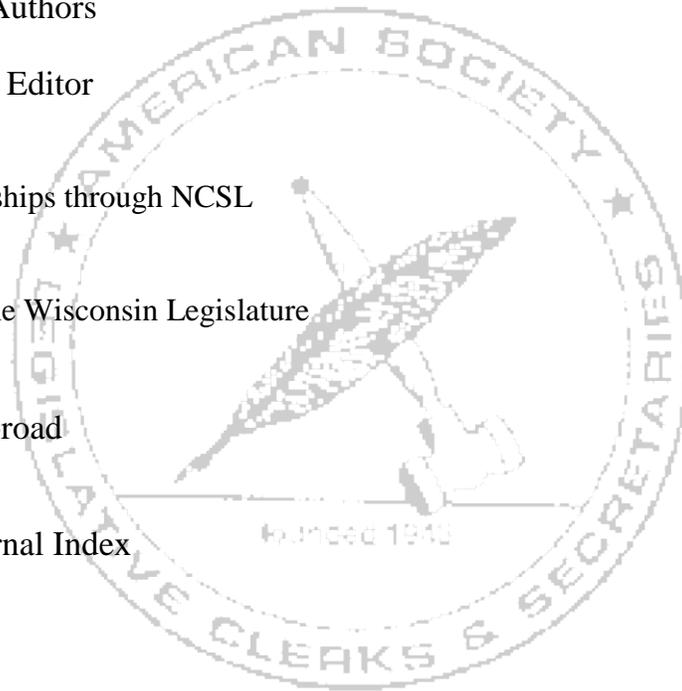


# Journal of the American Society of Legislative Clerks and Secretaries

Volume 19

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# **Journal of the American Society of Legislative Clerks and Secretaries**

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## INFORMATION FOR AUTHORS

The editor of the *Journal of the American Society of Legislative Clerks and Secretaries* welcomes manuscripts which would be of interest to our members and legislative staff, including topics such as parliamentary procedures, management, and technology. Articles must of a general interest to the overall membership.

Contributions will be accepted for consideration from members of the American Society of Legislative Clerks and Secretaries, members of other National Conference of State Legislatures staff sections, and professionals in related fields.

All articles submitted for consideration will undergo a review process. When the Editorial Board has reviewed a manuscript, the author(s) will be notified of acceptance, rejection or need for revision of work.

## STYLE AND FORMAT

Articles should follow a format consistent with professional work, whether it is in the style of the Chicago Manual, the MLA or APA. Articles should be submitted in MS Word, double spaced with normal margins.

All references should be numbered as footnotes in the order in which they are cited within the text. Accuracy of the content and correct citation is expected of the author. Specialized jargon should be avoided as readers will skip material they do not understand. Charts or graphics which may assist readers in better understanding the article's content are encouraged for inclusion.

## SUBMISSION OF ARTICLES

Articles for the 2015 Journal should be submitted electronically, not later than July 1, to the Chair:

Paul C. Smith  
paul.smith@leg.state.nh.us

Inquiries from readers and potential authors are encouraged. You may contact the Chair by telephone at (603) 271-2548 or by email at paul.smith@leg.state.nh.us

Letters to the editor are welcomed and may be published at the conclusion of the journal to provide a forum for discussion.



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## **From the Editor**

At the 2013 ASLCS Professional Development Seminar in Sacramento, I was very fortunate to assume the Chairmanship of the Professional Journal Committee. Having been involved with the committee since my first conference in 2011 in Branson, I knew what a hard time we had been having as of late in securing articles for publication or getting interest from many people, but I felt (and still feel) positive about the Journal and keeping it on a great course for the future.

When I gave the report at the business meeting as the then Vice Chair and reminded the membership of the importance of our Journal, I received positive response, perhaps none greater than from the Clerk of the House from Maine, Ms. Millicent MacFarland.

Millie was the first Editor (Chair) of the ASLCS Professional Journal and served in that capacity for three years, and did an excellent job, working with a small and dedicated crew, to produce a quality journal each of those three years. When I took over as Chair of the Journal, the first request I made was of Millie to write a letter for this year's journal to remind our current members of the importance of this volume and why it is still as relevant today as it was 19 years ago, when she first began the work.

