

# SENATE RULES

## CHAPTER I. ORGANIZATION AND CONVENING

**101. CALL TO ORDER.** The regular session of the Senate begins at the hour fixed at its last sitting, but if no hour were fixed at that sitting, then at 2:00 p.m., when the President shall take the chair and call the Senate to order. After prayer by the chaplain, the roll of members must be called and the names of the absentees entered in the journal of the Senate. If a quorum is present, the President shall proceed with the regular order of business.

**102. ABSENCE AND PRESENCE.** As used in these rules, "absent" means not present and "present" means physically in the chamber or room where the session or meeting is being held, and for purposes of a committee meeting, includes participation by means of interactive video or teleconference call. No member or officer of the Senate, unless unable to attend due to illness or other cause, may be absent from a session of the Senate, during an entire day, without first having obtained leave from the Senate, and no one is entitled to draw pay while absent more than one day without leave.

**103. QUORUM.** A quorum for the transaction of business consists of a majority of the members-elect of the Senate, but a smaller number may adjourn from day to day and may compel the attendance of absent members.

**104. LEGISLATIVE DAY.** Each legislative day begins at 7:00 a.m., but the sessions of the Senate must begin as provided in Senate Rule 101. No legislative day may be shorter than the natural day.

**105. NO SMOKING IN CHAMBER.** No person may smoke in the Senate chamber. "Smoke" includes the carrying of a lighted cigarette, lighted cigar, or lighted pipe.

## **CHAPTER II. OFFICERS AND EMPLOYEES**

### **201. DUTIES OF PRESIDENT.** The President shall:

1. Preside over the Senate. The President is charged with all the powers and duties pertaining to the position of presiding officer.
2. Preserve order and decorum. In case of disorderly conduct or disturbance in the galleries or the corridors, the President or the chairman of the Committee of the Whole may order the galleries or corridors to be cleared.
3. Sign all acts, addresses, resolutions, writs, warrants, and subpoenas of or issued by order of the Senate.

**202. PRESIDENT PRO TEMPORE.** In the absence of the President of the Senate, or during refusal of the President to act, the President Pro Tempore shall exercise all rights and prerogatives of the President. While the Legislative Assembly is in session, the President Pro Tempore shall sign all vouchers for payment of money out of the appropriation for the Legislative Assembly.

### **203. DUTIES OF SECRETARY.** The Secretary of the Senate shall:

1. Keep correct journals of the proceedings of the Senate. The Secretary shall request from the Secretary of State a list of all currently registered lobbyists, and shall print a list of those lobbyists in the journal upon the adjournment of the legislative session.
2. Have the custody of all records, accounts, and other papers committed to the Secretary.
3. Post appropriate notices of committee meetings and any other announcements or notices.
4. Prepare a short orientation program for Senate employees which must be carried on within the first ten days of each session.
5. Keep secure all records and papers belonging to the Senate. The Secretary shall report all missing bills, resolutions, and papers to the President.
6. Exercise general supervision over all Senate employees and of all clerical duties appertaining to the business of the Senate.
7. Keep a record showing the actions taken on and status of all the bills, memorials, and resolutions.

8. Prepare the daily calendar to reflect the action taken and pending on all measures. The Secretary shall provide for the distribution of the completed calendars.
9. Make available identification badges for all members of the Senate and employees thereof as soon as such persons have been determined.
10. Ensure that all material that is to be distributed to the members' desks other than that which is personally addressed is first submitted to the Secretary, who shall supervise its distribution. No material may be distributed unless it clearly identifies the party requesting the distribution. The Secretary shall have all properly identified material distributed or submit the same to the Majority and Minority Leaders for their instructions.
11. At the close of each session, deposit for safekeeping in the office of the Secretary of State all books, bills, documents, resolutions, and papers in the possession of the Senate, correctly recorded, labeled, folded, and classified. The journal need not be deposited until it is indexed and completed.
12. Perform under the direction of the President all duties pertaining to the office and any other duties as assigned by the President.

#### **204. PREPARATION AND DISTRIBUTION OF THE JOURNAL.**

1. Upon completion of the Senate journal for a legislative day, the Secretary shall deliver to the printer having the contract for printing the legislative journals a complete copy of the Senate journal.
2. The printer shall deliver to the Secretary copies of the Senate journal by the time, in the number and style, and on the grade of paper, as may be determined by the Legislative Council. The Secretary shall cause a copy of the Senate journal to be placed immediately on the desk of each member.
3. Before the Senate goes into session again, the Committee on Correction and Revision of the Journal shall carefully examine and review the journal of the previous legislative day. The committee shall note any errors or omissions and report the errors or omissions to the Senate for action.
4. The printer shall set aside twenty-seven copies of the daily journal. Upon termination of the legislative session, the printer shall deliver these copies to the contract binder, who shall assemble the copies into twenty-seven sets of permanent journals.
5. The permanent journals must be bound in hard covers. Two of these sets must be deposited with the Secretary of State, who shall preserve these sets and attach the Secretary of State's certificate thereto showing the date of delivery and attesting that the copies are identical and official journals as delivered to the Secretary of State. The Secretary of State shall forward one

set to the Supreme Court Library, one set to the Law School Library at the University of North Dakota, eight sets to the State Library, two sets to the Attorney General, five sets to the Legislative Council, one set to the Secretary of the Senate, and one set to each judicial district as determined by the presiding judge of the district.

6. The Secretary of the Senate shall compile two sets of the daily journals. The Secretary of State may distribute these sets to public officials upon their request if in the discretion of the Secretary of State the public official needs the journals to carry on the functions of office. The Secretary of State may dispose of any of these sets not distributed by the time the next Legislative Assembly convenes.

**205. DUTIES OF SERGEANT-AT- ARMS.**

1. The Sergeant-at-Arms of the Senate, under the direction of the presiding officer, is the executive officer of the body for the enforcement of all rules adopted by the Senate for the regulation of the Senate.
2. The Senate floor is under the immediate supervision of the Sergeant-at-Arms. The Sergeant-at-Arms shall see that the Deputy Sergeant-at-Arms and the Assistant Sergeants-at-Arms perform the duties to which they are especially assigned. The Sergeant-at-Arms shall perform all other services and duties pertaining to the office and as directed by the President.
3. The Sergeant-at-Arms shall clear the floor of the Senate chamber in front of the railing of all persons, except legislators, legislative employees, legislative guests, and properly identified representatives of the media, during the time period commencing sixty minutes before the Senate convenes on any legislative day and ending when the Senate recesses for that calendar day.
4. The Sergeant-at-Arms also shall act as the supply clerk for the Senate, and is responsible for ordering and distributing supplies and stationery needed by Senate members and Senate employees. The Sergeant-at-Arms may maintain a supply room, if space is available, and has sole control over the supply room, provided that the supply room may be operated jointly in cooperation with the House Sergeant-at-Arms.

**206. OFFICERS AND EMPLOYEE POSITIONS OF THE SENATE.** The following officers and employee positions are established, with the number, title, and manner of selection for each position as stated:

<b>Title of Position</b>	<b>Number of Positions</b>	
	<b>Group A</b>	
Secretary of the Senate .....	1	
Journal Reporter .....	1	

Sergeant-at-Arms ..... 1

Persons holding Group A positions must be elected by a majority of the members-elect and the results of the vote must be recorded in the journal.

**Group B**

Assistant Secretary of the Senate ..... 1  
Chief Committee Clerk ..... 1  
Appropriations Committee Clerk ..... 1  
Bill Clerk ..... 1  
Calendar Clerk ..... 1  
Assistant Appropriations Committee  
Clerk ..... 1  
Committee Clerks .....10  
Chief Page and Bill Book Clerk ..... 1  
Assistant Committee Clerk ..... 1  
Deputy Sergeant-at-Arms ..... 1  
Legislative Assistant - Information Kiosk  
Attendant ..... 1  
Legislative Assistant - Desk Page ..... 1

Persons holding Group B positions must be appointed by the party having a majority of the members-elect, acting by and through the Employment Committee. Unless otherwise determined by the Employment Committee, the Information Kiosk Attendant position alternates between the houses every other legislative session.

**Group C**

Administrative Assistant to Majority Leader 1  
Staff Assistants to Majority Leader ..... 2  
Administrative Assistant to Minority Leader 1  
Staff Assistants to Minority Leader ..... 2

The Majority and Minority Leaders shall appoint their respective administrative and staff assistants, acting by and through the Employment Committee.

Other employees must be appointed as determined necessary by the Employment Committee and must be allocated to the majority and minority parties in proportion to each party's percentage of the total number of the members-elect and each party shall appoint the persons to the positions allocated to them, acting by and through the Employment Committee. The majority party has the first right to select positions of a group until its allocation is filled.

The powers, duties, and qualifications for each officer or employee are as provided by law, these rules, and the Legislative Handbook for North Dakota Legislators and Employees.

## CHAPTER III. FLOOR PROCEDURES

**301. ORDER OF BUSINESS.** The order of business is as follows:

1. Prayer by the Chaplain.
2. Calling the Roll.
3. Reference to the Journal.
4. Presentation of Petitions, Communications, and Questions of Personal Privilege.
5. Reports of Standing Committees.
6. Consideration of Amendments.
7. Reports of Select Committees, Procedural Committees, and Certain Divided Committee Reports.
8. Motions and Resolutions.
9. First Reading of Senate Bills and Resolutions.
10. Consideration of Bills and Resolutions on Consent Calendar.
11. Second Reading of Senate Bills and Resolutions.
12. Consideration of Messages from the House.
13. First Reading of House Bills and Resolutions.
14. Second Reading of House Bills and Resolutions.
15. Unfinished Business.
16. Signing of Bills and Resolutions.
17. Announcements.

**302. PRESENTATION OF PETITIONS AND COMMUNICATIONS.** Petitions and communications addressed to the Senate or to the President must be presented by the President under the fourth order of business, but petitions and communications other than official communications from the executive and judicial branches of state government may not be printed in the journal except on motion of the Senate.

### **303. CALL OF THE SENATE.**

1. Eight members of the Senate may cause a call of the Senate to be ordered and absent members to be sent for, but a call may not be ordered while a vote is being taken.
2. The call being requested, the President shall require those desiring the call to rise, and if eight or more members rise, the call must be ordered.
3. The call being ordered, the Sergeant-at-Arms shall close the door and allow no members to leave the chamber.
4. The Secretary shall then call the roll and furnish the Sergeant-at-Arms with a list of those members absent without leave, and that officer shall proceed to find and bring in those absentees.
5. While the Senate is under call, no business can be transacted except to receive and act on the report of the Sergeant-at-Arms and no motion is in order except a motion to suspend further proceedings under the call, and the motion may not be adopted unless a majority of all members-elect vote in favor of the motion.
6. Upon a report of the Sergeant-at-Arms showing that all members who were absent without leave, naming them, are present, the call is at an end, the door must be opened, and the Senate shall proceed with the business pending at the time the call was made.

**304. ORDER AND DECORUM.** The President shall preserve order and decorum and decide all questions of order subject to an appeal to the Senate. When the President is putting the question, no member may walk out, or across the Senate, nor when a member is speaking, may any person entertain any private discourse, or pass between the person speaking and the chair. A member called to order shall immediately sit down unless permitted to explain, and the Senate, if appealed to, shall decide the case. If there is no appeal, the decision of the chair stands. On appeal, no member may speak more than once without leave of the Senate. When a member is called to order for offensive language, there may be no debate.

**305. RECOGNITION BY THE PRESIDENT.** Every member desiring to speak shall rise and respectfully address the President, and shall remain standing in place before proceeding to speak until recognized by the President. When two or more members rise at the same time to speak, the President shall designate the member who is to speak first, but in all other cases the member who rises first and addresses the President must be the first recognized.

**306. RULES OF DEBATE.** No member may speak more than twice on the same subject without leave of the Senate, nor more than once until every member choosing to

speak on the subject pending has spoken. No member may speak for more than ten minutes the first time, nor more than five minutes the second time. This rule does not apply to the Majority and Minority Leaders and the chairman of the committee in charge of the bill, or a spokesman designated by that chairman.

**307. MOTION TO BE SECONDED AND STATED.** No motion may be stated by the President or debated unless it has been seconded. It must then be stated by the President before the debate.

**308. MOTIONS IN WRITING.** All motions except to adjourn, postpone, or refer must be reduced to writing and read at length if required by any member of the Senate.

**309. MOTION MAY BE WITHDRAWN.** After a motion is stated by the President, it is in possession of the Senate, but may be withdrawn at any time before amendment or decision. However, all motions must be entered in the journal, whether rejected or adopted, together with the name of the member moving the same.

**310. INTERRUPTION.** No member may interrupt another member who is speaking in debate, except on question of privilege.

**311. QUESTIONS OF PERSONAL PRIVILEGE.** A member raising a question of personal privilege shall confine any remarks to those that concern the member personally, and when speaking under a personal privilege, a member has no right to chastise any other member.

**312. MOTIONS DURING DEBATE.** When a question is under debate, no motion may be received, except to fix the time to which to adjourn; to adjourn; to lay on the table; to move the previous question; to close, limit, or extend debate (which five kinds of motions must be decided without debate); to move to postpone to a day certain; to refer; and to amend. These motions have precedence in the order in which they are named. No motion to postpone to a day certain or to refer, having been decided, may be entertained again on the same day.

**313. ORDER IN WHICH QUESTION PUT.** All questions, whether in committee or in the Senate, must be put in the order in which they are moved, except in the case of privileged questions.

**314. PREVIOUS QUESTION.** If a motion calling for the previous question, or any other motion to end debate, carries by a majority vote of the members present, the question must be put immediately, and no member may speak except on a request for



information or on a parliamentary inquiry. A member may not move the previous question if that member is debating the issue before the Senate.

**315. DISPOSITION OF QUESTION LAID ON THE TABLE.** A question laid on the table is deemed finally disposed of whenever a motion to adjourn without fixing a time for reconvening is approved.

**316. STATING OF QUESTION AND VERIFICATION.** Questions must be put in substantially the following form: "As many as are in favor of (as the case may be), say aye"; and after the affirmative voice is expressed, "As many as are opposed, say nay." If the President is in doubt or verification is requested by any member, the President shall again put the question and the vote must be tabulated. The President will use only the total ayes and nays to determine if the question prevailed. The fact that the question prevailed or failed must be entered in the journal without mention of the number of ayes or nays.

**317. NONDEBATABLE MOTIONS.** The following motions are not debatable:

1. Adjournment.
2. Clincher.
3. Fix the time of adjournment.
4. Order of the day.
5. Reading of papers.
6. Withdrawal of motion.
7. Suspension of the rules.
8. To lay on the table.
9. Previous question.
10. Close, limit, or extend debate.

**318. VOTES REQUIRED FOR CERTAIN QUESTIONS.**

1. The following questions require a majority vote of the members of the Senate present and voting:
  - a. Action, other than referrals or rereferrals to the Appropriations Committee on certain measures, as authorized in Senate Rule 329.

- b. Order to a chairman to report a measure back from committee, as provided in Senate Rule 509.
  - c. Adoption of amendments, as provided in Senate Rule 601.
  - d. Reconsideration of the adoption of an amendment, as provided in Senate Rule 347.
  - e. Adoption of propositions of a divided question if the division would require a majority vote of the members present, as provided in Senate Rule 319.
  - f. Adoption of conference committee reports, as provided in Senate Rule 605.
  - g. Previous question, as provided in Senate Rule 314.
  - h. To close, limit, or extend debate.
  - i. To return a measure requested by the House before action, as provided in Joint Rule 204.
  - j. To have the President refuse to sign any bill the House refuses to return, as provided in Senate Rule 349.
  - k. To request preparation of a fiscal note, as provided in Joint Rule 501.
  - l. Suspension of the rules, as provided in Senate Rule 324.
  - m. Any question for which another vote is not required by the Constitution or another rule.
2. The following questions require a majority vote of the members-elect of the Senate:
- a. Passage of bills, as provided in Section 13, Article IV, of the Constitution and Senate Rule 339.
  - b. Passage of proposed amendments to the Constitution of North Dakota, as provided in Section 16, Article IV, of the Constitution.
  - c. Ratification of amendments to the Constitution of the United States, as provided in Senate Rule 339.
  - d. To recede before a conference in a case where a majority governs, as provided in Joint Rule 202.
  - e. To constitute a quorum, as provided in Senate Rule 103.

