

LEGISLATIVE PROCEDURE AND ARRANGEMENTS COMMITTEE

The 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 the 2023 legislative session. Legislative rules also are reviewed and updated under this authority. The Legislative Management also delegated to the committee the Legislative Management's:

1. Responsibility under Section 4.1-36-04 to determine when the Agriculture Commissioner must report to the Agriculture Committees on the status of the pesticide container disposal program;
2. Responsibility under Section 4.1-44-04 to determine when agricultural commodity promotion groups must report to the standing Agriculture Committees;
3. Responsibility under Section 46-02-05 to determine contents of contracts for printing of legislative bills, resolutions, journals, and Session Laws;
4. Responsibility under Section 54-03-20 to make recommendations to adjust legislative compensation amounts;
5. Responsibility under Section 54-03-20 to establish guidelines on maximum reimbursement of legislators sharing lodging during a legislative session;
6. Duty under Section 54-03-26 to 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;
7. Authority under Section 54-06-26 to establish guidelines for use of state telephones by legislative branch personnel;
8. Power and duty under Section 54-35-02 to determine access to legislative information services and impose fees for providing such services and copies of legislative documents and to control permanent displays in Memorial Hall and use of the legislative chambers; and
9. Responsibility under Section 54-60-03 to determine which standing committees will receive a report from the Commissioner of Commerce on goals and objectives of the Department of Commerce.

The Legislative Management also assigned to the committee the responsibilities under 2009 Session Laws Chapter 29, § 5, and 2011 Session Laws Chapter 1, § 6, to administer the appropriations for legislative wing equipment and improvements. 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.

Committee members were Senators Rich Wardner (Chairman), Joan Heckaman, Kathy Hogan, Jerry Klein, Karen K. Krebsbach and Larry Luick and Representatives Joshua A. Boschee, Kim Koppelman, Scott Louser, Alisa Mitskog, and Chet Pollert.

Senator Ray Holmberg served on the committee until his resignation from the Legislative Assembly in June 2022, and Senator Erin Oban served on the committee until her resignation from the Legislative Assembly in March 2022.

SPECIAL SESSION ARRANGEMENTS

The committee approved arrangements to accommodate either a special or reconvened session for redistricting and submitted its recommendations to the Legislative Management. The Legislative Management accepted the committee's report on November 1, 2021. The committee reviewed four areas of consideration for the special session--legislative rules, session employees, a bill draft regarding printing services, and miscellaneous matters.

Legislative Rules

The committee received testimony regarding the legislative rule amendments adopted during previous special sessions. The amendments primarily addressed the introduction of measures, length of time to consider a measure after it is reported from committee, length of time to reconsider a measure, and special committees during the special session. The rules recommended by the committee required bills and resolutions, other than those introduced by the Legislative Management, to be introduced through the Delayed Bills Committee to limit bills introduced during the special session to those of significant importance; eliminated specific meeting days for committees to allow committee chairmen or a majority of the committee members to call a committee meeting as needed; authorized a measure to be considered on the same day the measure is reported from committee or placed on the consent calendar; allowed an amendment to a redistricting bill made upon second reading in the Senate to be proposed in concept, only necessitating the drafting of

legal descriptions for floor amendments supported by the majority of Senate members; authorized a measure to be transmitted from one house to another immediately after approval; allowed either house to consider receding more than once on the same day before a conference is called; required the return of a fiscal note within 1 day of the request rather than 5 days; and established a Joint Legislative Redistricting Committee and a Joint Technical Corrections Committee and allowed the House and Senate Appropriations Committees and procedural committees to meet during the special session.

Session Employees

The committee reviewed the employee positions filled during the 2011 special session and recommended the House Employment Committee be authorized to hire up to 11 employees and the Senate Employment Committee be authorized to hire up to 10 employees for the special session at the compensation levels established by Senate Concurrent Resolution No. 4003 (2021).