Unfortunately, Millie passed away earlier this fall and was unable to pen this letter for the Journal, so I will simply synopsise our last conversation by telling you that Millie believed in the work of this Journal and the Society as a whole. She believed that there were valuable contributions just waiting to be asked for from all states in the Union and hoped that we would be successful in our many years to come.

I am sad that I won't see Millie at our Society meetings or be able to call her and ask questions she would know the answers to, but I can tell you that the Professional Journal Committee will honor her memory by continuing to put our best foot forward in making this document the best it can be every year.

Thank you Millie.

Paul C. Smith, Ed.

## **Building Relationships through NCSL**

*By Terie Norelli, Speaker of the House  
New Hampshire House of Representatives*

One of the biggest rewards over my eighteen years as a legislator has been the people I have met and the things I have learned from them. The four hundred House members and twenty four New Hampshire Senators I served with each term, the citizens we serve, and our peers from other states have all helped me develop as a legislator. The National Conference of State Legislatures (NCSL) facilitated many of those relationships, connecting me to some of the brightest, and most passionate and inspiring people I have ever known.

In our states and communities, we learn to think of certain things in a particular way and often only consider a specific set of options to address the challenges our communities face. Through NCSL, we can learn from our peers how they addressed certain challenges in their own communities, why they acted as they did, and what resulted from their actions. By shedding our preconceptions about one issue, we may begin to see other issues in a different light. This added perspective can spark innovative approaches to public policies that best suit our own states.

New Hampshire House members on both sides of the aisle benefit from and contribute to NCSL committees and programs. Representative Cindy Rosenwald attributes her knowledge and understanding of the Affordable Care Act to NCSL's National Health Reform Implementation Task Force. Earlier this year, she played a leading role in the successful passage of health care expansion to 50,000 people in our state.

Representative Rosenwald has also praised the role of NCSL's "field trips," where she was able to experience different approaches to various problems and learn different ways to address the associated challenges. One field trip took Rep. Rosenwald to look at another state's corrections practices first hand, providing her a better understanding of the policy proposals being discussed in many states, including our own.

These field trips, as well as conferences and other events, bring legislators and staff together – people who might not otherwise have met – and facilitates a conversation between them on a subject they are dealing with in their own home states. Bringing different experiences, perspectives and resources to the table frequently results in revelations, improvements and even position shifts that benefit their states.

One aspect that sets NCSL apart is its status as the only organization that provides support for legislative staff. The resources of legislative history and research are a tremendous asset in the process of drafting bills and amendments. The conferences, webinars and other educational programs contribute to staff development which makes the foundations of the state legislatures they work in stronger.

NCSL staff resources have been a tremendous help to me in my role as presiding officer.

Prior to each House session day, I meet with the minority leader and assistant minority leader to discuss logistics. I also meet with our House Clerk to go over the agenda, review expected debates and what kind of parliamentary motions we might be able to anticipate.

Our Clerk, Karen Wadsworth, has been involved with the American Society of Legislative Clerks and Secretaries for years and has played an integral role in updating the last two editions of *Mason's Manual of Legislative Procedure*. She has as thorough an understanding of parliamentary procedure as anyone in the country. Because of her knowledge, and my confidence in that knowledge, these meetings helped me go into each session day as prepared as possible for what could get thrown my way as the presiding officer.

Of course, there is no way to anticipate everything that may come up during session. This is particularly true in New Hampshire, where the size of the House – 400 members – brings an unpredictability to floor action that requires the Speaker to be ready for any and all parliamentary maneuvers at any time. It can be particularly challenging to keep order when these issues arise, as they naturally tend to occur during heated debate over contentious topics.

It wasn't until this biennium, in my third term as Speaker, that I had to use a rule to prevent the use of parliamentary tactics to obstruct business. Before we had even begun debate on a contentious piece of legislation, one member had risen three times – in succession – to make parliamentary motions clearly meant to stall or prevent its consideration. When that member rose a fourth time, to move reconsideration on a motion he made and subsequently voted against (the New Hampshire House allows only members who voted on the prevailing side to move reconsideration on a question during session), I ruled the member out of order and explained a rule to the membership that few even knew existed – the prohibition of “dilatary motions” (*Mason's Manual of Legislative Procedure, 2010 Edition, Section 180*). The ruling served its purpose, as it was upheld upon appeal and protected the body from an obvious attempt to prevent the House from doing business.