- f. Election of certain Senate employees, as provided in Senate Rule 206.
  - g. Suspension of further proceedings under a call of the Senate, as provided in Senate Rule 303.
  - h. Adoption of propositions of a divided question if the division would require a majority vote of the members-elect, as provided in Senate Rule 319.
  - i. Reconsideration of questions other than adoption of amendments if before the end of the next legislative day, as provided in Senate Rule 347.
3. The following questions require a two-thirds vote of the members of the Senate present and voting, which two-thirds may, in no event, constitute fewer than a majority of the members-elect of the Senate:
- a. Introduction of measures after deadline, as provided in Senate Rule 402.
  - b. Return of measures to other house after action taken, as provided in Joint Rule 204.
4. The following questions require a two-thirds vote of the members-elect of the Senate:
- a. Initiated and referred measures amended or repealed within seven years after enactment or approval, as provided in Section 8, Article III, of the Constitution and Senate Rule 339.
  - b. Emergency clauses, as provided in Section 13, Article IV, of the Constitution.
  - c. Vetoed measures, reconsideration, as provided in Section 9, Article V, of the Constitution.
  - d. Adoption of propositions of a divided question if the division would require a two-thirds vote of the members-elect, as provided in Senate Rule 319.
  - e. To recede before a conference in a case where two-thirds governs, as provided in Joint Rule 202.
  - f. Second reading same day as report, as provided in Senate Rule 337.
  - g. Reconsideration after the next legislative day or after a previous motion to reconsider, as provided in Senate Rule 347.
  - h. Reconsideration after a clincher motion, as provided in Senate Rule 348.

- i. Suspension of requirement that copies of amendments be distributed before acted on, as provided in Senate Rule 601.
  - j. Amendment, reconsideration, or suspension of a joint rule, as provided in Joint Rule 105.
5. A question to withdraw a measure after it has been referred to committee requires unanimous consent of the members of the Senate, as provided in Senate Rule 331.

### **319. DIVISION OF QUESTION.**

1. If a question before the Senate contains more than one proposal, any member may have the question divided, except a question on the adoption of a conference committee report or on the second reading and final passage of a measure resulting from the adoption of a conference committee report may not be divided.
2. A question containing more than one proposal may be divided only if each resulting division is so distinct and separate it can stand as a complete proposition without being rewritten.
3. Each division of a divided question requires the same vote for adoption that the division would require if it stood alone.
4. After voting on all divisions, the approved divisions comprise the question before the Senate.

**320. ROLL CALL VOTE.** Except as required by the Constitution or these rules, a roll call vote may not be ordered unless requested by one-sixth of those members present. When a recorded roll call vote is ordered pursuant to this rule, the results must be printed in the journal in their entirety.

**321. VOTE BY MEMBERS.** Every member who is present, before the vote is announced from the chair, shall vote for or against the question before the Senate, unless the Senate excuses the member. If the member has not voted before the key is closed, the member may vote before the vote is announced. A member cannot cast a vote on behalf of another member unless the vote is cast according to verbal instructions announced to the Senate by that other member while in the chamber. However, any member who has a personal or private interest in any measure or bill shall disclose the fact to the Senate and may not vote thereon without the consent of the Senate. A "personal or private interest" is an interest that affects the member directly, individually, uniquely, and substantially.

**322. PROCEDURE IN EXCUSING MEMBER FROM VOTING.** When a member asks to be excused, or declines to vote, the member shall be required to state the member's reasons. Upon motion, the question must be put to the Senate, "Shall the member, for the reasons stated, be permitted to vote?" which must be decided without debate. These proceedings must occur before the taking of the vote.

**323. VOTE BY PRESIDENT.** When the Senate is equally divided, the President may vote on procedural matters, and on substantive matters if the President's vote would be decisive.

**324. SUSPENSION OF RULES.** No standing rule or order of the Senate may be reconsidered or suspended except by a vote of a majority of the members present.

**325. READING OF BILLS AND RESOLUTIONS.** Every bill requiring the approval of the Governor, and every resolution proposing a change in the Constitution of North Dakota, or ratifying an amendment to the Constitution of the United States, must be read two separate times, but the first reading and second reading may not be on the same day.

**326. CONSIDERATION OF OTHER RESOLUTIONS.** Every resolution other than those referred to in Senate Rule 325 or 407 must be read once and referred by the President to an appropriate standing committee or, on motion, to a select committee, unless otherwise ordered by vote of the Senate.

**327. RESOLUTIONS DURING SPECIAL SESSIONS.** During a special session of the Legislative Assembly called by the Governor, the Senate may consider any resolution or concurrent resolution that is on a subject having a major impact on the economic well-being of the state without referring the measure to a committee, and the Senate may take final action on the measure on the same legislative day as the day the measure is introduced.

**328. MEASURES REFERRED TO COMMITTEE.** Upon the first reading of a bill or concurrent resolution including a resolution for a constitutional amendment, the President shall refer it to an appropriate standing committee, unless the Senate, by motion, decides to refer it to a select or other standing committee.

**329. MEASURES REFERRED TO APPROPRIATIONS COMMITTEE.**

1. Every bill providing an appropriation of five thousand dollars or more must be referred or rereferred to and acted on by the Appropriations Committee, and every bill or resolution proposing a change in the audit or fiscal procedures of a state agency or institution must be originally referred to and acted upon by

that committee, before final action by the Senate thereon, unless otherwise ordered by a majority vote of the members present.

2. Every bill or resolution to which is attached a fiscal note stating that the measure has an effect of fifty thousand dollars or more on the appropriation for a state agency or department must be rereferred to and acted on by the Appropriations Committee before final action by the Senate thereon, unless otherwise ordered by a majority vote of the members present.
3. A bill or resolution required to be referred or rereferred to the Appropriations Committee which received a do not pass recommendation from committee and which then is passed by the Senate is deemed reconsidered and must be referred to and acted upon by the Appropriations Committee if that measure has not been referred or rereferred to the Appropriations Committee before passage. The Appropriations Committee shall report the measure back to the Senate for action in accordance with these rules.
4. Except for bills approved for introduction after the deadline for introduction of bills, all Senate bills required to be rereferred to the Appropriations Committee must be rereferred not later than the twenty-third legislative day and all House bills required to be rereferred to the Appropriations Committee must be rereferred not later than the forty-seventh legislative day. If an appropriation bill is not reported to the floor and rereferred as required herein, the bill is deemed rereferred and is under the jurisdiction of the Appropriations Committee at the end of the twenty-third or forty-seventh legislative day, as appropriate.

**330. REREFERRAL TO COMMITTEE.** A measure that is to be rereferred to a committee as the result of a committee report or Senate rules must be rereferred after action on any amendment recommended by the committee report or before any vote on the committee report if no amendment is recommended. When the report of the committee of rereferral is presented to the Senate, the President shall announce every report to the Senate which was made on that measure.

**331. WITHDRAWAL OF MEASURES.** After referral as provided by Senate Rule 328, the bill or resolution may not be withdrawn without unanimous consent of the Senate.

**332. AMENDING BILLS.** No bill may be amended, extended, or incorporated in any other bill by reference to its title only, except in the case of definitions and procedural provisions, but the portion amended, extended, or incorporated must be set out at length and reenacted. No bill may be amended during its pendency in the Senate in a manner that changes its general subject matter.

**333. AMEND OR REREFER ON SECOND READING.** On the second reading of every bill or resolution, any amendment other than amendment of a measure reported

from a conference committee or a measure on the calendar as the result of a motion to concur or not concur in amendments by the House may be received and the bill or resolution may be rereferred at any time before its final passage. Upon request of a member, a floor amendment must be submitted in writing and distributed to each member.

**334. AMENDMENTS TO TITLE.** The title to any bill may be amended at any time during its pendency in the Senate.

**335. ENGROSSMENT.** All Senate bills amended in committee or by floor amendment must be properly engrossed before their second reading and final passage. All Senate bills are deemed properly engrossed upon adoption of amendments. Any House bill amended in the Senate may, before second reading, be engrossed on motion of the Senate or on request of a leader.

**336. SETTING TIME CERTAIN FOR FLOOR DEBATE.** If a committee chairman determines that amendments recommended or a bill or resolution considered by the chairman's committee presents important issues of public concern, the chairman, after consultation with and approval of the President and the Majority and Minority Leaders, may set a time certain for floor debate on the amendments when placed on the calendar for consideration during the sixth order of business or the bill or resolution when it has been placed on the calendar for consideration during the eleventh or fourteenth order of business. The committee chairman shall request the President to set an exact time when the amendments, bill, or resolution will be debated, and when that time is reached, the President shall hold any other matters pending at that time in abeyance until such time as the scheduled floor debate has been completed.

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

**338. DISPOSITION OF MEASURES AFTER FIFTY-FIFTH LEGISLATIVE DAY.** After the fifty-fifth legislative day, all bills and resolutions under consideration must immediately be placed on the calendar for second reading and final passage.

**339. FINAL PASSAGE.** No bill may become a law except by a vote of the majority of the members-elect of each house; however, the Lieutenant Governor may vote as provided in Senate Rule 323 if the Senate is equally divided. A bill may not become law

unless on final passage the vote is taken by roll call and the names of those voting, with a record of their vote, are entered in the journal. No measure enacted or approved by a vote of the electors may be repealed or amended by the Legislative Assembly for seven years from the effective date of the measure, except by a two-thirds roll call vote of all members elected to each house. Ratification of amendments to the Constitution of the United States must be by concurrent resolution approved by a majority, upon roll call vote, of the members elected to each house, except as provided in Senate Rule 323.

**340. RECORDED ROLL CALL VOTES.** Except as provided in Senate Rule 315, no action by the Senate which may result in final disposition of a bill, a resolution that provides for the expenditure of money, or a resolution proposing a constitutional amendment may be taken except by a recorded roll call vote, and the vote of each member, and, when appropriate, the vote of the Lieutenant Governor, or a record of the member's absence or failure to vote, must be recorded in the journal. As used in this rule, "final disposition" includes any procedure that, barring reconsideration, results in the Senate being unable to give further consideration during that legislative session to the particular measure that was under consideration.

**341. RIGHT TO CHANGE VOTE.** A member has the right to change the member's vote before the President has announced that the vote is closed, but not thereafter, except that a member may change the member's vote for purposes of reconsideration after the vote is closed but before it is announced pursuant to Senate Rule 342. If a member announces that the member's vote is changed for purposes of reconsideration, that announcement must be printed in the journal with corrected totals of the ayes and nays.

**342. ANNOUNCEMENT OF VOTE.** The Secretary shall tabulate the vote. The President shall announce the vote and declare whether the bill has passed, whether the title is agreed to, and whether the emergency clause, if any, has carried.

**343. VERIFICATION OF VOTE.** When the vote has been announced, any member may immediately require that the vote be verified.

**344. EXPLANATION OF VOTE.** Immediately following the announcement of the vote by the President, but not before, any member may explain the member's vote and have the member's remarks recorded in the journal.

**345. RECORDING REMARKS IN JOURNAL.** When a member desires to have the member's remarks, other than those in explanation of the member's vote, recorded in the journal, the member shall inform the Desk Reporter before speaking and the remarks must be recorded. Except for the Majority or Minority Leader with respect to the remarks of a member of that leader's party, no member may request the remarks of any other member be recorded in the journal.



**346. TRANSMITTAL OF MEASURE TO HOUSE - NOTICE OF INTENTION TO RECONSIDER.** After the second reading of a bill or resolution, the Secretary of the Senate shall retain the bill or resolution until the end of the next legislative day, unless the bill or resolution has previously been disposed of. On the thirty-third legislative day and after the forty-ninth legislative day, the Secretary of the Senate shall transmit the bill or resolution to the House immediately upon adjournment of that day's session unless action on the bill or resolution is pending as the result of the Senate passing a motion to reconsider or unless the Majority or Minority Leader has given notice of intention to move the reconsideration of that bill or resolution. After the fifty-eighth legislative day, the Secretary of the Senate shall transmit the bill or resolution to the House immediately after the second reading of the bill or resolution unless the Majority or Minority Leader has given notice of intention to move the reconsideration of that bill or resolution. When a member in explaining the member's vote states to the Senate that the member's vote is for the purpose of reconsideration, that statement also is notice of such intention.

**347. MOTION FOR RECONSIDERATION.**

1. Any member may move for reconsideration of a question if any of the following apply:
  - a. The member voted on the prevailing side of the question ("prevailing side of the question" is the side that voted "aye" on a question that passed, and "nay" on a question that failed);
  - b. The member did not vote on the question; or
  - c. The member voted on the question and the ayes and nays were not recorded.
2. A motion to reconsider must be decided by a majority vote of the members-elect, except that a motion to reconsider adoption of an amendment must be decided by a majority vote of the members present.
3. In the case of a bill, resolution, or amendment to the Constitution, the motion to reconsider, if made after the end of the next legislative day following the action on the measure, requires a two-thirds vote of the members-elect.
4. The vote by which any measure passed or failed to pass may not be reconsidered more than once in any natural day. For purposes of this subsection, a clincher motion that fails is not a motion to reconsider.
5. No motion to reconsider may be made unless the matter is in possession of the Senate.
6. Determination of any vote required under this rule must be by a verification vote.

**348. CLINCHER MOTION.** A motion that any action taken by the Senate be reconsidered and that the motion to reconsider be laid on the table, if carried, has the effect of preventing reconsideration except upon a two-thirds vote of the members-elect. The motion must be decided without debate.

**349. REFUSAL OF HOUSE TO RETURN BILL.** Upon a majority vote of the members of the Senate present, the President shall refuse to sign any bill that may have passed the Senate and which the House has refused to return for further consideration after a proper request to do so.

**350. RETURN OF SENATE MEASURE WITH AMENDMENT.** Upon the return to the Senate of a Senate bill or resolution that was amended and passed by the House, the President shall refer the measure to the chairman of the standing committee that reported the measure to the Senate. The chairman, by motion on the floor, shall recommend whether to concur in the amendments. If the recommendation is to not concur and to appoint a conference committee, the President shall appoint a conference committee.

**351. CONCURRENCE IN HOUSE AMENDMENTS.** Upon adoption of a motion to concur in amendments adopted by the House and explained to the Senate, the bill or resolution must be placed on the calendar for second reading and final passage. A measure placed on the calendar under this rule may be acted on immediately after placement on the calendar.

**352. ENROLLMENT.** All Senate bills and resolutions that have passed both houses must be enrolled and presented to the presiding officers of the Senate and House for signatures, and when so signed, bills must be presented to the Governor for approval.

**353. SIGNING OF BILLS.** The President shall sign all bills and resolutions passed by both houses.

**354. PROCEDURE ON HOUSE BILLS.** A similar mode of procedure must be observed with bills that have originated in and passed the House as with bills that have originated in the Senate. The printing or engrossing of those bills may be ordered as provided in these rules.

**355. PROCEDURE ON RECEIPT OF VETOED BILLS.** Upon receipt of a vetoed bill and objections, the Secretary of the Senate shall place the bill on the eleventh order of business on the calendar.

**356. MOTION TO ADJOURN.** A motion to adjourn is always in order, except when a member is addressing the chair or a vote is being taken.

**357. MEMBERS RETAIN SEATS.** When the Senate adjourns, the members shall keep their seats until the President announces the adjournment.

**358. OBJECTION TO READING OF PAPERS.** When the reading of a paper is requested and there is an objection by any member, the objection must be upheld or rejected by the Senate without debate.

