



North Dakota Legislative Council

Prepared for the Legislative Procedure
and Arrangements Committee
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SPECIAL LEGISLATIVE SESSION ARRANGEMENTS - BACKGROUND AND STATUTORY REFERENCES

This memorandum addresses statutory references that could have an impact on the Legislative Assembly during a special legislative session and provides information on the 2011 special session. The memorandum does not discuss proposals for specific legislation that have been suggested by various individuals or groups for consideration by the Legislative Assembly during a special session called for 2021.

LEGISLATIVE OFFICERS, EMPLOYEES, AND COMMITTEES

North Dakota Century Code Section 54-03-04 provides, in part:

The secretary and officers of the senate and chief clerk and officers of the house of representatives, and the chairmen of all procedural and substantive standing legislative committees shall continue to serve in those positions during any special legislative session which may be called, except in case of the death, resignation, or removal of one of those persons, whereupon the position must be filled, upon the convening of the special session, in the manner provided by law or legislative rule. Members serving on procedural or substantive standing committees of the senate or house during a regular session shall continue to serve on those committees during any special legislative session which may be called following that regular session.

By custom the officers of the Senate are the Secretary of the Senate, the Journal Reporter, and the Sergeant-at-Arms; and the officers of the House of Representatives are the Chief Clerk of the House, the Journal Reporter, and the Sergeant-at-Arms. Under the rules of both houses, these individuals are elected by majority of the members-elect, and any vote of election must be recorded in the journal.

During the 2011 special session, the House of Representatives employed 14 employees:

- Chief Clerk of the House
- Journal Reporter
- Sergeant-at-Arms
- Administrative Assistant to the Majority Leader
- Administrative Assistant to the Minority Leader
- Administrative Assistant to the Speaker
- Page (majority position)
- Page (minority position)
- Four Committee Clerks
- Calendar Clerk
- Legislative Assistant

During the 2011 special session, the Senate employed 12 individuals:

- Secretary of the Senate
- Journal Reporter
- Sergeant-at-Arms
- Administrative Assistant to the Majority Leader

- Administrative Assistant to the Minority Leader
- Bill Book Clerk
- Chief Page
- Page
- Calendar Clerk
- Three Committee Clerks

Based on the anticipated workload and committees for the 2021 special session, the committee may consider the following 20 employees for the House and Senate:

- For the House:
 - Chief Clerk
 - Assistant to the Majority Leader
 - Assistant to the Minority Leader
 - Assistant to the Speaker
 - Journal Reporter
 - Sergeant-at-Arms
 - Camera Operator
 - Joint Redistricting Committee Clerk
 - Appropriations Committee Clerk
 - Two Pages
- For the Senate:
 - Secretary of the Senate
 - Assistant to the Majority Leader
 - Assistant to the Minority Leader
 - Journal Reporter
 - Sergeant-at-Arms
 - Camera Operator
 - Joint Technical Corrections Committee Clerk
 - Appropriations Committee Clerk
 - Page

Section 54-03-10 provides the Legislative Assembly, by concurrent resolution, shall fix the compensation of the officers and employees elected or appointed. Senate Concurrent Resolution No. 4003 (2021) fixes the compensation levels for employee positions of the 67th Legislative Assembly. During any special session called for the 67th Legislative Assembly, employee compensation is governed by Senate Concurrent Resolution No. 4003. Specific employees and their positions during a special session can be identified by a report from the respective employment committee.

LEGISLATIVE SERVICES

Telephone Service

During a regular legislative session, a toll-free WATS line is made available for North Dakota residents to leave messages for their legislators. Incoming telephone WATS line service was not provided during the 2011 special session.

Bills and Journals

During the 2021 regular session, Bill and Journal Room services were provided by session employees who were not otherwise occupied with session duties. The Bill and Journal Room was not open during the 2011 special session. Copies of bills were made available at other locations. For the 2021 special session, individuals may access copies of bills and other documents online through the legislative branch website. The Central Duplicating Division of the Office of Management and Budget printed the bills, resolutions, and journals for the 2021 regular legislative session, and a similar arrangement may be made for the special session.

Computer Services

The Legislator's Automated Work Station (LAWS) system will be available during a 2021 special session. Text of bills, amendments, daily journals, and legislative redistricting maps will be available on the legislative branch website.

Video Coverage

During the 2021 regular session livestreaming of floor sessions and committee hearings was provided on the legislative branch website. Livestreaming of floor sessions and committee hearings are planned for the 2021 special session.

BILL DRAFT CONSIDERATIONS

Article IV, Section 13, of the Constitution of North Dakota provides, in part:

Every law enacted by a special session of the legislative assembly takes effect on a date specified in the Act.

