

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2098

2005 SENATE POLITICAL SUBDIVISIONS

SB 2098

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2098

Senate Political Subdivisions Committee

Conference Committee

Hearing Date January 13, 2005

Tape Number	Side A	Side B	Meter #
1	X		2234 -3084
Committee Clerk Signature <i>Shirley Borg</i>			

Minutes:

**Senator Cook** opened the hearing on SB 2098 relating to filing of petitions with the emergency commission.

**Al Jaeger**, Secretary of State and Secretary to Emergency Commission, introduced SB 2098.

(See attachment #1) He asked for a DO PASS.

**Senator Fairfield** asked if changing all the forms would have a cost to it?

**Al Jaeger** said the forms can be changed very easily. The fact is someone from that agency has to sign it as you will see on the top of the attached form. Someone from that agency is on record regardless whether they signed it before a notary public. When there is an emergency commission meeting they are there, so there is no doubt about who is doing the requesting. For the most part the emergency commission is a process during the interim that takes care of accounting things so that government can continue to function.

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Senate Political Subdivisions Committee

Bill/Resolution Number SB 2098

Hearing Date January 13, 2005

**Senator Dever** stated that in this application, the only verification by notary is as the identify of the person doing it.

**Al Jaeger**, answered yes that is right, it has nothing to do with what they are asking.

No further testimony for or against the bill.

**Senator Cook** closed the hearing on SB 2098.

**Senator Fairfield** moved a DO PASS on SB 2098.

**Senator Gary Lee** seconded the motion.

Roll call vote: Yes 6 No 0 Absent 0

Carrier: **Senator Dever**

Date: 1-13-05  
Roll Call Vote #: 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. SB 2098

Senate Political Subdivisions Committee

Check here for Conference Committee

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

Action Taken do pass

Motion Made By Senator Fairfield Seconded By Senator Gary Lee

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

Total Yes 6 No 0

Absent 0

Floor Assignment Senator Bever

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

S.C. Report  
1-13-05

**REPORT OF STANDING COMMITTEE (410)**  
January 13, 2005 1:25 p.m.

**Module No: SR-08-0429**  
**Carrier: Dever**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**SB 2098: Political Subdivisions Committee (Sen. Cook, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2098 was placed on the Eleventh order on the calendar.**

2005 HOUSE POLITICAL SUBDIVISIONS

SB 2098

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2098

House Political Subdivisions Committee

Conference Committee

Hearing Date March 3, 2005

Tape Number	Side A	Side B	Meter #
2	x		21.4 to 24.5
Committee Clerk Signature <i>Lauren H. Fink</i>			

Minutes: **Rep.Devlin, Chairman** opened the hearing on SB 2098, a bill for an Act to amend and reenact sections 54-16-03.1 and 54-16-11.1 of the North Dakota Century Code, relating to filing petitions with the emergency commission.

**Rep.Devlin, Chairman** Mr. Secretary of State you seem to have a lot of testimony for changing just one word in the bill.

**Al Jaeger**, Secretary of State spoke explaining the purpose of the bill. Current law requires a jurat for any request filed with the Emergency Commission. Since has not been followed and thought not necessary the bill removes the word verified in two place in these sections of the law. A copy of his prepared remarks is attached.

There being no further testimony on SB 2098, **Rep.Devlin, Chairman** closed the hearing.( 23.5)

**Rep. Ekstrom** moved a 'Do Pass' motion for SB 2098. **Rep. N. Johnson** seconded the motion.

The motion carried on a roll call vote **9 ayes 0 nays 3 absent**. **Rep. Kaldor** was designated to carry SB 2098 on the floor. End of record ( 24.5 ).

Date: March 3, 2005  
Roll Call Vote:

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. SB 2098

House POLITICAL SUBDIVISIONS

Committee

Check here for Conference Committee

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

Action Taken

Do Pass

Motion Made By

Rep. Ekstrom

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	A	
Rep. Johnson	✓				
Rep. Koppelman	✓				
Rep. Kretschmar	✓				
Rep. Maragos	A				
Rep. Pietsch	✓				
Rep. Wrangham	A				

Total (Yes) 9 No 0

Absent 3

Floor Assignment Rep. Kaldor

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

**REPORT OF STANDING COMMITTEE (410)**  
March 3, 2005 12:08 p.m.

**Module No: HR-39-4056**  
**Carrier: Kaldor**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**SB 2098: Political Subdivisions Committee (Rep. Devlin, Chairman) recommends DO PASS (9 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2098 was placed on the Fourteenth order on the calendar.**

2005 TESTIMONY

SB 2098

*attachment # 1*

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 13, 2005

TO: Senator Cook, Chairman, and Members of the Senate Political Subdivisions Committee  
FR: Al Jaeger, Secretary of State and Secretary to Emergency Commission  
RE: SB 2098

This bill was introduced because of a discovery made during the research that was done for a recent Attorney's General's opinion, which had been requested by the State Auditor.