**359. ELECTRICAL VOTING SYSTEM.** Unless otherwise ordered, any vote may be taken by means of the electrical voting system, which is under the control of the President.

**360. GUESTS - INTRODUCTION AND ANNOUNCEMENT - LIMITATIONS.**

1. Introduction of guests in the Senate is limited to those individuals called on to address the Senate, individuals of statewide, national, or international prominence, and others in the discretion of the President. The presence of other guests in groups may be announced daily on the electronic message boards.
2. No member may have more than one guest on the floor during any period guests are restricted under Senate Rule 205. No member may have more than one guest in the morning on the floor during a session and one guest in the afternoon on the floor during a session. The guest must be seated with the member at the time the session convenes and may not leave the floor during debate. No guest may be seated with the member after that member's original guest for that session leaves the floor.
3. For the purposes of this rule, the floor of the Senate is all of the first floor of the Senate chamber in front of the railing.

**361. TELEPHONES AND PAGERS.** A wireless telephone or pager may not be used in the Senate chamber during a floor session or in a Senate committee room during a committee meeting in that room.

## **CHAPTER IV. BILLS AND RESOLUTIONS**

### **401. WHO MAY INTRODUCE - JOINT SPONSORSHIP - PREFILING.**

1. Any bill or resolution that conforms to statutory requirements and these rules, within the number and time prescribed, may be introduced by any member, standing committee, or the Legislative Council, by filing the bill or resolution with the Secretary, who shall number consecutively each bill or resolution.
2. Any bill or resolution may have, following and separate from the name or names of the Senate sponsor or sponsors, the name of each sponsor from the House. A bill or resolution may not have more than six members of the Legislative Assembly as sponsors.
3. Any bill or resolution may be introduced after the organizational session adjourns and before the convening of the regular session by prefiling the bill or resolution with the office of the Legislative Council. The Legislative Council shall number those bills and resolutions, identify the sponsoring committee as assigned by the Majority Leader of the Senate, arrange for the posting of notice of hearing, and deliver those bills and resolutions to the Secretary. Prefiled bills and resolutions may not be withdrawn, except on the floor of the Senate in the manner provided by the rules. Prefiled bills and resolutions are not confidential.

### **402. WHEN INTRODUCED.**

1. No member other than the Majority and Minority Leaders may introduce more than three bills as prime sponsor after the ninth legislative day. No bill may be introduced after the fourteenth legislative day, and no resolution, except those resolutions described in subsection 3, may be introduced after the eighteenth legislative day, except upon approval of a majority of the Delayed Bills Committee or upon two-thirds vote of the members of the Senate present and voting.
2. No bill introduced at the request of an executive agency or the Supreme Court may be introduced after the close of business on the day after the adjournment of the organizational session, except upon approval of a majority of the Delayed Bills Committee.
3. Resolutions that propose amendments to the Constitution of North Dakota and resolutions directing the Legislative Council to carry out a study may not be introduced after the thirty-first legislative day.

**403. DELAYED BILLS AND RESOLUTIONS.** The Delayed Bills Committee shall receive from the Secretary every bill and resolution offered for introduction after the time for introduction as limited by Senate Rule 402, and, on the same or the next legislative day after receiving the measure, shall inform the Senate whether the introduction of the

measure has been approved. If a majority of the committee favors introduction, the sponsor may introduce the measure. Each measure approved for introduction must bear the name or names of the sponsor or sponsors and must note the approval of the Delayed Bills Committee.

#### **404. FORM OF BILLS - COPIES.**

1. Every bill and resolution must be in typewritten form and at least two copies must be filed with the Secretary.
2. Each bill and resolution must have typed on it the name of each sponsor introducing the bill or resolution.
3. The enacting clause of a bill must be: "BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA".
4. No bill may embrace more than one subject, which must be expressed in its title.
5. If a bill amends a present statute, the portion thereof constituting the amendment or amendments must be underscored. In a bill that contains sections amending existing statutes and sections that will be new law, the portion containing the amendment to the existing statute and all of each section containing new law must be underscored. Any matter contained in the present statute but deleted in the proposed amended statute must be contained in the typewritten bill, but must be set off from the remainder of the text by typing a line through the deleted matter. Where bills sponsored by the Legislative Council do not use the above devices, such bills must be accompanied by appropriate explanatory notations outlining the changes to be effected. All bills and resolutions to be introduced in the Senate must be in the form and style the Legislative Council prescribes.
6. The Secretary, upon receiving the copies of a bill or resolution as provided by this rule, shall proceed as follows: (a) If the covered copy of the bill or resolution has attached to it a notation that the bill or resolution was approved as to form and style by the Legislative Council staff, the Secretary shall number the bill or resolution as provided in Senate Rule 401 and, after first reading and referral, shall distribute the copies as provided in this rule; or (b) If the covered copy of the bill does not have a notation of approval as to form and style by the Legislative Council staff attached, the Secretary shall proceed as provided in Senate Rule 405.
7. The Secretary, after compliance with this rule and after first reading, shall distribute the copies of a bill or resolution received as follows: The covered copy and one additional copy must be delivered to the chairman of the committee to which the measure is referred; one copy must be delivered to the President of the Senate; six copies must be delivered to the Legislative Council; one copy must remain in the custody of the Secretary until otherwise

directed by the Senate; except in the case of bills or resolutions printed on order of the Legislative Council pursuant to Senate Rule 406, two copies must be delivered to the printer having the contract for the printing of bills; three copies must be available for representatives of news media; and one copy must be given to the prime sponsor.

#### **405. APPROVAL OF MEASURES AS TO FORM AND STYLE.**

1. When a bill or resolution, with the requisite number of copies, is filed with the Secretary without a notation attached to the covered copy stating that the bill or resolution was approved as to form and style by the Legislative Council staff, the Secretary immediately shall cause that bill or resolution to be delivered to the Legislative Council office with a written request that the bill or resolution be examined and receive a notation approving its form and style.
2. When the Legislative Council staff receives a bill or resolution from the Secretary pursuant to this rule, it shall see that the bill or resolution is in the form and style required by law, legislative rule, and the drafting rules promulgated by the Legislative Council.
3. When the Legislative Council staff has ensured that the bill or resolution meets all requirements regarding form and style, the bill or resolution and all copies must be returned to the Secretary with a notation of approval attached to the covered copy.
4. If the Legislative Council staff, due to the exercise of its responsibilities under this rule, is not able to deliver an approved bill or resolution to the Secretary before expiration of the last legislative day for normal introduction, the Secretary, whenever such an approved bill or resolution is received, shall proceed to file it as if it had been received on the final legislative day for normal introduction.

**406. PRINTING OF BILLS AND RESOLUTIONS.** All bills requiring the approval of the Governor, all resolutions proposing a change in the Constitution of North Dakota, and all resolutions ratifying an amendment to the Constitution of the United States, after the first reading, must be printed unless otherwise ordered by the Senate. Bills and resolutions that are prefiled pursuant to Senate Rule 401 may be printed on order of the Legislative Council.

**407. LIMITATION ON COMMENDATORY RESOLUTIONS.** No resolution that commends, lauds, congratulates, or otherwise honors any person or group, other than a memorial resolution 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.

**408. CONSTITUTIONAL AMENDMENTS - STATEMENT OF INTENT.** Every resolution proposing a change in the Constitution of North Dakota must 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.

**409. REFERENCE TO BILLS IN JOURNAL.** All references in the journal to Senate and House bills must be by number only, except that on first and second readings such references must be by number and title.

## CHAPTER V. COMMITTEES

### 501. STANDING COMMITTEES.

1. The Committee on Committees consists of eight members. The Majority Leader, by virtue of office, is a member of the committee and shall serve as its chairman. The Majority Leader shall appoint four other members from the majority party and three members from the minority party to the committee. The committee shall appoint standing committees concerned with matters in the fields as indicated and procedural committees.
2. The five-day standing committee is Appropriations: (14 members) Bills and resolutions referred or rereferred under Senate Rule 329.
3. The three-day standing committees are:
  - a. Education: (5 members)  
Public Schools; Libraries; Institutions of Higher Learning.
  - b. Finance and Taxation: (7 members)  
Public Debt; Taxes and Tax Laws.
  - c. Human Services: (6 members)  
Human Services; Public Health; Public Safety.
  - d. Industry, Business and Labor: (7 members)  
Banks and Banking; Corporations; Insurance; Matters pertaining to Private Business and Industry; Workers' Compensation; Unemployment Compensation; Labor Laws and kindred subjects.
  - e. Judiciary: (6 members)  
Elections and Election Privileges; Judiciary.
4. The two-day standing committees are:
  - a. Agriculture: (7 members)  
Agriculture; Livestock; Drainage and Irrigation; Warehouse and Grain Grading.
  - b. Government and Veterans Affairs: (6 members)



State and Federal Affairs; Government Pensions and Benefits; Military and Veterans Affairs; Industrial Commission and institutions under its supervision; State Historical Society and State Parks.

- c. Natural Resources: (7 members)

Game and Fish; Public Lands; Mines and Mining; Gas and Oil; Forestry.

- d. Political Subdivisions: (5 members)

Cities; Counties; Townships; Park Districts; Apportionment.

- e. Transportation: (6 members)

Highways and Bridges; Railroads; Motor Vehicles; Airlines and Airports.

- 5. The procedural committees are:

- a. Arrangements for Senate Committee Rooms, to consist of three members.

- b. Correction and Revision of the Journal, to consist of three members.

- c. Delayed Bills, to consist of five members.

- d. Employment, to consist of five members.

- e. Inaugural Planning, to consist of three members.

- f. Rules, to consist of nine members.

- 6. When an executive nomination is received, the Committee on Committees shall appoint a select committee to consider it. The select committee shall meet and consider the nominee forthwith, and shall report its recommendations to the Senate.

**502. LIMITATIONS ON COMMITTEE MEMBERSHIP.** Each member shall serve on two standing committees, except the Majority Leader, who may not serve on any standing committee, the Minority Leader, who may be appointed to any standing committee by the Committee on Committees, and all members of the Appropriations Committee, who may not serve on any other standing committee. No member of the Senate may be appointed to more than one 3-day and one 2-day committee. The Majority and Minority Leaders may participate in all standing committees but may not vote therein except that the Minority Leader may vote on any committee to which the Minority Leader has been appointed.

**503. COMMITTEE CHAIRMAN.** The Majority Leader shall appoint the chairman and vice chairman of each committee. The Majority Leader shall designate a chairman if the appointed chairman and vice chairman are absent for an extended period of time.

**504. COMMITTEE MEETINGS.**

1. The Appropriations Committee meets on Monday, Tuesday, Wednesday, Thursday, and Friday of each week.
2. The three-day committees meet on Monday, Tuesday, and Wednesday of each week.
3. The two-day committees meet on Thursday and Friday of each week.
4. The chairman of any committee, or a majority of that committee, may call meetings at times and on other days as deemed necessary.

**505. APPROPRIATIONS COMMITTEE MEETINGS.** In addition to the meetings authorized under Senate Rule 504, the Appropriations Committee may meet for not more than five calendar days during the period after the organizational session has adjourned and the regular session is convened, as called by the Majority Leader. The chairman shall cause notice of the time and place of the meetings to be posted.

**506. NOTICE OF HEARINGS.** On Wednesday of each week, with respect to three-day committees, and on Thursday of each week, with respect to the Appropriations Committee and two-day committees, each chairman shall deliver to the Secretary a notice of the time and place of the meetings of the chairman's committee for the following week, including a list of the bills and resolutions to be considered. This rule does not prevent a change in such schedule as to time, place, or bill or resolution, if circumstances may so require. The decision of the chairman in this regard is final. The Secretary shall cause the schedule to be posted.

**507. COMMITTEE PROCEDURES.**

1. In all cases, a majority of the committee constitutes a quorum, except that fifty percent of the membership of a committee with an even number of members constitutes a quorum.
2. The committee chairman or the member who is duly appointed to act as chairman shall ensure that minutes of committee hearings and deliberations are kept. The minutes must be arranged by the bills or resolutions discussed, designated by number. The minutes must contain a short phrase explaining what the bill or resolution relates to and the names and addresses of all persons who appear in relation to the bill or resolution and a brief summary of their remarks. The minutes also must include a record of recommended

amendments to the bill or resolution, and a recorded roll call vote of the committee members on each bill or resolution that is referred out of the committee and, in the case of divided reports, on each report.

3. Upon adjournment of the legislative session, the minutes must be delivered to the Legislative Council and must be retained by the Council for a period of not less than one year.

**508. REPORTING OF MEASURES.** Except for an appropriations bill, a resolution proposing an amendment to the Constitution of the United States or the Constitution of North Dakota, or a resolution directing an interim study by the Legislative Council, no Senate bill or resolution may be held in a committee for more than thirty legislative days after it is referred to the committee, unless an extension of time is granted by the Senate. Except for a resolution directing an interim study by the Legislative Council or proposing an amendment to the Constitution of the United States or the Constitution of North Dakota, all Senate bills and resolutions must be reported back to the Senate no later than the thirty-first legislative day. A resolution directing an interim study by the Legislative Council or proposing an amendment to the Constitution of the United States or the Constitution of North Dakota must be reported back to the Senate no later than the thirty-seventh legislative day. A bill or resolution not reported back as required by this rule must automatically be placed on the calendar without recommendation. House bills and resolutions must be reported back to the Senate by the fifty-fifth legislative day.

**509. RECALLING MEASURE FROM COMMITTEE.** The chairman of any committee to which a bill or resolution has been referred, if so ordered by a motion made by the Majority Leader or the chairman of the committee and approved by the majority of the Senate members present, shall report the bill or resolution back to the Senate forthwith.

**510. LIMITATION ON CHANGES TO MEASURES REREFERRED.** The Appropriations Committee may not change the intent of any measure rereferred to it after a hearing in another standing committee of the Senate, unless necessitated by consideration of the appropriation contained in the measure.

**511. COMMITTEE OF THE WHOLE.** When the Senate resolves itself into the Committee of the Whole, the President shall appoint the President Pro Tempore to preside. The rules of the Senate must be observed in the Committee of the Whole insofar as they may be applicable to committees. The minutes must be kept by a committee clerk as provided by Senate Rule 507 and the time of speaking may be limited only by motion. Upon adoption of a motion to rise, the report of the Committee of the Whole must be presented to the Senate as are other committee reports.

## CHAPTER VI. COMMITTEE REPORTS

### 601. REPORT OF COMMITTEES.

1. The report of a committee must provide for one or more of the following recommendations with respect to the bill or resolution: do pass, do not pass, be amended, be rereferred to another committee, or be placed on the calendar without recommendation.
2. During the fifth order of business, the Secretary shall announce that committee reports have been received, if such is the case, and shall list the bill or resolution number, or other identifier, and state the accompanying committee recommendation. If the committee report is divided pursuant to Senate Rule 602, the Secretary shall announce the majority and minority report, or reports, as well.
3.
  - a. If the committee report is for amendment, the proposed amendment must be placed on the calendar for the next legislative day on the sixth order of business. After the fifty-fifth legislative day, the proposed amendment must be placed on the calendar on the sixth order of business immediately after the report of the committee is received.
  - b. No action may be taken on an amendment until a verbatim copy of the amendment has been distributed to each member; provided, that on a two-thirds vote of the members-elect, this may be suspended, and the amendment acted on immediately after the report of the committee.
  - c. If the amendment is adopted by a majority vote of the members present, the amended measure must then be placed on the calendar for the next legislative day under the applicable order of business for second reading and final passage except as provided in subdivision e or g.
  - d. If the amendment is rejected, the measure without amendment must be placed on the calendar for the next legislative day under the applicable order of business for second reading and final passage except as provided in subdivision e or g.
  - e. If the committee report is for amendment and then rereferral to another committee, the measure must be rereferred to the appropriate committee after adoption or rejection of the amendment. If, after adoption or rejection of the amendment, a measure is subject to rereferral under Senate Rule 329, the measure must be rereferred to the Appropriations Committee, regardless of whether the report provides for rereferral.
  - f. If the committee report does not recommend rereferral to another committee but recommends that the measure pass, do not pass, or makes no recommendation, the measure must be placed on the

calendar for the next legislative day under the applicable order of business for second reading and final passage except as provided in subdivision g.

