

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
2 order in 2001 or 2002, the relevant motion would be:

3 That the House and Joint Rules of the 57th Legislative Assembly, as adopted on
4 Thursday, December 7, 2000, and amended on Tuesday, January 16, 2001, be
5 amended as follows for the extraordinary session of the 57th 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
8 House:

- 9 a. Initiated and referred measures amended or repealed within seven years after
10 enactment or approval, as provided in Section 8, Article III, of the Constitution
11 and House Rule 339.
- 12 b. Emergency clauses, as provided in Section 13, Article IV, of the Constitution.
- 13 c. Vetoed measures, reconsideration, as provided in Section 9, Article V, of the
14 Constitution.
- 15 d. Adoption of propositions of a divided question if the division would require a
16 two-thirds vote of the members-elect, as provided in House Rule 319.
- 17 e. To recede before a conference in a case where two-thirds governs, as
18 provided in Joint Rule 202.
- 19 f. ~~Second reading same day as report, as provided in House Rule 337.~~
- 20 ~~g.~~ Reconsideration after the next legislative day, as provided in House Rule 347.
- 21 ~~h.~~ g. Reconsideration after a clincher motion, as provided in House Rule 348.
- 22 ~~i.~~ h. Suspension of requirement that copies of amendments be distributed before
23 acted on, as provided in House Rule 601.
- 24 ~~j.~~ i. Amendment, reconsideration, or suspension of a joint rule, as provided in
25 Joint 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 1991 special session.

An issue for consideration is whether the restriction in House Rule 333 regarding amendment of measures on second reading should be related in the House during the special session. If so, the reference to requiring unanimous consent of the members to amend measures on second reading would need to be removed from House Rule 318(5)(c) and House Rule 333. This issue was considered by the Legislative Management Committee in 1991, but the committee did not recommend such a change and the House did not adopt such amendments.

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

2 **337. SECOND READING.** No bill requiring the approval of the Governor, no resolution
3 proposing a change in the Constitution of North Dakota, and no resolution ratifying an
4 amendment to the Constitution of the United States may be referred, except in the case of a bill
5 or resolution that is prefiled pursuant to House Rule 401, or amended until it has been read; nor
6 may any such bill or resolution have its second reading and final passage until at least one day
7 after it has been reported to the House by the committee to which it was referred, provided that
8 any such bill or resolution may have its second reading and final passage on the same day it is
9 reported back when so ordered by two-thirds of the members elect of the House its first
10 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 1991 special session.

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

12 **346. TRANSMITTAL OF MEASURE TO SENATE - NOTICE OF INTENTION TO**
13 **RECONSIDER.** After the second reading of a bill or resolution, the Chief Clerk ~~shall retain the~~
14 ~~bill or resolution until the end of the next legislative day, unless the bill or resolution has~~
15 ~~previously been disposed of. On the thirty fourth legislative day and after the forty ninth~~
16 ~~legislative day, the Chief Clerk shall transmit the bill or resolution to the Senate immediately~~
17 ~~upon adjournment of that day's session unless action on the bill or resolution is pending as the~~
18 ~~result of the House passing a motion to reconsider or unless the Majority or Minority Leader~~
19 ~~has given notice of intention to move the reconsideration of that bill or resolution. After the~~
20 ~~fifty eighth legislative day, the Chief Clerk shall transmit the bill or resolution to the Senate~~
21 immediately after the second reading of the bill or resolution unless the Majority or Minority
22 Leader has given notice of intention to move the reconsideration of that bill or resolution. When
23 a member in explaining the member's vote states to the House that the member's vote is for the
24 purpose of reconsideration, that statement also is notice of such intention.

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. This rule was

amended to allow similar transmittal during the 1991 special session. During that session, the rule was amended to provide that when notice of intention to move the reconsideration of any bill or resolution is given by a member, the Chief Clerk is to retain the bill or resolution until the end of the legislative day (rather than until the end of the next legislative day). Since 1991, the rule has been substantially amended to add specificity concerning when measures are to be transmitted. By implication, in 1991 a measure was transmitted immediately after second reading if notice was not given. Immediate transmittal is specifically provided in the 2001 version of House Rule 346.

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;
3 ~~within the number and time prescribed,~~ may be introduced by any member,
4 standing committee, or the Legislative Council, by filing the bill or resolution with
5 the Chief 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 1991 special session.