A similar situation came up a few months later during consideration of motions to limit debate. The House was on a deadline to act on all bills in its possession, and fifteen members had signed up to speak against a contentious bill that was before the body. We typically see no more than five or six members sign up to speak on one side of a given issue, so it was an abnormal situation. A member had moved that debate be limited to 30 minutes per side, and before a vote was taken an amendment was offered to alter the limitation to 5 minutes per speaker plus 30 minutes total for questions. The 5 and 30 motion was defeated, and another member immediately jumped up to move that debate be limited to 4 ½ minutes per side with 29 minutes for questions. I informed the member that I considered it a dilatary motion, but allowed him to make a different motion rather than simply ruling him out of order. Given that it was this member's first time taking the floor

on this subject, I felt that the situation could be effectively diffused with a more lenient approach. The member did make a more reasonable alternate motion, and we moved on to the business of the day.

In both my career as teacher, and as a legislative leader, I've always found it more effective to handle situations individually than to rule with a one-size-fits-all approach. These situations, to me, seemed to exemplify the validity to that approach. Just as important, the knowledge of our Clerk and the weekly time spent with her preparing for House sessions gave me the ability and confidence to know the rules, to use them (when it's appropriate), and how to keep our body running as smoothly as possible.

In the end, it takes a full team to effectively run a legislative body. A dedicated, hardworking staff is essential to the success of any legislative leader. NCSL takes that concept a step further by networking legislatures throughout the country, bringing everyone a better perspective as a result.

## Voice Voting in the Wisconsin Legislature

By Ryan Miller, Legislative Analyst  
Wisconsin Legislative Reference Bureau

The most basic function of a legislative body is to govern by enacting laws, a process that necessitates voting to determine the preferences of the membership. There are a number of common methods by which legislative bodies vote, including the roll call (calling the roll of members and recording each vote), division (those supporting and opposing a proposal stand in succession), and electronic formats. The simplest and quickest method is the voice vote, or *viva voce* vote (translated to “with living voice” or “by word of mouth”).

In a voice vote, members of a deliberative assembly respond to a question or motion verbally, stating “aye” or “yea” to vote in favor or “nay” or “no” to vote against. As opposed to other voting methods, votes are not tallied and recorded with members’ names. Rather, the presiding officer determines the result based upon his or her own estimation of the verbal responses. Authorities on parliamentary procedure, such as *Robert’s Rules of Order* and *Mason’s Manual of Legislative Procedure*, recognize the voice vote as the most common method of voting in legislative bodies because of its efficiency. Though an obvious shortcoming of the voice vote is its difficulty in ascertaining the prevailing side on a question or motion that is close, *Mason’s Manual* indicates that “[i]t usually serves...because on most questions there is a decided majority.”

### Form in the Wisconsin Legislature

The precise construction of a voice vote can vary by legislative body and presiding officer. In the Wisconsin Legislature, legislative rules direct each house’s voice vote format but allow for variations in language. Assembly Rule 75 (2) states that a presiding officer’s call for a voice vote shall “substantially” follow the construction, “All those in favor of...signify by saying ‘Aye’; those opposed, ‘No’.” Senate Rule 71 is substantively similar, but provides a different form: “Those who are of the opinion that the bill pass, be concurred in, etc., (as the case may be) say, ‘Aye’. Those of contrary opinion say, ‘No’.” As in the assembly, the senate rule allows the use of “other appropriate words.”

This allowance of variations in language is clear on many voice votes. The final vote in each house for 2011 Assembly Bill 281 is a typical example:

#### Assembly

Presiding officer: *The question is, Assembly Bill 281, having been read three times, shall the bill be passed?*

*All in favor will signify by saying, “Aye.”*

*Those opposed say, “No.”*

*The “Ayes” have it.*

#### Senate

Presiding officer: *The question is concurrence in Assembly Bill 281.*

*All those in favor of concurrence say, "Aye."*

*Those opposed, "No."*

*The "Ayes" have it. The bill is concurred in.*

In both houses, the language strays from the form prescribed by legislative rules, but the effect is the same.

