

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

22275

2001 SENATE JUDICIARY

SB 2275

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2275

Senate Judiciary Committee

Conference Committee

Hearing Date January 30th, 2001

Tape Number	Side A	Side B	Meter #
1		X	16.0-36.5
Committee Clerk Signature			

Minutes: **Senator Traynor** opened the hearing on SB 2275: A BILL FOR AN ACT TO CREATE AND ENACT A NEW SECTION TO CHAPTER 1-01 OF THE NORTH DAKOTA CENTURY CODE, RELATING TO THE DEFINITION OF PUBLIC INTEREST.

Senator Bill Tollefson, supports SB 2275. Public interest isn't defined in the century code. Definition in the bill itself comes from Black's Law Dictionary. Not a difficult bill, and it needs definition.

Senator Traynor, are you suggesting that Black's Law Dictionary be added to the definition of public interest in the Century Code?

Senator Tollefson, not necessarily, it is defined well in the bill.

Senator Trenbeath, I don't understand what you're trying to say here on line 9 and 10. "Public interest does not mean anything so narrow as mere curiosity, or as the interests of particular localities which may be affected by the matters in question." What are they saying?

Senator Tollefson, it's very generic. Way I would read it is public interest is not so narrow as to focus on a particular part of a ND, but rather the whole state.

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Senator Trenbeath, it may by analogy something that is happening in Pierre SD, is not of interest to us. It seems that this is what it is getting at.

Senator Tollefson, are concern public interest should not be parochial. We as legislatures should be interested in the whole state.

Senator Traynor, by using the word something, are you talking about a concept, a building, a herd of cows, what is it?

Senator Tollefson, it could be anything.

Senator Traynor, not only tangible but intangible property.

Senator Nelson, there is two hundred references to public interest in the century code.

Senator Tollefson, public interest depends on where you're coming from. I think it is generic enough, and gives parameters. It deserves to be in the Century Code in order to give people a feeling of what it means.

Senator Bercler, public interest is not definable.

Senator Traynor, Black's Law Book would be good at defining public interest, it would be good to have in the code.

John Risch, doesn't have a position on the bill, represents the united transportation union. Only has the long term effects. It may be a problem if a local issued does in fact become a state problem.

Senator Traynor, your offering a critique.

Jerry Jumstad, represents league of cities. Isn't sure what the impact of the bill would be.

Senator Nelson, we've had three bills dealing with localities. Would that be a problem if this bill becomes law.

Jerry Jumstad, it could be argued.

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Senate Judiciary Committee

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Senator Traynor closed the hearing on SB 2275.

SENATOR NELSON MOTIONED TO DO NOT PASS, SECONDED BY SENATOR

BERCIER. VOTE INDICATED 4 YEAS, 3 NAYS AND 0 ABSENT AND NOT VOTING.

SENATOR BERCIER VOLUNTEERED TO CARRY THE BILL.

Date: 1/31/01
 Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2275

Senate Judiciary Committee

Subcommittee on _____
 or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Not Pass

Motion Made By Nelson Seconded By Bercier

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

Total (Yes) 4 No 3

Absent 0

Floor Assignment Bercier

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

REPORT OF STANDING COMMITTEE (410)
January 31, 2001 4:59 p.m.

Module No: SR-17-2051
Carrier: Bercler
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2275: Judiciary Committee (Sen. Traynor, Chairman) recommends DO NOT PASS
(4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2275 was placed on the
Eleventh order on the calendar.

2001 TESTIMONY

SB 2275

Testimonial on Senate Bill 2275
Senator Ben Tollefson
January 29, 2001

Chairman Traynor and Members of the Senate Judiciary Committee:

The definition and important part of lawmaking is the use and meaning of the words and terms involved. The bill you have before you is a very simple one. It defines the very popular term "public interest."

You are all very familiar with Volume One of the North Dakota Century Code. The first chapter of Volume One contains definitions of terms used in our laws, clarifying them for all and making the laws easier to understand.

"Public interest" is used extensively in the Century Code and is a popular term, especially politically. It is a "cozy" term that seems to warm the cockles of our constituents' hearts.

"Public interest," however, is not defined in the Code. The Legislative Council searched diligently in the Code but to no avail. However, Black's Law Dictionary defines it well. North Dakota Supreme Court uses Black's definition for their legal clarification of this important term. It is Black's definition you read in this bill.

For all of our sakes, we hope you will recommend a "Do Pass" on Senate Bill 2275.

Thank you.

Senator Bill Tollefson