

Third Day of Legislative Organizational Session

Journal of the Senate

Forty-seventh Legislative Assembly

Bismarck, December 4, 1980

The Senate convened at 9:00A. M., with President Sanstead presiding.

The roll was called and all members were present except Senators Mutch, Reiten, Roen and Tallackson, with two vacancies.

A quorum was declared by the President.

Senator Thane moved that the absent Senators be excused, which motion prevailed.

Senator Nothing moved that the Senate stand in recess until 1:30 P.M., which motion prevailed.

The Senate reconvened at 1:30 P.M., with President Sanstead presiding.

REPORT OF PROCEDURAL COMMITTEE

Mr. President: Your Committee on Rules, appointed to recommend legislative rules, has had the same under consideration and recommends that the Senate and Joint Rules of the Forty-sixth Legislative Assembly, with the following amendments, including the renumbering proposed by the interim Legislative Procedure and Arrangements Committee, be adopted as the permanent rules of the Senate during the Forty-seventh Legislative Assembly, and that the reading of this report be dispensed with:

PROPOSED AMENDMENTS TO SENATE RULES AND JOINT RULES

(REARRANGED AND RENUMBERED RULES WITH
RECOMMENDATIONS IN PLACE
AS APPROVED BY THE LEGISLATIVE COUNCIL)

SENATE RULES

SECTION 1. AMENDMENT. The Senate rules are hereby amended, rearranged, and renumbered to read as follows:

CHAPTER I. ORGANIZATION AND CONVENING

1- 101. CALL TO ORDER

The regular session of the Senate shall begin at the hour ~~to which it shall have adjourned~~ fixed at its last sitting, but if no hour were fixed at such sitting, then at 2:00 p.m., when the President shall take the chair and call the Senate to order. After prayer by the chaplain, the roll of

members shall be called and the names of the absentees entered upon the journal of the Senate. If a quorum ~~be~~ is present, the President shall ~~then~~ proceed with the regular order of business.

2+ 102. ABSENTEES

No member or officer of the Senate, unless he or she ~~from illness or other cause, shall be~~ is unable to attend ~~due to illness or other cause,~~ shall be absent ~~himself or herself~~ from a session of the Senate, during an entire day, without having first obtained leave of ~~absence~~ the Senate, and no one shall be entitled to draw pay while absent more than one day without leave.

3+ 103. QUORUM

A quorum for the transaction of business shall consist of a majority of ~~members elected to~~ members elect of the Senate, but a smaller number may adjourn from day to day and may compel the attendance of absent members.

76+ 104. LEGISLATIVE DAY

Each legislative day shall begin at 7:00 a.m., but the sessions of the Senate shall begin as provided in Senate Rule ~~±~~ 101. No legislative day shall be shorter than the natural day.

CHAPTER II. OFFICERS AND EMPLOYEES

7+ 201. DUTIES OF THE PRESIDENT

The President shall:

- a+ 1. Preside over the Senate and be charged with all the powers and duties pertaining to ~~such~~ the position of presiding officer.
- b+ 2. Preserve order and decorum, and in case of disorderly conduct or disturbance in the galleries or the corridors, he may order the same to be cleared.

e- 3. Sign all acts, addresses, resolutions, ~~memorials,~~ writs, warrants, and subpoenas of or issued by order of the Senate and, while the Legislative Assembly is in session, all vouchers for payment of money out of the ~~legislative-expense-fund-of the-Senate~~ appropriation for the Legislative Assembly.

d-~~-----~~(Repealed)-

72- 202. PRESIDENT PRO TEM

In the absence of the President of the Senate, or during his refusal to act, the President pro tempore shall exercise all rights and prerogatives of the President ~~for-the time-being.~~

8- 203. DUTIES OF SECRETARY

The Secretary of the Senate shall:

- a- 1. Keep correct journals of the proceedings of the Senate.
- b- 2. Have the custody of all records, accounts, and other papers committed to him.
- e- 3. Prepare a bulletin board upon which shall be posted a list of committee meetings and any other announcements or notices.
- d- 4. Prepare a short orientation program for Senate employees which shall be carried on within the first ten days of each session.
- e- 5. ~~Prevent-the-taking-from-his-custody-of-any~~ Keep secure all records ~~or~~ and papers belonging to the Senate ~~except-in-the-regular-course-of-business.~~ The Secretary shall report all missing bills, resolutions, and papers to the President~~-he.~~ He shall have general supervision of all clerical duties appertaining to the business of the Senate~~-he.~~ He shall perform~~7~~ under the

direction of the President, all duties pertaining to the office, and shall also keep a book showing the situation and progress of all the bills, memorials, and ~~joint~~ resolutions, including a complete record of all actions taken thereon, ~~and. He shall prepare, have printed, and distributed to the members a~~ and present to the Legislative Council such information as is necessary for the preparation of the daily calendar detailing to reflect the action had taken and pending on all measures, and shall provide for the distribution of the completed calendars.

- ~~f-~~ 6. Make available identification badges for all members of the Senate and employees thereof as soon as such persons have been determined.
7. Ensure that all material which is to be distributed to the members' desks other than that which is personally addressed shall first be submitted to the Secretary, who shall supervise its distribution. No material shall be distributed unless it clearly identifies the party requesting the distribution. The Secretary shall have all properly identified material distributed or submit the same to the Senate majority and Senate minority leaders for their instructions.
8. Request from the Secretary of State a list of all currently registered lobbyists, and have a copy of that list printed in the journal on the thirty-fifth legislative day.
9. At the close of each session, deposit for

safekeeping in the office of the Secretary of State, all books, bills, documents, resolutions, and papers in the possession of the Senate, correctly labeled, folded, and classified. The journal need not be deposited until it is completed ~~fully-and-is-indexed~~.

g- 10. Perform such other duties as shall be assigned ~~him~~ by the President of the Senate.

~~h------Request-from-the-Secretary-of-State-a-list-of-all currently-registered-lobbyists,-and-provide-a copy-of-that-list-to-each-member-of-the-Senate-on the-thirty-fifth-legislative-day-~~

5- 204. REFERENCE-TO PREPARATION AND DISTRIBUTION OF THE JOURNAL

1. The Secretary, shall, each evening, deliver to the printer having the contract for printing the legislative journals, a complete copy of the Senate journal.

2. Printed copies of the same in such number, style, and on such grade of paper as may be determined by the Legislative Council shall be delivered before 9:00 a.m. of the following calendar day to the Secretary, who shall cause a copy of the same to be placed immediately on the desk of each member.

3. The Committee on Revision and Correction of the Journal shall, before the ~~beginning-of-the-next legislative-day~~ Senate goes into session again, carefully examine and review the same journal of the previous legislative day. Any mistake therein errors or omissions shall be noted by the committee and reported to the Senate for action.

JOURNAL OF THE SENATE

4. An additional two hundred fifty copies of the corrected daily journal shall be printed and upon termination of the legislative session these two hundred fifty copies of the corrected daily journal shall be assembled into two hundred fifty sets to serve as the permanent journals.
5. Twenty-five sets of the permanent journals shall be bound and sewed with hard covers, two sets of which shall be deposited and filed with the Secretary of State, who shall preserve the same and attach his certificate thereto showing the date of delivery ~~to him~~ and attesting that such copies are identical and official journals as delivered to him. The Secretary of State shall forward one of the twenty-five sets of the permanent journals to the Supreme Court Library, Law School Library at the University of North Dakota, Attorney General, Legislative Council, and each of the district judges.
6. The remaining sets of the journal shall be distributed by the Secretary of State as prescribed by the Legislative Council, except that one set of the journal shall be sent to members of the Legislative Assembly, and to public officials upon their request if in the discretion of the Secretary of State the public official needs such journals to carry on the functions of his office.

9+ 205. DUTIES OF THE SERGEANT-AT-ARMS

1. The Sergeant-at-Arms of the Senate, under the direction of the presiding officer, shall be the executive officer of the body for the enforcement of all rules adopted by the Senate for the

regulation of the Senate.

2. The Senate floor shall be under his immediate supervision, and he shall see that the Deputy Sergeant-at-Arms and the Assistant ~~Sergeant-at-Arms~~ Sergeants-at-Arms perform the duties to which they are especially assigned, and he shall perform all other services and duties pertaining to his office and as directed by the President of the Senate.
3. The Sergeant-at-Arms shall clear the floor of the Senate chamber in front of the railing of all persons, except legislators, legislative employees, and members of the press, during the time period commencing fifteen minutes before the Senate convenes on any legislative day until the Senate recesses for that calendar day.
4. The Sergeant-at-Arms shall also act as the supply clerk for the Senate, and shall be responsible for ~~the~~ ordering and distributing ~~of~~ supplies and stationery needed by senators and Senate employees. The Sergeant-at-Arms may maintain a supply room, if space is available, and shall have sole control over such supply room, provided that such supply room may be operated jointly in cooperation with the House Sergeant-at-Arms.

79- 206. OFFICERS AND EMPLOYEE POSITIONS OF THE SENATE

The following offices and employee positions shall be established and the number, title, and manner of selection for each position shall be as hereinafter indicated or stated:

Title of Position	Number of Positions
Group A	
Secretary of the Senate	1
Desk Reporter	1

Sergeant-at-Arms 1

Persons holding Group A positions shall be elected ~~thereto~~ by a majority of the members-elect and the vote shall be recorded in the journal.

