

2013 HOUSE JUDICIARY

HCR 3027

2013 HOUSE STANDING COMMITTEE MINUTES

House Judiciary Committee
Prairie Room, State Capitol

HCR 3027

Job 18711

DATE February 11, 2013

Conference Committee

Carman Hickle

Explanation or reason for introduction of bill/resolution:

Concurrent resolution urging Congress of United States to take back its legislative authority to pass legislation and the President of the United States to recognize the constitutional separation of powers between the legislative and executive branches of government and not to abuse the use of executive orders.

Minutes:

Chairman Kim Koppelman: Opens HCR 3027. Rep. Monson, sponsor of the bill was not available. Rep. Koppelman introduced the bill. Time on tape 2:06 to 6:33. The bill deals with the President of the United States overstepping his authority in issuing executive orders and in some cases infringing upon the Constitutional authority of the Congress. The resolution encourages Congress to reassert its power.

Rep. Lois Delmore: Some people might agree the President did the right thing and some believe he overstepped his authority where do you draw the line of what's good and what's bad?

Rep. K. Koppelman: I think I would draw the line specifically upon the Constitution. Regardless which political party is involved regardless what the issue because all of us need to be Constitutionalists.

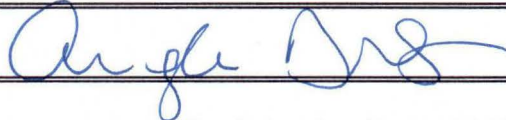
Vice Chairman Larry Klemin: HCR 3027 will be recessed.

2013 HOUSE STANDING COMMITTEE MINUTES

House Judiciary Committee
Prairie Room, State Capitol

HCR 3027
February 19, 2013
Job 19163

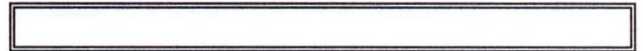
Conference Committee



Explanation or reason for introduction of bill/resolution:

Concurrent resolution urging the Congress of the United States to take back its legislative authority to pass legislation and the President of the United States to recognize the constitutional separation of powers between the legislative and executive branches of government and not to abuse the use of executive orders.

Minutes:



Rep Larson motioned for a Do Pass.

Rep Steiner seconded.

Rep Delmore: I'm not going to support this and I don't care who the President is. I understand states' rights versus federal government. Because we don't always agree with something does not make it wrong or illegal.

Roll Call Vote:

Yes: 9

No: 3

Absent: 2

Carried by **Rep Brabandt**.

Date: 2-19-13
Roll Call Vote #: 1

2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. HCR 3027

House Judiciary Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Rep. Larson Seconded By Rep. Steiner

Representatives	Yes	No	Representatives	Yes	No
Chairman Kim Koppelman	/		Rep. Lois Delmore		/
Vice Chairman Lawrence Klemin			Rep. Ben Hanson		/
Rep. Randy Boehning	/		Rep. Kathy Hogan		/
Rep. Roger Brabandt	/				
Rep. Karen Karls					
Rep. William Kretschmar	/				
Rep. Diane Larson	/				
Rep. Andrew Maragos	/				
Rep. Gary Paur	/				
Rep. Vicky Steiner	/				
Rep. Nathan Toman	/				

Total (Yes) 9 No 3

Absent 2

Floor Assignment Rep. Brabandt

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

REPORT OF STANDING COMMITTEE

HCR 3027: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends DO PASS (9 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). HCR 3027 was placed on the Eleventh order on the calendar.

2013 SENATE GOVERNMENT AND VETERANS AFFAIRS

HCR 3027

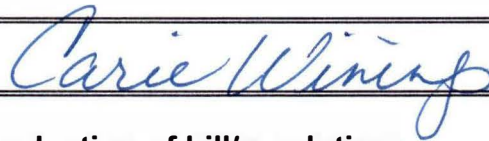
2013 SENATE STANDING COMMITTEE MINUTES

Senate Government and Veterans Affairs Committee
Missouri River Room, State Capitol

HCR 3027
04/04/2013
Job Number 20865

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A concurrent resolution urging the Congress of the United States to take back its legislative authority to pass legislation and the President of the United States to recognize the constitutional separation of powers between the legislative and executive branches of government and not to abuse the use of executive orders.

Minutes:

Chairman Dever: Opened the hearing on HCR 3027.

