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10/15/03
Date

2003 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB 2050

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2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2050

Senate Government and Veterans Affairs Committee

☐ Conference Committee

Hearing Date 01/09/03

Tape Number	Side A	Side B	Meter #
Tape 1	x		0-805
Committee Clerk Signature			

Minutes

Senator Karen Krebsbach, Chairman calls committee to order beginning with

SB 2050-- Senators Krebsbach, Chr, Dever, Vice Chr., Brown, Wardner, Fairfield, and Nelson present.

Discussion began with Jay E. Buringrud the Asst. Director of the Legislative Council, appearing on behalf of Senator Stenejhem, took the podium and explained the bill and the reasoning for the bill to the committee. He explained that this bill required the governor to accepted delivery of bills at the Legislative Assembly and present it during regular business hours. The governor must coordinate ways to receive bills outside normal business hours or when the governor must leave the state. This bill arose as a result of the former Minnesota Governor Jesse Ventura. the Minnesota Legislature was working after hours and on a emergency basis towards the end of the session, and they presented a bill to Governor Ventura at about 5:20 PM and the doors where locked. So the question came up with Legislative Management Committee is there a requirement

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Senate Government and Veterans Affairs Committee

Bill/Resolution Number 2050

Hearing Date 01/09/03

in North Dakota law that the governor receive bills? After researching, no there is not. The constitution requires that the bills be presented to the governor but there is no requirement that the governor receive the bills. If was taken to court it would probably be ruled that someone must be there to except the bill, during normal business times. That is why this bill is being presented. There have been issues on the past where bills were presented to the governor and the door was locked. Primarily because of lack of communication because that the governor was out of state.

Senator Krebsbach: Questions from the committee:

Senator Dever: I see that it says the governor shall accept delivery during regular business hours and may coordinate during non-business hours, does that mean it is up to the governor whether he want to or not.

Jay Buringrud: It is legislative branch authority not executive branch authority. The houses should work it out with the governor's staff.

Senator Dever: When the governor is our out of state does the LT. Governor have authority to receive bills?

Jay Buringrud: Yes, but the governor does not usually give up that authority to let the Lt. governor sign or veto a bill. Governor is usually not gone long enough because he has 3 legislative days to veto a bill.

Senator Krebsbach: That 3 days begins when the governor receives the bill?

Jay Buringrud: Yes, not including the day of delivery.

Senator Dever: If he is out of state he would not want to receive the bill, correct?

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Senate Government and Veterans Affairs Committee

Bill/Resolution Number 2050

Hearing Date 01/09/03

Jay Buringrud: Yes the governor's office would contact the House and Senate and say please don't send wills to us, the governor is our of state. If they still want to send a bill to the governor they may though.

Senator Fairfield: Receipt vs. Delivery...when the bill is presented to the governor is it considered received?

Jay Buringrud: As long as it is presented to someone who worked for the governor then it is considered received.

No further testimony in favor, neutral, or opposing this bill.

Jay Buringrud: He is here not in favor or against this bill but just to clarify it to the committee.

Senator Krebsbach: SB 2050 Closed.

Committee Work SB 2050 Tape 1 Meter # 2692

Senator Krebsbach: On the duties of the governor...

Senator Dever: I will move a Do Pass

Senator Brown: 2nd

Senator Krebsbach: We have a motion for a Do Pass by Senator Dever and a 2nd by Senator Brown.

Vote: 6 Yes, 0 No, 0 Absent and Not Voting

Carrier: Senator Nelson

Date: 01/09/03
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2050

Senate Government and Veteran Affairs Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS

Motion Made By Senator Dever Seconded By Senator Brown

Senators	Yes	No	Senators	Yes	No
Senator Karen Krebsbach, Chr.	x		Senator April Fairfield	x	
Senator Dick Dever, Vice Chr.	x		Senator Carolyn Nelson	x	
Senator Richard Brown	x				
Senator Rich Wardner	x				

Total (Yes) _____ 6 No _____ 0

Absent _____ 0

Floor Assignment Senator Nelson

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

REPORT OF STANDING COMMITTEE (410)
January 9, 2003 11:12 a.m.

Module No: SR-03-0399
Carrier: Nelson
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2050: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)
recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2050
was placed on the Eleventh order on the calendar.

(2) DESK, (3) COMM

Page No. 1

SR-03-0399

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2003 HOUSE GOVERNMENT AND VETERANS AFFAIRS

SB 2050

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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2050

House Government and Veterans Affairs Committee

☐ Conference Committee

Hearing Date 2-28-03

Tape Number	Side A	Side B	Meter #
1	x		0-7.0
Committee Clerk Signature <i>Jody Renke</i>			

Minutes: Chairman Klein called the hearing to order. All committee members were present.

Jay Buringrud, Asst. Director of Legislative Council: appeared on behalf of the Legislative Management Committee which is the interim committee that recommended this bill.

I'm appearing just to explain the bill, not in favor or against. It is a bill that is called the Jesse Ventura Bill. If you remember last spring, Minnesota LC sent a bill down to the governors office that was after 5:00, the Governor locked the doors, and they had to cut the bill, it hit the news and the next day the Governor received the bill. Can that happen in North Dakota? Yes it could, we reviewed the Constitutional Provision, there is no requirement in the Constitution that the Governor accept bills, there is a requirement that Legislature presents bills to the Governor, and there also is a provision in the Legislation Article that says the Legislation shall enact laws that carry out the constitution so in the past the Legislation has enacted a law requiring the Governor to file a bill to the Secretary of State.

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House Government and Veterans Affairs Committee

Bill/Resolution Number SB 2050

Hearing Date 2-28-03

This law right here says the Governor shall accept the delivery of bills presented during regular business hours. Also the Governor may coordinate with the presiding officer of the House or Senate with the respect of receiving bills when the Governor is going to be out of town. This has happened in the past when the Governor has locked the door, and Legislature wasn't able to get that bill to the Governor, its usually when there is a new Governor, new Governors staff doesn't talk to the House or the current staff. Court cases in other states say that do present to the Governor or a member of the Governors staff is recognized as valid presentment of bills to the Governor. The main thing this bill encourages is, communication.

Representative Klemin: when was it in the past that this was presented?

Jay Buringrud: 1993.

Representative Tieman: made a motion to **DO PASS** on SB 2050.

Representative Amerman: **SECOND** the motion.

VOTE: 14-YES 0-NO 0-ABSENT.

Motion carried.

Representative Tieman: will carry the bill to the floor.

Meeting adjourned.

Roll Call Vote #: Date: 2-28-03

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTE
SENATE BILL/RESOLUTION NO. SB 2050

House GOVERNMENT AND VETERANS AFFAIRS Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DO Pass

Motion Made By Rep. Tieman Seconded By Rep. Amerman

Representatives	Yes	No	Representatives	Yes	No
Chairman M.M. Klein	X		B. Amerman	X	
Vice Chairman B.B. Grande	X		L. Potter	X	
W.R. Devlin	X		C. Williams	X	
C.B. Haas	X		L. Winrich	X	
J. Kasper	X				
L.R. Klemm	X				
L. Meier	X				
M. Sitte	X				
W.W. Tieman	X				
R.H. Wikenheiser	X				

Total (Yes) 14 No 0

Absent -0-

Floor Assignment Rep. Tieman

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

REPORT OF STANDING COMMITTEE (410)
February 28, 2003 11:02 a.m.

Module No: HR-36-3643
Carrier: Tleman
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
SB 2050: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman)
recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2050
was placed on the Fourteenth order on the calendar.

(2) DESK, (3) COMM

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HR-36-3643

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10/15/03
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