

SECTION 1. AMENDMENT. House Rule 312 is amended as follows:

312. MOTIONS DURING DEBATE. When a question is under debate, no motion may be received, except to fix the time to which to adjourn; to adjourn; to permit a member to vote; to lay on the table; to move the previous question; to close, limit, or extend debate (which ~~five~~ six kinds of motions must be decided without debate); to move to postpone to a day certain; to refer; and to amend. These motions have precedence in the order in which they are named. No motion to postpone to a day certain or to refer, having been decided, may be entertained again on the same day.

SECTION 2. AMENDMENT. House Rule 317 is amended as follows:

317. NONDEBATABLE MOTIONS. The following motions are not debatable:

1. Adjournment.
2. Clincher.
3. Fix the time of adjournment.
4. Order of the day.
5. Reading of papers.
6. Withdrawal of motion.
7. Suspension of the rules.
8. ~~To lay~~ Lay on the table.
9. Previous question.
10. Close, limit, or extend debate.
11. Permit a member to vote.

NOTE: Sections 1 and 2 are in response to a suggestion that House Rule 312 (Motions During Debate) also should list a motion to allow a member to vote under House Rule 322 (Procedure in Excusing Member From Voting). The location of the proposed amendment follows the approximate order of precedence of motions listed in Section 187 of Mason's Manual of Legislative Procedure.

Senate and House Rules 317 are amended to include the motion to permit a member to vote within the list of nondebatable motions. The listing of the motion to permit a member to vote within the kinds of motions decided without debate recognizes the current provision of Senate and House Rules 322: "Upon motion, the question must be put to the [Senate/House], 'Shall the member, for the reasons stated, be permitted to vote?' which must be decided without debate."

1 **SECTION 3. AMENDMENT.** House Rule 402 is amended as follows:

2 **402. WHEN INTRODUCED.**

- 3 1. No member other than the Majority and Minority Leaders may introduce more than
4 five bills as prime sponsor after the fourth legislative day. No bill may be
5 introduced after the ninth legislative day, and no resolution, except those
6 resolutions described in subsection 3, may be introduced after the eighteenth
7 legislative day, except upon approval of a majority of the Delayed Bills Committee
8 or upon two-thirds vote of the members of the House present and voting.
- 9 2. No member of the Legislative Assembly on April first of the year before a regular
10 legislative session may submit a bill mandating health insurance coverage of
11 services or payment for specified providers as described in North Dakota Century
12 Code Section 54-03-28 for consideration by the Employee Benefits Programs
13 Committee after April first of the year before a regular legislative session. No
14 member of the Legislative Assembly taking legislative office for the first time after
15 November thirtieth of the year before a regular legislative session may submit a bill
16 mandating health insurance coverage of services or payment for specified
17 providers as described in North Dakota Century Code Section 54-03-28 for
18 consideration by the Employee Benefits Programs Committee after the first
19 Wednesday following adjournment of the organizational session.
- 20 3. No bill introduced at the request of an executive agency or the Supreme Court may
21 be introduced after the close of business on the day after the adjournment of the
22 organizational session, except upon approval of a majority of the Delayed Bills
23 Committee.
- 24 ~~3.~~ 4. Resolutions that propose amendments to the Constitution of North Dakota and
25 resolutions directing the Legislative Council to carry out a study may not be
26 introduced after the thirty-first legislative day.

NOTE: This rules amendment is in response to a suggestion by Blue Cross Blue Shield of North Dakota to increase the time available for the actuary to make an analysis of health mandate legislation. Under North Dakota Century Code Section 54-03-28, a bill that is a mandate must be considered by the Employee Benefits Programs Committee, must be referred to a standing committee, must have an independent cost-benefit analysis before the standing committee can take action, then must be rereferred to the Appropriations Committee if the bill affects the appropriation for the Public Employees Retirement System. Experience indicates it takes four weeks to complete the actuarial analysis.

SECTION 4. AMENDMENT. Subsection 1 of House Rule 402 is amended as follows:

1. No member other than the Majority and Minority Leaders may introduce more than five bills as prime sponsor after the ~~fourth~~ fifth legislative day. No bill may be introduced after the ~~ninth~~ tenth legislative day, and no resolution, except those resolutions described in subsection 3, may be introduced after the eighteenth legislative day, except upon approval of a majority of the Delayed Bills Committee or upon two-thirds vote of the members of the House present and voting.