### **Required Roll Calls**

There are notable instances when Wisconsin law prohibits the voice vote's use as the sole voting method in the legislature. Assembly Rule 76 (2) reinforces this, stating, "Unless a roll call vote is required by the state constitution, by law, or by legislative rule, any question before the assembly may be decided by voice vote." Specifically, the Wisconsin Constitution requires a roll call vote when the legislature acts on several types of proposals:

- Fiscal bills (Article VIII, Section 8),
- Amendments to the Wisconsin Constitution (Article XII, Section 1),
- Increased retirement benefits (Article IV, Section 26),
- Expulsion of a member of the legislature (Article IV, Section 8),
- Removal of a justice or judge (Article VII, Section 13),
- Overriding a veto (Article V, Section 10),
- Impeachment (Article VII, Section 1), and
- Elections by the legislature (Article IV, Section 30).

Even when a voice vote by itself is acceptable, the Wisconsin Constitution allows for a minority of members to request a roll call. Article IV, Section 20 states, "The yeas and nays of the members of either house on any question shall, at the request of one-sixth of those present, be entered on the journal." This provision is echoed in Senate Rule 72 (1) and Assembly Rule 76 (3). In practice, the request for a roll call by just one member often suffices. In this case, the presiding officer may simply ask if there is any objection before moving on to the roll call vote, thereby bypassing the one-sixth standard.

### **Recent use in the Wisconsin Legislature**

Although the voice vote is the most common voting form in the Wisconsin Legislature, it is difficult to quantify exactly how frequent it is used relative to roll call votes. Members may vote *viva voce* in a number of situations; of the hundreds of voice votes during a floor session, the majority do not concern a proposal's final passage, but instead deal with procedural motions and amendments. Many of these situations that entail voice votes can be difficult to track using a proposal's procedural history.

It is simpler to track voice vote use if the sample of votes is limited to final passage or concurrence (i.e., members responding to a question of whether a bill should pass or be concurred in following a third reading). The following table displays voice votes as a percentage of total final bill passage or concurrence votes for each session from 1995 to 2011.

	<u>Assembly</u>			<u>Senate</u>			<u>Both Houses</u>		
	Voice	Total	% Voice	Voice	Total	% Voice	Voice	Total	% Voice
	Votes	Votes	Votes	Votes	Votes	Votes	Votes	Votes	Votes
2011	165	319	51.7%	164	308	53.2%	329	627	52.5%
2009	367	555	66.1	297	460	64.6	664	1,015	65.4
2007	303	411	73.7	216	352	61.4	519	763	68.0
2005	368	666	55.3	334	610	54.8	702	1,276	55.0
2003	270	516	52.3	242	422	57.3	512	938	54.6
2001	145	320	45.3	134	202	66.3	279	522	53.4
1999	217	454	47.8	206	314	65.6	423	768	55.1
1997	247	455	54.3	260	399	65.2	507	854	59.4
1995	280	609	46.0	338	533	63.4	618	1,142	54.1
<b>TOTAL</b>	<b>2,362</b>	<b>4,305</b>	<b>54.9%</b>	<b>2,191</b>	<b>3,600</b>	<b>60.9%</b>	<b>4,553</b>	<b>7,905</b>	<b>57.6%</b>

In recent years, both houses have typically voted *viva voce* on most bills. In the senate, 60.9% of final passage votes from 1995 to 2011 were voice votes. Additionally, in all nine of the sessions, voice votes comprised a majority, ranging from 53.2% in 2011 to 66.3% in 2001, of total final passage votes. In the assembly, voice votes failed to comprise a majority of final passage votes in three sessions. Still, over all nine sessions, 54.9% of final passage votes were by voice. Combining final votes from both houses, voice votes made up a majority in all nine sessions. In sum, 57.6% of final passage votes from 1995 to 2011 were voice votes.

Voice vote use may vary for several reasons. Given its imprecision, if there are many proposals where anticipated discrepancies between “ayes” and “noes” are slim, the body may be more likely to call the roll. However, it is generally not safe to assume that a lower percentage of voice votes (and thus, a higher percentage of roll call votes) correlates with more divisive legislation. In both the senate and assembly, it is common to see bills passed with the number of “ayes” exceeding 30 (of a possible 33) and 90 (of a possible 99), respectively, indicating that some roll calls are in fact uncontroversial. Additionally, variations in voice vote use may simply be the result of the preferences of presiding officers.