Group B

Assistant Secretary of the Senate 1

~~Assistant-Desk-Reporter-----1~~

Bill Clerk 1

Chief Stenographer and Payroll Clerk 1

Chief Committee Clerk 1

Appropriations Committee Clerk 1

Assistant Appropriations Committee Clerk 1

Committee Clerks 5 9

~~Calendar-Clerk-----1~~

~~Enrolling-and-Engrossing-Clerk-----1~~

Chief Page 1

Desk Pages 2

Persons holding Group B positions shall be appointed ~~thereto~~ by the party having a majority of the members-elect, acting by and through the Committee on Employment.

Group C

Secretary to the President 1

Secretary to Majority ~~Floor~~ Leader 1

Secretary to Minority ~~Floor~~ Leader 1

The President and the Majority and Minority ~~Floor~~ Leaders shall appoint their respective secretaries to such position, acting by and through the Committee on Employment.

Group-D

~~Deputy-Sergeant-at-Arms-----1~~

~~Assistant-Sergeants-at-Arms-----4~~

~~Bill-Room-Clerks-----2~~

~~Stenographers-----5~~

~~Typists-----2~~

Assistant-Enrolling-and-Engrossing-Clerk-----1
 Pages-----4
 Chief-Telephone-Attendant-----1
 (Alternate-selection-by-Senate-and-House-)
 Telephone-Attendants-----2
 (Alternate-selection-by-Senate-and-House-)
 Bill-Book-Clerks-----4
 Information-Desk-Attendants-----1
 Journal-Room-Clerks-----2
 Journal-Room-Clerk-Typist-----1
 (Alt.-Select.-Senate-&-House)
 Parking-Lot-Attendant-----1
 Chief-in-Charge-of-Journal-Room-and-Bill-Clerks-----1
 (Alternate-selection-by-Senate-and-House-)
 Journal-Proofreader-----2

The employee positions of Group D Other employees shall be appointed as deemed necessary by the Committee on Employment, and shall be allocated to the majority and minority parties in proportion to each party's percentage of the total number of the members-elect and each party shall appoint the persons to the positions allocated to them, acting by and through the Committee on Employment except, however, that in allocating the positions of stenographers and typists the minority party shall be allocated not less than one each of these positions. The majority party shall have the first right to select those positions of this group until their allocation is filled.

The powers, duties, and qualifications for each officer or employee shall be as provided by law, these rules, and in the Legislative Handbook for North Dakota Legislators and Employees ~~for such position.~~

CHAPTER III. FLOOR PROCEDURES

4- 301. ORDER OF BUSINESS

The order of business shall be as follows:

JOURNAL OF THE SENATE

1. Prayer by the Chaplain.
2. Calling of Roll.
3. Reference to the Journal.
4. Presentation of Petitions and Communications.
5. Reports of Standing Committees.
6. Consideration of Amendments.
7. Reports of Select Committees, Procedural Committees, and Certain Divided Committee Reports.
8. Motions and Resolutions.
9. First Reading of Senate Bills, ~~Memorials,~~ and Resolutions.
10. Consideration of Bills and Resolutions on Consent Calendar.
11. Second Reading of Senate Bills, ~~Memorials,~~ and Resolutions.
12. Consideration of Messages from the House.
13. First Reading of House Bills, ~~Memorials,~~ and Resolutions.
14. Second Reading of the same.
15. Unfinished Business.
16. Signing of Bills, ~~Memorials,~~ and Resolutions.
17. Announcements.

6- 302. PRESENTATION OF PETITIONS AND COMMUNICATIONS

Petitions and communications addressed to the Senate shall be presented by the President under the fourth order of business, but ~~their content~~ petitions and communications shall not be ~~included~~ printed in the journal except by-vote on motion of the Senate.

10- 303. CALL OF THE SENATE

1. Eight members of the Senate may ~~order~~ cause a call of the Senate to be ordered and ~~cause~~ absent members to be sent for, but a call must not be

made ordered while a vote is being taken.

2. The call being moved requested, the President shall require those desiring the call to rise, and if eight or more members ~~shall~~ rise, the call shall be ordered.
3. The call being ordered, the Sergeant-at-Arms shall close the door and allow no members to leave the ~~room~~ chambers.
4. The Secretary shall then call the roll and furnish the Sergeant-at-Arms with a list of those members absent without leave, and that officer must proceed forthwith to find and bring in such absentees.
5. While the Senate is under call, no business can be transacted except to receive and act upon the report of the Sergeant-at-Arms and no motion is in order except a motion to suspend further proceedings under the call, and said motion shall not be adopted unless a majority of all members-elect vote in favor thereof.
6. Upon a report of the Sergeant-at-Arms, showing that all members who were absent without leave, naming them, are present, the call shall be at an end, and the door shall be opened, and the Senate shall proceed with the business pending at the time the call was made.

~~11-~~ 304. ORDER AND DECORUM

The President shall preserve order and decorum and decide all questions of order subject to an appeal to the Senate. When the President is putting the question, no member shall walk out of, or across the Senate, nor when a member is speaking, shall any person entertain any private discourse, or pass between the person speaking and the chair. A member

called to order must immediately sit down unless permitted to explain, and the Senate, if appealed to, must decide the case. If there ~~be~~ is no appeal, the decision of the chair shall stand. On appeal no member shall speak more than once without leave of the Senate. When a member is called to order for offensive language, there shall be no debate.

~~12-~~ 305. RECOGNITION BY THE PRESIDENT

Every member ~~7,-previous-to-his-speaking,~~ desiring to speak shall rise ~~from-his-seat~~ and respectfully address the President ~~as-such,~~ and shall remain standing in his place before proceeding to speak until he is recognized by the chair. When two or more members rise at the same time to speak, the President must designate the member who is to speak first, but in all other cases the member who shall rise first and address the chair shall be the first recognized.

~~13-~~ 306. RULES OF DEBATE

No member shall speak more than twice on the same subject without leave of the Senate, nor more than once until every member choosing to speak on the subject pending shall have spoken ~~7,-nor-shall-any-member-occupy.~~ No member shall speak for more than ten minutes ~~at~~ the first time, nor more than five minutes ~~at~~ the second time ~~7,-provided-this.~~ This rule shall not apply to the Majority and Minority Floor Leaders and the chairman of the committee in charge of a the bill, or a spokesman designated by that chairman.

~~14-~~ 307. MOTION TO BE SECONDED AND STATED

No motion shall be stated by the chair or debated or put unless ~~the-same-be~~ it has been seconded. It must then be stated by the President before the debate.

~~15-~~ 308. MOTIONS IN WRITING

All motions except to adjourn, postpone, or ~~commit~~ shall refer must be reduced to writing and read at length if required by any member of the Senate.

~~16-~~ 309. MOTION MAY BE WITHDRAWN

After ~~the~~ a motion ~~shall-be~~ is stated by the President, it ~~shall-be-deemed-to-be~~ is in possession of the Senate, but may be withdrawn at any time before amendment or decision~~,-but.~~ However, all motions~~,-resolutions,-or~~ amendments must be entered in the journal, whether rejected or adopted, together with the name of the member moving the same.

~~17-~~ 310. INTERRUPTION

No member shall interrupt another member who is speaking in debate, except on question of privilege.

~~18-~~ 311. ORDER OF MOTION

When a question is under debate, no motion shall be received, except to fix the time to which to adjourn; to adjourn; to lay on the table; to move the previous question (which four motions shall be decided without debate); to move to postpone to a day certain; to refer or amend; or to postpone indefinitely - which several motions shall have precedence in the order in which they are named. No motion to postpone to a day certain or to refer, having been decided, shall be entertained again on the same day ~~and-at-the-same-stage-of-the~~ bill-or-proposition.

~~19-~~ 312. ORDER IN WHICH QUESTION PUT

All questions, whether in committee or in the Senate, shall be put in the order in which they are moved, except in the case of privileged questions.

~~20-~~ 313. STATING OF QUESTION AND ~~DIVISION~~ VERIFICATION

Questions shall be put in substantially the following form: "As many as are in favor of (as the case may be) say aye"; and after the affirmative voice is expressed, "As many as are opposed, say nay." If the President is in doubt or a ~~division-be-called-for,-the-Senate-shall-divide,-those-in-the~~ division-be-called-for,-the-Senate-shall-divide,-those-in-the ~~affirmative-of-the-question-shall-rise-from-their-seats,-and~~ affirmative-of-the-question-shall-rise-from-their-seats,-and ~~afterwards-these-in-the-negative~~ verification is requested by

any member, the President shall again put the question and the vote shall be tabulated. The President will use only the total ayes and nays to determine if the question prevailed, and the fact that the question prevailed or failed shall be entered in the journal without mention of the number of ayes or nays.

~~217~~ 314. NONDEBATABLE MOTIONS

The following motions are not debatable:

1. Adjournment.
2. Clincher.
3. Fix the time of adjournment.
4. Order of the day.
5. Objections to considering questions.
6. Reading of papers.
7. Withdrawal of motion.
8. Suspension of the rules.
9. To lay on the table.
10. Previous question.

