

June 2010

PROPOSED AMENDMENTS OF SENATE AND HOUSE RULES 204(4) AND (5)
AND CREATION OF JOINT RULE 604

1 **SECTION 1. AMENDMENT.** Subsections 4 and 5 of Senate Rule 204 are amended as
2 follows:

- 3 4. The printer shall set aside ~~twenty-seven~~ twenty-eight copies of the daily journal.
4 Upon termination of the legislative session, the printer shall deliver these copies to
5 the contract binder, who shall assemble the copies into ~~twenty-seven~~ twenty-eight
6 sets of permanent journals.
- 7 5. The permanent journals must be bound in hard covers. Two of these sets must be
8 deposited with the Secretary of State, who shall preserve these sets and attach the
9 Secretary of State's certificate thereto showing the date of delivery and attesting
10 that the copies are identical and official journals as delivered to the Secretary of
11 State. The Secretary of State shall forward one set to the Supreme Court Library,
12 one set to the Law School Library at the University of North Dakota, eight sets to
13 the State Library, two sets to the Attorney General, ~~five~~ six sets to the Legislative
14 Council, one set to the Secretary of the Senate, and one set to each judicial district
15 as determined by the presiding judge of the district.

16 **SECTION 2. AMENDMENT.** Subsections 4 and 5 of House Rule 204 are amended as
17 follows:

- 18 4. The printer shall set aside ~~twenty-seven~~ twenty-eight copies of the daily journal.
19 Upon termination of the legislative session, the printer shall deliver these copies to
20 the contract binder, who shall assemble the copies into ~~twenty-seven~~ twenty-eight
21 sets of permanent journals.
- 22 5. The permanent journals must be bound in hard covers. Two of these sets must be
23 deposited with the Secretary of State, who shall preserve these sets and attach the
24 Secretary of State's certificate thereto showing the date of delivery and attesting
25 that the copies are identical and official journals as delivered to the Secretary of
26 State. The Secretary of State shall forward one set to the Supreme Court Library,

1 one set to the Law School Library at the University of North Dakota, eight sets to
2 the State Library, two sets to the Attorney General, ~~five~~ six sets to the Legislative
3 Council, one set to the Chief Clerk, and one set to each judicial district as
4 determined by the presiding judge of the district.

5 **SECTION 3.** Joint Rule 604 is created as follows:

6 **Publication of legislative documents.** The Legislative Council shall arrange for the
7 publication of legislative documents in accordance with constitutional and statutory
8 requirements and the rules of the Senate and House and the Joint Rules. As published by the
9 Legislative Council, the legislative documents, whether in electronic or print format, are the
10 correct copies, deemed to be officially published.

NOTE: This proposed rule is in response to a question over whether the web version of bills, resolutions, and journals is official, and whether a change could be made to delete a portion of the journals on the web, while leaving the printed version complete.

The Legislative Council provides all documents to the contract printers and publishes those documents on the legislative branch website. This proposed rules change would eliminate the ambiguity over whether a printed bill, printed resolution, or printed journal is "official" while an electronic version of that bill, resolution, or journal is not "official."

Constitutional and statutory provisions include:

- Constitution of North Dakota, Article IV, Section 13: "Each house shall keep a journal of its proceedings"
- North Dakota Century Code Section 46-03-05: "The printing or reproduction of legislative bills, resolutions, and journals must be in accordance with the rules of the senate and house of representatives"
- North Dakota Century Code Section 46-03-11: "[T]he legislative council shall ... supervise the publication of the session laws and [Century Code]"
- North Dakota Century Code Section 46-03-11.2: "The Legislative Council may establish specification for publication of [the Century Code]"
- North Dakota Century Code Section 46-03-19: "All laws, journals, and documents printed and published by any contractor under this title, and duly certified ... are deemed officially to be printed and published, and full faith and credit must be given to them as such."