

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.