

2011 HOUSE CONSTITUTIONAL REVISION

HCR 3009

# 2011 HOUSE STANDING COMMITTEE MINUTES

House Constitutional Revision Committee  
Prairie Room, State Capitol

HCR 3009  
February 9, 2011  
Job #14295

Conference Committee

Committee Clerk Signature

*Mary Main*

**Explanation or reason for introduction of bill/resolution:**

Relating to oaths of office of elected and appointed officials

**Minutes:**

**Chairman Koppelman:** We'll open the hearing on HCR 3009.

**Representative Conklin, Representative from District 4:** This is just a simple bill that is probably a housekeeping bill in some ways. There is no mention of the swearing in of the Executive Branch in the Constitution. This just adds Executive Branch to the offices that need to be sworn in.

**Representative Winrich:** Do you know if this is a wide spread practice? For example, I once served in a capacity where I swore in the members of an election board at a precinct polling place. I think it's already done. This would simply put it in the Constitution.

**Representative Conklin:** It's being done now. It's just not in the Constitution and somebody thought it should be. There's somebody on the radio in Grand Forks that is having a real problem with this.

**Chairman Koppelman:** I'm kind of resistant to sign on to Constitutional amendment resolutions because being in the position to chairing the committee but I thought this one was pretty harmless. Further testimony in support of HCR 3009? Any testimony in opposition to HCR 3009? Any neutral testimony on HCR 3009? Seeing none, we'll close the hearing.

# 2011 HOUSE STANDING COMMITTEE MINUTES

House Constitutional Revision Committee  
Prairie Room, State Capitol

HCR 3009  
March 2, 2011  
Job #14865

Conference Committee

Committee Clerk Signature	<i>Mary Main</i>
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**Explanation or reason for introduction of bill/resolution:**

Relating to oaths of office of elected and appointed officials.

**Minutes:**

**Chairman Koppelman:** We will reopen HCR 3009. What are the wishes of the committee?

**Representative Winrich:** I move a do pass.

**Representative Holman:** I'll second it.

**Representative Kasper:** I missed this hearing. Could you refresh me on why this is needed? What is the problem?

**Chairman Koppelman:** My understanding is that oaths of office are sworn by most people now but there is no constitutional requirement for the other folks.

**Representative Conklin:** There is no need but it's just an oversight in the Constitution that it does not say that the executive branch has to be sworn in. They are being sworn in now but it's not in the Constitution that they need to be sworn in.

**Representative Schatz:** Is this going to go on a statewide ballot? This minor adjustment? Is that what this would do?

**Chairman Koppelman:** It would. Everything we approve here would have to go before the voters. I suspect that if you ask the voters, most would probably say yes. It would be on a ballot if we pass it.

**Representative Kasper:** I recall a debate on the floor not too long ago where a certain legislator was being chastised for overreaching the legislative authority into the executive branch. I find it ironic that we are going to make a Constitutional amendment and tell the executive branch they have to do the same thing we do.

**Chairman Koppelman:** It will be up to the people ultimately to decide that.

**Representative Meier:** Would this only include elected members of the executive branch? I couldn't find it in the bill.

**Chairman Koppelman:** I think this could be read either way.

**Representative Conklin:** I assume that it would be only elected.

**Chairman Koppelman:** Call the roll on a do pass recommendation on HCR 3009. Motion passes unanimously. We need to determine when this will go on the ballot. If it were to go on a general election so this would be in the 2012 election cycle on the fall ballot. We do have the option. We don't want to load up the ballot as we move on resolutions if we pass a number of these. Sometimes the sponsors consider that in terms of what ballot that they request the measure to be on.

