

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

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

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

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

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

- 8 a. Initiated and referred measures amended or repealed within seven years after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 House 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 House 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 House Rule 337.~~
- 19 ~~g.~~ Reconsideration after the next legislative day, as provided in House Rule 347.
- 20 ~~h-g.~~ Reconsideration after a clincher motion, as provided in House Rule 348.
- 21 ~~i-h.~~ Suspension of requirement that copies of amendments be distributed before
22 acted on, as provided in House Rule 601.
- 23 ~~j-i.~~ Amendment, reconsideration, or suspension of a joint rule, as provided in Joint
24 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.

25 **SECTION 2. AMENDMENT.** House Rule 337 is amended as follows:

26 **337. Second reading.** No bill requiring the approval of the Governor, no resolution
27 proposing a change in the Constitution of North Dakota, and no resolution ratifying an

1 amendment to the Constitution of the United States may be referred, except in the case of a bill
2 or resolution that is prefiled pursuant to House Rule 401, or amended until it has been read; nor
3 may any such bill or resolution have its second reading and final passage until at least one day
4 after it has been reported to the House by the committee to which it was referred, provided that
5 any such bill or resolution may have its second reading and final passage on the same day it is
6 reported back when so ordered by two thirds of the members elect of the House its first 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.

7 **SECTION 3. AMENDMENT.** House Rule 346 is amended as follows:

8 **346. Transmittal of measure to Senate - Notice of intention to reconsider.**

- 9 1. After the second reading of a bill or resolution, the Chief Clerk shall ~~retain the bill or~~
10 ~~resolution until the end of the next legislative day, unless the bill or resolution has~~
11 ~~previously been disposed of.~~
- 12 2. ~~On the thirty eighth and thirty ninth legislative days and after the fifty ninth legislative~~
13 ~~day, the Chief Clerk shall transmit the bill or resolution to the Senate immediately upon~~
14 ~~adjournment of that day's session unless action on the bill or resolution is pending as~~
15 ~~the result of the House passing a motion to reconsider or unless the Majority or~~
16 ~~Minority Leader has given notice of intention to move the reconsideration of that bill or~~
17 ~~resolution.~~
- 18 3. ~~After the sixty eighth legislative day, the Chief Clerk shall transmit the bill or resolution~~
19 ~~to the Senate immediately after the second reading of the bill or resolution unless the~~
20 ~~Majority or Minority Leader has given notice of intention to move the reconsideration of~~
21 ~~that bill or resolution.~~
- 22 ~~4.2.~~ When a member in explaining the member's vote states to the House that the
23 member's vote is for the purpose of reconsideration, that statement also is notice of
24 such intention.
- 25 5. ~~If notice is given by a member other than the Majority or Minority Leader but the~~
26 ~~motion to reconsider is not made before the end of the next legislative day, the Chief~~
27 ~~Clerk shall transmit the bill or resolution to the Senate at the end of that next legislative~~
28 ~~day.~~
- 29 3. If notice of intention to move reconsideration is given, the Chief Clerk shall retain the
30 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.

1 **SECTION 4. AMENDMENT.** Subsection 1 of House Rule 401 is amended as follows:

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

NOTE: This amendment eliminates references to introducing bills within the number and time prescribed (under House Rule 402). House 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 House Rule 401(1) during the 2001 special session.

6 **SECTION 5. AMENDMENT.** Subsections 1 and 3 of House Rule 402 are amended as
7 follows:

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

1 **SECTION 6. AMENDMENT.** House Rule 403 is amended as follows:

2 **403. Delayed bills and resolutions.** The Delayed Bills Committee shall receive from the
3 Chief Clerk every bill and resolution offered for introduction ~~after the time for introduction as~~
4 ~~limited by House Rule 402,~~ and, on the same or the next legislative day after receiving the
5 measure, shall inform the House whether the introduction of the measure has been approved. If
6 a majority of the committee favors introduction, the sponsor may introduce the measure. Each
7 measure approved for introduction must bear the name or names of the sponsor or sponsors
8 and must note the approval of the Delayed Bills Committee.

NOTE: This rules amendment relates to the amendment of House 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 House Rule 403 during the 2001 special session.

