in this memorandum.

1. By statute, the agenda for the organizational session in December includes orientation classes on legislative rules and procedure for new legislators and includes presentation of the budget and revenue proposals recommended by the Governor. Do you have any suggestions to improve the organizational session held in December?

	Senate	House
Yes	6	9
No	18	31
No response	1	0
Other (comments but neither "yes" nor "no" answers)	2	1
Total	27	41

### Comments by Members of the Senate

I could have used more training on the orders of the day (session) and also on *Mason's Manual of Legislative Procedure*.

All new legislators should receive a packet of general information prior to the organizational session. Senate Democrats receive such a packet and found it very helpful.

Re: computer training - make sure those who say they are "experienced" really are. Kinda slows thing down a lot when newbies are in an experienced group.

Let's do something different on the ethics education, i.e., an out-of-state legislator or author to do a talk. Presentation by the Legislative Council staff is well done but some of us don't pay attention. I think we take it too lightly.

Smaller groups and by party with the Office of Management and Budget.

Between the organizational session and the session have some of the budgets in appropriations. For example, Human Services - joint committees.

Legislators just need to attend!

Make the orientation session more interactive.

Make it shorter.

I think it was good for me.

### Comments by Members of the House

Teach more on *Mason's Manual*.

I believe a more comprehensive training program could be implemented for incoming legislators (freshmen). Explain how to get a bill passed, committee work, and what happens if two similar bills pass conference committee.

Give written handouts before session. Emphasize the need to read and study before session.

Better explanations. More information in writing. It is information overload. Checklists for legislators.

A lot of information for a freshman legislator to digest in 3 days but you do figure it out - eventually.

Extend it to a week. This would allow more time to prefile bills. Veterans are so busy - Committee on Committees, etc. - that we don't get "work" done. Also have preliminary committee meeting - 1/2 day for both 3-day and 2-day committees for organization and education from department. For example, I would have Department of Human Services do updates plus do orientation for committee members.

Possible consideration of shortening organizational session by 1/2 day and have the larger agency budgets like Human Services give their overview to the House and Senate appropriate sections of Appropriations.

This might be a good time for more budget forecast information.

We have just completed the Human Services budget process in the Human Resources division of Appropriations. As you well know it is a difficult and complicated process and bill. I would like to make suggestions that may make it easier for Appropriations to address this bill in the future. It may not work, but at least it could be reviewed as a change in process.

- Have the bill ready when we meet in December prior to the preliminary session. (I have asked Brenda if this could be done and she thought it could be done.)
- Have the department prepare and deliver the overview to the members of both the House Human Resources division and to Senate Appropriations in December

following the preliminary session. That way, both chambers will hear the same testimony, and it would be given only once. The committee members would have the rest of December to review the bill, if they so desire.

- Set up the hearing for both chambers at the same time as well. It could be held in early January. That way, all of the requests would be heard by both chambers at the same time.

We need to consider reverting to the process of the legislature developing **and** deciding the budget.

I do wonder if it isn't a waste of time to hand out so many copies of the Governor's budget since most people never read it after that day, but I suppose we have to have them. Just a thought.

Perhaps a brief tour of the Capitol and history of the Capitol grounds.

Job well done.

This always has been good, well done and helpful.

2. Are there any changes concerning floor procedures you would like to see implemented?

	Senate	House
Yes	6	7
No	19	30
No response	0	3
Other (comments but neither "yes" nor "no" answers)	2	1
Total	27	41

#### Comments by Members of the Senate

Board remain black until the key is closed after voting!!!

The board stays dark until the key is closed.

We should be able to put appointment of conference committees on a consent calendar.

Stricter enforcement of rules limiting floor debate to subject matter only and not allowing remarks of personal innuendo.

No changes but we need to always remind ourselves to maintain decorum, respect for each other (regardless of party) and conduct ourselves in a way deserving of that respect.

Don't be so strict on kids on the floor. Don't have the Senate take the day off unless the House does.

