

2019 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HCR 3034

2019 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Fort Union Room, State Capitol

HCR 3034
2/15/2019
32855

- Subcommittee
 Conference Committee

Committee Clerk: Carmen Hart

Explanation or reason for introduction of bill/resolution:

Relating to voting on constitutional amendments at general elections

Minutes:

Attachments 1-2

Chairman Kasper opened the hearing on HCR 3034.

Vice Chair Steiner appeared in support. Attachment 1. (1:38-4:04)

Rep. Schneider: Was this proposed to the initiated measure committee?

Vice Chair Steiner: Yes. They had discussion on it, and it was withdrawn. A citizen had brought it forward. A democrat senator had opposed it, because her thought was that if the committee that is pushing the initiated measure would prefer the June primary, it might work better for their purposes to have it pass in June.

Rep. Vetter: If this were to pass, would this be voted on by the people, or is this just statue?

Vice Chair Steiner: Ironically, it could be voted on in the primary, because that is still allowed. My purpose would be to have it voted on in November. This would move all constitutional votes to November.

Rep. B. Koppelman: Do you have faith that the people of North Dakota can make their own decisions?

Vice Chair Steiner: I do, but I do have the timing concerns that were brought up in committee yesterday. If we have 10 of these on the ballot, I don't know how many are going to come forward out of this legislative session. Maybe they will get ballot fatigue, and by the time they get to this one, they are not interested any more in those types of issues.

Rep. Schauer: Do you feel this causes any kind of hurdle for citizen groups to move forward with initiated measures by moving it to the general?

Vice Chair Steiner: I have not been involved with one of these, and I don't know if it is a bigger hurdle for them or not. I imagine that they would have to convince more voters.

Opposition

Attachment 2 was given by **Kevin Herrmann, Beulah**, in opposition. He was unable to attend the hearing.

Chairman Kasper closed the hearing.

Chairman Kasper opened the meeting on HCR 3034. (10:32)

Rep. Rohr made a motion for a DO PASS.

Rep. Schauer seconded the motion.

Rep. Louser: When the version of this was in the commission, I voted no for two reasons. One reason is it is up to the sponsoring committee who has the ballot measure and their ability to get signatures and requirements that are placed on them by our process may preclude them from being successful and getting on the ballot at that time. The other discussion was the general election ballot, while typically has a lot more voters, also has a lot more on the ballot. A good argument could be made for a constitutional amendment being the top thing on the ballot in the June primary, so that may drive voters in and eliminate the ballot confusion and the need to try to campaign during a general election.

Rep. B. Koppelman: I am going to support this. I do trust that the voters have the ability to navigate the issues that are on the ballot.

Rep. Vetter: There are so many more voters in the general election, so I think it makes sense especially when you are changing the constitution. I think it would also be an advantage of one party over the other.

Rep. Louser: I am not that passionate about this one.

Rep. Schneider: I have an issue with this going around the initiated and referred measures study.

A roll call vote was taken. 10-4, 0 absent. At first Rep. Steiner was going to carry the bill, but later on she asked the chair if Rep. Koppelman could do so, and he agreed.

Rep. B. Koppelman will carry the bill.

Date: 2-15-19
 Roll Call Vote #: 1

**2019 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 3034**

House Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Rep. Rohr Seconded By Rep. Schauer

Representatives	Yes	No	Representatives	Yes	No
Chairman Jim Kasper		X	Rep. Pamela Anderson		X
Vice Chair Vicky Steiner	X		Rep. Mary Schneider		X
Rep. Jeff Hoverson	X				
Rep. Craig Johnson	X				
Rep. Daniel Johnston	X				
Rep. Karen Karls	X				
Rep. Ben Koppelman	X				
Rep. Vernon Laning	X				
Rep. Scott Louser		X			
Rep. Karen Rohr	X				
Rep. Austen Schauer	X				
Rep. Steve Vetter	X				

Total (Yes) 10 No 4

Absent 0

Floor Assignment Rep. B. Koppelman

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

REPORT OF STANDING COMMITTEE

HCR 3034: Government and Veterans Affairs Committee (Rep. Kasper, Chairman)
recommends **DO PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING).
HCR 3034 was placed on the Eleventh order on the calendar.

2019 SENATE GOVERNMENT AND VETERANS AFFAIRS

HCR 3034

2019 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Sheyenne River Room, State Capitol

HCR3034
3/28/2019
#34346

- Subcommittee
 Conference Committee

Committee Clerk: Pam Dever

Explanation or reason for introduction of bill/resolution:

Relating to voting on constitutional amendments at general elections.

Minutes:

Att # 1 – Rep. Steiner ; Att # 2 – Kevin Herrmann

Chairman Davison: Let's open HCR3034.

Rep. Vicky Steiner, Dist. 37, Dickinson: I am here to introduce this resolution. (att # 1) (.30-3.25).