### **Research Considerations**

Generally, a proposal’s procedural history is the authoritative guide to determining when and how important actions took place. But because procedural histories typically do not use terms that explicitly point to a voice vote, researching proposals passed *viva voce* can be confusing. However, since the Wisconsin Legislature only uses roll calls or voice votes to act on a proposal, and all roll call votes have tallies included in a proposal’s history, if the vote following third reading does not include a roll call tally, it is safe to assume that members voted *viva voce*.

In procedural histories, the actual language describing a voice vote following third reading is identical to a roll call vote, excepting the absence of a vote tally. Some of the most common terms for bill passage include:

“Read a third time and passed,”

“Read a third time and concurred in,”  
“Read a third time and concurred in as amended,” and  
“Passed.”

For resolutions and joint resolutions, procedural histories use similar terms, but replace “passed” with “adopted.” If a bill does not pass following third reading, its history will generally state, “Refused to pass” or “Refused to concur in.” In practice, such votes are rare; leadership generally does not allow a vote on a bill unless it is clear in advance that the proposal has sufficient support for passage.

The fact that voice votes are used on the majority of final votes poses a challenge for legislative researchers. Aside from physically monitoring how an individual legislator votes by voice on all proposals, there is no way to track a legislator’s complete voting record in Wisconsin. Although each legislator will typically have hundreds of roll call votes to their name by the end of a session, and thus an extensive voting record, it cannot be considered comprehensive.

Many researchers also attempt to track bipartisanship across sessions by determining the percentage of bills that enjoyed support from both Republican and Democratic legislators. Although each house often uses the voice vote on relatively noncontroversial proposals that are likely to be favored by both parties’ membership, a voice vote can also be used on party-line votes. Because of this, researchers should use caution when assuming that voice votes had bipartisan agreement. For example, one party may have a sizeable majority to the extent that the result of a voice vote would be clear on a party-line vote. In general, if the presiding officer is confident that one-sixth of present members would not request a roll call following a voice vote, he or she may direct members to vote *viva voce*.

### **Conclusion**

Despite these research difficulties – the lack of specific voice vote terminology in a procedural history and the inability to gather comprehensive voting records for legislators – most legislative bodies have determined that the advantages of the voice vote, speed and simplicity, outweigh the challenges it poses. A modern legislature’s considerable workload necessitates efficient procedures that maximize the time available for debate and consideration of all scheduled proposals. In this respect, the voice vote is a crucial tool at the disposal of modern legislative bodies, including the Wisconsin Legislature.

## Lessons from Abroad

*By Bob Ward, Clerk of the House  
Florida House of Representatives*

Operating from our own experiences or perceptions is natural, but it can become a hindrance when interacting with international exchanges. We all have different experiences and from those experiences develop our own points of view and perceptions of what works and doesn't work in the legislative process. The purpose of this article is to share a few lessons learned, sometimes the hard way, to help create the best experience possible for those who are visiting from abroad.

The first time I really understood that people have vastly different views of my home state of Florida came while working the front desk of the Holiday Inn in Tallahassee while attending Florida State University (Go Noles!). Some tourists from the north asked why there weren't more palm trees in our then sleepy hamlet, better known for the pine than the palm. The year was 1985 and NBC's *Miami Vice* broadcast a weekly message of what living in Florida was supposed to be like.

Another tourist lamented the cold temperatures — *wasn't Florida supposed to be the sunshine state?* But my favorite was a family from Europe that for their seven-day vacation planned to drive to Miami, then to New York and then maybe head west. *Could I give them driving directions to Miami?* I hated to break the news that the car trip to Miami from Tallahassee in those days could take twelve hours, one-way.

And so it goes with my home state (and probably yours too), that we are often defined by the vacation recollections of a distant relative as equally well, or poorly, as by books of fiction, television and movies. I was shocked to find out in college that there was a rural New York since everyone to me seemed to live in high-rise apartments as seen on *Family Affair*, *The Jeffersons*, and *Green Acres*. These are examples, after all, of the world as we "see" it, and define not only the images of our states but also our impression of other nations, peoples and cultures overseas.

The Florida House has been fortunate to host several legislative delegations from around the globe including groups from the United Kingdom, South Africa, Germany, Russia, China, Australia, and most recently Kenya. We have also had the opportunity to participate as consultants to capacity-building teams traveling overseas to locations in Iraq, Jordan, Haiti, Palestine, South Africa, etc. These experiences have been both rich and varied, each delegation having its own take on proper parliamentary procedure and legislative process. These exchanges have, for us, been beneficial and we have learned something new from each one.