NOTE: Sections 4 and 6 revise deadlines for introducing bills so that the deadlines continue to fall on Mondays in light of the Legislative Assembly convening on a Tuesday rather than a Wednesday in 2009.

The proposed amendment to Joint Rule 203(1) maintains crossover on a Friday.

SECTION 5. AMENDMENT. Subsection 3 of House Rule 602 is amended as follows:

3. The majority report is either the report signed by the largest number of committee members or the report signed by the committee chairman if that report is one of two or more reports signed by the largest and an equal number of members. The majority report must be placed on the calendar ~~for consideration before~~ consideration of above any minority report. Minority reports must be placed on the calendar in order in accordance with the number of committee members signing the reports, with the report signed by the largest number of members being placed on the calendar first.

NOTE: This proposed rules amendment is in response to the following suggestion:

There appears to be a conflict in House Rules 601(4) and 602(3). In Rule 601(4) on a divided committee report it states that the minority report should be substituted for the majority report and a vote taken on that question. In Rule 602(3) it states that the majority report should be voted on first before the minority report. During the 2007 legislative session we used the procedure in Rule 601(4).

During the 1993-94 interim, the Legislative Management Committee reviewed the procedure followed if a committee recommended divided reports. The specific concern was whether all divided committee reports should be put on the seventh order of business, regardless of the type of recommendation. Two different procedures applied. If one report recommended amendment and the other recommended do not pass, those reports were placed on the seventh order of business and were subject to a motion that the minority report be substituted for the majority report. If both reports recommended amendment, the reports recommending amendments were placed on the sixth order of business. The Legislative Management Committee recommended amendment of Senate and House Rules 601 and 602 to provide that all divided reports would be placed on the calendar for the next legislative day on the seventh order of business and are subject to a motion that the minority report be substituted for the majority report.

As a result, Senate and House Rules 602(2) became rules directing the order of placement on the daily calendar, and Senate and House Rules 601(4) became rules describing how divided reports were to be considered.

Reading both rules together, the majority report is placed on the calendar "above" the minority report (House Rule 602), and then when a majority report is being considered, a motion is received that the minority report be substituted for the majority report (House Rule 601). Thus, House Rule 602 is used as a means to prepare the calendar, and House Rule 601 is used to determine the procedure for considering the majority and minority reports.

SECTION 6. AMENDMENT. Subsection 1 of Joint Rule 203 is amended as follows:

1. A bill that has passed one house may not be sent to the other house for concurrence after the ~~thirty-third~~ thirty-fourth legislative day, except a bill approved for introduction after the deadline for introduction of bills.

SECTION 7. Joint Rule 210 is created as follows:

210. DELIVERY OF VETO MESSAGES. When the Governor vetoes a bill that cannot be returned to the house of origin because the legislative assembly is not in session, the objections to the bill must be filed with the Secretary of State and with the director of the Legislative Council or a Legislative Council employee designated by the director for purposes of publishing the objections in the journal of the house of origin and in the Session Laws.

NOTE: This proposed rules amendment is in response to a suggestion that a joint rule similar to Joint Rule 209 (Return of Vetoes With Objections) be created to establish a procedure for delivery of veto messages for bills vetoed after the Legislative Assembly has adjourned in order for the Legislative Council office to receive the message for purposes of publication in the postsession journal and in the Session Laws.

SECTION 8. AMENDMENT. Joint Rule 802 is amended as follows:

802. IDENTIFICATION OF REPRESENTATIVES OF THE MEDIA. The Legislative Council may provide identification badges for individuals identified as representatives of the media by the North Dakota Newspaper Association and the North Dakota Broadcasters Association before a regular session or by the statehouse correspondent of the Associated Press during a legislative session. The statehouse correspondent of the Associated Press shall ~~distribute~~ determine the method for distribution of the badges to the appropriate individuals for use during the session to obtain access to the floor of the chamber as permitted by the Senate and House. The statehouse correspondent of the Associated Press shall notify the President of the Senate and the Speaker of the House with respect to identification badges issued during the session.

NOTE: This proposed rules amendment is in response to a suggestion that Joint Rule 802 should reflect the practice followed in distributing identification badges, i.e., the North Dakota Newspaper Association distributes the badges. The proposed language provides the flexibility to recognize practices that may change in the future.