

LEGISLATIVE PROCEDURE AND ARRANGEMENTS COMMITTEE

The Legislative Management assigned 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 the 2025 legislative session, and the authority to review and update legislative rules.

The Legislative Management also assigned to the committee the Legislative Management's power and responsibility to:

- Establish guidelines for the use of legislative chambers and displays in Memorial Hall, pursuant to Section 54-35-02;
- Make recommendations to adjust legislative compensation amounts and establish guidelines on maximum reimbursement for legislators sharing lodging during a legislative session, pursuant to Section 54-03-20;
- Determine the computer usage fee for legislators, and the authority to establish a policy under which a legislator may purchase the computer used by that legislator upon replacement of the computer by the Legislative Council, pursuant to Section 54-03-26;
- Determine access to legislative information services and impose fees for providing legislative information services and copies of legislative documents, pursuant to Section 54-35-02;
- Determine the contents of contracts for printing of legislative bills, resolutions, journals, and Session Laws, pursuant to Section 46-02-05;
- Determine when agricultural commodity promotion groups must report to the standing Agriculture Committees, pursuant to Section 4.1-44-04;
- Determine when the Agriculture Commissioner must report to the Agriculture Committees on the status of the pesticide container disposal program, pursuant to Section 4.1-36-04;
- Determine which standing committees will receive a report from the Commissioner of Commerce on the goals and objectives of the Department of Commerce, pursuant to Section 54-60-03; and
- Establish guidelines for the use of state telephones by legislative branch personnel, pursuant to Section 54-06-26.

The Legislative Management designated the committee as the Legislative Ethics Committee, under Section 54-35-02.8, with the responsibility to consider or prepare a legislative code of ethics.

The committee also was assigned the study provided under Senate Bill No. 2192 (2023), which directed a study of the impact of term limits on the manner in which the Legislative Assembly conducts business. The study required an assessment of the desirability of providing increased educational opportunities for legislative members due to shortened tenures in the Legislative Assembly, increasing the number of Legislative Council policy staff available to assist new members, and holding legislative sessions on an annual basis.

Committee members were Senators Jerry Klein (Chairman), Kathy Hogan, David Hogue, Merrill Piepkorn, Kristin Roers, and Ronald Sorvaag and Representatives Glenn Bosch, Josh Boschee, Zachary Ista, Dennis Johnson, Mike Lefor, Emily O'Brien, and Austen Schauer.

LEGISLATIVE SPACE AND FACILITIES IMPROVEMENTS

Legislative Chambers and Memorial Hall

Requests to Use Legislative Space

Since 1981, the Legislative Management has assigned to the committee the responsibility under Section 54-35-02(8) to control the legislative chambers and any permanent displays in Memorial Hall. In exercising this responsibility, the committee adopted guidelines for use of the legislative chambers and displays in Memorial Hall. During this interim, the committee approved a request by the North Dakota High School Activities Association to use both legislative chambers for the 2024 North Dakota High School State Student Congress on November 7-8, 2024, and both legislative chambers and committee rooms for the 2025 North Dakota High School State Student Congress on November 6-7, 2025. The committee also approved a request from the North Dakota Supreme Court to use the House Chamber for the new lawyer bar admission ceremony on September 25, 2024.

The committee received a request from a representative of the North Dakota Lobbyist Association for a dedicated space for lobbyists for use during the legislative session. The Legislative Council staff worked with the Facility Management Division of the Office of Management and Budget to determine whether any options existed for a dedicated space. The committee was informed all legislative space is being used to capacity.

Legislative Committee Rooms and Workspaces

Joint Rule 804 provides during a legislative session committee rooms may be used only for functions and activities of the legislative branch, but the Secretary of the Senate or the Chief Clerk of the House may grant a state agency permission to use a room at times and under conditions not interfering with the use of the room by the legislative branch. With respect to use during the interim, Section 48-08-04 applies and provides committee rooms may not be used without authorization of the Legislative Council. The Legislative Management adopted the policy governing approval of the use of committee rooms in 1998, and the committee has revised the policy as necessary to address issues that have arisen. The policy also applies to the use of the legislative media room on the ground floor of the legislative wing, whether during the session or during the interim. The policy is similar to the policy governing the use of the chambers.

Facilities Improvements

Chamber Renovations

The 2021-22 interim Legislative Procedure and Arrangements Committee recommended the Legislative Management include in the Legislative Assembly's 2023-25 biennium budget funds to purchase new carpeting and chairs for the legislative chambers and to refinish the woodwork in the chambers. The committee viewed sample chairs and discussed desirable features for replacement chamber chairs. The committee requested the Legislative Council staff to solicit bids for chairs in either a cloth or leather material with adjustable arm rests and a pneumatic lift to allow members to comfortably work on a laptop. The committee reviewed bids from three bidders and selected the lowest bid of \$729 per chair for the Nightingale EC3 335D Series chair from InterOffice. The total cost for 168 replacement chamber chairs was \$122,472. Committee members elected to continue the color scheme of red chairs in the Senate and blue chairs in the House of Representatives and selected a leather look finishing, rather than cloth. Committee members recommended any existing chamber chairs still in good working order be allocated first to committee rooms in need of additional or replacement chairs before being considered for surplus.

The committee received updates throughout the interim on the status of the carpeting replacement and woodwork refinishing in the chambers, both of which were completed during the 2023-24 interim. The committee also was informed of heating, ventilation, and air conditioning projects in the legislative chambers and Brynhild Haugland Room. The maintenance and improvement work in the ceilings of both legislative chambers was completed during the 2023-24 interim and both ceilings were repainted. The committee was informed the data and electrical ports on the desks in the chambers were replaced.

Lighting Study

The committee was informed discussions with the Facility Management Division indicated the lighting in the chambers and Legislative Hall is original to the building and parts such as dimming and relay switches are becoming extremely difficult to replace when the parts fail. There are concerns that if future replacement parts are needed, options may be limited to leaving lights on around the clock or leaving areas partially in the dark. The committee was informed the Facilities Management Division requested consideration of a study of the options and estimated costs to repair or update lighting to give the Legislative Assembly a clearer view of the scope of the project if the Legislative Assembly chooses to incorporate the costs of lighting improvements in the 2025-27 biennium budget.

The committee approved the Legislative Council to expend \$22,000 of existing funds to secure a study of the options for, and estimated costs of, lighting improvements in the legislative chambers and Legislative Hall. The committee recommends funding be included in the Legislative Assembly's 2025-27 biennium budget for completion of the lighting improvements based upon the results of the study.

Accessibility Improvements

The committee discussed the need for accessibility improvements in the chambers, including the feasibility of constructing permanent ramps to better comply with the federal Americans with Disabilities Act (ADA). The committee was informed the temporary ramps placed in the chambers on an as-needed basis have been deemed a reasonable accommodation under the ADA; however, a temporary ramp option is not available to make the area occupied by the President of the Senate or the Speaker of the House accessible. The committee was informed the services of an architect would be required to receive options for permanent compliance with the ADA. Committee members approved the Legislative Council to expend \$35,000 of existing funds for architectural services to determine the accessibility options for the legislative chambers.

