

PROPOSED SENATE AND JOINT RULES  
AMENDMENTS RELATING TO A SPECIAL LEGISLATIVE SESSION

1 With respect to adoption of the rules by the Senate during a special session called to order  
2 in 2011, the relevant motion would be:

3 That the Senate and Joint Rules of the 62<sup>nd</sup> Legislative Assembly, as adopted on  
4 Wednesday, December 8, 2010, be amended as follows for the extraordinary session of the  
5 62<sup>nd</sup> Legislative Assembly:

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

7 4. The following questions require a two-thirds vote of the members-elect of the Senate:

- 8 a. Initiated and referred measures amended or repealed within seven years after  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

**NOTE:** This amendment relates to removal of the requirement that a two-thirds vote of the members-elect is required for second reading on the same day an item is reported from committee. An identical amendment was made during the 2001 special session.

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

1       **333. Amend or rerefer on second reading.** On the second reading of every bill or  
2 resolution, any amendment other than amendment of a measure reported from a conference  
3 committee or a measure on the calendar as the result of a motion to concur or not concur in  
4 amendments by the House may be received and the bill or resolution may be rereferred at any  
5 time before its final passage. Upon request of a member, a floor amendment must be submitted  
6 in writing and distributed to each member, except that during a special session of the Legislative  
7 Assembly called by the Governor, an amendment received on the second reading of a bill  
8 providing for redistricting of the Legislative Assembly may propose the concept of the  
9 amendment rather than the language needed for amendment of the bill and upon approval of  
10 the amendment the presiding officer shall rerefer the bill to committee for preparation of the  
11 amendment and the committee shall report the amended bill back to the Senate for action.

**NOTE:** This amendment retains the ability to amend a bill on second reading but provides that during a special session an amendment of a bill providing for redistricting may propose the "concept" of the amendment rather than the language needed for the amendment. Upon approval of the "amendment," the presiding officer is to rerefer the bill to committee for preparation of the amendment. This process presumes the amendment is related to the composition of a legislative district which requires an exact legal description, which would take time to prepare and proof. An identical amendment was made during the 2001 special session.

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

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

**NOTE:** This amendment is the substance of change necessary to allow second reading the same day the measure is reported from committee. An identical amendment was made during the 2001 special session.

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

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

1. After the second reading of a bill or resolution, the Secretary of the Senate shall retain the bill or resolution until the end of the next legislative day, unless the bill or resolution has previously been disposed of.
2. On the thirty-eighth and thirty-ninth legislative days and after the fifty-ninth legislative day, the Secretary of the Senate shall transmit the bill or resolution to the House immediately upon adjournment of that day's session unless action on the bill or resolution is pending as the result of the Senate passing a motion to reconsider or unless the Majority or Minority Leader has given notice of intention to move the reconsideration of that bill or resolution.
3. After the sixty-eighth legislative day, the Secretary of the Senate shall transmit the bill or resolution to the House immediately after the second reading of the bill or resolution unless the Majority or Minority Leader has given notice of intention to move the reconsideration of that bill or resolution.
- 4.2. When a member in explaining the member's vote states to the Senate that the member's vote is for the purpose of reconsideration, that statement also is notice of such intention.
5. If notice is given by a member other than the Majority or Minority Leader but the motion to reconsider is not made before the end of the next legislative day, the Secretary of the Senate shall transmit the bill or resolution to the House at the end of that next legislative day.
3. If notice of intention to move reconsideration is given, the Secretary of the Senate shall retain the bill or resolution until adjournment of that day's session.

**NOTE:** This amendment allows immediate transmittal of a measure to the other house after second reading unless notice of intention to reconsider is given by the majority or minority leader or by a member when explaining that member's vote. A substantially identical amendment was made during the 2001 special session.

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

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

**NOTE:** This amendment eliminates references to introducing bills within the number and time prescribed (under Senate Rule 402). Senate Rule 402 is proposed for amendment to eliminate references to introducing numbers of bills depending on the legislative day.

An identical amendment was made to Senate Rule 401(1) during the 2001 special session.

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

1. ~~No member other than the Majority and Minority Leaders may introduce more than three bills as prime sponsor after the tenth legislative day. No bill may be introduced after the fifteenth legislative day, and no resolution, except those resolutions described in subsection 3, may be introduced after the eighteenth legislative day, except upon approval of the Legislative Management or a majority of the Delayed Bills Committee or upon two-thirds vote of the members of the Senate present and voting.~~
2. No bill introduced at the request of an executive agency or the Supreme Court may be introduced ~~after the close of business on the day after the adjournment of the organizational session,~~ except upon approval of a majority of the Delayed Bills Committee.