Printing Services

The committee recommended a bill draft to allow the legislative branch the option of having legislative materials printed by Central Duplicating Services or soliciting bids for a private printing vendor. The option of having materials printed by Central Duplicating Services was proposed due to no bids being received for printing services for the 67th Legislative Assembly, resulting in Central Duplicating Services providing printing services for the 67th Legislative Assembly. The bill draft was introduced as Senate Bill No. 2347 and was approved during the 2021 special legislative session.

Miscellaneous Matters

The committee recognized the nature of the special or reconvened session would be limited in scope. Many services or items normally available during a regular session would not be feasible or economical during the special or reconvened session. The committee recommended measures, journals, calendars, and hearing schedules be accessed online and through the Legislator's Automated Work Station (LAWS) and the North Dakota Legislative Daily application rather than printed. The full journals were printed after the special session adjourned.

LEGISLATIVE SPACE AND CAPITOL FACILITIES IMPROVEMENTS

Legislative Chambers and Memorial Hall

Since 1981, the Legislative Management has delegated 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 We the People to use the House Chamber for the North Dakota High School Government Competition on January 12 or 19, 2022, subject to the needs of the legislative branch; a request by the Marketplace for Kids to use Memorial Hall and Legislative Hall for a student exhibit display on December 6, 2022; a request by the North Dakota High School Activities Association to use both legislative chambers for the 2022 North Dakota High School State Student Congress on November 3-4, 2022, and both legislative chambers and committee rooms for the 2023 North Dakota High School State Student Congress on November 2-3, 2023; and a request from the North Dakota District Court for the South Central Judicial District - Burleigh County to use the House Chamber for a trial on August 2-20, 2021.

The committee reviewed maintenance and replacement needs for the legislative chambers. Chairs in the legislative chambers were last replaced in 1998 and are beginning to fail. Replacement of chairs in the legislative chambers would consist of 141 chairs for legislators and additional chairs for legislative chamber staff. The committee viewed samples of chairs available at various price points and recommends the Legislative Management prioritize the replacement of chairs in the legislative chambers by including the cost of replacing legislative chamber chairs, at a price point of \$500 per chair, in the Legislative Assembly's 2023-25 biennium budget.

The committee reviewed the condition of the carpeting in the legislative chambers. Carpeting was last replaced in the legislative chambers in 1998. Carpeting is very worn and remnants to replace damaged areas are no longer available. The estimated cost to replace carpeting in the House is \$65,000 and the cost to replace carpeting in the Senate is \$45,000. The committee recommends the Legislative Management prioritize the replacement of carpeting in the legislative chambers by including the cost of replacing legislative chamber carpeting in the Legislative Assembly's 2023-25 biennium budget.

The committee reviewed the condition of the woodwork in the legislative chambers. The finishing on the woodwork in the front of the legislative chambers shows signs of fading and wear. The estimated cost to refinish the woodwork in the front of both legislative chambers is \$30,000. The committee recommends the Legislative Management prioritize

refinishing the woodwork in the front of the legislative chambers by including the cost of woodwork refinishing in the Legislative Assembly's 2023-25 biennium budget.

The committee acknowledged the appropriation to address maintenance items in the chambers might be large, but additional costs might arise if maintenance is deferred and it is uncertain whether funds for maintenance will be available in future bienniums. The committee was informed costs relating to painting the legislative chambers could be included in the costs of updating the air handling system in the legislative chambers, which is funded with federal funds. The committee considered updates to legislative chamber desks and the addition of ramps in the legislative chambers but was informed an architect would need to be hired to provide an estimate for these larger renovation items.

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 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 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 that governing use of the chambers.

The committee discussed the need for space for the eight new information technology employees for the Legislative Council. Additional space is available on the ground floor of the Capitol for committee clerk workspaces, which would be better suited to the changing roles of committee clerks. Converting committee clerk workstations and part of the library in the Legislative Council area would accommodate additional information technology staff offices, workspaces, and information technology equipment storage needs. The committee approved conversion of these spaces for Legislative Council information technology staff needs, which was completed during the 2021-22 interim.

