

2013 HOUSE POLITICAL SUBDIVISIONS

HB 1371

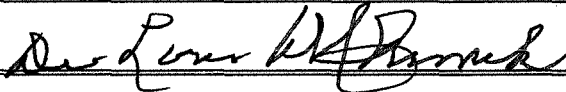
2013 HOUSE STANDING COMMITTEE MINUTES

House Political Subdivisions Committee
Prairie Room, State Capitol

HB 1371
January 31, 2013
Job # 18052

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to the appointment of state's attorneys.

Minutes:

Testimony #1, Proposed amendment. #2

Chairman N. Johnson: Opened the hearing on HB 1371.

Rep. Brabandt: Introduced the bill. Office of the Secretary of State requested I submit this bill. Basically the only change to the century code would be the words; regular election would be changed to general and primary election simply because there is no regular election. So it is just a cleanup bill on the language. It also adds the words whichever occurs first.

Jim Silrom, Deputy Secretary of State's Office (See testimony #1) (proposed amendment #2). There is no such a thing as a regular election so we are just specifying that it will be the next election that occurs whether that is a primary or a general election. There is an amendment that needs to be added to this bill because unfortunately when the bill was prepared the word election was repeated there twice so the amendment is attached to my testimony.

Rep. Kathy Hogan: I am curious about timing. Say a petition was turned in a week or two before an election. Do we have all the timing requirements that we have in other elections?

Jim Silrom: The general rule is that there would have to be enough time for that to actually go on the ballot so the filing deadlines would come into play; therefore if it were 20 days before the primary election, it would then go on to the general election because of the timing.

Rep. Kathy Hogan: You don't think we need to put that in this section?

Jim Silrom: I don't believe that we do. There are other statues in law that covers this.

Chairman N. Johnson: There are so many ways they have to be on the ballot because they have to have enough time.

Rep. Looyen: Jaeger, Secretary of State: By changing the language from special to general we have already covered all the deadlines.

Opposition: None

Motion made to amend the bill by Rep. Kathy Hogan: Seconded by Rep. Koppelman:

Voice vote carried.

Do Pass As Amended Motion Made by Rep. M. Klein: Seconded by Rep. J. Kelsh:

Vote: 14 yes 0 No 1 Absent Carrier: Rep. M. Klein:

Hearing closed.

13.0739.02001
Title.03000

Adopted by the Political Subdivisions
Committee

January 31, 2013

1/31/13
TS

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1371

Page 1, line 11, remove "election"

Renumber accordingly

Date: 1-31-13
Roll Call Vote #: 1

2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1371

House Political Subdivisions 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. Hogan Seconded By Rep. Koppelman

Representatives	Yes	No	Representatives	Yes	No
Chairman Nancy Johnson			Rep. Ben Hanson		
Vice Chairman Patrick Hatlestad			Rep. Kathy Hogan		
Rep. Thomas Beadle			Rep. Jerry Kelsh		
Rep. Matthew Klein			Rep. Naomi Muscha		
Rep. Lawrence Klemin					
Rep. Kim Koppelman					
Rep. William Kretschmar					
Rep. Alex Looyzen					
Rep. Andrew Maragos					
Rep. Lisa Meier					
Rep. Nathan Toman					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Date: 1-31-13
Roll Call Vote #: 2

2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1371

House Political Subdivisions 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. Klein Seconded By Rep. Kelsh

Representatives	Yes	No	Representatives	Yes	No
Chairman Nancy Johnson	✓		Rep. Ben Hanson	✓	
Vice Chairman Patrick Hatlestad	✓		Rep. Kathy Hogan	✓	
Rep. Thomas Beadle	✓		Rep. Jerry Kelsh	✓	
Rep. Matthew Klein	✓		Rep. Naomi Muscha	✓	
Rep. Lawrence Klemin	✓				
Rep Kim Koppelman	✓				
Rep. William Kretschmar	✓				
Rep. Alex Looyzen	✓				
Rep. Andrew Maragos	✓				
Rep. Lisa Meier	—				
Rep. Nathan Toman	✓				

Total (Yes) 14 No 0

Absent 1

Floor Assignment Rep. Klein

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

REPORT OF STANDING COMMITTEE

HB 1371: Political Subdivisions Committee (Rep. N. Johnson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1371 was placed on the Sixth order on the calendar.

Page 1, line 11, remove "election"

Renumber accordingly

2013 SENATE STANDING COMMITTEE MINUTES

Senate Political Subdivisions Committee Red River Room, State Capitol

HB 1371
March 14, 2013
19897

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to the appointment of state's attorneys

Minutes:

You may make reference to "attached testimony."

Chairman Andrist opened the hearing for HB 1371. All senators were present.

