

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

## **2005-2006 Staff**

Editor: Hobie Lehman, VA Senate  
Assistant Coordinator of Committee  
Operations and Sergeant-At-Arms

Vice Chair: Patricia Mau-Shimizu, HI House  
Chief Clerk

Vice Chair: Crys Jones, AK House  
Records Supervisor

## **Editorial Board**

Mardi Alexander, Engrossing/Enrolling Clerk, TX Senate  
Tara Perkinson, Journal Clerk, VA Senate

## **Committee Members**

Sylvia Carr – VA  
Stephen Davis – MO  
Kathy Fosnaugh – NV  
Jackie Hord - MO  
Bruce Jamerson – VA  
Cyndy Johnston – OR  
Ramona Kenady - OR  
Bernadette McNulty – CA  
Dana Miller – MO  
Paula Rossetto – CA  
Kathy White – MO  
Susan Whitford – NV

## 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 be 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 commented, authors will be notified of acceptance, rejection or need for revision of manuscripts. The review procedure will require a minimum of four to six weeks. Two issues are printed annually – one in the spring and the other in the fall.

## STYLE AND FORMAT

Specialized jargon should be avoided. Readers will skip an article they do not understand.

Follow a generally accepted style manual such as the University of Chicago Press *Manual of Style*. Articles should be word processed in WordPerfect 8.0 or Word 2000, and double-spaced with one-inch margins.

Number all references as endnotes in the order in which they are cited within the text. Accuracy and adequacy of the references are the responsibility of the author.

Authors are encouraged to submit a photograph with their article, along with any charts or graphics which may assist readers in better understanding the article's content.

## SUBMISSION

Articles should be submitted electronically to:

Hobie Lehman, Editor  
[hlehman@sov.state.va.us](mailto:hlehman@sov.state.va.us)

Photographs should be emailed in .jpeg or .gif format or mailed flat with appropriate cardboard backing to:

Hobie Lehman, Editor  
Committee Operations  
Senate of Virginia  
P.O. Box 396  
Richmond, VA 23218

Inquiries from readers and potential authors are encouraged. You may contact the editor: by telephone at (804) 698-7450 or email at [hlehman@sov.state.va.us](mailto:hlehman@sov.state.va.us). Letters to the editor are welcomed and will be published to provide a forum for discussion.



The *Journal of the American Society of Legislative Clerks and Secretaries* (ISSN 1084-5437) consists of copyrighted and uncopyrighted material. Manuscripts accepted for publication become the property of the American Society of Legislative Clerks and Secretaries. All rights reserved. Reproduction in whole or part without permission is strictly prohibited.

## A CONSULTANCY IN IRAQ

John B. Phelps  
Clerk, Florida House of Representatives

### *Abstract*

This article recounts the author's first visit to Iraq as a procedural consultant to the Iraqi Transitional National Assembly. It includes a personal narrative describing travel to Baghdad and provides excerpts from the author's final report that depict the status of the Assembly as it existed in June 2005. Final observations are made about the Assembly's progress over a five month period.

### **First contact**

I told my wife "the call" would come sooner rather than later. It was January of 2005. Having served as a consultant to the Palestinian Legislative Council for six years (1997-2003) and before that the Parliament of Yemen, I thought I might be on someone's list for similar work for the newly elected Transitional National Assembly in Iraq.

The call came in mid-February just as final preparations were underway for our regular legislative session. The stateside contractor for the project was the Center for International Development at the State University System of New York (SUNY). They wanted a consultant right away. They always do. Last-minute appeals are the norm in this business. I suggested a few others whose schedules might better accommodate the assignment, but they were unable or unwilling to go. So SUNY said they would wait until June, when my schedule opened up.

### **Pre-Trip Reports**

In the meantime, they asked whether I would provide a critique of the adopted rules of the Transitional National Assembly (TNA) as well as a few other analytical reports related to legislative organization generally. These were completed by mid-May and transmitted to the staff on the ground in Baghdad and in Albany, New York. Parts were to be translated into Arabic so that TNA staff could review them before my arrival.

Shortly before leaving for Iraq, I received a proposed scope of work document from the chief of party.<sup>1</sup> The scope of work (or SOW) amounted to a contract for specific tasks to be completed while in Baghdad or after returning to the States. The initial proposal was far too ambitious given the three weeks I was to be there, so a more reasonable plan was negotiated.

---

<sup>1</sup> "Chief of party" is the designation given to the person in charge of managing a project on behalf of a non-governmental-organization (NGO). SUNY/CID is an NGO.

### **Family and Staff Concerns**

My staff in the Clerk's Office was vehemently opposed to the trip because of the dangers involved. My family was divided with my wife neutral and my daughters on opposite sides. Was I afraid? Not as such. Alert to the inherent dangers might be a better characterization. I had been to the Palestinian Territories six times including numerous trips to Gaza, Hebron, Jericho, Ramallah and other hot spots without professional security. In Iraq, I would be accompanied by armed professional security at all times. I felt good about the trip from that perspective.

### **My Concerns**

I was actually more concerned about what I would face in terms of work, namely what could reasonably be accomplished in such a short time. Getting anything done under tight security would present new challenges. Meeting people and building working relationships takes time. My experience has been that such relationships form the basis of genuine long-term progress. After I left Iraq the members and staff of the assembly would have to implement the recommendations of my report. They would have to believe in the recommendations, and that meant also believing in me. So I am a proponent of developing effective informal relationships in which consultants and staffs (or members) build trust in one another. I like to spend a lot of time after hours at dinner and even in their homes developing relationships and getting to know one another. This formula had worked well in the Palestinian Legislative Council. I wasn't sure whether this would work in Iraq. One doesn't just go out to dinner in Baghdad.

### **The Trip Over**

There was one major hitch in my travel plans. Because of the Memorial Day

weekend my "country clearance" papers failed to arrive in time for me to acquire a DOD (Department of Defense) badge in Washington. This was to be a major inconvenience in Baghdad. It made check point clearances more difficult and meant I was unable to eat in mess halls and shop at the PX.

I left home on a Wednesday night, June 1, and flew to Amman, Jordan, with intermediate stops in Atlanta and the world's worst airport, Paris De Gaulle.

Since 9/11, international travel has become more complicated, but there is no excuse for having to clear at least three security stations within the De Gaulle Airport alone. None of them was particularly time-consuming or thorough, but it was annoying to have to keep clearing security simply because the airport could not organize traffic patterns properly. As I learned at the Ben Gurion Airport in Tel Aviv, the Israelis could teach other airports a thing or two about security. For one thing, travelers like me who worked directly with Palestinians were bound to generate considerable interest. It was a rule of thumb to allow at least an hour just to get through security. This was on top of the usual two hours needed before departure on an international flight. I was always treated respectfully but firmly by security personnel there. Some tactics I learned from dealing with international security are

1. always carry copies of your contract papers and any reports you have written while on the ground in the country
2. have your hotel receipts available for inspection
3. be prepared to give security a list of the people you have met
4. expect to have to unpack and repack your suitcases, so pack in such a way that this can be easily done

5. never joke with security guards or be evasive or sarcastic with your answers
6. always respond truthfully to the security personnel, they probably have you in their database and know a lot more about where you have been than you realize
7. never remove the bar-coded luggage tags the airlines put on your luggage on the trip over because these will confirm your arrival date

The same tactics were used in Iraq with some success.

### **Amman**

I arrived in Amman, cleared customs and met my personal driver. It was 7:00 p.m. in Jordan. The whole trip took about 20 hours. Thanks to the efficiency of the luggage management team at the Charles De Gaulle Airport, my bags did not arrive. I later learned they had been sent to Beirut. Fortunately, I had a few days in Amman before leaving for Baghdad, and my luggage caught up with me. The 40-minute trip from Queen Alia Airport to the Amman Sheraton Hotel provided nice views as we approached the city.

Amman is a remarkably orderly and cosmopolitan city. Its climate is Mediterranean, which means it doesn't suffer from the extremes of temperature typical of the desert regions. It is home to many Palestinians who settled there after the Diaspora in 1948. I hope to spend more time there one day.

After a quick supper at the hotel, I met briefly with the project staff to go over scheduling for the next few days. First on the agenda was a security briefing. The security attaché who was to accompany me to Baghdad met with me the next morning. He provided a thorough orientation, explaining the situation on the ground in

Baghdad as well as how to negotiate security at the Baghdad International Airport (BIAP). Afterwards, he gave me a choice of whether to go on to Iraq or return to the States. I chose to go.

Since we had one free day in Amman before the trip to Baghdad, my security attaché suggested a visit to Petra, an ancient settlement about a three-hour drive from Amman. It was an amazing place with temples and houses ornately carved out of variegated rock formations.

### **Flight to Baghdad**

About 3:45 p.m. the next day (Sunday), we left for Baghdad on Royal Jordanian Airlines. It is about an hour and a half trip. I had been briefed on what to expect once we arrived over the Baghdad airport. At about 10,000 feet the aircraft began a spiraling maneuver over the airspace above the airport. It took about 20 minutes to reach the landing strip. The spiraling procedure was necessitated by the threat of ground to air missiles that might easily hit an aircraft making a gradual descent over unsecured desert territory. Otherwise, the trip was uneventful.

