

PROPOSED AMENDMENTS OF SENATE AND HOUSE RULES 318 AND 324

1 **SECTION 1. AMENDMENT.** Senate Rule 318 is amended as follows:

2 **318. Votes required for certain questions.**

- 3 1. The following questions require a majority vote of the members of the Senate present
4 and voting:
- 5 a. Action, other than referrals or rereferrals to the Appropriations Committee on
6 certain measures, as authorized in Senate Rule 329.
- 7 b. Order to a chairman to report a measure back from committee, as provided in
8 Senate Rule 509.
- 9 c. Adoption of amendments, as provided in Senate Rule 601.
- 10 d. Reconsideration of the adoption of an amendment, as provided in Senate
11 Rule 347.
- 12 e. Adoption of propositions of a divided question if the division would require a
13 majority vote of the members present, as provided in Senate Rule 319.
- 14 f. Adoption of conference committee reports, as provided in Senate Rule 605.
- 15 g. Previous question, as provided in Senate Rule 314.
- 16 h. To close, limit, or extend debate.
- 17 i. To return a measure requested by the House before action, as provided in Joint
18 Rule 204.
- 19 j. To have the presiding officer refuse to sign any bill the House refuses to return,
20 as provided in Senate Rule 349.
- 21 k. To request preparation of a fiscal note, as provided in Joint Rule 501.
- 22 l. Suspension of the rules, as provided in Senate Rule 324.
- 23 m. Any question for which another vote is not required by the Constitution or another
24 rule.
- 25 2. The following questions require a majority vote of the members-elect of the Senate:
- 26 a. Passage of bills, as provided in Section 13, Article IV, of the Constitution and
27 Senate Rule 339.
- 28 b. Passage of proposed amendments to the Constitution of North Dakota, as
29 provided in Section 16, Article IV, of the Constitution.

- 1 c. Ratification of amendments to the Constitution of the United States, as provided
- 2 in Senate Rule 339.
- 3 d. To recede before a conference in a case where a majority governs, as provided
- 4 in Joint Rule 202.
- 5 e. To constitute a quorum, as provided in Senate Rule 103.
- 6 f. Election of certain Senate employees, as provided in Senate Rule 206.
- 7 g. Suspension of further proceedings under a call of the Senate, as provided in
- 8 Senate Rule 303.
- 9 h. Adoption of propositions of a divided question if the division would require a
- 10 majority vote of the members-elect, as provided in Senate Rule 319.
- 11 i. Reconsideration of questions other than adoption of amendments if before the
- 12 end of the next legislative day, as provided in Senate Rule 347.
- 13 j. Confirmation of executive nominations, as provided in Senate Rule 701.
- 14 3. The following questions require a two-thirds vote of the members of the Senate
- 15 present and voting, which two-thirds may, in no event, constitute fewer than a majority
- 16 of the members-elect of the Senate:
- 17 a. Introduction of measures after deadline, as provided in Senate Rule 402.
- 18 b. Return of measures to other house after action taken, as provided in Joint
- 19 Rule 204.
- 20 4. The following questions require a two-thirds vote of the members-elect of the Senate:
- 21 a. Initiated and referred measures amended or repealed within seven years after
- 22 enactment or approval, as provided in Section 8, Article III, of the Constitution
- 23 and Senate Rule 339.
- 24 b. Emergency clauses, as provided in Section 13, Article IV, of the Constitution.
- 25 c. Vetoed measures, reconsideration, as provided in Section 9, Article V, of the
- 26 Constitution.
- 27 d. Adoption of propositions of a divided question if the division would require a
- 28 two-thirds vote of the members-elect, as provided in Senate Rule 319.
- 29 e. To recede before a conference in a case where two-thirds governs, as provided
- 30 in Joint Rule 202.
- 31 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.

SECTION 2. AMENDMENT. Senate Rule 324 is amended as follows:

324. Suspension of rules. No standing rule or order of the Senate may be reconsidered or suspended except by motion made by the Majority or Minority Leader or the Assistant Majority or Minority Leader and carried by a vote of a majority of the members present.

SECTION 3. AMENDMENT. House Rule 318 is amended as follows:

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.

