

## ND CONSTITUTION

### ARTICLE IV LEGISLATIVE BRANCH

**Section 13.** [Journals — Recorded vote — Voting by lieutenant governor — **Bill passage** — Effective date of acts — Laws to implement constitution — Local or special laws]

Each house shall keep a journal of its proceedings, and a recorded vote on any question shall be taken at the request of one-sixth of those members present. No bill may become law except by a recorded vote of a majority of the members elected to each house, and the lieutenant governor is considered a member-elect of the senate when the lieutenant governor votes.

**No law may be enacted except by a bill passed by both houses, and no bill may be amended on its passage through either house in a manner which changes its general subject matter. No bill may embrace more than one subject, which must be expressed in its title; but a law violating this provision is invalid only to the extent the subject is not so expressed.**

Every bill must be read on two separate natural days, and the readings may be by title only unless a reading at length is demanded by one-fifth of the members present.

No bill may be amended, extended, or incorporated in any other bill by reference to its title only, except in the case of definitions and procedural provisions.

The presiding officer of each house shall sign all bills passed and resolutions adopted by the legislative assembly, and the fact of signing shall be entered at once in the journal.

Every law, except as otherwise provided in this section, enacted by the legislative assembly during its eighty natural meeting days takes effect on August first after its filing with the secretary of state, or if filed on or after August first and before January first of the following year ninety days after its filing, or on a subsequent date if specified in the law unless, by a vote of two-thirds of the members elected to each house, the legislative assembly declares it an emergency measure and includes the declaration in the Act. Every appropriation measure for support and maintenance of state departments and institutions and every tax measure that changes tax rates enacted by the legislative assembly take effect on July first after its filing with the secretary of state or on a subsequent date if specified in the law unless, by a vote of two-thirds of the members elected to each house, the legislative assembly declares it an emergency measure and includes the declaration in the Act. An emergency measure takes effect upon its filing with the secretary of state or on a date specified in the measure. Every law enacted by a special session of the legislative assembly takes effect on a date specified in the Act.

The legislative assembly shall enact all laws necessary to carry into effect the provisions of this constitution. Except as otherwise provided in this constitution, no local

or special laws may be enacted, nor may the legislative assembly indirectly enact special or local laws by the partial repeal of a general law but laws repealing local or special laws may be enacted.

## LEGISLATIVE MANUAL 2021-22

### Senate Rules

**332. Amending bills.** No bill may be amended, extended, or incorporated in any other bill by reference to its title only, except in the case of definitions and procedural provisions, but the portion amended, extended, or incorporated must be set out at length and reenacted. **No bill may be amended during its pendency in the Senate in a manner that changes its general subject matter.**

### House Rules

**332. Amending bills.** No bill may be amended, extended, or incorporated in any other bill by reference to its title only, except in the case of definitions and procedural provisions, but the portion amended, extended, or incorporated must be set out at length and reenacted. **No bill may be amended during its pendency in the House in a manner that changes its general subject matter.**

## LEGISLATIVE DRAFTING MANUAL

### CONSTITUTIONAL CONSIDERATIONS FOR LEGISLATIVE DRAFTERS

#### STATE CONSTITUTIONAL REQUIREMENTS

##### Background

A number of provisions of the Constitution of North Dakota provide specific requirements relating to the drafting of legislation. For the most part, these provisions are found in Article IV, the legislative article. Many of the provisions of Article IV relating to bill drafting are found in Section 13, which contains seven paragraphs.

##### General Subject Matter

Section 13 also provides that no bill may be amended to change its general subject matter.

##### Single Subject Rule

Another provision of Section 13 which has received a good deal of attention by the North Dakota Supreme Court is the sentence that provides: "No bill may embrace more than one subject, which must be expressed in its title; but a law violating this provision is invalid only to the extent the subject is not so expressed." **The general rule deducible**

from the court decisions is that the Act is valid if all the provisions of an Act are germane to the subject expressed in the title. See *Sunbehm Gas, Inc. v. Conrad*, 310 N.W.2d 766 (N.D. 1981); *Kessler v. Board of Ed. of City of Fessenden*, 87 N.W.2d 743 (N.D. 1958).

Stated differently, this rule means that legislation may include any matter naturally and reasonably connected with the subject of the Act as expressed in the title. *Lapland v. Stearns*, 54 N.W.2d 748 (N.D. 1952); *State ex rel. Gammons v. Shafer*, 63 N.D. 128, 246 N.W. 874 (1933); *Thompson Yards v. Kingsley*, 54 N.D. 49, 208 N.W. 949 (1926).