

PART 5 - ENROLLING AND ENGROSSING PROCESS

THE ENGROSSING PROCESS

Engrossing is the process of incorporating amendments adopted by a chamber into a bill or resolution. When an amendment is approved by a chamber, the Legislative Council staff prepares a copy of the bill or resolution reflecting the approved amendments.

The role of the Legislative Council staff in the engrossing process is to review each proposed amendment to determine whether the bill or resolution, if amended as proposed, would be in the proper form and style.

Amendments to a bill are not effective until approved by vote or motion of the whole chamber. Since a formal engrossed bill is frequently needed immediately after floor action, the amendments must be reviewed earlier in the process. Normally this review is done when the committee is considering the bill.

If the amendments are made in the chamber of origin, the bill is engrossed and copies of the engrossed bill with new bill covers are delivered to the floor desk staff.

DOCUMENTS INVOLVED IN THE ENGROSSING PROCESS

The two main documents involved in the engrossing process are the proposed standing committee report and a copy of the amendment approved by the committee. When a committee adopts an amendment to a bill, the committee staff delivers a copy of the amendment to the Legislative Council enrolling and engrossing staff. The amendment must be prepared in accordance with the directives of this manual.

The Legislative Council engrossing staff reviews the amendment to determine if it is technically proper in accordance with this manual. The Legislative Council staff then returns the approved amendment, with any technical corrections, to the committee staff.

When a committee has approved an amendment, committee staff makes a number of copies of the amendment. These copies are distributed to a number of places outside the engrossing process (such as to the desk force and committee chairman), as well as one copy to the engrossing staff and one copy to the journal staff. As mentioned, the engrosser evaluates the amendment and uses it for engrossment. The journal staff prepares the public record of the amendment for entry in the journal. In case of any differences in versions, the one published in the journal prevails even if the engrosser used a different version. See North Dakota Century Code Section 1-02-06.1 and *State v. Schultz*, 174 N.W. 81 (N.D. 1919).

Frequently a committee will be considering a number of possible different amendments to a bill, with only one difference between them. An example would be two proposed amendments to increase a licensing fee, one increasing the fee \$5, and the other \$10. **It is very important that the committee's staff keep careful track of the proposed amendments to ensure the proper one is supplied to the Legislative Council staff.** In the example given, engrossing staff would have no way of knowing, from the face of the amendment, which proposal won the approval of the committee. Therefore, it is imperative that the committee staff ensure that the proper proposal is forwarded to the Legislative Council staff. When an amendment is approved by a committee, it is printed in the journal for the day of the committee's report.

Proposed amendments are supplied to the Legislative Council staff so that preparations can be made for preparing an engrossed bill if the amendment is approved by the chamber. If the amendment is not approved by the chamber, no further Legislative Council staff action is taken on that amendment. If it is approved, the Legislative Council staff then prepares the formal engrossed copy of the bill.

If an amendment is proposed on the floor of a chamber (usually only the Senate), the enrolling and engrossing staff is not normally aware of this until it has been approved by the floor. Accordingly, there is no opportunity to review the proposed floor amendment to ensure that it is properly prepared. Proponents of floor amendments are encouraged to discuss their proposals with the enrolling and engrossing staff before preparing them for floor presentation to ensure that the amendments are technically correct.

Amendments proposed by a conference committee are treated the same as amendments proposed by a standing committee.

EXAMINATION OF AN ENGROSSMENT

The engrossing process requires elaborate doublechecking to ensure that:

1. All directed changes in the bill and amendments are accomplished.
2. All changes are accomplished if the amendments give no direction but which are required by directed changes (such as internal cross-reference changes and section renumbering).
3. Additional amendments are not necessary to fully accomplish the amendment's intent.
4. No changes have been inadvertently incorporated in a bill that were not directed or required by the amendment.

To ensure that this checking is properly done, the enrolling and engrossing staff uses a system of checking, rechecking, and review by at least one other person of each proposed amendment.

CORRECTION OF ERRORS

The enrolling and engrossing staff is not authorized to correct errors unless they are obvious. For example, the enrolling and engrossing staff could correct a misspelling of the name "North Dakota". However, if there is any doubt whatsoever as to whether the apparent error was in fact an intended policy directive, e.g., "county" as opposed to "country", the enrolling and engrossing staff cannot make the correction and must consult with committee staff to determine the intent of the proposed amendment. The most important thing is that the amendment printed in the journal be proper, as that is the ultimate source for determining the exact content of a bill.

NUMBERING OF ENGROSSMENTS

Engrossments are numbered on the basis of approval on the floor of a chamber. A bill that has been once engrossed is called Engrossed (House) (Senate) Bill No. _____, while a bill with more than one engrossment is called Reengrossed (House) (Senate) Bill No. _____. The engrossments are numbered consecutively--first engrossment, second engrossment, etc. Amendments to an engrossed bill must be specific as to the version to be amended. Proponents of amendments to bills should check the latest bill status report to determine the exact stage of that bill. If the bill has been engrossed, the amendment must always be to the latest **official engrossment**.

THE ENROLLING PROCESS

The enrolling process is the preparation of an official copy of the bill in its final version, reflecting all amendments made to it during its progress through the chambers, for presentation to the Governor for approval or veto. The enrolling process is primarily done internally by the Legislative Council staff. The bill is checked one last time for manifest errors, compliance with proposed amendments, and other potential problems. Since the enrolling process occurs after final legislative action, errors cannot be corrected without resubmitting the bill to the chambers for further action. The only changes the enrolling and engrossing staff make to a bill for enrollment are for previously undetected manifest

errors, such as misspelling of the name "North Dakota". Once the enrolled bill is finally prepared, it is returned to the chamber of origin for signature of that chamber's presiding officers, then forwarded to the second house for signature of that chamber's presiding officers, and finally to the Governor for signature or veto.

Enrollment of resolutions is handled basically the same as that of bills. The only differences are those inherent in the nature of the measure. For example, an enrolled concurrent resolution would be prepared for filing with the Secretary of State rather than approval by the Governor, and a single house resolution would not be sent to the other chamber.