

## **PART 3 - RESOLUTIONS**

The Legislative Assembly takes action through bills or resolutions. A bill is used to enact law. A resolution is used to take action not having the effect of law.

### **SINGLE HOUSE RESOLUTIONS**

A single house resolution is voted upon only by the house of introduction. A resolution is used by a single house of the Legislative Assembly to take action affecting its own concerns or procedures, such as appointing a committee of its members, or expressing an opinion or sentiment on a matter of public interest. Frequently, this type of resolution offers congratulations and requires that a copy or copies be transmitted to specified persons.

House and Senate Rules 407 provide that no resolution commending, lauding, congratulating, or otherwise honoring any person or group, other than memorial resolutions extending condolences, may be introduced or further considered unless the person or group is being recognized for an achievement that has brought national attention or recognition.

### **MEMORIAL RESOLUTIONS**

A memorial resolution is used to express condolences.

### **CONCURRENT RESOLUTIONS**

A concurrent resolution must pass both houses of the Legislative Assembly. Concurrent resolutions are used for proposing constitutional amendments, directing Legislative Council studies, expressing legislative approval of action taken by someone else, authorizing expenditures out of the legislative appropriation, expressing legislative congratulations, commendation, or sympathy, and making a request of or expressing an opinion to Congress or the President of the United States.

### **PARTS OF A RESOLUTION**

There are seven main parts to most resolutions: heading, session identification, sponsor identification, title, preamble, resolving clause, and body.

A resolution proposing a constitutional amendment contains a heading, session identification, sponsor identification, title, statement of intent, resolving clause, and body.

#### **Heading**

The heading identifies the type of resolution and the house of introduction. The headings for the first of the different types of resolutions introduced into the House are House Concurrent Resolution No. 3001, House Resolution No. 5001, and House Memorial Resolution No. 7001. The headings for the first of the different types of resolutions introduced into the Senate are Senate Concurrent Resolution No. 4001, Senate Resolution No. 6001, and Senate Memorial Resolution No. 8001.

#### **Session Identification**

The session identification pertains to the legislative session into which the resolution is introduced. The words **Sixty-first Legislative Assembly of North Dakota** must appear on the first page of all resolutions introduced in the 2009 legislative session. The words **Sixty-first Legislative Assembly** must appear on each subsequent page. The examples in this manual illustrate the proper alignment of the appropriate phrase.

## Sponsor Identification

The sponsor identification pertains to the legislators or legislative entities sponsoring the resolution. It consists of the phrase **Introduced by** and the name (or names) or the sponsor (or sponsors). If the sponsor is a legislator, the sponsor's name should be preceded by either the word **Representative** or **Senator** or the plurals of these words where there is more than one sponsor.

## Title

The title of a resolution describes the subject matter of the resolution in one sentence.

The title of a resolution proposing a constitutional amendment must be drafted in a manner similar to the title of a bill, but starting with "A concurrent resolution for" rather than "A BILL for an Act to".

## Statement of Intent

House and Senate Rules 408 require every resolution proposing a change in the Constitution of North Dakota to contain a statement setting forth in clear and precise language the legislative purpose and intent of the proposed change. The statement must clearly represent the substance and effect of the proposed change.

## Preamble

The preamble of a resolution contains the **WHEREAS** clauses. Resolutions are generally drafted with the broadest **WHEREAS** clause coming first and with more definitive statements following. These clauses should be accurate.

## Resolving Clause

The resolving clause is essential for any resolution. The examples following this part illustrate the proper resolving clause for each type of resolution.

## Body

The body contains the actual text of the resolution. For all resolutions except those proposing a constitutional amendment, the first clause in the body should start with the word "That" and each succeeding clause should start with the words and comma "**BE IT FURTHER RESOLVED,**". Drafters should remember that if someone is asked to perform an act or to do a study, that person should be given a time by which to report back to the Legislative Assembly on the performance of the act or to submit the study.

For all resolutions except those proposing a constitutional amendment, references to Title, Chapter, and Section should be initially capped. Although hortatory qualifiers, such as **will**, **should**, and **ought**, should not be used in the text of an Act, the use of the terms in a resolution are often appropriate because a resolution is usually used to suggest action rather than to require it.

For a resolution proposing a constitutional amendment, the body should start with the following submission clause:

That the following proposed amendment to section \_\_\_\_ of article \_\_\_\_ of the Constitution of North Dakota is agreed to and must be submitted to the qualified electors of North Dakota at the \_\_\_\_\_ election to be held in 2010, in accordance with section 16 of article IV of the Constitution of North Dakota.