The committee considered options provided by Michael J. Burns Architects, Ltd., for accessibility improvements. The accessibility options differed between the chambers due to the shorter distance from the front to the back of the chamber in the Senate. In the House Chamber, the accessibility options included adding ramps on the far right and left sides of the chamber, raising the area in front of the rostrum by 5 inches and adding ramps in four of the five aisles, or demolishing and rebuilding the entire floor area to create a 2 percent slope. In the Senate Chamber, the accessibility options included raising the area in front of the rostrum by 5 inches and adding ramps on the far right and left sides of the chamber or demolishing the entire floor area to create a 2 percent slope. For the options that did not involve demolishing the entire

floor, smaller ramps also would need to be added in each location where the main ramps meet the entrances to the seating areas. Each option also included adding a floor lift to access the area occupied by the Speaker of the House and the President of the Senate. The costs estimates ranged from roughly \$3 million to \$4 million depending on the accessibility design option selected.

The committee did not express a preference among the accessibility options but agreed on the value of making the legislative chambers, which is the people's house, accessible to all individuals. The committee recommends \$4 million be included in the Legislative Assembly's 2025-27 biennium budget for purposes of making accessibility improvements to the chambers.

Legislative Council Carpeting

The committee was informed the carpeting in the Legislative Council office area is about 15 years old and showing signs of wear. Two estimates were received for the cost of replacing carpeting, one estimate at \$63,000 and one at \$100,000. The committee approved the Legislative Council to proceed with using existing funds to replace the carpeting in the Legislative Council office areas.

LEGISLATIVE COMPENSATION

Compensation Review

In 2011, the Legislative Assembly repealed the law providing for a Legislative Compensation Commission and amended Section 54-03-20 to provide the Legislative Management is to make recommendations and submit any necessary legislation to adjust legislative compensation amounts. The committee received information on legislative compensation and expenses, the process for adjusting compensation, and legislative compensation increases compared to inflation and state employee salary increases. The committee recommends the 2025-27 biennium budget of the Legislative Assembly include funding for changes to legislative compensation to provide for adjustments of 3 percent for the 1st year and 3 percent for the 2nd year of the 2025-27 biennium, subject to revision if necessary during the 2025 legislative session to the appropriate level as compared to state employee salary increases, and the necessary related statutory changes.

Committee members discussed the additional daily statutory compensation amounts of \$10 and \$15 provided to legislative leaders and committee chairman during a legislative session and noted these amounts have been increased only once since the 1980s. Some committee members saw value in considering an increase to these amounts given the additional responsibilities assumed by legislative leaders and committee chairmen during the legislative session. The committee recommends for inclusion in the 2025-27 biennium budget of the Legislative Assembly the statutory changes and funding to increase by \$5 per day the legislative compensation provided in Section 54-03-10 for legislative leaders and standing committee chairmen.

Expense Reimbursement Policy

Section 26 of Article XI of the Constitution of North Dakota provides payment for necessary expenses of legislators may not exceed the payment allowed for other state employees. Section 54-03-20 provides the maximum lodging reimbursement for legislators during a regular legislative session may not exceed 30 times 70 percent of the daily lodging reimbursement for state employees and officials. Under that formula, legislators may receive up to \$2,022 per month as reimbursement for lodging for the 2025 legislative session.

The committee made no changes to the legislative expense reimbursement policy that was in place for the previous five legislative sessions. Reimbursable lodging expenses during a legislative session include utilities (electricity, heat, and water, including garbage collection and sewer charges), basic telephone service and telephone installation charges, snow removal expense, and furniture (rental of furniture and appliances and transit charges for moving rental furniture and appliances). In addition, the lodging expense reimbursement of two or more legislators sharing housing in a single dwelling is subject to approval by the Chairman of the Legislative Management, in accordance with Section 54-03-20.

Data Plan Reimbursement

Before November 1, 2012, legislators received reimbursement for their mobile data plans two ways. The method for non-Verizon users required legislators to submit a voucher at least quarterly to the Legislative Council. The method for Verizon users required legislators to participate in split billing, with the legislator's data costs associated with the legislator's plan billed separately to the State of North Dakota. During the 2011-12 interim, the committee approved a new method of reimbursing legislators for their data plans effective November 1, 2012. All participating legislators were required to submit a request form for reimbursement of their mobile data costs to the Legislative Council, identifying data costs associated with legislative business, along with a copy of their wireless carrier bill identifying the mobile data costs. The Legislative Council provided monthly reimbursement at that level until the legislator incurred a change in mobile data cost, contract, or vendor. At such time, the legislator was to submit a new request form to the Legislative Council for reimbursement of the legislator's mobile data costs, identifying data costs associated with legislative business, along with a new copy of the wireless carrier bill showing new mobile data costs.

During the 2013-14 interim, the committee reviewed the effects of the November 2012 policy and identified the cost inefficiencies and cumbersome administration requirements associated with the policy. The committee approved discontinuation of the November 2012 policy and approved a \$90 per month information technology stipend for legislators who sign an agreement to use the stipend for technology-related costs. The policy eliminated the need for split billing and state involvement with reimbursements. The committee recognized a stipend would be included in a member's taxable income, but broadband and mobile data expenses are deductible expenses and this should be a wash for a member.

Changes made by House Bill No. 1001 (2023) increased the monthly stipend from \$90 per month to \$200 per month, effective July 1, 2023. Legislators are required to submit to the Legislative Council a signed Information Technology Stipend Authorization Agreement Form to receive payment. The committee was informed the stipend amount may be taxable and is intended to be used for paying broadband data and mobile phone costs, as well as other technology-related costs, including printers, ink and accessories.

LEGISLATIVE INFORMATION TECHNOLOGY

Personal Computer Use Policy

The committee reviewed the *Policy on Use of Personal Computers by Legislators*. The policy describes statutory restrictions on the use of privately owned personal and tablet computers while in the chambers or committee rooms and governs the use of state-owned personal and tablet computers assigned to legislators to access legislative information systems. The policy also provides for copying of legislator information to replacement computers, includes a procedure for purchasing old computers, and authorizes a fee for acquiring a replaced computer and a computer assistance fee. The committee approved the policy with no recommended changes. With the purchase of new computers and tablets for legislators during the interim, the committee set the fee for a legislator seeking to acquire a computer or tablet being replaced at \$250 per device, and specified a legislator may purchase only one of each device if the \$10 computer use fee was paid by the legislator during the previous 12 months.

Cybersecurity Awareness

The committee received information regarding online cybersecurity awareness training for legislators. The Majority and Minority Leaders agreed to contact caucus members to encourage legislators to complete the annual training. The committee also approved including cybersecurity awareness training in the mandatory training sessions before new legislators are issued laptops and tablets.

Legislator Computer Training

The tentative organizational session agenda approved by the committee continues the laptop computer and tablet training classes for returning legislators beginning at 9:00 a.m. on Monday, December 2, 2024, and at 12:30 p.m. and 2:45 p.m. on Tuesday, December 3, 2024. The agenda also provides for laptop computer and tablet distribution and training session for new legislators at 3:15 p.m. on Monday, December 2, 2024, and 12:00 noon and 2:15 p.m. on Wednesday, December 4, 2024.

