

2011 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HB 1397

2011 HOUSE STANDING COMMITTEE MINUTES

House Government and Veterans Affairs Committee Fort Union Room, State Capitol

HB 1397
January 27, 2011
13558

☐ Conference Committee

Committee Clerk Signature

Carmen Hart

Explanation or reason for introduction of bill/resolution:

Relating to the membership of the legislative management & to provide for application

Minutes:

Chairman Bette Grande opened the hearing on HB 1397.

Rep. Mike Schatz, District 36, appeared as a sponsor of 1397. **Attachment 1.**

Rep. Bill Amerman: If this bill passes as I read it, it will not become law until August 1, so we would not be doing this until 2013. Is that correct?

Rep. Mike Schatz: Does it say 2013?

Chairman Bette Grande: The bill goes into effect July 31, 2011, and we will have already voted for and gone through the regular process unless we did an emergency clause that says by the end of session here this bill goes into effect at this point.

Rep. Mike Schatz: Good point. If we wanted it to go into effect right away, we would have to put an emergency clause on it. Is that an amendment I would have to offer up?

Chairman Bette Grande: The committee can offer that in discussion.

Rep. Mike Schatz: I would like to see it go in right away. I don't want to wait until 2013. I think it is time we move this around a little bit and let everybody have a chance to be on the legislative management.

Rep. Lonny Winrich: Would this allow an appointee to the legislative management committee to decline appointment?

Rep. Mike Schatz: Yes, it would. I talked about that with the attorney as to what happens if somebody doesn't want to serve on it. They can decline the appointment and then it just moves to the next person on the list. That is important too. I don't want to force anybody to be on legislative management. Once most people understand what the process is, they probably want to be.

Rep. Lonny Winrich: I know in our caucus we had cases where legislators had decided they were not going to run again, they were going to retire, and at least one instance, it was not because they were no longer interested in the legislature but because of failing health of their spouse. I can envision people not wanting to serve on legislative management.

Rep. Mike Schatz: I noticed in the legislative session, Rep. Lisa Wolf and Rep. Chris Griffin who had only been elected one time were elected from the Democratic party. I guess it is none of my business why you did that, but there obviously is a lot more senior people in your party and I was wondering why you weren't the one that was on there?

Rep. Lonny Winrich: I am not sure I can answer that. As is with the case with any sort of election, it is just the way the votes turn out. I think it would be hard to pinpoint one particular reason. Certainly Rep. Wolf and Rep. Griffin were greatly respected.

Rep. Glen Froseth: On Line 9 change chosen to appointed. Presently we choose them by a election. Who makes the appointments?

Rep. Mike Schatz: The list would be drawn up of seniority just like we have a list of seniority currently. I am assuming legislative management, the speaker, and president pro tempore in the senate have authority to decide what the list looks like. Of course, that would be with the assistance of legislative council because I believe they are the ones who keep track of everybody's years of service.

Chairman Bette Grande: When we have a list of seniority come out and we take say my class of 97, it is ranked by district number so are you going to allow it to be that way or does the speaker and majority leader get to decide which of the seven people from our class are leaders or not leaders and how do you rank that?

Rep. Mike Schatz: I am not exactly sure. When they put my spot out where I get to park, I don't question what number I am. If it is by district, it is numerical I guess. If there is no better way—I wouldn't know what other way you could do the class of 97, alphabetically, I suppose. You could by the district. Maybe there has to be some adjustment made to those classes and how many terms you serve. I served in 89. Mine is disjointed. I am not exactly sure how they do rank us seniority wise as far as the intricacies go.

Rep. Lisa Meier: Did you give any consideration to perhaps increasing the amount of people that serve on legislative management as well?

Rep. Mike Schatz: There are a lot of things that I would like to change. Last time I had a bill in here which changed the percentages. Okay, I am missing the question.

Rep. Lisa Meier: What I had asked is if you had any consideration to increasing the amount of members of this committee?

Rep. Mike Schatz: I had thought about that. Of course, there would be an appropriation then for it. What this does, it doesn't. Everything stays the same. It is just how they are chosen. Personally, I would love to increase the number. I think giving more people an opportunity to serve on that and be able to become more informed about all the different

committees and what they do, I think that would be fantastic. Of course, there would be a price tag with it as well.