We also benefit greatly from being the visitor. The best advice I was ever given before departing overseas for my first capacity-building team was: *"Bob, from my experience the best lesson I can share is that you're not there to teach or train, you're there to observe*

*and share from your own experiences, but be open to learning too.”* That advice was given to me from my mentor and then Clerk, John Phelps (Clerk of the House, 1986-2006). John, having been veteran of many capacity-building teams simply approached the endeavor exactly the way he is remembered as Clerk. He was always there to share but also to learn.

### **Preparation is sometimes not enough**

For one trip, I engaged in a rather lengthy preparation. I began by reviewing the way Florida’s budgetary process works, reviewed the host state’s constitution and rules and then continued by reviewing a number of international processes for making legislative appropriation. I thought I was as prepared as I could be and had a good grasp on the differences in the budget processes and the resulting checks and balances.

But as the presentation of our own process was underway, I began to realize that the comparisons I was making did not make sense to the participants. After a back-and-forth discussion through a translator, it occurred to me that I had made a critical error. It was something that should have been clear but I had just missed it. The host country’s legislative practice was not completely defined or outlined in their constitution, rule of law, or even their legislative body’s rules. Just like back home, much of what we do as a legislative body is often governed by custom and practice, tradition, and defined constitutional requirements as interpreted by the courts. From that point forward I always began the discussion of our practice by asking the host state to first explain how they performed a process. My takeaway: stay open and thank goodness “old dogs” can learn new tricks.

### **Talk about what you know**

No matter how much you prepare you will most certainly be asked questions outside of your knowledge base. Some examples of questions I have been asked include: *How can services to handicapped constituents be improved to protect them from abuse? How can the military sector be made more secure to reduce casualties? Provide us with best practices for securing funding for sports and athletic teams when the legislature has underfunded the education budget. How do we demand the attention of an executive branch that has the authority to reject anything offered by the legislative body? Will the United States continue sending aid to our country?*

My takeaway: make clear your ability to answer questions and don’t be afraid to say, I don’t know. We’re not the United Nations or the State Department and it’s certainly more important to listen, than to try to answer EVERY question. Interject an idea or two where you can and share direct experiences.

### **Gin and tonic is not always made with ice**

One of my favorite movies is Peter Weir’s *The Year of Living Dangerously*. In one scene, an Indonesian bartender makes a gin and tonic with ice for the British military attaché who complains “*Gin and tonic does not always have ice, Americans use ice. I’m not an American.*”

Sometimes, (probably more frequently than we like to admit) while taking our own experience as the standard by which things are done, we make assumptions about how other legislative bodies work. Many of us have become accustomed to the use of technology and automation and the impact it has on our access to records. In fact, we often think of our tools and practices as commonplace.

During one exchange with a group of legislative auditors overseas, I was surprised to learn that they had abandoned software that was written to make their jobs easier by automating the tedious process of recording and accounting for receipts. I spent considerable time trying to encourage them to revisit the use of the software and suggested that they might work with their IT departments to modify the programs. After a great deal of discussion, the real issue became clear. The software wasn't the problem. The fact that the auditing department didn't have a reliable source of power and had been allocated a very limited number of computers was the primary issue. What I had defined as the problem completely ignored critical facts. I had based my assumption on access to resources that I took for granted. As the auditors walked through the manual way they processed their receipts, which by their practice and policy could be given to them in any manner the members deemed appropriate (including a scribble on piece of paper), it was a system that clearly worked for them – secure record keeping, cross verification and at the end of the day, the accounting of the expenditure.

My takeaway: there are different ways to achieve the same end – try to understand the entire process used by others and refrain from making assumptions about resources we take for granted.

### **Don't forget, it's an experience**

During a visit by a legislative delegation from South Africa, I was asked to accompany the group to some of the tours outside of the building that had been arranged by our Secretary of State's Office. The Secretary of State's Office had assigned an escort, a very young 20something, to organize one evening. This employee was full of zeal and energy and was fun to be around. But, when I learned that he had chosen a very loud "honky-tonk" known for its party atmosphere full of dancing, drinking and sometimes brawling as the night-time venue for one evening, I was floored. Against my better judgment, I climbed into the van and joined the delegation as we headed for the train-wreck I knew awaited us.

