

2015 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HCR 3018

2015 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee

Fort Union, State Capitol

HCR 3018

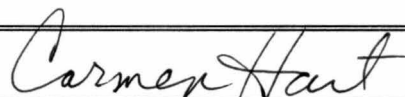
2/6/2015

23402

Subcommittee

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A concurrent resolution urging Congress to pursue enactment of the Regulations from the Executive in Need of Scrutiny Act introduced by Senator Paul requiring Congress to approve every major rule proposed by the Executive Branch which has an annual economic impact of one hundred million dollars

Minutes:

Attachment 1

Chairman Kasper opened the hearing on HCR 3018.

Rep. Craig Headland appeared in support of HCR 3018. It is asking our delegation to support passage of the RENS Act. I passed out Attachment 1 which is essentially what Congress has passed, a summary of the RENS Act that has been held back in the Senate. What the legislation would do is that it would require Congress to approve every major rule that is proposed by the executive branch or through department of the federal government that has an annual economic impact of \$100 million or more before it can be enforced on the people. I would ask that you further amend this to send it to the majority and minority leaders in each body of Congress instead of just our delegation.

Rep. Laning Would this also apply to agencies that passed a rule that would impact the nation to a tune of \$100 million?

Rep. Headland That is what the bill would do if it were passed.

Rep. Steiner Is this going across the country. Are we the only state? Are there other states passing similar resolutions?

Rep. Headland I am not aware if this is going on in any other state or not. I assume it is.

Chairman Kasper Is this the act that when Rep. Berg was in Congress was able to get the House of Representatives to pass?

Rep. Headland While he was in Congress, he was a very big supporter of this piece of legislation.

Chairman Kasper Has one branch of Congress passed it already?

Rep. Headland The House of Representatives passed it or a version of it in 2013. It has been sitting on Harry Reid's desk.

Chairman Kasper Now it is on Senator McConnell's desk.

Rep. Headland That is why if they need a little push, we should give them one.

Senator Jon Casper appeared in support. He gave a little history about the RENS Act. We have had tremendous growth in government. I think the system has dealt in ever growing rules that have a larger and larger impact on our economy. More and more power is given to the administration agencies to make these massive decisions. What we would be doing here is pulling that power back to the people on these major rules which are essentially laws. Rules control the economy.

No opposition or neutral.

The hearing was closed.

Chairman Kasper Rep. Headland proposed the amendment. Does the committee have any feeling on that?

Rep. Laning moved to adopt the amendment.

Rep. Steiner seconded the motion.

Voice vote. Motion carries.

Rep. Steiner made a motion for a DO PASS AS AMENDED.

Rep. M. Johnson seconded the motion.

A roll call vote was taken. 8 Yeas, 3 Nays, 3 Absent.

Rep. Steiner will carry the bill.

15.3069.01001
Title.02000

Adopted by the Government and Veterans
Affairs Committee

February 6, 2015

2/6/15

PROPOSED AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3018

Page 1, line 22, after "Delegation" insert ", to the Majority Leader and Minority Leader of the United States Senate, and to the Majority Leader and Minority Leader of the United States House of Representatives"

Renumber accordingly

Date: 2-6-15
 Roll Call Vote #: 1

**2015 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. HCR 3018**

House Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar

Other Actions: Reconsider _____

Motion Made By Laning Seconded By Steiner

Representatives	Yes	No	Representatives	Yes	No
Chairman Jim Kasper			Rep. Bill Amerman		
Vice Chair Karen Rohr			Rep. Gail Mooney		
Rep. Jason Dockter			Rep. Mary Schneider		
Rep. Mary C. Johnson			Rep. Kris Wallman		
Rep. Karen Karls					
Rep. Ben Koppelman					
Rep. Vernon Laning					
Rep. Scott Louser					
Rep. Jay Seibel					
Rep. Vicky Steiner					

*voice
 vote
 motion
 Carries*

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

*Amend to send it to the majority
 and minority leaders in each body
 of Congress*

Date: 2-6-15
 Roll Call Vote #: 2

**2015 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 3018**

House Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Steiner Seconded By M. Johnson

Representatives	Yes	No	Representatives	Yes	No
Chairman Jim Kasper	X		Rep. Bill Amerman		X
Vice Chair Karen Rohr	X		Rep. Gail Mooney		X
Rep. Jason Dockter	X		Rep. Mary Schneider		X
Rep. Mary C. Johnson	X		Rep. Kris Wallman		
Rep. Karen Karls	X				
Rep. Ben Koppelman					
Rep. Vernon Laning	X				
Rep. Scott Louser	X				
Rep. Jay Seibel					
Rep. Vicky Steiner	X				

Total (Yes) 8 No 3

Absent 3

Floor Assignment Steiner

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

REPORT OF STANDING COMMITTEE

HCR 3018: Government and Veterans Affairs Committee (Rep. Kasper, Chairman)
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends
DO PASS (8 YEAS, 3 NAYS, 3 ABSENT AND NOT VOTING). HCR 3018 was
placed on the Sixth order on the calendar.

