

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

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

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

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

- 11 1. Adjournment.
- 12 2. Clincher.
- 13 3. Fix the time of adjournment.
- 14 4. Order of the day.
- 15 5. Reading of papers.
- 16 6. Withdrawal of motion.
- 17 7. Suspension of the rules.
- 18 8. ~~To lay~~ Lay on the table.
- 19 9. Previous question.
- 20 10. Close, limit, or extend debate.
- 21 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 nondebateable 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 4. AMENDMENT.** Subsection 1 of House Rule 402 is amended as follows:

- 2 1. No member other than the Majority and Minority Leaders may introduce more than
3 five bills as prime sponsor after the ~~fourth~~ fifth legislative day. No bill may be
4 introduced after the ~~ninth~~ tenth legislative day, and no resolution, except those
5 resolutions described in subsection 3, may be introduced after the eighteenth
6 legislative day, except upon approval of a majority of the Delayed Bills Committee
7 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.

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

- 9 3. The majority report is either the report signed by the largest number of committee
10 members or the report signed by the committee chairman if that report is one of
11 two or more reports signed by the largest and an equal number of members. The
12 majority report must be placed on the calendar ~~for consideration before~~
13 ~~consideration of~~ above any minority report. Minority reports must be placed on the
14 calendar in order in accordance with the number of committee members signing
15 the reports, with the report signed by the largest number of members being placed
16 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.

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

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

5 **SECTION 7.** Joint Rule 210 is created as follows:

6 **210. DELIVERY OF VETO MESSAGES.** When the Governor vetoes a bill that cannot
7 be returned to the house of origin because the legislative assembly is not in session, the
8 objections to the bill must be filed with the Secretary of State and with the director of the
9 Legislative Council or a Legislative Council employee designated by the director for purposes
10 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.

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

12 **802. IDENTIFICATION OF REPRESENTATIVES OF THE MEDIA.** The Legislative
13 Council may provide identification badges for individuals identified as representatives of the
14 media by the North Dakota Newspaper Association and the North Dakota Broadcasters
15 Association before a regular session or by the statehouse correspondent of the Associated
16 Press during a legislative session. The statehouse correspondent of the Associated Press
17 shall ~~distribute~~ determine the method for distribution of the badges to the appropriate
18 individuals for use during the session to obtain access to the floor of the chamber as permitted
19 by the Senate and House. The statehouse correspondent of the Associated Press shall notify
20 the President of the Senate and the Speaker of the House with respect to identification badges
21 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.