

1999 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB 2117


1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2117

Senate Government and Veterans Affairs Committee

Conference Committee

Hearing Date January 07, 1999

Tape Number	Side A	Side B	Meter #
1	X		1200-2000
Committee Clerk Signature 			

Minutes: Chairman Krebsbach opened the hearing on SB 2117 which is a bill relating to the marking and ownership of books delivered to officers of the state by the secretary of state.

CLARA JENKINS, representing the office of the secretary of state appeared in support of the bill. A copy of her written testimony is attached. She indicated that the secretary of state's office does encourage a do pass on this piece of legislation.

Following a few short questions from Senators KREBSBACH , THANE, and WARDNER there was no further discussion of the bill. No other individuals appeared in support, opposition, or in a neutral position concerning this bill. The hearing on SB 2117 was closed at this time.

Committee Action: SENATOR THANE made a motion for a DO PASS on SB 2117. The motion was seconded by SENATOR WARDNER. ROLL CALL VOTE indicated 6 AYES, 0 NAYS, and 1 ABSENT OR NOT VOTING. Following this action the committee was adjourned for the day.

Date:
Roll Call Vote #:

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2117

Senate GOVERNMENT AND VETERAN'S AFFAIRS Committee

Subcommittee on _____
or

Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Sen. Thane Seconded By Sen. Wardner

Senators	Yes	No	Senators	Yes	No
SENATOR KREBSBACH	✓				
SENATOR WARDNER	✓				
SENATOR KILZER	✓				
SENATOR STENEHJEM					
SENATOR THANE	✓				
SENATOR DEMERS	✓				
SENATOR MUTZENBERGER	✓				

Total (Yes) 6 No 0

Absent 1

Floor Assignment Sen Thane

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

REPORT OF STANDING COMMITTEE (410)
January 7, 1999 11:01 a.m.

Module No: SR-03-0364
Carrier: Thane
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2117: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)
recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2117
was placed on the Eleventh order on the calendar.

1999 HOUSE GOVERNMENT AND VETERANS AFFAIRS

SB 2117

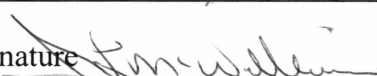
1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2117

House Government and Veterans Affairs Committee

Conference Committee

Hearing Date 1-28-1999

Tape Number	Side A	Side B	Meter #
1	X		11.5 - 15.6
Committee Clerk Signature 			

Minutes: Some of the individuals testifying submit written testimony. Please refer to this for more detailed information.

Representative Klein, Chairman of the GVA Committee opened the hearing on January 28, 1999.

Summary of the Bill: Relating to the marking and ownership of books delivered to officers of the state by the secretary of state.

Testimony in Favor:

Clara Jenkins, Secretary of States Office submitted written testimony which she read in it's entirety (**please refer to her testimony**).

Testimony in Opposition: None.

Committee Action:

Representative Devlin, Made a motion for a Do Pass.

Representative Grande, Seconded the motion.

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House Government and Veterans Affairs Committee

Bill/Resolution Number SB 2117

Hearing Date 1-28-1999

Motion Passes: Do Pass **13-0-2b**.

Representative Kroeber, Is the carrier for the bill.

FL 1-28

Date: 1-28-99

Roll Call Vote #: 1

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2117

House GOVERNMENT AND VETERANS AFFAIRS Committee

- Subcommittee on _____
- or
- Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS

Motion Made By DEVLIN Seconded By GRANDE

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN KLEIN	✓		REP. WINRICH	✓	
VICE-CHAIR KLINISKE	✓				
REP. BREKKE					
REP. CLEARY	✓				
REP. DEVLIN	✓				
REP. FAIRFIELD					
REP. GORDER	✓				
REP. GRANDE	✓				
REP. HAAS	✓				
REP. HAWKEN	✓				
REP. KLEMIN	✓				
REP. KROEBER	✓				
REP. METCALF	✓				
REP. THORESON	✓				

Total (Yes) 13 No 0

Absent 2

Floor Assignment KROEBER

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

REPORT OF STANDING COMMITTEE (410)
January 29, 1999 1:36 p.m.

Module No: HR-19-1496
Carrier: Kroeber
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2117: Government and Veterans Affairs Committee (Rep. Klein, Chairman)
recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2117
was placed on the Fourteenth order on the calendar.

1999 TESTIMONY

SB 2117



SB 2117

SECRETARY OF STATE

STATE OF NORTH DAKOTA
600 EAST BOULEVARD AVENUE DEPT 108
BISMARCK ND 58505-0500

January 28, 1999

TO: Rep. Klein and Members – House Government and Veterans Affairs Committee

FR: Al Jaeger, Secretary of State

RE: SB 2117 – Marking and ownership of books

This bill would repeal N.D.C.C. § 54-09-03. That section of law has two sentences and reads as follows:

“The secretary of state shall mark indelibly each book distributed to officers of this state except members of the legislative assembly, with the name of the county to which, and the official designation of the officer to whom, the same is sent. Such book must remain the property of the state and the officer receiving it shall deliver it to his successor.” (In the source footnote listed under this section of law, the last reference is R.C. 1943 § 54-0903)

It is quite likely the provisions of the first sentence have not been followed since at least 1957 which is the date for the most recent source footnote for N.D.C.C. § 46-04-07. That section of law reads as follows:

“All session laws, compilations, and codifications distributed under sections 46-04-01 to 46-04-04, except those issued to a member of the legislative assembly for himself through service, must be bound in some distinctive and unusual color, and must be plainly in large letters on the outside covers with the words “Property of the State of North Dakota”.

In regard to the second sentence of 54-09-03, we believe any concerns regarding the state’s ownership of books are also covered under the provisions of N.D.C.C. § 46-04-04. That section of law reads as follows:

“Except as otherwise provided by law, each copy of laws, compilations, or codifications furnished to any officer, department, or agency of the state, or to the legislative assembly, its officers, or committee is and must remain the property of the state and must be surrendered to the secretary of state or to the recipient’s successor in office.”

The hard cover set of the North Dakota Century Code provided to individual legislators under the provisions of N.D.C.C. § 54-03-23 falls in the “except as otherwise provided by law” category section of 46-04-04. In 54-03-23, it states, “[t]he code received by a legislator under this section is not subject to section 46-04-04.” Therefore, legislators have the option under current law of retaining their set of the Century Code once they leave office. That would not change with the repeal of 54-09-03.

The bottom line is that the provisions of 54-09-03 are both obsolete and duplicative. Therefore, the simple intent of SB 2117 is to repeal it because this section of law is no longer applicable.