

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

3053

2007 HOUSE CONSTITUTIONAL REVISION

HCR 3053

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HCR 3053

House Constitutional Revision Committee

Check here for Conference Committee

Hearing Date: 2-22-07

Recorder Job Number: 3623

Committee Clerk Signature

Deane Haan

Minutes:

Chairman Koppelman: Opened the hearing on HCR 3053.

Vice Chairman Kretschmar: Introduced HCR 3053. This resolution is an offshoot of some of the events of the last 1½ years when a member of the legislature could not be eligible to be a candidate for the Supreme Court. This resolution would seek outright repeal that provision of our state constitution ... I believe it's been in the constitution since statehood. Historically, in 1889 the state legislators were more of a close club and maybe some of the things were done in secret or back rooms. Today, with a vigilant press, and the openness of our legislative process, I don't think we need this provision. Yesterday, we looked at a resolution that amended this section of the code and I suppose that there is a fear that outright repeal would be a hard thing for voters of North Dakota to swallow. If this committee feels that we should use the other resolution as a vehicle and make it a little less apt to be knocked, I wouldn't mind ... I think we should adjust it in some way. I think if it's explained to them, the voters of our state would go along with an outright repeal. In this day and age, I don't think the legislature would abuse this.

Representative Dahl: In section 6, that (*can't understand*) for any full-time appointees (*can't understand*) unless designated by law. I'm thinking that the voters will view that suspiciously.

Vice Chairman Kretschmar: That certainly is a factor and maybe of concern and maybe we shouldn't repeal it entirely and amend it as the resolution sets forward ,, I would not oppose any think like that either. It's time we do something ... times are different then they were in 1889.

Representative Conrad: I'm impressed that this hasn't brought anyone here, except legislators, to talk about it.

Chairman Koppelman: I was wondering about this when we heard the resolution yesterday and I noticed here in your statement intent and I think the language that's in question in the constitution ... it refers to state offices and I'm curious what the difference is ... how do you define state office versus state position? There upper management kinds of positions in state government that are appointed ... are those considered offices or positions?

Vice Chairman Kretschmar: The court decides what the constitution means.

Chairman Koppelman: What if the legislature was to pass both of these and they were both on the ballot and the public passed it ... how would that work?

Vice Chairman Kretschmar: I believe the measure that received the most Yes votes would prevail. I want to point out to the committee that in the late 70's or early 80's when the legislature put a good share of the legislative article on the ballot and it was approved by the electors and we essentially did not change this section, because we were concerned that it might lead to its defeat. I think we need to attempt something to try to lessen the impact of this section.

Chairman Koppelman: If there's no further support or opposition, we'll close the hearing on HCR 3053.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HCR 3016 & HCR 3053

House Constitutional Revision Committee

Check here for Conference Committee

Hearing Date: 2-26-07

Recorder Job Number: 3913

Committee Clerk Signature

Blaine Zean

Minutes:

Chairman Koppelman: We'll take a look at HCR 3016. We've got 2 resolutions on this topic, this one is a less drastic change to the constitution ... HCR 3053 takes this section out all together. **We'll take a look at both of these together.**

Representative Dahl: *(can't hear)* I think HCR 3016 is a more appropriate vehicle then HCR 3053.

Chairman Koppelman: Would you care to make a motion on that?

Representative Dahl: I move a **DO NOT PASS** on HCR 3053.

Vice Chairman Kretschmar: I would agree with Rep Dahl, but I would like to propose an amendment on HCR 3016, Line 20.

Chairman Koppelman: We'll try to stay on HCR 3053 and return to HCR 3016.

Representative Dahl has moved a **DO NOT PASS** on HCR 3053. Do we have a second?

Representative Meier: **Seconded the motion.**

Chairman Koppelman: Any discussion?

Representative Owens: It's been amended once in 1883 and was so small you could barely tell it, so to repeal it would be an uphill battle.

Chairman Koppelman: We'll call the roll on a **DO NOT PASS ON HCR 3053**

Yes 9 No 0 Absent 0

Carrier Representative Dahl

Chairman Koppelman : We'll return to **HCR 3016** ... Vice Chairman Kretschmar, you have an amendment to propose?

Vice Chairman Kretschmar: I would move an amendment on **HCR 3016**, on Line 20, to remove the language "or to any office for which the compensation has increased" then I'd remove all of the new language on Lines 21 and 22.

Representative Klemin: I'll second it.

Chairman Koppelman: So you'd be removing the language that disallows a member of the legislature from being appointed to an office for which the compensation is going to increase. Any further discussion?

Representative Klemin: I think the language as it would read if the amendment is adopted is a lot cleaner than the current language. There was probably a valid reason for the way it was written at the time, but I don't believe that we have the same rationale.

Chairman Koppelman: We'll take a **voice vote on the amendment on HCR 3016**

Yes 8 No 1 Absent 0

Representative Griffin: I move a **Do Pass As Amended on HCR 3016**

Representative Meier: **Seconded the motion**

Yes 9 No 0 Absent 0

Carrier: Representative Meier

Date: 2-26-07
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HR 3053

House Constitutional Revision Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Not Pass

Motion Made By Wahl Seconded By Meier

Representatives	Yes	No	Representatives	Yes	No
Chairman Koppelman	✓		Representative Conrad	✓	
Vice Chairman Kretschmar	✓		Representative Griffin	✓	
Representative Dahl	✓		Representative Schneider	✓	
Representative Klemin	✓				
Representative Meier	✓				
Representative Owens	✓				

Total (Yes) 9 No 0

Absent 0

Floor Assignment Rep Wahl

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

REPORT OF STANDING COMMITTEE (410)
February 27, 2007 10:17 a.m.

Module No: HR-37-3988
Carrier: Dahl
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HCR 3053: Constitutional Revision Committee (Rep. Koppelman, Chairman)
recommends **DO NOT PASS** (9 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
HCR 3053 was placed on the Eleventh order on the calendar.