- 1 j. To have the Speaker refuse to sign any bill the Senate refuses to return, as
- 2 provided in House Rule 349.
- 3 k. To request preparation of a fiscal note, as provided in Joint Rule 501.
- 4 l. Suspension of the rules, as provided in House Rule 324.
- 5 m. Any question for which another vote is not required by the Constitution or another
- 6 rule.
- 7 2. The following questions require a majority vote of the members-elect of the House:
- 8 a. Passage of bills, as provided in Section 13, Article IV, of the Constitution and
- 9 House Rule 339.
- 10 b. Passage of proposed amendments to the Constitution of North Dakota, as
- 11 provided in Section 16, Article IV, of the Constitution.
- 12 c. Ratification of amendments to the Constitution of the United States, as provided
- 13 in House Rule 339.
- 14 d. To recede before a conference in a case where a majority governs, as provided
- 15 in Joint Rule 202.
- 16 e. To constitute a quorum, as provided in House Rule 103.
- 17 f. Election of certain House employees, as provided in House Rule 206.
- 18 g. Suspension of further proceedings under a call of the House, as provided in
- 19 House Rule 303.
- 20 h. Adoption of propositions of a divided question if the division would require a
- 21 majority vote of the members-elect, as provided in House Rule 319.
- 22 i. Reconsideration of questions other than adoption of amendments if before the
- 23 end of the next legislative day, as provided in House Rule 347.
- 24 j. Adoption of a clincher motion, as provided in House Rule 348.
- 25 3. The following questions require a two-thirds vote of the members of the House present
- 26 and voting, which two-thirds may, in no event, constitute fewer than a majority of the
- 27 members-elect of the House:
- 28 a. Introduction of measures after deadline, as provided in House Rule 402.
- 29 b. Return of measures to other house after action taken, as provided in Joint Rule
- 30 204.
- 31 4. The following questions require a two-thirds vote of the members-elect of the House:

- 1 a. Initiated and referred measures amended or repealed within seven years after
2 enactment or approval, as provided in Section 8, Article III, of the Constitution
3 and House Rule 339.
- 4 b. Emergency clauses, as provided in Section 13, Article IV, of the Constitution.
- 5 c. Vetoed measures, reconsideration, as provided in Section 9, Article V, of the
6 Constitution.
- 7 d. Adoption of propositions of a divided question if the division would require a
8 two-thirds vote of the members-elect, as provided in House Rule 319.
- 9 e. To recede before a conference in a case where two-thirds governs, as provided
10 in Joint Rule 202.
- 11 f. Second reading same day as report, as provided in House Rule 337.
- 12 g. Reconsideration after the next legislative day, as provided in House Rule 347.
- 13 h. Reconsideration after a clincher motion, as provided in House Rule 348.
- 14 i. Suspension of requirement that copies of amendments be distributed before
15 acted on, as provided in House Rule 601.
- 16 j. Amendment, reconsideration, or suspension of a joint rule, as provided in Joint
17 Rule 105.
- 18 5. The following questions require the unanimous consent of the members of the House:
19 a. Suspension of the rules and passage of a bill neither printed nor heard by a
20 committee, as provided in House Rule 324.
- 21 b. Reconsideration or suspension of a standing rule or order requiring unanimous
22 consent, as provided in House Rule 324.
- 23 c. Amendment of measures on second reading except to amend the title, as
24 provided in House Rule 333.
- 25 d. Withdrawal of a measure after it has been referred to committee, as provided in
26 House Rule 331.

27 **SECTION 4. AMENDMENT.** House Rule 324 is amended as follows:

28 **324. Suspension of rules.** No standing rule or order of the House may be reconsidered or
29 suspended except by motion made by the Majority or Minority Leader or the Assistant Majority
30 or Minority Leader and carried by a vote of a majority of the members present, and no motion to
31 suspend the rules and pass a bill may be entertained except by unanimous consent, unless the

- 1 bill has first been printed and considered by a committee, nor may any standing rule or order
- 2 requiring unanimous consent be reconsidered or suspended without unanimous consent.

NOTE: This proposed amendment is in response to the following "Rules Questions or Inquiries That Arose During the 2011 Legislative Session":

Vote required to suspend a rule. Now it is a majority of those present and voting. Should it be a higher percentage, e.g., 60 percent or two-thirds. Consider any increase carefully as this could be a two-edged sword. Maybe consider a rule that only the leaders or assistant leaders can move to suspend the rules.

Before the 2001 legislative session, Senate and House Rules 324 required a two-thirds vote of the members-elect to reconsider or suspend a rule. The rules were amended beginning with the 2001 legislative session in recognition of the fact that rules could be adopted by a majority vote (and the procedure to avoid the two-thirds vote requirement was to "amend" the rule, e.g., to extend the day for reporting resolutions out of committee).

Mason's Manual of Legislative Procedure, Section 285, provides for suspension by majority vote. The section does note, however, that "[i]n many legislative bodies it is provided by rule that the standing rules may be suspended by a two-thirds vote."

This proposed amendment provides for the leaders or assistant leaders to make the motion to suspend. Senate and House Rules 318 are included for informational purposes to identify the vote requirements for various actions.