

# MICROFILM DIVIDER

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10/3/03  
Date

2003 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HB 1250

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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1250

House Government and Veterans Affairs Committee

Conference Committee

Hearing Date 1-23-03

Tape Number	Side A	Side B	Meter #
1	X		0-49.4

Committee Clerk Signature

*Gray Runkle*

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

Representative Schmidt; appeared in favor of HB 1250. And had short testimony presented.

**(SEE ATTACHED TESTIMONY).**

Chairman Klein: I have a question what it costs for a special election? What does that do to the tax payers?

Representative Schmidt: Democracy is never cheap and the cost of an election should never be a concern.

Representative Pam Guleson; appeared in favor of HB 1250 because of great belief and respect for the constitution upon which this nation was founded. Provided written testimony

**(SEE ATTACHED TESTIMONY).**

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*10/2/03*  
Date

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House Government and Veterans Affairs Committee

Bill/Resolution Number HB 1250

Hearing Date 1-23-03

Charles Mertens, Devils Lake, ND: I was a former state representative and served 20 years in this body. I am in favor of HB 1250 and provide written testimony **(SEE ATTACHED TESTIMONY)**.

Jason Stverak, Executive Director, ND Republican Party: appeared in opposition of HB 1250 and provided written testimony **(SEE ATTACHED TESTIMONY)**.

Representative Wes Felter: appeared in opposition of HB 1250. Its important to remember what the people voted for. This was put on the ballot and the people spoke and said that they were taking away the governor appointment process and leaving it up to the legislature to delegate a new process for the replacement or the dealing of legislation vacancy. The other point I would like to make is that the appointment process is not something that is not used in the democratic process. The other place that it is used is in the US Senate, we had an example of that in ND when Burdiok died. His wife replaced him, until a special election could take place. This process leaves the vote up to the people. The fact of the matter is that the people did have an opportunity to vote the appointed person who was overwhelmingly elected.

Ultimately the people through there vote will be the ones who approve of the selection of the various political parties.

Cory Fong, Secretary of States Office: I'm not here to testify in favor or opposition to this piece of legislation, but I do want to point out to the committee if you are going to take up this section of law that we do have some concerns or some amendments to the present law, that we feel are important if you are going to leave that law in the book which allows the district committee to make the appointment for the legislative council chairman. We need something in the law that provides a vehicle to the Sec. of State to make an official appointment and forward the oath

Page 3

House Government and Veterans Affairs Committee

Bill/Resolution Number HB 1250

Hearing Date 1-23-03

of office to the individual. I would be happy to help the committee to work on amendments to give us back ability.

Here ends the hearing.

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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1250

House Government and Veterans Affairs Committee

Conference Committee

Hearing Date 1-31-03

Tape Number	Side A	Side B	Meter #
2		x	6.7-23.3

Committee Clerk Signature *Joseph Rucke*

Minutes: Chairman Klein: opened the hearing on HB 1250.

Representative Devlin: made a motion to **AMEND** HB 1250.

Representative Meier: **SECOND** the amendment on HB 1250.

Representative Devlin: made a motion to **DO PASS** as amended HB 1250.

Representative Grande: **SECOND** the motion.

**VOTE: 11 YES 2 NO 1 ABSENT** (Haas).

Representative Devlin: will carry the bill to the floor.

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*Jo Costa Rickford*  
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*10/3/03*  
Date

30430.0102  
Title.0200

Adopted by the Government and Veterans  
Affairs Committee  
January 31, 2003

VK  
1/31/03  
log2

HOUSE AMENDMENTS TO HOUSE BILL NO. 1250 GVA 2-03-03

Page 1, line 1, after "to" insert "create and enact a new subsection to section 16.1-11-18 of the North Dakota Century Code, relating to filling a vacancy in a nomination for a party office; and to", replace "sections" with "section", and remove "and 44-02-02"

Page 1, line 2, replace "and resignation of a member of" with a period

Page 1, remove line 3

Page 1, after line 4, insert:

"SECTION 1. A new subsection to section 16.1-11-18 of the North Dakota Century Code is created and enacted as follows:

A vacancy in a nomination after a primary election may not be filled under subsection 4 or 5 unless the individual nominated:

- a. Dies;
- b. Would be unable to serve, if elected, as a result of a debilitating illness;
- c. Ceases to be a resident of the state or an individual nominated for legislative office will not be a resident of the legislative district at the time of the election; or
- d. Ceases to be qualified to serve, if elected, as otherwise provided by law."

Page 1, line 7, remove "~~Special~~"

Page 1, line 8, remove "~~election to fill~~" and after the boldfaced period insert:

"1."

Page 1, line 10, remove the overstrike over "~~chairman of the legislative council~~" and remove "~~governor~~"

Page 1, line 11, remove the overstrike over "~~chairman of the legislative council~~" and remove "~~governor~~"

Page 1, line 13, remove the overstrike over "~~chairman of the legislative council shall notify the district committee of the~~"

Page 1, remove the overstrike over lines 14 through 21

Page 1, line 22, remove the overstrike over "~~next general election to serve for the remainder of the term of office for that office~~" and remove "~~governor, if~~"

Page 1, remove lines 23 and 24

Page No. 1

30430.0102

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HOUSE AMENDMENTS TO HOUSE BILL NO. 1250 GVA 2-03-03

Page 2, remove lines 1 through 6

Page 2, line 7, remove "fill the vacancy" and after the period insert:

"2. A district committee or the chairman of the legislative council making an appointment under this section shall notify the secretary of state of the appointment. Upon notification of an appointment, the secretary of state shall issue the individual appointed a certificate of appointment and oath of office to complete and file with the secretary of state."

Page 2, remove lines 8 through 30

HOUSE AMENDMENTS TO HOUSE BILL NO. 1250 GVA 2-03-03

Page 3, remove lines 1 and 2

Renumber accordingly

Page No. 2

30430.0102

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