The committee discussed the age of chairs in committee rooms, which were last replaced in 2006, and the need for up to 40 chairs for judicial wing committee rooms. House standing committees met in the four rooms added in the judicial wing during the 2021 legislative session and legislation was approved during the 2021 special session to allow the Legislative Assembly to retain the use of those four rooms. Committee clerks have office space within the rooms in the judicial wing, but additional workspaces are needed for 16 legislative session staff due to conversion of clerk workstations in the Legislative Council area for information technology staff purposes and the loss of the stage area in the Brynhild Haugland Room. The committee reviewed the manner in which the Lewis and Clark Room, Medora Room, and Roosevelt Park Room could be reconfigured to accommodate additional committee clerk workspaces. The committee recommends reconfiguring the Roosevelt Park Room to accommodate additional legislative session staff workspaces.

Accessibility Improvements

The committee received testimony from a representative of the Office of Management and Budget (OMB) regarding renovations required to bring committee rooms and other parts of the Capitol into compliance with the federal Americans with Disabilities Act of 1990 (ADA). Testimony indicated J2 Studio, a Bismarck architecture and design firm, reviewed areas of the Capitol building for ADA compliance and recommended replacing double doors on meeting rooms with larger, single doors; moving digital room signage higher to accommodate the addition of ADA compliant signage containing braille; providing assistive listening devices in all public meeting rooms; removing furniture located too close to doors and aisles; reconfiguring restrooms for ADA compliance; and installing ramps and electronic door openers. The committee expressed a preference for installing up to four family restrooms with care tables in the space occupied by the Missouri River Room. The committee was informed enhancements needed for ADA compliance would be completed before the start of the legislative session and funding likely would be sought during the 2023 legislative session for ADA enhancements to other state-owned buildings in Bismarck.

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.

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 received information regarding recent state legislature liability for harassment complaints, including the risk of liability for failing to address known harassment, even in situations in which a written complaint is not filed. The committee reviewed common reasons a complaint of harassment is not filed, including the fear of retaliation, which has been recognized by the courts as a legitimate reason for not filing a complaint.

The committee reviewed information pertaining to due process for an individual accused of harassment. Constitutional due process is required when an individual will be deprived of life, liberty, or property. The United States Supreme Court has held public office is not property and injury to reputation only is not sufficient to establish a deprivation of liberty. Generally, a legislator is not deprived of life, liberty, or property by legislative sanctions or expulsion.

The committee considered improvements to the policy. The committee approved revisions to the policy and checklist to add the Speaker of the House and the President Pro Tempore as the contact person in each respective chamber if a complaint of harassment is made against the Majority or Minority Leader. The committee also approved revisions to add language requiring separate, additional training sessions for contact persons regarding receiving and processing complaints. The committee determined additional changes could be accomplished administratively, without amending the policy. Administrative considerations included following up with individuals who file complaints of harassment to ensure retaliation is not occurring.

The committee recommends amending Joint Rule 901, regarding the workplace harassment policy, to add the Speaker of the House and the President Pro Tempore as the contact person for situations in which a complaint of harassment is against a Majority or Minority Leader.

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 recommended the 2023-25 biennium budget of the Legislative Assembly include funding for changes to legislative compensation to provide for adjustments of 2 percent for the 1st year and 3 percent for the 2nd year of the 2023-25 biennium, subject to revision if necessary during the 2023 legislative session to the appropriate level as compared to state employee salary increases, and the necessary related statutory changes. The committee took into consideration the increased costs associated with rapidly rising inflation and the tone the committee's recommendation sets regarding state employee salary increases when making its recommendation.

Expense Reimbursement Policy

Section 26 of Article XI of the Constitution of North Dakota provides payment for necessary expenses of legislators may not exceed that 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 \$1,814 per month as reimbursement for lodging for the 2023 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--a legislator's data costs associated with the legislator's

plan were 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. This method of reimbursement was found to have its own problems. Plan configurations and options, as well as devices, change so frequently that legislators may not have selected the most cost-effective or friendly plan. In addition, constantly revising the policy to address every variation of plan configurations was not viewed as feasible. The committee approved discontinuance 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.

