

**2015 HOUSE JUDICIARY**

**HCR 3022**

# 2015 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee  
Prairie Room, State Capitol

HCR 3022  
2/16/2015  
#23892

- Subcommittee  
 Conference Committee

Committee Clerk Signature

*Beckie Streege*

## Explanation or reason for introduction of bill/resolution:

Relating to the rejection of unconstitutional federal actions.

## Minutes:

Chairman K. Koppelman opens hearing on HCR 3022

**Representative Bob Skarphol, District 2:** This resolution is a result some time I spent in Arizona. The state of Arizona and the people of Arizona passed this resolution the last election cycle. There are some high levels of frustration of the over-bearing and over-reach of the federal government in many states. This resolution provides the government a directive from the legislature and the people of North Dakota when they feel the federal government is being unconstitutional. The people have to vote on it and accept it. It will ultimately result in lawsuits that will determine if the federal government has gone beyond reasonable bounds. This allows the people of North Dakota the opportunity to exercise their opinion to the North Dakota legislature if they want to be one of the states that can challenge. This would go to the vote of the people of North Dakota.

Rep. Maragos: Does this relate to the issue we had in the 2013 session about law enforcement not pursuing a federal action? I don't remember the exact details. But does this resolution follow up on the same situation?

Rep. Skarphol: No, there is no connection. This is based on the Arizona law. It has more to do with the amount of federal lands that are controlled out there, and the inability of the states to develop those lands in an ongoing difference of opinion about the ability of the western states to utilize property within the state that belongs to the federal government for development of energy resources, grazing, etc. It's important that we reinstitute as states that we are supposed to be equal partners in the constitutional government that we have.

Rep. K. Wallman: North Dakota was the last state in the nation to comply with the Americans with Disabilities Act, it took a lawsuit to get the state to come in to compliance. Do you see that as a consequence of this? The way I read this bill, it would be.

Rep. Skarphol: I don't see that conflict at all. I don't believe that we will utilize the unreasonable persons standard in making these decisions. We would rather use the reasonable persons standard.

Rep. K. Wallman: I'm shocked at what comes out of our legislature. I think "reasonable" is a matter of opinion. Are you sure you don't think that could be a consequence

Rep. Skarphol: As I said earlier, I think this may result in some lawsuits. I don't see the particular example you used being one of them. That is somewhat the purpose in this, to challenge the existing parameters that exist between the state and federal government. It's not to challenge those that are viewed as costly to the state, but make contrary to whether or not the federal government should have jurisdiction on that issue or not.

Rep. L. Klemin: On Page, 1 line 25, that would put in the constitution that is open-ended. What would be the other available legal remedy?

Rep. Skarphol: I don't suggest to know all the legal implications. But this is the exact language used in Arizona. It can be modified by the committee as you so choose. Passage of an initiative referendum pursuant to Section 1 of Article 3, via the law enacted by the legislative assemble or pursuing any other available legal remedy.

Rep. L. Klemin: In Arizona, was it put in the Arizona constitution?

Rep. Skarphol: The people of Arizona passed this resolution and put it in their constitution.

Rep. G. Paur: In the Federalist Papers, they are more concerned with the state encroaching on the federal authority, than the federal encroaching on the states. It is odd how things have flipped from constitutional times.

Rep. Lois Delmore: Do you see any irony in the fact that we are holding political subdivisions to be prohibited at the same time we are angry at the federal government asking us to do that? It's disconcerting to me that we bind our political subdivisions but we don't want to be bound by the federal government.

Rep. Skarphol: I agree with you. It's all too often we as legislators think we know more than officials of the county or city as to what is best for them.

Chairman K. Koppelman: One thing we do forget sometimes that state government really is the foundational level of government in America. It was the states that created the federal government. It's also the states that created political subdivisions - counties, townships, cities, school districts, etc.

NO OPPOSITION

NO NEUTRAL

Chairman K Koppelman: Hearing closed on HCR 3022

# 2015 HOUSE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Prairie Room, State Capitol

HCR 3022  
3/10/2015  
24612

- Subcommittee  
 Conference Committee

Committee Clerk Signature



## Minutes:

**Chairman K. Koppelman:** Reopened the meeting on this bill. Basically the intent is to say reemphasis the state sovereignty and the federal government can't do anything unconstitutional and if the legislature says so that the state and political subdivisions can't use personnel or financial resources to enforce, administer or cooperate with any designated federal action or program. If we had this provision in the constitution and there was a concern if the federal government would say we are going to come and take everyone's shotguns. That ND could pass a law and say we aren't going to allow you to use our staff or our money or anything else to do this.

