

September 2009

PROPOSED AMENDMENTS TO SENATE AND HOUSE RULES 347

1       **SECTION 1. AMENDMENT.** Senate Rule 347 is amended as follows:

2       **347. Motion for reconsideration.**

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

22       **SECTION 2. AMENDMENT.** House Rule 347 is amended as follows:

23       **347. Motion for reconsideration.**

- 24      1. Any member may move for reconsideration of a question if any of the following
- 25      apply:

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

**NOTE:** This proposed rules amendment is in response to the following question:

Under House and Senate Rules 347 the vote by which any measure passes or fails to pass may not be reconsidered more than once in any natural day. What is a natural day?

The prohibition on reconsideration more than once in any natural day was added in 1981 as a result of a recommendation of the interim Legislative Procedure and Arrangements Committee. According to the report of the committee, "The term 'natural day' has been used because that term is defined in the Constitution."

Article IV, Section 7, of the Constitution of North Dakota limits regular sessions to 80 natural days during the biennium and defines a natural day as a "period of twenty-four consecutive hours." The difficulty in applying this definition, however, is that the time a motion to reconsider is made is not officially recorded.

The proposed amendment eliminates that timekeeping need by replacing "natural day" with "legislative day."