For security reasons, the plane came to a stop on the tarmac a good distance from the terminal building. As we deplaned, a gust of 110-degree heat greeted us. Buses came around and drove us to the ground-level entry point for international travelers. The absence of a DOD badge meant that I had to buy a visa (\$80) before going through immigration.<sup>2</sup> My "country clearance" papers had finally reached the SUNY office in Amman. So, with them in hand, I was able to pass through immigration without

---

<sup>2</sup> It only costs one dollar to get out of Iraq. Most people on the project thought they had the amounts reversed.

difficulty. Happily, my luggage arrived on this leg of the trip.

### **The BIAP Highway**

The security team retained by the project met our party at the exit door of the BIAP and escorted us to the parking garage. Four heavily armored SUVs were lined up in convoy formation, preparing for the “run” to the Green Zone. Each security team had a leader who briefed the passengers and directed the other security personnel. Our leader told us what to expect on the trip and how to react in the event of an attack. Body armor and steel helmets were provided. The rear compartments of the leading and trailing vehicles were outfitted with machine guns. Signs hung over the rear door that read (in Arabic) “Do not approach closer than 100 meters, deadly force will be used.” The team leader then chose in which of the middle two SUVs the passengers would sit. The other was a decoy. Our convoy then moved slowly out of the BIAP garage and approached a stretch of road that has been described as the most dangerous in the world.

It is six miles from the BIAP to the Green Zone, a fast six miles if one is lucky. Speed limits are not an issue, but traffic can be. The road goes through hostile Sunni neighborhoods. The best tactic is to get by them without slowing. Unfortunately, traffic is not predictable. Often the source of traffic delays is U.S. military supply trucks and their Humvee escorts. When our convoy came up on a slow moving group of supply trucks we first decelerated then started backing up very fast. This was followed by a series of figure eight maneuvers designed to avoid providing a stationary target. There was constant chatter between our driver and the team leader. Once the road ahead cleared, we advanced quickly to the first checkpoint

going into the Green Zone. The trip took about 10 minutes but seemed longer.

### **The Gypsy Camp**

The Green Zone is not very large. Were it not for checkpoints, one could drive across it in less than five minutes. After passing a few familiar landmarks, such as the huge crossed swords, our convoy approached the entry gate for what was to be our living quarters. These quarters were within the perimeter of Camp Freedom, one of many U.S. military bases in Baghdad. The south side of the camp was bounded by the Euphrates River, although it was not visible because of a 10 foot high concrete security barrier that had been erected there. The barrier was designed to block incoming small arms fire, rocket propelled grenades and mortars, but it was not entirely effective.

Dozens of trailer camps like ours radiated from around the American Embassy. They were home to the civilian staff supporting various reconstruction and diplomatic projects. Our small unit was made up of 20 or so trailers and was known affectionately as the Gypsy Camp. I arrived there at day’s end and was shown to my trailer. It was spartan but comfortable. Once I got my clothes put away and computer set up it started to feel like home. Several large cartons of bottled water were stacked in one corner. A droning air conditioner was mounted over the window above my desk. All that was visible out of the window were sandbags that had been placed there to absorb shrapnel from the occasional mortar. I noticed a sign over the sink with instructions on what to do in the event of an attack.

After settling in, I left my trailer and joined the rest of the team around a barbeque that was underway at a gathering area to the rear of the camp. It was nothing fancy, just a

few resin chairs and tables. The chairs were fine except on hot nights when they would melt and finally give way. The ex-pats (i.e., expatriate Americans on the program team) were friendly, and the beer and conversation flowed freely. Good times, it seemed, could be had even in a warzone. After a few introductions, I sat back and listened to my new colleagues recount the day and discuss the situation at the Assembly. The Constitution was on everyone's mind, getting it done and doing it right. The next day I would find out more firsthand.

Our security team was preparing dinner the night I arrived. They were excellent cooks, each with specialties from his homeland. That night we had barbecued chicken, vegetables, and slaw. The team was made up of soldiers of fortune who had seen action on various fronts around the world. Some were from Australia, others from New Zealand, Fiji, France, England and Hungary. They were tough, fit, experienced and well-equipped. They also spoke English fairly well. I was never concerned about my physical safety when in their company.

A helicopter base that serviced the Embassy was located nearby. There was constant noise as pairs of them slowed over our camp on their landing approaches. I was glad I brought earplugs. They came in handy the first few days. After a while I adjusted and could sleep through the noise and vibration from the 'copters. The next day we were scheduled to meet the Assembly officials.

What follows are excerpts from my final report to SUNY/CID. Reports of this kind are usually required of consultants. Depending on their content, they may be translated and/or published at the discretion of the contracting agency. Typically, records of meetings, observations and recommendations are included. This report

covers a three-week period beginning in early June of 2005.

## **Excerpts from the first final report**

### **Introduction**

#### *Historical Context*

At the time of the visit resulting in this report (June 2005), the INA (Iraq National Assembly)<sup>3</sup> had existed for three months. Rules of Procedure had been adopted, a committee structure created and consideration of legislation begun on a limited scale. The Assembly's principal duty of agreeing to a constitutional proposal by August 15, 2005 was progressing haltingly, having been delayed by questions of proportional representation within groups represented on the Constitution Committee. As yet, no final decision had been reached on the scope and structure of staff support offices for the assembly. Until this key decision is made many of the recommendations in this report must necessarily be deferred.

#### *Assumptions*

This report assumes that the Assembly is open to suggestions but reserves the right to make its own decisions about legislative organization and procedure. It further assumes that the organizational plan adopted by the INA will include a chief clerk's department. Recommendations are made about how such an office could be organized and its duties apportioned.

### **Meetings with INA Staff and Members**

#### *Office of Coordination and Follow Up*

On June 6, our SUNY/CID delegation<sup>4</sup> met with Mr. Haidar Muthana Alasmar, head of the Office of Coordination and Follow Up and Mr. Muhammed Abu Bakir. After

---

<sup>3</sup> The technically correct term for the Assembly

<sup>4</sup> John Phelps, Joshua Rosenblum and Jamal Abu Khadijeh.

introductions, the discussions centered on the operation of an office of chief clerk. The author gave a copy of *Mason's Manual of Legislative Procedure*<sup>5</sup> to Mr. Haidar.

### ***Secretary-General***

Following the meeting with Mr. Haidar, the delegation met with Dr. Azet Sadik, Secretary-General of the Assembly. This meeting focused on the organization of departments supporting the INA. A proposal for an organizational structure<sup>6</sup> is awaiting the Speaker's approval. Dr. Azet indicated the pending proposal calls for a highly trained 35 person department for the Office of Chief Clerk and an overall complement of 300 staff for the Assembly. He expressed some reservations about the skill sets lacking among current staff appointees. He further noted the need for:

- ***Staff training in how to deal with legislators***
- ***Clear lines of authority***
- ***Maintenance of accurate records***
- ***Enhanced computer skills***
- ***Additional computer and audio recording equipment***
- ***Complaint tracking procedures and databases***<sup>7</sup>

### ***Chief of Staff***

Mr. Saif Abdul-Rahman, Chief of Staff of the Assembly, then received our delegation. He briefed us on his plans for relocating staff from the Ministry of Industries to the Convention Center and showed us the space he is considering. He agreed to make an appointment on Wednesday June 8 for Mr.

Phelps to meet with the Speaker to discuss floor procedure issues. This meeting was cancelled due to the press of business on the Speaker. The notes prepared for this meeting appear below in the section entitled [Plenary Session Procedures](#).

### ***Speaker***

While the Assembly was in recess on June 5, the author had a brief, informal conversation with Speaker Hajim al-Hassani. The Speaker and the author also met in the airport on the day of Mr. Phelps' departure from Baghdad. During this meeting the Speaker indicated he wished to have a further conversation.

### ***Staff of Office of Coordination and Follow Up***

On June 9 the SUNY/CID staff met with the staff of the Office of Coordination and Follow Up to discuss their current needs and duties.

### **Meetings with SUNY/CID and CEPPS staff**

#### ***Julia Demichelis, SUNY Chief of Party***

A brief meeting was held on the evening of June 5 with Julia Demichelis concerning the week ahead and the general situation in the INA. Ms. Demichelis left the next day for Europe.

#### ***Joshua Rosenblum, Acting Chief of Party***

Numerous meetings were held with Mr. Rosenblum, Acting Chief of Party, during which the Assembly's situation re: staffing, equipment and procedures were discussed.

#### ***Jamal Abu Khadijeh, SUNY***

Mr. Jamal served as interpreter and guide for the author until he left for Germany on June 13.

---

<sup>5</sup> *Mason's Manual of Legislative Procedure* is used by 77 chambers of the legislatures of the states within the USA.

<sup>6</sup> The proposal was developed with the assistance of SUNY/NDI.

<sup>7</sup> This refers to a process by which any citizen may record a complaint with the assembly and is common in Middle Eastern legislative assemblies.