Page 1, line 22, after "Delegation" insert ", to the Majority Leader and Minority Leader of the
United States Senate, and to the Majority Leader and Minority Leader of the United
States House of Representatives"

Renumber accordingly

2015 SENATE GOVERNMENT AND VETERANS AFFAIRS

HCR 3018

2015 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee

Missouri River Room, State Capitol

HCR 3018

3/27/2015

Job # 25533

Subcommittee

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A concurrent resolution urging Congress to pursue enactment of the Regulations from the Executive in Need of Scrutiny Act introduced by Senator Paul in February 2013 requiring Congress to approve every major rule proposed by the Executive Branch which has an annual economic impact of one hundred million dollars or more, before it can be enforced on the American people.

Minutes:

No Attachments

Chairman Dever: Opened the hearing on HCR 3018.

Representative Headland, District 29: Testified as sponsor and in support of the resolution. This is a simple resolution asking Congress to pass the RENS Act which essentially would give legislative oversight on any bureaucratic decision, executive order, or anything that has an impact to the economy or people of the United States with \$100 million cost.

(0:45)Chairman Dever: You are not talking about \$100 million effect on the federal budget but you are talking about an economic effect?

Representative Headland: That would be correct. It essentially could be either.

Chairman Dever: So would that be like an EPA regulation? Is that what we are looking at?

Representative Headland: That is a good example of one of the things that we have seen. It could be an environmental decision as you have stated. It could be a conservation decision. The point of it is that we should not have bureaucrats making those decisions. They should have legislative oversight. We have the very type of structure here in North Dakota. When we give rule making authority to agencies we have a committee that oversees those processes.

Senator Nelson: On Line 3, what is a major rule?

Representative Headland: I think when it has \$100 million impact that is major.

Senator Nelson: I could make a point that if the drug administration approved a cancer drug it could have a \$100 million impact over a period of time. I want to know what a major rule is.

Chairman Dever: The definition would be in the RENS Act.

Representative Headland: That is correct.

Senator Flakoll: It would not include emergency disasters correct?

Representative Headland: I think you would be right. If we had the act before us it would be more specific on how it would work.

Chairman Dever: Closed the hearing on HCR 3018.

Senator Poolman: Moved a Do Pass.

Senator Flakoll: Seconded.

A Roll Call Vote Was Taken: 4 yeas, 3 nays, 0 absent.

Motion Carried.

Senator Dever will carry the bill.

367

Date:
Roll Call Vote #: 1

2015 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 3018

Senate Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
Other Actions: Reconsider _____

Motion Made By Poolman Seconded By Flakoll

Senators	Yes	No	Senators	Yes	No
Chairman Dever	✓		Senator Marcellais		✓
Vice Chairman Poolman	✓		Senator Nelson		✓
Senator Cook	✓				
Senator Davison		✓			
Senator Flakoll	✓				

Total (Yes) 4 No 3

Absent 0

Floor Assignment Dever

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

REPORT OF STANDING COMMITTEE

HCR 3018, as engrossed: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **DO PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HCR 3018 was placed on the Fourteenth order on the calendar.

2015 TESTIMONY

HCR 3018

#1-3018
2-6-15

CONGRESS.GOV

H.R.367 - Regulations From the Executive in Need of Scrutiny Act of 2013

113th Congress (2013-2014)

BILL

Sponsor: [Rep. Young, Todd C. \[R-IN-9\]](#) (Introduced 01/23/2013)

Committees: House - Budget; Judiciary; Rules | Senate - Homeland Security and Governmental Affairs

Committee Reports: [H. Rept. 113-160](#)

Latest Action: 09/09/2013 Received in the Senate and Read twice and referred to the Committee on Homeland Security and Governmental Affairs.