Legislative Drafting System Upgrade

The committee received an update on the progress of the Legislative Council's drafting system upgrade and a proposed new format for amendment instructions. The new amendment instruction format proposed replacing antiquated page and line number amendment instructions with an abbreviated version of the markup document to show the proposed changes. Committee members expressed interest in hyperlinking the new amendment document in the journal to replace the practice of printing the amendment instructions in the journal and authorized the Legislative Council staff to pursue alternative format options for amendments. Followup by the Legislative Council staff confirmed the ability to hyperlink amendments in the journal to allow what currently is referred to as the markup document to be linked and designated as the official amendment document, without the need to continue producing a separate amendment instruction document. The committee was informed the use of the markup document in place of the amendment instruction document would eliminate the risk of discrepancies between the two documents, be more user friendly for new legislators to interpret, decrease the turnaround time for amendments during the legislative session, and reduce staff overtime costs.

LEGISLATIVE DOCUMENT PRINTING AND SERVICES

Bill and Journal Room Staff and Services

The Bill and Journal Room historically has served as a main access point for receiving legislative documents. Bill and Journal Room services were provided by Legislative Assembly staff through the 1995 legislative session. Beginning in 1997, the Legislative Assembly began inviting outside employment contractors to submit bids for the provision of secretarial services, telephone message services, and Bill and Journal Room services. The contracted Bill and Journal Room staff were responsible for receiving copies of bills, resolutions, daily journals, daily calendars, committee hearing schedules, and bill status reports from a separately contracted printing provider. Staff would stock copies of these

documents in the Bill and Journal Room, provide copies of documents to individuals at the walkup window of the Bill and Journal Room, maintain a document subscription list, assemble subscription materials, and receive subscription fees. Contracted staff operated the Bill and Journal Room through the 2019 legislative session.

Beginning with the 2021 legislative session, Legislative Assembly staff began operating the Bill and Journal Room. The number of staff devoted to the Bill and Journal Room has since decreased due to the reduced need for printed copies as a result of documents being readily available online. For the 2025 legislative session, documents will be printed and distributed by pages and other Legislative Assembly staff, eliminating the need for the Bill and Journal Room. Members of the public may request copies of legislative documents from the information desk staff.

Printing Policy and Subscription Services

Beginning with the 1985-86 interim, the committee has reviewed the cost of providing various printed documents to individuals outside the legislative branch, including the subscription fee for members of the public wishing to receive a complete set of certain types of legislative documents.

Photocopy Fee

Pursuant to Joint Rule 603, Bill and Journal Room staff may distribute legislative documents to legislators, House and Senate employees, and Legislative Council staff free of charge. Members of the public may request House and Senate daily journals, House and Senate calendars, House and Senate committee hearing schedules, and up to five copies of a limited number of bills and resolutions free of charge. For other documents or requesters, a printing fee of 25 cents per page is charged and remitted to the Legislative Council office for deposit in the legislative services fund, pursuant to Section 54-35-19. Fifty-three dollars in printing fees were collected during the 2023 legislative session.

The committee recommends eliminating the 25-cent per page photocopy fee due to the minimal amount collected from printing fees.

Subscription Services

Due to the dwindling number of subscribers, the 2021-22 interim Legislative Procedure and Arrangements Committee elected to suspend for the 2023 legislative session the subscription program that allowed individuals to receive a complete set of certain legislative documents. The committee questioned whether continuation of the subscription services is warranted due to the ease of accessing legislative documents on the legislative branch website and increased paper costs.

The committee recommends amendments to Joint Rule 603 to eliminate the document subscription program.

Committee Hearing Schedules and Daily Calendars

During the 2021 legislative session, no entities subscribed to receive daily calendars or weekly committee hearing schedules; however, copies were preprinted and made available in the Bill and Journal Room for pickup. The cost to print 250 daily House calendars, 200 daily Senate calendars, 300 weekly House committee hearing schedules, and 300 weekly Senate committee hearing schedules was \$23,615 for the 2021 legislative session. The 2021-22 interim Legislative Procedure and Arrangements Committee elected to reduce the number of daily calendars and committee hearing schedules provided to each house during the 2023 legislative session to half of the amount provided in the previous session, for a total cost of \$33,984.

Committee members noted many legislators throw away the copies of daily calendars and weekly hearing schedules left on their desks because both documents are available online and printed hearing schedules quickly become outdated due to frequent changes. Committee members noted the benefits of reduced waste and the elimination of excess expenditures by moving to on-demand printing services. The committee determined committee hearing schedules and daily calendars would be printed on demand by Legislative Assembly staff for the 2025 legislative session, rather than using a contract printer to print a set number of copies in advance. The committee noted those legislators who wish to receive paper copies of daily calendars and weekly hearing schedules could opt-in to a distribution list at the beginning of the legislative session.

The committee recommends amendments to Joint Rule 603 to clarify legislative employees may provide copies of daily calendars and committee hearing schedules to legislators, legislative employees, and members of the Legislative Council staff upon request.

Bills, Resolutions, and Journals

The 2021-22 interim Legislative Procedure and Arrangements Committee determined for the 2023 legislative session, bills, resolutions, daily journals, the journal index, and bill status reports would be printed only upon request, except the number of journal copies required by House and Senate Rules 204. The committee was informed the practice of printing bills and resolutions, daily journals, and bill status reports on-demand worked well during the 2023 legislative session

and resulted in substantial cost savings. The committee approved continuing the print-on-demand practice for these documents for the 2025 legislative session. The committee was informed the Legislative Council has considered the use of fee-based, on-demand printing kiosks for the public as a possibility for printing legislative documents in future sessions.

The committee recommends amendments to House and Senate Rules 204 and Joint Rule 603 to remove the requirement that a copy of the daily journal be placed on the desk of each member and two sets be provided to the Secretary of State to distribute to public officials, and to clarify legislative employees may provide copies of bills, resolutions, and daily journals to legislators, legislative employees, and members of the Legislative Council staff upon request.

Contract Printing Services

A contracted printer has been used to preprint a set number of copies of legislative documents for the Bill and Journal Room for distribution to House and Senate staff, legislators, and the public. Copies in addition to those provided by the contract printer are printed on-demand by the Bill and Journal Room staff. Before the 2021 legislative session, Section 46-02-05 required the Office of Management and Budget to issue an invitation for printing bids before each legislative session. Two requests for printing bids were issued before the 2021 legislative session, but no bids were received. As a result, the 2021-22 interim Legislative Procedure and Arrangements Committee recommended a bill draft to allow the Legislative Assembly to enter an agreement with Central Duplicating Services of the Office of Management and Budget to print legislative documents. Senate Bill No. 2347, passed during the 2021 special legislative session, allowed the Legislative Assembly to have legislative materials printed by Central Duplicating Services or solicit bids from a private printing vendor for printing services. Central Duplicating Services served as the contracted printing provider during the 2021 and 2023 legislative sessions. The committee was informed Central Duplicating Services was flexible and accommodating to the Legislative Assembly's printing needs. The committee approved the use of Central Duplicating Services as the printing services provider for the biennium.

Incoming Wide Area Telephone Service

Beginning with the 1985 legislative session, incoming Wide Area Telephone Service (WATS) lines have been provided for residents in the state to contact legislators or obtain information concerning legislative proposals. If all lines are in use or the call is made after regular business hours, a caller is given the option to stay on the line or leave a message for the caller's local legislators or for a specifically named legislator. This message feature is available 24 hours a day, 7 days a week during regular legislative sessions.