9 **SECTION 7. AMENDMENT.** House Rule 504 is amended as follows:

10 **504. Committee meetings.**

- 11 1. ~~The Appropriations Committee meets on Monday, Tuesday, Wednesday, Thursday,~~
12 ~~and Friday of each week.~~
- 13 2. ~~The three-day committees meet on Monday, Tuesday, and Wednesday of each week.~~
- 14 3. ~~The two-day committees meet on Thursday and Friday of each week.~~
- 15 4. ~~Any committee that meets on Wednesday and which has a member who is also a~~
16 ~~member of the Constitutional Revision Committee may not take any substantive action~~
17 ~~during the time the Constitutional Revision Committee meets.~~
- 18 5. The chairman of any committee, or a majority of that committee, may call meetings at
19 times and on other days as deemed necessary.
- 20 6. ~~The Constitutional Revision Committee meets on Wednesday of each week at 3:00~~
21 ~~p.m. in the Prairie Room or at the times and places called by the chairman.~~

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. A substantially identical amendment was made to House 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.

1 **SECTION 8. AMENDMENT.** House Rule 601 is amended as follows:

2 **601. Report of committees.**

- 3 1. The report of a committee must provide for one or more of the following
4 recommendations with respect to the bill or resolution: do pass, do not pass, be
5 amended, be rereferred to another committee, or be placed on the calendar without
6 recommendation. However, when a committee fails to adopt any of the above
7 recommendations due to the lack of a majority, the chairman shall report the bill to the
8 floor with whatever minority reports individual committee members may request in
9 accordance with House Rule 602.
- 10 2. During the fifth order of business, the Chief Clerk shall announce that committee
11 reports have been received, if such is the case, and shall list the bill or resolution
12 number, or other identifier, and state the accompanying committee recommendation. If
13 the committee report is divided pursuant to House Rule 602, the Chief Clerk shall
14 announce the majority and minority report, or reports, as well.
- 15 3. a. If the committee report is for amendment, the proposed amendment must be
16 placed on the calendar ~~for the next legislative day on the sixth order of business.~~
17 ~~After the fifty-fifth legislative day, the proposed amendment must be placed on~~
18 ~~the calendar~~ on the sixth order of business immediately after the report of the
19 committee is received. On sixth order, the Speaker shall announce that without
20 objection, the proposed amendments on the sixth order are deemed approved. If
21 any member objects to a proposed amendment being approved with other
22 proposed amendments, that amendment must be voted on as a separate item.
- 23 b. No action may be taken on an amendment until a verbatim copy of the
24 amendment has been distributed to each member; provided, that on a two-thirds
25 vote of the members-elect, this may be suspended, and the amendment acted on
26 immediately after the report of the committee.
- 27 c. If the amendment is adopted by a majority vote of the members present, the
28 amended measure must then be placed on the calendar ~~for the next legislative~~
29 ~~day~~ under the applicable order of business for second reading and final passage
30 except as provided in subdivision e or g.

- 1 d. If the amendment is rejected, the measure without amendment must be placed
2 on the calendar ~~for the next legislative day~~ under the applicable order of business
3 for second reading and final passage except as provided in subdivision e ~~or g~~.
- 4 e. If the committee report is for amendment and then rereferral to another
5 committee, the measure must be rereferred to the appropriate committee after
6 adoption or rejection of the amendment. If, after adoption or rejection of the
7 amendment, a measure is subject to rereferral under House Rule 329, the
8 measure must be rereferred to the Appropriations Committee, regardless of
9 whether the report provides for rereferral.
- 10 f. If the committee report does not recommend rereferral to another committee but
11 recommends that the measure pass, do not pass, or makes no recommendation,
12 the measure must be placed on the calendar ~~for the next legislative day~~ under
13 the applicable order of business for second reading and final passage ~~except as~~
14 ~~provided in subdivision g~~.
- 15 g. ~~On motion~~ Except as provided under subdivision e, a measure must be placed on
16 the calendar for second reading and final passage immediately after action is
17 taken on the amendment. ~~If the committee report recommends that the measure~~
18 ~~be placed on the calendar for second reading and final passage immediately~~
19 ~~after action is taken on the amendment, the measure must be placed on the~~
20 ~~calendar for second reading and final passage immediately after the amendment~~
21 ~~is adopted. After the thirty-second legislative day all House bills, and after the~~
22 ~~fifty-fifth legislative day all measures, must be placed on the calendar for second~~
23 ~~reading and final passage immediately after action is taken on the amendment. A~~
24 ~~measure placed on the calendar under this subdivision may be acted on~~
25 ~~immediately after placement on the calendar.~~
- 26 h. A report for amendment must be approved as to form and style by the Legislative
27 Council staff. When a report for amendment is received by the Chief Clerk
28 without a notation that the report was approved as to form and style by the
29 Legislative Council staff, the Chief Clerk immediately shall cause that report to be
30 delivered to the Legislative Council office with a request that the report be
31 examined and receive a notation approving its form and style.

