

LEGISLATIVE PROCEDURE AND ARRANGEMENTS COMMITTEE

Legislative Management delegated to the Legislative Procedure and Arrangements Committee the Legislative Management's authority under North Dakota Century Code Section 54-35-11 to make arrangements for legislative sessions. Legislative rules also are reviewed and updated under this authority. The Legislative Management also delegated its authority under Section 54-35-02.8 for the committee to fill the role of a legislative ethics committee, to consider or prepare a legislative code of ethics.

Committee members are Senators Jerry Klein (Chairman), Josh Boschee, Sean Cleary, Kyle Davison, Kathy Hogan, David Hogue, and Kristin Roers and Representatives Glenn Bosch, Gretchen Dobervich, Jared C. Hagert, Zachary Ista, Mike Lefor, Anna S. Novak, Brandy L. Pyle, and Robin Weisz.

Representative Emily O'Brien served on the committee until her resignation from the Legislative Assembly on August 19, 2025.

SPECIAL SESSION RULE AMENDMENTS

The committee reviewed proposed legislative rule amendments to accommodate the convening of a special legislative session. The proposed legislative rule amendments shared many similarities to the rule amendments adopted during the 2021 and 2023 special sessions. The amendments primarily address changes to account for the shorter duration of a special session and the manner in which bills may be introduced, the creation of two joint committees, the referral or rereferral of measures to the Joint Appropriations Committee, the suspension of conflicting rules applicable to a regular legislative session, and to changes subject to a delayed effective date relating to agency prefilling and resolution deadlines.

Changes to Account for Shortened Duration

Several changes were recommended to accommodate the shortened duration of a special legislative session. The amendments to Senate and House Rules 318(4) and 337 remove the requirement for a two-thirds vote of the members-elect of the House or Senate to hold second reading on the same day an item is reported from committee. The normal time frame for consideration of a measure is no sooner than the day after the measure is reported from committee. The amendment retains the constitutional requirement that the first reading and second reading occur on two separate days. The amendments to Joint Rule 207 also remove the prohibition on considering measures on the same day they are reported from committee.

The amendments to Senate and House Rules 601 allow for immediate action on amendments and second reading after adoption or rejection of amendments without motions. The references to subdivision g as an exception are deleted because subdivision g, related to immediate second reading, becomes the rule rather than the exception.

The amendments to Senate and House Rules 347 allow for immediate transmittal of a measure to the other house after second reading unless notice of intention to reconsider is given by the Majority or Minority Leader. If notice is given, the measure cannot be transmitted until the end of that day. Without this amendment, the normal procedure would be to retain the measure until the end of the next legislative day. The amendments to Joint Rule 202 remove the requirement for a day to pass before a question may be reconsidered with respect to an issue that would go to a conference committee. This change allows a house to consider receding more than once on the same day before a conference committee is called.

The amendment to Joint Rule 501(4) shortens the length of time for an agency or department to respond to a fiscal note request from 5 days to 1 day.

Changes Relating to Bill Introductions

The amendments to Senate and House Rules 401(1) and 402 eliminate references to the number of bills that may be filed by members of the House and Senate before certain legislative day deadlines and instead restricts the introduction of bills or resolutions during the special session to those approved by the Legislative Management or those approved by a two-thirds vote of the members of the respective house present and voting. The Delayed Bills Committee will not meet during the special session, thus Senate and House Rules 403, related to the Delayed Bills Committee, is suspended during the special session.

Creation of Joint Committees

The amendments to Senate and House Rules 501 provide the Majority Leader in each house shall appoint the members of the newly created Joint Policy Committee and may appoint replacement members to any committee in the

event of an absence. The amendment also removes from operation during the special session the 5- and 3-day appropriations and standing committees and the Delayed Bills and Inaugural Planning Committees. The members of the remaining procedural committees will be the same members who served on those committees during the most recent legislative session pursuant to Section 54-03-04. The amendments to Senate and House Rules 504 remove references to the meeting times of committees that have been suspended during the special session.

The new Joint Rule 303 creates a 39-member Joint Appropriations Committee, comprised of the members who served on the House and Senate Appropriations Committees during the regular session, or appointed by the Majority Leader in the event of a vacancy. The committee shall hold joint hearings on bills and resolutions that serve primarily to provide an appropriation and shall meet at the call of the co-chairmen. The committee shall issue joint reports, which must be approved by a majority of each house's members, presented first to the bill's house of introduction. The committee is not required to meet after issuing a joint report unless the bill is subject to a successful division or floor amendment in the house of introduction.

The new Joint Rule 304 creates a 28-member Joint Policy Committee, comprised of members appointed by the Majority Leader in each house. The committee shall hold joint hearings on bills and resolutions not referred to the Joint Appropriations Committee and shall meet at the call of the co-chairmen. The committee shall issue joint reports, which must be approved by a majority of each house's members, presented first to the bill's house of introduction. The committee is not required to meet after issuing a joint report unless the bill is subject to a successful division or floor amendment in the house of introduction.

The new Joint Rule 305 requires the joint committees to allow remote testimony and allows members of either joint committee to participate remotely if the member receives approval from the Majority Leader of the Senate or the Speaker of the House.