**NOTE:** This amendment addresses the issue of introduction of bills during the special session. Bills would have to be approved either by the Legislative Management or the Delayed Bills Committee. Substantially identical amendments were made to Senate Rule 402 during the 2001 special session.

During the 2001 special session, the Legislative Council introduced one Senate bill relating to Legislative Assembly redistricting; and the House Delayed Bills Committee approved the introduction of one House bill relating to sexual offender registration. Both bills were enacted.

During the 1991 special session, the Legislative Council introduced one House bill relating to exemption of farm structures from ad valorem taxation, two Senate bills related to legislative redistricting, and one Senate bill related to special election procedures; the Senate Delayed Bills Committee approved the introduction of four Senate bills relating to partial payment of sick leave benefits for state employees, the form of a garnishee summons and notice to defendant, Medicare supplement policies, and issuance of bonds by the State Board of Higher Education to construct an energy and environmental research center at the University of North Dakota, and one Senate Concurrent Resolution relating to a Legislative Council study of a statewide water development program; and the House Delayed Bills Committee approved the introduction of one House Concurrent Resolution relating to special session employees and compensation. Except for one of the legislative redistricting bills, all of the measures introduced were enacted.

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

**403. Delayed bills and resolutions.** The Delayed Bills Committee shall receive from the Secretary every bill and resolution offered for introduction ~~after the time for introduction as limited by Senate Rule 402,~~ and, on the same or the next legislative day after receiving the measure, shall inform the Senate whether the introduction of the measure has been approved.

1 If a majority of the committee favors introduction, the sponsor may introduce the measure. Each  
2 measure approved for introduction must bear the name or names of the sponsor or sponsors  
3 and must note the approval of the Delayed Bills Committee.

**NOTE:** This rules amendment relates to the amendment of Senate Rule 402 which provides for the Delayed Bills Committee to review every measure other than one introduced by the Legislative Management. An identical amendment was made to Senate Rule 403 during the 2001 special session.

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

5 **504. Committee meetings.**

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

**NOTE:** This rules amendment addresses the issue of whether regular standing committees will meet on regularly scheduled days. This depends on whether bills and resolutions introduced during the special session will be referred to regular standing committees or whether special committees will be appointed. An identical amendment was made to Senate Rule 504 during the 2001 special session. All measures introduced during the 1991 and 2001 special sessions were referred to one of two joint committees that were established by rule--the Joint Technical Corrections Committee or the Joint Legislative Redistricting Committee. See proposed Joint Rules 303 and 304.

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

13 **601. Report of committees.**

- 14 1. The report of a committee must provide for one or more of the following  
15 recommendations with respect to the bill or resolution: do pass, do not pass, be  
16 amended, be rereferred to another committee, or be placed on the calendar without  
17 recommendation.  
18 2. During the fifth order of business, the Secretary shall announce that committee reports  
19 have been received, if such is the case, and shall list the bill or resolution number, or  
20 other identifier, and state the accompanying committee recommendation. If the  
21 committee report is divided pursuant to Senate Rule 602, the Secretary shall  
22 announce the majority and minority report, or reports, as well.  
23 3. a. If the committee report is for amendment, the proposed amendment must be  
24 placed on the calendar ~~for the next legislative day on the sixth order of business.~~

1           ~~After the fifty-fifth legislative day, the proposed amendment must be placed on~~  
2           ~~the calendar~~ on the sixth order of business immediately after the report of the  
3           committee is received.

- 4           b. No action may be taken on an amendment until a verbatim copy of the  
5           amendment has been distributed to each member; provided, that on a two-thirds  
6           vote of the members-elect, this may be suspended, and the amendment acted on  
7           immediately after the report of the committee.
- 8           c. If the amendment is adopted by a majority vote of the members present, the  
9           amended measure must then be placed on the calendar ~~for the next legislative~~  
10          ~~day~~ under the applicable order of business for second reading and final passage  
11          except as provided in subdivision e ~~or g~~.
- 12          d. If the amendment is rejected, the measure without amendment must be placed  
13          on the calendar ~~for the next legislative day~~ under the applicable order of business  
14          for second reading and final passage except as provided in subdivision e ~~or g~~.
- 15          e. If the committee report is for amendment and then rereferral to another  
16          committee, the measure must be rereferred to the appropriate committee after  
17          adoption or rejection of the amendment. If, after adoption or rejection of the  
18          amendment, a measure is subject to rereferral under Senate Rule 329, the  
19          measure must be rereferred to the Appropriations Committee, regardless of  
20          whether the report provides for rereferral.
- 21          f. If the committee report does not recommend rereferral to another committee but  
22          recommends that the measure pass, do not pass, or makes no recommendation,  
23          the measure must be placed on the calendar ~~for the next legislative day~~ under  
24          the applicable order of business for second reading and final passage ~~except as~~  
25          ~~provided in subdivision g~~.
- 26          g. ~~On motion~~ Except as provided under subdivision e, a measure must be placed on  
27          the calendar for second reading and final passage immediately after action is  
28          taken on the amendment. ~~If the committee report recommends that the measure~~  
29          ~~be placed on the calendar for second reading and final passage immediately~~  
30          ~~after action is taken on the amendment, the measure must be placed on the~~  
31          ~~calendar for second reading and final passage immediately after the amendment~~  
32          ~~is adopted. After the thirty-second legislative day all Senate bills, and after the~~