***April Powell-Willingham, NDI (National Democratic Institute)***

The author met informally with Ms. Powell-Willingham on several occasions. The possibility of arranging a meeting with the Chair of the Constitution Committee to discuss committee procedures was broached but scheduling conflicts prevented this from taking place. The author suggested to Ms. Powell-Willingham a means for managing the Committee's business through the use of special rules rather than requiring an amendment to the Rules of Order.

***Julia Pataki, NDI***

Ms. Pataki requested the author address the members of the INA on general procedure. This presentation was made on June 9, 2005.

**Presentations**

***INA department heads***

Since the idea of a legislative clerk was new to the administrative staff of the Assembly, Mr. Haidar asked to have the functions of this office explained to the INA department heads. The author made this presentation on June 7, 2005. After a brief introduction to the history of the office, Mr. Phelps described its principal functions along with the reasons for placing them under the direction of an impartial legislative clerical officer.

***Assembly Members***

Prior to the author's arrival, NDI had scheduled a program of member orientation

.

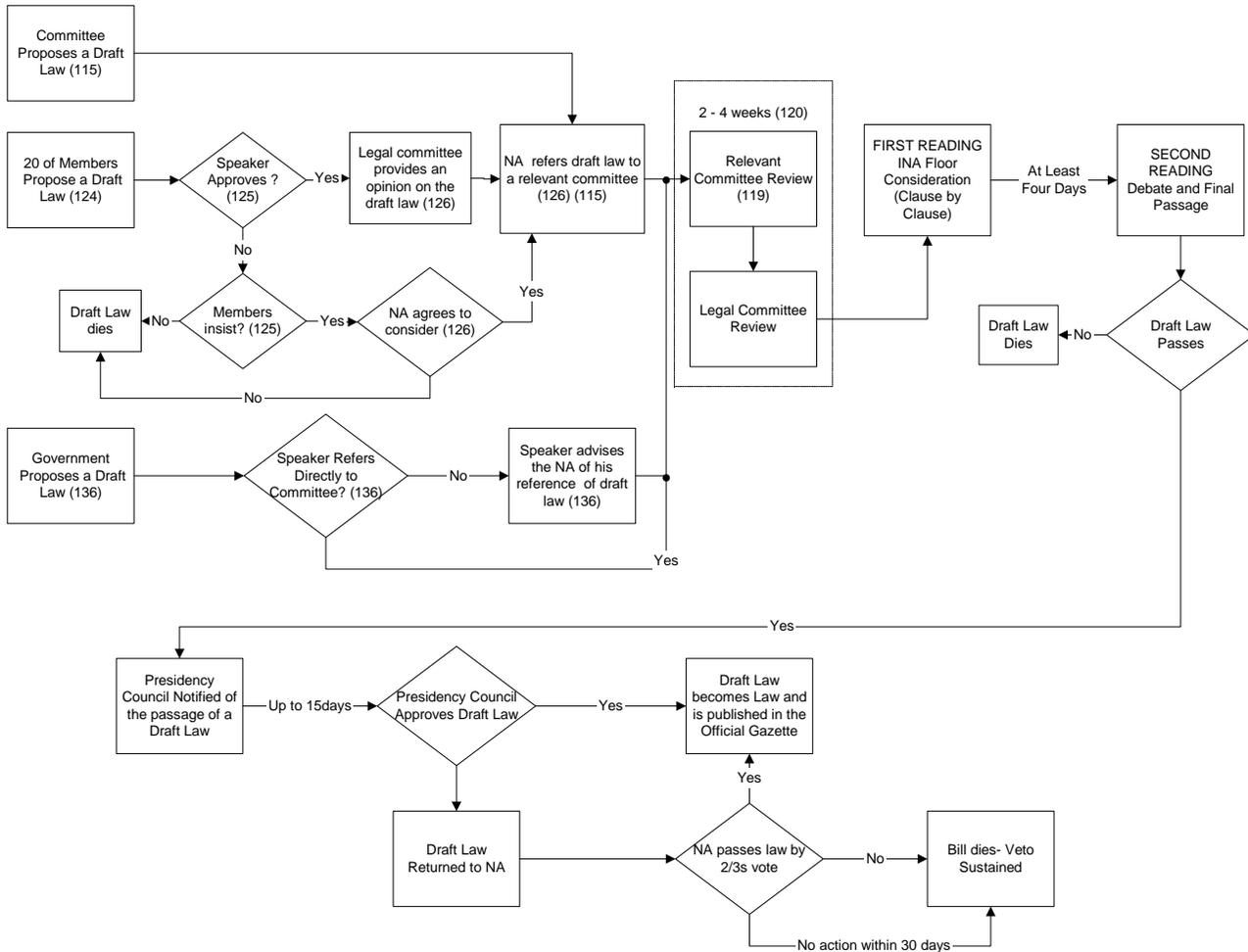
.

for June 12. Ms. Pataki asked the author to use part of the time allotted to explain the Procedural Rights of a Legislator and the general principles of parliamentary law.

**Draft Law Consideration – Flow Chart**

The author could not locate a chart that graphically represented the sequence of actions followed by legislative proposals presented to the INA. After consulting the Assembly's Rules of Procedure, the following chart was developed. It should not be considered final since it has not been reviewed by members or staff of the Assembly. Even so, it may be a useful tool for discussion purposes if its leads to a final version that could be used to explain this procedure in simple terms to legislators, staff and citizens.

## THE PATH OF A BILL IN THE IRAQ NATIONAL ASSEMBLY (DRAFT FOR DISCUSSION ONLY)



### Plenary Session Procedures

With the permission of the Speaker, the author was permitted to observe the INA during a floor session in which a bill on member retirement was being read and amended by article<sup>1</sup>. The period of observation was approximately 2 hours on June 7<sup>th</sup>. The following notes and suggestions were passed along to the Speaker.

- **Recognition of Members**
  - **Members now raise their hands when seeking recognition to speak**
    - It is the common practice in legislative assemblies for a member wishing to speak to stand when the floor is open. This practice makes it easier for the Speaker to identify members seeking recognition.
  - **The Speaker and members should be given a seating chart of the Chamber that includes photographs and names of delegates.**<sup>2</sup>

<sup>1</sup> Each article is read to the assembly, amended and debated under Rule 143.

<sup>2</sup> This presumes there would be no security issue involved in having a seating chart.

- A seating chart would make it easier for the Speaker to recognize members wishing to speak. It would also assist the members in locating one another.
    - **Out of respect for the Office of Speaker and the Rules of the Assembly, members should begin their remarks by thanking the Speaker for having been recognized to speak.**
    - **All comments should be addressed to the Speaker.**
  - **Speaker is isolated from staff support**
    - **The present Chamber layout provides no way for the Speaker and staff to gain easy access to one another.**
    - **A table for the chief clerk and his key staff in front of the rostrum would allow the Speaker to easily consult him for procedural or parliamentary advice. If security concerns exist about this arrangement, the table could be turned so that staff faces the Speaker.**
  - **The meeting chamber lacks architectural dignity**
    - **The meeting room is configured as an auditorium, not a legislative chamber.**
    - **The Chamber should be rearranged so that each member has a desk, microphone, voting buttons and a comfortable chair.**
    - **It should also be designed so that the Speaker and the Deputy Speakers sit closer to the members.**
    - **The Chamber seating should be configured in a semi-circular style that allows members more easily to see one another during debates and the Speaker to more easily recognize the members wishing to speak.**
    - **Important symbols that would lend a uniquely Iraqi character to the chamber should have a place on the floor. Perhaps an ancient and important artifact known to the people could be brought into the Chamber provided it could be kept secure.**
  - **Speaker reads amendments from committees**
    - **Most legislatures require that papers be read by the Chief Clerk or one of his staff. This frees up the Speaker to concentrate on presiding. The Chief Clerk should be responsible for organizing and reading all papers brought before the assembly during sessions.**
  - **No voting system**
    - **Members vote by a show of hands.**
    - **A voting system would expedite roll call votes and would allow the votes of each member to be recorded.**
    - **The Transitional Law of Administration requires the vote of each member to be recorded.<sup>3</sup>**
  - **Awkward sound system**
    - **Much time is spent carrying microphones to the member recognized to speak.**
  - **The agenda is not adopted by the chamber**

---

<sup>3</sup> Article 33 (A) law of administration for the state of Iraq for the transitional period.