Under Section 16.1-01-02.2, the Governor may call a special election to be held in 90 days after the call if a referendum petition has been submitted to refer a measure or part of a measure that establishes a legislative redistricting plan.

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

Article V, Section 8, of the Constitution of North Dakota provides, in part:

If, while the senate is recessed or adjourned, a vacancy occurs in any office that is filled by appointment with senate confirmation, the governor shall make a temporary appointment to the office. When the senate reconvenes the governor shall make a nomination to fill the office. Except on request of the senate, no nominee rejected by the senate may again be nominated for that office at the same session, nor may the nominee be appointed to that office during a recess or adjournment of the senate.

Gubernatorial appointments subject to Senate confirmation are seven appointees to the State Board of Higher Education, the five members of the State Gaming Commission, the commissioner of the Department of Financial Institutions, the Securities Commissioner, the director of the Office of Administrative Hearings, and the North Dakota member of the Southwestern Low-Level Radioactive Waste Commission.

BUDGET STABILIZATION FUND

Chapter 54-27.2 provides for a budget stabilization fund. Under Section 54-27.2-01, any amounts provided by law for deposit in the fund and any interest or earnings of the fund which would bring the balance in the fund to an amount greater than 15 percent of the current biennial state general fund budget, as finally approved "by the most recently adjourned special or regular session" of the Legislative Assembly, may not be deposited or retained in the fund but must be deposited instead in the state general fund. Under Section 54-27.2-03 the Governor may order a transfer of funds from the budget stabilization fund to the state general fund to offset the decrease in general fund revenues under specified conditions.

REPORTS BY VARIOUS ENTITIES

Governor - Condition of the State

Article V, Section 7, of the Constitution of North Dakota provides, in part:

The governor shall present information on the condition of the state, together with any recommended legislation, to every regular and special session of the legislative assembly.

Governor - Exercise of Emergency Powers

Section 54-07-01.1 authorizes the Governor to exercise certain emergency powers dealing with the operation of motor vehicles and use of highways and streets in emergencies and support of national defense. The Governor

is to report to the Legislative Assembly "at its next session" any proceedings taken by him in exercise of those emergency powers.

Governor - Officers' Defaults

Under Section 54-07-01(2), the Governor is to ensure all offices are filled and duties thereof performed and is to apply remedies as the law allows in case of default. If the remedy is imperfect, the Governor is to "acquaint the legislative assembly therewith at its next session."

Adjutant General - Military Purchases

Section 37-03-07 provides the Adjutant General is to report to the Legislative Assembly "at its next session" when the Governor, upon certification by the commanding officer of the National Guard, has temporarily suspended the statutory requirements on the purchase of military property and has directed the Adjutant General to purchase in the open market such military property as may be required in the case of insurrection, invasion, tumult, riot, or breeches of the peace or eminent danger thereof. The report is to include a statement of the property purchased and the prices paid therefor.

Office of the Budget - Special Election Costs

Under Section 16.1-01-02.3, the Office of the Budget is to submit a request for an appropriation "to the next regular or special session" of the Legislative Assembly to reimburse counties for the costs incurred for conducting a statewide special election that is not held on the date of a statewide primary or general election.

REPORTS OF INTERIM COMMITTEES

2011 Special Session Reports

The special session of the 62nd Legislative Assembly was held November 7-11, 2011. On November 3, 2011, the Legislative Management met to hear reports from three interim committees--the Legislative Redistricting Committee, the Health Care Reform Review Committee, and the Legislative Procedure and Arrangements Committee. House Bill No. 1267 (2011) had directed the Legislative Redistricting Committee to submit legislation to implement a legislative redistricting plan to the Legislative Management by October 31, 2011, and the Health Care Reform Review Committee was directed to report to the Legislative Management before any special session. At the November 3, 2011, meeting, the Legislative Management:

- Accepted the report of the interim Legislative Redistricting Committee and a bill draft recommended by the committee for a 47-district plan;
- Rejected a bill draft recommended by the Legislative Redistricting Committee requiring each legislative district to contain at least six precincts;
- Accepted the report of the interim Health Care Reform Review Committee and bill drafts recommended by the committee relating to a state-administered health benefit, an economic assistance eligibility system, and external review procedures required for health insurance policies; and
- Accepted the report of the interim Legislative Procedure and Arrangements Committee.

2001 Special Session Reports

Prior to the special session November 26-30, 2001, the Legislative Council met on November 6, 2001, and heard reports from the Legislative Redistricting Committee and the Legislative Management Committee. The Legislative Council approved the one bill recommended by the Legislative Redistricting Committee. The Legislative Council accepted the report of the Legislative Management Committee, which dealt with recommendations for rules and employment positions for the special session.