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ROLL NUMBER

DESCRIPTION

1331

2001 HOUSE JUDICIARY

HB 1331

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1331

House Judiciary Committee

Conference Committee

Hearing Date 01-23-01

Tape Number	Side A	Side B	Meter #
Tape 1		x	2423 to 3659
Committee Clerk Signature <i>Joan Diers</i>			

Minutes: Chr DeKrey opened the hearing on HB 1331. Relating to initiative and referendum petitions.

Rep Haas: District 36. The changes of the bill appear on page 2 and 3, we have line out the entire line that states post office address including the signer's residential address or post office box number and replace it with complete mailing address. On page five, number eight, where it says An initiative petition may be circulated for one year from the date it is approved for circulation by the secretary of state. The current situation that refers to initiated or referred measures, is that the clock starts ticking from the time the first signature is placed on the petition. This creates problems for the secretary of state's office to knowing when the year begins.

Chr DeKrey: Is there any provision here, where the secretary of state's office can have the petition sit in their office for six months before it is released.

Rep Haas: I think that I will let Cory Fong respond to that.

Cory Fong: Secretary of States' Office (see attached testimony testifying on behalf of the Al Jaeger, Secretary of State) In answer to Chr DeKrey question, we are required by law to act within 5 to 7 business days.

Rep Klemm: I am not sure that I understand what you just said. You have approve the sufficiency and respond to it within 5 to 7 business days?

Cory Fong: We have to approve the sufficiency as to format within 5 to 7 days business days.

Rep Klemm: How long can you hold it, before you turn it back over to the people that submitted it.

Cory Fong: I would have to check on the actual wording of the statute, but I believe we are required to respond in writing, I do not think we have the ability to hold it. We also have to add the ballot title.

Chr DeKrey: I think the committee is supportive of what you are trying to do, but the other side of it is, we have to speak to the secretary of state that the office has to give it back. We don't want either side to play games.

Rep Mahoney: Cities have to rule on recall petitions within 35 days. I am surprised that there isn't something for the secretary of state. Is that something that we should put in there.?

Cory Fong: Please don't be confused, this is to get it into circulation. The 35 day deadline is also provided for reviewing of signatures once it is turned in to our office. That is provided by statute.

Rep Eckre: You said five to seven business days, it has to be done by the seventh day.

Cory Fong: That is correct.

Rep Eckre: Is this how it is written in code?

Cory Fong: Yes.

Vice Chr Kretschmar: When the secretary of state's office approves the petition, what happens to it.

Cory Fong: when we approve a petition, we respond to the sponsoring committee and say, here is the ballot title that needs to be inserted and here are the deficiencies in the format of the petition that must be corrected and then we request that they file a copy of the original petition, take is going to be circulated so that we have a copy of the petition.

Vice Chr Kretschmar: Under the bill, when would your time start?

Cory Fong: It would start when we approve it, when we respond back..

Vice Chr Kretschmar: DO you respond by mail.

Cory Fong: By mail, that is correct.

Vice Chr Kretschmar: If you approve it on Monday, and mail it, a guy might not get it until Thursday.

Cory Fong: That's true.

Chr DeKrey: If there are no other questions for Mr. Fong, thank you for appearing. Is there anyone else wishing to testify on HB 1331? If not we will close the hearing on HB 1331.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1331A

House Judiciary Committee

Conference Committee

Hearing Date 01-24-01

Tape Number	Side A	Side B	Meter #
TAPE III	x		996 to 1217
Committee Clerk Signature <i>Joan Duro</i>			

Minutes: Chairman DeKrey opened the committee meeting on HB 1331. Rep Grande Grande moved a DO PASS on HB 1331, Rep Kingsbury seconded. Is there any further discussion on the bill. Some discussion was held on the bill. Chairman DeKrey asked the clerk to take the roll on a DO PASS motion on HB 1331. The motion passes by a vote of 13 YES, 0 NO, AND 2 ABSENT. The floor assignment is Rep Wrangham.

Date: 01-24-01
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB-1331

House JUDICIARY Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Rep Grande Seconded By Rep Kingsbury

Representatives	Yes	No	Representatives	Yes	No
CHR - Duane DeKrey	✓				
VICE CHR -- Wm E Kretschmar	✓				
Rep Curtis E Brekke	✓				
Rep Lois Delmore	✓				
Rep Rachael Disrud	✓				
Rep Bruce Eckre	✓				
Rep April Fairfield	✓				
Rep Bette Grande	✓				
Rep G. Jane Gunter					
Rep Joyce Kingsbury	✓				
Rep Lawrence R. Klemin	✓				
Rep John Mahoney	✓				
Rep Andrew G Maragos					
Rep Kenton Onstad	✓				
Rep Dwight Wrangham	✓				

Total (Yes) 13 No 0

Absent 2

Floor Assignment Rep Wrangham

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

REPORT OF STANDING COMMITTEE (410)
January 25, 2001 8:39 a.m.