- Rule 29.1 provides that the agenda is proposed by the Presidency Commission. Rule 29.2 allows the members to add to the agenda by a majority vote.
- There is no order of business on which to adopt amendments to the agenda.
- Presenting the agenda for adoption at the beginning of a session would allow for amendments under Rule 29.2. It would also allow the agenda to proceed without further amendment later in the session since the opportunity for revisions will have been opened and closed.
- An amendment to Rules was suggested during debate
  - Speaker appropriately deferred this suggestion under Rule 161.
- The Speaker appropriately ruled out of order a point of order raised on a previously considered Article
  - Points of order are not available on matters that are immediately pending before the body.
  - This ruling by the Speaker either created a precedent for the Chamber or followed a precedent previously set.
- The absence of regularity of form
  - Questions and debate are taken interchangeably. Questions of fact should precede debate. Questions answered often resolve concerns that would otherwise come up in debate.
  - Suggested alternative form:
    1. The Speaker directs a proposal to be read or recognizes a member to make a motion.
    2. The Speaker recognizes the sponsor of a proposal or motion to explain it.
    3. The Speaker recognizes members wishing to ask questions of the sponsor.
      - Questions should be addressed only to the Speaker.
      - The Speaker then recognizes the sponsor of the proposal or motion for a response to question.
      - The Speaker may wish to ask a different member to respond to a question if he or she is more learned about the matter.
    4. The Speaker asks whether there are members wishing to debate the proposal.
      - Members asking to debate should indicate whether they are for or against the proposal.
      - Speaker or Rapporteur should keep a list of members wishing to debate a matter.
      - The Speaker should alternatively recognize pro and con positions in debate to the extent possible.
      - Debate, like questions, should be addressed only to the Speaker.
    5. Before calling for a vote, the Speaker recognizes the sponsor of the proposal or motion to close debate.
    6. The Speaker calls for a vote.
      - Prior to a vote, the Speaker should restate the question on which the vote is to be taken.

- The Speaker appropriately disallowed debate and questions that were not germane to the pending business.
- Speaker appropriately admonished a member for inappropriate criticism of another member.
  - The Speaker directed the offending words to be struck from the record.
- A point of order was allowed to interrupt a vote.
  - In most but not all cases this is out of order. If the point of order had to do with voting procedures it would be in order. No other point of order should be accepted by the Speaker.
- The Speaker should have a gavel or another appropriate device to bring the chamber to order.
  - The gavel is a symbol of the Speaker's authority. Some such symbol should be present that is consistent with custom and tradition.
- Speaker used humor effectively from the Chair to diffuse a tense situation.
- Members should be encouraged to take up their detailed policy concerns in committees.

### **Rules of Procedure**

The *Commentary on the Rules of Procedure of the Iraq National Assembly* submitted earlier under separate cover noted the absence of an Order of Business and a Table of Motions in the Assembly's rules. After observing a daily session, it became more apparent that adoption of these procedures would facilitate the regularity of the Assembly's lawmaking process. The Order of Business and Motions Table suggested below are presented as a starting point for discussion of these procedures. They were extracted through a plain reading of the rules with no knowledge of the customs and traditions of the Assembly. It would be of benefit to the Assembly, if a decision to adopt an agreed to version of these procedures was made before the constitutional proposal comes to the floor.

#### ***Order of Business***

- *Prayer*
- *Call to Order*
- *Quorum (Roll Call)*
- *Approval of the Minutes*
- *Communications from other*

#### ***Branches***

- *Reports of the Presidency*

#### ***Commission & Committees***

- *Motions Related to Committee*

#### ***References***

- *Introduction of Draft Laws*
- *Questions to Ministers*
- *Replies from Ministers*
- *Draft Laws on Final Passage*

- *Draft Laws Read for Amendment*
- *Draft Laws on Debate as to General Principles*

- *Resolutions*

#### ***Suggested Table of Motions***

- *Adjourn at a certain time*
- *Adjourn immediately*
- *To recess to a time certain*
- *To vote immediately*
- *To limit debate*
- *To postpone temporarily*
- *To refer to committee*
- *Amend Draft Law*
- *Draft Law*

### ***The Characteristics and Usage of Motions***

This section generally describes the characteristics of motions and their application in a legislative assembly.

- *A motion is a proposal to act.*
- *It must be a definite proposal.*
- *It must be of a nature as can be acted on by the body by a vote.*
- *It must be presented at the proper time.*
- *Only one motion may be pending.*
- *Only motions of a higher precedence are in order when a motion is pending.*
- *Subsidiary motions approach final resolution as one goes higher up the list.*
- *Motions may be substantive (Bills and Amendments) or procedural.*
- *A presiding officer has a duty to accept a motion that is in the proper form and presented at the proper time.*
- *A motion is not in the possession of the body until stated by the presiding officer.*
- *Substantive motions (bills... etc.) may be presented in the same form only once to a session.*
- *Procedural motions may be renewed when circumstances have changed a proposal.*
- *A motion may include several questions but such motions must be divided upon request of any member.*

### **Office of the Chief Clerk**

Legislatures require skilled and professional administrative support if the record of their work is to be legitimate and authoritative. The most ancient and essential of these support systems is an independent and unbiased clerical office that records, facilitates, and preserves the actions of the body. Most legislative assemblies confer

upon this office a high level of responsibility and trust. At its head is a chief clerk who works for the entire assembly and serves at its pleasure.

### ***The Chief Clerk's typical duties:***

- *Advise the presiding officer and legislators on questions of parliamentary procedure*
- *Prepare session agendas (a.k.a. order papers or calendars) at the direction of the Speaker*
- *Organize daily session papers scheduled for Assembly consideration*
- *Distribute session-related papers to the members*
- *Read pending papers to the chamber*
- *Record actions taken on bills, amendments and motions*
- *Record the rulings of the Speaker on parliamentary questions*
- *Receive committee notices and reports on behalf of the Assembly*
- *Receive formal communications from the Executive and Judicial branches on behalf of the Assembly*
- *Count and record members present for the quorum vote*
- *Record votes*
- *Compile the rulings of the Speaker on questions of order*
- *Transmit bills passed to the executive authority*
- *Administer the oath of office to newly elected members*
- *Manage the Office of the Chief Clerk*

### **Voting/Sound System**

A chamber with 275 members should have a voting system. A voting system would allow the chamber to make best use of its time as well as ensure that the votes of each

member are properly recorded. There are relatively few vendors who provide such systems.

### ***Bosch (formerly Philips) Digital National Congress System***

Philips offers an integrated sound/voting system. It also offers an optional simultaneous interpretation module. One vendor offering this system may be viewed on the following webpage: <http://www.eurosis.com/simultaneous-interpretation-equipment.htm>. The systems available from this vendor may be available for lease. Other vendors also market this system.

### ***International Roll Call***

International Roll Call Corporation (IRC) of Mechanicsville, Virginia (<http://www.roll-call.com/>) provides voting systems to a majority of state legislatures in the U.S. as well as a number of national legislatures. It also markets and supports turn-key applications for bill drafting, journal composition, bill tracking, chamber action recording and other legislative functions. IRC's application suite, known as LawMaker™ can be customized to meet the specific procedural requirements of any assembly.

### **Recordkeeping**

There must be no question about the wording of legislation that passed an assembly and the process by which it was enacted into law. To this end, effective recordkeeping and verification of legal documents is essential. Cultural and technical issues will shape its final form but most legislative recordkeeping systems include the following basic elements:

#### ***Document types***

##### ***Session Agendas (Order papers)***

When producing an official record, it is essential that the daily sessions of the INA

follow a regular action sequence. Such regularity allows members and the public to anticipate on what date a specific agenda item will be taken up and in what order it will be considered relative to other pending business. Following a regular order of business during sessions has the added benefit of allowing *Journals* to publish actions taken in the same sequence every day. This simplifies *Journal* production and facilitates the work of legal and historical research.

### **Journals**

Most constitutions require that *Journals* be kept by an assembly. A *Journal* is not a verbatim transcription of debates. It is a record of actions proposed and taken by a lawmaking body and its committees during a specified legislative term. In other words, a *Journal* may be viewed as an expanded form of "minutes." It is usually the only record considered by the courts as authoritative because it is approved by the body.

### **Draft Laws and resolutions**

Legislative proposals typically take at least two forms: draft laws and resolutions. Draft laws are delivered to the President for his or her assent. They are more formal legal documents. Resolutions are not delivered to the President. They do not become law but instead serve other legislative purposes such as proposing amendments to the constitution, expressing the sentiments of the chamber or adopting rules of procedure.

### **Committee Notices**

Committee notices inform members and the public about when and where legislative business referred to a committee will be considered. Since committee meetings are closed under present Rules of Procedure whether the public notice is necessary or desirable should be decided.

### **Committee Reports**

Committees do not make final decisions for a legislative assembly. They make recommendations. When a committee takes action on a legislative matter, it submits a report to the plenary body. This report usually includes:

- the time, date and place of the meeting
- a recommendation made on the matter in question (approve, disapprove or amend)
- a listing of the members present and voting on the question and the outcome of the vote
- the names of persons giving testimony on the subject reported

In the interest of procedural regularity, committee reports should be standardized across all committees of the assembly.

### ***Forms***

Forms standardize common procedural transactions in legislature. Among the most familiar of these are:

- Amendment forms
- *Statements of conflict of interest*
- *Abstention from voting forms*
- *Requests to be excused from a daily session*
- *Requests to sponsor legislation*
- *Requests to change the committee reference of a bill*
- *Roll call vote forms*

### ***Verification***

It is inevitable that technical errors will be made when documents are created. In most cases, such errors, while embarrassing, are of little consequence and can be corrected through an errata sheet or an updated version. For legislatures, technical errors take on considerable significance when they go undetected and find their way into law. For this reason, a rigorous verification of legislative documents is essential.

### ***Records Preservation***

Responsibility for preservation of the historical record of a legislative chamber usually falls upon the chief clerk. This may entail maintaining lawmaking records in a dedicated legislative archive or transferring them to a larger governmental archive. Whichever model is followed, it is usually the chief clerk who is held accountable for the preservation of the historical records of the chamber.

