

HOUSE CONCURRENT RESOLUTION NO. 3015

Introduced by

Representatives Weisz, DeKrey, Nelson

Senator Klein

1 A concurrent resolution directing the Legislative Council to study the separation of powers
2 between the legislative and judicial branches and the distinction between the responsibilities of
3 each branch.

4 **WHEREAS**, Section 26 of Article XI of the Constitution of North Dakota provides that
5 the legislative, executive, and judicial branches are co-equal branches of government; and

6 **WHEREAS**, with the exception of the power of the people to propose and enact laws by
7 the initiative, the sole legislative power of the state is vested in the Legislative Assembly; and

8 **WHEREAS**, due to judicial activism and the apparent desire of courts throughout the
9 judicial system in this country to engage in legislating from the bench, the powers of the
10 legislative branch of government have been encroached upon;

11 **NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES**
12 **OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:**

13 That the Legislative Council study the separation of powers between the legislative and
14 judicial branches and the distinction between the responsibilities of each branch;

15 **BE IT FURTHER RESOLVED**, that the Legislative Council report its findings and
16 recommendations, together with any legislation required to implement the recommendations, to
17 the Fifty-eighth Legislative Assembly.