**10 Yes 0 No 1 Absent**

**Do Pass**

**Carrier: Representative Conklin**

Date: 3-2-11  
Roll Call Vote # 1

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HCR 3009

House Constitutional Revision Committee

Check here for Conference Committee

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

Action Taken:  Do Pass  Do Not Pass  Amended  Adopt Amendment  
 Rerefer to Appropriations  Reconsider

Motion Made By Rep. Winrich Seconded By Rep. Holman

Representatives	Yes	No	Representatives	Yes	No
Chairman Koppelman	✓		Representative Conklin	✓	
Vice Chairman Kretschmar	✓		Representative Holman	✓	
Representative Kasper	✓		Representative Winrich	✓	
Representative Louser	AB				
Representative Meier	✓				
Representative Owens	✓				
Representative Schatz	✓				
Representative Streytle	✓				

Total (Yes) 10 No 0

Absent 1

Floor Assignment Rep. Conklin

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

**REPORT OF STANDING COMMITTEE**

**HCR 3009: Constitutional Revision Committee (Rep. Koppelman, Chairman)**  
recommends **DO PASS** (10 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).  
HCR 3009 was placed on the Eleventh order on the calendar.

2011 SENATE JUDICIARY

HCR 3009

# 2011 SENATE STANDING COMMITTEE MINUTES

**Senate Judiciary Committee**  
Fort Lincoln Room, State Capitol

HCR3009  
4/11/11  
Job #16479

Conference Committee

Committee Clerk Signature



## Explanation or reason for introduction of bill/resolution:

Relating to oaths of office of elected and appointed officials

Minutes:

**Senator Nething – Chairman**

**Representative Conklin –** Introduces and explains the bill.

**Senator Sitte –** Asks for line 20 and 21 to be explained.

**Senator Nething –** States it reads more appropriately.

**Senator Nelson –** Asks why we need to put it in the Constitution if it is already being done now.

**Representative Conklin –** Replies there is no compelling reason but some people have complained that this isn't in the Constitution.

Opposition – 0

Neutral – 0

Close the hearing on 3009

## Discussion

**Senator Nething –** Believes somehow this had been omitted years ago and now it is being taken care of and it isn't bad to have elected officials required to take an oath.

**Senator Lyson –** Asks if this has to be voted on by the people.

**Senator Nething –** Replies yes it has to be voted on.



**Senator Sitte** – Says she is all for the Executive Branch taking the oath and has no problem putting that in the Constitution but doesn't see why to change the firm wording in line 21.

She said she would not support the bill unless that was amended. She then proposes an amendment.

**Senator Sitte** moves an amendment to change wording to shall

**Senator Sorvaag** seconded

Discussion

**Senator Olafson** said when he reads the two versions he doesn't see a difference.

Roll call vote – 2 yes, 4 no

Motion fails

**Senator Olafson** moves a do pass

**Senator Nelson** seconded

Roll call vote – 5 yes, 1 no

**Senator Lyson** will carry

Date: 4-11-11  
Roll Call Vote # 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 3009

Senate Judiciary Committee

Check here for Conference Committee

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

Action Taken:  Do Pass  Do Not Pass  Amended  Adopt Amendment  
 Rerefer to Appropriations  Reconsider  
*line 21, - changes to shall.*

Motion Made By Senator Sitte Seconded By Senator Sorvaag

Senators	Yes	No	Senators	Yes	No
Dave Nething - Chairman		X	Carolyn Nelson		X
Curtis Olafson - V. Chairman		X			
Stanley Lyson		X			
Margaret Sitte	X				
Ronald Sorvaag	X				

Total (Yes) 2 No 4

Absent \_\_\_\_\_

Floor Assignment Senator

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

*Motion Fails*

Date: 4-11-11  
Roll Call Vote # 2

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 3009

Senate Judiciary Committee

Check here for Conference Committee

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

Action Taken:  Do Pass  Do Not Pass  Amended  Adopt Amendment  
 Rerefer to Appropriations  Reconsider

Motion Made By Senator Olafson Seconded By Senator Nelson

Senators	Yes	No	Senators	Yes	No
Dave Nething - Chairman	X		Carolyn Nelson	X	
Curtis Olafson - V. Chairman	X				
Stanley Lyson	X				
Margaret Sitte		X			
Ronald Sorvaag	X				

Total (Yes) 5 No 1

Absent \_\_\_\_\_

Floor Assignment Senator Lyson

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

**REPORT OF STANDING COMMITTEE**

**HCR 3009: Judiciary Committee (Sen. Nething, Chairman) recommends DO PASS**  
(5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). HCR 3009 was placed on the  
Fourteenth order on the calendar.