### **Hansard**

#### ***Verbatim Record***

Article 33 (A) of the Law of Administration requires that each plenary meeting of the Assembly be recorded, transcribed and published. Westminster-based legislatures refer to such a transcription as “Hansard<sup>1</sup>.” Hansard usually refers to floor session transcriptions, however, some legislatures, such as the Parliament of Canada, have begun producing a Hansard record of all committee meetings as well.

Hansard is a particularly important resource in legislatures that debate general principles of a draft law before it is referred to committee. Committees in these legislatures use Hansard to identify the sections of a draft law that were most frequently questioned or criticized during floor debates. These sections are targeted for discussion and testimony before the committee of reference.

Modern Hansard systems use digital recording equipment and software that enables the clerk’s staff to index session recordings. This provides rapid and easy access to a specific recorded segment of a session. One company that provides digital

---

<sup>1</sup> Hansard took its name from [Thomas Curson Hansard](#), a nineteenth century printer in London who privately printed accounts of parliamentary debates.

recording systems is FTR Gold whose website is:

<http://www.ftrgold.com/intro.asp>.

### ***Palestinian Legislative Council System***

The Palestinian Legislative Council implemented a Hansard system for its floor debates in 1998. At the time it was regarded as a model approach. (See the author's report entitled *Guidelines and Recommendations for Legislative Record Keeping in the Palestinian Legislative Council*, Associates in Rural Development, Supplementary Support for the Palestinian Legislative Council, Delivery Order Under USAID Contract No. AEP-5468-1-00-6009-00, November 19, 1997).

### **Committee Procedures**

Committees perform the detailed work of lawmaking. They are delegated specific duties or jurisdictions by the plenary chamber and become "de facto" policy experts in these areas. No plenary body has enough time to consider the details of every proposal placed before it. Committees fill this need.

Committee procedure often closely mirrors rules adopted by the plenary body; thus requiring legislators to master only a single procedural system. There are, however, important differences between committee meetings and plenary sessions. Committees are necessarily less formal bodies. This informality allows them the time and flexibility to sufficiently examine legislative proposals and oversee executive actions. One important difference between plenary and committee procedure is the practice of committees permitting members to speak more than once on the same question. The authority of a committee chair during meetings can be generally viewed as equivalent to that of the Speaker during plenary sessions.

### ***Quorum***

A committee must have a quorum present, to take up business or to vote on substantive questions. If a quorum is not present, testimony may be received but no votes can be taken.

### ***Motions***

Members initiate actions in committee just as they do in the chamber, by proposing substantive or procedural motions. Members should receive further training in the proper use of motions.

### ***Minutes***

The minutes of a committee are taken in two forms: an action summary and committee reports (See Recordkeeping above.)

### ***Hansard***

Whether Hansard should be kept for all committee meetings is a matter of policy for the assembly to decide. The Transitional Law of Administration suggests Hansard should be published for plenary sessions but makes no mention of a similar requirement for committees. Hansard production is a resource-intensive undertaking which, at this point, might best be deferred for committees. An exception to deferral should be the Constitutional Drafting Committee whose proceedings should be recorded and transcribed for historical, academic and legal purposes.

### **Script Writing**

Use of the same words and phrases while conducting session business gives a chamber a sense of predictability and procedural consistency. Scripts are used by legislatures to accomplish such regularity.

The words used in daily sessions vary widely from one legislature to another and scripts will vary accordingly. Because of his/her knowledge of custom and procedure, the chief clerk of a chamber is usually

delegated responsibility for drafting scripts. Legislative scripts are word-for-word dialog sequences that ensure that the Speaker and members are following the correct legislative idiom.

There are generic scripts written for a typical session day. There are also scripts written for ceremonial events or other special occasions such as the organization of the chamber and election of leadership.

### **Instructional Manuals**

Most clerical offices compile manuals that describe in detail the way certain tasks are performed in the various departments of the office. Although these manuals are important training tools they also ensure that work is performed consistently from year to year. This “task continuity” is critical to the legal and historical researcher who must rely upon consistency of connotation and process. It is also important to members and staff looking for procedural precedents. Instructional manuals often cover both legislative and administrative functions. Some of the most common manuals are noted below.

#### ***Legislative Manuals***

- ***Journal writing***
- ***Calendar publication***
- ***Bill drafting***
- ***Engrossing and enrolling***
- ***Committee appointment procedures***
- ***Statistical data collection, reduction and analysis***
- ***Office file organization***
- ***Bill filing***
- ***Documents management***
- ***Delivery of bills to the Executive***

#### ***Administrative Manuals***

- ***Correspondence management***
- ***Office administration***

### **Task Lists**

Preparation for daily sessions constitutes a large part of the work of a legislative clerical office. To ensure papers and other session-related items are in good order, session checklists are usually developed.

### **Recommended Implementation Schedule for a Chief Clerk’s Department**

Assuming that the INA leadership agrees to establish a chief clerk’s office, the following high-level implementation schedule is recommended for this department. Some of the required items have been addressed to some degree by prior consultancies. Areas that have not been covered should be considered for future scheduled support.

#### **IMPLEMENTATION PLAN**

- Election or appointment of a Chief Clerk
- Adoption by the Presidency Commission of a projected budget for the Clerk’s Department
- Within not more than 4 weeks from adoption of the budget, the Chief Clerk should develop an implementation plan for organization of his/her office based upon the structure approved by the leadership. At a minimum, the plan should include:
  - Organizational goals and objectives for the department for the next 3 and 6 month periods
  - A final description of functional responsibilities of each division within the department and their interdependent operations
  - Identification of the skill sets required within each division
  - Identification of equipment needed for each division
  - Hiring and training schedules for each division

- Submission of the plan to the Secretary General and the Presidency Commission for approval
- Plan amendments incorporated based upon leadership's suggested changes
- Implementation of the plan

### **Next Steps**

The follow steps are recommended to further the institutional development of the INA and its support systems:

- Continue pressing the Assembly leaders to move quickly on a staff support plan.
- Promote Mr. Haidar as a viable candidate for Clerk, should that position be established.
- Consider programs for staff on working with legislators and for legislators on the role of staff and how to use staff to further their legislative aims. Effective synergy between members and staff is critical if the INA is to evolve into an effective institution. The role of each is, understandably, somewhat confusing to the other. A program that helped clarify this relationship would improve both the formal and informal relationships between members and staff.
- Consider a program at which the Assembly members might be acquainted with the role of the legislative chief clerk. It is a role that will be new to many.
- Promote opportunities for INA staff to interface with their counterparts from the US as well as other legislatures. The staff of the Palestinian Legislature might

be one potential resource in certain areas. The professional culture of legislative staff work is conveyed largely through interaction with accomplished counterparts.

- Consider arranging for Mr. Haidar to attend the Springfield, Illinois meeting of the American Society of Legislative Clerks & Secretaries scheduled for September 21-26, 2005.
- Schedule the round table discussion on Rules of Procedure.
- Continue promoting instruction in general parliamentary law for staff and members.
- Schedule consulting support for development of specifications for new voting and sound systems.

Physical signs of progress are vitally important to an assembly in the early stages of its development. For a modest investment, the Chamber could be transformed into a more dignified hall and take on uniquely Iraqi design features. At present, it is an auditorium, not a legislative chamber. Even if temporary, such a gesture by the U.S. would be a tangible sign of support that would be evident to all the legislators. The Iraqis should, of course, approve the re-design.

### End of report excerpt ###

This excerpt was followed by a lengthy article-by-article critique of the adopted rules of the Transitional National Assembly.

### **Life at the Gypsy Camp**

Days are hard to plan in Iraq. Schedules must often be adjusted. Travel or security problems or even the absence of a quorum often interfere. The Assembly meeting hall must be evacuated every night by 6 p.m., so night meetings are not an option. Some days I stayed in my trailer and worked on reports and presentations. Compounding these problems, our electrical generator was old and its performance unpredictable. There were hours at a time when the Camp would shut down as the temperature approached 120 degrees. Power was also necessary for water to be pumped. One morning, when I had an important meeting at the Assembly hall, the power went out just as I was getting in the shower. That morning I bathed with bottled water.

There was a restaurant known as the Blue Star located inside Camp Freedom. The food wasn't bad and it was popular with expats. I ate there about 10 times. There were no options other than Burger-King or Pizza Hut take-out from the PX. The Blue Star had good beer and, ironically, my favorite

Cuban cigars. Breakfast was hard to come by, so I asked one of my friends with a DOD badge to bring me cereal from the PX. The Blue Star sold milk. My friend brought Fruit Loops. I came to hate them.

### **Departure**

Leaving Iraq was more difficult than getting in. Sandstorms had taken place that shut down air traffic several days before my departure date. Travelers whose trips had been cancelled were lined up at the BIAP to get out of the country. I arrived in plenty of time and waited for my flight to be called. Passengers are required to wait in an open lobby area. They cannot get to a ticket counter until their flight is called. When my flight to Amman was called, there was a rush of people to the entry point. Reservations meant nothing. Not knowing the system, I politely waited my turn, only to learn my flight had been overbooked by about 40 seats. I wasn't going anywhere that day. I did not relish the prospect of returning to the Camp over the BIAP road but had no choice. I borrowed a cell phone and called the security team at the Gypsy Camp. They came back out for me after about an hour.