315. VOTES REQUIRED FOR CERTAIN QUESTIONS

1. The following questions require a majority vote of the members of the Senate present and voting:
 - a. Adoption of amendments, as provided in Senate Rule 601.
 - b. Reconsideration if before end of next legislative day, as provided in Senate Rule 341.
 - c. Order to a chairman to report a measure back from committee, as provided in Senate Rule 508.
 - d. Action, other than referrals or rereferrals to Appropriations Committee on certain measures, as authorized in Senate Rule 326.
 - e. To have President refuse to sign any bill which the House refuses to return, as

provided in Senate Rule 343.

f. Any question for which another vote is not required by the Constitution or another rule.

2. The following questions require a majority vote of the members-elect of the Senate:

a. Passage of bills, as provided in Section 39, Article IV, of the Constitution and Senate Rule 333.

b. Ratification of amendments to the Constitution of the United States, as provided in Senate Rule 333.

c. Passage of proposed amendments to the Constitution of North Dakota, as provided in Section 45, Article IV, of the Constitution.

d. To constitute a quorum, as provided in Senate Rule 103.

e. Suspension of further proceedings under a call of the Senate, as provided in Senate Rule 303.

f. Election of certain Senate employees, as provided in Senate Rule 206.

3. The following questions require a two-thirds vote of the members of the Senate present and voting, but in no event shall these questions be decided by the affirmative vote of less than a quorum of the Senate:

a. Emergency clauses, as provided in Section 41, Article IV, of the Constitution.

b. Introduction of bills after deadline, as provided in Senate Rule 402.

c. Previous question.

d. Return of measures to other house after

action taken, as provided in Joint Rule 204.

4. The following questions require a two-thirds vote of the members-elect of the Senate:

- a. Initiated and referred measures amended or repealed within seven years after enactment or approval, as provided in Section 8, Article III, of the Constitution and Senate Rule 333.
- b. Reconsideration after clincher motion, as provided in Senate Rule 342.
- c. Reconsideration after next legislative day, as provided in Senate Rule 341.
- d. Second reading same day as report, as provided in Senate Rule 332.
- e. Suspension of requirement copies of amendments be distributed before acted upon, as provided in Senate Rule 601.
- f. Suspension of rules, as provided in Senate Rule 321.
- g. Vetoed measures, reconsideration, as provided in Section 9, Article V, of the Constitution.

22- 316. DIVISION OF QUESTION

If a question before the Senate contains more than one proposition, any member may have the same divided, ~~and on bills containing appropriations, the division may be either by section or by line item~~ except there shall be no division of the question on a conference committee report.

23- 317. AYE AND NAY VOTE

Except as required by the Constitution or these rules, the ayes and nays shall not be ordered unless demanded by one-sixth of the members present. No ~~member or any other~~ person shall remain by the Secretary's desk when the ayes and

nays are being called. When the ayes and nays are ordered pursuant to this rule, the results will be printed in the journal in their entirety.

~~24-~~ 318. VOTE BY MEMBERS

Every member who is present, before the vote is declared from the chair, must vote for or against the question before the Senate, unless the Senate ~~exuse~~ excuses him; provided, however, that any member who has a personal or private interest in any measure or bill shall disclose the fact to the Senate and shall not vote thereon without the consent of the Senate pursuant to Section 21, Article IV, of the Constitution. A "personal or private interest" is an interest that affects the member directly, individually, uniquely, and substantially.

~~25-~~ 319. PROCEDURE IN EXCUSING MEMBER VOTING

When a member asks to be excused, or declines to vote, he shall be required to assign state his reasons ~~therefor, and having assigned them, the.~~ The presiding officer shall then submit the question to the Senate, "Shall the member, for the reasons assigned stated by him, be excused from voting?" which shall be decided without debate. These proceedings shall occur prior to the taking of the vote.

~~26-~~ 320. VOTE BY PRESIDENT

The President may, when the Senate is equally divided, vote on procedural matters, and on substantive matters if his vote would be decisive.

~~27-~~ 321. SUSPENSION OF RULES

No standing rule or order of the Senate shall be reconsidered or suspended except by a vote of two-thirds of the members-elect.

~~33-~~ 322. READING OF BILLS AND RESOLUTIONS

Every bill requiring the approval of the Governor, ~~every memorial,~~ and every resolution proposing a change in the

Constitution of the State of North Dakota, or ratifying an amendment to the Constitution of the United States, shall be read two separate times, but the first reading and second reading may not be ~~upon on~~ the same day; and the first reading may be by title only; unless ~~upon-such on~~ first reading a reading at length is demanded. The second reading shall be at length.

~~34-~~ 323. CONSIDERATION OF OTHER RESOLUTIONS

~~No-resolution-which-commends,-lauds,-congratulates,-or-otherwise-honors-any-person-or-group,-other-than-memorial-resolutions-extending-condolences,-shall-be-introduced-or-further-considered-unless-the-person-or-group-is-being-recognized-for-an-achievement-which-has-brought-national-attention-or-recognition-~~ Every resolution other than those referred to in ~~the-previous-sentence-or-the-preceding-rule~~ Rules 322 or 407 shall be read once and referred by the President to an appropriate standing committee or, upon motion, to a select committee, unless otherwise ordered by vote of the Senate.

~~36-~~ 324. BILLS AND RESOLUTIONS REFERRED

Upon the first reading of a bill or concurrent resolution, the President shall refer it to an appropriate standing committee, unless the Senate, upon by motion, decides to refer ~~the-same~~ it to a select or other standing committee.

~~37-~~ 325. REFERENCE TO ~~PRINTING-TITLE-OF~~ BILLS IN JOURNAL

~~After-the-first-reading,-all-reference~~ All references in the journal to Senate and House bills shall be by number only, except that on first and second readings such references shall be by number and short title.

~~38-~~ 326. BILLS TO COMMITTEE ON APPROPRIATIONS

1. All bills or resolutions carrying an appropriation of five thousand dollars or more shall be referred or rereferred to and acted upon by the Committee on

Appropriations, and all bills or resolutions effecting a change in the audit or fiscal procedures of a state agency or institution shall be originally referred to and acted upon by that committee, before final action by the Senate thereon, unless otherwise ordered by a majority vote of the members present.

2. All Senate bills required to be rereferred to the Committee on Appropriations, except bills introduced after the deadline for introduction of bills by the Committee on Delayed Bills or upon two-thirds vote of the Senate, shall be rereferred not later than the twenty-third legislative day. If an appropriation bill is not reported to the floor and rereferred as required herein, the bill shall be deemed rereferred and shall be under the jurisdiction of the Committee on Appropriations at the end of the twenty-third legislative day. ~~The Committee on Appropriations shall not change the intent of any measure rereferred to it after a hearing in another standing committee of the Senate, unless necessitated by consideration of the appropriation contained in the measure.~~

NOTE: The sentence deleted is now found in Senate Rule 511.

49- 327. AMENDING BILLS

No ~~bills~~ bill shall be revised or amended, nor the provisions thereof extended or incorporated in any other bill, by reference to its title only, but ~~so much thereof as is~~ the portion revised, amended, ~~or~~ extended, or ~~so~~ incorporated, shall be ~~reenacted and published~~ set out at length and reenacted. No bill shall be ~~so altered and~~ amended during its pendency in the Senate so as to change its original purpose.

50- 328. AMEND OR REREFER ON SECOND READING

On the second reading of every bill or resolution any

amendment may be received and it may be rereferred at any time previous to its final passage. Upon request of a member, a floor amendment must be submitted in writing and distributed to each member.

51- 329. AMENDMENTS TO TITLE

The title to any bill may be amended at any time during its pendency in the Senate.

52- 330. ENGROSSMENT

All Senate bills amended in committee or by floor amendment shall be properly engrossed before their second reading and final passage. Any House bill amended in the Senate may, prior to second reading, be engrossed upon motion of the Senate or on request of a leader. The Committee on Engrossment shall examine all bills after they are engrossed and report the same to the Senate correctly engrossed, which report must be approved before their second reading, ~~said~~. The committee may report at any time.

52-1-331. SETTING TIME CERTAIN FOR FLOOR DEBATE

If a committee chairman ~~shall-determine~~ determines that a bill or resolution considered by his or her committee presents important issues of public concern, ~~he~~ the chairman may, after consultation with and approval of the President of the Senate and the Majority and Minority ~~Floor~~ Leaders, set a time certain for floor debate on the bill or resolution when it has been placed on the calendar for consideration during the eleventh or fourteenth orders of business. The committee chairman shall request the President to set an exact time when the bill will be debated, and when that time is reached, the President shall hold any other matters pending at that time in abeyance until such time as the scheduled floor debate has been completed.

53- 332. SECOND READING

No bill requiring the approval of the Governor, ~~ne~~

~~memorial~~, and no resolution proposing a change in the Constitution of the State of North Dakota, ~~or~~ and no resolution ratifying an amendment to the Constitution of the United States, shall be referred, except in the case of a bill or resolution which is prefiled pursuant to Rule ~~29~~ 401, or amended until it shall have been read; nor shall any such bill, ~~memorial~~, or resolution have its second reading and be put upon its final passage until at least one day after the same it has been reported to the Senate by the committee to which ~~the same has been~~ it was referred, provided that any such bill, ~~memorial~~, or resolution may have its second reading and ~~be put upon its~~ final passage on the same day ~~the same~~ it is reported back, when so ordered by two-thirds of the members-elect of the Senate.