**Rep. Lois Delmore:** What I find rather ironic is the second page of the bill where we don't want the feds telling us anything and yet we are making sure the state and all political subdivisions are prohibited from doing anything. If we don't like federal mandate maybe we should be making state mandates to local counties and subdivisions.

**Rep. G. Paur:** Who is going to determine if what they are going is constitutional according to the US Constitution? Is that the ND Supreme Court?

**Chairman K. Koppelman:** The measure just puts something into the constitution to lay the groundwork for any action the legislature might want to take along these lines.

**Rep. Maragos:** Did anybody ask the sponsor whether this flew into the face of the supremacy clause? (Mike not on)

**Chairman K. Koppelman:** I don't know if that question came up.

**Rep. Maragos:** (mike not on)

**Chairman K. Koppelman:** I believe the bill sponsor was in Arizona and the people of Arizona passed this and he was intrigued by it and thought too we should do that in ND so that is where it came from.

**Rep. P. Anderson:** On the second page when it says that a political subdivisions are prohibited from using any personal financial resources. The designated federal action or programs? Don't we have several federal programs? I look at our human services budget and a significant part of it comes from the federal government. So we couldn't cooperate with it?

**Chairman K. Koppelman:** As I read it this doesn't prohibit any cooperation in using federal funds or any state entity or political entity from cooperating with the federal government to do something. What it says is that if the federal government does something that the state deems unconstitutional that it can pass a law saying we are not going to let you folks in Washington tell our staff what to do or direct our tax money to be used for this purpose because we think it is unconstitutional. If this were to pass and nothing else related to it nothing would change and then a law would have to be passed that is specific.

**Rep. K. Hawken:** If we were to pass this it would go to the voters at the next general election. I don't think we have the right to say it is unconstitutional.

**Chairman K. Koppelman:** Some of the constitution is pretty clear. There are restrictions on constitutional rights and that is where we get into the gray area. Anyone can assert that something is unconstitutional and take action on that. This would take a vote of the people to approve this and the legislature to approve the law, but then the Supreme Court would determine constitutionality.

**Rep. K. Hawken:** We already have enough put away for law suits. I don't want to put more money way for this. I couldn't support this.

**Rep. Maragos:** (mike not on)

**Rep. L. Klemin:** I think this is good for lawyers. Let's say there is an imitated measure that is approved by the people that says that we the people say that what the federal government is doing in this particular case is unconstitutional under the US Constitution and if somebody disagrees with that they probably take it to federal court; but the lawyers will be busy for years.

**Rep. G. Paur:** Like we referenced before from last session we have the ability to restrict our police officers from helping the federal officers if we deemed it necessary so we can do this already.

**Motion made by Rep. Kretschmar: to amend 2022 from line 19 on page 1; remove all the language to the end of the bill. Seconded by Rep. K. Hawken:**

**Chairman K. Koppelman:** So the remainder of the resolution would be to add the words to which all government, state and federal is subject.

**Rep. K. Wallman:** I am not sure we really want to spend money to put this to the vote of the people when all we are doing is adding to which all government, state and federal is subject.

House Judiciary Committee  
HCR 3022  
March 10, 2015  
Page 3

**Roll call vote: 6 Yes 5 No 2 Absent Passed**

**Do Not Pass Motion Made by Rep. K. Hawken: Seconded by Rep. K. Wallman:**

**Roll Call Vote: 10 Yes 1 No 2 Absent Carrier: Rep. K. Hawken:**

March 10, 2015

PROPOSED AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3022

Page 1, line 4, remove "allow the state to exercise its sovereign authority by restricting state and"

Page 1, line 5, replace "local government personnel and financial resources to purposes that are consistent with" with "clarify the supremacy and application of"

Page 1, line 16, remove "1."

Page 1, line 18, remove the underscored period

Page 1, remove lines 19 through 25

Page 2, remove lines 1 through 3

Page 2, line 4, remove "program"

Renumber accordingly

**2015 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL NO. HCR 3022**

House   **JUDICIARY**   Committee

Subcommittee                       Conference Committee

Amendment LC# or Description:   15.3086.01001  

Recommendation:     Adopt Amendment  
                            Do Pass       Do Not Pass       Without Committee Recommendation  
                            As Amended                       Rerefer to Appropriations  
 Other Actions:         Reconsider                       \_\_\_\_\_

Motion Made By   Rep. Kretschmar   Seconded By   Rep. K. Hawken:  