After explaining to one of my friends on the security team what happened, he said he would handle the problem the next day. A Hungarian, he had a compatriot at the airport who would personally walk me through the departure procedure the next day. This time, all went well and I got out on schedule after clearing not quite as many security checks as the Paris De Gaulle. Ironically, it only cost one dollar to get out of Iraq but eighty dollars to get in. Most people on the project thought these numbers should be reversed.

It was nice to be back at the Sheraton in Amman. Even my luggage made it. There I

was debriefed by SUNY staff and turned in my telephone. The next morning, early, I left for home.

### **Final Thoughts**

I returned to Iraq five months later in November and was pleased to see how much progress had been made. Floor sessions were more orderly and the staffing structures better defined. Some of the recommendations in my original report had been implemented. Others were rejected or held in abeyance pending the election of a new permanent assembly under the Constitution ratified in October.

The security situation was more tenuous. On several occasions, staff at the Camp was herded by security personnel into concrete bunkers under threat of rocket-propelled grenades. One had landed in the Camp the day before I arrived. It caused no injury and did no substantial damage because of the barricades.

On a brighter note, this time I had a DOD badge and was able to access the mess halls and PX and enjoy other amenities such as the gym. Overall the experience was more pleasant. I was returning to visit friends I had made during my trip in June. Second consultancies are always more productive

because introductions have been handled and trust established, and constructive work can commence right away.

One of the recommendations from my first report was that the Speaker be given a gavel. When I met with the Speaker in November, I was able to give him one. It was his first. He used it extensively during that day's session and during several thereafter that I was able to observe. I later learned from a staff member working for the project that I was the first Westerner allowed to observe the sessions of the Iraqi National Assembly within the Chamber.

International consulting under these conditions is hard work with a lot of late hours and the pressure of deadlines. It is also extremely rewarding. There will always be hardships, cultural sensitivities and occasional dangers, but that's the way it is in emerging democracies. They are not often found in tourist destinations. I came away from the experience convinced that the legislators and staff in Iraq are committed to democratic values in so far as they understand them. They are committed to the point that they risk their lives every day coming to the Assembly building. To associate with people of such caliber and courage is an honor.

## PASSAGE OF BILLS AND BUDGETS IN THE UNITED STATES SYSTEM – A SMALL STATE’S PERSPECTIVE

By JoAnn Hedrick  
President, ASLCS  
Chief Clerk, Delaware House of Representatives

The annual State operating budget is, of course, the most important recurring issue the Delaware General Assembly faces. After all, it is what ensures that we all get paid every two weeks. Over the past almost 30 years, the budget process has evolved into an arduous, but mostly orderly, undertaking. It is seldom painless for those involved.

Back in 1977, the State was floundering in a fiscal crisis. In an effort to restore financial soundness, then-Governor Pierre S. duPont, IV, created by Executive Order the Delaware Economic and Financial Advisory Council (DEFAC)<sup>1</sup>. He then proceeded to appoint the best and the brightest from both the public and private sectors to serve on the Council.

The charge to the Council was to provide the Executive and Legislative branches, as well as the citizenry, with projections of the State’s revenues and expenditures on a regular basis.

DEFAC, as it is constituted today, consists of 39 bipartisan members. The chair is chosen by the Governor from among the members. The membership represents a broad range of talent and areas of expertise. They are bankers and educators and legislators. They are cabinet secretaries and businesspeople.

When our current Governor was elected to her first term, she issued Executive Order Number 5<sup>2</sup> recommissioning DEFAC and stating in part: “DEFAC shall:

- a. Meet on a regular basis as determined by the Chairperson;
- b. Serve in a general capacity to the Governor and the Department of Finance...
- e. Submit to the Governor, Secretary of Finance, the Controller General and the General Assembly, not later than the 25th day of September, December, March, April and May, and the 20th day of June, estimates as follows: (1) General Fund and Transportation Trust Fund revenue by major categories for the current fiscal year; (2) General Fund and Transportation Fund revenue by major categories for the succeeding two fiscal years; (3) General Fund and Transportation Fund expenditures for the current fiscal year; (4) General Fund and Transportation Fund expenditures for the succeeding two fiscal years;
- f. Submit to the Governor, the Secretary of Finance, the Controller General and the General Assembly, not later than the 1st day of October, estimates as follows: (1) General Fund and Transportation Fund revenue by major categories for the current fiscal year and the succeeding four fiscal years; (2) General Fund and Transportation Trust Fund expenditures for the current fiscal year and the succeeding four fiscal years;

---

<sup>1</sup> Executive Order #5, Governor Pierre S. du Pont, March 3, 1977

---

<sup>2</sup> Executive Order #5, Governor Ruth Ann Minner, January 11, 2001

- g. Advise the Governor and the Secretary of Finance on the tax policy of the State.
  - h. Perform the responsibilities imposed upon it by the Delaware Code with respect to statutory limits on the State of Delaware's indebtedness, and otherwise advise the Governor and the Secretary of Finance on the issuance of debt by the State of Delaware; and
  - i. Undertake an education process for itself and for the public at large concerning the financial condition of the State of Delaware and the issues involved therein ...
5. All state agencies shall cooperate in providing data and assistance to DEFAC including, but not limited to, statistics, reports, projections and testimony, as requested by the Chairperson of DEFAC and approved by the Secretary of Finance.
6. Upon request of the Chairperson of DEFAC, the Department of Finance and such other state agencies as deemed appropriate by the Secretary of Finance, shall provide such staff and financial support to the activities of DEFAC as are approved by the Secretary of Finance.”

For clarification, I should note that the Secretary of Finance is appointed by the Governor as a member of her cabinet and is usually of the same political party, whereas the Controller General is a nonpartisan staff member appointed and employed by the General Assembly.

In the fall of each year, with the September 25 revenue projections in hand, the Governor's staff hold budget hearings with each State Agency to determine their budget requests for the coming fiscal year, which begins on July 1.

The result of these hearings is the Governor's proposed budget bill, which is introduced alternately in the House or Senate and is sponsored by the Members of

leadership who are of the Governor's party in both Houses. This bill is generally assigned to the Senate Finance Committee or the House Appropriations Committee and is never really considered by those Committees or reported out. It is simply the starting point for the Joint Finance Committee, whose most important task is to write a budget bill with which everyone can live.

The Joint Finance Committee is made up of the Senate Finance Committee, which is appointed by the President pro tempore, and the House Appropriations Committee, which is appointed by the Speaker of the House. It includes six Senators and six Representatives who just happen to be six Republicans and six Democrats by design. The chairmanship and vice chairmanship alternate yearly between the chair of the Senate Finance Committee and the House Appropriations Committee. This is the reason the Governor's proposed budget is introduced alternately in the House or Senate. Whoever is the current chair gets not only the Governor's proposed budget but also the actual budget bill written by the Joint Finance Committee introduced and considered in his/her Chamber first.

We are mandated by the Constitution<sup>3</sup> to convene a new session on the second Tuesday of January each year. Traditionally we are in session for three short weeks – or they may seem like three long weeks depending upon what issues are on the table. The Governor's proposed budget must be introduced and made public on the last legislative day of the third week of that January session, sometimes by way of a budget address to a joint session and at other times via a press conference or briefing.

---

<sup>3</sup> Article II, Section 4, Delaware Constitution of 1897

On that last legislative day of the third week of session in January, both Houses recess to the call of the Chair for a pre-ordained and pre-announced period of six weeks. With the December DEFAC projections in hand, during the six week recess, the Joint Finance Committee holds its own budget hearings with each State Agency in an effort to determine what is fair and reasonable regarding needs for the upcoming fiscal year.

The Controller General and his staff of analysts with expertise in various areas such as education, judiciary, transportation, etc., are heavily involved in the process at this time. The hearings are tedious and lengthy. It takes a real commitment on the part of legislators to serve on the Joint Finance Committee. A tremendous amount of data is exchanged during these hearings.

Since DEFAC is scheduled to meet in March and each month thereafter until the end of the legislative session, no actual budget bill is written during the recess.

Both Houses reconvene in mid-March and conduct their legislative duties with the budget issue simmering in the background, not getting any real attention until after the May DEFAC meeting, when the Joint Finance Committee can wait no longer to write a bill. The General Assembly goes into a two-week recess, during which the Joint Finance Committee, using the May DEFAC figures, participates in what we call “mark up”. Using the Governor’s proposed budget as the starting point, relying upon the information gleaned during its own budget hearings and adhering to the 98% spending limit mandated by statute<sup>4</sup>, a budget bill draft is written at this time. The final product is not produced until after the June

20 DEFAC meeting, when presumably the most current fiscal information is available.

I should mention that, in the late ‘70s, while the State was in financial crisis, the 98% spending limit was adopted as well as a move to zero based budgeting. The unappropriated 2% of revenue is placed in a Rainy Day Fund which, to date, has never been tapped. I have to admit that I am not sure what kind of “Rainy Day” would mandate use of those funds.