55- 333. FINAL PASSAGE

No bill shall become a law except by a vote of the majority of the ~~senators-elect-and-of-the~~ members-elect of ~~the House-of-Representatives~~, each house; however, the Lieutenant Governor may vote as provided in Senate Rule ~~26~~ 320 in the event the Senate is equally divided, ~~nor-unless-on-the-bills~~. A bill shall not become law unless on final passage, the vote is taken by ayes-and-nays roll call and the names of those voting ~~be~~, with a record of their vote, are entered in the journal. ~~However, no~~ No measure enacted or approved by a vote of the electors shall be repealed or amended by the legislative assembly for seven years from ~~its~~ the effective date of the measure, except by a two-thirds roll call vote ~~upon-roll-call~~ of all members elected to each house. Ratification of amendments to the Constitution of the United States shall be by concurrent resolution approved by a majority, upon roll call vote, of the members elected to each house, except as provided in Senate Rule ~~26~~ 320.

55-~~1-~~334. RECORDED ROLL CALL VOTES

No action by the Senate which may result in final disposition of a bill, or resolution proposing a constitutional amendment, shall be taken except by a recorded roll call vote, and the vote of each member, and, when appropriate, the vote of the Lieutenant Governor or a record of his absence or failure to vote, shall be recorded in the journal. As used in this rule, "final disposition" includes any procedure which, barring reconsideration, results in the Senate being unable to give further consideration during that legislative session to the particular measure which was under consideration.

~~56~~ 335. RIGHT TO CHANGE VOTE

A member shall have the right to change his vote before the President has announced that the vote is closed but not thereafter.

~~57~~ 336. ANNOUNCEMENT OF VOTE

The Secretary shall tabulate the vote which shall be announced by the President, who shall also declare whether the bill has passed, whether the title is agreed to, and whether the emergency clause, if any, has carried.

~~58~~ 337. VERIFICATION OF VOTE

When the vote has been announced, any member may immediately require that the vote be verified.

~~59~~ 338. EXPLANATION OF VOTE

Immediately following the announcement of the vote by the President, but not before, any member may explain his vote and have his remarks recorded in the journal.

~~60~~ 339. RECORDING REMARKS IN JOURNAL

When a member desires to have his remarks, other than those in explanation of his vote, recorded in the journal, he shall inform the Desk Reporter before speaking and his remarks shall be recorded.

~~61~~ 340. NOTICE OF INTENTION TO RECONSIDER

Except on the thirty-third and on or after the

fiftieth legislative days of the session, when notice of intention to move the reconsideration of any bill or resolution shall be given by a member, the Secretary of the Senate shall retain the bill or resolution until the end of the next legislative day, ~~excluding-Sundays~~, unless the same has previously been disposed of. When a member, in explaining his vote states to the Senate that his vote is for the purpose of reconsideration, such statement shall be deemed to be notice of such intention.

62- 341. MOTION FOR RECONSIDERATION

Any member who votes on the prevailing side of a question, ("prevailing side of a question" shall be that side which voted "aye" on a question that passed, and "nay" on a question that failed), or who did not vote on the question, or who voted on a question on which the ayes and nays were not recorded, may move a reconsideration of the question, which motion shall be decided by a majority vote of those present and voting on the question. In case of a bill, ~~joint~~ resolution, or amendment to the Constitution, the motion to reconsider, if made after the end of the next legislative day, shall require a two-thirds vote of the members-elect. No question shall be reconsidered more than once in any natural day. No motion to reconsider may be made unless the matter is in possession of the Senate.

63- 342. CLINCHER MOTION

A motion that any action taken by the Senate be reconsidered and that the motion to reconsider be laid ~~upon~~ on the table, if carried, shall have the effect of preventing reconsideration except upon a two-thirds vote of the members-elect. Such a motion shall be decided without debate.

64- 343. REFUSAL OF HOUSE TO RETURN BILL

Upon a majority vote of the members of the Senate

present, the President shall refuse to sign any bill which may have passed the Senate and which the House ~~shall have~~ has refused to return for further consideration ~~on being properly requested so~~ after a proper request to do so.

66- 344. SIGNING OF BILLS

The President shall ~~in the presence of the Senate~~, sign all bills and ~~joint~~ resolutions passed by both houses. ~~Immediately before such signing their title shall be publicly read, and the fact of signing shall be at once entered in the journal.~~

67- 345. MOTION TO ADJOURN

A motion to adjourn shall always be in order, except when a member is addressing the chair or a vote is being taken.

68- 346. MEMBERS RETAIN SEATS

When the Senate adjourns, the members shall keep their seats until the President announces the adjournment.

69- 347. PROCEDURE ON HOUSE BILLS

A similar mode of procedure shall be observed with bills which have originated in and passed the House as with bills which have originated in the Senate, ~~except that they shall not be printed nor engrossed nor enrolled.~~ The printing or engrossing of those bills may be ordered as provided in these rules.

~~74- EXECUTIVE SESSION (REPEALED)~~

75- 348. OBJECTION TO READING OF PAPERS

When the reading of a paper is ~~called for and the same is objected to~~ requested and there is an objection by any member, ~~if~~ the objection shall be determined upheld or rejected by the Senate without debate.

78- 349. ELECTRICAL VOTING SYSTEM

Unless otherwise ordered, any vote ~~except upon elections~~ may be taken by means of the electrical voting system, which shall be under the control of the President ~~of~~

~~the-Senate.~~

350. TELEPHONES

No private telephones shall be allowed on the floor of the Senate.

CHAPTER IV. BILLS AND RESOLUTIONS

~~28-~~ 401. WHO MAY INTRODUCE - JOINT SPONSORSHIP - PREFILING

- a- 1. Any bill~~7-memorial7~~ or resolution which conforms to statutory requirements and the rules herein set forth, within the time prescribed, may be introduced by any member, standing committee, or the Legislative Council, by filing the same with the Secretary of the Senate, who shall number or letter consecutively each bill or resolution.
- b- 2. Any bill~~7-memorial7~~ or resolution may have, following and separate from the names of the Senate sponsor or sponsors, the names of one or more cosponsors from the House of Representatives.
- e- 3. Any bill~~7-memorial7~~ or resolution, may, prior to the convening of the regular session, be introduced by prefiling in the office of the Legislative Council. Such prefiled bills~~7~~ ~~memorials7-er~~ and resolutions will be numbered ~~er~~ ~~lettered~~ and delivered to the Secretary of the Senate. The President of the Senate may assign such prefiled bills~~7-memorials7-er~~ and resolutions to the committees and may arrange, prior to the convening of the regular session, for the posting of notice of hearing. Prefiled bills~~7-memorials7-er~~ and resolutions may not be withdrawn, except on the floor of the Senate in the manner provided by the rules, and such bills~~7-memorials7-er~~ and resolutions shall not be

confidential.

29- 402. WHEN INTRODUCED

- a- 1. No bill shall be introduced after the fifteenth legislative day and no member shall introduce more than three bills as prime sponsor after the tenth legislative day, nor shall any resolution, except those resolutions hereinafter provided for, be introduced after the eighteenth legislative day, except upon the approval of a majority of the Committee on Delayed Bills or upon two-thirds vote of the Senate.
- b- 2. No bill introduced at the request of an executive agency or the Supreme Court shall be introduced after ~~the-fifth-legislative-day~~ December fifteenth prior to the ensuing regular session, except upon approval of a majority of the Committee on Delayed Bills.
- e- 3. Resolutions which propose amendments to the United States Constitution or the Constitution of North Dakota, and resolutions directing the Legislative Council to carry out a study, shall not be introduced after the thirty-third legislative day, and shall be reported back from the standing committee, if referred, no later than the forty-fourth legislative day in the case of resolutions proposing constitutional amendments, and no later than the thirty-seventh legislative day in the case of resolutions directing a Legislative Council study. A resolution proposing a constitutional amendment or directing a Legislative Council study which is not reported back as provided in this rule shall automatically be placed on the calendar without

recommendation.

~~39-~~ 403. DELAYED BILLS, ~~MEMORIALS,~~ AND RESOLUTIONS

The Committee on the Introduction of Delayed Bills shall receive from the Secretary all bills, ~~memorials,~~ and resolutions offered for introduction after the time for introduction as heretofore limited, and shall, on the same or the next legislative day after receiving such ~~bills, memorials,~~ ~~and resolutions~~ bill or resolution, report to the Senate its conclusion whether the introduction ~~thereof~~ of the bill or resolution should be allowed, and if a majority of ~~such~~ the committee ~~is-in-favor-of-the~~ favors introduction ~~thereof,~~ ~~the bills, memorials and resolutions~~ the bill or resolution shall be ~~thereupon deemed duly~~ introduced. All such bills and resolutions shall bear the name or names of the original sponsors.