- g. On motion a measure must be placed on the calendar for second reading and final passage immediately after action is taken on the amendment. If the committee report recommends that the measure be placed on the calendar for second reading and final passage immediately after action is taken on the amendment, the measure must be placed on the calendar for second reading and final passage immediately after the amendment is adopted. After the thirty-second legislative day all Senate bills, and after the fifty-fifth legislative day all measures, must be placed on the calendar for second reading and final passage immediately after action is taken on the amendment. A measure placed on the calendar under this subdivision may be acted on immediately after placement on the calendar.
- h. A report for amendment must be approved as to form and style by the Legislative Council staff. When a report for amendment is received by the Secretary without a notation that the report was approved as to form and style by the Legislative Council staff, the Secretary immediately shall cause that report to be delivered to the Legislative Council office with a request that the report be examined and receive a notation approving its form and style.

- 4. If the committee report is divided as provided in Senate Rule 602, the reports must be placed on the calendar for the next legislative day on the seventh order of business. The President shall receive and announce a motion that the report of the minority be substituted for the majority committee report. If the minority report is adopted, that report is substituted for the majority report and must be placed on the calendar on the eleventh or fourteenth order of business. If the minority report is not adopted, the majority report is deemed adopted and must be placed on the calendar on the eleventh or fourteenth order of business. If a "do not pass" report is adopted under this subsection, the measure must be placed on the calendar on the eleventh or fourteenth order of business. If no report is adopted under this subsection, the measure must be placed on the calendar on the eleventh or fourteenth order of business unless the measure is subject to rereferral under Senate Rule 329.
- 5. The Secretary shall ensure that the daily calendar contains appropriate notation of committee reports.

## **602. DIVIDED COMMITTEE REPORT.**

- 1. In case all the members of any committee required or entitled to report on any subject referred to them cannot agree upon any report, the majority and minority may each make a report as provided by this rule; and all reports, if decorous in language, and respectful to the Senate, must be entered at

length in the journal and must identify who voted for each report, and must be announced by the Secretary as provided in Senate Rule 601.

2. A minority report must be signed by at least two members of the committee, or three members of the Appropriations Committee, who voted against the majority report and who have not voted for or signed any other report. A member may not vote for a report and refuse to sign that report. A recorded roll call vote must be taken on the majority report and each minority report.
3. The majority report is either the report signed by the largest number of committee members or the report signed by the committee chairman if that report is one of two or more reports signed by the largest and an equal number of members. The majority report must be placed on the calendar for consideration before consideration of any minority report. Minority reports must be placed on the calendar in order in accordance with the number of committee members signing the reports, with the report signed by the largest number of members being placed on the calendar first.
4. If more than one amendment is recommended by divided reports relating to a particular measure, the President shall direct that they be placed on the calendar in order in accordance with this rule.
5. The President shall also rule as to the effect of the adoption of the first report on each subsequent report.

**603. DIVISION OF REPORT.** Whenever the report of any committee, except a conference committee, contains several amendments, any member may have the amendments divided into separate divisions. The question of adoption must be taken separately on each amendment. All approved divisions comprise the report that is to be adopted.

**604. REPORT OF SELECT COMMITTEES.** Select committees to whom reference has been made, in all cases, shall report to the Senate the facts and their opinions on the matters referred.

**605. CONFERENCE COMMITTEE REPORTS - EXCEPTION TO SENATE RULES 601 AND 337.** Senate Rules 601 and 337 do not prohibit the reading of a conference committee report and adoption or rejection of any recommended amendments, nor the placing of any bill or resolution affected by the conference committee report on the calendar for final action on the same day the conference committee report is received by a majority vote of the members present.

## **CHAPTER VII. EXECUTIVE NOMINATIONS**

**701. EXECUTIVE NOMINATIONS.** Upon receipt of nominations from the executive, the Senate shall forthwith consider them. The nominations must be read and be referred to the select committee appointed pursuant to Senate Rule 501, unless otherwise ordered by the Senate. The final question on every nomination must be, "Will the Senate advise and consent to the nomination?" The President shall advise the executive, in writing, of the action taken by the Senate.

## CHAPTER VIII. RULES MANUAL

**801. MASON'S MANUAL.** Mason's Manual of Legislative Procedure governs the Senate in all cases in which it is applicable, and when it is not inconsistent with the standing rules and orders of the Senate and the Joint Rules of the Senate and House.



# HOUSE RULES

## CHAPTER I. ORGANIZATION AND CONVENING

**101. CALL TO ORDER.** The regular session of the House begins at the hour fixed at its last sitting, but if no hour were fixed at that sitting, then at 2:00 p.m., when the Speaker shall take the chair and call the House to order. After prayer by the chaplain, the roll of members must be called and the names of the absentees entered in the journal of the House. If a quorum is present, the Speaker shall proceed with the regular order of business.

**102. ABSENCE AND PRESENCE.** As used in these rules, "absent" means not present and "present" means physically in the chamber or room where the session or meeting is being held, and for purposes of a committee meeting, includes participation by means of interactive video or teleconference call. No member or officer of the House, unless unable to attend due to illness or other cause, may be absent from a session of the House, during an entire day, without first having obtained leave from the House, and no one is entitled to draw pay while absent more than one day without leave.

**103. QUORUM.** A quorum for the transaction of business consists of a majority of the members-elect of the House, but a smaller number may adjourn from day to day and may compel the attendance of absent members.

**104. LEGISLATIVE DAY.** Each legislative day begins at 7:00 a.m., but the sessions of the House must begin as provided in House Rule 101. No legislative day may be shorter than the natural day.

**105. NO SMOKING AREAS.** No person may smoke in the House chamber or in House committee rooms. "Smoke" includes the carrying of a lighted cigarette, lighted cigar, lighted pipe, or any other lighted smoking equipment.

## **CHAPTER II. OFFICERS AND EMPLOYEES**

### **201. DUTIES OF SPEAKER.** The Speaker shall:

1. Preside over the House. The Speaker is charged with all the powers and duties pertaining to the position of presiding officer.
2. Preserve order and decorum. In case of disorderly conduct or disturbance in the galleries or the corridors, the Speaker or the chairman of the Committee of the Whole may order the galleries or corridors to be cleared.
3. Appoint House committees, except as provided by House Rule 501 or when otherwise provided by vote of the House.
4. Sign all acts, addresses, resolutions, writs, warrants, and subpoenas of or issued by order of the House and, while the Legislative Assembly is in session, all vouchers for payment of money out of the appropriation for the Legislative Assembly.

**202. MEMBER TO PRESIDE IN PLACE OF SPEAKER.** The Speaker may leave the chair and appoint a member to preside, but not for a longer time than one day, except by leave of the House.

### **203. DUTIES OF CHIEF CLERK.** The Chief Clerk of the House shall:

1. Keep correct journals of the proceedings of the House. The Chief Clerk shall request from the Secretary of State a list of all currently registered lobbyists, and shall print a list of those lobbyists in the journal upon the adjournment of the legislative session.
2. Have the custody of all records, accounts, and other papers committed to the Chief Clerk.
3. Post appropriate notices of committee meetings and any other announcements or notices.
4. Prepare a short orientation program for House employees which must be carried on within the first ten days of each session.
5. Keep secure all records and papers belonging to the House. The Chief Clerk shall report all missing bills, resolutions, and papers to the Speaker.
6. Exercise general supervision over all House employees and of all clerical duties appertaining to the business of the House.

7. Keep a record showing the actions taken on and status of all the bills, memorials, and resolutions.
8. Prepare the daily calendar to reflect the action taken and pending on all measures. The Chief Clerk shall provide for the distribution of the completed calendars.
9. Make available identification badges for all members of the House and employees thereof as soon as such persons have been determined.
10. Ensure that all material that is to be distributed to the members' desks other than that which is personally addressed is first submitted to the Chief Clerk, who shall supervise its distribution. No material may be distributed unless it clearly identifies the party requesting the distribution. The Chief Clerk shall have all properly identified material distributed or submit the same to the Majority and Minority Leaders for their instructions.
11. At the close of each session, deposit for safekeeping in the office of the Secretary of State all books, bills, documents, resolutions, and papers in the possession of the House, correctly recorded, labeled, folded, and classified. The journal need not be deposited until it is indexed and completed.
12. Perform under the direction of the Speaker all duties pertaining to the office and any other duties as assigned by the Speaker.

#### **204. PREPARATION AND DISTRIBUTION OF THE JOURNAL.**

1. Upon completion of the House journal for a legislative day, the Chief Clerk shall deliver to the printer having the contract for printing the legislative journals a complete copy of the House journal.
2. The printer shall deliver to the Chief Clerk copies of the House journal by the time, in the number and style, and on the grade of paper, as may be determined by the Legislative Council. The Chief Clerk shall cause a copy of the House journal to be placed immediately on the desk of each member.
3. Before the House goes into session again, the Committee on Correction and Revision of the Journal shall carefully examine and review the journal of the previous legislative day. The committee shall note any errors or omissions and report the errors or omissions to the House for action.
4. The printer shall set aside twenty-seven copies of the daily journal. Upon termination of the legislative session, the printer shall deliver these copies to the contract binder, who shall assemble the copies into twenty-seven sets of permanent journals.
5. The permanent journals must be bound in hard covers. Two of these sets must be deposited with the Secretary of State, who shall preserve these sets

and attach the Secretary of State's certificate thereto showing the date of delivery and attesting that the copies are identical and official journals as delivered to the Secretary of State. The Secretary of State shall forward one set to the Supreme Court Library, one set to the Law School Library at the University of North Dakota, eight sets to the State Library, two sets to the Attorney General, five sets to the Legislative Council, one set to the Chief Clerk, and one set to each judicial district as determined by the presiding judge of the district.

6. The Chief Clerk shall compile two sets of the daily journals. The Secretary of State may distribute these sets to public officials upon their request if in the discretion of the Secretary of State the public official needs the journals to carry on the functions of office. The Secretary of State may dispose of any of these sets not distributed by the time the next Legislative Assembly convenes.

## **205. DUTIES OF SERGEANT-AT- ARMS.**

1. The Sergeant-at-Arms of the House, under the direction of the presiding officer, is the executive officer of the body for the enforcement of all rules adopted by the House for the regulation of the House.
2. The House floor is under the immediate supervision of the Sergeant-at-Arms. The Sergeant-at-Arms shall see that the Deputy Sergeant-at-Arms and the Assistant Sergeants-at-Arms perform the duties to which they are especially assigned. The Sergeant-at-Arms shall perform all other services and duties pertaining to the office and as directed by the Speaker.
3. The Sergeant-at-Arms shall clear the floor of the House chamber in front of the railing of all persons, except legislators, legislative employees, legislative guests who have passes, former members of the Legislative Assembly who have passes, and properly identified representatives of the media, during the time period commencing sixty minutes before the House convenes on any legislative day and ending when the House recesses for that calendar day and from 12:00 noon until 1:00 p.m. on any legislative day. The Sergeant-at-Arms shall clear a designated area of the balcony of all persons, except legislative guests who have passes, during the daily session.
4. The Sergeant-at-Arms also shall act as the supply clerk for the House, and is responsible for ordering and distributing supplies and stationery needed by House members and House employees. The Sergeant-at-Arms may maintain a supply room, if space is available, and has sole control over the supply room, provided that the supply room may be operated jointly in cooperation with the Senate Sergeant-at-Arms.

**206. OFFICERS AND EMPLOYEE POSITIONS OF THE HOUSE.** The following officers and employee positions are established, with the number, title, and manner of selection for each position as stated:

<b>Title of Position</b>	<b>Number of Positions</b>
<b>Group A</b>	
Chief Clerk .....	1
Journal Reporter .....	1
Sergeant-at-Arms .....	1

Persons holding Group A positions must be elected by a majority of the members-elect and the results of the vote must be recorded in the journal.

<b>Group B</b>	
Assistant Chief Clerk .....	1
Chief Committee Clerk .....	1
Appropriations Committee Clerk .....	1
Bill Clerk .....	1
Calendar Clerk .....	1
Assistant Appropriations Committee Clerks	3
Committee Clerks .....	10
Chief Page and Bill Book Clerk .....	1
Assistant Committee Clerk .....	1
Deputy Sergeant-at-Arms .....	1
Legislative Assistant - Information Kiosk ..	1
Attendant	
Legislative Assistant - Desk Page .....	1

Persons holding Group B positions must be appointed by the party having a majority of the members-elect, acting by and through the Employment Committee. Unless otherwise determined by the Employment Committee, the Information Kiosk Attendant position alternates between the houses every other legislative session.

<b>Group C</b>	
Administrative Assistant to the Speaker ..	1
Administrative Assistant to Majority Leader	1
Staff Assistants to Majority Leader .....	2
Administrative Assistant to Minority Leader	1
Staff Assistants to Minority Leader .....	2

The Speaker and the Majority and Minority Leaders shall appoint their respective administrative and staff assistants, acting by and through the Employment Committee.

Other employees must be appointed as determined necessary by the Employment Committee and must be allocated to the majority and minority parties in proportion to each party's percentage of the total number of the members-elect and each party shall appoint the persons to the positions allocated to them, acting by and through the Employment Committee. The majority party has the first right to select positions of a group until its allocation is filled.

The powers, duties, and qualifications for each officer or employee are as provided by law, these rules, and the Legislative Handbook for North Dakota Legislators and Employees.



## CHAPTER III. FLOOR PROCEDURES

**301. ORDER OF BUSINESS.** The order of business is as follows:

1. Prayer by the Chaplain and pledge of allegiance.
2. Calling the Roll.
3. Reference to the Journal.
4. Presentation of Petitions, Communications, and Questions of Personal Privilege.
5. Reports of Standing Committees.
6. Consideration of Amendments.
7. Reports of Select Committees, Procedural Committees, and Certain Divided Committee Reports.
8. Motions and Resolutions.
9. First Reading of House Bills and Resolutions.
10. Consideration of Bills and Resolutions on Consent Calendar.
11. Second Reading of House Bills and Resolutions.
12. Consideration of Messages from the Senate.
13. First Reading of Senate Bills and Resolutions.
14. Second Reading of Senate Bills and Resolutions.
15. Unfinished Business.
16. Signing of Bills and Resolutions.
17. Announcements.

**302. PRESENTATION OF PETITIONS AND COMMUNICATIONS.** Petitions and communications addressed to the House or to the Speaker must be presented by the Speaker under the fourth order of business, but petitions and communications other than official communications from the executive and judicial branches of state government may not be printed in the journal except on motion of the House.

### **303. CALL OF THE HOUSE.**

1. Thirty-two members of the House may cause a call of the House to be ordered and absent members to be sent for, but a call may not be ordered while a vote is being taken.
2. The call being requested, the Speaker shall require those desiring the call to rise, and if thirty-two or more members rise, the call must be ordered.
3. The call being ordered, the Sergeant-at-Arms shall close the door and allow no members to leave the chamber.
4. The Chief Clerk shall then call the roll and furnish the Sergeant-at-Arms with a list of those members absent without leave, and that officer shall proceed to find and bring in those absentees.
5. While the House is under call, no business can be transacted except to receive and act on the report of the Sergeant-at-Arms and no motion is in order except a motion to suspend further proceedings under the call, and the motion may not be adopted unless a majority of all members-elect vote in favor of the motion.
6. Upon a report of the Sergeant-at-Arms showing that all members who were absent without leave, naming them, are present, the call is at an end, the door must be opened, and the House shall proceed with the business pending at the time the call was made.