Module No: HR-13-1573
Carrier: Wrangham
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1331: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO PASS
(13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1331 was placed on the
Eleventh order on the calendar.

2001 SENATE JUDICIARY

HB 1331

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1331

Senate Judiciary Committee

Conference Committee

Hearing Date March 13th, 2001

Tape Number	Side A	Side B	Meter #
1	x		47.8-end
2	x		0-17.2
Committee Clerk Signature			

Minutes: **Senator Traynor**, opened the hearing on HB 1331.

Cory Fong, From the Secretary of State, (testimony attached).

Senator Traynor, I live at 601 12th Avenue and I receive no mail there, how would I prove my area of residence?

Cory Fong, that is a concern, we review something for efficiency. We are more concerned with locating someone in a physical location. I can't come up with a solution to your problem.

Senator Trenbeath, were these amendments presented in the house?

Cory Fong, no. We were made aware to be more specific. In visiting with them, we agree that the address requirement be the same.

Senator Nelson, after you approve, you send out cards to find whether someone lives in a certain location?

Tape 2

Senator Watne, why isn't a telephone number used?

Cory Fong, there have been long debates about requirements for voting and that was one of them.

Senator Bercler, in belcourt they demand that I put a street address on my mailing list. There are no street addresses where I live.

Cory Fong, that's why we suggest residential address. Who requires this?

Senator Bercler, the state Capital.

Russel Woodegard, from Minot, has no problem with bill. Five digits should be enough.
(testimony attached)

Senator Nelson, why does the state need to be there?

Russel Woodegard, because some people live in ND and have residences in Montana.

Ralph Mucenee, ND for term limits, testifies in opposition to the bill. How can you get all that stuff on the petition? Some needs to nailed down using the five digit zip codes. Would like to see an amendment with a grace period of 30-60 days. Opposes the bill.

Leon Mullburg, representing self. The secretary of state has a window. That is a significant chunk if he chooses to use the window of 7 days. That is a significant percentage of the time needed. I think 24 hours to 48 hours is plenty of time to file. Time is of the essence when it comes to referrals and 7 days may be to much time. One year is sufficient to do a referral, there is quite a process.

Senator Traynor closed the hearing on HB 1331.

**SENATOR TRENBEATH MOTIONED TO AMEND THE BILL, SECONDED BY
SENATOR DEVER. VOTE INDICATED 5 YEAS, 0 NAYS AND 2 ABSENT AND NOT
VOTING. SENATOR WATNE MOTIONED TO DO PASS AS AMENDED, SECONDED**

Page 3
Senate Judiciary Committee
Bill/Resolution Number 1331
Hearing Date March 13th, 2001

**BY SENATOR DEVER. VOTE INDICATED 5 YEAS, 0 NAYS AND 2 ABSENT AND
NOT VOTING. SENATOR DEVER VOLUNTEERED TO CARRY THE BILL.**

Proposed Amendments to House Bill No. 1331

Page 2, line 3, replace "mailing address" with "residential address, rural route, or general delivery"

Page 3, line 4, replace "mailing" with "residential address, rural route, or general delivery"

Page 3, line 5, remove "address"

Page 3, line 11, replace "mailing address" with "residential address, rural route, or general delivery"

Page 4, line 29, replace "mailing addresses" with "residential addresses, rural route addresses, or general delivery addresses"

Renumber accordingly

after "signature" insert "complete" and

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1331

Page 3, line 10, remove the o/s over "or"

Page 2, line 2, remove the o/s over "residential address or"

Page 2, line 3, replace "~~mailing address~~" with "residential address ^{or} rural route ^{or} general delivery"

Page 3, line 4, replace "mailing" with "residential address ^{or} rural route ^{or} general delivery"

Page 3, line 5, remove "address"

Page 3, line 9, remove the o/s over "Residential Address"

Page 3, line 11, replace "~~mailing address~~" with "residential address ^{or} rural route ^{or} general delivery"

Page 4, line 28, remove the o/s over "residential address or"

Page 4, line 29, replace "~~mailing address~~" with "residential address ^{or} rural route ^{or} general delivery"

Renumber accordingly

Date: 3/13/01
 Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO.

Senate Judiciary Committee

Subcommittee on _____

or

Conference Committee

Legislative Council Amendment Number HB 1331

Action Taken Adopt amendment by Sec of State

Motion Made By _____ Seconded By _____

Senators	Yes	No	Senators	Yes	No
Traynor, J. Chairman	✓		Bercier, D.		
Waite, D. Vice Chairman	✓		Nelson, C.		
Dever, D.	✓				
Lyson, S.	✓				
Trenbeath, T.	✓				

Total (Yes) 5 No 0

Absent _____

Floor Assignment _____

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