But then something amazing happened. The delegation members did exactly what most legislators do—they adapted to the venue and situation and just had a good time. They had a drink, relaxed and even danced to the likes of Willie Nelson and Hank Williams, Jr. As they climbed back into the van for the return to the hotel at the end of the evening they congratulated us on our choice of evening entertainment.

My takeaway: relax and enjoy your time with your visitors. Know that they are just people and the richness of the cultural experience and exchange is what they seek. Don't worry too much about how our international legislative partners will react to things that are not

within their cultural norm. As human beings, most of us have a natural instinct to want to see and try new things. It's all a learning experience.

### **No offense taken**

During one overseas trip, I was asked to provide an overview of the legislative process in Florida over the course of four days. The morning of the first day I was ready and eager – my shirt pressed and decked-out in a crisp pin-striped suit. I opened the door to head on my way and felt the sun blast me with a bold 104 degrees. After a short drive, I arrived at the government building where the meeting was to take place. After a back and forth exchange with security, my translator turned to me and said, *“the elevator is broken, we have to climb the stairs and the air conditioner is out too.”* The conference room filled with thirty people awaiting me was on the tenth floor with each floor having two flights of stairs. My translator and I began the climb to the top.

Upon reaching the conference room I caught my breath and began my introductions through my translator. Someone, a blessed soul, had taken a book and had propped-open the window in the conference room so we could get fresh air. A hand rose from the front of the room. A senior member of the staff group wanted to ask a question. The translator exchanged several back and forth discussions with the man before the question was presented to me. *“He says he wants to know if you walked up the stairs and I told him yes, we did.”* The translator continued, *“but, he has noticed that you're not sweating and you have a suit and tie on. He wants to know why you are not sweating.”* I responded that the climate where I lived was very similar to theirs and by comparison, our humidity was much higher. In Tallahassee it can be near or over 100 degrees with 90 percent or better humidity. My translator provided the answer to which there was a response. *“He says no, no, no. He wants to know why you aren't sweating because you are so fat.”*

Initially I wondered if I was being insulted but the translation was altogether direct, honest and genuine. No insult was meant. It was a direct question to an honest observation. In fact it was so direct it made me laugh. As soon as I started to laugh it became contagious and the entire group began to laugh as well. It was the single greatest ice-breaker I have ever experienced in public speaking.

My takeaway: understand that anything said to you may be translated in such a way that it appears from our cultural standpoint to be a little off. I had to listen to what was being said and realize that the translator may have used the wrong words or that in context, the meaning was exactly what was meant and it was a cultural norm to be that direct.

### **Some nice touches**

Whenever we have a delegation visit, we make every effort to include some little touches or niceties that can make the difference between a good visit and a great visit. Some see this as an unnecessary or obsolete practice: I completely disagree. The fact is, every delegation visiting our capital has appreciated these little items or gestures. For example, we try to have a presiding officer, or someone from the leadership team, welcome the delegation when they arrive. Our tradition has also included both the Majority Leader and

Minority Leader – asking them to meet individually with the group. We have had a great deal of success with this approach and our guests have appreciated the effort and attention.

For these meetings, making sure we have prepped our legislative leaders has been very important. We provide a quick and easy-to-read briefing paper on the visiting delegation. We tell them who they are (names, titles, functions), the purpose of the trip, something about the country including relevant or interesting current events, a map displaying geographic location, and finally, some helpful do's and don'ts in order to avoid embarrassing cultural miss-steps. Allen Morris's book on protocol entitled, *Practical Protocol for Floridians, 1985* (Clerk of the Florida House 1966-1986) offers one of my favorite examples of do's and don'ts: *The Japanese equate emotion with insanity. Don't get excited.* Although written humorously, it points to cultural differences. He further notes, *in some countries, even sending flowers of a certain color can be offensive.*

Often there is a custom among international delegations to either exchange a welcoming gift or a departing gift for hospitality shown. Sometimes the gift is to each host or person who assisted with the trip or attended the welcoming meeting and sometimes it is one gift for the institution presented to the presiding officer. The protocol is normally to respond in-kind by also giving a gift. In some cases, giving a gift may be considered not only unnecessary, but somewhat offensive. These are the types of things that have to be researched prior to the arrival of the delegation. NCSL, as well as other groups that do international work, such as the State University of New York, and the National Democratic Institute (NDI) can often lend advice if the host of the delegation is unsure of the incoming group's practice and custom.