The committee made no changes to the data plan reimbursement policy.

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 use of personal computers and governs use of state-owned personal computers and use of privately-owned personal computers to access legislative information systems. The policy also addresses the use of tablet computers, 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.

Cybersecurity Awareness

The committee received reports 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 5, 2022, and at 12:30 p.m. and 2:45 p.m. on Tuesday, December 6, 2022. The agenda also provides for laptop computer and tablet distribution and training session for new legislators at 3:15 p.m. on Monday, December 5, 2022, and 12:00 noon and 2:30 p.m. on Wednesday, December 7, 2022.

Information Technology Initiatives

The committee was informed new digital signage has been installed in the legislative spaces in the Capitol, the Legislative Council acquired portable equipment to livestream meetings held outside the Capitol, and information technology staff has improved disaster recovery measures by implementing a secondary location for server equipment. Assistive listening technology has been added in each committee room and enhanced in the legislative chambers. This technology allows for devices checked out by the public to be used in any legislative meeting room in the Capitol. The legislative branch network domain has changed to STAGEnet Legis and the information technology domain has changed to ndlegis.gov, which required technology staff to update each legislator's laptop and mobile device. The legislative branch website also has been updated to enhance functionality, increase mobile compatibility, and provide more robust search capabilities. The legislative branch video website introduced a closed caption search feature that allows text search on video meetings.

LEGISLATIVE INFORMATION SERVICES

Beginning with the 1985-86 interim, the committee has reviewed the cost of providing various printed documents to persons outside the legislative branch. Subscription fees have been established which approximate the cost of printing a set of the relevant documents during the previous legislative session. Representatives of the media, as determined under Joint Rule 803, and state agencies and institutions are not charged the fees for copies of bills and resolutions,

daily journals, daily calendars, and committee hearing schedules. All of these documents are available on the legislative branch website. The committee emphasized state agencies and institutions are expected to obtain the documents through the legislative branch website.

Bill, Resolution, Journal, and Bill Status Report Subscriptions

During the 2021 legislative session, four entities paid to receive a set of bills and resolutions from the bill and journal room; one entity paid to receive a set of journals; and no entities paid to receive bill status reports, which provide information on the progress of bills and resolutions and measure sponsors. The committee established the following subscription fees with respect to these documents during the 2021 legislative session--\$460 for a set of bills and resolutions as introduced and printed or reprinted, including a set of all engrossed and reengrossed bills and resolutions; \$380 for a set of daily journals of the Senate and House; and \$560 for bill status reports. The number of subscribers has been decreasing, likely because the documents are available on the legislative branch website.

In light of increasing printing costs, the committee determined for the 2023 legislative session, bills, resolutions, daily journals, the journal index, and bill status reports will be printed only upon request, except as required by House and Senate Rules 204. The committee reached out to entities entitled to receive hard copies of bound journals under House and Senate Rules 204 to gauge those entities' interest in continuing to receive hard copies. All entities except the Attorney General's office expressed a preference to continue receiving hard copies. The Legislative Council determined its number of hard copies could be reduced by half.

The committee recommends amendments to House and Senate Rules 204 to reduce the total number of hard copies of the journal required to be distributed to 24 copies. Language also was added to reduce the number of hard copies sent to the State Library from eight to five in the event a statutory change results in the State Library no longer requiring certain electronically available materials be provided in a hard copy format.

The committee also recommends amendments to Joint Rule 602 to reduce the number of hard copies of rule books that must be printed from 1,000 to 225 books to align with current practices and prevent an excessive number of rule books from remaining undistributed at the end of the legislative session.

Committee Hearing Schedule and Daily Calendar Subscriptions

During the 2021 legislative session, no entities subscribed to daily calendars or weekly committee hearing schedules; however, copies were preprinted and made available in the bill and journal room for pick-up. 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 committee approved a reduction in the number of copies printed for the 2023 legislative session to 125 daily House calendars, 100 daily Senate calendars, 150 weekly House committee hearing schedules, and 150 weekly Senate committee hearing schedules.