**304. ORDER AND DECORUM.** The Speaker shall preserve order and decorum and decide all questions of order subject to an appeal to the House. When the Speaker is putting the question, no member may walk out, or across the House, nor when a member is speaking, may any person entertain any private discourse, or pass between the person speaking and the chair. A member called to order shall immediately sit down unless permitted to explain, and the House, if appealed to, shall decide the case. If there is no appeal, the decision of the chair stands. On appeal, no member may speak more than once without leave of the House. When a member is called to order for offensive language, there may be no debate.

**305. RECOGNITION BY THE SPEAKER.** Every member desiring to speak shall rise and respectfully address the Speaker, and shall remain standing in place before proceeding to speak until recognized by the Speaker. When two or more members rise at the same time to speak, the Speaker shall designate the member who is to speak first, but in all other cases the member who rises first and addresses the Speaker must be the first recognized.

**306. RULES OF DEBATE.** No member may speak more than twice on the same subject without leave of the House, nor more than once until every member choosing to



speak on the subject pending has spoken. No member may speak for more than ten minutes the first time, nor more than five minutes the second time. This rule does not apply to the Majority and Minority Leaders and the chairman of the committee in charge of the bill, or a spokesman designated by that chairman.

**307. MOTION TO BE SECONDED AND STATED.** No motion may be stated by the Speaker or debated unless it has been seconded. It must then be stated by the Speaker before the debate.

**308. MOTIONS IN WRITING.** All motions except to adjourn, postpone, or refer must be reduced to writing and read at length if required by any member of the House.

**309. MOTION MAY BE WITHDRAWN.** After a motion is stated by the Speaker, it is in possession of the House, but may be withdrawn at any time before amendment or decision. However, all motions must be entered in the journal, whether rejected or adopted, together with the name of the member moving the same.

**310. INTERRUPTION.** No member may interrupt another member who is speaking in debate, except on question of privilege.

**311. QUESTIONS OF PERSONAL PRIVILEGE.** A member raising a question of personal privilege shall confine any remarks to those that concern the member personally, and when speaking under a personal privilege, a member has no right to chastise any other member.

**312. MOTIONS DURING DEBATE.** When a question is under debate, no motion may be received, except to fix the time to which to adjourn; to adjourn; to lay on the table; to move the previous question; to close, limit, or extend debate (which five kinds of motions must be decided without debate); to move to postpone to a day certain; to refer; and to amend. These motions have precedence in the order in which they are named. No motion to postpone to a day certain or to refer, having been decided, may be entertained again on the same day.

**313. ORDER IN WHICH QUESTION PUT.** All questions, whether in committee or in the House, must be put in the order in which they are moved, except in the case of privileged questions.

**314. PREVIOUS QUESTION.** If a motion calling for the previous question, or any other motion to end debate, carries by a majority vote of the members present, the question must be put immediately, and no member may speak except on a request for

information or on a parliamentary inquiry. A member may not move the previous question if that member is debating the issue before the House.

**315. DISPOSITION OF QUESTION LAID ON THE TABLE.** A question laid on the table is deemed finally disposed of whenever a motion to adjourn without fixing a time for reconvening is approved.

**316. STATING OF QUESTION AND VERIFICATION.** Questions must be put in substantially the following form: "As many as are in favor of (as the case may be), say aye"; and after the affirmative voice is expressed, "As many as are opposed, say nay." If the Speaker is in doubt or verification is requested by any member, the Speaker shall again put the question and the vote must be tabulated. The Speaker will use only the total ayes and nays to determine if the question prevailed. The fact that the question prevailed or failed must be entered in the journal without mention of the number of ayes or nays.

**317. NONDEBATABLE MOTIONS.** The following motions are not debatable:

1. Adjournment.
2. Clincher.
3. Fix the time of adjournment.
4. Order of the day.
5. Reading of papers.
6. Withdrawal of motion.
7. Suspension of the rules.
8. To lay on the table.
9. Previous question.
10. Close, limit, or extend debate.

**318. VOTES REQUIRED FOR CERTAIN QUESTIONS.**

1. The following questions require a majority vote of the members of the House present and voting:
  - a. Action, other than referrals or rereferrals to the Appropriations Committee on certain measures, as authorized in House Rule 329.

- b. Order to a chairman to report a measure back from committee, as provided in House Rule 509.
  - c. Adoption of amendments, as provided in House Rule 601.
  - d. Reconsideration of the adoption of an amendment, as provided in House Rule 347.
  - e. Adoption of propositions of a divided question if the division would require a majority vote of the members present, as provided in House Rule 319.
  - f. Adoption of conference committee reports, as provided in House Rule 605.
  - g. Previous question, as provided in House Rule 314.
  - h. To close, limit, or extend debate.
  - i. To return a measure requested by the Senate before action, as provided in Joint Rule 204.
  - j. To have the Speaker refuse to sign any bill the Senate refuses to return, as provided in House Rule 349.
  - k. To request preparation of a fiscal note, as provided in Joint Rule 501.
  - l. Suspension of the rules, as provided in House Rule 324.
  - m. Any question for which another vote is not required by the Constitution or another rule.
2. The following questions require a majority vote of the members-elect of the House:
- a. Passage of bills, as provided in Section 13, Article IV, of the Constitution and House Rule 339.
  - b. Passage of proposed amendments to the Constitution of North Dakota, as provided in Section 16, Article IV, of the Constitution.
  - c. Ratification of amendments to the Constitution of the United States, as provided in House Rule 339.
  - d. To recede before a conference in a case where a majority governs, as provided in Joint Rule 202.
  - e. To constitute a quorum, as provided in House Rule 103.

- f. Election of certain House employees, as provided in House Rule 206.
  - g. Suspension of further proceedings under a call of the House, as provided in House Rule 303.
  - h. Adoption of propositions of a divided question if the division would require a majority vote of the members-elect, as provided in House Rule 319.
  - i. Reconsideration of questions other than adoption of amendments if before the end of the next legislative day, as provided in House Rule 347.
  - j. Adoption of a clincher motion, as provided in House Rule 348.
3. The following questions require a two-thirds vote of the members of the House present and voting, which two-thirds may, in no event, constitute fewer than a majority of the members-elect of the House:
- a. Introduction of measures after deadline, as provided in House Rule 402.
  - b. Return of measures to other house after action taken, as provided in Joint Rule 204.
4. The following questions require a two-thirds vote of the members-elect of the House:
- a. Initiated and referred measures amended or repealed within seven years after enactment or approval, as provided in Section 8, Article III, of the Constitution and House Rule 339.
  - b. Emergency clauses, as provided in Section 13, Article IV, of the Constitution.
  - c. Vetoed measures, reconsideration, as provided in Section 9, Article V, of the Constitution.
  - d. Adoption of propositions of a divided question if the division would require a two-thirds vote of the members-elect, as provided in House Rule 319.
  - e. To recede before a conference in a case where two-thirds governs, as provided in Joint Rule 202.
  - f. Second reading same day as report, as provided in House Rule 337.
  - g. Reconsideration after the next legislative day, as provided in House Rule 347.

- h. Reconsideration after a clincher motion, as provided in House Rule 348.
  - i. Suspension of requirement that copies of amendments be distributed before acted on, as provided in House Rule 601.
  - j. Amendment, reconsideration, or suspension of a joint rule, as provided in Joint Rule 105.
5. The following questions require the unanimous consent of the members of the House:
- a. Suspension of the rules and passage of a bill neither printed nor heard by a committee, as provided in House Rule 324.
  - b. Reconsideration or suspension of a standing rule or order requiring unanimous consent, as provided in House Rule 324.
  - c. Amendment of measures on second reading except to amend the title, as provided in House Rule 333.
  - d. Withdrawal of a measure after it has been referred to committee, as provided in House Rule 331.

### **319. DIVISION OF QUESTION.**

- 1. If a question before the House contains more than one proposal, any member may have the question divided, except a question on the adoption of a conference committee report or on the second reading and final passage of a measure resulting from the adoption of a conference committee report may not be divided.
- 2. A question containing more than one proposal may be divided only if each resulting division is so distinct and separate it can stand as a complete proposition without being rewritten.
- 3. Each division of a divided question requires the same vote for adoption that the division would require if it stood alone.
- 4. After voting on all divisions, the approved divisions comprise the question before the House.

**320. ROLL CALL VOTE.** Except as required by the Constitution or these rules, a roll call vote may not be ordered unless requested by one-sixth of those members present. When a recorded roll call vote is ordered pursuant to this rule, the results must be printed in the journal in their entirety.

**321. VOTE BY MEMBERS.** Every member who is present, before the vote is announced from the chair, shall vote for or against the question before the House, unless the House excuses the member. A member cannot cast a vote on behalf of another member unless the vote is cast according to verbal instructions announced to the House by that other member while in the chamber. However, any member who has a personal or private interest in any measure or bill shall disclose the fact to the House and may not vote thereon without the consent of the House. A "personal or private interest" is an interest that affects the member directly, individually, uniquely, and substantially.

**322. PROCEDURE IN EXCUSING MEMBER FROM VOTING.** When a member asks to be excused, or declines to vote, the member shall be required to state the member's reasons. Upon motion, the question must be put to the House, "Shall the member, for the reasons stated, be permitted to vote?" which must be decided without debate. These proceedings must occur before the taking of the vote.

**323. VOTE BY SPEAKER.** The Speaker shall vote on all questions taken by roll call vote, except on appeals from the Speaker's decision, and in all elections or decisions called for by any member.

**324. SUSPENSION OF RULES.** No standing rule or order of the House may be reconsidered or suspended except by a vote of a majority of the members present, and no motion to suspend the rules and pass a bill may be entertained except by unanimous consent, unless the bill has first been printed and considered by a committee, nor may any standing rule or order requiring unanimous consent be reconsidered or suspended without unanimous consent.

**325. READING OF BILLS AND RESOLUTIONS.** Every bill requiring the approval of the Governor, and every resolution proposing a change in the Constitution of North Dakota, or ratifying an amendment to the Constitution of the United States, must be read two separate times, but the first reading and second reading may not be on the same day.

**326. CONSIDERATION OF OTHER RESOLUTIONS.** Every resolution other than those referred to in House Rule 325 or 407 must be read once and referred by the Speaker to an appropriate standing committee or, on motion, to a select committee, unless otherwise ordered by vote of the House.

**327. RESOLUTIONS DURING SPECIAL SESSIONS.** During a special session of the Legislative Assembly called by the Governor, the House may consider any resolution or concurrent resolution that is on a subject having a major impact on the economic well-being of the state without referring the measure to a committee, and the House may take final action on the measure on the same legislative day as the day the measure is introduced.

**328. MEASURES REFERRED TO COMMITTEE.** Upon the first reading of a bill or concurrent resolution, the Speaker shall refer it to an appropriate standing committee, unless the House, by motion, decides to refer it to a select or other standing committee, or to the Committee of the Whole. If the bill or resolution is referred to the Committee of the Whole, the bill or resolution must come up for consideration the next day, unless otherwise ordered by the House.

**329. MEASURES REFERRED TO APPROPRIATIONS COMMITTEE.**

1. Every bill providing an appropriation of five thousand dollars or more must be referred or rereferred to and acted on by the Appropriations Committee before final action by the House thereon, unless otherwise ordered by a majority vote of the members present.
2. Every bill or resolution to which is attached a fiscal note stating that the measure has an effect of fifty thousand dollars or more on the appropriation for a state agency or department must be rereferred to and acted on by the Appropriations Committee before final action by the House thereon, unless otherwise ordered by a majority vote of the members present.
3. A bill or resolution required to be referred or rereferred to the Appropriations Committee which received a do not pass recommendation from committee and which then is passed by the House is deemed reconsidered and must be referred to and acted upon by the Appropriations Committee if that measure has not been referred or rereferred to the Appropriations Committee before passage. The Appropriations Committee shall report the measure back to the House for action in accordance with these rules.
4. Except for bills approved for introduction after the deadline for introduction of bills, all House bills required to be rereferred to the Appropriations Committee must be rereferred not later than the twenty-third legislative day and all Senate bills required to be rereferred to the Appropriations Committee must be rereferred not later than the forty-seventh legislative day. If an appropriation bill is not reported to the floor and rereferred as required herein, the bill is deemed rereferred and is under the jurisdiction of the Appropriations Committee at the end of the twenty-third or forty-seventh legislative day, as appropriate.

**330. REREFERRAL TO COMMITTEE.** A measure that is to be rereferred to a committee as the result of a committee report or House rules must be rereferred after action on any amendment recommended by the committee report or before any vote on the committee report if no amendment is recommended. When the report of the committee of rereferral is presented to the House, the Chief Clerk shall announce every report to the House which was made on that measure.

**331. WITHDRAWAL OF MEASURES.** After referral as provided in House Rule 328, the bill or resolution may not be withdrawn without unanimous consent of the House. A bill or resolution that has been placed on the calendar after receipt of a committee report may not be withdrawn.

**332. AMENDING BILLS.** No bill may be amended, extended, or incorporated in any other bill by reference to its title only, except in the case of definitions and procedural provisions, but the portion amended, extended, or incorporated must be set out at length and reenacted. No bill may be amended during its pendency in the House in a manner that changes its general subject matter.

**333. AMEND OR REREFER FROM THE FLOOR.** No amendment to a bill or resolution, other than one to amend the title, may be considered on second reading without unanimous consent of the House, nor may any floor amendment be considered on sixth order without unanimous consent of the House, but all bills and resolutions may be rereferred to committee at any time before their passage. No amendment of a measure reported from a conference committee nor of a measure on the calendar as the result of a motion to concur or not concur in amendments by the Senate may be made on second reading.

**334. AMENDMENTS TO TITLE.** The title to any bill may be amended at any time during its pendency in the House.

**335. ENGROSSMENT.** All House bills amended in committee must be properly engrossed before their second reading and final passage. All House bills are deemed properly engrossed upon adoption of amendments. Any Senate bill amended in the House may, before second reading, be engrossed on motion of the House or on request of a leader.

**336. SETTING TIME CERTAIN FOR FLOOR DEBATE.** If a committee chairman determines that amendments recommended or a bill or resolution considered by the chairman's committee presents important issues of public concern, the chairman, after consultation with and approval of the Speaker, may request the Majority Leader to set a time certain for floor debate on the amendments when placed on the calendar for consideration during the sixth order of business or the bill or resolution when it has been placed on the calendar for consideration during the eleventh or fourteenth order of business. The Majority Leader may set an exact time when the amendments, bill, or resolution will be debated, and when that time is reached, the Speaker shall hold any other matters pending at that time in abeyance until such time as the scheduled floor debate has been completed.

**337. SECOND READING.** No bill requiring the approval of the Governor, no resolution proposing a change in the Constitution of North Dakota, and no resolution



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

**338. DISPOSITION OF MEASURES AFTER FIFTY-FIFTH LEGISLATIVE DAY.**

After the fifty-fifth legislative day, all bills and resolutions under consideration must immediately be placed on the calendar for second reading and final passage.

**339. FINAL PASSAGE.** No bill may become a law except by a vote of the majority of the members-elect of each house; however, the Lieutenant Governor may vote as provided in Senate Rule 323 if the Senate is equally divided. A bill may not become law unless on final passage the vote is taken by roll call and the names of those voting, with a record of their vote, are entered in the journal. No measure enacted or approved by a vote of the electors may be repealed or amended by the Legislative Assembly for seven years from the effective date of the measure, except by a two-thirds roll call vote of all members elected to each house. Ratification of amendments to the Constitution of the United States must be by concurrent resolution approved by a majority, upon roll call vote, of the members elected to each house, except as provided in Senate Rule 323.

