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10-16-03  
Date

2003 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB 2138

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10-16-03  
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2138

Senate Government and Veterans Affairs Committee

Conference Committee

Hearing Date 01/24/03

Tape Number	Side A	Side B	Meter #
Tape 1	x		850-1450
Committee Clerk Signature <i>Lisa Hays</i>			

Minutes:

**Senator Karen Krebsbach, Chairman** opens SB 2138. All senators present.

**Al Jaeger, Secretary of State** testifying in support of SB 2138. (Testimony attached)

This is just a clean up type project and when I ran it past Legislative Management Committee they told me to propose as a bill and this tells exactly who I certify and that the Secretary of State is to do this. It is legislative procedure and now the law will say that the Secretary of the senate and the Chief Clerk of the House is to take roll and receive certified copies from the Secretary of State.

**Senator Wardner:** I move a Do Pass on SB 2138

**Senator Fairfield 2nd**

6 Yes, 0 No, 0 Absent and not voting

Carrier: Senator Fairfield

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*Yvonne J. Lee*  
Operator's Signature

*10-16-03*  
Date

Date: 01/24/03  
 Roll Call Vote #: 1

**2003 SENATE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. SB 2138**

Senate Government and Veteran Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken DO PASS

Motion Made By Wardner Seconded By Fairfield

Senators	Yes	No	Senators	Yes	No
Senator Karen Krebsbach, Chr.	x		Senator April Fairfield	x	
Senator Dick Dever, Vice Chr.	x		Senator Carolyn Nelson	x	
Senator Richard Brown	x				
Senator Rich Wardner	x				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Fairfield

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

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Yuberaca d. Fico 10-16-03  
 Operator's Signature Date

REPORT OF STANDING COMMITTEE (410)  
January 24, 2003 11:34 a.m.

Module No: SR-14-1037  
Carrier: Fairfield  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**  
SB 2138: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)  
recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2138  
was placed on the Eleventh order on the calendar.

(2) DESK, (3) COMM

Page No. 1

SR-14-1037

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*10-16-03*  
Date

2003 HOUSE JUDICIARY

SB 2138

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*10-16-03*  
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2138

House Judiciary Committee

Conference Committee

Hearing Date 3-11-03

Tape Number	Side A	Side B	Meter #
1	xx		36-42.3
Committee Clerk Signature <i>A. Penrose</i>			

**Minutes:** 13 members present.

**Chairman DeKrey:** We will open the hearing on SB 2138.

**Al Jaeger, Secretary of State:** Support (see attached testimony). We are wanting to put into law what is already happening.

**Chairman DeKrey:** Thank you. Further testimony in support, opposition. We will close the hearing. What are the committee's wishes in regard to SB 2138.

**Rep. Grande:** I move a Do Pass.

**Rep. Bernstein:** Seconded.

13 YES 0 NO 0 ABSENT DO PASS

CARRIER: Rep. Kingsbury

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*Yvonne J. Lee*  
Operator's Signature

10-16-03  
Date

Date: 3/11/03

Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2138

House Judiciary Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass

Motion Made By Rep. Grande Seconded By Rep. Bernstein

Representatives	Yes	No	Representatives	Yes	No
Chairman DeKrey	✓		Rep. Delmore	✓	
Vice Chairman Maragos	✓		Rep. Eckre	✓	
Rep. Bernstein	✓		Rep. Onstad	✓	
Rep. Boehning	✓				
Rep. Galvin	✓				
Rep. Grande	✓				
Rep. Kingsbury	✓				
Rep. Klemin	✓				
Rep. Kretschmar	✓				
Rep. Wrangham	✓				

Total (Yes) 13 No 0

Absent 0

Floor Assignment Rep. Kingsbury

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

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Operator's Signature

10-16-03  
Date



REPORT OF STANDING COMMITTEE (410)  
March 11, 2003 10:00 a.m.

Module No: HR-43-4423  
Carrier: Kingsbury  
Insert LQ: . Title: .

REPORT OF STANDING COMMITTEE  
SB 2138: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO PASS  
(13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2138 was placed on the  
Fourteenth order on the calendar.

Page No. 1

HR-43-4423

(2) DEBK, (3) COMM

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*10-16-03*  
Date

2003 TESTIMONY

SB 2138

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Yuberca d. Ace  
Operator's Signature

10-16-03  
Date

ALVIN A. JAEGER  
SECRETARY OF STATE

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**SECRETARY OF STATE**

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

January 24, 2003

TO: Senator Krebsbach and Members – Senate Government and Veterans Affairs Committee

FR: Al Jaeger, Secretary of State

RE: SB 2138 – Roll of Members of the Legislative Assembly

For the opening of each of the past six regular legislative sessions and the past two special legislative sessions, I have executed, as Secretary of State, a certification of the members who are entitled to serve in the legislative assembly. It is the first communication received and read into the record of the respective journals of the House and Senate. Based on my review of legislative journals, I know that my two predecessors performed a similar duty as well.

