

Sixty-first  
Legislative Assembly  
of North Dakota

## ENGROSSED 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~~

7 1. Except as provided in subsection 2, the North Dakota legislative council, in this  
8 chapter referred to as the legislative council or the council, consists of the majority  
9 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  
11 session. In the house of representatives the speaker of the house shall appoint to  
12 the council four members recommended by the majority leader and three members  
13 recommended by the minority leader, except that the speaker must by virtue of  
14 office be one of the four members appointed from the speaker's ~~faction~~ party. In  
15 the senate the lieutenant governor shall appoint to the council four members  
16 recommended by the majority leader and two members recommended by the  
17 minority leader.

18 2. If the majority party in one house is the minority party in the other house, the  
19 majority and minority leaders of each house shall make the recommendations so  
20 as to give the two political parties having the most members in that house the  
21 same total proportionate representation on the council as prevails in that house. In  
22 allocating the membership on the council to each political party, the total number of  
23 members in the house of representatives must be divided by nine and the total  
24 number of members in the senate must be divided by eight; the resulting quotient

1           for each house must then be divided into the number of members of each of the  
2           two political parties of that house; the resulting quotient for each party of that  
3           house, rounded to the nearest whole number, is the number of members of that  
4           political party in that house to be on the council. Notwithstanding this allocation, if  
5           the number of members in the minority political party in a house would not result in  
6           any representation on the council, the minority leader in that house must represent  
7           that party on the council.

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