**340. RECORDED ROLL CALL VOTES.** Except as provided in House Rule 315, no action by the House which may result in final disposition of a bill, a resolution that provides for the expenditure of money, or a resolution proposing a constitutional amendment may be taken except by a recorded roll call vote, and the vote of each member, or a record of the member's absence or failure to vote, must be recorded in the journal. As used in this rule, "final disposition" includes any procedure that, barring reconsideration, results in the House being unable to give further consideration during that legislative session to the particular measure that was under consideration.

**341. RIGHT TO CHANGE VOTE.** A member has the right to change the member's vote before the Speaker has announced that the vote is closed, but not thereafter.

**342. ANNOUNCEMENT OF VOTE.** The Chief Clerk shall tabulate the vote. The Speaker shall announce the vote and declare whether the bill has passed, whether the title is agreed to, and whether the emergency clause, if any, has carried.

**343. VERIFICATION OF VOTE.** When the vote has been announced, any member may immediately require that the vote be verified.

**344. EXPLANATION OF VOTE.** Immediately following the announcement of the vote by the Speaker, but not before, any member may explain the member's vote and have the member's remarks recorded in the journal.

**345. RECORDING REMARKS IN JOURNAL.** When a member desires to have the member's remarks, other than those in explanation of the member's vote, recorded in the journal, the member shall inform the Desk Reporter before speaking and the remarks must be recorded. Except for the Majority or Minority Leader with respect to the remarks of a member of that leader's party, no member may request the remarks of any other member be recorded in the journal.

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

**347. MOTION FOR RECONSIDERATION.**

1. Any member may move for reconsideration of a question if any of the following apply:
  - a. The member voted on the prevailing side of the question ("prevailing side of a question" is the side that voted "aye" on a question that passed, and "nay" on a question that failed);
  - b. The member did not vote on the question; or
  - c. The member voted on the question and the ayes and nays were not recorded.
2. A motion to reconsider must be decided by a majority vote of the members-elect, except that a motion to reconsider adoption of an amendment must be decided by a majority vote of the members present.

3. In the case of a bill, resolution, or amendment to the Constitution, the motion to reconsider, if made after the end of the next legislative day following the action on the measure, requires a two-thirds vote of the members-elect.
4. The vote by which any measure passed or failed to pass may not be reconsidered more than once in any natural day. For purposes of this subsection, a clincher motion that fails is not a motion to reconsider.
5. No motion to reconsider may be made unless the matter is in possession of the House.
6. Determination of any vote required under this rule must be by a verification vote.

**348. CLINCHER MOTION.** A motion that any action taken by the House be reconsidered and that the motion to reconsider be laid on the table, if carried by a majority vote of the members-elect, has the effect of preventing reconsideration except upon a two-thirds vote of the members-elect. The motion must be decided without debate.

**349. REFUSAL OF SENATE TO RETURN BILL.** Upon a majority vote of the members of the House present, the Speaker shall refuse to sign any bill that may have passed the House and which the Senate has refused to return for further consideration after a proper request to do so.

**350. RETURN OF HOUSE MEASURE WITH AMENDMENT.** Upon the return to the House of a House bill or resolution that was amended and passed by the Senate, the Speaker shall refer the measure to the chairman of the standing committee that reported the measure to the House. The chairman shall recommend whether to concur in the amendments. If the recommendation is to not concur and to appoint a conference committee, the Speaker shall appoint a conference committee. Without objection, a motion to accept recommendations to not concur and to appoint conference committees must be voted on in a single vote. If any member objects to voting on a recommendation to not concur and to appoint a conference committee with other recommendations to not concur and to appoint conference committees, that recommendation must be voted on as a separate item.

**351. CONCURRENCE IN SENATE AMENDMENTS.** Upon adoption of a motion to concur in amendments adopted by the Senate and explained to the House, the bill or resolution must be placed on the calendar for second reading and final passage. A measure placed on the calendar under this rule may be acted on immediately after placement on the calendar.

**352. ENROLLMENT.** All House bills and resolutions that have passed both houses must be enrolled and presented to the presiding officers of the House and Senate for signatures, and when so signed, bills must be presented to the Governor for approval.

**353. SIGNING OF BILLS.** The Speaker shall sign all bills and resolutions passed by both houses.

**354. PROCEDURE ON SENATE BILLS.** A similar mode of procedure must be observed with bills that have originated in and passed the Senate as with bills that have originated in the House. The printing or engrossing of those bills may be ordered as provided in these rules.

**355. PROCEDURE ON RECEIPT OF VETOED BILLS.** Upon receipt of a vetoed bill and objections, the Chief Clerk shall place the bill on the eleventh order of business on the calendar.

**356. MOTION TO ADJOURN.** A motion to adjourn is always in order, except when a member is addressing the chair or a vote is being taken.

**357. MEMBERS RETAIN SEATS.** When the House adjourns, the members shall keep their seats until the Speaker announces the adjournment.

**358. OBJECTION TO READING OF PAPERS.** When the reading of a paper is requested and there is an objection by any member, the objection must be upheld or rejected by the House without debate.

**359. ELECTRICAL VOTING SYSTEM.** Unless otherwise ordered, any vote may be taken by means of the electrical voting system, which is under the control of the Speaker.

**360. GUESTS - INTRODUCTION AND ANNOUNCEMENT - LIMITATIONS.**

1. Introduction of guests in the House is limited to those individuals called on to address the House and former members of the Legislative Assembly. The presence of other guests in groups may be announced daily on the electronic message boards.
2. No person may be admitted to the floor of the House except state officers; justices of the Supreme Court and judges of the district courts; present and former members of Congress; present and former members of the Legislative Assembly; present officers and officials; all employees of both houses of the

Legislative Assembly; reporters for newspapers; and any other person granted admission by the Speaker.

3. No member may have more than one guest on the floor during any period guests are restricted under House Rule 205. No member may have more than one guest in the morning on the floor during a session and one guest in the afternoon on the floor during a session. The guest must be seated with the member at the time the session convenes and may not leave the floor during debate. No guest may be seated with the member after that member's original guest for that session leaves the floor.
4. For the purposes of this rule, the floor of the House is all of the first floor of the House chamber in front of the railing.

**361. TELEPHONES AND PAGERS.** A wireless telephone or pager may not be used in the House chamber during a floor session or in a House committee room during a committee meeting in that room.

**362. DETERMINATION OF SENIORITY SEATING IN HOUSE CHAMBER.**

1. Seniority is measured by the total number of years a member has served in the Legislative Assembly, regardless of continuity of terms of office, and includes service in the Senate.
2. Seating of members must be in the following order and other members of each district delegation of the same political party must be seated immediately after each of the members indicated:
  - a. The Majority Leader.
  - b. The Minority Leader.
  - c. The Assistant Majority Leader.
  - d. The Assistant Minority Leader.
  - e. Past Speakers in the order of seniority.
  - f. The Speaker.
  - g. The remaining members in the order of seniority.
3. Seat numbers 40 and 64 are reserved for the Majority Leader and Minority Leader.
4. Seat number 86 is reserved for the Speaker.

5. Seat numbers 26, 27, 28, 29, 55, 56, 57, and 58 are reserved.
6. The Speaker may permit extra seats on the floor of the House chamber to be utilized by members of the press, and may reserve certain seats for that purpose.
7. When two or more members have exactly the same seniority as determined pursuant to subsection 1, seating among those members must be in ascending numerical order based on the number of the district represented. When two or more members from the same district or multidistrict have equal seniority, the member or members of the party of the Speaker, if any, must be seated first; thereafter members must be listed in alphabetical order for seating purposes.

## **CHAPTER IV. BILLS AND RESOLUTIONS**

### **401. WHO MAY INTRODUCE - JOINT SPONSORSHIP - PREFILING.**

1. Any bill or resolution that conforms to statutory requirements and these rules, within the number and time prescribed, may be introduced by any member, standing committee, or the Legislative Council, by filing the bill or resolution with the Chief Clerk, who shall number consecutively each bill or resolution.
2. Any bill or resolution may have, following and separate from the name or names of the House sponsor or sponsors, the name of each sponsor from the Senate. A bill or resolution may not have more than six members of the Legislative Assembly as sponsors.
3. Any bill or resolution may be introduced after the organizational session adjourns and before the convening of the regular session by prefiling the bill or resolution with the office of the Legislative Council. The Legislative Council shall number those bills and resolutions, identify the sponsoring committee as assigned by the Speaker, arrange for the posting of notice of hearing, and deliver those bills and resolutions to the Chief Clerk. Prefiled bills and resolutions may not be withdrawn, except on the floor of the House in the manner provided by the rules. Prefiled bills and resolutions are not confidential.

### **402. WHEN INTRODUCED.**

1. No member other than the Majority and Minority Leaders may introduce more than five bills as prime sponsor after the fourth legislative day. No bill may be introduced after the ninth legislative day, and no resolution, except those resolutions described in subsection 3, may be introduced after the eighteenth legislative day, except upon approval of a majority of the Delayed Bills Committee or upon two-thirds vote of the members of the House present and voting.
2. No bill introduced at the request of an executive agency or the Supreme Court may be introduced after the close of business on the day after the adjournment of the organizational session, except upon approval of a majority of the Delayed Bills Committee.
3. Resolutions that propose amendments to the Constitution of North Dakota and resolutions directing the Legislative Council to carry out a study may not be introduced after the thirty-first legislative day.

**403. DELAYED BILLS AND RESOLUTIONS.** The Delayed Bills Committee shall receive from the Chief Clerk every bill and resolution offered for introduction after the time for introduction as limited by House Rule 402, and, on the same or the next legislative day

after receiving the measure, shall inform the House whether the introduction of the measure has been approved. If a majority of the committee favors introduction, the sponsor may introduce the measure. Each measure approved for introduction must bear the name or names of the sponsor or sponsors and must note the approval of the Delayed Bills Committee.

#### **404. FORM OF BILLS - COPIES.**

1. Every bill and resolution must be in typewritten form and at least two copies must be filed with the Chief Clerk.
2. Each bill and resolution must have typed on it the name of each sponsor introducing the bill or resolution.
3. The enacting clause of a bill must be: "BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA".
4. No bill may embrace more than one subject, which must be expressed in its title.
5. If a bill amends a present statute, the portion thereof constituting the amendment or amendments must be underscored. In a bill that contains sections amending existing statutes and sections that will be new law, the portion containing the amendment to the existing statute and all of each section containing new law must be underscored. Any matter contained in the present statute but deleted in the proposed amended statute must be contained in the typewritten bill, but must be set off from the remainder of the text by typing a line through the deleted matter. Where bills sponsored by the Legislative Council do not use the above devices, such bills must be accompanied by appropriate explanatory notations outlining the changes to be effected. All bills and resolutions to be introduced in the House must be in the form and style the Legislative Council prescribes.
6. The Chief Clerk, upon receiving the copies of a bill or resolution as provided by this rule, shall proceed as follows: (a) If the covered copy of the bill or resolution has attached to it a notation that the bill or resolution was approved as to form and style by the Legislative Council staff, the Chief Clerk shall number the bill or resolution as provided in House Rule 401 and, after first reading and referral, shall distribute the copies as provided in this rule; or (b) If the covered copy of the bill does not have a notation of approval as to form and style by the Legislative Council staff attached, the Chief Clerk shall proceed as provided in House Rule 405.
7. The Chief Clerk, after compliance with this rule and after first reading, shall distribute the copies of a bill or resolution received as follows: The covered copy and one additional copy must be delivered to the chairman of the committee to which the measure is referred; one copy must be delivered to the Speaker; six copies must be delivered to the Legislative Council; one copy



must remain in the custody of the Chief Clerk until otherwise directed by the House; except in the case of bills or resolutions printed on order of the Legislative Council pursuant to House Rule 406, two copies must be delivered to the printer having the contract for the printing of bills; three copies must be available for representatives of news media; and one copy must be given to the prime sponsor.

#### **405. APPROVAL OF MEASURES AS TO FORM AND STYLE.**

1. When a bill or resolution, with the requisite number of copies, is filed with the Chief Clerk without a notation attached to the covered copy stating that the bill or resolution was approved as to form and style by the Legislative Council staff, the Chief Clerk immediately shall cause that bill or resolution to be delivered to the Legislative Council office with a written request that the bill or resolution be examined and receive a notation approving its form and style.
2. When the Legislative Council staff receives a bill or resolution from the Chief Clerk pursuant to this rule, it shall see that the bill or resolution is in the form and style required by law, legislative rule, and the drafting rules promulgated by the Legislative Council.
3. When the Legislative Council staff has ensured that the bill or resolution meets all requirements regarding form and style, the bill or resolution and all copies must be returned to the Chief Clerk with a notation of approval attached to the covered copy.
4. If the Legislative Council staff, due to the exercise of its responsibilities under this rule, is not able to deliver an approved bill or resolution to the Chief Clerk before expiration of the last legislative day for normal introduction, the Chief Clerk, whenever such an approved bill or resolution is received, shall proceed to file it as if it had been received on the final legislative day for normal introduction.

**406. PRINTING OF BILLS AND RESOLUTIONS.** All bills requiring the approval of the Governor, all resolutions proposing a change in the Constitution of North Dakota, and all resolutions ratifying an amendment to the Constitution of the United States, after the first reading, must be printed unless otherwise ordered by the House. Bills and resolutions that are prefiled pursuant to House Rule 401 may be printed on order of the Legislative Council.

**407. LIMITATION ON COMMENDATORY RESOLUTIONS.** No resolution that commends, lauds, congratulates, or otherwise honors any person or group, other than a memorial resolution 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.

**408. CONSTITUTIONAL AMENDMENTS - STATEMENT OF INTENT.** Every resolution proposing a change in the Constitution of North Dakota must 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.

**409. REFERENCE TO BILLS IN JOURNAL.** All references in the journal to House and Senate bills must be by number only, except that on first and second readings such references must be by number and title.

## CHAPTER V. COMMITTEES

### 501. STANDING COMMITTEES.

1. The Committee on Committees consists of eleven members. The Majority Leader, by virtue of office, is a member of the committee and shall serve as its chairman. The Speaker, by virtue of office, is a member of the committee and is the vice chairman of the committee. The Majority Leader shall appoint five other members from the majority party and four members from the minority party to the committee. The committee shall appoint standing committees concerned with matters in the fields as indicated and procedural committees:
2. The five-day standing committee is Appropriations: (24 members) Bills and resolutions referred or rereferred under House Rule 329. Except for the committee chairman, each member of the committee must be appointed to one of the following divisions of the committee:
  - a. Education and Environment.
  - b. Government Operations.
  - c. Human Resources.
3. The three-day standing committees are:
  - a. Education: (13 members)  
Public Schools; Libraries; Institutions of Higher Learning.
  - b. Finance and Taxation: (14 members)  
Public Debt; Taxes and Tax Laws.
  - c. Human Services: (12 members)  
Human Services; Public Health; Public Safety.
  - d. Industry, Business and Labor: (14 members)  
Banks and Banking; Corporations; Insurance; Matters pertaining to Private Business and Industry; Workers' Compensation; Unemployment Compensation; Labor Laws and kindred subjects.
  - e. Judiciary: (14 members)  
Elections and Election Privileges; Judiciary.

4. The two-day standing committees are:
  - a. Agriculture: (13 members)  
Agriculture; Livestock; Drainage and Irrigation; Warehouse and Grain Grading.
  - b. Government and Veterans Affairs: (13 members)  
State and Federal Affairs; Government Pensions and Benefits; Military and Veterans Affairs; Industrial Commission and institutions under its supervision; State Historical Society and State Parks.
  - c. Natural Resources: (14 members)  
Game and Fish; Public Lands; Mines and Mining; Gas and Oil; Forestry.
  - d. Political Subdivisions: (14 members)  
Cities; Counties; Townships; Park Districts; Apportionment.
  - e. Transportation: (13 members)  
Highways and Bridges; Railroads; Motor Vehicles; Airlines and Airports.
5. The procedural committees are:
  - a. Arrangements for House Committee Rooms, to consist of three members.
  - b. Correction and Revision of the Journal, to consist of five members.
  - c. Delayed Bills, to consist of five members.
  - d. Employment, to consist of five members.
  - e. Inaugural Planning, to consist of three members.
  - f. Rules, to consist of seven members.
6. The Constitutional Revision Committee consists of seven members appointed in the same manner as the members of other standing committees are appointed. The committee meets on Wednesday of each week at 3:00 p.m. in the Prairie Room or at the times and places called by the chairman. The Speaker shall refer to the committee all resolutions proposing amendments, additions, or repeals to the Constitution of North Dakota or the United States Constitution.