Now we are into the waning days of our legislative session, and we are dealing with the inevitable logjam of legislation, and our operating budget is ready for introduction and consideration. The members of the Joint Finance Committee are the proud sponsors of their masterpiece which, for the current Fiscal Year, totals just about \$3 billion. There is an unwritten tradition in the Delaware General Assembly that, out of respect for the Joint Finance Committee and its diligent work on the bill, no amendments are adopted. There have been amendments introduced from time to time by a legislator who wants to deliver a message of some kind – in both Houses, I might add. Each time one is introduced, out of courtesy to the sponsor, there is usually a brief discussion wherein he or she is able to make a statement and perhaps answer questions before the amendment is tabled or defeated. The bill is then adopted by roll call vote, almost always unanimously. In addition, House or Senate Joint Resolutions containing the official estimate of General Fund revenue for the current and upcoming fiscal year accompany the Budget Bill and are passed first.

As you can see, this entire process, as complicated as it is, is done in a quite orderly fashion. It is a far cry from the undisciplined days of yore when an Agency

---

<sup>4</sup> 29 Del. C. Section 6533(b)

that perceived itself to be running low on funds would simply appeal to the General Assembly for a bill to be passed granting a supplemental appropriation. Of course, you had to have an “in” to get that accomplished. Many agencies did. That obviously led to uncontrolled spending and prompted some of the reforms that were approved in the late ‘70s.

There’s a further check on any spending included in the House Rules<sup>5</sup>.

Rule 20 provides that any bill (House or Senate) which contains a revenue enhancement or decrease of \$50,000 or more during the next three fiscal years shall be assigned to the House Appropriations Committee. Both Houses rely upon the Controller General and his staff of analysts to write fiscal notes, which are attached to and travel with the bill to alert everyone to the fact that there’s a budgetary impact with the particular legislation. These bills are typically tabled in the Committee until the funding is certain to be included in the Budget Bill or the revenue loss has been taken into account by the Joint Finance Committee.

Overall, there are enough stopgap measures in place to ensure that we do not end up in another fiscal crisis, barring a significant unanticipated drop in revenues.

---

<sup>5</sup> Permanent Rules of the Delaware House of Representatives, 143rd General Assembly, Rule 20

## E-DEMOCRACY – HOW ARE LEGISLATURES DOING?

By Sharon Crouch Steidel  
Systems Director, Virginia House of Delegates

A few years ago, I was asked to write an article on the Digital Revolution and its impact on state government for a Federal publication. In that article, I wrote, “Studies indicate that at least 70 percent of Americans access the Internet several times a week. These on-line users are employing the Internet for more than e-mail and the access of information. However, they are accustomed to receiving more sophisticated services from current websites. It is therefore not surprising that in a poll conducted by the Council for Excellence in Government, the same percentage of Americans feel it is appropriate to invest tax dollars in e-government initiatives.”

Three years later, state legislatures are continuing to pursue improved “e- services.” In today’s leaner times, the cost-effectiveness of such projects has been a motivating factor. But, also important has been the ability to provide citizens with new opportunities to communicate with their governments. Many state legislatures are aware of these benefits and have pursued various e-democracy projects.

E-democracy offers great potential for engaging citizens and increasing accountability in government. It promotes transparency, removes the challenges of geographic divides and encourages and empowers citizens to participate in the political processes that affect their daily lives.

At this point, promoting transparency has been the easiest aspect of e-democracy for

legislatures to attain. As was the case three years ago, all 50 state legislatures continue to make great strides in providing vast amounts of information to the public through websites. All legislative websites contain information on current and past legislation, biographical information on elected officials; and various methods for accessing current laws, Constitutions and more. Most states also provide the voting records of elected officials, an excellent means for citizens to hold elected officials more accountable. So, in short, legislatures are getting high marks for maintaining an historical snapshot of the legislative process. It is certainly an important responsibility of legislative staff to maintain the historical record of the legislature. Further, legislatures continue to improve their ability to also provide citizens with this historical snapshot as it is occurring in a real-time environment. Thus, citizens can readily access legislative information without the need to travel long distances, using tools they have grown accustomed to using in their everyday lives.

Through the use of digital audio and video, most state legislatures are going beyond simply providing information about the final outcome of legislative actions. In 40 states, citizens can watch legislative proceedings as they occur and, in some cases, review the video or audio weeks or months later. For example, states such as Louisiana, Arizona, and Florida have available from their websites archived audio and video of floor and committee proceedings, and in Louisiana’s case, links to the meetings

agendas, which make finding audio clips on a particular topic even easier. Ohio provides a topical index of their archived video, so that citizens can search the video archives. States such as Wisconsin are also providing audio podcasts of current issues on their websites. This is an area in which states have made great progress in the last few years. The cost of the technology is going down, and it has become easier to implement. The value of this type of information far exceeds the cost, as it provides a higher level of transparency in how public decisions are being made. Providing this additional layer of information about the legislative process to all citizens, and not just those sitting in the room where decisions are made, is key to providing effective e-democracy.

The emergence of special news readers, such as RSS feeds, has provided state legislatures with another tool for making website information readily available to citizens. Currently, 13 states provide RSS feeds to build information about new publications, bill status, meetings and legislative news readily available to citizens using news readers. Utah, for example, provides RSS feeds on bill status and committee tracking. The Wisconsin legislature provides RSS feeds on new publications and pod casts. States such as Texas, Rhode Island, Minnesota and Delaware provide feeds for bill tracking.

Utilizing these types of emerging technologies is important if state legislatures are going to meet the expectations of their citizenry. However, this vast dissemination of information through state websites, news readers and online video is only one aspect of e-democracy. The greater challenges come in developing e-democracy initiatives that allow two-way communication and the ability for citizens to transact with their

governments. E-democracy has the potential to allow citizens to engage with policymakers throughout the legislative process. Furthermore, strengthening citizen involvement contributes to building greater public trust in the legislative institution. Interactive e-democracy starts with basic functions, such as providing e-mail contact information for legislators or feedback forms that allow citizens to submit comments on legislative proposals. Indeed, most states provide methods for the public to send e-mail to elected officials. However, with this increase in e-mail, legislatures continue to struggle with how to manage the mass volumes of e-mail they receive. Legislatures are continuing to pursue methods for controlling the flow of email, and trying to connect constituents directly with the elected officials in their districts. This is being accomplished through the use of specialized web applications that allow citizens to navigate through a state map, or fill out a feedback form, to pinpoint where they live and thus determine who represents them. Direct links to legislators' e-mail are then provided.

There is an increase in the use of online surveys as a means for citizens to communicate with legislators. Nevada was the trailblazer in this technology, having placed issue related surveys on their website over 3 years ago. Through this method, Nevada legislators receive over 20,000 opinions on issues before the legislature each year. The Virginia House of Delegates began posting online surveys on members' bio pages this year. These surveys developed as issues emerged, and they provided another method for citizens to communicate directly with their legislators.

Legislatures are also exploring ways to educate citizens on how they can express their views during committee hearings.

States are placing tutorials on their websites about how citizens can testify during public meetings. Connecticut has even produced a video, "Joining the Debate", that promotes citizens' ability to express their views at public meetings. The video is available on the legislature's website. Arizona now has an online form for citizens to sign-up for public hearings. These signup lists are then provided to the committee chairs.

The most exciting "e-tools" to encourage citizen communication being explored by legislative bodies are video conferencing, pod casts and blogs, which create electronic forums on current issues. In a recent article in NCSL's The Thicket, Tim Storey reported on Alaska's deployment of 22 Legislative Information Offices statewide. These centers use the latest teleconferencing equipment to broadcast legislative proceedings and make these proceedings available to all Alaska citizens. Furthermore, citizens can testify before a committee in Juneau through these information centers. According to Mr. Storey, "It is an extraordinary effort to connect diverse constituents to the legislative process, and many take advantage of the opportunity to engage in the process." Alaska overcame geographic challenges of their vast state and created a public forum that encouraged participation of all citizens.

Another opportunity for the creation of public forums is the use of blogs. Currently, legislators in over 21 states maintain blogs. In a report by NCSL staffer Pam Greenberg, the public's use of blogs has risen significantly over the past few years. As the public becomes more accustomed to reading and participating in these electronic discussions, it is only natural that their willingness to participate in public issues

forums will also increase. This provides opportunities for legislatures to create public forums that will broaden public awareness of issues and which allow citizens to exchange ideas as state policies are emerging.

The final aspect of effective e-democracy is the public's ability to transact with legislative bodies online. These transactions can be as simple as interacting through "push technology". Many states are making legislation tracking systems available to their constituents. Through the same type of "push technology" citizens can sign up to receive notification of meetings as well. These tracking systems are becoming even more sophisticated through the use of RSS feeds. Legislatures are also making the same information available using a number of wireless solutions. For example, Virginia's Legislative Information System is available via any wireless PDA, such as a Palm Pilot or Treo. State legislatures are also making products and services normally available during business hours available whenever convenient to the citizen through the use of e-commerce sites. Through sites deployed in states such as Nevada, Virginia and Texas, citizens can order publications and other items through standard web shopping basket applications.

