

MR. PRESIDENT: Your procedural **Rules Committee** (Sen. Holmberg, Chairman) recommends that the Senate and Joint Rules of the 62nd Legislative Assembly, as adopted on Wednesday, December 8, 2010, be amended as follows for the extraordinary session of the 62nd Legislative Assembly:

SECTION 1. AMENDMENT. Subsection 4 of Senate Rule 318 is amended as follows:

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- a. Initiated and referred measures amended or repealed within seven years after enactment or approval, as provided in Section 8, Article III, of the Constitution and Senate Rule 339.
- b. Emergency clauses, as provided in Section 13, Article IV, of the Constitution.
- c. Vetoed measures, reconsideration, as provided in Section 9, Article V, of the Constitution.
- d. Adoption of propositions of a divided question if the division would require a two-thirds vote of the members-elect, as provided in Senate Rule 319.
- e. To recede before a conference in a case where two-thirds governs, as provided in Joint Rule 202.
- f. ~~Second reading same day as report, as provided in Senate Rule 337.~~
- g. Reconsideration after the next legislative day or after a previous motion to reconsider, as provided in Senate Rule 347.
- ~~h.g.~~ Reconsideration after a clincher motion, as provided in Senate Rule 348.
- ~~i.h.~~ Suspension of requirement that copies of amendments be distributed before acted on, as provided in Senate Rule 601.
- ~~j.i.~~ Amendment, reconsideration, or suspension of a joint rule, as provided in Joint Rule 105.

SECTION 2. AMENDMENT. Senate Rule 333 is amended as follows:

333. Amend or rerefer on second reading. On the second reading of every bill or resolution, any amendment other than amendment of a measure reported from a conference committee or a measure on the calendar as the result of a motion to concur or not concur in amendments by the House may be received and the bill or resolution may be rereferred at any time before its final passage. Upon request of a member, a floor amendment must be submitted

1 in writing and distributed to each member, except that during a special session of the Legislative
2 Assembly called by the Governor, an amendment received on the second reading of a bill
3 providing for redistricting of the Legislative Assembly may propose the concept of the
4 amendment rather than the language needed for amendment of the bill and upon approval of
5 the amendment the presiding officer shall rerefer the bill to committee for preparation of the
6 amendment and the committee shall report the amended bill back to the Senate for action.

7 **SECTION 3. AMENDMENT.** Senate Rule 337 is amended as follows:

8 **337. Second reading.** No bill requiring the approval of the Governor, no resolution
9 proposing a change in the Constitution of North Dakota, and no resolution ratifying an
10 amendment to the Constitution of the United States may be referred, except in the case of a bill
11 or resolution that is prefiled pursuant to Senate Rule 401, or amended until it has been read;
12 nor may any such bill or resolution have its second reading and final passage until at least one
13 day after it ~~has been reported to the Senate by the committee to which it was referred, provided~~
14 ~~that any such bill or resolution may have its second reading and final passage on the same day~~
15 ~~it is reported back when so ordered by two-thirds of the members-elect of the Senate~~ its first
16 reading.

17 **SECTION 4. AMENDMENT.** Senate Rule 346 is amended as follows:

18 **346. Transmittal of measure to House - Notice of intention to reconsider.**

- 19 1. After the second reading of a bill or resolution, the Secretary of the Senate shall ~~retain~~
20 ~~the bill or resolution until the end of the next legislative day, unless the bill or resolution~~
21 ~~has previously been disposed of.~~
- 22 2. ~~On the thirty-eighth and thirty-ninth legislative days and after the fifty-ninth legislative~~
23 ~~day, the Secretary of the Senate shall transmit the bill or resolution to the House~~
24 ~~immediately upon adjournment of that day's session unless action on the bill or~~
25 ~~resolution is pending as the result of the Senate passing a motion to reconsider or~~
26 ~~unless the Majority or Minority Leader has given notice of intention to move the~~
27 ~~reconsideration of that bill or resolution.~~
- 28 3. ~~After the sixty-eighth legislative day, the Secretary of the Senate shall transmit the bill~~
29 ~~or resolution to the House immediately after the second reading of the bill or resolution~~
30 ~~unless the Majority or Minority Leader has given notice of intention to move the~~
31 ~~reconsideration of that bill or resolution.~~

1 ~~4.2.~~ When a member in explaining the member's vote states to the Senate that the
2 member's vote is for the purpose of reconsideration, that statement also is notice of
3 such intention.