Representative Monson, District 10: See Attachment #1 for testimony as sponsor of the bill.

(2:44)Chairman Dever: How do you really feel?

Rep. Monson: I think everyone is feeling that frustration. Whether you are a Democrat or a Republican - I am hearing people saying that we have grid lock. We have problems. Congress can't pass anything. Sometimes we are happy they can't. The checks and balances are there for a purpose and there are lots of checks. There doesn't seem to be any balance. They can't even talk to each civilly. I know what resolutions mean and I know where they go. It is probably an effort in futility other than it makes me feel better that I can vent.

Chairman Dever: I think I might have said this when you were here for the bill, but I appreciated Senator Heitcamp's comments on the floor about how much more functional the state legislature is than Congress. I think one of the things that makes a difference is that in our legislature, seniority only gets us a preference in the parking lot and a seat in the

chamber and that is it. In Congress they control votes with seniority - with committee assignments and those kinds of things. I am a real believer in servant leadership and in Congress it is about power. That is scary. I very much appreciate that we are a citizen legislature.

Rep. Monson: There is not much more that I can add.

Carole Two Eagle, Resident of North Dakota: Testified in opposition of the bill. I am very much against presidents being made into kings and that has been some people's effort ever since the Constitution was first ratified. I think that the part of this bill urging Congress to take back its legislative authority to pass legislation makes us look like a pack of wolves. They are not going to do it. I know it is venting, but it is embarrassing. It is unlikely to happen and frankly right now they are not passing any legislation and they are acting like children.

(6:25)Chairman Dever: Closed the hearing on HCR 3027.

Committee Discussion: The committee discussed that this is very to a bill that the committee already passed out of committee.

Vice Chairman Berry: Moved a Do Not Pass.

Senator Nelson: Seconded.

A Roll Call Vote Was Taken: 6 yeas, 1 nay, 0 absent.

Vice Chairman Berry: Carrier.

Date: 4/4

Roll Call Vote #: 1

2013 SENATE STANDING COMMITTEE
ROLL CALL VOTES

BILL/RESOLUTION NO. 3027

Senate Government and Veterans Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment

Rerefer to Appropriations Reconsider

Motion Made By Senator Berry Seconded By Senator Nelson

Senators	Yes	No	Senator	Yes	No
Chariman Dick Dever	✓		Senator Carolyn Nelson	✓	
Vice Chairman Spencer Berry	✓		Senator Richard Marcellais	✓	
Senator Dwight Cook		✓			
Senator Donald Schaible	✓				
Senator Nicole Poolman	✓				

Total (Yes) 6 No 1

Absent 0

Floor Assignment Senator Berry

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

REPORT OF STANDING COMMITTEE

HCR 3027: Government and Veterans Affairs Committee (Sen. Dever, Chairman)
recommends **DO NOT PASS** (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING).
HCR 3027 was placed on the Fourteenth order on the calendar.

2013 TESTIMONY

HCR 3027

Testimony on HCR 3027

Rep. David Monson, Dist. 10

Chairman Dever and members of the Senate GVA Committee, for the record I am Rep. David Monson of Dist. 10 in northeastern ND. This is another "venting" bill for me. It addresses three things that have been in the news a lot in recent years and frustrating me.

1. Excessive use of executive orders when Congress has not passed the idea. Ruling by administrative rule by agencies can be added to this, too.
2. The partisanship and gridlock of Congress has made them ineffective.
3. The overstepping of Presidential authority and the willingness of Congress to seemingly give up its authority.

This resolution is the culmination of years of seeing the power of the executive branch keep growing while the power of Congress and the people keeps being eroded. This country was founded on the idea of checks and balances and the separation of power so that no one person or group of people can take charge. The Constitution is supposed to be our master plan and roadmap. For over two hundred years people have trying to do end runs around it when it gets in the way of what they want to do. Every time they get away with it the next power of the Constitution is eroded. After years of compounding the problem, we have seemingly come to a point where Congress is completely ineffective. The President has had to fill the void. Today the gridlock and partisanship in Washington has, in my opinion, rendered Congress almost useless. They can't even pass a budget! Someone needs to tell all of them to do their job and don't let others do it for them or grab power away from others just because you can. That's what this resolution is trying to do.

Thanks for your time!