~~31-~~ 404. FORM OF BILLS, NUMBER OF COPIES

- a- 1. Every bill, ~~memorial,~~ ~~or~~ and resolution shall be in typewritten form and eleven copies ~~thereof~~ shall be filed with the Secretary of the Senate.
- b- 2. Each bill, ~~memorial,~~ ~~or~~ and resolution shall have ~~endorsed thereon its title and~~ typed on it the name of the member, or members, but no more than five from the Senate, nor more than three from each house on jointly sponsored bills, or committee introducing the same.
- e- 3. The enacting clause of a bill shall be as follows: "BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA".
- d- 4. No bill shall embrace more than one subject, which shall be expressed in its title.
- e- 5. If a bill amends a present statute, the portion thereof constituting the amendment or amendments shall be underscored. In all bills which contain

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both sections amending existing statutes and sections which will be new law, the portion containing the amendment to the existing statute and all of each section containing new law shall be underscored. Any matter contained in the present statute, but deleted in the proposed amended statutes shall be contained in the typewritten bill, but shall be set off from the remainder of the text by typing a line through the deleted matter. Where bills sponsored by the Legislative Council do not use the above devices, such bills must be accompanied by appropriate explanatory notations outlining the changes to be effected. All bills and resolutions to be introduced in the Senate shall be in such form and style as the Legislative Council shall prescribe.

- ~~f~~ 6. The Secretary of the Senate, upon receiving eleven copies of a bill or resolution as provided by this rule, shall proceed as follows: (1) If the original copy of the bill or resolution has attached to it a notation that the bill or resolution was drafted, retyped, or approved as to form and style by the Legislative Council staff, the Secretary shall number the bill or resolution as provided in Senate Rule ~~20~~ 401 and, after first reading and referral, shall distribute the copies as provided in this rule; or (2) If the original copy of the bill does not have a notation of drafting, retyping, or approval as to form and style by the Legislative Council staff attached, the Secretary shall proceed as provided in Senate Rule ~~32~~ 405.

g- 7. The Secretary shall, after compliance with this rule and after first reading, distribute the eleven copies of a bill or resolution received as follows: The original shall be delivered to the chairman of the committee to which the measure is referred, one copy to the President of the Senate, one copy shall be delivered to the Legislative Council, one copy shall remain in the custody of the Secretary until otherwise directed by the Senate, one copy shall, except in the case of bills or resolutions printed upon order of the Legislative Council pursuant to Senate Rule ~~35~~ 406, be delivered to the printer having the contract for the printing of bills, one copy shall be delivered to the printer having the contract for printing the Senate journal for use in setting of the bill title, three copies shall be available for representatives of news media, one copy shall be available to the Greater North Dakota Association, and one copy shall be given to the prime sponsor.

h- 8. The original of each bill or resolution filed with the Secretary shall be ~~typed-on-preprinted bill-paper, which paper shall be~~ prepared in the form prescribed by the Legislative Council.

32- 405. APPROVAL OF BILLS AND RESOLUTIONS AS TO FORM AND
STYLE, ~~CHECK-FOR-CONFLICTS~~

1. When a bill or resolution, with the requisite number of copies, is filed with the Secretary of the Senate without a notation attached to the original stating that the bill or resolution was drafted, retyped, or approved as to form and style by the Legislative Council staff, the

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Secretary shall immediately, ~~except as hereinafter provided,~~ cause that bill or resolution to be delivered to the Legislative Council staff office with a written request that the bill or resolution be examined and receive a a notation approving its form and style.

~~When a bill or resolution is offered to the Secretary for filing, and that bill or resolution is not typed on preprinted bill paper as provided in Senate Rule 31, the Secretary shall immediately return the bill or resolution to the member or committee offering it with a request that it be retyped on the proper paper.~~

2. When the Legislative Council staff receives a bill or resolution from the Secretary pursuant to this rule, it shall ~~take such steps as are necessary to ensure~~ see that the bill or resolution is in the form and style required by law, legislative rule, and the bill drafting rules promulgated by the Legislative Council. ~~The bill or resolution shall also be checked by the Legislative Council staff to determine whether it creates or amends any sections of the North Dakota Century Code or North Dakota Constitution which have also been created or amended by another bill previously introduced in either House of the Legislative Assembly. If such a conflict appears, the Legislative Council staff shall immediately notify the sponsor of the bill or resolution of the conflict, and shall confer with the sponsor as to the proper steps to be taken.~~

3. When the Legislative Council staff has ensured

that the bill or resolution meets all requirements regarding form and style, ~~and that the sponsor has been notified of any conflict,~~ the bill or resolution and all copies thereof shall be returned to the Secretary with a notation of approval attached to the original. ~~If a bill, without the proper notation of approval, is offered for introduction on the fifteenth legislative day, the Secretary of the Senate will receive and number the bill as provided in Senate Rule 28, however, prior to delivering a copy of the bill for printing, the Secretary will cause the bill to be delivered to the Legislative Council staff which will take action as provided in this rule. If the Legislative Council staff must make form or style changes in a bill introduced on the fifteenth legislative day which had not previously been approved as to form and style, the staff will deliver the corrected bill to the sponsor for his signature indicating approval of the changes. Thereafter the bill will be redelivered to the Secretary who will arrange to have it printed pursuant to Senate Rule 35. Should the sponsor refuse to approve form and style changes made, the staff will notify the Secretary who will treat the bill as having been withdrawn.~~

4. In the event that the Legislative Council staff, due to the exercise of its responsibilities under this rule, is not able to deliver an approved bill or resolution to the Secretary before expiration of the last legislative day for normal introduction, the Secretary, whenever such an

approved bill or resolution is received, shall proceed to file it as if it had been received on the final legislative day for normal introduction.

35- 406. PRINTING OF BILLS AND RESOLUTIONS

All bills requiring the approval of the Governor, ~~all~~ ~~memorials~~ and all resolutions proposing a change in the Constitution of the State of North Dakota, ~~or~~ and all resolutions ratifying an amendment to the Constitution of the United States, ~~after-the-first-reading,~~ shall, after the first reading, be printed unless otherwise ordered by the Senate. Bills, ~~memorials,~~ ~~or~~ and resolutions which are prefiled pursuant to Rule ~~28~~ 401 may be printed upon order of the Legislative Council.

407. LIMITATION ON COMMENDATORY RESOLUTIONS

No resolution which commends, lauds, congratulates, or otherwise honors any person or group, other than memorial resolutions extending condolences, shall be introduced or further considered unless the person or group is being recognized for an achievement which has brought national attention or recognition.

CHAPTER V. COMMITTEES

39- 501. STANDING COMMITTEES

1. The Senate shall elect a Committee on Committees consisting of eight members. The Majority Floor Leader, by virtue of his office, shall be a member of the committee and shall serve as its chairman. The committee shall appoint the following standing committees classified in accordance with the usual amount of work and concerned with matters in the field as indicated:

- 1- a. Agriculture: (7 members)
 - Agriculture; Livestock; Drainage and Irrigation;

Warehouse and Grain Grading.

- 2- b. Appropriations: (~~12~~ 14 members)
All bills calling for appropriations in excess of five thousand dollars. All bills and resolutions proposing a change in the audit or fiscal procedures of state agencies or institutions.
- 3- c. Education: (8 7 members)
Public Schools; Libraries; and Institutions of Higher Learning.
- 4- d. Finance and Taxation: (8 7 members)
Public Debt; Taxes, and Tax Laws.
- 5- e. Judiciary: (7 members)
Elections and Election Privileges; Judiciary.
- 6- f. State and Federal Government: (7 members)
State and Federal Affairs; Director of Institutions and Industrial Commission and institutions under their supervision; State Historical Society and State Parks; Immigration and Statistics.
- 7- g. Industry, Business, and Labor: (6 7 members)
Banks and Banking; Corporations; Insurance; Matters pertaining to Private Business and Industry; Workmen's Compensation; Unemployment Compensation; Labor Laws and kindred subjects.
- 8- h. Natural Resources: (7 members)
Game and Fish; Public Lands; Mines and Mining; Gas and Oil; Forestry.
- 9- i. Political Subdivisions: (8 7 members)
Cities; Counties; Townships; Park Districts; Apportionment.
- 10- j. ~~Social Welfare~~ Services and Veterans Affairs:
(8 7 members)
~~Public-Welfare~~ Social Services; Public Health;

Public Safety; Temperance; Matters Affecting the Military and Veterans.

- ~~11~~ k. Transportation: (6 7 members)
Highways and Bridges; Railroads; Motor Vehicles; Airlines and Airports.

PROCEDURAL COMMITTEES

- ~~12~~ l. Delayed Bills, to consist of five members.
~~13~~ m. Employment, to consist of ~~eight~~ five members.
~~14~~ n. Enrolled and Engrossed Bills, to consist of five members.
~~15~~ o. Revision and Correction of Journal, to consist of three members.
~~16~~ p. Rules, to consist of nine members.

2. When an executive nomination is received, the Committee on Committees shall appoint a select committee to consider it. Each such committee shall meet and consider the nominee forthwith, and shall report its recommendations to the Senate.

502. COMMITTEE PROCEDURES

1. In all cases, a majority of the committee shall be a quorum, except that fifty percent of the membership of a committee with an even number of members shall constitute a quorum.
2. The committee chairman or ~~such person~~ the member who is duly appointed to act as chairman shall ensure that minutes of each committee meeting ~~be~~ are kept. Such minutes shall include the names of all committee members present and absent; the time of commencement and adjournment of each meeting; the bills or resolutions discussed, designated by number, and a short phrase explaining what ~~such~~ the bill or resolution relates to; and the names and addresses of

all persons who appear in relation to any certain bill or resolution and a brief summary of their remarks. The minutes shall also include a record of recommended amendments to bills and resolutions, and a recorded roll call vote of the committee members on all bills and resolutions referred out of the committee.

