

PROPOSED AMENDMENTS TO SENATE RULES 201 AND 202
AND JOINT RULES 207, 208, 501(4), AND 802

SECTION 1. AMENDMENT. Senate Rule 201 is amended as follows:

201. DUTIES OF PRESIDENT. The President shall:

1. Call the Senate to order on the first day of the organizational session as required by North Dakota Century Code Section 54-03-04.
2. Administer the oath of office to members and officers of the Legislative Assembly as authorized by North Dakota Century Code Section 54-03-05.
3. Preside over joint sessions of the Senate and House. ~~The President is charged with all the powers and duties pertaining to the position of presiding officer.~~
2. ~~Preserve order and decorum. In case of disorderly conduct or disturbance in the galleries or the corridors, the President or the chairman of the Committee of the Whole may order the galleries or corridors to be cleared.~~
3. ~~Sign all acts, addresses, resolutions, writs, warrants, and subpoenas of or issued by order of the Senate.~~
4. Preside over sessions of the Senate as requested by the President Pro Tempore.
5. Serve on the Yellowstone-Missouri-Fort Union Commission as provided by North Dakota Century Code Section 55-06-01.
6. Make appointments to the Medical Center Advisory Council, the board of directors of the Comprehensive Health Association of North Dakota, the Capitol Grounds Planning Commission, the Regulatory Reform Review Commission, and the Legislative Council as required by law.
7. In consultation with the President Pro Tempore, determine security necessary to be provided by the Highway Patrol while the Legislative Assembly is in session, as authorized by law.

SECTION 2. AMENDMENT. Senate Rule 202 is amended as follows:

202. DUTIES OF PRESIDENT PRO TEMPORE. The President Pro Tempore shall:

1. Preside over the Senate. The President Pro Tempore is charged with all the powers and duties pertaining to the position of presiding officer.

2. Preserve order and decorum. In case of disorderly conduct or disturbance in the galleries or the corridors, the President Pro Tempore or the chairman of the Committee of the Whole may order the galleries or corridors to be cleared.
3. Sign all acts, addresses, resolutions, writs, warrants, and subpoenas of or issued by order of the Senate.
4. In the absence of the President of the Senate, or during refusal of the President to act as provided under Senate Rule 201, ~~the President Pro Tempore shall~~ exercise all rights and prerogatives of the President.
5. While the Legislative Assembly is in session, ~~the President Pro Tempore shall~~ sign all vouchers for payment of money out of the appropriation for the Legislative Assembly.

SECTION 3. AMENDMENT. Joint Rule 207 is amended as follows:

207. CONSIDERATION OF ITEMS ON CONSENT CALENDAR.

1. No item on the consent calendar may be considered for adoption on the same legislative day it is placed on the consent calendar.
2. Bills or resolutions on the consent calendar are not debatable, except that the ~~President of the Senate or the Speaker of the House~~ presiding officer shall allow a reasonable time for questions from the floor and shall permit the proponents of the bills or resolutions to answer the questions.
3. The question of the final passage of more than one item contained on the consent calendar may be voted on in a single vote if the vote is on either bills or resolutions and not on any combination thereof in the same vote.
4. Immediately before voting on the first consent calendar bills or resolutions, the ~~President of the Senate or the Speaker of the House~~ presiding officer shall call to the attention of the members the fact that the next vote will be the vote on the bills or resolutions on the consent calendar. A recorded roll call vote is necessary on items on the consent calendar only if a recorded roll call vote is required under Senate or House Rule 340.

SECTION 4. AMENDMENT. Joint Rule 208 is amended as follows:

208. INTRODUCTION OF EXECUTIVE AGENCY AND SUPREME COURT BILLS.

Each executive agency and the Supreme Court shall file with the Legislative Council those bills they wish to have introduced no later than December tenth before the ensuing regular session. Each bill is deemed introduced by the standing committee of the House or Senate with general

1 jurisdiction over the subject matter of the bill; but if the filing entity receives the approval of a
2 legislator to sponsor the bill, that bill is to be introduced by the legislator rather than by the
3 standing committee. A bill sponsored by a legislator may not have more sponsors than the
4 number allowed under Senate and House Rules 401. The director of the budget shall file with
5 the Legislative Council those bills making appropriations to implement the budget
6 recommended by the Governor no later than December tenth before the ensuing regular
7 session and those bills are deemed introduced by the Appropriations Committee of the Senate
8 or House at the request of the Governor. The bill implementing the budget request of the
9 judicial branch is deemed introduced by the Appropriations Committee of the Senate or House
10 at the request of the Supreme Court, and the bill implementing the budget request of the
11 legislative branch is deemed introduced by the Appropriations Committee of the Senate or
12 House at the request of the Legislative Council. The Legislative Council shall number and
13 deliver bills filed under this rule to the ~~President of the Senate or the Speaker of the House~~
14 appropriate house for recording. Each bill introduced under this rule must be identified by
15 noting the name of the agency or the court under the name of the sponsoring committee or
16 legislator. The identification of a bill introduced by a standing committee may include the
17 names of not more than five entities authorized to file bills under this rule.