Al Jaeger Secretary of State This bill makes one change. It is related to an appointment of a state's attorney upon voter approval. What is a regular election? Written testimony #1.

Senator Jim Dotzenrod I guess I don't have a problem with the bill and it is very direct. It is about as simple as a bill can get. I was not aware that it appears what this says is that I always assumed the state's attorneys had to run for election in every county, or they have some states' attorneys where two counties share. I always assumed they were required by law to run, that they were an elected office. If I understand this right, this provision of the law, allows any county that wants to change that, to move that office from being an elected office to an appointed office. The state's attorney from that point forward would never be elected for state's attorneys in that county. If the voters put it on the ballot and voters approve it, that changes the elected office to an appointed office from that point forward. I guess I was not aware that is how it works in North Dakota. We must have had this for some period of time?

Al Jaeger replied I know that if I went back to the CC where a footnote would be, I could find out the history of it. Our only intent on this is because a question occasionally comes up from an election administration. We are just adding clarity to this.

Senator Jim Dotzenrod The bill itself which the changes are there makes perfect sense.

Al Jaeger replied that this was part of the tool chest legislation which was how many years ago. Tool chest goes back quite a few sessions. **Senator Judy Lee** replied back into the 1990's.

Senate Political Subdivisions Committee

HB 1371

March 14, 2013

Page 2

Chairman Andrist Closed the Hearing on HB 1371.

Senator John Grabinger moved do pass.

2nd Senator Jim Dotzenrod

Role call votes 6 Yeas, 0 No, 0 Absent

Carrier Senator John Grabinger

REPORT OF STANDING COMMITTEE

HB 1371, as engrossed: Political Subdivisions Committee (Sen. Andrist, Chairman)
recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
Engrossed HB 1371 was placed on the Fourteenth order on the calendar.

2013 TESTIMONY

HB 1371

#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 31, 2013

TO: Rep. N. Johnson, Chairman, and Members of the House Political Subdivision Committee

FR: Jim Silrum, Deputy Secretary of State, on behalf of Al Jaeger, Secretary of State

RE: HB 1371 – Appointment of State's Attorney and Voter Approval

Page 1, line 11: Because there is no definition for a "regular" election in state election law, this bill makes it clear that the matter addressed in this section would be placed on the ballot at either a primary election or a general election whichever occurs first.

The Secretary of State is also providing an amendment to remove "election" on line 11, which was inadvertently added in the drafting process resulting in "election election" appearing on that line.

We request your favorable consideration.

#2

PROPOSED AMENDMENT TO HOUSE BILL NO. 1371

Page 1, line 11, after "general" remove "election"

Renumber accordingly

ALVIN A. JAEGER
SECRETARY OF STATE

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SECRETARY OF STATE
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600 EAST BOULEVARD AVENUE DEPT 108
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March 14, 2013

TO: Senator Andrist, Chairman, and Members of the Senate Political Subdivision Committee

FR: Al Jaeger, Secretary of State

RE: HB 1371 – Appointment of State's Attorney and Voter Approval

Page 1, line 11: Because there is no definition for a "regular" election in state election law, this bill makes it clear that the matter addressed in this section would be placed on the ballot at either a primary election or a general election whichever occurs first.

We request your favorable consideration.

#2

TESTIMONY ON ENGROSSED HOUSE BILL NO. 1371
JOHN J. GOSBEE
SIOUX COUNTY STATE'S ATTORNEY
SENATE POLITICAL SUBDIVISIONS COMMITTEE
March 15, 2013

**Chairman Andrist and Members of the Political Subdivisions
Committee**

This bill was apparently intended to be a housekeeping measure to clarify that the present reference to "regular election" in Section 11-10-02.3 means either the next primary or general election.

As now amended, the bill would have a serious impact on public policy. Current law allows the voters of a county to propose that the State's Attorney office be made appointive instead of elective.

Turning an elected office into an appointive one is a serious change in the political structure of a county. Where once the people directly chose the office-holder, that person would be selected by the commissioners.

A matter that important should be decided by the maximum number of likely voters. Turnouts at general elections are always much greater than those at primary elections. A matter this important deserves the scrutiny of as many county voters as possible.

Therefore I ask the committee to further amend the bill to state clearly that, if the voters petition to make the office appointive, the final decision be made only at a general election.

This change will not affect anything. Current law specifically says no change can take effect until the incumbent's term expires. That will always be after the general election.

Because no benefit accrues to having such an election in June, it should always be in November - to get the greatest input from the voters.

A proposed amendment is filed with this testimony.

John J. Gosbee
Sioux County State's Attorney
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PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1371

Page 1, line 11, remove "primary or" and ", whichever occurs first".

Renumber accordingly.