

2011 SENATE JUDICIARY

SCR 4006

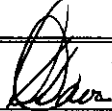
# 2011 SENATE STANDING COMMITTEE MINUTES

Senate Judiciary Committee  
Fort Lincoln Room, State Capitol

SCR4006  
1/18/11  
No recording

Conference Committee

Committee Clerk Signature



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

Relating to elimination of the authority for the legislative assembly to levy an annual poll tax.

## Minutes:

There is attached testimony

**Senator Nething** - Chairman

**Senator Dever** – District 32 – Introduces the bill. Explains the poll tax in N.D. is outdated, and contains offensive language. This measure removes the constitutional provision allowing the legislative assembly to levy and an annual poll tax.

**Al Jaeger** – Secretary of State – Says the 24<sup>th</sup> amendment to the constitution prohibits a poll tax.

**Veronica Zietz** –Executive Director of the Arc of Bismarck and the Arc of Cass County.  
See written testimony.

**Roxane Romanick** – Board President for Designer Genes of N.D. – see written testimony.

Close the hearing on SCR4006

**Senator Olafson** moves for a do pass  
**Senator Lyson** seconds

Roll call vote – 6 yes, 0 no

**Senator Olafson** will carry

Date: 1/18  
Roll Call Vote # 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 4006

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 Lyson

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) 6 No 0

Absent \_\_\_\_\_

Floor Assignment Senator Olafson

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

**REPORT OF STANDING COMMITTEE**

**SCR 4006: Judiciary Committee (Sen. Nething, Chairman) recommends DO PASS**  
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4006 was placed on the  
Eleventh order on the calendar.

2011 HOUSE CONSTITUTIONAL REVISION

SCR 4006

# 2011 HOUSE STANDING COMMITTEE MINUTES

House Constitutional Revision Committee  
Prairie Room, State Capitol

SCR 4006  
March 16, 2011  
Job #15539

Conference Committee

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

A concurrent resolution for the repeal of section 6 of article X of the Constitution of North Dakota, relating to elimination of the authority for the legislative assembly to levy an annual poll tax.

## Minutes:

Attachment #1
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**Chairman Koppelman:** We will open the hearing on SCR 4006.

**Senator Dick Dever, District 32, Bismarck:** SCR 4006 comes to repeal a section of the Constitution that goes back to statehood in 1889. If you think of the language that appeared in the Constitution at that time is totally inappropriate for the language of our time. The poll tax that's provided for in here has never been initiated and will never be initiated. In 1965, there was a Federal lawsuit that banned it in Federal elections and subsequent to that in State elections. It provided that the Legislative assembly may levy an annual poll tax of not more than \$1.50 on every male inhabitant of this state over 21 and under 50 years of age, except paupers, idiots, insane persons, and Indians not taxed. The language is discriminatory on a whole bunch of different levels. I thought it might be a good idea to take that out of our Constitution.

**Representative Holman:** What kind of reading material do you have to actually find this?

**Senator Dick Dever:** We're often asked if we've actually read the Constitution and actually I did.

**Chairman Koppelman:** Is there any statutory language that corresponds to this that hasn't been repealed? Did you look at that?

**Senator Dick Dever:** I'm not aware of any and I had conversations with the secretary of state and I'm sure had there been any that he would have pointed that out. I wanted to remove this but I don't want to make a big deal out of it because I don't want it to be controversial out there in the public. It offers opportunities for those organizations and those people that advocate for some segments of our society the opportunity to share that in a respectful way.

**Vice Chairman Kretschmar:** Looking at the United States Constitution, article XXIV which was ratified in 1964 states 'shall not be denied or abridged by reason of failure to pay any poll or other tax'. The United States Constitution has taken it out for the whole nation.

**Senator Dever:** So you could call this clean up language.

**Veronica Zietz, Executive Director at the Arc:** (See attached testimony #1).

**Chairman Koppelman:** I think we can all take some pride in North Dakota in knowing that it's never been exercised here.

**Chairman Koppelman:** Further testimony in support of SCR 4006? Opposition? Neutral? Seeing none we'll close the hearing.

**Representative Owens:** I move a do pass on SCR 4006.

**Representative Conklin:** Second.

**9 Yes, 0 No, 2 Absent**

**Do Pass**

**Carrier: Representative Louser**

Date: March 16, 2011  
 Roll Call Vote # 1

**2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. SCR 4006**

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. Owens Seconded By Rep. Conklin

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

Total (Yes) 9 No 0

Absent 2

Floor Assignment Rep Louser

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



**REPORT OF STANDING COMMITTEE**

**SCR 4006: Constitutional Revision Committee (Rep. Koppelman, Chairman)**  
recommends **DO PASS** (9 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING).  
SCR 4006 was placed on the Fourteenth order on the calendar.