**502. LIMITATIONS ON COMMITTEE MEMBERSHIP.** Each member shall serve on two standing committees, not including the Constitutional Revision Committee, except the Speaker and the Majority Leader, who may not serve on any standing committee, the Minority Leader, who may be appointed to any standing committee, including the Constitutional Revision Committee, by the Committee on Committees, and all members of the Appropriations Committee, who may not serve on any other standing committee, including the Constitutional Revision Committee. No member of the House may be appointed to more than one 3-day and one 2-day committee. The Speaker and the Majority and Minority Leaders may participate in all standing committees but may not vote therein except that the Minority Leader may vote on any committee to which the Minority Leader has been appointed.

**503. COMMITTEE CHAIRMAN.** The Majority Leader shall appoint the chairman and vice chairman of each committee. The Majority Leader shall designate a chairman if the appointed chairman and vice chairman are absent for an extended period of time.

**504. COMMITTEE MEETINGS.**

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

**505. APPROPRIATIONS COMMITTEE MEETINGS.** In addition to the meetings authorized under House Rule 504, the Appropriations Committee may meet for not more than five calendar days during the period after the organizational session has adjourned and the regular session is convened, as called by the Majority Leader. The chairman shall cause notice of the time and place of the meetings to be posted.

**506. NOTICE OF HEARINGS.** On Wednesday of each week, with respect to three-day committees, and on Thursday of each week, with respect to the Appropriations Committee and two-day committees, each chairman shall deliver to the Chief Clerk a notice of the time and place of the meetings of the chairman's committee for the following week, including a list of the bills and resolutions to be considered. This rule does not prevent a change in such schedule as to time, place, or bill or resolution, if circumstances may so require. The decision of the chairman in this regard is final. The Chief Clerk shall cause the schedule to be posted.

### **507. COMMITTEE PROCEDURES.**

1. In all cases, a majority of the committee constitutes a quorum.
2. The committee chairman or the member who is duly appointed to act as chairman shall ensure that minutes of committee hearings and deliberations are kept. The minutes must be arranged by the bills or resolutions discussed, designated by number. The minutes must contain a short phrase explaining what the bill or resolution relates to and the names and addresses of all persons who appear in relation to the bill or resolution and a brief summary of their remarks. The minutes also must include a record of recommended amendments to the bill or resolution, and a recorded roll call vote of the committee members on each bill or resolution that is referred out of the committee and, in the case of divided reports, on each report.
3. Upon adjournment of the legislative session, the minutes must be delivered to the Legislative Council and must be retained by the Council for a period of not less than one year.

**508. REPORTING OF MEASURES.** Except for an appropriations bill, a resolution proposing an amendment to the Constitution of the United States or the Constitution of North Dakota, or a resolution directing an interim study by the Legislative Council, no House bill or resolution may be held in a committee for more than thirty legislative days after it is referred to the committee, unless an extension of time is granted by the House. Except for a resolution directing an interim study by the Legislative Council or proposing an amendment to the Constitution of the United States or the Constitution of North Dakota, all House bills and resolutions must be reported back to the House no later than the thirty-first legislative day. A resolution directing an interim study by the Legislative Council or proposing an amendment to the Constitution of the United States or the Constitution of North Dakota must be reported back to the House no later than the thirty-seventh legislative day. A bill or resolution not reported back as required by this rule must automatically be placed on the calendar without recommendation. Senate bills and resolutions must be reported back to the House by the fifty-fifth legislative day.

**509. RECALLING MEASURE FROM COMMITTEE.** The chairman of any committee to which a bill or resolution has been referred, if so ordered by a vote of the

majority of the House members present, shall report the bill or resolution back to the House forthwith.

**510. LIMITATION ON CHANGES TO MEASURES REREFERRED.** The Appropriations Committee may not change the intent of any measure rereferred to it after a hearing in another standing committee of the House, unless necessitated by consideration of the appropriation contained in the measure.

## CHAPTER VI. COMMITTEE REPORTS

### 601. REPORT OF COMMITTEES.

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



adoption or rejection of the amendment, a measure is subject to rereferral under House Rule 329, the measure must be rereferred to the Appropriations Committee, regardless of whether the report provides for rereferral.

- f. If the committee report does not recommend rereferral to another committee but recommends that the measure pass, do not pass, or makes no recommendation, the measure must be placed on the calendar for the next legislative day under the applicable order of business for second reading and final passage except as provided in subdivision g.
  - g. On motion a measure must be placed on the calendar for second reading and final passage immediately after action is taken on the amendment. If the committee report recommends that the measure be placed on the calendar for second reading and final passage immediately after action is taken on the amendment, the measure must be placed on the calendar for second reading and final passage immediately after the amendment is adopted. After the thirty-second legislative day all House bills, and after the fifty-fifth legislative day all measures, must be placed on the calendar for second reading and final passage immediately after action is taken on the amendment. A measure placed on the calendar under this subdivision may be acted on immediately after placement on the calendar.
  - h. A report for amendment must be approved as to form and style by the Legislative Council staff. When a report for amendment is received by the Chief Clerk without a notation that the report was approved as to form and style by the Legislative Council staff, the Chief Clerk immediately shall cause that report to be delivered to the Legislative Council office with a request that the report be examined and receive a notation approving its form and style.
4. If the committee report is divided as provided in House Rule 602, the reports must be placed on the calendar for the next legislative day on the seventh order of business. The Speaker shall receive and announce a motion that the report of the minority be substituted for the majority committee report. If the minority report is adopted, that report is substituted for the majority report and must be placed on the calendar on the eleventh or fourteenth order of business. If the minority report is not adopted, the majority report is deemed adopted and must be placed on the calendar on the eleventh or fourteenth order of business. If a "do not pass" report is adopted under this subsection, the measure must be placed on the calendar on the eleventh or fourteenth order of business. If no report is adopted under this subsection, the measure must be placed on the calendar on the eleventh or fourteenth order of business unless the measure is subject to rereferral under House Rule 329.
  5. The Chief Clerk shall ensure that the daily calendar contains appropriate notation of committee reports.

## **602. DIVIDED COMMITTEE REPORT.**

1. In case all the members of any committee required or entitled to report on any subject referred to them cannot agree upon any report, the majority and minority may each make a report as provided by this rule; and all reports, if decorous in language, and respectful to the House, must be entered at length in the journal and must identify who voted for each report, and must be announced by the Chief Clerk as provided in House Rule 601.
2. A minority report must be signed by at least three members of the committee, or four members of the Appropriations Committee, who voted against the majority report and who have not voted for or signed any other report. A member may not vote for a report and refuse to sign that report. A recorded roll call vote must be taken on the majority report and each minority report.
3. The majority report is either the report signed by the largest number of committee members or the report signed by the committee chairman if that report is one of two or more reports signed by the largest and an equal number of members. The majority report must be placed on the calendar for consideration before consideration of any minority report. Minority reports must be placed on the calendar in order in accordance with the number of committee members signing the reports, with the report signed by the largest number of members being placed on the calendar first.
4. If more than one amendment is recommended by divided reports relating to a particular measure, the Speaker shall direct that they be placed on the calendar in order in accordance with this rule.
5. The Speaker shall also rule as to the effect of the adoption of the first report on each subsequent report.

**603. DIVISION OF REPORT.** Whenever the report of any committee, except a conference committee, contains several amendments, any member may have the amendments divided into separate divisions. The question of adoption must be taken separately on each amendment. All approved divisions comprise the report that is to be adopted.

**604. REPORT OF SELECT COMMITTEES.** Select committees to whom reference has been made, in all cases, shall report to the House the facts and their opinions on the matters referred.

**605. CONFERENCE COMMITTEE REPORTS - EXCEPTION TO HOUSE RULES 601 AND 337.** House Rules 601 and 337 do not prohibit the reading of a conference committee report and adoption or rejection of any recommended amendments,

nor the placing of any bill or resolution affected by the conference committee report on the calendar for final action on the same day the conference committee report is received by a majority vote of the members present. If the conference committee report is to adopt recommended amendments, adoption of the report is adoption of the amendments. If the conference committee report is to reject recommended amendments, adoption of the report is rejection of the amendments.

## **CHAPTER VII. COMMITTEE OF THE WHOLE**

**701. MEMBER TO PRESIDE.** When the House resolves itself into the Committee of the Whole, the Speaker shall appoint a chairman to preside.

**702. ORDER OF BUSINESS.** When the House resolves itself into the Committee of the Whole, no other business is in order until the committee rises.

**703. HOUSE RULES PERTAIN - EXCEPTIONS.** The rules of the House must be observed in the Committee of the Whole insofar as they may be applicable to committees. The minutes must be kept by a committee clerk as provided by House Rule 507 and the time of speaking may be limited only by motion.

**704. REPORT.** Upon adoption of a motion to rise, the report of the Committee of the Whole must be presented to the House as are other committee reports.

## CHAPTER VIII. RULES MANUAL

**801. MASON'S MANUAL.** Mason's Manual of Legislative Procedure governs the House in all cases in which it is applicable, and when it is not inconsistent with the standing rules and orders of the House and the Joint Rules of the Senate and House.



# JOINT RULES

## CHAPTER I. COMMUNICATIONS AND TRANSMITTALS

**101. TRANSMITTING OF PAPERS.** Each house shall transmit to the other house all papers on which any bill or resolution is founded, for which receipt must be given and preserved.

**102. TRANSMITTAL OF BILLS WITH EMERGENCY CLAUSES.** If a bill with an emergency clause has passed without the vote required to carry the emergency clause, the bill must be transmitted to the other house without the emergency clause.

**103. NOTICE OF REJECTION OF MEASURES.** When a bill or resolution that has passed in one house is rejected in the other, notice thereof must be given to the house in which the bill or resolution passed.

**104. MESSAGES.** Messages from one house to the other must be communicated by the Secretary of the Senate and Chief Clerk of the House, unless the house transmitting the messages shall especially direct otherwise.

**105. AMENDMENT, RECONSIDERATION, OR SUSPENSION OF JOINT RULES.** After adoption of the joint rules, no joint rule may be amended unless the rule is first reconsidered. A joint rule may not be reconsidered or suspended except by a vote of two-thirds of the members-elect of either house. The house that reconsiders or suspends a joint rule shall notify the other house with respect to that action.

## **CHAPTER II. PROCEDURES ON MEASURES**

**201. AMENDMENTS.** Either house may amend any amendment made by the other to any bill or resolution.

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

### **203. LIMITATION ON MESSAGING OF MEASURES - CROSSOVER DAYS.**

1. A bill that has passed one house may not be sent to the other house for concurrence after the thirty-fourth legislative day, except a bill approved for introduction after the deadline for introduction of bills.
2. A resolution that has passed one house may not be sent to the other house for concurrence after the fortieth legislative day, except a resolution approved for introduction after the deadline for introduction of that type of resolution.

**204. RETURNING OF MEASURES.** Either house, upon majority vote of the members present, shall return any bill or resolution requested by motion of the other house, if the bill or resolution is yet in possession of the house called on, and no action thereon has been had. In case action has been had, then it requires a two-thirds vote of the members present of the house asked to return a bill or resolution called for.

**205. ASSISTANCE IN DRAFTING - ENGROSSING AND ENROLLING OF MEASURES - CLERICAL ERRORS.** The Legislative Council may provide for the members of the Legislative Assembly such legal assistance as may be necessary for the proper drafting of proposed legislation. The Legislative Council shall engross and enroll bills and resolutions as requested by each house of the Legislative Assembly. The Legislative Council shall determine the form and style of engrossed and enrolled bills and resolutions. The Legislative Council shall correct clerical errors discovered as it engrosses and enrolls bills and resolutions.

### **206. CONSENT CALENDAR.**

1. Each standing committee may report an uncontested bill or resolution or a contested resolution out of committee and may include in its report a recommendation for placement on the consent calendar.



2. As used in this rule, "uncontested bill or resolution" means any bill or resolution, except a bill providing an appropriation, which receives a do pass, do pass as amended, or do not pass recommendation from the committee of referral, by unanimous vote of the members present provided a quorum is present. As used in this rule, "contested resolution" means any resolution that receives a do pass or do pass as amended recommendation from the committee of referral, by any vote other than a unanimous vote of the members present provided a quorum is present.
3. Following the presentation of a committee report recommending placement on the consent calendar, all bills or resolutions recommended by the committee for placement on the consent calendar must be placed on the consent calendar.
4. A resolution directing a Legislative Council study which receives a do pass or do pass as amended recommendation from the committee of referral must be placed on the consent calendar, regardless of whether the committee report recommends placement on the consent calendar.
5. Any consent calendar bill or resolution that is amended from the floor must be taken off the consent calendar and must be placed on the regular calendar.
6. Upon objection of any member to the placement or retention of any uncontested bill or resolution, any contested resolution, or any Legislative Council study resolution on the consent calendar, the bill or resolution must be taken off the consent calendar and must be placed on the regular calendar.

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

1. No item on the consent calendar may be considered for adoption on the same legislative day it is placed on the consent calendar.
2. Bills or resolutions on the consent calendar are not debatable, except that the President of the Senate or the Speaker of the House 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. 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. Immediately before voting on the first consent calendar bills or resolutions, the President of the Senate or the Speaker of the House 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.

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

## **209. RETURN OF VETOED BILLS WITH OBJECTIONS.**

When the Governor vetoes a bill that must be returned within three legislative days after delivery to the Governor, the bill must be returned to the Secretary of the Senate if a Senate bill or to the Chief Clerk of the House if a House bill, together with the objections to the bill. The Secretary of the Senate and Chief Clerk of the House may each designate an employee of the respective chamber for receipt of vetoed bills and objections. If the Secretary of the Senate or Chief Clerk of the House or the designated legislative employee, as appropriate, is not available to receive the vetoed bill and objections, the director of the Legislative Council or a Legislative Council employee designated by the director may receive the vetoed bill and the objections as the representative of the appropriate house.

## CHAPTER III. JOINT COMMITTEES

### 301. CONFERENCE COMMITTEES.

1. In every case of a difference between the two houses arising from a refusal by one house to concur in amendments made by the other house, if either house requests a conference on the difference that has arisen and appoints a committee for that purpose, the other house shall also appoint such a committee.
2. The committees so appointed shall meet within two legislative days of appointment at the hour and place agreed on by the chairmen. A conference committee consisting of members from a three-day committee shall meet on Mondays, Wednesdays, and Fridays, and a conference committee consisting of members from a two-day committee shall meet on Tuesdays and Thursdays. The chairmen may call meetings on other days as deemed necessary. The chairmen shall have the time and place of the meeting posted before the meeting, or the chairmen shall announce the time and place of the meeting to their respective houses.
3. The committees so appointed shall state to each other, verbally, or in writing, as either may choose, the reasons of their respective houses, and confer thereon; and they may report, in the manner set out below, to their respective houses regarding the manner in which they recommend that the difference between the two houses should be resolved.
4. The chairman of the conference committee representing the house of origin of the bill or resolution under consideration shall ensure that minutes of the meetings of the conference committee be kept in the same manner as other standing committee minutes.
5. Conference committees appointed pursuant to this rule shall confine their conferences and recommendations to consideration of the general differences that gave rise to the appointment of the committees, and in no event may a conference committee submit a divided report.
6. The conference committee report shall first be submitted to the house having possession of the bill or resolution over which the difference has arisen. The house shall act on the report and, if appropriate, shall proceed to take action on the bill or resolution.
7. After action on the report and, if appropriate, on the bill or resolution, the house having possession of the bill shall transmit the bill or resolution to the other house for appropriate action.

