

Sixty-first  
Legislative Assembly  
of North Dakota

## HOUSE BILL NO. 1222

Introduced by

Representatives Schatz, Frantsvog, Nathe

Senators Hogue, Miller, Nodland

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.

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

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

6 **54-35-01. Council - Created - Members - Vacancy - Terms.** The North Dakota  
7 legislative council, in this chapter referred to as the legislative council or the council, consists of  
8 the majority and minority leaders of the house and of the senate plus six senators and seven  
9 representatives chosen biennially before the close of each regular legislative session. In the  
10 house of representatives the speaker of the house shall appoint to the council ~~four~~ the  
11 members recommended by the majority leader and ~~three~~ the members recommended by the  
12 minority leader, except that the speaker must by virtue of office be one of the ~~four~~ members  
13 appointed from the speaker's ~~faction~~ party. In the senate the lieutenant governor shall appoint  
14 to the council ~~four~~ the members recommended by the majority leader and ~~two~~ the members  
15 recommended by the minority leader. The majority and minority leaders of each house shall  
16 make the recommendations so as to give the two political parties having the most members in  
17 that house the same total proportionate representation on the council as prevails in that house.  
18 In allocating the membership on the council to each political party, the total number of members  
19 in the house of representatives must be divided by nine and the total number of members in the  
20 senate must be divided by eight; the resulting quotient for each house must then be divided into  
21 the number of members of each of the two political parties of that house; the resulting quotient  
22 for each party of that house, rounded to the nearest whole number, is the number of members  
23 of that political party in that house to be on the council. Notwithstanding this allocation, if the  
24 number of members in the minority political party in a house would not result in any

1 representation on the council, the minority leader in that house must represent that party on the  
2 council. Any vacancy occurring when the legislative assembly is not in session must be filled  
3 by the selection of another member of the legislative assembly belonging to the same ~~faction~~  
4 party as the member originally appointed, the selection to be made by the remaining senate or  
5 house members of the council, depending upon which body has the vacancy. Each senator  
6 and each representative chosen to serve on the council shall serve until a new council has  
7 been selected at the next regular legislative session; provided, however, that no senator, ~~not a~~  
8 ~~holder~~, who is not reelected to the senate, and no representative, who is not reelected to the  
9 house of representatives, may serve as a member of the council beyond the closing day of the  
10 term to which elected. Any vacancy occurring because any member of the council is not  
11 reelected must be filled for the period from the beginning of the session until a new council is  
12 selected, in the same manner as the original council is selected.