4 ~~5.~~ If notice is given by a member other than the Majority or Minority Leader but the
5 motion to reconsider is not made before the end of the next legislative day, the
6 Secretary of the Senate shall transmit the bill or resolution to the House at the end of
7 that next legislative day.

8 3. If notice of intention to move reconsideration is given, the Secretary of the Senate
9 shall retain the bill or resolution until adjournment of that day's session.

10 **SECTION 5. AMENDMENT.** Subsection 1 of Senate Rule 401 is amended as follows:

11 1. Any bill or resolution that conforms to statutory requirements and these rules, ~~within~~
12 ~~the number and time prescribed,~~ may be introduced by any member, standing
13 committee, or the Legislative Management, by filing the bill or resolution with the
14 Secretary, who shall number consecutively each bill or resolution.

15 **SECTION 6. AMENDMENT.** Subsections 1 and 2 of Senate Rule 402 are amended as
16 follows:

17 1. ~~No member other than the Majority and Minority Leaders may introduce more than~~
18 ~~three bills as prime sponsor after the tenth legislative day. No bill may be introduced~~
19 ~~after the fifteenth legislative day, and no resolution, except those resolutions described~~
20 ~~in subsection 3, may be introduced after the eighteenth legislative day, except upon~~
21 approval of the Legislative Management or a majority of the Delayed Bills Committee
22 or upon two-thirds vote of the members of the Senate present and voting.

23 2. No bill introduced at the request of an executive agency or the Supreme Court may be
24 introduced ~~after the close of business on the day after the adjournment of the~~
25 ~~organizational session,~~ except upon approval of a majority of the Delayed Bills
26 Committee.

27 **SECTION 7. AMENDMENT.** Senate Rule 403 is amended as follows:

28 **403. Delayed bills and resolutions.** The Delayed Bills Committee shall receive from the
29 Secretary every bill and resolution offered for introduction ~~after the time for introduction as~~
30 ~~limited by Senate Rule 402,~~ and, on the same or the next legislative day after receiving the
31 measure, shall inform the Senate whether the introduction of the measure has been approved.
32 If a majority of the committee favors introduction, the sponsor may introduce the measure. Each

measure approved for introduction must bear the name or names of the sponsor or sponsors and must note the approval of the Delayed Bills Committee.

SECTION 8. AMENDMENT. Senate Rule 504 is amended as follows:

504. Committee meetings.

- ~~1. The Appropriations Committee meets on Monday, Tuesday, Wednesday, Thursday, and Friday of each week.~~
- ~~2. The three-day committees meet on Monday, Tuesday, and Wednesday of each week.~~
- ~~3. The two-day committees meet on Thursday and Friday of each week.~~
4. The chairman of any committee, or a majority of that committee, may call meetings at times and on other days as deemed necessary.

SECTION 9. AMENDMENT. Senate Rule 601 is amended as follows:

601. Report of committees.

1. The report of a committee must provide for one or more of the following recommendations with respect to the bill or resolution: do pass, do not pass, be amended, be rereferred to another committee, or be placed on the calendar without recommendation.
2. 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. If the committee report is divided pursuant to Senate Rule 602, the Secretary shall announce the majority and minority report, or reports, as well.
3.
 - a. If the committee report is for amendment, the proposed amendment must be placed on the calendar ~~for the next legislative day on the sixth order of business.~~
~~After the fifty-fifth legislative day, the proposed amendment must be placed on the calendar~~ on the sixth order of business immediately after the report of the committee is received.
 - b. No action may be taken on an amendment until a verbatim copy of the amendment has been distributed to each member; provided, that 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.
 - c. If the amendment is adopted by a majority vote of the members present, the amended measure must then be placed on the calendar ~~for the next legislative~~

1 day under the applicable order of business for second reading and final passage
2 except as provided in subdivision e or g.

3 d. If the amendment is rejected, the measure without amendment must be placed
4 on the calendar ~~for the next legislative day~~ under the applicable order of business
5 for second reading and final passage except as provided in subdivision e or g.

6 e. If the committee report is for amendment and then rereferral to another
7 committee, the measure must be rereferred to the appropriate committee after
8 adoption or rejection of the amendment. If, after adoption or rejection of the
9 amendment, a measure is subject to rereferral under Senate Rule 329, the
10 measure must be rereferred to the Appropriations Committee, regardless of
11 whether the report provides for rereferral.