Referral or Rereferral to the Joint Appropriations Committee

The amendments to Senate and House Rules 329 provide the scenarios in which a measure must be referred or rereferred to the Joint Appropriations Committee. These include a bill approved for introduction by a two-thirds vote of the members of the House or Senate present and voting, which provides an appropriation of \$100,000 or more or that has a fiscal note indicating an effect of \$200,000 or more on the appropriation of a state agency or institution; a bill amended to include an appropriation of \$100,000 or more or in a manner which creates a fiscal note indicating an effect of \$200,000 or more on the appropriation of a state agency or institution; or, for purposes of the Senate Rule only, a bill or resolution proposing a change in the audit or fiscal procedures of a state agency or institution. The amendment also removes subsection 4, relating to deadlines applicable during a regular legislative session.

Suspension of Rules

In addition to suspending Senate and House Rules 403, relating to the operation of the Delayed Bills Committee, for the duration of the special session, the recommended changes also suspend Senate and House Rules 338, relating to the requirement for all bills and resolutions to be placed on the calendar for second reading after the 53rd legislative day; Senate and House Rules 502, relating to the requirement for each member except the Majority Leader, Assistant Majority Leader, and Speaker of the House to serve on two standing committees; and Senate and House Rules 509, relating to the requirement for bills and resolutions introduced in the chamber of introduction to be reported back to the chamber of introduction no later than the 34th legislative day and bills and resolutions introduced in the opposite chamber to be reported back to the second house no later than the 63rd legislative day.

Changes Subject to a Delayed Effective Date

The remaining recommended changes, subject to a delayed effective date, would not take effect until the conclusion of the special session. These changes were recommended by the committee to effectuate deadline changes that will impact the upcoming 2027 regular session. These amendments include changes to Senate and House Rules 402, to move the deadline for agencies and the Supreme Court to prefile bills to the day before Thanksgiving Day, rather than the day after the adjournment of the organizational session, and to change the deadline for introducing resolutions proposing amendments to the constitution or study resolutions from the 34th legislative day to the 27th legislative day; changes to Senate and House Rules 509, to move the date resolutions must be reported out of committee in the first house from the 40th legislative day to the 34th legislative day; and changes to Joint Rule 203, to move the crossover date for resolutions from the 43rd legislative day to the 37th legislative day, to align with the crossover date for bills.

Recommendations

The committee recommends the creation of Joint Rules 303, 304, and 305; amendments to Senate Rules 318(4), 329, 337, 347, 401(1), 402, 501, 504, 509, and 601; House Rules 318(4), 329, 337, 347, 401(1), 402, 501, 504, 509, and 601; and Joint Rules 202, 203, 207, and 501(4); and the suspension of Senate Rules 338, 403, 502, and 509 and House Rules 338, 403, 502, and 509.

LEGISLATIVE ASSEMBLY POLICY AGAINST WORKPLACE HARASSMENT

The Legislative Management delegated to the Legislative Procedure and Arrangements Committee its authority under Section 54-35-02.8 to fill the role of a legislative ethics committee and consider or prepare a legislative code of ethics. In its capacity as a legislative ethics committee, the committee considered revisions to the *North Dakota Legislative Assembly Policy Against Workplace Harassment* and corresponding reporting, intake, and investigation forms.

Revisions to Definitions and Deadlines

The committee reviewed several practical clarifications and revisions to the documents. The definition of "workplace harassment" under the policy was revised to clarify behavior an individual finds rude or offensive does not rise to actionable behavior under the policy unless the behavior is severe or pervasive. The policy also was revised to address short deadlines for documentation completion, notification, and convening the review panel. The deadline for a contact person completing the complaint intake checklist was extended from 24 to 48 hours. The deadline for a review panel to be appointed and hold its first meeting was extended from 72 hours to 7 days, or to an alternative date agreed to by the complainant and the contact person.

Addition of Alternative Methods for Resolution

The committee reviewed alternative options that may be taken after a complaint is received. The current policy requires a complaint that is not summarily dismissed to be referred to a review panel that is required to provide the parties with an opportunity to engage in alternative dispute resolution. The revisions allow leadership 7 days to decide whether to appoint a review panel or refer the matter for informal resolution. A matter referred for informal resolution which is not successfully resolved will proceed to a review panel.

Clarification on Disclosure of Records

The committee reviewed changes to the provisions of the policy relating to disclosure of records. The revisions clarify a complaint that is withdrawn or resolved through informal resolution or alternative dispute resolution before an investigation commences is not subject to disclosure. The revisions clarify certain records pertaining to the legislative branch are not subject to disclosure under open records law pursuant to Section 44-04-18.6.

Addressing Conduct Absent a Formal Complaint

The committee reviewed changes clarifying the authority of leaders to address behavior not reported under a formal complaint and the recommended best practices of documenting any concerning behaviors brought to the attention of leadership. The revisions encourage leadership to document any concerning behavior brought to their attention and forward documentation regarding any concerning behavior to the Legislative Council for retention in a secure permanent file to aid in identifying any concerning patterns that may be developing. The revisions also clarify the Legislative Council staff may assist leadership in coordinating and holding required meetings or completing required documentation or notification duties under the policy.

Recommendations

The committee recommends the revisions to the *North Dakota Legislative Assembly Policy Against Workplace Harassment* and corresponding reporting, intake, and investigation forms relating to revised definitions and deadlines, alternative methods for resolving a complaint, clarification on disclosure of records, and addressing concerning behavior for which a formal complaint has not been filed.