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ROLL NUMBER

DESCRIPTION

3028

2001 HOUSE POLITICAL SUBDIVISIONS

HCR 3028

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HCR3028

House Political Subdivisions Committee

Conference Committee

Hearing Date 2-15-01

Tape Number	Side A	Side B	Meter #
1	xx		1--5499
2	xx		3450--3797
Committee Clerk Signature <i>Penelope</i>			

Minutes: Chair Froseth opened the hearing on HCR3028 requesting that the Congress of the United States propose for ratification by the states an amendment to the Constitution of the US to repeal the 17th amendment.

Rep. Tom Brusegaard, Dist 19 : (115) Prime sponsor and support this resolution. For 123 years, the US Senate was filled with public servants sent to Washington, DC by their respective state legislatures. The adoption of the 17th amendment, in 1913, we started to elect senators by popular vote. This resolution would change is back to the way it was done before 1913. Today, the US Senate is just a prestigious house. They respond to the same whims and pressures as the people in the House. When these whims and pressures involve only the problems of their constituents, that might not be too bad. Factor in the vast expense of running a state wide campaign. The pressure to bend and sway with the next PAC check must be immense. How many hours do we spend, as a state legislature, dealing with federal issues. Garrison Diversion, mandates to receive federal highway funds, mandates dealing with special education funds, are a

few issues. In the special ed. Area, we have the mandates from Washington, but we never see the money to pay for these mandates. We may see 10-11% of the funding. We are loosing 20-30 million dollars because of these mandates. Having the senators elected by the state legislature, would ensure that we, as state policy makers, have a voice in federal legislation. (He went on to tell history of why it was changed in 1913.) end of testimony (680) I think this is a good issue to debate and helps all of us. This bill, even if passed, doesn't do much. For the record, I did not come up with this resolution because I think the people of ND are too stupid to elect their state senator. I did not like what the press implied in print yesterday. I respect our US senators. I thought this was a good issue for our body to debate an issue larger than ourselves.

Rep. Delmore : I appreciate your comments, but in a state like ours, who like to elect all offices, how do you justify this to the electors?

Rep. Brusegaard : Look at the Tool Chest Bill. That was a new dimension. I think the people of ND can look at something larger than themselves. (800-900) He explained the previous process and the new process, if passed. The senators would be accountable to the legislature.

Rep. Kretschmar : (1005) Thank you for coming forward. All ideas should be brought up and debated at the legislature. This ideas should be discussed.

Rep. Tiegan : I have a comment. In New Jersey this part election, the winner of the US senate race spent over \$50 M of their own money. That is unreal.

Rep. Eckre : (1340) Do you think the American people and the people of ND are really willing to give up their right to elect a US senator?

Rep. Brusegaard : When you phrase the question the way you did, the answer is, No. It has to be an educational process and we have to educate.

Vice-Chair Severson : (1460) Have there been any other states that stepped forward to repealing the 17th amendment?

Rep. Brusegaard : To my knowledge, we are the only ones. There may be discussions going on in other states. I study the constitution and decided to bring this idea before you.

Rep. Delmore : If we carry through with this resolution, what kind of message are we sending to our two senators in Washington?

Rep. Brusegaard : I was concerned about that, but I would hope they could understand this is a good debate and take this in a good sense. They are bigger men than that. We are a federal republic.

Rep. Niemeier : (2830) ND is known for their independence and swing voters. I don't see this resolution as a plus.

Rep. Ekstrom : An earlier point you were making with regard to our low population, and if we don't have the electoral college anymore, we in ND would be at a great disadvantage. Aren't we better represented proportionately by two senators, now, than if changed?

Rep. Brusegaard : Good comment. I haven't thought of it that way.

Rep. Merle Bouche, Minority Leader, Dist 9 : Here to oppose this resolution. I represent the people of ND and am here to fight for their truth and justice. Debate is good. But I am here to tell you that this legislation is totally politically motivated and is part of a package of legislation to do away with certain elected positions, like the office of State Treasurer. This is a very political bill. We can't limit the participation of the people in ND. I believe our government will become more corrupt if you pass this resolution.

Rep. Fairfield : (4670) If this is political, maybe we should pass this and then things will swing around for the democratic party again.

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Rep. Bouche : That would be a plus.

Rep. Maragos : Didn't we have a resolution two years ago asking Congress to consider getting rid of the electoral college?

Rep. Bouche : Yes, that was the electoral college. If we had, then my man would be president.

Rep. Solberg, Dist 2 : I am here to oppose this resolution on behalf of the people of ND.

Joe Pratschner, Mandan : (5375) opposed to this resolution. Can't believe this would happen in my backyard. The people of ND won't want this.

Chair Froseth : Any more testimony? Hearing none, HCR3028 is closed.

(Tape 2, side A (3450-3797) Chair Froseth : What do you wish for HCR3028?

Rep. Maragos : I move a DO NOT PASS.

Rep. Ekstrom : I second.

VOTE: 14 YES and 1 NO with 0 absent. PASSED Rep. Kretschmar will carry.

Date: 2-15-01
Roll Call Vote #:

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HCR 3028

House POLITICAL SUBDIVISIONS Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Not Pass

Motion Made By Rep. Maragos Seconded By Rep. Ekstrom

Representatives	Yes	No	Representatives	Yes	No
Chairman Glen Froseth	/		Rep. Wayne W. Tieman	/	
Vice-Chair Dale C. Severson		/			
Rep. Lois Delmore	/				
Rep. Rachael Disrud	/				
Rep. Bruce Eckre	/				
Rep. Mary Ekstrom	/				
Rep. April Fairfield	/				
Rep. Michael Grosz	/				
Rep. Jane Gunter	/				
Rep. Gil Herbel	/				
Rep. Nancy Johnson	/				
Rep. William E. Kretschmar	/				
Rep. Carol A. Niemeier	/				
Rep. Andrew G. Maragos	/				

Total (Yes) 14 No 1

Absent 0

Floor Assignment Rep. Kretschmar

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

REPORT OF STANDING COMMITTEE (410)
February 15, 2001 12:13 p.m.

Module No: HR-28-3490
Carrier: Kretschmar
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HCR 3028: Political Subdivisions Committee (Rep. Froseth, Chairman) recommends DO NOT PASS (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HCR 3028 was placed on the Eleventh order on the calendar.

2001 TESTIMONY

HCR 3028

HCR 3028

Rep. Froseth:

The relevant sections of the constitutional text are as follows:

US Constitution - Article I, Section 3 (1787):

The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senator shall have one Vote.

17th Amendment (1913):

The Senate of the United States shall be composed of two Senators from each state, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislatures.

When vacancies happen in the representation of any state in the Senate, the executive authority of such state shall issue writs of election to fill such vacancies: Provided, that the legislature of any state may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.