As new technologies continue to emerge, state legislatures should evaluate the opportunities that these new tools present. Legislatures should be looking for new methods to provide two-way communication and to promote successful transactions between citizens and the legislature. Engaging citizens in the legislative process leads to greater transparency of the decisions that affect citizens' lives and ultimately leads to a stronger legislative institution.

# PROFESSIONAL JOURNAL INDEX

1997 – 2005

## Administration

Fall	1997	Boulter, David E.	<i>Strategic Planning and Performance Budgeting: A New Approach to Managing Maine State Government</i>
Spring	2001	Carey, Patti B.	<i>Understanding the Four Generations in Today's Workplace</i>
Spring	2006	Hedrick, JoAnn	<i>Passage of Bills and Budgets in the United States System – A Small State's Perspective</i>
Spring	2001	Henderson, Dave	<i>Personnel Policies in the Legislative Environment</i>
Summer	2000	Jones, Janet E.	<i>RFP: A Mission Not Impossible</i>
Spring	1998	Larson, David	<i>Legislative Oversight of Information Systems</i>
Fall	1995	Rudnicki, Barbara	<i>Criticism</i>

## ASLCS

Summer	2000	Burdick, Edward A.	<i>A History of ASLCS</i>
--------	------	--------------------	---------------------------

## Case Studies

Fall	2003	Bailey, Mathew S.	<i>The Will of the People: Arizona's Legislative Process</i>
Summer	2000	Clemens and Schuler	<i>The Ohio Joint Select Committee Process</i>
Fall	2003	Cosgrove, Thomas J.	<i>First-Term Speakers in a Divided Government</i>
Fall	2005	Garrett, John	<i>The Balance Between Video Conferencing by The Virginia General Assembly and Requirements of Virginia's Freedom of Information Act</i>
Spring	1996	Dwyer, John F.	<i>Iowa Senate's Management of Its Telephone Records Is Upheld by State Supreme Court</i>
Fall	2003	Gray, LaToya	<i>Virginia's Judicial Selection Process</i>
Spring	2003	Howe, Jerry	<i>Judicial Selection: An Important Process</i>
Fall	2002	Jamerson, Bruce F.	<i>Interpreting the Rules: Speaker's Resignation Challenges</i>
Fall	2003	Morales, Michelle	<i>I Will Survive: One Bill's Journey Through the Arizona Legislature</i>
Fall	1995	Phelps, John B.	<i>Publishing Procedural Rulings in the Florida House of Representatives</i>
Fall	2001	Tedcastle, Ted	<i>High Noon at the Tallahassee Corral</i>
Spring	1998	Todd, Tom	<i>Nebraska's Unicameral Legislature: A Description and Some Comparisons with Minnesota's Bicameral Legislature</i>

## Historic Preservation

Fall	1995	Mauzy, David B.	<i>Restoration of the Texas Capitol</i>
Fall	2001	Wooton, James E.	<i>Preservation and Progress at the Virginia State Capitol</i>

## **International**

Fall	2000	Grove, Russell D.	<i>The Role of the Clerk in an Australian State Legislature</i>
Fall	2000	Law, K.S.	<i>The Role of the Clerk to the Legislative Council of the Hong Kong Special Administrative Region of the People's Republic of China</i>
Spring	2004	MacMinn, E. George	<i>The Westminster System – Does It Work in Canada?</i>
Spring	2006	Phelps, John B.	<i>A Consultancy in Iraq</i>
Fall	2000	Pretorius, Pieter	<i>The Role of the Secretary of a South African Provincial Legislature</i>
Spring	2002	Schneider, Donald J.	<i>Emerging Democracies</i>

## **Miscellaneous**

Summer	1999	Arinder, Max K.	<i>Planning and Designing Legislatures of the Future</i>
Fall	2000	Arinder, Max K.	<i>Back to the Future: Final Report on Planning and Designing Legislatures of the Future</i>
Winter	2000	Drage, Jennifer	<i>Initiative, Referendum, and Recall: The Process</i>
Fall	2005	Hodson, Tim	<i>Judging Legislatures</i>
Spring	1996	O'Donnell, Patrick J.	<i>A Unicameral Legislature</i>
Spring	1998	Pound, William T.	<i>The Evolution of Legislative Institutions: An Examination of Recent Developments in State Legislatures and NCSL</i>
Fall	2000	Rosenthal, Alan	<i>A New Perspective on Representative Democracy: What Legislatures Have to Do</i>
Fall	1995	Snow, Willis P.	<i>Democracy as a Decision-Making Process: A Historical Perspective</i>

## **Process**

Fall	1996	Burdick, Edward A.	<i>Committee of the Whole: What Role Does It Play in Today's State Legislatures?</i>
Spring	2003	Clapper, Thomas	<i>How State Legislatures Communicate with the Federal Government</i>
Spring	2004	Dunlap, Matthew	<i>My Roommate Has a Mohawk and a Spike Collar: Legislative Procedure in the Age of Term Limits</i>
Winter	2000	Edwards, Virginia A.	<i>A History of Prefiling in Virginia</i>
Spring	2002	Erickson and Barilla	<i>Legislative Powers to Amend a State Constitution</i>
Spring	2001	Erickson and Brown	<i>Sources of Parliamentary Procedure: A New Precedence for Legislatures</i>
Summer	1999	Erickson, Brenda	<i>Remote Voting in Legislatures</i>
Spring	2004	James, Steven T.	<i>The Power of the Executive vs. Legislature – Court Cases and Parliamentary Procedure</i>
Spring	1997	Jones, Jerry G.	<i>Legislative Powers and Rules of Procedure: Brinkhaus v. Senate of the State of Louisiana</i>
Spring	1998	King, Betty	<i>Making Tradition Relevant: A History of the Mason's Manual of Legislative Procedure Revision Commission</i>
Fall	2002	Maddrea, B. Scott	<i>Committee Restructuring Brings Positive Changes to the Virginia House</i>
Fall	1997	Mayo, Joseph W.	<i>Rules Reform</i>

Spring	2002	Mina, Eli	<i>Rules of Order versus Principles</i>
Spring	2003	Tucker, Harvey J.	<i>Legislative Logjams Reconsidered</i>
Fall	2005	Tucker, Harvey J.	<i>The Use of Consent Calendars In American State Legislatures</i>
Summer	2000	Vaive, Robert	<i>Comparing the Parliamentary System and the Congressional System</i>
Fall	2001	Whelan, John T.	<i>A New Majority Takes Its Turn At Improving the Process</i>

### **Staff**

Spring	2001	Barish, Larry	<i>LSMI: A Unique Resource for State Legislatures</i>
Fall	2001	Best, Judi	<i>Legislative Internships: A Partnership with Higher Education</i>
Spring	1996	Brown, Douglas G.	<i>The Attorney-Client Relationship and Legislative Lawyers: The State Legislature as Organizational Client</i>
Fall	2002	Gallagher and Aro	<i>Avoiding Employment-Related Liabilities: Ten Tips from the Front Lines</i>
Spring	2003	Geiger, Andrew	<i>Performance Evaluations for Legislative Staff</i>
Spring	1997	Gumm, Jay Paul	<i>Tap Dancing in a Minefield: Legislative Staff and the Press</i>
Fall	1997	Miller, Stephen R.	<i>Lexicon of Reporting Objectives for Legislative Oversight</i>
Winter	2000	Phelps, John B.	<i>Legislative Staff: Toward a New Professional Role</i>
Spring	2004	Phelps, John B.	<i>Notes on the Early History of the Office of Legislative Clerk</i>
Winter	2000	Swords, Susan	<i>NCSL's Newest Staff Section: "LINCS" Communications Professionals</i>
Fall	1996	Turcotte, John	<i>Effective Legislative Presentations</i>
Fall	2005	VanLandingham, Gary R.	<i>When The Equilibrium Breaks, The Staffing Will Fall – Effects of Changes In Party Control of State Legislatures and Imposition of Term Limits on Legislative Staffing</i>

### **Technology**

Spring	1996	Behnk, William E.	<i>California Assembly Installs Laptops for Floor Sessions</i>
Spring	1997	Brown and Ziems	<i>Chamber Automation in the Nebraska Legislature</i>
Spring	2002	Crouch, Sharon	<i>NCSL Technology Projects Working to Help States Share Resources</i>
Spring	1997	Finch, Jeff	<i>Planning for Chamber Automation</i>
Summer	1999	Galligan, Mary	<i>Computer Technology in the Redistricting Process</i>
Summer	1999	Hanson, Linda	<i>Automating the Wisconsin State Assembly</i>
Fall	1995	Larson, David	<i>Emerging Technology</i>
Fall	1996	Pearson, Herman (et al)	<i>Reengineering for Legislative Document Management</i>
Fall	1995	Schneider, Donald J.	<i>Full Automation of the Legislative Process: The Printing Issue</i>
Spring	2006	Steidel, Sharon Crouch	<i>E-Democracy – How Are Legislatures Doing?</i>
Fall	1997	Tinkle, Carolyn J.	<i>Chamber Automation Update in the Indiana Senate</i>