2011 TESTIMONY

SCR 4006



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**Testimony of Support Senate Concurrent Resolution 4006**  
**Judiciary Committee**  
**January 18, 2011**

Good morning Chairman Nething and members of Judiciary Committee. My name is Veronica Zietz (#99); I am the Executive Director at The Arc of Bismarck and I'm here today representing both The Arc of Bismarck and The Arc of Cass County. The Arc is an organization that provides education and advocacy to people with disabilities to foster empowerment and full inclusion in the community.

The Arc supports Senate Concurrent Resolution 4006, because it would repeal an article of the constitution that is not only archaic but overwhelmingly offensive. It is necessary to repeal this article in order to provide minorities, particularly individuals with disabilities in our state with the dignity they deserve. Removing hurtful and inappropriate language from our state constitution will not only set a powerful example of tolerance and understanding, but empower self-advocates in our state by removing stigma associated with outdated labels.

Additionally, a poll tax is an unjust practice, enacted only to hinder individuals classified as low income, which includes the majority of individuals with disabilities, from participating in the democratic process. All citizens regardless of their discretionary income should be able to exercise their right to vote.

A poll tax and this wildly offensive terminology have no place in North Dakota's constitution and I urge the committee to support Senate Concurrent Resolution 4006. Thank you for your time and attention.



Senate Judiciary Committee  
SCR 4006

Testimony Prepared By: Roxane Romanick, Designer Genes of ND  
1-18-11

Chairman Nething and Members of the Senate Judiciary Committee:

My name is Roxane Romanick and I live in Bismarck, ND. My name is Roxane Romanick and I am the Board President for Designer Genes of North Dakota, Inc. Designer Genes of ND, Inc. is a state incorporation that serves to supports individuals with Down syndrome and their families. Today I am representing our network that consists of 250 members across the state of North Dakota. We are here today in support of SCR 4006. We commend the sponsors of this bill in their efforts to bring this bill forward.

As an articulate and succinct self-advocate said in the testimony to SB 2142 just yesterday – please “just shred” the inappropriate language that exists in our state’s rules and laws. We agree with her wholeheartedly. Among our membership are many individuals, including my daughter, that would have been labeled with the terms included in this section of the constitution. As a spokesperson for all of them, I ask that you strongly encourage sending this continuing resolution forward.

Thank you for your time.

Roxane Romanick  
Board President  
Designer Genes of ND, Inc.  
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# DESIGNER GENES

A·DOWN·SYNDROME·SUPPORT·NETWORK

[WWW.DESIGNERGENESND.COM](http://WWW.DESIGNERGENESND.COM)

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Designer Genes hopes that through continued awareness efforts we can help all to recognize the potential of people of all abilities, especially those with Down syndrome.

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## DOWN SYNDROME

isn't a disease. It is the most commonly occurring chromosomal abnormality.

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It is a **TRAIT**. It is not a condition or affliction. It is something an individual has like brown hair, a sparkling smile and a great personality.

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People with DS **LEAD** fulfilling lives and contribute to their communities.

**WE ARE MORE ALIKE  
THAN DIFFERENT.**





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Attachment #1

**Testimony of Support Senate Concurrent Resolution 4006  
House Constitutional Revision Committee  
March 16, 2011**

Good morning Chairman Koppelman and members of the Constitutional Revision Committee. My name is Veronica Zietz (#99); I am the Executive Director at The Arc of Bismarck and I'm here today representing both The Arc of Bismarck and The Arc of Cass County. The Arc is an organization that provides education and advocacy to people with disabilities to foster empowerment and full inclusion in the community.

The Arc supports Senate Concurrent Resolution 4006, because it would repeal an article of the constitution that is not only archaic but overwhelmingly offensive. It is necessary to repeal this article in order to provide minorities, particularly individuals with disabilities in our state with the dignity they deserve. Removing hurtful and inappropriate language from our state constitution will not only set a powerful example of tolerance and understanding, but will also empower self-advocates in our state by removing stigma associated with outdated labels.

Additionally, a poll tax is an unjust practice, enacted only to create barriers to individuals classified as low income, which includes the majority of individuals with disabilities, from participating in the democratic process. All citizens regardless of their discretionary income should be able to exercise their right to vote without hindrances. While I realize this section of the constitution is irrelevant and has not been used in years I believe it is time to remedy this inappropriate section of the constitution.

A poll tax and this offensive terminology have no place in North Dakota's constitution and I urge the committee to support Senate Concurrent Resolution 4006. Thank you for your time and attention.