The remainder of the body for a resolution proposing a constitutional amendment should be drafted using the form used for the body of bill drafts.

## **EXAMPLES OF RESOLUTIONS**

This part contains examples of the forms used for various resolutions. The examples do not necessarily reflect current law or issues.

1. A Senate Concurrent Resolution Urging Congressional Action
2. A House Concurrent Resolution for a Legislative Council Study
3. A Senate or House Memorial Resolution
4. A Senate Resolution Offering Congratulations
5. A House Concurrent Resolution for a Constitutional Amendment
6. A House Concurrent Resolution for Creation of a New Section to the Constitution

**Example 1 - A Senate Concurrent Resolution Urging Congressional Action**

Sixty-first  
Legislative Assembly  
of North Dakota

**SENATE CONCURRENT RESOLUTION NO.**

Introduced by

Senators Winfield, Molitor

1 A concurrent resolution urging Congress to make grading for federal crop insurance  
2 more equivalent to industry standards.

3 **WHEREAS**, federal crop insurance is purchased as a risk management tool;  
4 and

5 **WHEREAS**, federal crop insurance does not adequately address the risks  
6 present in the production of wheat; and

7 **WHEREAS**, the industry uses stricter standards in discounting wheat to feed  
8 prices than those used for payment of federal crop insurance; and

9 **WHEREAS**, the industry deeply discounts or purchases at feed prices based  
10 upon many other factors besides the limited factors used for federal crop insurance;

11 **NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH  
12 DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:**

13 That the Sixty-first Legislative Assembly urges the Congress of the United  
14 States to make grain grading for federal crop insurance more equivalent to industry  
15 standards; and

16 **BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of  
17 this resolution to the Federal Crop Insurance Corporation, the Secretary of the  
18 United States Department of Agriculture, and to each member of the North Dakota  
19 Congressional Delegation.

**Example 2 - A House Concurrent Resolution for a Legislative Council Study**

Sixty-first  
Legislative Assembly  
of North Dakota

**HOUSE CONCURRENT RESOLUTION NO.**

Introduced by

Representatives Ruth, Gehrig, Foxx, Simmons, Cronin

1 A concurrent resolution directing the Legislative Council to study the Uniform  
2 Marital Property Act, existing marital property law in this state, and the marital  
3 property laws of other states.

4 **WHEREAS**, it is the legislative responsibility to review existing laws to  
5 ensure that they address the problems they are intended to rectify; and

6 **WHEREAS**, the Sixty-first Legislative Assembly considered, but did not  
7 adopt, Senate Bill No. 2180, the Uniform Marital Property Act, based in part on  
8 questions about the present state of marital property law in this state, and the effect  
9 that enactment of the Uniform Marital Property Act would have on ownership and  
10 division of marital property in this state;

11 **NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF**  
12 **REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING**  
13 **THEREIN:**

14 That the Legislative Council study the Uniform Marital Property Act, existing  
15 marital property law in this state, and the marital property laws of other states; and

16 **BE IT FURTHER RESOLVED**, that the Legislative Council report its findings  
17 and recommendations, together with any legislation required to implement the  
18 recommendations, to the Sixty-second Legislative Assembly.

### Example 3 - A Senate or House Memorial Resolution

Sixty-first  
Legislative Assembly  
of North Dakota

Introduced by

1 A memorial resolution extending sympathy and condolence to Senator (or  
2 Representative) D. E. Blank upon the death of her father.

3 **WHEREAS**, God has seen fit to summon from our midst Mr. A. C. Blank, the  
4 father of our colleague, Senator (or Representative) D. E. Blank; and

5 **WHEREAS**, Senator (or Representative) D. E. Blank is held in the highest  
6 esteem by all members of the Legislative Assembly, who share with her great sorrow;

7 **NOW, THEREFORE, BE IT RESOLVED BY THE SENATE (OR HOUSE OF**  
8 **REPRESENTATIVES) OF NORTH DAKOTA:**

9 That we express our deepest sorrow and extend to Senator (or Representative)  
10 D. E. Blank and all members of her family our sincere sympathy and condolence in this  
11 their time of sorrow; and

12 **BE IT FURTHER RESOLVED**, that this resolution be entered in the journal and  
13 the Secretary of State present an enrolled copy to Senator (or Representative) D. E.  
14 Blank and members of her family.

