

**FIRST ENGROSSMENT
with Senate Amendments**

Fifty-fifth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1385

Introduced by

Representatives Bernstein, Carlson, Skarphol

Senator B. Stenehjem

1 A BILL for an Act to amend and reenact sections 54-35-02.5 and 54-35-17 of the North Dakota
2 Century Code, relating to the composition of the administrative rules committee and the
3 retention of legal counsel by the legislative branch; and to declare an emergency.

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

5 **SECTION 1. AMENDMENT.** Section 54-35-02.5 of the 1995 Supplement to the North
6 Dakota Century Code is amended and reenacted as follows:

7 **54-35-02.5. ~~Committee on administrative~~ Administrative rules committee.** The
8 legislative council ~~shall~~, during each biennium, shall appoint ~~a committee on an~~ administrative
9 rules committee in the same manner as the council appoints other interim committees. The
10 legislative council shall designate the chairman of the committee. The committee shall operate
11 according to the statutes and procedure governing the operation of other legislative council
12 interim committees. The membership of the administrative rules committee must include at
13 least one of the members who served during the most recently completed regular session of
14 the legislative assembly from each of the standing committees of either the house of
15 representatives or the senate.

16 **SECTION 2. AMENDMENT.** Section 54-35-17 of the 1995 Supplement to the North
17 Dakota Century Code is amended and reenacted as follows:

18 **54-35-17. Retention of legal counsel.** When the legislative assembly is in session,
19 either house by resolution may authorize, or both houses by concurrent resolution may direct,
20 the legislative council to appoint or retain legal counsel to appear in, commence, prosecute,
21 defend, or intervene in any action, suit, matter, cause, or proceeding in any court or agency
22 when deemed necessary or advisable to protect the official interests of the legislative branch.
23 When the legislative assembly is not in session, the legislative council, by a ~~two-thirds~~ majority
24 vote, may appoint or retain legal counsel to appear in, commence ~~or~~, prosecute, ~~or by a~~

1 ~~majority vote, may appoint or retain legal counsel to defend,~~ or intervene in, any action, suit,
2 matter, cause, or proceeding in any court or agency when deemed necessary or advisable to
3 protect the official interests of the legislative branch. Section 54-12-08 does not apply to a
4 person appointed or retained under this section.

5 **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.