Sen. Erin Oban: Statistics I would like to give you. 87% of all amendments in 100 years were put on by legislators. This resolution just pertains to initiated. Why wouldn't this be proposed for all constitutional measures? (4.11)

Rep. Steiner: My understanding is to amend the constitution; this would be the general election only. I thought we were just moving it from primary to general election. (4.26)

Sen. Erin Oban: (5.02) I found it interesting that the majority were put on by legislators. We tend to debate the ones that the people put on.

Rep. Steiner: I disagree with that statement. (5.06) It puts more voters in front of the measure is the intent.

Chairman Davison: Any more testimony in support? Agency? Against? Hearing is closed. We will look at all the constitution related next week and vote. (6.12)

Done (6.27)

Att # 2 – Kevin Herrmann (emailed)

2019 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee
Sheyenne River Room, State Capitol

HCR3034
4/4/2019
#34522

- Subcommittee
 Conference Committee

Committee Clerk: Pam Dever

Explanation or reason for introduction of bill/resolution:

Relating to voting on constitutional amendments at general elections.

Minutes:

Chairman Davison: We may as well deal with HCR3034 now. What are the committee wishes? (.20)

Sen. Shawn Vedaa: I move a DO NOT PASS. **Vice Chair Meyer:** I second.

Chairman Davison: Discussion? Call roll: **YES -- 5 NO -- 2 -0-absent. (.42)**

The **DO NOT PASS – passed.** **Sen. Shawn Vedaa will carry the bill.**

Done (1.0)

4-4-19

Date:
Roll Call Vote #: 1

2019 SENATE STANDING COMMITTEE
ROLL CALL VOTES HCR 3034
BILL/RESOLUTION NO.

Senate Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
Other Actions: Reconsider _____

Motion Made By Sen. Vedaa Seconded By Sen. Meyer

Senators	Yes	No	Senators	Yes	No
Chair Davison	/		Sen. Oban		/
Vice Chair Meyer	/		Sen. Marcellais		/
Sen. Elkin	/				
Sen. K. Roers	/				
Sen. Vedaa	/				

Total (Yes) 5 No 2

Absent -0-

Floor Assignment Sen. Vedaa

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

REPORT OF STANDING COMMITTEE

HCR 3034: Government and Veterans Affairs Committee (Sen. Davison, Chairman)
recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING).
HCR 3034 was placed on the Fourteenth order on the calendar.

2019 TESTIMONY

HCR 3034



NORTH DAKOTA HOUSE OF REPRESENTATIVES

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360

#1
HCR 3034
2-15-19



Representative Vicky Steiner

District 37
859 Senior Avenue
Dickinson, ND 58601-3755
vsteiner@nd.gov

COMMITTEES:
Finance and Taxation
Government and Veterans Affairs, Vice Chairman

Friday, February 15, 2019

Chairman Jim Kasper, Members of the Committee

Good morning and thank for this opportunity to present House Concurrent Resolution 3034.

As you may know, Chairman Kasper, Rep. Louser and I served on the Initiated and Referred Measures Study Commission. We were appointed to the commission along with 3 other Senators and 13 citizen/state officials.

The original constitution did not allow initiated measures. I have taken historical information below from the commissions background memorandum. Claire Ness was our counsel.

In fact, the original state Constitution, adopted October 1, 1889, allowed electors to vote on a Constitutional amendment if the Legislative Assembly had voted to send the amendment to the people during both preceding two legislative sessions. In 1918, that was changed to only one legislative session.

In 1914, an amendment to the state constitution allowed statutes to be enacted, amended or rejected by the voters. To put a statutory initiative or referendum on the ballot under the 1914 amendment, at least 10 percent of legal voters in the majority of North Dakota counties had to sign a petition in support of doing so. The petition process was simplified in 1918 to allow a constitutional measure to be placed on the ballot if a petition with 20,000 or more signatures was filed at least 120 days before an election.

The bill before you was supported by some of the citizens at the commission meeting. Bob Hale from Minot supported it by saying that more people vote in November than in the June primary. To change our state constitution we should have the highest number of voters making the decision.

#1
HCR 3034
2-15-19

The staff at the Secretary of State's office reports:

Voter totals

	2018	2016
Primary election	115,226	139,957
General election	330,598	349,945

The state constitution is an incredibly important framework for our state.

This measure would give our voters a say on whether or not it should be voted on only at the general election in November.

I would encourage a Do Pass recommendation. Thank you.

#2
HCR 3034
2-15-19

Written testimony on House Concurrent Resolution 3034

Chairman Kasper and Government and Veterans Affairs
committee members

My name is Kevin Herrmann, 300 Fair St. SW, Beulah, ND. I oppose House Concurrent Resolution 3034. The issue in this bill is line 14 to line 20 dealing with section 9 of Article III "Powers Reserved to the People" in the North Dakota Constitution. The sentence on line 18 starting after the word "state.", "An initiated measure to amend the constitution may be placed on the ballot only at a general election." This wording of this sentence had discussion in the Initiated and Referred Measures Study Commission.