However, the provisions of N.D.C.C. § 54-03-03 do not directly address this particular duty. In addition, this section of law does not currently refer to either a special session or a reconvened session of the legislative assembly. It only refers to the organizational session. In other words, the law (last amended in 1969) and the actual procedures being followed by my predecessors and me are not in agreement with each other. This inconsistency became more apparent to me as I was preparing my certification of the legislative members for the opening of the special session that convened on November 26, 2001.

On June 25, 2002, I shared my observations and concerns with the Legislative Management Committee. It was their consensus that I should pursue the drafting of a bill and introduce it as an agency bill. An excerpt from the minutes of that meeting is on the reverse side.

By adopting this bill, the duties of the Secretary of State, Secretary of the Senate, and the Chief Clerk of the House will be much better defined as they relate to the certification and roll of members at the beginning of each session of the Legislative Assembly.

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Operator's Signature

10-16-03  
Date

## LEGISLATIVE MANAGEMENT

Tuesday, June 25, 2002  
Harvest Room, State Capitol  
Bismarck, North Dakota

Senator Bob Stenehjem, Chairman, called the meeting to order at 9:00 a.m.

**Members present:** Senators Bob Stenehjem, Bill Bowman, Randel Christmann, Joel C. Heltkamp, Aaron Krauter; Representatives Wesley R. Belter, LeRoy G. Bernstein, Merle Boucher, Pam Guleson, Mike Timm

**Member absent:** Representative David Monson

**Others present:** Alvin A. Jaeger, Secretary of State, Bismarck

Jim Smith, John Walstad, Maryann F. Trauger, Karen Mund, Roxanne Woeste; Legislative Council, Bismarck

**It was moved by Representative Belter, seconded by Senator Christmann, and carried on a voice vote to approve the minutes of the March 11, 2002, meeting of the committee.**

## SESSION ARRANGEMENTS

### Secretary of State's Certification of Members Bill Draft Proposal

Chairman Stenehjem called on Mr. Alvin A. Jaeger, Secretary of State, regarding a proposal to revise North Dakota Century Code (NDCC) Section 54-03-03 to reflect the practices followed in certifying members of the Legislative Assembly. Secretary of State Jaeger said Section 54-03-03 does not address the duty of the Secretary of State to certify members entitled to serve in the Legislative Assembly which is the first communication placed in the journals of the Senate and House of Representatives. He proposed amendments to Section 54-03-03 to identify the organizational, reconvened, and special legislative sessions as sessions during which the Secretary of State is to certify to the Secretary of the Senate and Chief Clerk of the House the members whose certificates of election have been issued and the members whose appointments have been filed with the Secretary of State since the preceding session of the Legislative Assembly and the members who served in the preceding legislative session and whose terms have not expired. A copy of his presentation is on file in the Legislative Council office.

Representative Timm said the proposal does remove ambiguities and the Secretary of State should pursue the change during the 2003 legislative session.

Senator Stenehjem said the Secretary of State could get assistance from the Attorney General's staff for placing this proposal in bill draft form. He said the Secretary of State could introduce the bill draft as an agency bill and then shepherd this proposal through the legislative process.

Representative Bernstein said this proposal is basically a housekeeping measure, which should be introduced under the agency bill introduction privilege.

In response to a question from Secretary of State Jaeger, Chairman Stenehjem said the consensus of the committee is that the Secretary of State should pursue this issue by introducing an agency bill in the 2003 legislative session.

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10-16-03  
Date

ALVIN A. JAEGER  
SECRETARY OF STATE

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

March 11, 2003

TO: Rep DeKrey, Chairman, and Members – House Judiciary Committee

FR: Al Jaeger, Secretary of State

RE: SB 2138 – Roll of Members of the Legislative Assembly

For the opening of each of the past five regular legislative sessions and the past two special legislative sessions, I have executed, as Secretary of State, a certification of the members who are entitled to serve in the legislative assembly. It is the first communication received and read into the record of the respective Journals of the House and Senate. Based on my review of earlier legislative Journals, I know that my two predecessors performed a similar duty as well.

However, the provisions of N.D.C.C. § 54-03-03 do not refer to or assign this particular duty to the Secretary of State. In addition, this section of law does not currently refer to either a special session or a reconvened session of the legislative assembly. It only refers to the organizational session.

In other words, there is an inconsistency between what is in the law (last amended in 1969) compared to the actual procedures that have been followed by my predecessors and me. Although I have been aware of it, the contradiction between the law and the practice became more apparent as I was preparing my letters of certification of the legislative members for the opening of the special session that convened on November 26, 2001.

Subsequently, on June 25, 2002, I shared my observations and concerns with the Legislative Management Committee. It was their consensus that I should pursue the drafting of a bill and introduce it as an agency bill. An excerpt from the minutes of that meeting is on the reverse side.

By adopting this bill, the duties of the Secretary of State, the Secretary of the Senate, and the Chief Clerk of the House will be much better defined as they relate to the certification and roll of members at the beginning of each session of the Legislative Assembly.

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