6 **SECTION 5. AMENDMENT.** Subsections 1 and 2 of House Rule 402 are amended as
7 follows:

- 8 1. ~~No member other than the Majority and Minority Leaders may introduce more than~~
9 ~~five bills as prime sponsor after the fifth legislative day. No bill may be introduced~~
10 ~~after the fifteenth legislative day, and no resolution, except those resolutions~~
11 ~~described in subsection 3, may be introduced after the eighteenth legislative day,~~
12 except upon approval of the Legislative Council or a majority of the Delayed Bills
13 Committee or upon two-thirds vote of the members of the House present and
14 voting.
15 2. No bill introduced at the request of an executive agency or the Supreme Court may
16 be introduced ~~after December tenth before the ensuing regular session,~~ except
17 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 Council or the Delayed Bills Committee. Identical amendments were made to House Rule 402 during the 1991 special session. During that 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 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.

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

1 **403. DELAYED BILLS AND RESOLUTIONS.** The Delayed Bills Committee shall
2 receive from the Chief Clerk every bill and resolution offered for introduction ~~after the time for~~
3 ~~introduction as limited by House Rule 402,~~ and, on the same or the next legislative day after
4 receiving the measure, shall inform the House whether the introduction of the measure has
5 been approved. If a majority of the committee favors introduction, the sponsor may introduce
6 the measure. Each measure approved for introduction must bear the name or names of the
7 sponsor or sponsors 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 Council. An identical amendment was made to House Rule 403 during the 1991 special session.

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

9 **504. COMMITTEE MEETINGS.**

- 10 1. ~~The Appropriations Committee meets on Monday, Tuesday, Wednesday,~~
11 ~~Thursday, and Friday of each week.~~
- 12 2. ~~The three-day committees meet on Monday, Tuesday, and Wednesday of each~~
13 ~~week.~~
- 14 3. ~~The two-day committees meet on Thursday and Friday of each week.~~
- 15 4. The chairman of any committee, or a majority of that committee, may call meetings
16 at 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. A substantially identical amendment was made to House Rule 504 during the 1991 special session. All measures introduced during that special session were referred to one of two joint committees that were established by rule--the Joint Technical Corrections Committee and the Joint Legislative Redistricting Committee. See proposed Joint Rules 303 and 304.

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

18 **601. REPORT OF COMMITTEES.**

- 19 1. The report of a committee must provide for one or more of the following
20 recommendations with respect to the bill or resolution: do pass, do not pass, be
21 amended, be rereferred to another committee, or be placed on the calendar
22 without recommendation. However, when a committee fails to adopt any of the
23 above recommendations due to the lack of a majority, the chairman shall report the

1 bill to the floor with whatever minority reports individual committee members may
2 request in accordance with House Rule 602.

3 2. During the fifth order of business, the Chief Clerk shall announce that committee
4 reports have been received, if such is the case, and shall list the bill or resolution
5 number, or other identifier, and state the accompanying committee
6 recommendation. If the committee report is divided pursuant to House Rule 602,
7 the Chief Clerk shall announce the majority and minority report, or reports, as well.

8 3. a. If the committee report is for amendment, the proposed amendment must be
9 placed on the calendar ~~for the next legislative day on the sixth order of~~
10 ~~business. After the fifty fifth legislative day, the proposed amendment must~~
11 ~~be placed on the calendar~~ on the sixth order of business immediately after the
12 report of the committee is received. Without objection, the proposed
13 amendments on the sixth order must be voted on in a single vote. If any
14 member objects to voting on a proposed amendment with other proposed
15 amendments in a single vote, that amendment must be voted on as a
16 separate item.

17 b. No action may be taken on an amendment until a verbatim copy of the
18 amendment has been distributed to each member; provided, that on a
19 two-thirds vote of the members-elect, this may be suspended, and the
20 amendment acted on immediately after the report of the committee.

21 c. If the amendment is adopted by a majority vote of the members present, the
22 amended measure must then be placed on the calendar ~~for the next~~
23 ~~legislative day~~ under the applicable order of business for second reading and
24 final passage except as provided in subdivision e ~~or g~~.

25 d. If the amendment is rejected, the measure without amendment must be
26 placed on the calendar ~~for the next legislative day~~ under the applicable order
27 of business for second reading and final passage except as provided in
28 subdivision e ~~or g~~.