3. Upon adjournment of the legislative session, the minutes of all committee meetings shall be delivered to the Legislative Council and shall be retained by the Council for a period of not less than one year.

~~40-~~ 503. LIMITATIONS ON COMMITTEE MEMBERSHIP

Each member shall serve on not more than two standing committees except the Majority ~~Floor~~ Leader, who shall not serve on any standing committee, and all members of the Appropriations Committee, who shall serve on no other standing committee. The Majority ~~Floor~~ Leader and Minority ~~Floor~~ Leader shall be permitted to participate in all standing committees but shall not be permitted to vote therein except that the Minority ~~Floor~~ Leader may vote on the committees to which he has been appointed.

~~41-~~ 504. MEETING OF COMMITTEES

1. The Committee on Appropriations shall meet on Monday, Tuesday, Wednesday, Thursday, and Friday of each week.
2. The Committees on Finance and Taxation; Judiciary; Industry, Business, and Labor; Education; and State and Federal Government shall meet on Monday, Tuesday, and Wednesday of each week.
3. The Committees on Political Subdivisions; Social Welfare Services and Veterans Affairs; Transportation; Agriculture; and Natural Resources shall meet on Thursday and Friday of

each week.

4. Any committees scheduled to meet on Wednesdays may adjust their schedules to allow time for the Joint Constitutional Revision Committee and committees without regularly scheduled meeting times to meet.
5. The chairman of any committee, or a majority of that committee, may call meetings at times and on other days as deemed necessary.

42+ 505. MEETINGS OF CHAIRMEN

There shall be a meeting of committee chairmen and the Majority ~~Floor~~ Leader and the Assistant Majority ~~Floor~~ Leader each week at such time and place as may be designated by the Majority ~~Floor~~ Leader. The Majority ~~Floor~~ Leader shall be the chairman ~~of-the-meeting~~. At such meeting they shall, as far as possible, arrange the schedule of the bills to be considered at committee hearings to the end of the following week.

43+ 506. NOTICE OF HEARINGS

On Wednesday of each week, with respect to the committees which meet on Monday through Wednesday, and on Friday of each week, with respect to the Appropriations Committee and the committees which meet on Thursday and Friday, each chairman shall deliver to the Secretary a notice of the time and place of the meetings of his committee for the following week, including a list of the bills and resolutions to be considered. This rule, however, shall not prevent a change in such schedule as to time, place, or bill, if circumstances may so require. The decision of the chairman in this regard shall be final. The Secretary shall cause the same to be posted on the bulletin board.

44+ 507. DISPOSITION OF MEASURES

No bill or resolution, except an appropriations

measure, may be held in a committee for more than twenty-one legislative days after it is referred to the committee, unless an extension of time is granted by the Senate. All Senate bills and resolutions, except resolutions proposing amendment to the Constitutions of the United States or North Dakota, or resolutions directing an interim study by the Legislative Council, shall be reported back to the Senate no later than the thirty-first legislative day, and if not so reported back, shall automatically be placed on the calendar without recommendation. The same rule shall apply to all House bills and resolutions not reported back to the Senate by the forty-eighth legislative day.

45- 508. RECALLING BILL FROM COMMITTEE

The chairman of any committee to whom a bill or resolution has been referred, if so ordered, by a vote of the majority of the Senate members present, shall report such bill or resolution back to the Senate forthwith.

65- 509. ENROLLMENT

The Committee on Enrollment shall examine all Senate bills and resolutions which have passed both houses, and when reported correctly enrolled, and such report is adopted, they shall be presented to the presiding officers of the House and Senate for signatures, and when so signed, bills shall be presented to the Governor for his approval. The committee may report at any time.

70- 510. COMMITTEE CHAIRMEN

On all committees, the first-named member shall be the chairman, and, in his absence, ~~or being excused by the Senate,~~ the next member named, and so on as often as the case shall happen, shall act as chairman.

511. LIMITATION ON CHANGES TO BILLS REREFERRED

The Committee on Appropriations shall not change the

intent of any measure rereferred to it after a hearing in another standing committee of the Senate, unless necessitated by consideration of the appropriation contained in the measure.

CHAPTER VI. COMMITTEE REPORTS

46- 601. REPORT OF COMMITTEES

1. The report of a committee shall be ~~for passage, for indefinite postponement, for passage with amendment, or~~ that the bill or resolution: do pass; do not pass; be amended and then do pass; be amended and then do not pass; or be placed on the calendar without recommendation.
2. If the committee report is for passage with amendment or for amendment and do not pass, the proposed ~~amendments~~ amendment shall ~~go be placed~~ on the calendar for the next legislative day ~~for action of the Senate under~~ on the sixth order of business. No action shall be taken ~~upon amendments~~ on an amendment until a ~~full mimeographed or printed~~ verbatim copy of the ~~amendments is in the hands of the members. Upon receiving a report for passage with amendment, the Secretary shall cause copies of the amendment to be made and placed on the desk of~~ amendment has been distributed to each member; provided, that ~~upon~~ on a two-thirds vote of the members-elect, this may be suspended, and the amendment acted on immediately after the report of the committee. If the amendment is adopted by a majority vote of the members present, the amended measure shall then be placed on the calendar for the next legislative day under the applicable order of business for second reading and final passage. If the amendment is rejected,

the measure without amendment shall be placed on the calendar for the next legislative day under the applicable order of business for second reading and final passage. If the committee report recommends that the measure ~~for passage without amendment, for indefinite postponement, or if the report contains~~ pass, do not pass, or makes no recommendation, the measure shall ~~go be~~ placed on the calendar ~~or consent calendar~~ for the next legislative day under the applicable order of business for second reading and final passage.

3. If the committee report is divided as provided in Rule 602, and one report is for amendment with the other that the bill do not pass, the reports shall be placed on the calendar for the next legislative day on the seventh order of business. The President shall receive and announce a motion that the report of the minority be substituted for the majority committee report. If a "do not pass" report is adopted under this subsection, it shall cause the measure to be placed on the calendar on the eleventh or fourteenth order of business.
4. During the fifth order of business, the Secretary shall announce that committee reports have been received, if such is the case, and shall list the bill or resolution number, or other identifier, and state the accompanying committee recommendation.
5. When a measure is on the calendar on the tenth, eleventh, or fourteenth order of business, the Secretary shall again announce the committee

recommendation concerning that measure.

6. If the committee report is divided pursuant to Rule ~~47~~ 602, the Secretary shall announce the majority report and the minority report, or reports, as well.
7. The Secretary shall ensure that the daily calendar contains appropriate notation of committee reports.

~~47~~ 602. DIVIDED COMMITTEE REPORT

1. In case all the members of any committee, ~~including a conference committee~~, required or entitled to report on any subject referred to them, cannot agree upon any report, the majority and minority may each make a special report, and any member or members dissenting in whole or in part, from the reasoning and conclusions of both the majority and minority may also present to the Senate a statement of his or their reasonings and conclusions; and all reports, if decorous in language, and respectful to the Senate, shall be entered at length in the journal, and shall be announced by the Secretary as provided in Rule ~~46~~ 601.
2. If one or more of the reports presented pursuant to this rule recommend an amendment to the legislative measure under consideration, the Secretary shall, during the fifth order of business, announce the fact that a divided committee report has been received, including a report, or reports, for amendment. The amendments, except as provided in subsection 3 of Rule 601, shall then go on the calendar under the

sixth order of business in accordance with subsection 2 of Rule 46 601.

3. If more than one amendment is recommended by divided reports relating to a particular measure, the President shall direct that they be placed on the calendar in order in accordance with the number of members signing the report, with the amendment recommended by the report signed by the largest number of committee members being placed on the calendar first. In the event that the reports recommending amendment are signed by an equal number of members, the President shall determine by some other equitable method the order in which they will be placed on the calendar during the sixth order of business.

4. The President shall also rule, in the case of a divided committee report recommending two or more amendments, as to the effect of the passage of the first amendment on each subsequent amendment recommended to that particular legislative measure.

40- 603. REPORT DIVIDED

Whenever the report of any committee, except a conference committee, contains several modifications or amendments, any member may have the same divided, and the question of their adoption taken separately ~~upon~~ on each modification or amendment.

71- 604. REPORT OF SELECT COMMITTEES

Select committees to whom reference has been made, ~~in all-cases~~ shall, in all cases, report ~~a-state-of~~ to the Senate the facts and their opinions ~~to-the-Senate~~ on the matters referred.

54- 605. CONFERENCE COMMITTEE REPORTS, EXCEPTION TO SENATE

RULES 46 601 AND 53 332

The provisions of the Senate Rules 46 601 and 53 332 shall not prohibit the reading of a conference committee report and adoption or rejection of any recommended amendments ~~therein recommended~~, nor the placing of any bill or resolution affected by such conference committee report on the calendar for final action on the same day the conference committee report is received, ~~nor shall the requirement of placing a full mimeographed or printed copy of recommended amendments in the hands of all members apply to conference committee reports for amendment.~~

CHAPTER VII. EXECUTIVE NOMINATIONS73- 701. EXECUTIVE NOMINATIONS

Upon receipt of nominations from the executive, the Senate shall forthwith consider them. The nominations shall be read and be referred to the ~~appropriate~~ select committee appointed pursuant to Senate Rule 39, unless otherwise ordered by the Senate. The final question on every nomination shall be, "Will the Senate advise and consent to the nomination?" It shall be the duty of the President to advise the executive in writing, of the action taken by the Senate.