12 f. If the committee report does not recommend rereferral to another committee but
13 recommends that the measure pass, do not pass, or makes no recommendation,
14 the measure must be placed on the calendar ~~for the next legislative day~~ under
15 the applicable order of business for second reading and final passage ~~except as~~
16 ~~provided in subdivision g.~~

17 g. ~~On motion~~ Except as provided under subdivision e, a measure must be placed on
18 the calendar for second reading and final passage immediately after action is
19 taken on the amendment. ~~If the committee report recommends that the measure~~
20 ~~be placed on the calendar for second reading and final passage immediately~~
21 ~~after action is taken on the amendment, the measure must be placed on the~~
22 ~~calendar for second reading and final passage immediately after the amendment~~
23 ~~is adopted. After the thirty-second legislative day all Senate bills, and after the~~
24 ~~fifty-fifth legislative day all measures, must be placed on the calendar for second~~
25 ~~reading and final passage immediately after action is taken on the amendment. A~~
26 measure placed on the calendar under this subdivision may be acted on
27 immediately after placement on the calendar.

28 h. A report for amendment must be approved as to form and style by the Legislative
29 Council staff. When a report for amendment is received by the Secretary without
30 a notation that the report was approved as to form and style by the Legislative
31 Council staff, the Secretary immediately shall cause that report to be delivered to

1 the Legislative Council office with a request that the report be examined and
2 receive a notation approving its form and style.

- 3 4. If the committee report is divided as provided in Senate Rule 602, the reports must be
4 placed on the calendar ~~for the next legislative day~~ on the seventh order of business.

5 The presiding officer shall receive and announce a motion that the report of the
6 minority be substituted for the majority committee report. If the minority report is
7 adopted, that report is substituted for the majority report and must be placed on the
8 calendar on the eleventh or fourteenth order of business. If the minority report is not
9 adopted, the majority report is deemed adopted and must be placed on the calendar
10 on the eleventh or fourteenth order of business. If a "do not pass" report is adopted
11 under this subsection, the measure must be placed on the calendar on the eleventh or
12 fourteenth order of business. If no report is adopted under this subsection, the
13 measure must be placed on the calendar on the eleventh or fourteenth order of
14 business unless the measure is subject to rereferral under Senate Rule 329.

- 15 5. ~~The~~ If practicable, the Secretary shall ensure that the daily calendar contains
16 appropriate notation of committee reports.

17 **SECTION 10. AMENDMENT.** Joint Rule 202 is amended as follows:

18 **202. Receding before conference.** Either house may recede from any subject matter of
19 difference existing between the two houses at any time before a conference whether the papers
20 on which difference has arisen are before the house receding formally or informally, and a
21 majority of the members-elect governs, except in a case where two-thirds of the members-elect
22 is required by the Constitution, and the question having been put and lost, may not be again put
23 the same day, and the consideration thereof in other respects is regulated by the rules of the
24 respective houses.

25 **SECTION 11. AMENDMENT.** Joint Rule 207 is amended as follows:

26 **207. Consideration of items on consent calendar.**

- 27 1. ~~No item on the consent calendar may be considered for adoption on the same~~
28 ~~legislative day it is placed on the consent calendar.~~
- 29 2. Bills or resolutions on the consent calendar are not debatable, except that the
30 presiding officer shall allow a reasonable time for questions from the floor and shall
31 permit the proponents of the bills or resolutions to answer the questions.

1 ~~3-2.~~ The question of the final passage of more than one item contained on the consent
2 calendar may be voted on in a single vote if the vote is on either bills or resolutions
3 and not on any combination thereof in the same vote.

4 ~~4-3.~~ Immediately before voting on the first consent calendar bills or resolutions, the
5 presiding officer shall call to the attention of the members the fact that the next vote
6 will be the vote on the bills or resolutions on the consent calendar. A recorded roll call
7 vote is necessary on items on the consent calendar only if a recorded roll call vote is
8 required under Senate or House Rule 340.