Chairman Bette Grande: Just so the committee hears, I do have pretty much a hoghouse amendment and Rep. Schatz is aware.

There was no one neutral or in opposition of this bill.

The hearing was closed.

2011 HOUSE STANDING COMMITTEE MINUTES

House Government and Veterans Affairs Committee Fort Union Room, State Capitol

HB 1397
January 27, 2011(PM)
13579

☐ Conference Committee

Committee Clerk Signature

Carmen Hart

Explanation or reason for introduction of bill/resolution:

Relating to the membership of the legislative management & to provide for application

Minutes:

Chairman Bette Grande opened the meeting and handed out proposed amendments to HB 1397. **Attachment 1.** She asked the committee to review the amendments and take them up tomorrow. Those who have served on this committee before probably have seen this bill before. It is based on percentages of makeup of both chambers. Leadership stills stays on management. Percentages thereafter still elected by their party members instead of appointed such as what Rep. Schatz was saying. Is there anybody who has a desire to hold these until tomorrow or does the committee feel comfortable acting on them now that you have a chance to read them? I didn't know how straight forward they would be. It seems pretty straight forward.

Rep. Ron Guggisberg: Being a freshman I would like to look at these.

Chairman Bette Grande: Absolutely, we will hold on to HB 1397 until tomorrow.

Rep. Karen Karls: How is the chairman selected?

Chairman Bette Grande: I think that may still stand in the next section. The chairman is picked by the vote of the committee. I will double check to make sure that is correct though. Rep. Karls, would you check on that for me?

Discussion on this bill ended.

2011 HOUSE STANDING COMMITTEE MINUTES

House Government and Veterans Affairs Committee
Fort Union Room, State Capitol

HB 1397
February 11, 2011
14455

☐ Conference Committee

Committee Clerk Signature

Carmen Hart

Explanation or reason for introduction of bill/resolution:

Relating to the membership of the legislative management and to provide for application

Minutes:

Chairman Bette Grande opened the meeting on HB 1397. She had some amendments from Rep. Schatz. **Attachment 1.** This would be Rep. Schatz's compromise to what he said he wanted on here. In 2003 the house members will have kind of like a term limit on how many times you serve on legislative management. The senate was not in agreement with that. We didn't touch how the senate does their thing. They can deal with that on their side.

Rep. Lisa Meier moved the amendment.

Rep. Roscoe Streyle seconded the motion.

Vice Chairman Randy Boehning: This would only deal with the ones that are appointed. The majority and minority leaders and the assistant leaders would not be affected by the term limits?

Chairman Bette Grande: Right. It should just be the two leaders. The majority and minority leaders of the house shall make the appointments. We all realize we go to our caucuses. We make our decisions and then they appoint from what the caucus tells them to do.

Rep. Lonny Winrich: Does this take the speaker off?

Chairman Bette Grande: No, it just says the majority leader shall appoint legislative management's...

Vice Chairman Randy Boehning: It changes that the majority leader will appoint not the speaker...

Chairman Bette Grande: That is how it already is, though.

Rep. Lonny Winrich: Currently the speaker is ex officio. The majority delegation from the house includes the majority leader and the speaker.

Chairman Bette Grande: Which section are you at?

Vice Chairman Randy Boehning: The speaker of the house is crossed out. The majority leader shall appoint to the legislative management the members.

Chairman Bette Grande: It says that the speaker is automatically.

Rep. Lonny Winrich: The speaker is by virtue is one of the... okay.

Rep. Gary Paur: I note on the original bill that it should be given an emergency clause, and I see the amendment does.

A voice vote was taken. Motion carried.

Rep. Roscoe Streyle made a motion for a **Do Pass as amended.**

Rep. Karen Rohr seconded the motion.