Dress code for visitors on the floor.

On certain important bills I would like to have expert testimony presented on the floor by others than Senators or Representatives. Some other states do this.

Yes, the use of screens and PowerPoint slides. Hidden screens in the chamber.

Floor procedures are common sense and things are working well.

#### Comments by Members of the House

These comments are made from matters I noted during the 2007 Legislative session:

- In House Rule 501 the standing committees are listed with the type of bills that are to be referred to each of said committees. This should be reviewed as sometimes bills in a certain category get referred to a committee other than the committee listed in the rule. For example, the Judiciary Committee should receive bills on Elections and Election Privileges, and some on elections, etc. have been referred to the Government and Veterans Affairs Committee.
- In House Rule 501(6) the Constitutional Revision Committee is to be composed of seven members. During the 2007 there were nine members on that committee. That number worked fine so I would suggest that the number in the rule be amended to nine.
- It may be useful to examine the deadlines for getting resolutions out of the Constitutional Revision Committee, since the deadlines now in the rules were established when that committee was a joint committee of the House and Senate.
- It would seem that it would be better for citizens who attend committee meetings and better for public relations if committee chairs would schedule hearings at reasonably set times rather than setting six or eight bills for 8:00 a.m. and then not getting to the last bill until about 11:00 a.m.
- If the 15<sup>th</sup> order will be used to deposit bills until they are ready for the 11<sup>th</sup> or 14<sup>th</sup> orders, there should be a spot on the daily calendar to show that fact.
- There appears to be a conflict in House Rules 601(4) and 602(3). In 601(4) on a divided committee report it states that the minority report should be substituted for the majority report and a vote taken on that question. In Rule 602(3) it states that the majority report should be voted on first before the minority report. During the 2007 session we used the procedure in Rule 601(4).

We need an improved system related to "fiscal notes"; i.e., what all gets referred to appropriations and what does not. The \$5,000 appropriation/\$50,000 fiscal effect works to an extent, but does it apply only to general fund expenditures (not federal/special funds), and should it also apply to revenues from all sources?

Establish a specific time slot and allotment for special announcements and points of personal privilege. This could be daily or designated in advance 2, 3, etc. times per week.

When certain legislators get up to speak there is a lot of talking going on in the chamber.

Many times the floor procedures seem to be too "canned". There should be more opportunity for spontaneous debate on issues. The "canned" approach always is justified in the interest of time. This does not do justice to the process.

The House should do a better job with amendments. I'm afraid we often vote without proper information.

More work done earlier in the session - there was too much downtime early on.

Notice to schools visiting that being a legislator's guest and sitting on the floor requires proper attire. Girls with their fanny and boobs hanging out are not proper. Ratty jeans and sweatshirts and t-shirts are not proper attire. Floor seating should be an honor.

- 3. Are the various deadlines satisfactory (such as for introduction and crossover of bills, reporting bills out of committee, etc.)?

	Senate	House
Yes	22	25
No	5	13
No response	0	2
Other (comments but neither "yes" nor "no" answers)	0	1
Total	27	41

**Comments by Members of the Senate**

For the most part yes. Bills with appropriations in them which go the standing committees have a small window to be heard before crossover and acted upon. This puts the pressure on Appropriations if the bill passes in standing committee.

Move up the deadline of introduction of bills with appropriations on Senate side. Current deadline does not allow enough time for 2-day committees.

Bills requiring cost/benefit analysis for health insurance mandates need to have earlier deadline, perhaps the same as those requiring review by Employee Benefits Programs Committee.

I would like to see the order of bills for floor session 1 day in advance. Currently, we know the night before. Could that be changed to a full day ahead.

House members should have longer introduction time. Under current rules, some of their bills become Senate bills with no enthusiastic carrier.

**Comments by Members of the House**

I would like to see more legislative days allowed before crossover and shorten the time period after crossover. It is difficult to give due diligence to every bill in such little time.

