

**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.

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. Legislative management - Created - Members - Vacancy - Terms.**

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

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

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

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

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