

Sixty-second
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1397

Introduced by

Representative Schatz

1 A BILL for an Act to amend and reenact section 54-35-01 of the North Dakota Century Code,
2 relating to the membership of the legislative management; and to ~~provide for application~~ declare
3 an 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. Legislative management -- Created -- Members -- Vacancy -- Terms.**~~

8 ~~— 1. The North Dakota legislative management consists of the majority and minority~~
9 ~~leaders of the house and of the senate plus six senators and seven representatives~~
10 ~~chosen appointed biennially before the close of each regular legislative session.~~

11 ~~— 2. In addition to the majority and minority leaders, in the house of representatives the~~
12 ~~speaker of the house shall appoint to the legislative management the four members~~
13 ~~recommended by of the majority leader faction who have the most seniority in the~~
14 ~~house of representatives and who have not served two terms as a member of the~~
15 ~~legislative management and the three members recommended by of the minority~~
16 ~~leader, except that the speaker must by virtue of office be one of the four members~~
17 ~~appointed from the speaker's faction who have the most seniority in the house of~~
18 ~~representatives and who have not served two terms as a member of the legislative~~
19 ~~management.~~

20 ~~— 3. In addition to the majority and minority leaders, in the senate the lieutenant~~
21 ~~governor president pro tempore shall appoint to the legislative management the four~~
22 ~~members recommended by of the majority leader faction who have the most seniority in~~
23 ~~the senate and who have not served two terms as a member of the legislative~~
24 ~~management and the two members recommended by of the minority leader faction who~~

1 ~~have the most seniority in the senate and who have not served two terms as a~~
2 ~~member of the legislative management.~~

3 ~~4. If each member of a faction in the house of representatives or the senate has served~~
4 ~~two full terms as a member of the legislative management, the member of that faction~~
5 ~~who has the most seniority in that house is eligible for appointment to one additional~~
6 ~~term as a member of the legislative management notwithstanding the provisions of~~
7 ~~subsections 2 and 3.~~

8 ~~5. Any vacancy on the legislative management occurring when the legislative assembly~~
9 ~~is not in session must be filled by the selection~~~~appointment~~~~of another~~~~the member of~~
10 ~~the legislative assembly belonging to the same faction in the same house of the~~
11 ~~legislative assembly as the member originally appointed, the selection~~~~appointment~~~~to~~
12 ~~be made by the remaining senate or house members of the legislative management,~~
13 ~~depending upon which body has the vacancy.~~

14 ~~6. Each senator and each representative chosen to serve on the legislative management~~
15 ~~shall serve until a new legislative management has been selected at the next regular~~
16 ~~legislative session; provided, however, that no senator, not a holdover, who is not~~
17 ~~reelected to the senate, and no representative, who is not reelected to the house of~~
18 ~~representatives, may serve as a member of the legislative management beyond the~~
19 ~~closing day of the term to which elected. Any vacancy occurring because any member~~
20 ~~of the legislative management is not reelected must be filled for the period from the~~
21 ~~beginning of the session until a new legislative management is selected~~~~appointed~~~~, in~~
22 ~~the same manner as the original legislative management is selected~~~~appointed~~.

23 ~~7. The time a member of the legislative assembly serves on the legislative management~~
24 ~~after appointed to fill a vacancy under subsection 5 or 6 does not count as a term for~~
25 ~~the purposes of determining eligibility for appointment under subsections 2 and 3.~~

26 ~~8. a. The members of the legislative management shall select a chairman of the~~
27 ~~legislative management by a majority vote at the first meeting after the close of~~
28 ~~each legislative session. However, if the same political faction comprises the~~
29 ~~majority in both houses of the legislative assembly, the chairman position must be~~
30 ~~selected from among a member of the chamber of the legislative assembly~~
31 ~~opposite of which the previous chairman was a member.~~

~~b. A member of the legislative management may serve only one term as chairman of the legislative management.~~

~~**SECTION 2. APPLICATION.** Service on the legislative management or the legislative council before the effective date of this Act must be counted as service for the purposes of determining eligibility for appointment to the legislative management under subsections 3 and 4 of section 54-35-01, as amended by section 1 of this Act. Upon the effective date of this Act, any member of the legislative management who does not meet the eligibility requirements under subsections 3 and 4 of section 54-35-01, as amended by section 1 of this Act, is deemed to have vacated the position. Notwithstanding the appointment process to fill a vacancy provided under subsection 5 of section 54-35-01, as amended by section 1 of this Act, the speaker of the house or the president pro tempore shall appoint the next eligible member of the appropriate house to fill the vacancy.~~

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

54-35-01. Legislative management - Created - Members - Vacancy - Terms.

1. The North Dakota legislative management consists of the majority and minority leaders of the house and of the senate plus six senators and seven representatives chosen biennially before the close of each regular legislative session.

2. In the house of representatives the ~~speaker of the house~~majority leader shall appoint to the legislative management ~~four~~ members ~~recommended~~elected by the ~~majority leader and three members recommended by~~political party with the largest number of members in the house and the minority leader of the house shall appoint to the legislative management members elected by the political party with the next largest number of members in the house, except that the speaker must by virtue of office be one of the ~~four~~ members appointed from the speaker's ~~faction~~political party.

3. In the senate the ~~lieutenant governor~~majority leader shall appoint to the legislative management four members ~~recommended~~elected by the ~~majority leader and two members recommended by~~political party with the largest number of members in the senate and the minority leader shall appoint to the legislative management two members elected by the political party with the next largest number of members in the senate.

1 4. The majority and minority leaders of the house of representatives shall make the
2 appointments so as to give the two political parties having the most members in the
3 house the same total proportionate representation on the legislative management as
4 prevails in the house. In allocating the membership on the legislative management to
5 each political party, the total number of members in the house of representatives must
6 be divided by nine; the resulting quotient must then be divided into the number of
7 members of each of the two political parties of the house; the resulting quotient for
8 each party of the house, rounded to the nearest whole number, is the number of
9 members of that political party in the house to be on the legislative management.
10 Notwithstanding this allocation, if the number of members in the minority political party
11 in the house of representatives would not result in any representation on the legislative
12 management, the minority leader in the house must represent that party on the
13 legislative management.

14 5. A member of the house of representatives may not be appointed to serve as a
15 member of the legislative management more than twice.

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

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