**302. JOINT COMMITTEES.** For the convenience of the public and the information of members, so far as practicable, like committees of both houses may meet in

joint session. The chairman is the chairman of the committee of the house before which the bill or resolution under consideration is then pending. The report to the house before which the measure is pending must be made by the members of the committee of that house. If the measure passes the house of introduction after a joint hearing, the members of the joint committee from the second house may report the measure to that house and another hearing is not necessary unless the measure was amended in the first house.

## CHAPTER IV. JOINT SESSIONS

**401. JOINT SESSIONS.** Joint sessions of the Senate and House are allowed only for the inauguration ceremony, the inaugural address by the newly elected Governor, an address by the Governor, the state of the judiciary address by the Chief Justice, and such other legislative business as may arise from time to time. Joint sessions honoring or memorializing persons other than members of the Legislative Assembly may not be called.

## CHAPTER V. FISCAL NOTES

### 501. FISCAL NOTES.

1. Except for a measure appropriating a specific dollar amount, every bill or resolution having an effect of five thousand dollars or more on the revenues, expenditures, or fiscal liability of the state must have a fiscal note attached which describes that effect and which is prepared as provided in this rule.
2.
  - a. The Legislative Council shall determine whether a fiscal note is required for any bill or resolution prepared by the Legislative Council staff. The chairman of the committee to which a bill or resolution is referred shall determine whether a fiscal note is required for a bill or resolution not prepared by the Legislative Council or not bearing a fiscal note.
  - b. A bill or resolution to which an amendment having a fiscal effect of five thousand dollars or more has been approved must have a fiscal note attached upon request of the chairman of the committee considering the bill or resolution, or by request of the majority of the members present of the house in which the bill is considered at the time of second reading.
  - c. The chairman of a committee may request the aid of the Legislative Council in making a determination as to whether a bill or resolution requires a fiscal note.
3.
  - a. A fiscal note must be prepared by the state agency or department responsible for collecting or expending the revenues affected or whose appropriation is affected or jointly by affected departments or agencies, at the request of the Legislative Council.
  - b. A request for a fiscal note must be in the proper request form and addressed to the designated agency or department, and must be accompanied by a copy of the bill or resolution having the fiscal effect.
  - c. The Legislative Council shall prepare all necessary forms for the implementation of the fiscal note procedure.
  - d. Each agency or department to whom a request for a fiscal note is made shall state on a fiscal note form the fiscal impact of the bill or resolution being considered. The fiscal impact must be stated in dollar amounts; identify the impact on revenues; identify the impact on expenditures; identify the impact for the current biennium, the upcoming biennium, and the next succeeding biennium; and identify the effect on the appropriation for the state agency or department for the current, upcoming, and next succeeding bienniums.
  - e. If the agency or department of whom a fiscal note is requested is unable to provide specific information upon the fiscal impact of the bill or

resolution, the agency or department shall make an estimate of the impact according to such available information it may have or be able to obtain and shall state that the figures provided are an estimate.

- f. If the agency or department is not able to make an estimate, it shall state that fact.
4.
    - a. The agency or department preparing the fiscal note shall return the fiscal note along with the number of copies requested by the Legislative Council to the Legislative Council not later than five days from the date of the request.
    - b. The Legislative Council shall retain three copies, shall provide one copy to the Office of Management and Budget, shall provide one copy to the Governor, and shall deliver the remaining copies to the Secretary of the Senate or the Chief Clerk of the House. Of those copies, one copy must be attached to the original bill or resolution, one copy must be filed with the Bill Clerk of the house wherein the bill or resolution originated, one copy must be provided to the President of the Senate, one copy must be provided to the Speaker of the House, and the remaining copies must be distributed as directed by the Secretary of the Senate or the Chief Clerk of the House, as appropriate.
  5. Any bill or resolution requiring a fiscal note must be stamped or have written on its cover a notation to the effect that a fiscal note is required.
  6. A committee report must include a notation that a specific bill or resolution carries a fiscal note.
  7. Upon second reading and final passage of a bill or resolution carrying a fiscal note, the Secretary of the Senate or the Chief Clerk of the House, whichever the case may be, shall read the fiscal note in its entirety at the time of reading the title of the bill or resolution to be voted on.

## **502. FISCAL NOTES FOR MEASURES IMPACTING COUNTIES, CITIES, OR SCHOOL DISTRICTS.**

1. Every bill or resolution introduced into either house of the Legislative Assembly which mandates changes in the revenues, expenditures, or fiscal liability of counties, cities, or school districts must have a fiscal note attached reflecting the statewide impact of the bill or resolution on counties, cities, or school districts.
2. If no state agency has primary responsibility for compiling and maintaining the information necessary for the proper preparation of a fiscal note otherwise required by this rule, a statement to that effect must be attached to the bill or resolution by the party responsible for requesting the fiscal note pursuant to

subsection 2 of Joint Rule 501. A statement attached pursuant to this subsection meets the fiscal note requirement.

3. The same requirements and procedures provided in Joint Rule 501 for state fiscal notes, including preparation, deadlines, forms, and reading of fiscal notes on second reading and final passage, apply to fiscal notes for counties, cities, and school districts except as provided in this rule.



## **CHAPTER VI. PRINTING**

**601. REPRINTING OF AMENDED MEASURES.** A bill or resolution passed by one house may be reprinted as amended on different colored paper by either house.

**602. PRINTING OF THE RULES.** The rules of the Senate and House and the Joint Rules must be printed in a single publication, which must also include the names, addresses, and telephone numbers of members of the Senate and House, the Senate and House standing committees, the Senate and House joint committees, names, addresses, and telephone numbers of the officers and employees of the Senate and House, a directory of state officers and the location and telephone numbers of their offices, and an index. A colored sheet of paper must separate the rules of the Senate from those of the House. One thousand rule books must be printed.

### **603. PRINTING AND DISTRIBUTION OF MEASURES AND JOURNALS.**

1. The Legislative Council shall determine the number of copies of each bill and resolution to be printed. After the initial order is printed, the supervisor of the bill and journal room may order additional copies to be printed to meet demand.
2. The Legislative Council shall determine the number of copies of each bill and resolution engrossed under Senate Rule 335 and House Rule 335 to be printed, as well as the number to be printed when requested by the Secretary of the Senate or Chief Clerk of the House. After the initial order is printed, the supervisor of the bill and journal room may order additional copies to be printed to meet demand.
3. Bill room employees may, as time and physical space allow, set aside not more than one copy of each bill or resolution to be delivered to any person who subscribes to receive a copy of each bill and resolution introduced. The employees also may set aside not more than one copy of each engrossed bill or resolution and reengrossed bill or resolution to be delivered to any person who subscribes to receive a copy of each bill and resolution introduced. The Legislative Management Committee of the Legislative Council shall establish appropriate fees for this service. Not more than five copies of a limited number of specified bills and resolutions may be delivered to persons who personally request the bills and resolutions.
4. Persons who subscribe to receive a set of bills and resolutions as of the first day of the regular session have priority for receiving bills and resolutions pursuant to this rule.
5. This rule does not apply to the staff of the Legislative Council which may have such number of bills set aside as are necessary to aid it in carrying on legislative business.

6. Bill room employees may not distribute more than five bills to any one person, except to legislators, legislative employees, and members of the Legislative Council staff, and persons who subscribe to receive more than five sets of bills and resolutions.
7. The journals of the Senate and House must be printed as provided in Senate Rule 204 and House Rule 204, and bill room employees shall distribute copies of daily journals.

## **CHAPTER VII. LEGISLATIVE DAYS**

**701. SATURDAYS AND SUNDAYS NOT LEGISLATIVE DAYS.** Saturdays and Sundays may not be counted as legislative days, unless legislative business is conducted on those days, or on either of them.

**702. BREAK AFTER CROSSOVER.** The Monday and Tuesday following crossover day for bills are not to be counted as legislative days unless either house is in session on one or both of those days.

## **CHAPTER VIII. OPEN MEETINGS AND USE OF LEGISLATIVE SPACE**

**801. OPEN LEGISLATIVE MEETINGS.** All meetings of the Legislative Assembly and its committees, including interim legislative committees, are open to the public and the press at all times when pending or proposed legislation is being considered.

**802. IDENTIFICATION OF REPRESENTATIVES OF THE MEDIA.** The Legislative Council may provide identification badges for individuals identified as representatives of the media by the North Dakota Newspaper Association and the North Dakota Broadcasters Association before a regular session or by the statehouse correspondent of the Associated Press during a legislative session. The statehouse correspondent of the Associated Press shall distribute the badges to the appropriate individuals for use during the session to obtain access to the floor of the chamber as permitted by the Senate and House. The statehouse correspondent of the Associated Press shall notify the President of the Senate and the Speaker of the House with respect to identification badges issued during the session.

**803. USE OF COMMITTEE ROOMS.** During a legislative session, committee rooms under the jurisdiction of the Senate or House and hearing rooms under the jurisdiction of the Legislative Assembly may be used only for the functions and activities of the legislative branch, except as otherwise provided by this rule. A state agency may be granted permission by the Secretary of the Senate or Chief Clerk of the House, individually with respect to a room under the jurisdiction of the Senate or House, respectively, or jointly with respect to a room under the jurisdiction of the Legislative Assembly, to use a room at times and under conditions not interfering with the use of the room by the legislative branch.

## **CHAPTER IX. WORK POLICIES**

### **901. SEXUAL HARASSMENT POLICY.**

1. The Legislative Assembly is committed to providing a healthy and appropriate work environment for legislators, legislative employees, and other state employees which is free from sexual harassment. Sexual harassment in any manner will not be tolerated.
2. Sexual harassment includes verbal abuse of a sexual nature, graphic verbal comment about a person's body, physical touching of a sexual nature, sexual advances and propositions, sexually degrading words used to describe an individual, display in the workplace of any sexually suggestive object or picture, and any threat or insinuation, either explicitly or implicitly, that a person's refusal to submit to a sexual advance will adversely affect that person's employment, evaluation, wages, duties, work shifts, or any other condition of employment or career advancement.

# CHAPTER X. LEGISLATIVE ETHICS

## 1001. LEGISLATIVE ETHICS POLICY.

1. The Legislative Assembly always seeks a high reputation for progressive accomplishment where its members are public officers of integrity and dedication, maintaining high standards of ethical conduct.
2. The public interest is best served by attracting and retaining in the Legislative Assembly citizens of high caliber and attainment. The public interest will suffer if unduly stringent requirements deprive government of the services of well-qualified citizens.
3. Membership in the Legislative Assembly is not a full-time occupation and is not compensated on that basis. Continued membership is on an elected-term basis, requiring each member to recognize and contemplate that election will not provide any career tenure. These characteristics ensure that each member is rooted to a community and that legislation reflects the needs and values of citizens.
4. A member such as a teacher, administrator, state employee, farmer, labor leader, lawyer, independent business person, or any salaried employee must look to a source of income from other than legislative compensation for sustenance and support; moreover, every member must plan for return to that individual's regular employment, business, or profession.
5. The increasing complexity of public policy at all levels, with intervention into private affairs, makes conflicts of interest almost inevitable for every part-time public official, and particularly for a member who must vote on measures affecting the life of every citizen or resident of the state. Consequently, the adoption of standards of ethics does not impugn a member's integrity or dedication; rather, it recognizes the increasing complexity of government and private life and provides members with helpful advice and guidance when confronted with difficult problems in that gray area involving action that is neither clearly right nor clearly wrong.
6. Ethical conduct is expected of all who participate in the legislative process, including lobbyists, legislative staff, government employees, interest groups, the media, and others. All participants in the legislative process should recognize the importance of their role to support each member's ethical duty to make independent judgments.
7. If public confidence in the Legislative Assembly is to be maintained and enhanced, it is not enough that members avoid acts of misconduct. They also must avoid acts that may create an appearance of misconduct.

**1002. RECOGNITION OF ETHICAL STANDARDS.** The resolution of ethical problems must rest largely in the individual conscience. The Legislative Assembly may and should, however, define ethical standards, as most professions have done, to chart the areas of real or apparent impropriety. Unless otherwise provided by law, no criminal penalty applies to a member who engages in conduct that is inconsistent with this section. However, in striving to maintain ethical standards, each member should recognize the importance of:

1. Complying with all other rules relating to ethics, including Joint Rule 901 regarding sexual harassment and Senate and House Rules 321 regarding disclosure of personal or private interest when voting.
2. Acknowledging that the public trust requires each member to make a consistent effort to be well-informed about legislative issues and legislative proposals and to resist influences that may bias the member's independent judgment.
3. Acknowledging that accountability requires members to maintain communication with constituents, to remain open to constructive comment, and to exercise leadership in helping constituents understand legislative issues.
4. Acknowledging that institutional responsibility requires members to remain committed to the integrity and maintenance of the legislative branch.
5. Not using or attempting to use the member's influence in any matter involving a substantial conflict between the member's personal interest and duties in the public interest.
6. Not using the member's official position to obtain financial gain for the member, the member's family, or a business associate or to secure privileges or exemptions in direct contravention of the public interest.

**1003. RECOGNITION OF CONSTITUTIONAL AND STATUTORY PROVISIONS.**

Members should apprise themselves of constitutional provisions and statutes that prohibit conduct for which criminal penalties may apply, including Article IV, Section 9, of the Constitution of North Dakota, which prohibits vote trading; Article IV, Section 10, of the Constitution of North Dakota, which provides for expulsion for corruption, bribery, perjury, or other infamous crimes; Article IV, Section 12, of the Constitution of North Dakota, which prohibits contempt or disorderly behavior; North Dakota Century Code Chapter 12.1-12, which prohibits bribery and unlawful influence of public servants; North Dakota Century Code Section 12.1-13-01, which prohibits disclosure of confidential information; North Dakota Century Code Section 12.1-13-02, which prohibits acquisition of a pecuniary interest in property or an enterprise in contemplation of official action or in reliance on information accessed as a public servant; North Dakota Century Code Section 12.1-13-03, which prohibits a public servant from becoming interested individually in the sale or lease of property or a contract for which the public servant is authorized to transact; North Dakota Century Code Sections 12.1-14-02 and 12.1-14-03, which prohibit interference

with voting; North Dakota Century Code Sections 12.1-23-03 and 12.1-23-05, which prohibit theft to obtain services while a public servant; North Dakota Century Code Section 12.1-23-07, which relates to the use of property entrusted to a public servant; North Dakota Century Code Chapter 16.1-08.1, which relates to campaign contributions and campaign contributing statements; North Dakota Century Code Chapter 16.1-09, which relates to statements of interest; North Dakota Century Code Chapter 16.1-10, which relates to corrupt election practices; North Dakota Century Code Sections 39-01-03 and 39-01-05, which prohibit the private or political use of state motor vehicles; North Dakota Century Code Section 44-08-19, which relates to political activities by public employees; North Dakota Century Code Section 48-02-12, which prohibits the interest in public contracts by a member of a governing board; North Dakota Century Code Section 54-02-01, which governs the use of the Great Seal; North Dakota Century Code Chapter 54-05.1, which relates to legislative lobbying; and North Dakota Century Code Section 54-06-12, which prohibits false statements regarding state departments, institutions, or industries.

**1004. LEGISLATIVE ETHICS CLASSES - PUBLICATION OF INFORMATION RELATING TO ETHICS.** During each organizational session and at other times as deemed appropriate, the Legislative Council shall conduct classes on legislative ethics and laws governing the activities and conduct of public officials, including criminal laws, election practices, and conflicts of interest. Before each regular legislative session, the Legislative Council shall distribute a document to all members which includes constitutional provisions, statutes, legislative rules, and other pertinent information regarding ethical conduct in the legislative process.