Printing Services

The committee reviewed the options available to the Legislative Assembly to either enter an agreement with Central Duplicating Services to print materials during the 2023 legislative session or request bids for printing services from outside vendors. The committee was informed the 67th Legislative Assembly used the services provided by Central Duplicating Services during the 2021 regular and special legislative sessions because no printing bids were received from outside vendors. 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.

Bill and Journal Room Photocopy Policy

Before the 2021 legislative session, the bill and journal room was operated by a private contractor. During the 2021 legislative session, the bill and journal room was operated by Legislative Assembly employees who provided secretarial, telephone message, and bill and journal room services. Bill and journal room staff did not charge a fee for providing a photocopy of a legislative document available for distribution to the public (bills, journals, calendars, and committee hearing schedules) nor for providing a photocopy to a legislator, a House or Senate employee, or a Legislative Council employee. For other documents or requesters, a photocopy fee of 25 cents per page was charged and transmitted to the Legislative Council office. The income generated from photocopy fees during the 2021 legislative session was \$48.

The committee approved continuation of the bill and journal room photocopy fee policy and the practice of staffing the bill and journal room with Legislative Assembly employees.

Incoming WATS Line Service

Beginning with the 1985 legislative session, incoming 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 two options--one for staying on the line (if the call is during regular business hours) and one for leaving a message for legislators from the caller's district. This message feature is available 24 hours a day, 7 days a week during regular legislative sessions. It has been the policy to allow a caller to leave a message for the caller's local legislators (legislators from the caller's district and legislators of the city of the caller) and for specifically named legislators identified by the caller.

The committee made no changes regarding the incoming WATS line telephone message service for the 68th Legislative Assembly. The WATS number will continue to be 1-888-ND-LEGIS (1-888-635-3447).

SESSION ARRANGEMENTS

Organizational Session

The committee approved a tentative agenda for the 2022 organizational session. The 2022 organizational session will convene at 1:00 p.m. on Monday, December 5, 2022. The 2022 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 5. 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 organizational session ethics presentation. These training topics are included in the 2022 tentative agenda, in addition to a presentation by a representative of the National Conference of State Legislatures on workplace harassment and legislative ethics and a supplemental 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 the addition of an informational session on human resource applications and benefits for new legislators and a session for committee chairmen to review newly created committee room desk manuals.

The committee received information regarding the need to create a legislative rule adding a measure submission deadline for the second Friday following the organizational session. Pursuant to Section 54-03-28, a measure providing for a health insurance mandate may not be referred to a committee of the Legislative Assembly unless a cost-benefit analysis is conducted and appended to that measure. On September 12, 2022, the Legislative Management adopted a deadline to submit to the Legislative Council proposed legislative measures that provide for a health insurance mandate to allow adequate time for a cost-benefit analysis to be performed. The deadline adopted was the close of business on the second Friday following the organizational session, which is Friday, December 16, 2022. The committee recommends the creation of Joint Rule 211, relating to the submission deadline for bills providing health insurance mandates, and the amendment of House Rule 402 to remove conflicting language.

Legislator Supplies

Electronic Letterhead

Before 2013, every legislator had been given the option of receiving 250 sheets of regular (8.5 by 11 inches) or Monarch (7.5 by 10.5 inches) stationery and envelopes, 250 sheets of each type of stationery and envelopes, 500 sheets of either type of stationery and envelopes, or 250 or 500 envelopes. A legislator also was allowed 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 regular and Monarch 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.

Desk Phones

The committee considered whether legislator desk phones should be retained in the legislative chambers. The cost to receive service for desk phones for the 6-month period the Legislative Assembly uses the phones is approximately \$20,000 per biennium. The committee approved the continued use of desk phones and recognized the convenience of having access to desk phones during floor sessions.