Other nice touches include having the national flag present for the welcoming of the arriving delegation, having a small reception with refreshments and having pre-learned the names, with pronunciations of the delegation. Photos and the pronunciations can often be obtained from the delegation's host, such as NCSL or NDI.

My takeaway: never underestimate the impact of cultural respect, kindness and welcoming gestures.

### **Be careful not to over-plan**

Over-planning is actually a very common mistake. Sometimes it's driven by each group wanting to take in as much as it can on a visit. Sometimes it's the desire of the host state to ensure the most beneficial trip possible. Make sure there is plenty of time for schedule mishaps. If the group needs a translator, this will almost automatically mean that the hour long meeting is really the equivalent of 30-minutes long. Translation can be a tricky thing and often the translator will have to ask for clarification and explanation about legislative process in order to provide an accurate translation. You can almost guarantee that if the translation is quick, efficient and with few words, and little response, your points are not being conveyed correctly.

Additionally, delegations get exhausted. Trying to pack too much into a delegation visit, no matter how well intentioned, may be a mistake. Many delegations travel to the United States with plans to tour three or four legislative chambers during the same trip. I remember being at a Society meeting and, by chance, learning that a delegation coming to visit Florida was scheduled to be in Canada first and then make their way south after visiting several other legislative chambers.

Finally, no matter how well planned and executed a schedule may be, some of the delegation may just not be interested in participating in all of the meetings planned and may prefer to go shopping or tour local attractions. If this happens, it's been our practice to relax and let the visiting delegation police its own members. Not over-planning the meetings ensures time for those that need a break. During one delegation visit an organizer finally had to tell us "*Guys, the delegation just needs a break. They've asked if we can cancel tomorrow,*" which we gladly did.

My takeaway: don't over schedule the group, ensure ample breaks in-between meetings to make up for lost time and consider scheduling your most important meetings at the beginning of the trip in case your visitors need a break towards the end.

### **Think as a team, not as 'us and them'**

This is an easy one to succumb to. It is so driven into our process that we instinctively think as a team...the House team or Senate team, the Democrats, the Republicans, committee staff, process staff or the Speaker's Office, Senate President's Office, the Clerk's Office or Secretary's Office, etc. Any one inside the team is the "us" and anyone outside the team is the "them." When legislative delegations come to visit we have to be careful that we not think of it as the "us" and "them" and it's often that we have had to remind ourselves to break that habit. All of us, whether as hosts or visitors abroad, want to be welcoming to others and not made to feel like we are intruding on a host state's turf. Ice breakers that force the visitors and home team together can help.

My takeaway: our moms were right: treat others the way you want to be treated.

### **Be ready for changes**

This probably goes without saying but be ready for changes: they're going to happen and can include participants, schedules, timing, agenda, and other logistical details (on both sides). No matter how well planned for or organized, there will be changes and for a multitude of possible reasons – issues back home, security concerns, personal and political squabbles, agenda items that have already been covered in other states, misunderstandings in planning due to translation, legislators who now no longer have a schedule that permits a meeting with a visiting delegation, etc.

One of my favorite stories of one such trip was John Phelps landing at one international locale to find out that his consultancy had been cancelled because there was a coup and the government had changed hands overnight.

### **Literally speaking**

Finally, be careful about using idioms, local dialect, clichés, cultural references, and colloquialisms in your speak. Even our legislative jargon can be confusing as it may only make sense in our own state. We all tend to do it but it can cause mayhem with translators and even for delegations that speak the Queen’s English! If you haven’t had that experience of having your words translated, you may be surprised how difficult it is to break the habit.

I’m the honest product of my upbringing as a child of the South and the use of idioms amongst my family, at school, and in the workplace is a cultural norm. My daddy’s favorite sayings were “*mad as a wet hen on a hot tin roof*” to mean a person was really mad and “*cat fur to knit kitten britches*” which roughly translates—*just do what I asked you to do*. Most of us chase cats and dogs, pay the consequences, do it our way, wring someone’s neck, put up a fuss, call it as they see it, shoot from the hip, take people out, make a ruckus, hit a home run, get an atta-boy, open and close the board, drop the hanky, and reconsider the vote, to name a few. And for a different generation—*What up dog?*

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