Rep. Lonny Winrich: When we got the original bill, I thought Rep. Schatz had given us an interesting proposal. I am pretty sure the members of my own caucus would prefer to continue to elect their representatives on legislative management, but I thought he had obviously given this some thought and his ideas had some merit. I thought they were worthy of debate, and I looked forward to the debate. The amendments we have seen before in the house in particular. Every time I see these amendments I always wonder why they don't just say legislative management will be a committee of one consisting of the majority leader, because that seems to be what this is about, some sort of consolidation of power. There is already so much power vested in that position, it just seems rather childish. I will vote against this do pass recommendation, but I think I can predict what the vote will be.

DO PASS AS AMENDED, 10 YEAS, 3 NAYS. Vice Chairman Randy Boehning is the carrier of this bill.

VK
2/11/11
1082

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1397

Page 1, line 2, replace "provide for application" with "declare an emergency"

Page 1, remove lines 4 through 23

Page 2, remove lines 1 through 31

Page 3, replace lines 1 through 12 with:

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

minority leader in the house must represent that party on the legislative management.

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

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

Renumber accordingly

Date: 2-11-11
Roll Call Vote #: 1

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1397

House GOVERNMENT AND VETERAN AFFAIRS Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken ☐ Do Pass ☐ Do Not Pass ☐ Amended ☒ Adopt Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Meier Seconded By Streyle

Representatives	Yes	No	Representatives	Yes	No
Chairman Bette Grande			Bill Amerman		
Vice Chairman Randy Boehning			Ron Guggisberg		
Glen Froseth			Lonny Winrich		
Karen Karls					
Lisa Meier					
Gary Paur					
Karen Rohr					
Mark Sanford					
Vicky Steiner					
Roscoe Streyle					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

*Vote vote
to accept
amendment
motion
carried*

Date: 2-11-11
Roll Call Vote #: 2

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1397

House GOVERNMENT AND VETERAN AFFAIRS Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken ☒ Do Pass ☐ Do Not Pass ☒ Amended ☐ Adopt Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Streyle Seconded By Rohr

Representatives	Yes	No	Representatives	Yes	No
Chairman Bette Grande	✓		Bill Amerman		✓
Vice Chairman Randy Boehning	✓		Ron Guggisberg		✓
Glen Froseth	✓		Lonny Winrich		✓
Karen Karls	✓				
Lisa Meier	✓				
Gary Paur	✓				
Karen Rohr	✓				
Mark Sanford	✓				
Vicky Steiner	✓				
Roscoe Streyle	✓				

Total (Yes) 10 No 3

Absent 0

Floor Assignment Rep Boehning

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1397: Government and Veterans Affairs Committee (Rep. Grande, Chairman)
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends
DO PASS (10 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1397 was placed
on the Sixth order on the calendar.

Page 1, line 2, replace "provide for application" with "declare an emergency"

Page 1, remove lines 4 through 23

Page 2, remove lines 1 through 31

Page 3, replace lines 1 through 12 with:

"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~~ recommended ~~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~~ recommended ~~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.~~
4. The majority and minority leaders of the house of representatives shall make the appointments so as to give the two political parties having the most members in the house the same total proportionate representation on the legislative management as prevails in the house. In allocating the membership on the legislative management to each political party, the total number of members in the house of representatives must be divided by nine; the resulting quotient must then be divided into the number of members of each of the two political parties of the house; the resulting quotient for each party of the house, rounded to the nearest whole number, is the number of members of that political party in the house to be on the legislative management. Notwithstanding this allocation, if the number of members in the minority political party in the house of representatives would not result in any representation on the legislative management, the minority leader in the house must represent that party on the legislative management.
5. A member of the house of representatives may not be appointed to serve as a member of the legislative management more than twice.

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

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

Renumber accordingly

2011 SENATE JUDICIARY

HB 1397

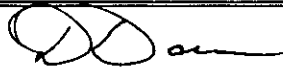
2011 SENATE STANDING COMMITTEE MINUTES

Senate Judiciary Committee
Fort Lincoln Room, State Capitol

HB 1397
3/29/11
Job #16136

☐ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to the membership of the legislative management

Minutes:

There are attachments

Senator Nething – Chairman

Representative M. Schatz – District 36 – Introduces the bill and explains the amendments. He explains the bill as it changes the makeup of Legislative Management, Speaker of the House, Minority and Majority leader's plus 6 representatives elected by the members of the respected parties. He goes on to explain in the Senate the majority leader replaces the president pro temore as required from the majority party and in the House this amendment will clear it up and creates a proportional representation on legislative Mgmt. He says if there is over 70% then the proportion would be 6 to 1, 60% 5 to 2, 50% plus 4 to 3 and if there was a tie there would be a drawing. He says this is an attempt to make it proportional. He goes into explanation on why they are doing this.