I still believe deadlines before crossover are too tight - too rushed. Budget overviews are necessary and take several days of valuable time, but are informational more than they are productive, yet we adhere to short deadlines. We could do better work with a little more time.

Perhaps there should be more time for bill introduction.

The deadline for final bill introduction should be later even if the number of bills introduced per legislator is reduced.

A few more days for bill introduction would be helpful. Limits on number of bills introduced can remain the same. It is difficult to make all the connections possible in a week (House).

We could use a little more time to introduce bills but not much more or we could see a lot more bills. The purpose of more time is to get a better quality (more thought into the details) bills so we don't need so many amendments.

New bill deadline for House should be extended.

Could use 5 more days to introduce bills.

I think filing deadline for introducing bills should be extended by a week.

If we did #1 (extend the organizational session to a week to allow more time to prefile bills) - we could move the deadline up a couple of days for filing.

Senate and House should be on the same bill introduction deadline, which should be the current House deadline or that could be shortened also.

No problem here, although at times the pressure of meeting the deadline compromises the thoroughness of the process.

We all need limits to get a job done.

4. Do you have any suggestions to change the standing or conference committee structure or procedures?

	Senate	House
Yes	10	11
No	15	25
No response	0	3
Other (comments but neither "yes" nor "no" answers)	2	2
Total	27	41

#### Comments by Members of the Senate

##### Standing Committee Comments

Could again add the Constitutional Revision Committee to the Senate.

Natural Resources should be a 3-day committee.

I am concerned that our scheduling of hearings and bills is getting too complicated and different from committee to committee for our citizens to follow. Standardizing some way across committees may help.

I think people who testify at hearings should testify under oath.

I believe we have a fair system. Everyone has an opportunity to get involved.

##### Conference Committee Comments

Make sure bill supporters and persons who heard the bill in committee are on the committee.

Conference committees with appointees from other than prime committee should have makeup approved by other house. For example, if House chooses to put Appropriations member on policy conference committee the Senate chair should be consulted so that one from each house will serve. In those situations conference committee should be chaired by policy committee member, not Appropriations member who has not heard policy testimony.

Conference committees should be limited to working out differences between House and Senate versions. Oftentimes, the conference committee goes far beyond their assignment.

No new amendments unless they are heard by entire original standing committee.

Committee members should be able to make a decision at the time of the committee meeting and should not have to go meet with house leaders before making a decision it would save time.

Conference committees should actually meet and debate issues in the committee, not just serve as same ceremonial anointment to a deal struck by two people out in the hallway or away from the Capitol. Two minute meetings to say we have nothing to discuss are silly.

The time waiting for committees to be called is a pain but I know of no way to deal with it.

I am concerned that our scheduling of hearings and bills is getting too complicated and different from committee to committee for our citizens to follow. Standardizing some way across committees may help.

All minutes could immediately be posted to the Internet for viewing.

I felt the computerized scheduling was effective and convenient to view.

The new system worked well.

Good to go!

#### Comments by Members of the House

##### Standing Committee Comments

It would seem that it would be better for citizens who attend committee meetings and better for public relations if committee chairs would schedule hearings at reasonably set times rather than setting six or eight bills for 8:00 a.m. and then not getting to the last bill until about 11:00 a.m.

Would like to see equal numbers on each of the 3-day and 2-day committees and a more equal distribution of workload amongst them. 13-14 member committees. Remaining members assigned to Appropriations.

We need to consider establishing two standing committees: (1) Higher education policy and budget (2) Statewide information technology committee.

Make it more comfortable and friendly for those testifying. Instead of standing at a podium, it should be set up to allow them to sit to testify.

A conference committee should not be able to circumvent the legislative process, i.e. the prison bills.

#### Conference Committee Comments

After 2 meetings with no compromise, there should be a method of replacing 2 members.

If a conference committee shows no sign of movement or discussion after 3 meetings - it should be disbanded and new members appointed.

Committee to try and keep the discussion on bill differences.