The committee was informed use of the WATS line has decreased dramatically, from 19,500 calls in 2001, to 325 calls in 2023, due to an individual's ability to submit comments to legislators online through the use of the constituent views application. Call volume also has decreased due to an individual's ability to submit digital testimony online, which during the 2023 legislative session included the submission of 14,527 pieces of digital testimony. The cost to maintain the line is \$25 per line per month, plus long-distance costs.

Some committee members expressed interest in retaining the WATS line, due to its negligible cost, while others expressed support for eliminating the line due to the alternative contact methods that are available, including dialing the Legislative Council's main office number. The committee determined the WATS line should be eliminated due to the low volume of use and other available contact methods.

SESSION ARRANGEMENTS

Organizational Session

Tentative Agenda

The committee approved a tentative agenda for the 2024 legislative organizational session, subject to any required changes by the Legislative Council. The House and Senate will convene in their respective chambers for the organizational session at 1:00 p.m. on Monday, December 2, 2024. The 2024 agenda continues the provision of orientation classes for freshman legislators and computer training classes for returning legislators beginning at 9:00 a.m. on December 2, 2024. In 2017, the committee first approved including cybersecurity awareness training as part of the computer training sessions for new legislators and including training related to the *North Dakota Legislative Assembly Policy Against Workplace Harassment* as part of the 2018 legislative organizational session ethics presentation. These training topics are included in the 2024 tentative agenda, in addition to a presentation by a representative of the National Conference of State Legislatures (NCSL) on workplace harassment and legislative ethics and a targeted training session for contact persons on receiving and processing workplace harassment complaints. The agenda includes a computer distribution and training session for new legislators at 3:15 p.m. on Monday and additional computer distribution and training sessions on Tuesday and Wednesday. The committee also approved an informational session on human resource applications and benefits for new legislators, a session for committee chairmen to review the committee room desk manual, and a mentorship opportunity session for new committee chairmen to pose questions to returning committee chairmen. The committee was informed additional materials also would be included in the legislator packets

distributed during the organizational session, including a Legislative Council staff directory and guide, a summary of training resources available through NCSL, and more detailed guidance on the allowable use of legislator photographs.

Proposed Rules

The committee reviewed a proposed rule amendment for recommendation during the organizational session to revert a rule change that inadvertently was not designated as a temporary rule change during the 2023 legislative session. The committee recommends an amendment to Senate Rule 329 to revert the deadline by which Senate bills in the Senate must be referred to the Appropriations Committee from the 26th legislative day to the 23rd legislative day to align with the deadline House bills in the House must be rereferred to the Appropriations Committee.

Photography Services

Historically, the Legislative Procedure and Arrangements Committee has invited photographers to submit bids for the provision of photography services; however, the number of bids submitted in recent years has decreased and the cost quoted in bids has increased. Due to the low volume of bids received and increased costs, the 2021-22 interim Legislative Procedure and Arrangements Committee reviewed the option of providing Legislative Council staff with the equipment necessary to move photography services in house. The committee ultimately recommended the use of in-house photography services for the 68th Legislative Assembly.

The committee reviewed the one-time costs incurred for in-house photography services for the 2023 legislative session and committee members were informed legislators generally had expressed satisfaction with the quality of the photographs taken and appreciation for the ability to view and choose their preferred photograph immediately after it was taken, rather than waiting to receive proofs. The committee also reviewed information regarding the allowable use of legislator photographs and expressed interest in receiving additional guidance on the allowable use of legislator photographs during the organizational session. The committee approved the use of Legislative Council staff to provide in-house photography services to the 69th Legislative Assembly.

Legislator Supplies

Electronic Letterhead

Before 2013, every legislator was given the option of receiving a set amount of stationery and envelopes, with the ability to request an additional 500 sheets of stationery and 500 envelopes, up to 1,000 sheets and envelopes total. The Speaker, each leader, and each assistant leader were entitled to as much stationery as needed. In addition, an electronic letterhead was provided to all legislators to use as a template to print correspondence on regular paper and envelopes. That policy was changed for the 2013 legislative session.

In 2012, the committee determined legislators should be provided with an electronic letterhead for use in printing letters and envelopes rather than receive stationery and envelopes through a contract printer. Because computers are provided to all legislators, the committee concluded there was little need to continue providing individualized stationery and envelopes because templates are provided for legislators to use through software on their computers. The committee approved continuation of the policy of providing electronic letterhead for use in printing letters and envelopes.

Computer Bags

The committee discussed the purchase of new computer bags and determined it was not necessary to purchase replacement bags for current legislators. The committee approved the purchase of new computer bags of comparable quality for newly elected legislators, to be distributed during the organizational session when new legislators receive their laptops and tablets, and the purchase of computer bags to replace lost or damaged bags.

Desk Phones

The committee considered whether legislator desk phones should be retained in the legislative chambers. The committee was informed the cost to receive service for desk phones is \$25 per month per line and the phones are active only during the legislative session. The committee also was informed the Information Technology Department intended to end desk phone service as state agencies have been transitioned to using Microsoft Teams calling. Committee members indicated desk phones are used occasionally, but for the most part, legislators have other options for communicating from the floor. The committee approved the elimination of desk phones in the legislative chambers, effective January 1, 2024.

As a result of the elimination of desk phones, and the limited use by legislators of phones other than personal phones, the committee made no recommendations for guidelines defining reasonable and appropriate use of state telephones for essential personal purposes. Under Section 54-06-26, a state official or employee may use a state telephone to receive or place a local call for essential personal purposes to the extent use does not interfere with the functions of the official's or employee's agency. When a state official or employee is away from the official's or employee's residence for official state business and long-distance tolls would apply to a call to the city of residence, the official or employee is

entitled to make at least one long-distance call per day at state expense. Section 54-06-26 allows an agency to establish guidelines defining reasonable and appropriate use of state telephones for essential personal purposes.

Legislative Session Employees

Positions

The committee reviewed the number of legislative employee positions during the 2023 legislative session and historical changes in employee positions since 1993. The 1993 legislative session was used as a base session because legislative employment peaked during that session, with 59 Senate employees and 77 House employees. During the 2021-22 interim, the committee recommended 79 employment positions for the 2023 legislative session, 35 of which were Senate positions and 44 of which were House positions. The actual number of Legislative Assembly employees employed during the 2023 legislative session was 80 employees, 35 of which were employed in the Senate and 45 of which were employed in the House.

The committee reviewed the 86 employment positions recommended for the 2025 legislative session, which included 41 employment positions for the Senate and 45 employment positions for the House. The seven additional positions, as compared to the 79 positions proposed for the 2023 legislative session, included one additional quality assurance clerk for each house; and two additional procedural assistant appropriations committee clerks and three additional technological appropriations committee clerks for the Senate to account for the formation of Senate Appropriations Committee divisions resulting from the rule change approved during the 2023 legislative session. The committee approved the proposed 86 employment positions recommended for the 2025 legislative session, in addition to a parking lot attendant position for a total of 87 employment positions.