1           ~~fifty fifth legislative day all measures, must be placed on the calendar for second~~  
2           ~~reading and final passage immediately after action is taken on the amendment.~~ A  
3           measure placed on the calendar under this subdivision may be acted on  
4           immediately after placement on the calendar.

5           h. A report for amendment must be approved as to form and style by the Legislative  
6           Council staff. When a report for amendment is received by the Secretary without  
7           a notation that the report was approved as to form and style by the Legislative  
8           Council staff, the Secretary immediately shall cause that report to be delivered to  
9           the Legislative Council office with a request that the report be examined and  
10          receive a notation approving its form and style.

11        4. If the committee report is divided as provided in Senate Rule 602, the reports must be  
12        placed on the calendar ~~for the next legislative day~~ on the seventh order of business.  
13        The presiding officer shall receive and announce a motion that the report of the  
14        minority be substituted for the majority committee report. If the minority report is  
15        adopted, that report is substituted for the majority report and must be placed on the  
16        calendar on the eleventh or fourteenth order of business. If the minority report is not  
17        adopted, the majority report is deemed adopted and must be placed on the calendar  
18        on the eleventh or fourteenth order of business. If a "do not pass" report is adopted  
19        under this subsection, the measure must be placed on the calendar on the eleventh or  
20        fourteenth order of business. If no report is adopted under this subsection, the  
21        measure must be placed on the calendar on the eleventh or fourteenth order of  
22        business unless the measure is subject to rereferral under Senate Rule 329.

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

**NOTE:** These amendments allow for immediate action on amendments and second reading after adoption or rejection of amendments without motions. The references to subdivision g as an exception are deleted because subdivision g (immediate second reading) becomes the rule rather than the exception. Identical amendments were made to Senate Rule 601 during the 2001 special session.

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

26        **202. Receding before conference.** Either house may recede from any subject matter of  
27        difference existing between the two houses at any time before a conference whether the papers  
28        on which difference has arisen are before the house receding formally or informally, and a  
29        majority of the members-elect governs, except in a case where two-thirds of the members-elect

1 is required by the Constitution, and the question having been put and lost, may not be again put  
2 the same day, and the consideration thereof in other respects is regulated by the rules of the  
3 respective houses.

**NOTE:** This amendment addresses the issue of whether a day must pass before a question can be reconsidered with respect to an issue that would go to conference committee. An identical amendment was made to Joint Rule 202 during the 2001 special session.

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

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

- 6 1. ~~No item on the consent calendar may be considered for adoption on the same~~  
7 ~~legislative day it is placed on the consent calendar.~~
- 8 2. Bills or resolutions on the consent calendar are not debatable, except that the  
9 presiding officer shall allow a reasonable time for questions from the floor and shall  
10 permit the proponents of the bills or resolutions to answer the questions.
- 11 ~~3.2.~~ The question of the final passage of more than one item contained on the consent  
12 calendar may be voted on in a single vote if the vote is on either bills or resolutions  
13 and not on any combination thereof in the same vote.
- 14 ~~4.3.~~ Immediately before voting on the first consent calendar bills or resolutions, the  
15 presiding officer shall call to the attention of the members the fact that the next vote  
16 will be the vote on the bills or resolutions on the consent calendar. A recorded roll call  
17 vote is necessary on items on the consent calendar only if a recorded roll call vote is  
18 required under Senate or House Rule 340.

**NOTE:** This amendment addresses the issue of consideration of measures the same day they are reported from committee. An identical amendment was made to Joint Rule 207 during the 2001 special session.

