

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

3014

2005 HOUSE POLITICAL SUBDIVISIONS

HCR 3014

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HCR 3014

House Political Subdivisions Committee

Conference Committee

Hearing Date February 11, 2005

Tape Number	Side A	Side B	Meter #
1	x		29.4 to 47.9
1		x	34.3 to 35.5
Committee Clerk Signature <i>Russell B. Zide</i>			

Minutes: **Rep. Devlin, Chairman** opened the hearing on House Concurrent Resolution 3014, a concurrent resolution directing the Legislative Council to study judicial elections and recent federal court decisions affecting the conduct of judicial elections.

**Chief Justice Gerald Vande Walle** addressed the need and basis for the resolution. Rep. Herbal, Vice Chairman pointed to recent changes in federal courts where rulings have more or less condoned Judges to campaign, solicit funds, to allow races against an incumbent and thus the incumbent it forced to wage expensive campaigns, expected to issue 'commit clauses' position statements, in some cases declare party affiliation, etc. The whole issue should be looked and then find out what the people of North Dakota want.

**Rep. DeKrey** representing District 14 and prime sponsor of the resolution spoke briefly in support of the resolution.

**Rep. Devlin, Chairman** ( 47.9 ) there being no further testimony for nor against HCR 3014, closed the hearing .

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House Political Subdivisions Committee

Bill/Resolution Number HCR 3014

Hearing Date February 11, 2005

**Rep. Koppelman ( 34.3 )** Moved a 'Do Pass' motion for HCR 3014 . **Rep. N. Johnson**

seconded the motion carried on a roll call vote **12 ays 0 nays 0 absent. Rep.**

**Koppelman** was designated to carry HCR 3014 on the floor. End record ( 35.5 )

Date: February 11, 2005  
 Roll Call Vote:

**2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. HCR 3014**

House POLITICAL SUBDIVISIONS Committee

Check here for Conference Committee

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

Action Taken Do Pass - en passant

Motion Made By Rep. Koppelman Seconded By Rep. Johnson

Representatives	Yes	No	Representatives	Yes	No
Rep. Devlin, Chairman	✓		Rep. Ekstrom	✓	
Rep. Herbel, Vice Chairman	✓		Rep. Kaldor	✓	
Rep. Dietrich	✓		Rep. Zaiser	✓	
Rep. Johnson	✓				
Rep. Koppelman	✓				
Rep. Kretschmar	✓				
Rep. Maragos	✓				
Rep. Pietsch	✓				
Rep. Wrangham					

Total (Yes) 12 No 0

Absent 0

Floor Assignment Rep. Koppelman

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

**REPORT OF STANDING COMMITTEE (410)**  
February 11, 2005 3:40 p.m.

**Module No: HR-28-2655**  
**Carrier: Koppelman**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HCR 3014: Political Subdivisions Committee (Rep. Devlin, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (12 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).** HCR 3014 was placed on the Tenth order on the calendar.

2005 SENATE POLITICAL SUBDIVISIONS

HCR 3014

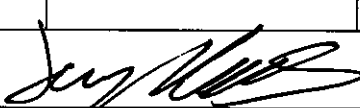
2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HCR 3014

Senate Political Subdivisions Committee

Conference Committee

Hearing Date March 17, 2005

Tape Number	Side A	Side B	Meter #
1	X		3,744-4300
Committee Clerk Signature 			

Minutes:

**Chairman Cook** opened the hearing on HCR 3014. All Senators were present.

**Senator Triplett** introduced the resolution to the committee. It requests the legislative council to study judicial elections and recent federal court decisions affecting the conduct of judicial elections.

**Senator Lee-** If they are allowed to voice their opinion on a particular issue, does that taint the process in terms of judicial review, on a subject that may come before them?

**Senator Triplett-** They would look at the merits of each case that comes before them, and the rules would have to be carefully thought out. There needs to be some ability for them to discuss the issues that are significant to society.

**Senator Dever-** Are there regulations currently in the century code pertaining to this?

**Senator Triplett-** They would be found in judicial rules, which are presently very restrictive.



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Senate Political Subdivisions Committee  
Bill/Resolution Number HCR 3014  
Hearing Date March 17, 2005

**Senator Dever-** I know as a general rule judicial races are not usually that competitive, but there were a couple that were very competitive in Fargo last fall. Your thoughts on that?

**Senator Triplett-** I know at one time the pay for judges was not the best until it was increased by the legislature a while back. The increase in pay could possibly be a reason for a greater interest.

**Chairman Cook** informed the committee that Chief Justice VandeWalle sent a letter in support of the resolution, which was distributed to committee members. See attached.

**Chairman Cook closed the hearing on HCR 3014.**

Action taken:

**Senator Hacker moved a Do Pass recommendation for HB 3014. Seconded by Senator Fairfield.**

**The resolution passed unanimously, 6-0-0. Senator Triplett is the carrier of the resolution.**

Date: 3-17-05  
Roll Call Vote #: 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HR 3017

Senate Political Subdivisions Committee

Check here for Conference Committee

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

Action Taken DO PASS

Motion Made By Hacker Seconded By Fairfield

Senators	Yes	No	Senators	Yes	No
Senator Dwight Cook, Chairman	X				
Senator Nicholas P. Hacker, VC	X				
Senator Dick Dever	X				
Senator Gary A. Lee	X				
Senator April Fairfield	X				
Senator Constance Triplett	X				

Total Yes 6 No 0

Absent 0

Floor Assignment Triplett

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

**REPORT OF STANDING COMMITTEE (410)**  
March 17, 2005 2:17 p.m.

**Module No: SR-49-5292**  
**Carrier: Triplett**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HCR 3014: Political Subdivisions Committee (Sen. Cook, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3014 was placed on the Fourteenth order on the calendar.**

2005 TESTIMONY

HCR 3014



State of North Dakota  
SUPREME COURT  
BISMARCK

CHAMBERS OF  
**Gerald W. Vandewalle**  
CHIEF JUSTICE

March 15, 2005

The Honorable Dwight Cook  
Chairman, Senate Political Subdivision Committee  
State Capitol  
600 East Boulevard Avenue  
Bismarck, ND 58505

Re: HCR 3014

Dear Chairman Cook and Members of the Political Subdivision Committee:

HCR 3014, requesting the Legislative Council to study judicial elections and recent federal court decisions affecting the conduct of judicial elections, is scheduled for hearing before the Political Subdivisions Committee at 10:15 a.m. on Wednesday, March 17. I intended to testify on this resolution but I had previously agreed to speak to a group of students from Jim Hill Middle School in Minot at 10:00. I thought of bringing the students with me to the hearing but there are simply too many for the size of the hearing room.

I support HCR 3014. I referred to the problem in the State of the Judiciary message to the Legislature in January and told you I had no recommendation, not even a study resolution, for your consideration but I did want the Legislature to be aware of some of the issues. Representative DeKrey and the other sponsors of the resolution introduced it on their own initiative and I am grateful to them for their interest in the problem. I regret I cannot appear in person to support the resolution and answer any questions you may have. Because I am concerned that my absence could be construed as less than full support of the resolution, I use this means to express my strong support of the resolution. I urge your favorable consideration of HCR 3014.

Thank you.

Sincerely,

Gerald W. Vandewalle