Compensation

The committee reviewed legislative session employee compensation levels during the 2023 legislative session. In 2023, employee compensation was increased generally across the board by 1.5 percent and 2 percent, which reflected the 1.5 percent and 2 percent average pay increases authorized for state employees in 2021 and 2022 by the 67th Legislative Assembly. The committee reviewed 2025 proposed salaries, which represent an increase of 6 percent and 4 percent, each of which was authorized for state employees by the 68th Legislative Assembly. The committee recommends compensation increases consistent with state employee compensation increases of 6 percent for the 1st year of the 2023-25 biennium and 4 percent for the 2nd year of the biennium.

The committee recommends the concurrent resolution establishing employee positions continue the practice of not including specific names or identifying specific individuals. This type of resolution was first adopted in 1997 to provide flexibility in the hiring of employees after adoption of the concurrent resolution. By designating positions and compensation levels, and not naming employees, an employment committee report that names an employee and designates the position is sufficient to identify that employee, the position, and the compensation level. The committee also recommends the concurrent resolution continue to refer to the generic position of "legislative assistant" in place of employees formerly classified as assistant sergeant-at-arms, supply room coordinator, desk page, page and bill book clerk, and information kiosk attendant; continue to include provisions authorizing conversion of full-time positions to part-time positions; and continue to authorize the leaders to consolidate staff assistant positions.

Orientation and Training

The Legislative Council staff will provide orientation and training for legislative session employees. The training will be similar to the training provided before the 2023 legislative session, with the addition of cross training between procedural clerks, technological clerks, and quality assurance clerks and additional simulation and practice sessions to allow clerks to test their knowledge before the legislative session. Most employees needing specialized training will receive training in December. The committee approved the orientation and training schedule, subject to any required changes by the Legislative Council.

Legislative Programs

Legislative Internship Program - Legal Interns

Since 1969, the Legislative Assembly has sponsored a legislative internship program. During recent legislative sessions, the program has provided the Legislative Assembly with the assistance of law school students for a variety of tasks, especially the preparation of amendments, and has provided the students with a valuable educational experience. Although assigned to committees, the interns are supervised by the Legislative Council staff. Since the beginning of the program, each intern has received a stipend as a means of covering the expense of participating in the program.

The committee approved continuation of the program for the 69th Legislative Assembly, with at least 10 intern positions allocated to the University of North Dakota School of Law for assignment to the 3-day and 2-day standing committees and one student assigned to work with the Legislative Council staff on various projects. The committee authorized the Legislative Council to work with representatives of the School of Law to develop an approved reimbursement policy, with a maximum reimbursement of \$3,500 per month for the 4-month program.

Legislative Internship Program - Legislative Assembly Interns

Committee members expressed interest in expanding internship opportunities by creating a new program to provide internships related to certain Legislative Assembly positions. The desire to expand the pool of individuals available to assist the Legislative Assembly in completing its duties during the legislative session arose due to difficulties in filling Legislative Assembly employment positions in recent sessions. The committee reviewed information regarding the creation of internship opportunities for the roles of procedural committee clerk, technological committee clerk, quality assurance clerk, bill and recording clerk, and sergeant-at-arms. Committee members acknowledged the difficulties encountered in past sessions to hire and retain enough session staff to cover the number of Legislative Assembly positions required during the legislative session. The committee approved the Legislative Council staff to advertise for up to 32 internship positions of the types listed and provide a stipend of up to \$3,500 per month per internship.

The Legislative Council staff contacted colleges and universities in the state and distributed promotional materials regarding the internships and successfully retained two interns from the University of Mary for the 2025 legislative session.

Legislative Tour Guide Program

During 23 of the past 24 legislative sessions, the Legislative Council has operated a tour guide program that coordinates tours of the Legislative Assembly by high school groups. The tour guide program was approved for the 2021 legislative session; however, the program was suspended due to the COVID-19 pandemic. The tour guide program is used extensively by high school groups. Other groups also may be placed on the tour schedule upon request. The Legislative Council administrative staff developed revisions to the program before the 2023 legislative session to provide an enhanced tour experience. The committee approved the continuation of the tour guide program for the 2025 legislative session.

Doctor of the Day Program

The committee accepted an offer by the North Dakota Medical Association to continue the doctor of the day program during the 2025 legislative session under the same arrangements as in the past. The association plans to rely on physicians and medical residents from around the state to volunteer for the program and provide basic health care services and referrals during the legislative session.

Legislator Wellness Program

Section 54-52.1-14 requires the Public Employees Retirement System (PERS) Board to develop an employer-based wellness program encouraging employers to adopt a board-approved program. The incentive for adoption of a program is a 1 percent of health insurance premium charge to agencies that do not participate in the program. A wellness program must include the "mandatory activity" of communicating wellness materials provided by PERS and Sanford Health to individual employees on a monthly basis and promoting the PERS smoking cessation program to employees. In addition to this mandatory activity, different "optional" activities must be developed each year. The comprehensive health assessment will be continued during the 2025 legislative session as provided through the doctor of the day program by the North Dakota Medical Association during previous legislative sessions.

Chaplaincy Program

The Bismarck-Mandan Ministerial Association has coordinated the scheduling of a chaplain in each house to open the daily session with a prayer. Each chaplain receives a daily stipend of \$25. The committee authorized the Legislative Council staff to invite the local ministerial associations to continue to schedule chaplains for opening prayers for both houses each day of the 2025 legislative session. The Legislative Council staff will notify all legislators they have until December 31, 2024, to schedule out-of-town clergy to give the opening prayer any day of the legislative session for their respective houses during the 2025 legislative session.

Legislative Addresses

State of the State Address

During the 2023 legislative session, the House and Senate convened in joint session at 1:00 p.m. on the 1st legislative day. Three escort committees were appointed--one for the Lieutenant Governor, one for the Chief Justice of the Supreme Court, and one for the Governor and First Lady. After the Chief Justice administered the oath of office to elected officials of the executive and judicial branches, the Governor presented the State of the State address. The committee authorized the Legislative Council staff to contact the Governor to arrange for the presentation of the State of the State address at 1:00 p.m. on the 1st legislative day of the 2025 legislative session.

State of the Judiciary Address

The committee authorized the Legislative Council staff to contact the Chief Justice of the Supreme Court to arrange for the presentation of the State of the Judiciary address at 11:00 a.m. on the 1st legislative day.

Tribal-State Relationship Message

The committee authorized the Legislative Council staff to extend an invitation to a representative of the Indian tribes to address the 69th Legislative Assembly at 10:00 a.m. on the 1st legislative day.

Legislative Reports

Agricultural Commodity Promotion Groups Report

The committee reviewed Section 4.1-44-04, which requires 14 agricultural commodity promotion groups to file a uniform report at a public hearing before the standing Agriculture Committee of each house. The committee designated Thursday, January 16, 2025, as the day for a joint hearing by the Senate and House Agriculture Committees to receive this report.

Agriculture Commissioner Report

The committee reviewed Section 4.1-36-04, which requires the Agriculture Commissioner to submit a biennial report at a joint meeting of the House and Senate Agriculture Committees on the status of the pesticide container disposal program. The committee determined the report should be made on the same day the committees receive the agricultural commodity promotion groups report--Thursday, January 16, 2025.

Commissioner of Commerce Report

The committee reviewed Section 54-60-03, which requires the Commissioner of the Department of Commerce to report on the department's goals, objectives, and activities to a standing committee of each house. The committee determined the report should be made to the Industry and Business Committees on Wednesday, January 15, 2025.