29 e. If the committee report is for amendment and then rereferral to another
30 committee, the measure must be rereferred to the appropriate committee
31 after adoption or rejection of the amendment. If, after adoption or rejection of
32 the amendment, a measure is subject to rereferral under House Rule 329, the

1 measure must be rereferred to the Appropriations Committee, regardless of
2 whether the report provides for rereferral.

3 f. If the committee report does not recommend rereferral to another committee
4 but recommends that the measure pass, do not pass, or makes no
5 recommendation, the measure must be placed on the calendar ~~for the next~~
6 ~~legislative day~~ under the applicable order of business for second reading and
7 final passage ~~except as provided in subdivision g.~~

8 g. ~~On motion~~ Except as provided under subdivision e, a measure must be
9 placed on the calendar for second reading and final passage immediately
10 after action is taken on the amendment. ~~If the committee report recommends~~
11 ~~that the measure be placed on the calendar for second reading and final~~
12 ~~passage immediately after action is taken on the amendment, the measure~~
13 ~~must be placed on the calendar for second reading and final passage~~
14 ~~immediately after the amendment is adopted. After the thirty-second~~
15 ~~legislative day all House bills, and after the fifty-fifth legislative day all~~
16 ~~measures, must be placed on the calendar for second reading and final~~
17 ~~passage immediately after action is taken on the amendment.~~ A measure
18 placed on the calendar under this subdivision may be acted on immediately
19 after placement on the calendar.

20 h. A report for amendment must be approved as to form and style by the
21 Legislative Council staff. When a report for amendment is received by the
22 Chief Clerk without a notation that the report was approved as to form and
23 style by the Legislative Council staff, the Chief Clerk immediately shall cause
24 that report to be delivered to the Legislative Council office with a request that
25 the report be examined and receive a notation approving its form and style.

26 4. If the committee report is divided as provided in House Rule 602, the reports must
27 be placed on the calendar ~~for the next legislative day~~ on the seventh order of
28 business. The Speaker shall receive and announce a motion that the report of the
29 minority be substituted for the majority committee report. If the minority report is
30 adopted, that report is substituted for the majority report and must be placed on the
31 calendar on the eleventh or fourteenth order of business. If the minority report is
32 not adopted, the majority report is deemed adopted and must be placed on the
33 calendar on the eleventh or fourteenth order of business. If a "do not pass" report

1 is adopted under this subsection, the measure must be placed on the calendar on
2 the eleventh or fourteenth order of business. If no report is adopted under this
3 subsection, the measure must be placed on the calendar on the eleventh or
4 fourteenth order of business unless the measure is subject to rereferral under
5 House Rule 329.

6 5. ~~The~~ If practicable, the Chief Clerk shall ensure that the daily calendar contains
7 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 substantive amendments were made to House Rule 601 during the 1991 special session.

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

9 **202. RECEDING BEFORE CONFERENCE.** Either house may recede from any
10 subject matter of difference existing between the two houses at any time before a conference
11 whether the papers on which difference has arisen are before the house receding formally or
12 informally, and a majority of the members-elect governs, except in a case where two-thirds of
13 the members-elect is required by the Constitution, and the question having been put and lost,
14 may ~~not~~ be again put the same day, and the consideration thereof in other respects is
15 regulated by the rules of the 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 1991 special session.

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

17 **207. CONSIDERATION OF ITEMS ON CONSENT CALENDAR.**

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

20 ~~2.~~ Bills or resolutions on the consent calendar are not debatable, except that the
21 President of the Senate or the Speaker of the House shall allow a reasonable time
22 for questions from the floor and shall permit the proponents of the bills or
23 resolutions to answer the questions.

24 ~~3.~~ 2. The question of the final passage of more than one item contained on the consent
25 calendar may be voted on in a single vote if the vote is on either bills or resolutions
26 and not on any combination thereof in the same vote.

1 4. 3. Immediately before voting on the first consent calendar bills or resolutions, the
2 President of the Senate or the Speaker of the House shall call to the attention of
3 the members the fact that the next vote will be the vote on the bills or resolutions
4 on the consent calendar. A recorded roll call vote is necessary on items on the
5 consent calendar only if a recorded roll call vote is required under Senate or House
6 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 206 (which contained the provisions of Joint Rule 207(1) in 1991) during the 1991 special session.

