

Sixtieth  
Legislative Assembly  
of North Dakota

## HOUSE BILL NO. 1520

Introduced by

Representatives Carlson, Headland, Kasper, Ruby

1 A BILL for an Act to amend and reenact section 54-35-01 of the North Dakota Century Code,  
2 relating to the composition of the North Dakota legislative council; and to declare an  
3 emergency.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 54-35-01 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **54-35-01. Council - Created - Members - Vacancy - Terms.** The North Dakota  
8 legislative council, in this chapter referred to as the legislative council or the council, consists of  
9 the majority and minority leaders of the house and of the senate plus six senators and seven  
10 representatives chosen biennially before the close of each regular legislative session. In the  
11 house of representatives the ~~speaker~~ majority leader of the house shall appoint to the council  
12 ~~four members recommended elected by the majority leader and three members recommended~~  
13 ~~by political party with the largest number of members in the house and the minority leader of~~  
14 ~~the house shall appoint to the council members elected by the political party with the next~~  
15 ~~largest number of members in the house,~~ except that the speaker must by virtue of office be  
16 one of the four members appointed from the speaker's ~~faction~~ party. In the senate the  
17 ~~lieutenant governor~~ majority leader of the senate shall appoint to the council ~~four~~ members  
18 ~~recommended elected by the majority leader and two members recommended by political party~~  
19 ~~with the largest number of members in the senate and the minority leader of the senate shall~~  
20 ~~appoint to the council members elected by the political party with the next largest number of~~  
21 ~~members in the senate. The majority and minority leaders of each house shall make the~~  
22 ~~appointments so as to give the two political parties having the most members in that house the~~  
23 ~~same total proportionate representation on the council as prevails in that house. In allocating~~  
24 ~~the membership on the council to each political party, the total number of members in the house~~

1 of representatives must be divided by nine and the total number of members in the senate must  
2 be divided by eight; the resulting quotient for each house must then be divided into the number  
3 of members of each of the two political parties of that house; the resulting quotient for each  
4 party of that house, rounded to the nearest whole number, is the number of members of that  
5 political party in that house to be on the council. Notwithstanding this allocation, if the number  
6 of members in the minority political party in a house would not result in any representation on  
7 the council, the minority leader in that house must represent that party on the council. Any  
8 vacancy occurring when the legislative assembly is not in session must be filled by the selection  
9 of another member of the legislative assembly belonging to the same ~~faction~~ party as the  
10 member originally appointed, the selection to be made by the remaining senate or house  
11 members of the council, depending upon which body has the vacancy. Each senator and each  
12 representative chosen to serve on the council shall serve until a new council has been selected  
13 at the next regular legislative session; provided, however, that no senator, not a holdover, who  
14 is not reelected to the senate, and no representative, who is not reelected to the house of  
15 representatives, may serve as a member of the council beyond the closing day of the term to  
16 which elected. Any vacancy occurring because any member of the council is not reelected  
17 must be filled for the period from the beginning of the session until a new council is selected, in  
18 the same manner as the original council is selected.

19       **SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.