LEGISLATIVE ETHICS COMMITTEE AND CODE OF ETHICS

Section 54-35-02.8 requires the Legislative Management to appoint an ethics committee to consider or prepare a legislative code of ethics. Since 1995, the Legislative Management has appointed the Legislative Management (now Legislative Procedure and Arrangements) Committee as the Legislative Ethics Committee. During the 1995-96 interim, the Legislative Management Committee reviewed North Dakota laws affecting legislative ethics. That committee recommended legislative rules declaring a legislative ethics policy urging members to maintain ethical standards and recognize the importance of standards contained in the rules, urging members to apprise themselves of constitutional provisions and statutes that prohibit conduct for which criminal penalties may apply, and requiring the Legislative Council to conduct classes on legislative ethics and laws governing the activities and conduct of public officials. The Legislative Assembly adopted those rules as Joint Rules 1001 through 1004. The committee makes no recommendation regarding changes to the legislative code of ethics.

CONFLICT OF INTEREST RULES

Section 54-66-18, enacted by House Bill No 1485 (2023), requires each Legislative Assembly to adopt conflict of interest rules that require disclosure of a potential conflict by a member and ensure a mechanism is in place to record each disclosure and make the disclosure readily available to the public. If the Legislative Assembly adopts rules that are at least as restrictive as the rules adopted by the Ethics Commission, the separate ethics disclosure process adopted by the Ethics Commission will not apply to members of the Legislative Assembly.

The committee reviewed a proposed rule to create Joint Rule 1005, which would have required disclosure by a committee member of a personal or private interest in a bill or measure and required the committee member to receive permission from the committee before voting. The committee was informed the proposed rule for committee conflict disclosures was structured in a similar fashion to the rule for floor conflict disclosures. The committee was informed the general rule regarding floor votes requires all members who are present to vote on a question. When a member announces a conflict during a floor session, the body votes on whether the member should be allowed to vote despite the conflict. Generally, the floor vote does not pertain to whether the member is allowed not to vote if a conflict is announced. Some committee members expressed concern regarding whether a legislator may decline to vote due to a potential conflict of interest and the interplay between the proposed rule and the Ethics Commission rules governing conflicts of interest.

The committee reviewed an alternative proposed rule to amend House and Senate Rules 321 and 322 and create Joint Rule 1005. The rule amendments require disclosure by a committee member of a personal or private interest in a bill or measure, but rather than seeking the committee's permission to vote on a measure for which the member believes the member has a conflict, the committee member would seek permission to abstain from voting on a measure for which the member believes they have a conflict. The proposed rule amendment makes similar changes to the House and Senate rules relating to a member declaring a conflict during a floor session. The rule amendments modify the process on the floor from one in which the member declares a conflict and then seeks the body's approval to vote despite the conflict, to one in which the member declares a conflict and then seeks the body's approval to abstain from voting due to the conflict.

The committee recommends proposed amendments to House and Senate Rules 321 and 322 and the creation of Joint Rule 1005, regarding declarations of conflicts of interest both in committee meetings and during floor sessions and the use of a procedure by members to request permission to be excused from voting after declaring a conflict of interest.

The committee was informed the Ethics Commission provided an opinion during the 2023 legislative session indicating the act of a member declaring on the record a conflict of interest satisfies the disclosure requirements imposed by the Ethics Commission, regardless of whether that member ultimately receives approval to vote despite the conflict. However, the committee discussed a recent news article that noted the Ethics Commission believes additional items should be added to the Legislative Assembly's conflict of interest rules. Some committee members expressed frustration noting the Ethics Commission's rules are inconsistent and poorly drafted and the threat of criminal prosecution for casting a vote will make it difficult to find individuals willing to run for public office. Committee members agreed there must be clarity in the rules before the 2025 legislative session. The Legislative Council staff was requested to continue to work with the Ethics Commission to pursue a workable solution.

LEGISLATIVE ASSEMBLY POLICY AGAINST WORKPLACE HARASSMENT

The committee reviewed the *North Dakota Legislative Assembly Policy Against Workplace Harassment* and the checklist of measures that must be taken when an allegation of harassment is made. The policy is in place to protect legislators, employees, interns, and third parties; comply with federal and state laws; protect the integrity and reputation of the Legislative Assembly; address public concerns; and prevent the need to expend state resources to defend lawsuits, pay settlements, or pay court-awarded compensation. The committee took a fresh look at the policy considering the recent uptick in complaints received by the Ethics Commission and some of the difficulties the Ethics Commission was encountering.

The committee considered improvements to the policy and revisions to the corresponding checklist. The committee reviewed revisions to the policy including revisions to the definition of "sexual harassment" to ensure the definition does not depend on the conduct impacting an individual's work environment because some individuals may be participating in the legislative process in a manner unrelated to a work capacity; clarification of the definition of "workplace harassment" to indicate the term includes sexual harassment, harassment directed at a protected class, and harassment that has the purpose or effect of substantially interfering with an individual's work performance or creating a hostile environment; the provision of a clear process for intaking complaints, including the creation of an online workplace harassment complaint form; a requirement for legislative leaders to receive a completed intake checklist within 24 hours of a complaint being submitted; a process for a complaint to be summarily dismissed upon the unanimous consent of the four legislative leaders; a requirement for the review panel to convene within 72 hours; the opportunity to use informal negotiation or mediation to resolve a complaint; clarification of the application of a reasonable person standard when determining if the policy has been violated; clarification regarding the open nature of complaint and investigation documents upon the completion of the investigation or 75 days, whichever period is shorter; and a requirement to forward all documents relating to a complaint to the Director of the Legislative Council to ensure documents are retained in a secure, permanent file.

The committee also reviewed revisions to the checklist associated with the policy. The revisions split the checklist into two checklists, one related to intake duties and the other to investigation duties. The committee was informed the checklists provide contact individuals, panel members, and investigators a document on which the completion of required actions can be tracked and to which additional documents can be attached for purposes of maintaining a complete record of complaints in a uniform manner.

Committee members contended the revisions provided clarity, flexibility, more realistic timelines to complete required actions, and better recordkeeping practices. The committee approved the revisions to the policy, the revisions to separate the previous checklist into a separate intake and investigation checklist, and the standardized form created for use by individuals wishing to submit a complaint of harassment in writing.

IMPACT OF TERM LIMITS STUDY

Section 1 of Senate Bill No. 2192 (2023) directed a study of the impact of term limits on the manner in which the Legislative Assembly conducts business. The study required an assessment of the desirability of providing increased educational opportunities for legislative members due to shortened tenures in the Legislative Assembly, increasing the number of Legislative Council policy staff available to assist new members, and holding legislative sessions on an annual basis.

Background

Measure No. 1 in the 2022 general election, which passed by a vote of 150,363 to 86,674, created Article XV of the Constitution of North Dakota and became effective on January 1, 2023. Article XV prohibits an individual from serving as the Governor for more than 2 terms and prohibits an individual from serving more than a cumulative period of 8 years as a member of the House of Representatives and a cumulative period of 8 years as a member of the Senate. An

individual's service in the House of Representatives or the Senate or election to the office of the Governor before January 1, 2023, does not count against the term limits provided in Article XV. Amendments to the term limits for legislators only may be proposed by citizens through an initiated constitutional measure. Article XV prohibits the Legislative Assembly from proposing amendments to alter or repeal legislator term limits.