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

20 **208. Introduction of executive agency and Supreme Court bills.** Each executive agency  
21 and the Supreme Court shall file with the Legislative Council those bills they wish to have  
22 introduced ~~no later than the close of business on the day after the adjournment of the~~  
23 ~~organizational session. Each.~~ Upon approval by the appropriate Delayed Bills Committee, each  
24 bill is deemed introduced by the standing committee of the House or Senate with general  
25 jurisdiction over the subject matter of the bill; but if the filing entity receives the approval of a  
26 legislator to sponsor the bill, that bill is to be introduced by the legislator rather than by the  
27 standing committee. A bill sponsored by a legislator may not have more sponsors than the



1 number allowed under Senate and House Rules 401. The director of the budget shall file with  
2 the Legislative Council those bills making appropriations to implement the budget  
3 recommended by the Governor no later than the close of business on the seventh day after the  
4 adjournment of the organizational session, as required by North Dakota Century Code Section  
5 54-44.1-07, and those bills are deemed introduced by the Appropriations Committee of the  
6 Senate or House at the request of the Governor. The bill implementing the budget request of  
7 the judicial branch is deemed introduced by the Appropriations Committee of the Senate or  
8 House at the request of the Supreme Court, and the bill implementing the budget request of the  
9 legislative branch is deemed introduced by the Appropriations Committee of the Senate or  
10 House at the request of the Legislative Council. The Legislative Council shall number and  
11 deliver bills filed under this rule to the appropriate house for recording. Each bill introduced  
12 under this rule must be identified by noting the name of the agency or the court under the name  
13 of the sponsoring committee or legislator. The identification of a bill introduced by a standing  
14 committee may include the names of not more than five entities authorized to file bills under this  
15 rule.

**NOTE:** This rules amendment addresses the issue of whether an executive agency and the Supreme Court have bill introduction privileges during the special session. Such bills could not be introduced without approval of the Delayed Bills Committee. An identical amendment was made to Joint Rule 208 during the 2001 special session.

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

17 **303. Joint Legislative Redistricting Committee.** A Joint Legislative Redistricting  
18 Committee must be appointed during any legislative session during which the issue of  
19 legislative redistricting is addressed. The committee consists of sixteen members, eight from the  
20 House and eight from the Senate, appointed in the same manner as the members of other  
21 standing committees are appointed. The first-named member from each house is cochairman of  
22 the committee. The presiding officer shall refer to the Joint Legislative Redistricting Committee  
23 all bills and resolutions relating to redistricting or reapportionment of legislative districts. The  
24 committee shall first meet at the call of the Senate cochairman and the chairmanship of each  
25 meeting thereafter alternates between the cochairmen. Members of the committee are excused  
26 from attending a meeting of any other committee while they are attending a meeting of the Joint  
27 Legislative Redistricting Committee. The committee shall issue joint reports on the measures  
28 referred to it, with a report first being presented to the house having possession of the measure,  
29 and later presented to the other house if appropriate.

**NOTE:** This rule is similar to the rule that was adopted during the 2001 special session to establish the Joint Legislative Redistricting Committee. As provided by that rule, that committee consisted of eight members of the House and seven members of the Senate. The membership of that committee tracked the membership of the Legislative Council's 15-member Legislative Redistricting Committee.

During the 1991 special session relating to legislative redistricting, Joint Rule 304 was adopted which established a 16-member Joint Legislative Redistricting Committee consisting of eight Senate members and eight House members. The membership of that committee tracked the membership of the Legislative Council's 16-member Legislative Redistricting Committee.

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

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

**NOTE:** This rule was a rule adopted during the 1991 and 2001 special sessions. This committee addressed the issue of handling other measures (nonlegislative redistricting) introduced during the special session. During the 1991 and 2001 special sessions, all measures dealing with issues other than legislative redistricting were referred to this Joint Technical Corrections Committee, rather than rely on separate committees of each house to review bills and resolutions. In 1991 the committee consisted of 14 members.

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

- 15       4.   a.   The agency or department preparing the fiscal note shall return the fiscal note  
16               along with the number of copies requested by the Legislative Council to the  
17               Legislative Council not later than ~~five days~~one day from the date of the request.
- 18       b.   The Legislative Council shall retain three copies, shall provide one copy to the  
19               Office of Management and Budget, shall provide one copy to the Governor, and  
20               shall deliver the remaining copies to the Secretary of the Senate or the Chief  
21               Clerk of the House. Of those copies, one copy must be attached to the original  
22               bill or resolution, one copy must be filed with the Bill Clerk of the house wherein

1                   the bill or resolution originated, one copy must be provided to the presiding officer  
2                   of the Senate, one copy must be provided to the presiding officer of the House,  
3                   and the remaining copies must be distributed as directed by the Secretary of the  
4                   Senate or the Chief Clerk of the House, as appropriate.

**NOTE:** This amendment addresses the issue of the length of time required to respond to fiscal note requests during a special session. An identical amendment was made to Joint Rule 501(4) during the 2001 special session.