- 1 4. If the committee report is divided as provided in House Rule 602, the reports must be
2 placed on the calendar ~~for the next legislative day~~ on the seventh order of business.
3 The Speaker shall receive and announce a motion that the report of the minority be
4 substituted for the majority committee report. If the minority report is adopted, that
5 report is substituted for the majority report and must be placed on the calendar on the
6 eleventh or fourteenth order of business. If the minority report is not adopted, the
7 majority report is deemed adopted and must be placed on the calendar on the
8 eleventh or fourteenth order of business. If a "do not pass" report is adopted under this
9 subsection, the measure must be placed on the calendar on the eleventh or fourteenth
10 order of business. If no report is adopted under this subsection, the measure must be
11 placed on the calendar on the eleventh or fourteenth order of business unless the
12 measure is subject to rereferral under House Rule 329.
- 13 5. ~~The~~ If practicable, the Chief Clerk shall ensure that the daily calendar contains
14 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 House Rule 601 during the 2001 special session.

15 **SECTION 9. AMENDMENT.** Joint Rule 202 is amended as follows:

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

23 **SECTION 10. AMENDMENT.** Joint Rule 207 is amended as follows:

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

- 25 1. ~~No item on the consent calendar may be considered for adoption on the same~~
26 ~~legislative day it is placed on the consent calendar.~~

2. Bills or resolutions on the consent calendar are not debatable, except that the 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.

~~3.2.~~ 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.

~~4.3.~~ Immediately before voting on the first consent calendar bills or resolutions, the 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.

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.

SECTION 11. 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 the close of business on the day after the adjournment of the~~ organizational session. Each. Upon approval by the appropriate Delayed Bills Committee, each bill is deemed introduced by the standing committee of the House or Senate with general jurisdiction over the subject matter of the bill; but if the filing entity receives the approval of a legislator to sponsor the bill, that bill is to be introduced by the legislator rather than by the standing committee. A bill sponsored by a legislator may not have more sponsors than the number allowed under Senate and House Rules 401. The director of the budget shall file with the Legislative Council those bills making appropriations to implement the budget recommended by the Governor no later than the close of business on the seventh day after the adjournment of the organizational session, as required by North Dakota Century Code Section 54-44.1-07, and those bills are deemed introduced by the Appropriations Committee of the Senate or House at the request of the Governor. The bill implementing the budget request of the judicial branch is deemed introduced by the Appropriations Committee of the Senate or House at the request of the Supreme Court, and the bill implementing the budget request of the legislative branch is deemed introduced by the Appropriations Committee of the Senate or House at the request of the Legislative Council. The Legislative Council shall number and

1 deliver bills filed under this rule to the appropriate house for recording. Each bill introduced
2 under this rule must be identified by noting the name of the agency or the court under the name
3 of the sponsoring committee or legislator. The identification of a bill introduced by a standing
4 committee may include the names of not more than five entities authorized to file bills under this
5 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.

6 **SECTION 12.** Joint Rule 303 is created as follows:

7 **303. Joint Legislative Redistricting Committee.** A Joint Legislative Redistricting
8 Committee must be appointed during any legislative session during which the issue of
9 legislative redistricting is addressed. The committee consists of sixteen members, eight from the
10 House and eight from the Senate, appointed in the same manner as the members of other
11 standing committees are appointed. The first-named member from each house is cochairman of
12 the committee. The presiding officer shall refer to the Joint Legislative Redistricting Committee
13 all bills and resolutions relating to redistricting or reapportionment of legislative districts. The
14 committee shall first meet at the call of the Senate cochairman and the chairmanship of each
15 meeting thereafter alternates between the cochairmen. Members of the committee are excused
16 from attending a meeting of any other committee while they are attending a meeting of the Joint
17 Legislative Redistricting Committee. The committee shall issue joint reports on the measures
18 referred to it, with a report first being presented to the house having possession of the measure,
19 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.

20 **SECTION 13.** Joint Rule 304 is created as follows:

21 **304. Joint Technical Corrections Committee.** A Joint Technical Corrections Committee
22 must be appointed during a special session. The committee consists of sixteen members, eight

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

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

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