CHAPTER VIII. RULES MANUAL77- 801. RULES

Mason's Manual on Legislative Procedure shall govern the Senate in all cases to which it is applicable, and when it is not inconsistent with the standing rules and ~~order~~ orders of the Senate and the joint rules of the Senate and House of Representatives.

JOINT RULES

SECTION 1. AMENDMENT. The Joint rules are hereby amended, rearranged, and renumbered to read as follows:

CHAPTER I. COMMUNICATIONS AND TRANSMITTALS1- 101. TRANSMITTING OF PAPERS

Each house shall transmit to the other house all

papers on which any bill or resolution shall be founded, for which receipt shall be given and preserved.

3- 102. NOTICE OF REJECTION OF BILLS

When a bill or resolution which shall have passed in one house is rejected in the other, notice thereof shall be given to the house in which the same may have passed.

4- 103. MESSAGES

Messages from one house to the other shall be communicated by the Secretary of the Senate and Clerk of the House of Representatives, unless the house transmitting the messages shall especially direct otherwise.

CHAPTER II. PROCEDURES ON MEASURES

5- 201. AMENDMENTS

It shall be in the power of either house to amend any amendment made by the other to any bill or resolution.

7- 202. RECEDING BEFORE CONFERENCE

It shall be in order for either house to recede from any subject matter of difference existing between the two houses at any time previous to a conference whether the papers on which difference has arisen are before the house receding formally or informally, and a majority shall govern, except in case where two-thirds are required by the Constitution, and the question having been put and lost, shall not be again put the same day, and the consideration thereof in other respects shall be regulated by the rules of the respective houses.

8- 203. LIMITATION ON MESSAGING OF BILLS - CROSSOVER DAYS

1. No bill that ~~shall have~~ has passed one house shall be sent to the other house for concurrence after the thirty-third legislative day of the session, except bills introduced after the first fifteen legislative days of the session by a the Committee on Delayed Bills or introduced with the concurrence of two-thirds or more of the members

of the house of introduction.

2. No resolution directing the Legislative Council to carry out a study that ~~shall have~~ has passed one house shall be sent to the other house for concurrence after the thirty-eighth legislative day of the session, except study resolutions introduced after the thirty-third legislative day by a the Committee on Delayed Bills or introduced with the concurrence of two-thirds or more of the members of the house of introduction.

9+ 204. RETURNING OF BILLS

Either house, upon majority vote, shall return any bill or resolution called for by resolution of the other house, if the bill or resolution is yet in possession of the house called upon, and no action thereon has been had. In case action has been had, then it shall require a two-thirds vote of the house asked to return a bill or resolution called for.

±2+ 205. ASSISTANCE IN DRAFTING BILLS

The Legislative Council is authorized to provide for the members of the legislature such legal assistance as may be necessary for the proper drafting of proposed legislation.

±6+ 206. UNCONTESTED BILLS - CONSENT CALENDAR

1. Each standing committee may report an uncontested bill or resolution out of committee and may include in its committee report a recommendation that it be placed on the consent calendar.
2. As used in this rule, "uncontested bill" (or "resolution") means any bill or resolution, except those containing appropriations, which receives a do pass or do pass as amended recommendation from the committee to which it is referred, by unanimous vote of the members present provided a quorum is present.

3. Following the presentation of a committee report recommending passage, or the adoption of committee amendments ~~thereto~~, if any, all bills or resolutions reported by the committee as uncontested shall be placed on the consent calendar ~~by the Secretary of the Senate or Chief Clerk of the House~~, and shall be known as "consent calendar bills" (or "resolutions").
4. Any consent calendar bill or resolution which is amended from the floor shall cease to be a consent calendar bill or resolution and shall be placed on the regular calendar.
5. Upon objection of one-third of the members-elect to the placement or retention of any bill or resolution to the consent calendar, such shall cease to be a consent calendar bill or resolution and shall be placed on the regular calendar.
6. No consent calendar bill or resolution shall be considered for adoption on the same legislative day it is placed on the consent calendar.

17- 207. CONSIDERATION OF BILLS ON CONSENT CALENDAR

1. Bills or resolutions on the consent calendar are not debatable, except that the President of the Senate or the Speaker of the House shall allow a reasonable time for questions from the floor and shall permit the proponents of such bills or resolutions to answer such questions.
2. The question of the final passage of more than one bill or resolution contained in the consent calendar may be voted ~~upon~~ on in a single roll call vote provided that such roll call vote is ~~upon~~ on either bills or resolutions and not ~~upon~~ on both in the same roll call vote.

3. Immediately prior to voting on the first consent calendar bills or resolutions, the President of the Senate or the Speaker of the House shall call to the attention of the members the fact that the next roll call will be the roll call on the bills or resolutions on the consent calendar.
4. The consent calendar shall be considered immediately prior to the consideration of bills and resolutions on second reading and final passage in the regular calendar.

~~20---PROCEDURE-OF-LEGISLATIVE-COUNCIL-RESOLUTIONS
COMMITTEES-(REPEALED)~~

~~21-~~ 208. INTRODUCTION OF EXECUTIVE DEPARTMENT AND SUPREME COURT BILLS

Each executive agency and the Supreme Court shall file those bills ~~it wants~~ they wish to have introduced with the Legislative Council during the organizational session, or thereafter, but no later than ~~the fifth legislative day of~~ December fifteenth prior to the ensuing regular session. Such bills will be deemed introduced by the standing committee of the House or Senate with general jurisdiction over the subject matter of the bill. The Legislative Council will deliver those bills to the President of the Senate or the Speaker of the House for recording and numbering. Executive agency and Supreme Court bills will be identified by noting the name of the agency or the court under the name of the sponsoring committee.

CHAPTER III. JOINT COMMITTEES

~~6-~~ 301. CONFERENCE COMMITTEES

- a- 1. In every case of a difference between the two houses arising from a refusal by one house to concur in amendments made by the other house, if either house ~~shall request~~ requests a conference

on the difference which has arisen and ~~shall~~ ~~appoint~~ appoints a committee for that purpose, the other house shall also appoint such a committee.

- b- 2. The committees so appointed shall meet at such hour and place as shall be agreed on by the chairmen; and the chairmen shall have the time and place of the meeting posted on the bulletin board prior to the meeting, or the chairmen shall announce the time and place of the meeting to their respective houses.
- e- 3. The committees so appointed shall state to each other, verbally, or in writing, as either may choose, the reasons of their respective houses, and confer thereon; and they shall be authorized to report, in the manner set out below, to their respective houses regarding the manner in which they recommend that the difference between the two houses should be resolved.
- d- 4. The chairman of the conference committee representing the house of origin of the bill or resolution under consideration shall ensure that minutes of the meetings of the conference committee be kept in the same manner as other standing committee minutes.
- e- 5. Conference committees appointed pursuant to this rule shall confine their conferences and recommendations to consideration of the stated difference which gave rise to the appointment of the committees, and in no event shall a conference committee submit a divided report.
- f- 6. The conference committee report shall first be submitted to the house having possession of the

bill over which the difference has arisen where it shall be acted ~~upon~~ on and notice of such action transmitted to the other house.

~~97~~ 7. When the other house shall have also acted ~~upon~~ on the report, it shall notify the house having possession of the bill, which house shall, if appropriate, proceed to take action on the bill and transmit it to the other house for appropriate action.

~~197~~ 302. JOINT COMMITTEES

For the convenience of the public and the information of members, so far as practicable, like committees of both houses ~~shall~~ may meet in joint session. The chairman shall be the chairman of the committee of the house before which the bill or resolution under consideration is then pending. The report to the house before which the bill is pending shall be made by the members of the committee of such house.

~~157~~ 303. JOINT APPROPRIATIONS COMMITTEE HEARINGS

For greater utilization of members' time, for the convenience of representatives of institutions and agencies, and for the information of members, Appropriations Committees may meet upon mutual agreement of the chairmen of the Appropriations Committees in the House and Senate, for joint session budget hearings. The chairman will be the chairman of the committee of the house before which the bill under consideration is pending. A report shall be made by the committee of the house before which the bill is pending.

~~237--JOINT-STANDING-COMMITTEE-ON-REAPPORTIONMENT~~

~~(REPEALED)~~

~~247~~ 304. JOINT CONSTITUTIONAL REVISION COMMITTEE

The Joint Constitutional Revision Committee shall consist of ten members, five from each house, appointed in the same manner as the members of other standing committees are

appointed. The first-named member from each house shall act as cochairperson of the committee. The committee shall meet on Wednesday of each week from 8:00 a.m. to 9:30 a.m. or at the call of the chairpersons at such other times and places as they may determine. All resolutions proposing amendments, additions, or repeals to the Constitution of the State of North Dakota shall be referred to the committee. The committee will report on those resolutions in the same manner and in accordance with the same time schedules as do other standing committees. A resolution shall be first reported back to its house of origin.

CHAPTER IV. JOINT SESSIONS

~~18-~~ 401. JOINT SESSIONS

Joint sessions of the House and Senate shall be allowed only for the inauguration ceremony, the inaugural address by the newly elected Governor, an address by the Governor, the state of the judiciary address by the Chief Justice, and such other legislative business as may arise from time to time. Joint sessions honoring or memorializing persons other than members of the Legislative Assembly shall not be called.