I attended every meeting that was scheduled of the Initiated and Referred Measures Study Commission. The commission had 1 individual appointed from Chief Justice of the Supreme Court as commission chairman, 6 Legislators, 1 individual appointed from Secretary of State Office, 7 citizens appointed by the Governor and 4 individuals appointed from 4 separate organizations. There was a few different draft bill ideas about initiative measure to amend the constitution may or must or shall be placed on the ballot only at general election. The commission voted only on one of the three drafts about this subject which the commission did not approve but the other two drafts were withdrawn before being voted on,

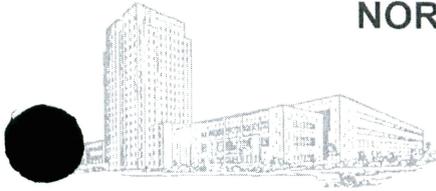
I believe the initiative measures be allowed to continue on either primary or general election ballot.

I am asking the Government and Veterans Affairs Committee to amend House Concurrent Resolution 3034 in taking the words in line 14 to line 20 out of this bill. If not, I am asking for a DO NOT PASS on House Concurrent Resolution 3034.

Thank you for allowing me to speak.

Kevin Herrmann
300 Fair St, SW
Beulah, ND 58523
701-873-4163

NORTH DAKOTA HOUSE OF REPRESENTATIVES



STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360

HCR 3034
3-28-19
att #1
ps1

The official seal of the North Dakota House of Representatives, featuring a circular design with the state seal in the center and the text 'NORTH DAKOTA HOUSE OF REPRESENTATIVES' around the perimeter.

Representative Vicky Steiner

District 37
859 Senior Avenue
Dickinson, ND 58601-3755
vsteiner@nd.gov

COMMITTEES:
Finance and Taxation
Government and Veterans Affairs, Vice Chairman

March 28, 2019

Senate Government and Veterans Affairs
Chairman Kyle Davison

Good morning and thank you for this opportunity to present House Concurrent Resolution 3034. Last year, I served on the Initiated and Referred Measures Study Commission. Along with Rep. Kasper, Rep. Louse, I was appointed to the commission along with 3 Senators and 13 citizen and state officials. The senators were Sen. Hogue, Sen. Lee and Sen. Oban.

The original constitution did not allow initiated measures. I have taken historical information below from the commissions background memorandum. Claire Ness was our counsel.

In fact, the original state Constitution, adopted October 1, 1889, allowed electors to vote on a Constitutional amendment if the Legislative Assembly had voted to send the amendment to the people during both preceding two legislative sessions. In 1918, that was changed to only one legislative session.

In 1914, an amendment to the state constitution allowed statutes to be enacted, amended or rejected by the voters. To put a statutory initiative or referendum on the ballot under the 1914 amendment, at least 10 percent of legal voters in the majority of North Dakota counties had to sign a petition in support of doing so. The petition process was simplified in 1918 to allow a constitutional measure to be placed on the ballot if a petition with 20,000 or more signatures was filed at least 120 days before an election.

The bill before you was supported by some of the citizens at the commission meeting. Bob Hale from Minot supported it by saying that more people vote in November than in the June primary. To change our state constitution we should have the highest number of voters making the decision.

original

make copy

HCR 3034
3-28-19
+1
Att
pg 2

The staff at the Secretary of State's office reports:

oter totals

	2018	2016
Primary election	115,226	139,957
General election	330,598	349,945

The state constitution is an incredibly important framework for our state.

This measure would give our voters a say on whether it should be voted on only at the general election in November.

I would encourage a Do Pass recommendation for HCR 3034. Thank you.

HCR 3034
2-28-19
Att # 2
pg 1

Written testimony on House Concurrent Resolution 3034

Chairman Davison and Government and Veterans Affairs committee members

My name is Kevin Herrmann, 300 Fair St. SW, Beulah, ND. I oppose House Concurrent Resolution 3034. The issue in this bill is line 14 to line 20 dealing with section 9 of Article III "Powers Reserved to the People" in the North Dakota Constitution. The sentence on line 18 starting after the word "state.", "An initiated measure to amend the constitution may be placed on the ballot only at a general election". This change would not allow any initiated measure to amend the constitution to be placed on primary election ballot.

I attended every meeting that was scheduled of the Initiated and Referred Measures Study Commission. The study commission members had a discussion on a resolution draft for an initiative measure to be placed on general election only. The majority of appointed citizens' members on the study commission did not like this concept so the resolution draft was voted down.

The initiative measures should be allowed to continue on either primary or general election ballot based on meeting the requirements of Article III "Powers Reserved to the People".

I am asking the Government and Veterans Affairs Committee to amend House Concurrent Resolution 3034 in taking the words in line 14 to line 20 out of this bill. If not, I am asking for a DO NOT PASS on House Concurrent Resolution 3034.

Thank you for allowing me to send this written testimony.

Kevin Herrmann
300 Fair St. SW
Beulah, ND 58523
701-873-4163

emailed