The majority of state legislative term limits were enacted in the early 1990s. North Dakota is the 16th state to adopt legislative term limits. In most states in which term limits are imposed, including Arizona, Arkansas, Colorado, Florida, Louisiana, Maine, Montana, Nebraska, Ohio, and South Dakota, limits are imposed on the consecutive number of years a legislator may serve before a break in service is required. In a minority of states, including California, Michigan, Missouri, Nevada, North Dakota, and Oklahoma, term limits serve to place a lifetime limit on the total number of years a legislator may serve.

States in which term limits are imposed experienced dramatic turnover at the end of the first term limit cycle. Following the "Eight is Enough" campaign and the 1992 enactment of term limits in Florida, that state saw the highest number of new members elected in 2000 since the state's legislature first convened in 1845, with the forced retirement of 68 representatives and senators. In 1998, turnover at the end of the first cycle of term limits in Michigan was even more pronounced, with 64 of the state's 110 members of the House of Representatives barred from running for re-election. The impact of North Dakota's term limits initially will be felt in 2028, when up to 69 members will have termed out (assuming all existing members run for re-election), and again in 2030, when up to an additional 72 members will term out (assuming all existing members run for re-election).

Addressing Term Limit Impacts

States in which term limits are imposed have relied on outside organizations, legislative leaders, and legislative staff to lessen the negative impacts of term limits, which can include the loss of institutional and subject matter knowledge and knowledge of the workings of the legislature and the political process.

Role of Outside Organizations

The training and educational opportunities provided by outside organizations are a valuable resource for new members in states in which term limits are imposed. National organizations provide comprehensive resources in topic-specific areas as well as information specific to the role of legislating. Resources for new and returning legislators are available from organizations such as NCSL, the Council of State Governments, and the State Legislative Leaders Foundation.

Role of Legislative Leaders

The role of legislative leaders takes on a new dynamic in states that have enacted term limits. Legislative leaders and committee chairmen serve a vital role in keeping members in their respective houses on task to ensure the work of the legislative body is completed in the limited time allotted. This becomes more difficult in states in which term limits are imposed because members are sometimes less inclined to comply with directives from leaders or chairmen who members know will not be returning after a set time frame.

Legislative leaders and committee chairmen serve a more pronounced educational and mentorship role in states that impose term limits. Generally, members holding leadership and chairmanship positions are the more senior members of the legislature. These members have the greatest level of institutional knowledge and knowledge on legislative procedure and rules of decorum. Various methods have been used to transfer knowledge and orient new members in other states. In Ohio, a recent speaker held daily meetings with freshman members to explain the procedural aspects of what occurred during the day's floor session and respond to questions. In Arkansas and Florida, "speaker designates" are chosen the year before they will assume the role of Speaker to allow them to participate in leadership meetings and serve in an apprenticeship role.

One challenge to establishing an apprenticeship approach in North Dakota is the length of time between legislative sessions. North Dakota is one of four states that meet biennially. Of the remaining states that convene for annual sessions, seven states limit the scope of sessions held in the 2nd year of the biennium to fiscal or budgetary matters. Numerous attempts have been made over the previous 20 years to institute either special or reconvened sessions in even-numbered years in North Dakota.

Role of Legislative Staff

In states that impose term limits, increased reliance is placed on legislative staff to provide new members with research on subject-specific items and educational materials on the budgetary process and the procedural workings of the legislature. State legislative staff generally consists of legal and library staff, policy and research staff, fiscal analyst and auditor staff, administrative and clerical staff, and information technology staff. The structure and organization of legislative service agencies vary widely from state to state. In North Dakota, a relatively small fiscal, legal, library,

information technology, and administrative services staff are housed at the same location under one legislative service agency. The North Dakota Legislative Council is comprised of 45 staff members and serves 141 legislators.

Data collected by NCSL in 2021 during its most recently completed legislative staff census indicated North Dakota had the smallest number of permanent legislative staff. The 2021 data indicated the number of legislators served by legislative staff varies drastically from state to state, from a low of 49 legislators in Nebraska to a high of 424 legislators in New Hampshire, as does the number of permanent legislative staff, with North Dakota on the low end and New York on the high end with 2,850 legislative staff.

Testimony and Committee Considerations

Training, Education, and Resources

The committee received information from representatives of NCSL regarding training, resources, and services available to legislators. Testimony indicated NCSL encourages legislators and legislative staff to reach out to NCSL for assistance with trusted research and analysis, innovative policy approaches, bipartisan conversations, advocacy on behalf of state legislatures in Washington, D.C., information regarding professional staff associations and networks, and legislative skills development. Legislators can engage with NCSL by contacting their NCSL state liaison, creating an online member account, signing up to receive policy newsletters, connecting with NCSL on social media, or registering for a training or policy webinar. Committee members were informed the NCSL Training Institute is a tool to help legislators increase skill development and ignite thinking and reflection by providing educational content and experiences that are long-lasting and transferable to any legislative career path. Testimony indicated the NCSL Center for Legislative Strengthening also is a good resource for questions and information regarding term limits, legislator turnover, and new member orientation.

Committee members offered suggestions for helpful resources for both new and returning legislators, including a list of agency contacts and contact information; opportunities to receive general background information from various state agencies; recordings of the in-person training provided before the legislative session; trainings, question and answer sessions, and opportunities to discuss issues specific for new legislators; implementation of a legislator survey to allow legislators to identify areas in which additional materials are desired; and implementation of a mentorship program for new legislators.

The committee received information regarding a proposal to establish Budget Section divisions to address potential issues related to term limits to better inform and educate legislators tasked with developing the state budget. The committee was informed the proposed divisions would include a Leadership Division, Education and Environment Division, Government Operations Division, and Human Resources Division.

Procedural Controls

The committee reviewed various procedural controls that could be implemented to lessen the impact of term limits and help manage workflow during the legislative session.

The committee reviewed drafting statistics regarding the number of bill drafts, resolution drafts, amendments, and memorandums prepared by the Legislative Council staff over the past seven legislative sessions. Data for the 2023 legislative session indicated staff drafted 1,407 bill drafts, 108 resolution drafts, 1,471 amendments, and 158 memorandums, for a combined total of 3,144 documents, excluding any documents drafted for interim committees. The committee reviewed trends in the volume of certain types of documents requested over the past seven sessions, as well as trends regarding the average number of documents drafted per legislator per document type and the highest count of bill and amendment drafts prepared for a single legislator each session. Data indicated a 64 percent passage rate for bills introduced during the 2023 legislative session.

The committee reviewed data regarding the volume of bill and resolution drafting requests received by the Legislative Council staff for the 2025 legislative session. Data indicated, as of September 13, 2024, 392 bill and resolution drafting requests had been submitted to the Legislative Council staff. The committee was informed this drafting count was far ahead of similar drafting counts from the previous legislative session, which did not reach the 400 mark until the end of November in the previous interim. The committee was informed current drafting counts are approximately double the drafting counts on the same date in the previous interim and the heaviest drafting periods generally do not occur until November and December prior to the legislative session.

