

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION  
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2301

2001 SENATE JUDICIARY

SB 2301

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2301

Senate Judiciary Committee

Conference Committee

Hearing Date 1/31/2001

Tape Number	Side A	Side B	Meter #
1		x	35.0-end
2	x		0-2.4
Committee Clerk Signature			

Minutes: **Senator Watne** closed the hearing on SB 2301: A BILL FOR AN ACT TO CREATE AND ENACT A NEW SECTION TO CHAPTER 16.1-13 OF THE NORTH DAKOTA CENTURY CODE, RELATING TO PREPARATIONS FOR SPECIAL ELECTIONS TO FILL VACANCIES.

**Senator Traynor**, representing district 15 and speaking on behalf of Senator Holmberg. The question is what happens when there is a resignation. This bill would apply to any vacancy in a public office. Took 85 days to accomplish an election in connection to a regular November election.

**Senator Nelson**, why doesn't this differ with the bill we past last week.

**Senator Watne**, this deals only with special election.

**Cory Fung**, from the Secretary of States Office. With the passage of the other bill this isn't necessary. This bill does not come into play because there is 21 days to fill a vacancy. This bill would be better in chapter 44, and it would make more sense. On line 7 the term certain

concerns me. I would add the word reasonably certain. The last point is the vacancy created by Clarence Martin, this bill will in way shorten.

**Senator Bercier**, give me an example of language on line 6.

**Cory Fung**, I can't answer that question reasonably.

**Senator Bercier**, Is this necessary, given the other bill?

**Senator Lyson**, we have a sheriff in towners county. If we asked the governor to replace him, will this then go into effect.

**Cory Fung**, yes if this bill passed it would apply to everyone.

**Senator Dever**, with our other piece of legislation would Senator St. Martin be covered?

**Cory Fung**, yes he could have resigned.

**Senator Bercier**, this bill is different. It covers a broad spectrum of elections.

**Cory Fung**, correct. The pitfall of this bill is someone resigns, then they decide to withdraw in order to allow another party member to fill their vacancy.

**Senator Traynor**, maybe a vacancy should be irrevocable after a resignation is submitted.

**Jerry Jumstad**, representing the league of cities, has no position on the bill. Doesn't know if this bill will directly effect cities. This won't apply to anyone.

**Senator Lyson**, I'm wondering if this will allow for resignations in cities?

**Jerry Jumstad**, I don't think this would.

**Senator Watne**, Cory, this will not to apply to judges, legislatures, cities. Who will this apply to?

**Cory Fung**, he probably is right that this bill will not apply to anyone. I think this would apply to judges.

**Senator Nelson**, we can wait untill next general election, not the special election.

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Senate Judiciary Committee  
Bill/Resolution Number SB 2301  
Hearing Date 1/31/01

Senator Traynor closed the hearing on SB 2301.

**SENATOR TRENBEATH MOTIONED TO DO NOT PASS, SECONDED BY SENATOR TRAYNOR. VOTE INDICATED 6 YEAS, 0 NAYS, AND 1 ABSENT AND NOT VOTING.**

Date: 2/3  
Roll Call Vote #: 1

**2001 SENATE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. SB 2301**

Senate Judiciary \_\_\_\_\_ Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Not Pass

Motion Made By Trenbeath Seconded By Nelson

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

Total (Yes) 6 No 0

Absent 1

Floor Assignment Traynor

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

**REPORT OF STANDING COMMITTEE (410)**  
**February 6, 2001 1:14 p.m.**

**Module No: SR-21-2487**  
**Carrier: Traynor**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**SB 2301: Judiciary Committee (Sen. Traynor, Chairman) recommends DO NOT PASS**  
**(6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2301 was placed on the**  
**Eleventh order on the calendar.**