There were times this session where the conference committee didn't limit changes to the areas that caused the committee to be formed. The rules should be the same for all conference committees.

Conference committees should only be allowed new concepts on a bill when a bipartisan group of legislators approve.

Better communication on the conference committee schedule between the scheduler and the appropriate conference committees.

Too few senators serve on too many conference committees, thus slowing down the process. Also, more advance time/notice must be given in scheduling so legislators don't miss scheduled conference committees.

Too many of the conference committees on which I have served have resolved differences "outside" of the conference committee meetings. Sometimes the "resolution" a committee member is expected to support is not known to him or her until he or she is expected to vote on the issue. Too many times no opportunity for debate within the conference committee. The "conference committee" procedure should be as open and transparent as any other legislative process. Interested persons attending the conference committees many times have no idea what is even being considered.

If a bill is amended in the house of non-origin (after crossover) - a memo should be typed up and sent with the bill when it goes back to its chamber of origin stating the changes made and why. That may help committee chairs to determine if a conference committee is even necessary. I was on some that all they were for was explanation - that is a waste of time.

I would like to get written testimony material prior to committee meeting so I may prepare prior to meeting. I believe if legislators could come prepared meetings would be more productive.

5. Were you satisfied with the services provided by staff (legislative employees, interns, Legislative Council staff)?

	Senate	House
Yes	27	39
No	0	0
No response	0	2
Other (comments but neither "yes" nor "no" answers)	0	0
Total	27	41

#### Comments by Members of the Senate

We should trim or eliminate secretarial services. A handful of legislators provide large majority of the stenographic service demand.

Staff does an outstanding job! They are all very understanding, when we the legislators made a mistake or change our minds 15 times in a short period of time!

Staff was always very helpful, courteous and prompt.

All of the above provided fine services.

Excellent services. Great people. Very professional.

All the staff that I worked with did a great job. Keep up the good work.

They were extremely helpful and always available.

Staff does an excellent job!

Council staff does a great job!

You guys/gals were awesome!!

They are very helpful.

Fantastic staff.

Outstanding.

Great.

Thank you! Thank you!

Thanks!

#### Comments by Members of the House

Legislative Council staff are the finest group of professionals with whom I have ever worked. You are a remarkable, friendly and effective group. Thank you!

The Education division of Appropriations had a fabulous clerk. There aren't enough words to express my appreciation to the Legislative Council staff. A super group of people who do amazing work. You all are the best.

Yes to interns and Legislative Council staff. I found most of the pages to be rude - especially the one in charge - Ramae was awesome!

My clerks were the best ever! Legislative Council staff did an outstanding job! Clerks could be made much more efficient if they were provided computer "tablets."

You are a remarkable, friendly and effective group. Thank you!

They do so much for us and I am sure few thank you's.

Staff has been helpful and courteous.

Very much so. Everyone was extremely helpful and competent.

Yes, they are great.

Great staff support.

Excellent staff - very satisfied.

Excellent staffing.

They were excellent this past session.

Outstanding service!

Wonderful.

Very good.

Very good.

- 6. Were you satisfied with the services provided by the private secretarial service, telephone message service, and bill and journal room service during the session?

	Senate	House
Yes	24	36
No	1	1
No response	1	3
Other (comments but neither "yes" nor "no" answers)	1	1
Total	27	41

**Comments by Members of the Senate Secretarial Service Comments**

We need to communicate with the people we serve, and we need this help to do it. There are not enough hours in the day when we're busy in the session to do it all ourselves.

Yes. We should trim or eliminate secretarial services. A handful of

legislators provide a large majority of the stenographic service demand.

Except for restrictions put on by majority leaders.

Failed to get work done on a timely basis. Did not seem anxious to provide service.

Used very infrequently. Used only to type envelopes.

Very prompt and efficient.

They all work hard to make the system quality customer service.

They were wonderful.

All great.

They start out slow but got very good.

Good.

**Telephone Message Service Comments**

Need better notification process. Would not know immediately if there was a phone message.