9 **SECTION 12. AMENDMENT.** Joint Rule 208 is amended as follows:

10 **208. Introduction of executive agency and Supreme Court bills.** Each executive agency
11 and the Supreme Court shall file with the Legislative Council those bills they wish to have
12 introduced ~~no later than the close of business on the day after the adjournment of the~~
13 ~~organizational session. Each. Upon approval by the appropriate Delayed Bills Committee, each~~
14 bill is deemed introduced by the standing committee of the House or Senate with general
15 jurisdiction over the subject matter of the bill; but if the filing entity receives the approval of a
16 legislator to sponsor the bill, that bill is to be introduced by the legislator rather than by the
17 standing committee. A bill sponsored by a legislator may not have more sponsors than the
18 number allowed under Senate and House Rules 401. The director of the budget shall file with
19 the Legislative Council those bills making appropriations to implement the budget
20 recommended by the Governor no later than the close of business on the seventh day after the
21 adjournment of the organizational session, as required by North Dakota Century Code Section
22 54-44.1-07, and those bills are deemed introduced by the Appropriations Committee of the
23 Senate or House at the request of the Governor. The bill implementing the budget request of
24 the judicial branch is deemed introduced by the Appropriations Committee of the Senate or
25 House at the request of the Supreme Court, and the bill implementing the budget request of the
26 legislative branch is deemed introduced by the Appropriations Committee of the Senate or
27 House at the request of the Legislative Council. The Legislative Council shall number and
28 deliver bills filed under this rule to the appropriate house for recording. Each bill introduced
29 under this rule must be identified by noting the name of the agency or the court under the name
30 of the sponsoring committee or legislator. The identification of a bill introduced by a standing
31 committee may include the names of not more than five entities authorized to file bills under this
32 rule.

1 **SECTION 13.** Joint Rule 303 is created as follows:

2 **303. Joint Legislative Redistricting Committee.** A Joint Legislative Redistricting
3 Committee must be appointed during any legislative session during which the issue of
4 legislative redistricting is addressed. The committee consists of sixteen members, eight from the
5 House and eight from the Senate, appointed in the same manner as the members of other
6 standing committees are appointed. The first-named member from each house is cochairman of
7 the committee. The presiding officer shall refer to the Joint Legislative Redistricting Committee
8 all bills and resolutions relating to redistricting or reapportionment of legislative districts. The
9 committee shall first meet at the call of the Senate cochairman and the chairmanship of each
10 meeting thereafter alternates between the cochairmen. Members of the committee are excused
11 from attending a meeting of any other committee while they are attending a meeting of the Joint
12 Legislative Redistricting Committee. The committee shall issue joint reports on the measures
13 referred to it, with a report first being presented to the house having possession of the measure,
14 and later presented to the other house if appropriate.

15 **SECTION 14.** Joint Rule 304 is created as follows:

16 **304. Joint Health Care Reform Committee.** A Joint Health Care Reform Committee must
17 be appointed during a special session. The committee consists of nineteen members, fourteen
18 from the House and five from the Senate, appointed in the same manner as the members of
19 other standing committees are appointed. The first-named member from each house is
20 cochairman of the committee. The presiding officer shall refer bills and resolutions relating to
21 federal health care reform to the committee. The committee shall first meet at the call of the
22 House cochairman and the chairmanship of each meeting thereafter alternates between the
23 cochairmen. Members of the committee are excused from attending a meeting of any other
24 committee while they are attending a meeting of the Joint Health Care Reform Committee. The
25 committee shall issue joint reports on the measures referred to it, with a report first being
26 presented to the house having possession of the measure, and later presented to the other
27 house if appropriate.

28 **SECTION 15. AMENDMENT.** Subsection 4 of Joint Rule 501 is amended as follows:

- 29 4. a. The agency or department preparing the fiscal note shall return the fiscal note
30 along with the number of copies requested by the Legislative Council to the
31 Legislative Council not later than ~~five days~~one day from the date of the request.

1 b. The Legislative Council shall retain three copies, shall provide one copy to the
2 Office of Management and Budget, shall provide one copy to the Governor, and
3 shall deliver the remaining copies to the Secretary of the Senate or the Chief
4 Clerk of the House. Of those copies, one copy must be attached to the original
5 bill or resolution, one copy must be filed with the Bill Clerk of the house wherein
6 the bill or resolution originated, one copy must be provided to the presiding officer
7 of the Senate, one copy must be provided to the presiding officer of the House,
8 and the remaining copies must be distributed as directed by the Secretary of the
9 Senate or the Chief Clerk of the House, as appropriate.