Senator Nelson – Asks if this is solely what they want to do in the House.

Rep. Schatz – Replies correct, this will make it more proportional and that is the reason behind it.

Senator Nelson – States that the work in the interim is supposed to be partisan not politics. She said the result of the election in some districts such as hers it is a complete reverse of what you're presenting and the people in her district would feel completely left out.

Rep. A. Carlson – District 41- He says this doesn't address the Senate but it probably should. He gives examples of representation. He says he has always felt it should be more representative of the way they are elected in the Chamber. He said to take a good look at what the Senate's make up is.

Senator Nething – Questions term limits and says he doesn't like them anyplace.

Rep. Carlson – Said that is not his issue but the concern was that they would like to spread that around the caucus instead of having the same people all the time.

Senator Nething – Asks how they select the members in their caucus.

Rep. Carlson – Responds they have an election and the Leader and the Speaker and the Minority Leader are automatic members of the nine so there are six other spots that are divided up by the formula.

Senator Nelson – States back to '87 they always elected theirs.

Rep. Schatz – Explains the way he reads the bill and how the term limits apply.

Senator Sitte – Asks if he is solidifying that elections will be held that these will not just be appointments in each caucus.

Rep. Schatz – Replies that is correct.

Opposition – 0
Neutral – 0

Close the hearing on 1397

2011 SENATE STANDING COMMITTEE MINUTES

Senate Judiciary Committee
Fort Lincoln Room, State Capitol

HB1397
4/6/11
Job #16400

☐ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to the membership of the legislative management

Minutes:

There is an attachment

Senator Nething – Chairman

Committee work

Senator Nething distributes an amendment and explains what it does.

Senator Olafson moves to adopt the amendment 03003

Senator Lyson seconded

Verbal vote – all yes

Senator Sitte motions for a do pass as amended

Senator Olafson seconded

Roll call vote – 6 yes, 0 no

Senator Nething will carry

11.0366.03003
Title.

Prepared by the Legislative Council staff for
Senator Nething

April 5, 2011

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1397

Page 1, line 8, overstrike "plus" and insert immediately thereafter "the speaker of the house
and"

Page 1, line 8, overstrike "seven" and insert immediately thereafter "six"

Page 1, line 11, remove the overstrike over "~~four~~"

Page 1, line 13, remove "of the house shall appoint to the"

Page 1, remove line 14

Page 1, line 15, remove "number of members in the house"

Page 1, line 15, overstrike ", except that the speaker must by virtue of office be"

Page 1, line 16, overstrike "one of the"

Page 1, line 16, overstrike "members appointed from the speaker's"

Page 1, line 16, replace "political party" with "of the house shall appoint to the legislative
management two members elected by the political party with the next largest number
of members in the house"

Page 1, remove lines 23 and 24

Page 2, remove lines 1 through 13

Page 2, line 14, replace "6." with "4."

Renumber accordingly

Date: 4/6/11
Roll Call Vote # 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1397

Senate Judiciary Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 03003

Action Taken: ☐ Do Pass ☐ Do Not Pass ☐ Amended ☒ Adopt Amendment
☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Senator Olafson Seconded By Senator Lyson

Senators	Yes	No	Senators	Yes	No
Dave Nething - Chairman			Carolyn Nelson		
Curtis Olafson - V. Chairman					
Stanley Lyson					
Margaret Sitte					
Ronald Sorvaag					

Total (Yes) _____ No _____

Absent _____

Floor Assignment Senator

If the vote is on an amendment, briefly indicate intent:

Verbal-yes

Date: 4/6/11
Roll Call Vote # 2

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1392

Senate Judiciary Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: ☒ Do Pass ☐ Do Not Pass ☒ Amended ☐ Adopt Amendment
☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Senator Sitte Seconded By Senator Olafson

Senators	Yes	No	Senators	Yes	No
Dave Nething - Chairman	<input checked="" type="checkbox"/>		Carolyn Nelson	<input checked="" type="checkbox"/>	
Curtis Olafson - V. Chairman	<input checked="" type="checkbox"/>				
Stanley Lyson	<input checked="" type="checkbox"/>				
Margaret Sitte	<input checked="" type="checkbox"/>				
Ronald Sorvaag	<input checked="" type="checkbox"/>				

Total (Yes) 6 No 0

Absent _____

Floor Assignment Senator Nething

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1397, as engrossed: Judiciary Committee (Sen. Nething, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1397 was placed on the Sixth order on the calendar.

Page 1, line 8, overstrike "plus" and insert immediately thereafter "the speaker of the house, and"

Page 1, line 8, overstrike "seven" and insert immediately thereafter "six"

Page 1, line 11, remove the overstrike over "four"

Page 1, line 13, remove "of the house shall appoint to the"

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Page 2, line 14, replace "6." with "4."

Renumber accordingly

2011 TESTIMONY

HB 1397

HB 1397 Legislative Management; Chair Grande and members of the Gov and Vets Affairs Com. For the record, my name is Mike Schatz, rep from Dist 36

- House majority & minority leaders plus 7 reps; senate majority & minority leaders plus 6 – law as is – changes to appointed 7 and 6 rather than elected
- Seniority for those who have not already served two terms on legislative management; 4R – 3D house
- 4R – 2D senate who have not served two terms
- If all have served two terms then most senior
- Vacancies filled by appointment of most senior
- Lose election – new appointment
- Fill vacancy doesn't count
- A vote if houses are of different parties, but if the same party, chairmanship rotates from house to house
- As far as application, leg. management and leg. council count as the same thing

Why?

- To give more people a chance to serve
- Ultimately to give everyone a turn in the rotation
- Eliminate having to choose between colleagues at end of year
- Chairman automatically rotates between House and Senate when of same party
- Membership is a time of learning and travel, people who are on it are more informed
- Chair Grande, this conclude testimony, questions.

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1397

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Page 1, remove lines 4 through 23

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4. The majority and minority leaders of each house shall make the appointments so as to give the two political parties having the most members in that house the same total proportionate representation on the legislative management as prevails in that house. In allocating the membership on the legislative management to each political party, the total number of members in the house of representatives must be divided by nine and the total number of members in the senate must be divided by eight; the resulting quotient for each house must then be divided into the number of members of each of the two political parties of that house; the resulting quotient for each party of that house, rounded to the nearest whole number, is the number of members of that political party in that house to be on the legislative management. Notwithstanding this allocation, if the number of members in the minority political party in a house would not result in any representation on the legislative

management, the minority leader in that house must represent that party on the legislative management.

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

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

Renumber accordingly

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

minority leader in the house must represent that party on the legislative management.

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

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

Renumber accordingly

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1397

Page 1, remove lines 23 and 24

Page 2, replace lines 1 through 11 with:

- "4. In the house of representatives, the majority leader and the minority leader shall appoint the members of the legislative management based upon the following:
- a. If the political party having the majority of members in the house has more than seventy percent of the total members in the house, the majority leader may appoint six members to the legislative management and the minority leader may appoint one member to the legislative management.
 - b. If the political party having the majority of members in the house has at least sixty percent but not more than seventy percent of the total members in the house, the majority leader may appoint five members to the legislative management and the minority leader may appoint two members to the legislative management.
 - c. If the political party having the majority of members in the house has more than fifty percent but less than sixty percent of the total members in the house, the majority leader may appoint four members to the legislative management and the minority leader may appoint three members to the legislative management.
 - d. If the two political parties having the most members in the house have an equal number of members, the leaders of each of those parties may each appoint three members to the legislative management and the seventh member must be appointed by the leader to be determined by a drawing of names between the two leaders."

Renumber accordingly