7 **SECTION 11. AMENDMENT.** Joint Rule 208 is amended as follows:

8 **208. INTRODUCTION OF EXECUTIVE AGENCY AND SUPREME COURT BILLS.**

9 Each executive agency and the Supreme Court shall file with the Legislative Council those bills
10 they wish to have introduced ~~no later than the close of business on the day after the~~
11 ~~adjournment of the organizational session. Each.~~ Upon approval by the appropriate Delayed
12 Bills Committee, each bill is deemed introduced by the standing committee of the House or
13 Senate with general jurisdiction over the subject matter of the bill; but if the filing entity receives
14 the approval of a legislator to sponsor the bill, that bill is to be introduced by the legislator rather
15 than by the standing committee. A bill sponsored by a legislator may not have more sponsors
16 than the number allowed under Senate and House Rules 401. The director of the budget shall
17 file with the Legislative Council those bills making appropriations to implement the budget
18 recommended by the Governor no later than the close of business on the day after the
19 adjournment of the organizational session and those bills are deemed introduced by the
20 Appropriations Committee of the Senate or House at the request of the Governor. The bill
21 implementing the budget request of the judicial branch is deemed introduced by the
22 Appropriations Committee of the Senate or House at the request of the Supreme Court, and the
23 bill implementing the budget request of the legislative branch is deemed introduced by the
24 Appropriations Committee of the Senate or House at the request of the Legislative Council.
25 The Legislative Council shall number and deliver bills filed under this rule to the appropriate
26 house for recording. Each bill introduced under this rule must be identified by noting the name
27 of the agency or the court under the name of the sponsoring committee or legislator. The
28 identification of a bill introduced by a standing committee may include the names of not more
29 than five entities authorized to file bills under this 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 substantive amendment was made to Joint Rule 208 during the 1991 special session.

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

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

NOTE: This rule was a rule that was adopted during the 1991 special session to establish the Joint Legislative Redistricting Committee. As provided by the rule, that committee consisted of eight members of the House and eight members of the Senate. The membership of that committee tracked the membership of the Legislative Council's 16-member Legislative Redistricting and Elections Committee.

During the 1981 reconvened session, relating to legislative redistricting, Joint Rule 305 was adopted which established a 10-member Joint Reapportionment Committee consisting of five Senate members and five House members. The interim committee that studied legislative redistricting consisted of five Senate members and seven House members.

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

16 **304. JOINT TECHNICAL CORRECTIONS COMMITTEE.** A joint technical corrections
17 committee must be appointed during a special session. The committee consists of fourteen
18 members, seven from the House and seven from the Senate, appointed in the same manner as
19 the members of other standing committees are appointed. The first-named member from each
20 house is cochairman of the committee. The presiding officer shall refer bills and resolutions
21 relating to statutory or constitutional revision to the committee. The committee shall first meet
22 at the call of the Senate cochairman and the chairmanship of each meeting thereafter
23 alternates between the cochairmen. Members of the committee are excused from attending a

1 meeting of any other committee while they are attending a meeting of the Joint Technical
2 Corrections Committee. The committee shall issue joint reports on the measures referred to it,
3 with the report being first presented to the house having possession of the measure, and later
4 presented to the other house if appropriate.

NOTE: This committee addresses the issue of handling other measures (nonlegislative redistricting) introduced during a special session. During the 1991 special session, the decision was to refer all measures dealing with issues other than legislative redistricting to this Joint Technical Corrections Committee, rather than rely on separate committees of each house to review bills and resolutions.

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

- 6 4. a. The agency or department preparing the fiscal note shall return the fiscal note
7 along with the number of copies requested by the Legislative Council to the
8 Legislative Council not later than ~~five days~~ one day from the date of the
9 request.
- 10 b. The Legislative Council shall retain three copies, shall provide one copy to the
11 Office of Management and Budget, shall provide one copy to the Governor,
12 and shall deliver the remaining copies to the Secretary of the Senate or the
13 Chief Clerk of the House. Of those copies, one copy must be attached to the
14 original bill or resolution, one copy must be filed with the Bill Clerk of the
15 house wherein the bill or resolution originated, one copy must be provided to
16 the President of the Senate, one copy must be provided to the Speaker of the
17 House, and the remaining copies must be distributed as directed by the
18 Secretary of the 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 1991 special session.