## Example 4 - A Senate Resolution Offering Congratulations

Sixty-first  
Legislative Assembly  
of North Dakota

### SENATE RESOLUTION NO.

Introduced by

Senators Ruth, Cobb, Mathewson

1 A resolution congratulating the University of North Dakota Fighting Sioux hockey  
2 team for its outstanding season and its NCAA Division I hockey national  
3 championship.

4 **WHEREAS**, the University of North Dakota Fighting Sioux hockey team  
5 captured the NCAA Division I hockey national championship with a thrilling  
6 6-4 victory over its opponent; and

7 **WHEREAS**, the University of North Dakota Fighting Sioux hockey team was  
8 cochampion of the Western Collegiate Hockey Association regular season, playoff  
9 champion of the Western Collegiate Hockey Association, and the NCAA Division I  
10 hockey national champion; and

11 **WHEREAS**, the team consists of outstanding individual athletes who play as  
12 a cohesive, unselfish team with balanced and explosive offense, unyielding  
13 defense, and stalwart goaltending and this team is an exemplar of the proud  
14 Fighting Sioux hockey heritage;

15 **NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH**  
16 **DAKOTA:**

17 That the Senate takes great pride in extending to all members and coaches  
18 of the University of North Dakota Fighting Sioux hockey team its heartiest  
19 congratulations for winning the NCAA Division I hockey national championship; and

20 **BE IT FURTHER RESOLVED**, that the Secretary of State forward . . . .

**NOTE:** Unless the resolution congratulates for achievement which has brought national attention, it may not be introduced or considered. See Senate and House Rules 407.

**Example 5 - A House Concurrent Resolution for a Constitutional Amendment**

Sixty-first  
Legislative Assembly  
of North Dakota

**HOUSE CONCURRENT RESOLUTION NO.**

Introduced by

Representatives Hrbek, Forster, Wood, Lolich, Fielder

1 A concurrent resolution for the amendment of section 7 of article IX of the Constitution  
2 of North Dakota, relating to obsolete references in sections concerning appraisal and  
3 sale of institutional lands; and to provide an effective date.

**STATEMENT OF INTENT**

5 This measure removes obsolete references in sections concerning appraisal and sale of  
6 institutional lands and provides these changes will take effect on August 1, 2011.

**7 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA,  
8 THE SENATE CONCURRING THEREIN:**

9 That the following proposed amendment to section 7 of article IX of the  
10 Constitution of North Dakota is agreed to and must be submitted to the qualified electors  
11 of North Dakota at the general election to be held in 2010, in accordance with section 16  
12 of article IV of the Constitution of North Dakota.

13 **SECTION 1. AMENDMENT.** Section 7 of article IX of the Constitution of North  
14 Dakota is amended and reenacted as follows:

15 **Section 7.** All lands ~~mentioned in the preceding section~~ received by the state for  
16 any specific educational . . . .

17 **SECTION 2. EFFECTIVE DATE.** If approved by the voters, this measure  
18 becomes effective on August 1, 2011.

**NOTE:** In the case of a constitutional amendment originating in the  
Senate, the resolving clause should be:

**BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE  
HOUSE OF REPRESENTATIVES CONCURRING THEREIN:**

**Example 6 - A House Concurrent Resolution for Creation of a New Section to the Constitution**

Sixty-first  
Legislative Assembly  
of North Dakota

**HOUSE CONCURRENT RESOLUTION NO.**

Introduced by

Representatives Terry, Williams

(Approved by the Delayed Bills Committee)

1 A concurrent resolution to create and enact a new section to article IV of the  
2 Constitution of North Dakota, relating to the time of taking effect of laws changing  
3 compensation of members of the legislative assembly.

**STATEMENT OF INTENT**

4  
5 This measure would delay the effectiveness of legislative compensation changes until  
6 the next regular session of the legislative assembly.

7 **BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA,**  
8 **THE SENATE CONCURRING THEREIN:**

9 That the following proposed new section to article IV of the Constitution of North  
10 Dakota is agreed to and must be submitted to the qualified electors of North Dakota at  
11 the general election to be held in 2010, in accordance with section 16 of article IV of  
12 the Constitution of North Dakota.

13 **SECTION 1.** A new section to article IV of the Constitution of North Dakota is  
14 created and enacted as follows:

15 No law varying the compensation for members of the legislative assembly may  
16 take effect until an election of members of the house of representatives has  
17 intervened.