The committee reviewed information regarding the imposition of bill introduction limits as an approach to reducing the volume of legislation considered during the legislative session. The committee was informed, in North Dakota, bill introduction limits are imposed on the number of bills that may be introduced per member after a certain date; however, overall bill introduction limits per member are not imposed. The committee was informed bill introduction limits vary from state to state, with some states imposing no bill introduction limitations, and other states imposing limits ranging from 5 bills per member to 50 bills per member. Other states, such as Montana, place limits on the number of drafting requests

that may be submitted after a certain date to reduce bill drafting volumes. In Montana, a legislator may request an unlimited number of bill and resolution drafts through December 5th of the year before a legislative session, and after December 5th, a legislator may request up to seven additional bills or resolutions be drafted, five of which must be requested before the 1st day of the legislative session.

The committee reviewed information tallying the 392 bill and resolution draft requests received for the 2025 legislative session by primary subject matter category to determine whether higher bill draft counts were the result of duplicative bill drafts being prepared on the same topic. The committee also received information regarding the number of duplicative or substantially similar bills introduced during the 2023 legislative session. The committee was informed Montana has robust sunshine laws and both the main subject description and text of bill and resolution drafts prepared in Montana are posted online. The committee was informed, absent a statutory change regarding the confidential nature of legislator communications and work product, an effort to reduce duplicative bill drafts may need to occur at the caucus level by encouraging legislators to work together and share ideas when seeking to accomplish similar policy goals. Committee members expressed support for more transparency regarding the topics on which bill drafts have been requested.

The committee also reviewed information regarding the number of states that require a hearing to be held on every bill. Data indicated, subject to certain exceptions, 21 states require a hearing on every bill and 29 states do not require a hearing on every bill.

Staff Services

The committee reviewed staff ratios between legislators and legislative staff in other states and noted other states appear to have as high as a 10:1 ratio between staff and legislators. Committee members noted the Legislative Council is staffed substantially leaner than other states considering the number of legislators served, even when comparing only to states that meet on a biennial basis. The committee reviewed information regarding workforce trends and demographics within the Legislative Council. Data indicated the loss of several senior staff members over the past several years and the loss of staff to other employment opportunities has resulted in 44 percent of the Legislative Council staff having less than 3 years of experience at the agency.

The committee was informed the dwindling number of senior staff makes it challenging to onboard a large number of new staff members, and staff members with 20 or more years of experience are not easily replaced on a 1:1 ratio. The committee was informed the current size of the agency's staff makes the agency vulnerable in terms of meaningful succession planning and cross-training, as well as operational consistency. The potential loss of senior legislative staff due to retirements, and the impending loss of senior legislators due to term limits, sets up a scenario of less experienced legislators relying on less experienced legislative staff. Testimony indicated the combination of a thinly staffed legislative service agency and legislative turnover resulting from term limits might have a detrimental impact on the power balance of the legislative branch as compared to the two other co-equal branches of government. The committee was informed the anticipated increase in turnover among legislators due to term limits likely will result in increased reliance on Legislative Council staff for education and assistance. At current staffing levels, workload demands are beginning to exceed workload capacity, making it difficult for the Legislative Council staff to keep up.

Committee members noted it is not an enviable position to have one of the most sparsely staffed legislative service agencies in the nation. Committee members noted legislators in the state already are in the position of having no dedicated office space onsite and no personal legislative staff outside of the staff employed by the Legislative Council. Additionally, the part-time nature of the legislature results in many legislators holding employment positions outside of their role as legislators. Committee members noted it is unrealistic to expect legislators to become subject matter experts in all areas in which they are proposing legislation, bolstering the need for a strong Legislative Council staff. The committee requested the Legislative Council staff work to develop a 5-year plan for expanding staffing. Committee members expressed interest in the addition of communications positions and policy positions. Committee members noted legislators routinely approve policy positions for the executive branch, but have not approved any dedicated policy positions within the legislative branch. As the policy making arm of government, the committee expressed support for adding policy positions to the legislative branch staff.

Committee members noted the legislative branch also needs to be more proactive in communicating its activities to the public, rather than relying on the media or the executive branch to inform the public of the work of the legislative branch. Committee members also expressed interest in program evaluator positions to evaluate the programs passed and funded by the Legislative Assembly to allow legislators to determine if the policies they put in place are having the desired impact. The committee was informed the legislative branch has statutory authority to conduct audits and evaluations through the Legislative Audit and Fiscal Review Committee; however, the Legislative Council does not have adequate staff to conduct those evaluations. Committee members expressed strong support for adding program evaluator positions, noting program evaluation is a function the legislative branch lacks, and one that should become a routine practice.

The committee reviewed a 5-year plan to expand the Legislative Council staff. The committee was informed the Legislative Council staff looked to Montana as a comparable state when formulating a staff expansion plan. The following data points were reviewed when comparing the legislative staff counts in Montana to the staff counts in North Dakota:

Comparable Data Points	Montana	North Dakota
Frequency of legislative sessions	Biennial	Biennial
Maximum days allowed per regular legislative session	90	80
Term limits imposed	Yes	Yes
Population (2020 Census)	1,085,407	779,702
Gross domestic product (2023)	\$67.1 billion	\$72.7 billion
Enacted budget (FY 2024 and 2025)	\$19.3 billion	\$19.6 billion
Legislators	150	141
Permanent legislative staff	152	45
Bills and resolutions drafted (2011-23 average)	2,988	1,294
Bills and resolutions introduced (2011-23 average)	1,296	929
Bills and resolutions passed (2011-23 average)	659	558
Interim committees (2023-24 interim)	33	27

The committee was informed despite both states having a similar number of legislators, term limits, and biennial sessions, Montana has more than three times the number of permanent legislative staff.

The committee was informed the proposed staff expansion plan included the addition of 25 staff members in 2025 and 25 staff members in 2027, for a total estimated cost of \$6 million each biennium. For the 2025-27 biennium, the 25 staff proposed to be added include an attorney, six policy analysts, two legislative editors, a human resources specialist, a fiscal analyst, four program evaluators, a website platform administrator, a cybersecurity specialist, two application support specialists, an assistant information technology manager, an information technology specialist, a legislative information technology developer, a front desk specialist, an administrative specialist, and a communications specialist. For the 2027-29 biennium, the 25 staff proposed to be added including an attorney, four policy analysts, a policy director, a legislative editor, a human resources manager, a fiscal analyst, a program evaluator, a program evaluation director, two accounting specialists, an information technology specialist, three legislative information technology developers, a business analyst, two server administrators, an information technology trainer, two administrative specialists, a communications specialist - graphic designer, and a webmaster. The committee was informed the proposed staff expansion would increase the size of the Legislative Council to a total of 95 full-time positions by 2027. The committee also received information on space needs for the Legislative Council and was informed only three vacant office spaces remain in the Legislative Council office area.

Committee members noted the proposed staff expansion may appear significant, but it is long overdue. Additionally, not all the proposed full-time positions need to be additional positions in state government. Committee members indicated some positions could be reallocated from existing full-time positions in other agencies. The committee recommends the proposed 25 Legislative Council staff positions, at an estimated cost of \$6 million, be included in the legislative branch budget for the 2025-27 biennium.

Conclusion

The committee makes no additional recommendations regarding its study of the impact of term limits.