Legislative Session Employees

Positions

The committee reviewed the number of legislative employee positions during the 2021 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 2019-21 interim, the committee recommended 37 Senate employees, 36 of which were hired for the 2021 legislative session, and 46 House employees, 43 of which were hired for the 2021 legislative session. The committee tasked each Employment Committee Chairman with reviewing employment positions and providing recommendations for modifications to the types or number of positions.

The changes recommended by the Employment Committee Chairmen included merging the bill clerk and recording clerk positions into a combined bill and recording clerk position; reclassifying existing committee clerk positions and reallocating eliminated positions to staff each committee with a procedural clerk and a technological clerk, with the exception of the Senate Appropriations Committee, which will be staffed by two procedural clerks and one technological clerk; eliminating the two assistant committee clerk positions in the House and the assistant committee clerk position in the Senate and reallocating two of the eliminated positions to a newly created quality assurance clerk position; eliminating two assistant sergeant-at-arms positions in the House; and eliminating the parking lot attendant and information kiosk attendant positions in the House and Senate.

The changes recommended were based on a robust review of the function and operation of employee positions during the 2021 legislative session to eliminate staff downtime, streamline functions based on the expanded role of technology, and ensure complete and accurate work product for legislative histories. The committee acknowledged the parking lot attendant positions historically have been difficult to fill and retain and the assistant sergeant-at-arms positions could absorb some of the parking lot attendant duties. Pages also have a considerable amount of downtime during which they can staff the bill and journal room and information kiosk on a rotating basis. Committee clerks will benefit from the clearly defined procedural and technological designations and the addition of a quality assurance position to review final work product. The committee reviewed an organizational chart for the House and Senate outlining the proposed positions and accepted the legislative session employee position plan that proposed 35 Senate employees and 44 House employees.

Compensation

The committee reviewed legislative session employee compensation levels during the 2021 legislative session. In 2021, employee compensation was increased generally across the board by 2 percent and 2.5 percent, which reflected the 2 percent and 2.5 percent average pay increase authorized for state employees in 2019 and 2020 by the 66th Legislative Assembly. The committee reviewed 2023 proposed salaries which represent an increase of 1.5 percent and 2 percent, each of which was authorized for state employees by the 67th Legislative Assembly. The committee also reviewed targeted increases above the rates authorized for state employees to reflect positions that were consolidated or positions that were delegated additional duties.

The committee recommends compensation increases consistent with state employee compensation increases of 1.5 percent for the 1st year of the 2021-23 biennium and 2 percent for the 2nd year of the biennium plus additional daily compensation in the amount of \$9 for the bill and recording clerk position, \$13 for the deputy sergeant-at-arms position, and \$11 for the assistant sergeant-at-arms and supply room coordinator positions to reflect additional duties.

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 as a means 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.

The committee recommends amendments to House and Senate Rules 206 to reflect the recommended officer and employee positions in the House and Senate.

Orientation and Training

The Legislative Council staff will provide orientation and training for legislative session employees. The training will be similar to that provided before the 2021 legislative session, with the exception of training on the newly created quality assurance position and modified training for positions that have been consolidated with other positions or assigned additional duties. 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 Services

Secretarial, Telephone Message, and Bill and Journal Room Services

In 1993, the joint secretarial pool consisted of the equivalent of 10.5 stenographers and typists and each house employed a chief stenographer and payroll clerk. Beginning with the 1995 legislative session, the Legislative Assembly contracted with a third party to provide secretarial services. Beginning with the 2013 legislative session, the Legislative Council staff assumed the responsibility for handling payroll for the Legislative Assembly.

Telephone message services were provided by Legislative Assembly staff through the 1999 legislative session, during which time the Legislative Assembly employed a chief telephone attendant, eight telephone attendants, and two telephone pages.

Bill and journal room services were provided by Legislative Assembly staff through the 1995 legislative session, during which time the Legislative Assembly employed 12 bill and journal room clerks. For the 1997 through 2019 legislative sessions, the Legislative Assembly contracted with a third party to provide bill and journal room services.