18 **SECTION 5. AMENDMENT.** Subsection 4 of Joint Rule 501 is amended as follows:

- 19 4. a. The agency or department preparing the fiscal note shall return the fiscal note
20 along with the number of copies requested by the Legislative Council to the
21 Legislative Council not later than five days from the date of the request.
- 22 b. The Legislative Council shall retain three copies, shall provide one copy to the
23 Office of Management and Budget, shall provide one copy to the Governor,
24 and shall deliver the remaining copies to the Secretary of the Senate or the
25 Chief Clerk of the House. Of those copies, one copy must be attached to the
26 original bill or resolution, one copy must be filed with the Bill Clerk of the
27 house wherein the bill or resolution originated, one copy must be provided to
28 the ~~President~~ presiding officer of the Senate, one copy must be provided to
29 the ~~Speaker~~ presiding officer of the House, and the remaining copies must be
30 distributed as directed by the Secretary of the Senate or the Chief Clerk of the
31 House, as appropriate.

32 **SECTION 6. AMENDMENT.** Joint Rule 802 is amended as follows:

1 **802. IDENTIFICATION OF REPRESENTATIVES OF THE MEDIA.** The Legislative
2 Council may provide identification badges for individuals identified as representatives of the
3 media by the North Dakota Newspaper Association and the North Dakota Broadcasters
4 Association before a regular session or by the statehouse correspondent of the Associated
5 Press during a legislative session. The statehouse correspondent of the Associated Press
6 shall distribute the badges to the appropriate individuals for use during the session to obtain
7 access to the floor of the chamber as permitted by the Senate and House. The statehouse
8 correspondent of the Associated Press shall notify the ~~President of the Senate and the Speaker~~
9 ~~of the House~~ presiding officer of each house with respect to identification badges issued during
10 the session.

11 **SECTION 7.** Except with respect to Senate Rules 201 and 323, the Legislative Council
12 shall replace references to the President with references to the President Pro Tempore in the
13 Senate Rules when the rules are republished in the rules book of the Fifty-seventh Legislative
14 Assembly for the 2001 legislative session.

NOTE: Section 12 of Article V of the Constitution of North Dakota provides: "The lieutenant governor shall serve as president of the senate. If the senate is equally divided on a question, the lieutenant governor may vote on procedural matters and on substantive matters if the lieutenant governor's vote would be decisive." This language also appears in Senate Rule 323, which is not changed under these proposed amendments. Section 13 of Article IV provides that the Lieutenant Governor is considered a member-elect of the Senate when the Lieutenant Governor votes.

With respect to trials of impeachment, Section 9 of Article XI provides that when the Governor or Lieutenant Governor is on trial, the presiding judge of the Supreme Court is to preside, and Section 13 of Article XI provides that on trial of impeachment against the Governor, the Lieutenant Governor is not to act as a member of the court. No provision requires the Lieutenant Governor to preside. The provisions of North Dakota Century Code (NDCC) Chapter 44-09 relating to impeachment refer to the President of the Senate "or other person presiding therein."

As proposed, Senate Rule 201(1) and (2) identify statutorily created duties; Senate Rule 201(3) and (4) provide for the President to preside over joint sessions and as requested by the President Pro Tempore, and Senate Rule 201(5) through (7) identify statutorily created duties or powers that appear to relate directly to responsibility as a presiding officer.

Senate Rule 201(5) refers to NDCC Section 55-06-01, which provides the Yellowstone-Missouri-Fort Union Commission consists of the "the governor as chairman, the president of the senate, the speaker of the house, the superintendent of the state historical board, the director of the department of economic development and finance, all ex officio, and five citizens of the state appointed by the governor."

Senate Rule 201(6) refers to appointments of the presiding officer provided by these NDCC provisions: Sections 15-52-03 (the President of the Senate and the Speaker of the House each appoint one member from the respective house to the 14-member Medical Center Advisory Council), 26.1-08-03 (the President of the Senate and Speaker of the House each appoint one member from the respective house to the board of

directors of the Comprehensive Health Association of North Dakota), 48-10-01 (the President of the Senate and the Speaker of the House each appoint two members of the respective house to the Capitol Grounds Planning Commission), 49-21-22.2 (the President of the Senate and the Speaker of the House each appoint two members of the respective house to the Regulatory Reform Review Commission), and 54-35-06 (the Lieutenant Governor appoints as members of the Legislative Council the four senators recommended by the majority leader and the two senators recommended by the minority leader and the Speaker of the House appoints the four representatives recommended by the majority leader and three members recommended by the minority leader).

Senate Rule 201(7) refers to the authority of the Highway Patrol contained in NDCC Section 39-03-09(15) to "provide security and protection for both houses of the legislative assembly while in session as in the opinion of the speaker of the house, the president of the senate, and the superintendent are deemed adequate and appropriate."

The former provisions of Senate Rule 201 relating to powers and duties of the presiding officer, preserving order, and signing papers are added to Senate Rule 202. North Dakota Century Code Section 54-03-08 requires the Senate to elect one of its members President Pro Tempore at the beginning and close of each regular session. The President Pro Tempore is statutorily recognized as in the line of succession to the office of Governor (Section 44-02-03), authorized to act in the absence of the President (Section 54-03-04), authorized to approve vouchers during a legislative session (Section 54-03-11), authorized to act in case of disability of the Lieutenant Governor (Section 54-08-02), and is a member of the Garrison Diversion Overview Committee (Section 54-35-02.7). Section 6 of Article VIII of the Constitution of North Dakota includes the President Pro Tempore as a member of the nominating committee that proposes names of prospective members of the State Board of Higher Education.