This bill removes the word "verified" from two sections of the chapter in the Century Code that pertain to the Emergency Commission.

In N.D.C.C. § 1-01-42, the word verified "means sworn to before an officer authorized to administer oaths." In other words, according to current law, a representative of the requesting agency is supposed to swear and sign, before a Notary Public, the request form presented to the Emergency Commission.

However, during my 12 years as Secretary to the Emergency Commission, the request form has never had a place on it for a notary to sign nor did the form that I inherited from my predecessor in 1993. It is my guess that the Emergency Commission request forms have not been "verified" or notarized for many years.

Nevertheless, because a "verified" request is a requirement of state law, our attorney has now counseled that the Emergency Commission request form (copy attached) should be revised to accommodate a notarization. However, requiring a notarization (so that the request form can be verified) is an obsolete, impractical, and unnecessary bureaucratic function.

Because time has proven that it definitely is not necessary, this bill amends current law to correctly reflect the long-standing practice of not requiring requests to be verified (sworn and notarized).

ALVIN A. JAEGER  
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## SECRETARY OF STATE

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

March 3, 2005

TO: Representative Devlin, Chairman,  
and Members of the House Political Subdivisions Committee

FR: Al Jaeger, Secretary of State and Secretary to Emergency Commission

RE: SB 2098 – Related to the Emergency Commission

Because of a discovery made during the research that was done for an Attorney's General's opinion dated November 4, 2004, this bill was introduced. The State Auditor had requested the opinion, which was related to agency requests approved by the Emergency Commission.

The purpose of this bill is to remove the word "verified" from two sections of Chapter 54-16 of the Century Code (this chapter pertains to the Emergency Commission).

In N.D.C.C. § 1-01-42, the word verified "means sworn to before an officer authorized to administer oaths." In other words, according to current law, a representative of the requesting agency is supposed to appear before a Notary Public and execute a jurat\* on the request form presented to the Emergency Commission.

However, during my 12 years as Secretary to the Emergency Commission, the request form has never had a space for a notary to sign and neither did the form that I inherited in 1993 from my predecessor. It is my guess that the Emergency Commission request forms have not been "verified" or notarized for many years.

The request form (copy attached) currently in use does have a space for the signature of an authorized person from the requesting agency. The purpose of this signature is to authenticate the request.

Nevertheless, because a "verified" request is a requirement of state law, our attorney has appropriately counseled that the request form submitted to the Emergency Commission should be revised to accommodate a notarization in order to meet the "verified" requirement in Chapter 54-16. Requiring a notarization, however, is an obsolete, impractical, and unnecessary bureaucratic function.

Because time has proven that a "verified" request is not necessary, this bill amends current law to match the long-standing practice of not requiring requests to be verified. That is, sworn to and notarized.

\* A jurat is the authentication of a signature made under an oath or affirmation and is administered to a document signer when the signer is required to make a sworn statement about certain facts. The signer personally appears before the notary to swear (affirm) that the information contained in the document is true.



**REQUEST TO EMERGENCY COMMISSION**  
 STATE OF NORTH DAKOTA  
 SFN 02580 (1-00)

Submit original and 6 copies to Secretary of State

For reference, see North Dakota Century Code, Chapter 54-16

Date	Department Number	Department Name	
Authorized Department Signature		Name of Contact Person	Telephone Number

1. Legislative Authorized FTE \_\_\_\_\_ 2. Previous Emergency Commission Authorization for FTE \_\_\_\_\_ 3. FTE Included in this Request \_\_\_\_\_

4. Was any portion of this request presented to the last legislative session? (If yes, please explain legislative action in narrative) .  Yes  No

5. Is any portion of this request a new program? (If yes, please explain in narrative) . . . . .  Yes  No

6. Will the legislature be asked to continue this program in the next biennium? . . . . .  Yes  No

\*\*\*\*\*  
 PART A: INCREASE IN APPROPRIATION LINE ITEM:

7. Will this program require state general fund money for a match? . . . . .  Yes  No

a. If yes, estimate the amount of general fund monies that will be needed to match the request in this biennium and explain the source of those monies in the narrative. . . . .

b. If yes, estimate the total general fund monies needed to continue request in the next biennium. . . . .

8. Source of Funds (check applicable box)

Federal  State Contingency Funds  Other \_\_\_\_\_

9. Is this a pass-through from another agency?  Yes  No If yes, from which agency? \_\_\_\_\_

Line Item Amount

\*\*\*\*\*  
 PART B: INTRA-AGENCY LINE ITEM TRANSFER:

FROM - Line Item TO - Line Item Amount

\*\*\*\*\*  
 PART C: NARRATIVE: (attach separate sheets if necessary)