

PROPOSED AMENDMENTS TO SENATE AND HOUSE RULES 335 AND JOINT RULE 601

1 **SECTION 1. AMENDMENT.** Senate Rule 335 is amended as follows:

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

6 **SECTION 2. AMENDMENT.** House Rule 335 is amended as follows:

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

11 **SECTION 3. AMENDMENT.** Joint Rule 601 is amended as follows:

12 **601. Reprinting of amended measures.** A bill or resolution passed by one house may be
 13 reprinted as amended ~~on different colored paper~~ by either house.

NOTE: This proposed rules amendment is in response to the following question from Representative William E. Kretschmar: "Should a Senate bill be reengrossed after the House adopts amendments to that bill? This was not done during 2013, and I think did cause some confusion."

The confusion may have resulted from the availability of bills and resolutions appearing online (in the Bill Status System, Bill Tracking System, and legislators' LAWS) which prepared to include amendments by the second house, e.g., ENGROSSED SENATE BILL NO. 2046, FIRST ENGROSSMENT with House Amendments." As compared to the "official" bill: ENGROSSED SENATE BILL NO. 2046, FIRST ENGROSSMENT.

A decision whether to engross or reengross a measure in the second house should consider these issues:

- The tradeoff between the clarity that comes from knowing that the most recently engrossed version of a measure is the "official" version, regardless of house versus the impact on conference committee procedures.
- The impact of a second house-engrossed measure on conference committees includes:
 - There would be no "amendments" of the second house to consider--the amendments would have been inserted into the measure. Rather than "concurrence" in amendments, there would be concurrence to the measure as amended. One procedure of handling this could be the house of origin amending the measure (first degree amendment) and resending it to the second house, which could amend the measure again (second degree amendment) and resend it to the house of origin. This procedure has not been used in North Dakota, but is described in *Mason's Manual of Legislative Procedure*, Section 766.

- Under Joint Rule 301, conference committees are to "confine their conferences and recommendations to consideration of the general differences that gave rise to the appointment of the committees". That is easy to determine when the subject of the difference is the amendment attached to the measure. The difference would be more difficult to determine if the measure is engrossed with the second house's amendment.
- Without an amendment to determine the general differences, would the conference committee procedure start as a "free" conference, in which the entire measure is subject to consideration. *Mason's* Section 773. Query: Has a "free" conference already become the norm in actual practice?
- The effect on conference committee negotiations by not having to "accede to" or "recede from" amendments (you "win" (when the other house recedes from its amendments) or "lose" (when your house accedes to the other house's amendments)).