Major Recorded Votes: 08/02/2013 : [Passed House](#)

Tracker:

Introduced **Passed House**

More on This Bill

- [Constitutional Authority Statement](#)
- [CBO Cost Estimates](#)

Subject — Policy Area:

Government Operations and Politics

[View subjects »](#)

Hide Overview

- Summary (3)
- Text (4)
- Actions (82)
- Titles (4)
- Amendments (11)
- Cosponsors (164)
- Committees (4)
- Related Bills (5)

Summary: H.R.367 — 113th Congress (2013-2014)

[All Bill Information](#) (Except Text)

There are 3 summaries for this bill.

Passed House amended (08/02/2013)



GO

Shown Here:

Passed House amended (08/02/2013)

Regulations From the Executive in Need of Scrutiny Act of 2013 - (Sec. 2) States that the purposes of this Act are to: (1) increase accountability for and transparency in the federal regulatory process by requiring Congress to approve all new r regulations, and (2) include in the definition of "major rule" any rule that implements or provides for the imposition or colle

of a tax on carbon emissions. Defines "carbon tax" as a fee, levy, or price on: (1) emissions, including carbon dioxide emissions generated by the burning of coal, natural gas, or oil; or (2) coal, natural gas, or oil based on emissions, including carbon dioxide emissions, that would be generated through the fuel's combustion.

(Sec. 3) Revises provisions relating to congressional review of agency rulemaking to require a federal agency promulgating a rule to include in its report to Congress and to the Comptroller General (GAO): (1) a classification of the rule as a major or nonmajor rule; (2) a list of other regulatory actions taken by the agency or by any other federal agency that are intended to implement the same statutory provision or regulatory objective, as well as the individual and aggregate economic effects of those actions; and (3) a complete copy of any cost-benefit analysis of a rule, including an analysis of jobs added or lost, differentiating between public and private sector jobs.

Requires a joint resolution of approval of major rules to be enacted before such rules may take effect (currently, major rules take effect unless a joint resolution disapproving them is enacted). Provides that if a joint resolution of approval is not enacted by the end of 70 session days or legislative days, as applicable, after the agency proposing the rule submits its report on a rule to Congress, the major rule shall be deemed not to be approved and shall not take effect. Permits a major rule to take effect for one 90-calendar day period without such approval if the President determines it is necessary because of an imminent threat to health or safety or other emergency, for the enforcement of criminal laws, for national security, or to implement an international trade agreement.

Sets forth the congressional approval procedure for major rules and the congressional disapproval procedure for nonmajor rules. Prohibits an agency from allowing a major rule to take effect without the congressional review procedures set forth in this Act.

Requires the introduction of a joint resolution addressing a report classifying a rule as a major rule within three legislative days in the House of Representatives and three session days in the Senate. Prohibits any amendments to such a joint resolution at any stage of the legislative process. Provides for expedited consideration of a joint resolution of approval and requires a vote on such resolution in the Senate within 15 session days after it is reported by the committee to which it was referred, or after such committee has been discharged from further consideration of the resolution.

Revises the definition of "major rule" to mean any rule that: (1) has resulted in or is likely to result in an annual effect on the economy of \$50 million or more (currently, \$100 million); (2) is made by the Administrator of the Environmental Protection Agency (EPA) and that would have a significant impact on a substantial number of agricultural entities; (3) implements or provides for the imposition or collection of a carbon tax; or (4) is made under the Patient Protection and Affordable Care Act.

Allows a court to review whether an agency has completed the necessary requirements under this Act for a rule to take effect (currently, no judicial review of a determination, finding, action, or omission in the rulemaking process is subject to judicial review). Limits the effect of a joint resolution of approval of a major rule.

Makes this Act inapplicable to rules that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.

Provides that any rule promulgated by a federal agency that relates to a regulatory program for a commercial, recreational, or subsistence activity related to hunting, fishing, or camping, or any rule other than a major rule for which an agency for good cause finds that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest, shall take effect at such time as the agency determines.

(Sec. 4) Amends the Balanced Budget and Emergency Deficit Control Act of 1985 to provide that any congressional approval procedure set forth in this Act affecting budget authority, outlays, or receipts shall be assumed to be effective unless it is disapproved in accordance with this Act.

(Sec. 5) Directs the Comptroller General to conduct a study to determine as of the date of enactment of this Act: (1) how many rules were in effect, (2) how many major rules were in effect, and (3) the total estimated economic cost imposed by all such rules. Requires a report to Congress on such study within one year of the enactment of this Act.