CHAPTER V. FISCAL NOTES

~~14-~~ 501. FISCAL NOTES

1. All bills and resolutions introduced into either house of the Legislative Assembly having an effect of five thousand dollars or more on the revenues, expenditures, or fiscal liability of the state, except appropriation measures carrying specific dollar amounts, shall have a fiscal note attached to such bill or resolution which shall be prepared as herein provided.
2. a. The determination as to whether a fiscal note is required shall be made by the

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Legislative Council for those bills or resolutions prepared by the ~~staff-of-the~~ Legislative Council staff, or by the chairman of the committee to which a bill or resolution is referred for those bills or resolutions not prepared by the Legislative Council, or not bearing a fiscal note.

b. Bills or resolutions to which amendments have been made having a fiscal effect of five thousand dollars or more shall have a fiscal note attached upon request of the chairman of the committee considering the bill or resolution, or by request of the majority of the members of the house in which the bill is considered at the time of second reading.

c. The chairman of a committee may request the aid of the Legislative Council in making a determination as to whether a bill or resolution requires a fiscal note.

3. a. Fiscal notes shall be prepared by the state agency or department responsible for collecting or expending the revenues affected or jointly by affected departments or agencies, at the request of the Legislative Council or the chairman of the committee considering the bill or resolution.

b. Requests for fiscal notes shall be in writing, addressed to the designated agency or department, and upon a proper request form, and shall be accompanied by a reproduction of the bill or resolution

having the fiscal effect.

- c. The Legislative Council shall prepare all necessary forms for the implementation of the fiscal note procedure.
 - d. Each agency or department to whom a request for a fiscal note is made shall ~~be~~ state, in writing, ~~upon~~ on a fiscal note form, the fiscal impact in dollar amounts of the bill or resolution being considered.
 - e. If the agency or department of whom a fiscal note is requested is unable to provide specific information upon the fiscal impact of the bill or resolution, it shall make an estimate of the impact according to such available information it may have or be able to obtain and shall state that the figures provided are an estimate.
 - f. If such agency or department is not able to make an estimate it shall state such fact.
4. a. All fiscal notes shall be prepared in triplicate and shall be returned to the Legislative Council or the [.]committee chairman making such request, whichever the case may be, not later than five days from date of such request.
- b. One copy of the fiscal note shall be attached to the original bill or resolution, one copy shall be filed with the Bill Clerk of the house wherein the bill or resolution originated, and one copy shall be filed in the ~~office-of-the~~ Legislative Council office.
5. Any bill or resolution requiring a fiscal note

shall be stamped or have written on its cover a notation to the effect that a fiscal note is required.

6. Reports of committees shall include a notation that a specific bill or resolution carries a fiscal note.
7. Upon second reading and final passage of all bills ~~or~~ and resolutions carrying fiscal notes, the Secretary of the Senate or the Clerk of the House, whichever the case may be, shall be required to read the fiscal note in its entirety at the time of reading the title of the bill or resolution to be voted ~~upon~~ on.

CHAPTER VI. PRINTING

~~2-~~ 601. REPRINTING OF AMENDED BILLS

Whenever any bill or resolution has been amended and passed by the first house, it shall not be reprinted as amended on different colored paper unless otherwise ordered by the house in which it originates.

~~10-~~ 602. PRINTING AND MAILING OF JOURNAL

On the opening day of the Legislative Assembly or as soon thereafter as may be, the President of the Senate and the Speaker of the House shall each appoint a committee of three from their respective bodies to act as a joint committee to agree ~~upon~~ on and formulate a plan whereby the journals of the Senate and House, together with other public documents which may be of special interest, may be mailed to the various sections of the state.

~~11-~~ 603. PRINTING OF THE RULES

The rules of the Senate and House and the joint rules shall be printed in a single publication, which shall also include the names, addresses, and telephone numbers of Senators members of the Senate and House members, -the-Order-of-Business

~~of-the-Senate-and-the-House, the Senate and House standing committees, the Senate and House joint committees, the Senate and House rules for this legislative session, the joint rules of the Senate and House, names, addresses, and telephone numbers of the officers and employees of the Senate and House, and a directory of state officers and their present the location and telephone numbers of their offices, and an index shall be printed in one pamphlet, with a. A colored sheet of paper separating these shall separate the rules of the Senate from those of the House. One thousand of such pamphlets rule books shall be printed. The title of the joint and separate rules shall be in boldfaced type.~~

~~The Secretary of State shall retain at least 250 copies of these pamphlets to be mailed by him to each newly certified elected member of the House and Senate, prior to the convening of the next Legislative Assembly.~~

25- 604. PRINTING AND DISTRIBUTION OF BILLS

1. Seven Eight hundred copies of each bill, and five hundred copies of each resolution shall be printed, unless the house of introduction ~~shall order~~ orders a greater or lesser number to be printed.
2. Bill room employees, under the supervision of the Chief Clerk or the Secretary of the Senate, as the case may be, may, as time and physical space allow, set aside not more than five copies of each bill or resolution, or specified bills and resolutions, to be delivered to certain specified persons.
3. Persons on an approved list to receive bills as of the first day of the regular session shall have priority for receiving bills and resolutions

pursuant to this rule.

4. This rule shall not apply to the staff of the Legislative Council which may have such number of bills set aside as are necessary to aid it in carrying on legislative business.
5. Bill room employees shall not distribute more than five bills to any one person, except to legislators, legislative employees, and members of the Legislative Council staff.

CHAPTER VII. LEGISLATIVE DAYS

~~19~~ 701. SATURDAYS AND SUNDAYS NOT LEGISLATIVE DAYS

Saturdays and Sundays shall not be counted as legislative days, unless legislative business is conducted on those days, or either of them.

CHAPTER VIII. OPEN MEETINGS

~~22~~ 801. OPEN LEGISLATIVE MEETINGS

All meetings of the Legislative Assembly and its committees, including interim legislative committees, shall be open to the public and the press at all times when pending or proposed legislation is being considered.

Senator Melland moved that the report be adopted, which motion prevailed.

REPORT OF PROCEDURAL COMMITTEES

Mr. President: Your Procedural Committee on Committees submits the following report as to proposed Chairmen, Vice Chairmen, and members of Standing Committees and Procedural Committees.

SENATE COMMITTEE ASSIGNMENTS
SENATE STANDING COMMITTEES

APPROPRIATIONS COMMITTEE (12-2)

Lips, Chairman
Melland, V. Chrm.
Hanson
Naaden
Thane
Wenstrom
Fritzell
Olin
Vosper
Streibel

Roen
Tweten
Walsh
Tallackson

EDUCATION COMMITTEE (5 - 2)

Nelson, Chairman
Leibhan, V. Chrm.
Peterson
Tierney
Erickson
Berube
Dotzenrod

FINANCE AND TAXATION COMMITTEE (5-2)

Goodman, Chairman
Wright, V. Chrm
Moore
Lee
Adams
Shablow
Barth

INDUSTRY, BUSINESS AND LABOR COMMITTEE (5-6 or 2-1)

Reiten, Chairman
Tennefos, V. Chrm.
Mutch
R. Christensen
Quail
Grotberg

(District 7 Vacancy)

JUDICIARY COMMITTEE (5-6 or 2-1)

H. Christensen, Chairman
Sorum, V. Chrm.
Iszler
Holmberg
Stenehjem
Lashkowitz

(District 15 Vacancy)

STATE AND FEDERAL GOVERNMENT COMMITTEE (6 - 1)

Lodoen, Chairman
Cussons, V. Chrm.
Solberg
Albers
Bakewell
Dykshoorn
Redlin

AGRICULTURE COMMITTEE (5 - 2)

Iszler, Chairman
Albers, V. Chrm.
Sorum
Leibhan
Bakewell
Barth
Dotzenrod

NATURAL RESOURCES COMMITTEE (6 - 1)

Lee, Chairman
R. Christensen, V. Chrm.

Goodman
 Nelson
 Quail
 Moore
 Redlin

POLITICAL SUBDIVISIONS COMMITTEE (5 - 2)

Holmberg, Chairman
 Tierney, V. Chrm.
 Lodoen
 Reiten
 Wright
 Berube
 Shablow

SOCIAL WELFARE AND VETERANS AFFAIRS COMMITTEE (5-6 or 2-1)

Peterson, Chairman
 Stenehjem, V. Chrm.
 Adams
 H. Christensen
 Cussons
 Grotberg

(District 15 Vacancy)

TRANSPORTATION COMMITTEE (5-6 or 2-1)

Solberg, Chairman
 Mutch, V. Chrm.
 Tennefos
 Erickson
 Dykshoorn
 Lashkowitz

(District 7 Vacancy)

JOINT CONSTITUTIONAL REVISION COMMITTEE (4 - 1)

Wenstrom, Chairman
 Holmberg
 Sorum
 Adams
 Lashkowitz

PROCEDURAL COMMITTEES

COMMITTEE ON COMMITTEES (6 - 2)

Nothing, Chairman
 Thane
 Lee
 Naaden
 Olin
 Wright
 Redlin
 Berube

COMMITTEE ON EMPLOYMENT (4 - 1)

Thane, Chairman
 Solberg
 Iszler
 Wright
 Barth

COMMITTEE ON DELAYED BILLS (4 - 1)

Cussons, Chairman
 Nelson