Consolidated Services

Beginning with the 2001 legislative session, secretarial services and telephone message services were provided by a single contractor. Beginning with the 2003 legislative session, a single third-party contractor assumed the role of providing secretarial, telephone message, and bill and journal room services. Beginning with the 2015 legislative session, secretarial and telephone message and bill and journal room services were collocated in the bill and journal room.

Beginning with the 2021 legislative session, the practice of contracting with a third-party for secretarial, telephone, and bill and journal room services was discontinued due to decreased demand for these services. The Legislative Assembly staff began fulfilling the remaining need for these services beginning with the 2021 legislative session and will continue to fulfill these needs during the 2023 legislative session.

Photography Services

The committee approved the invitation to bid for photography services to the 68th Legislative Assembly. The invitation to bid contained generally the same specifications as the contract for the 67th Legislative Assembly, with some slight modifications to digital requirements. The photographs of legislators are to be taken during the organizational session in 2022, and the photographs of the six elected legislative officers are to be taken during the 2nd week of the regular session. The photographer is to provide the digital image of the pose selected by each legislator to the Legislative Council by Friday, December 16, 2022, for use in updating the legislative branch website, and the photographer is to provide the digital image of the pose selected by each elected legislative officer and of any legislator who chose to have a retake to the Legislative Council by Wednesday, January 18, 2023. The invitation to bid was sent to 333 photography firms in the state. Two photographers submitted bids, one of which did not comply with the bid requirement to provide sample photographs. The conforming bid was Deborah Kates Fine Photography, Mandan, in the amount of \$13,500 for photography services and \$65 for each additional oak frame. The winning bid for photography services for the previous two Legislative Assemblies was \$4,000.

The committee considered the establishment of in-house photography services as an alternative option in light of increasing costs and the low number of outside bids historically received for photography services. One-time costs associated with the establishment of in-house photography services included up to \$600 for a camera, an additional \$600 for a camera lens, \$300 for lighting, \$200 for backdrops, and \$60 for an adjustable stool. Costs relating to printing would vary each legislative session based on market conditions. Costs under current printing rates would amount to \$1,848, plus shipping, for a 42x34 collage of each chamber and 154 smaller 11x17 collages of each chamber. No additional software or staffing costs would be incurred for the Legislative Council staff to provide in-house photography services.

The committee approved the establishment of in-house photography services due to the decreasing response rate to requests for bids; increasing costs for professional photography services; the low, one-time costs to purchase in-house equipment; and the ease of having photography services onsite for purposes of retakes and real-time image selection.

Legislative Programs

Legislative Internship Program

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 68th 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 fiscal staff. 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 Tour Guide Program

During 22 of the past 23 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, due to the COVID-19 pandemic, the tour guide program was suspended during the 2021 legislative session. 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 has developed revisions to the program to provide an enhanced tour experience. The committee approved the continuation of the tour guide program for the 2023 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 2023 legislative session under the same arrangements as in the past. The association is planning to rely on physicians and 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 2023 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 2023 legislative session. The Legislative Council staff will notify all legislators they have until December 31, 2022, to schedule out-of-town clergy to give the opening prayer any day of the legislative session for their respective houses during the 2023 legislative session.

Legislative Addresses

State of the State Address

During the 2021 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 for presentation of the State of the State address on the 1st legislative day of the 2023 legislative session.

State of the Judiciary Address

The committee authorized the Legislative Council staff to make plans with the Chief Justice of the Supreme Court for the State of the Judiciary address to be held 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 representatives of the Indian tribes to address the 68th 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 12, 2023, 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 to 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 12, 2023.

Commissioner of Commerce Report

The committee reviewed Section 54-60-03, which requires the Commissioner of Commerce to report on the Department of Commerce's goals, objectives, and activities to a standing committee of each house as determined by the Legislative Management. The committee determined the report should be made to the Industry, Business and Labor Committees on Wednesday, January 11, 2023.

TELEPHONE USAGE GUIDELINES

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. A state agency may establish guidelines defining reasonable and appropriate use of state telephones for essential personal purposes.

The committee makes no recommendation for guidelines defining reasonable and appropriate use of state telephones for essential personal purposes.