Not enough information given on call.

We need to try to do better about getting phone numbers and correct spelling of callers. (and mailing address)

No. It should be eliminated. Email is far more efficient.

They all work hard to make the system quality customer service.

They were wonderful.

All Great.

Very good!

OK.

**Bill and Journal Room Service Comments**

They all work hard to make the system quality customer service.

They were wonderful.

Wonderful staff.

All Great.

Great.

OK.

Didn't use.

**Comments by Members of the House Secretarial Service Comments**

All excellent.

Best we've had.

Very good.

Good job by all!

Very effective and efficient.

I found the secretarial staff very RUDE - I felt that it was an inconvenience to them to do work for me.

Only used them once.

Didn't use.

Did not use.

Did not use.

Not used.

#### Telephone Message Service Comments

It would be nice to have the reasons why our constituents vote yea or nay on a bill - as many times as a bill can be amended - it would nice to know why the caller supports or doesn't support it.

Very effective and efficient.

Good service.

Good job by all!

OK.

OK.

Yes - OK.

Computer - Okay.

#### Bill and Journal Room Service Comments

Worked fine with less space and fewer bills pre-printed. No problems.

Very prompt and helpful. I did use my computer quite often for amended bills.

Very effective and efficient.

Very helpful - courteous.

Very Good.

Good job by all!

They seemed to be very disorganized.

Always friendly.

Yes - OK.

7. Do you have any other comments or suggestions that you believe would result in improving the legislative process (rules, procedures, facilities, staff, etc.)?

	Senate	House
Yes	3	6
No	19	25
No response	1	5
Other (comments but neither "yes" nor "no" answers)	4	5
Total	27	41

#### Comments by Members of the Senate

Unblock our outgoing phone line - have a generic number like 328-1000 for all outgoing calls so "unknown caller" does not appear on caller ID - rather the receiver would see "State of ND" or "State Capitol".

No floor sessions on the first 2-3 Wednesdays of the session and the first 2 weeks after crossover.

More Internet to post committee minutes immediately.

We need to reconfigure and improve our committee rooms and provide additional private work space for legislators.

Some way to get House and Senate Majority Leaders and others to negotiate a conclusion on vital issues - set time, etc.

It is stupid to have one chamber in session and the other not!

Thank you!! Legislative Council staff for all your hard work to make us (Legislators) look good!!

#### Comments by Members of the House

More power should be given the committee. Do Not Pass should stay in committee unless there is a majority vote to bring them to the floor.

Improved legislative committee rooms with greater electronic (PowerPoint, etc.) capability.

Newer, faster computers. Blackberries?

There should be a better way for legislators to know when bills will be in committee. There is very little time to notify people back home who wish to drive to Bismarck to testify.

I would like to see a rule change which makes it impossible to have a bill previously killed reappear as part of an important bill which needs to be passed. This backdoor stuff gets old.

I know that it is almost impossible to make people get along but the log jam that developed during the last session was entirely avoidable. The two majority leaders of the House and Senate would not compromise - add in the Governor's office and the chairs of the House and Senate Appropriation's committees - the battles that raged made the rest of us feel unnecessary. I didn't know how the process could be fixed except to stress that civility and respect should paramount.

A need - some of the policy committees would benefit from hearing the budget overview for dept. that relate. This session, the money bills made up the majority of bills heard by Human Services and more upfront info would have been helpful at times - programs received funding from 3 to 4 sources and getting that information was difficult. Some

was caused by reduction in federal programs but this was the hardest session to find out all the facts before committee vote. At times the advocates were less than helpful.

Send us a list of available reports - we could save \$ by not mailing them all. If we want it, we can ask for it. We could pick up requested items when we are in Bismarck.

Having now served two sessions it seems to me that methods and procedures established over the years are working quite well. The veterans of many sessions may be more qualified to offer good suggestions than I.

Students visiting the Capitol should be encouraged to dress appropriately!

All is well.