<b>Representative</b>	<b>Yes</b>	<b>No</b>	<b>Representative</b>	<b>Yes</b>	<b>No</b>
Chairman K. Koppelman		X	Rep. Pamela Anderson		X
Vice Chairman Karls		X	Rep. Delmore	X	
Rep. Brabandt		X	Rep. K. Wallman	X	
Rep. Hawken	X				
Rep. Mary Johnson	---				
Rep. Klemin		X			
Rep. Kretschmar	X				
Rep. D. Larson	---				
Rep. Maragos	X				
Rep. Paur	X				

Total    (Yes)   6                        No   5  

Absent   2  

Floor Assignment: \_\_\_\_\_

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



**2015 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL NO. HCR 3022**

House   **JUDICIARY**   Committee

Subcommittee                       Conference Committee

Amendment LC# or Description: \_\_\_\_\_

Recommendation:      **Adopt Amendment**  
 Do Pass       Do Not Pass       Without Committee Recommendation  
 As Amended       Rerefer to Appropriations  
Other Actions:       Reconsider       \_\_\_\_\_

Motion Made By   Rep. Kretschmar   Seconded By   Rep. K. Hawken:  

<b>Representative</b>	<b>Yes</b>	<b>No</b>	<b>Representative</b>	<b>Yes</b>	<b>No</b>
Chairman K. Koppelman	x		Rep. Pamela Anderson	X	
Vice Chairman Karls	X		Rep. Delmore	X	
Rep. Brabandt	X		Rep. K. Wallman		X
Rep. Hawken	X				
Rep. Mary Johnson	---				
Rep. Klemin	X				
Rep. Kretschmar	X				
Rep. D. Larson	----				
Rep. Maragos	X				
Rep. Paur	X				

Total      (Yes)   10                        No   1  

Absent   2  

Floor Assignment:   Rep. K. Hawken:  

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

**REPORT OF STANDING COMMITTEE**

**HCR 3022: Judiciary Committee (Rep. K. Koppelman, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (10 YEAS, 1 NAYS, 2 ABSENT AND NOT VOTING). HCR 3022 was placed on the Sixth order on the calendar.

Page 1, line 4, remove "allow the state to exercise its sovereign authority by restricting state and"

Page 1, line 5, replace "local government personnel and financial resources to purposes that are consistent with" with "clarify the supremacy and application of"

Page 1, line 16, remove "1."

Page 1, line 18, remove the underscored period

Page 1, remove lines 19 through 25

Page 2, remove lines 1 through 3

Page 2, line 4, remove "program"

Renumber accordingly

**2015 SENATE JUDICIARY**

**HCR 3022**

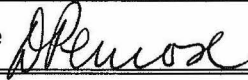
# 2015 SENATE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Fort Lincoln Room, State Capitol

HCR 3022  
3/24/2015  
25341

- Subcommittee  
 Conference Committee

Committee Clerk Signature



**Minutes:**

1

Ch. Hogue: We will open the hearing on HCR 3022.

Rep. Bob Skarphol: Sponsor, support. I spent some time in Arizona this last election cycle, and part of that was a resolution on their ballot that I found interesting and I had it copied verbatim, for what the citizens of AZ have passed; that's what HCR 3022 is. It is a constitutional resolution that would provide a tool for the people of a state to consummate their rights as stated in the 10<sup>th</sup> amendment. The 10<sup>th</sup> amendment to the US Constitution states that any powers not delegated to the US by the Constitution nor prohibited by it to the states are reserved to the states respectively and to the people. This resolution provides that mechanism for the people to act on that particular powers if they so choose. It also provides for the legislature to act in a more well-defined method. In my many years of service, one of the topics that I hear from many states is the fact that we have allowed the federal government to take too much control of our lives in our states. I personally fear that our nation is in serious trouble. The federal government appears to me to be incapable of the required self-control to keep this nation secure. It bothers me a lot thinking in terms of the long-term and what this may mean for my grandchildren. Unless the people of this nation and the states individually begin to exercise the renewed control this nation may implode from my perspective. I would ask your favorable consideration of this resolution in order to allow the citizens of this state to decide whether or not they want the ability in a more recognizable fashion to exercise their power. Arizona did pass the statute and there are currently proposals in their legislative assembly to address federal gun control, executive orders, the EPA, agency rule-making already since the election in this legislative session. I think once passed and as legislatures become aware of this authority that there is going to be a

louder voice expressed. We want to make sure that the voices out there get to be expressed.

Ch. Hogue: Thank you. Further testimony in support. The testimony of Glen Baltrusch was submitted via email and he supports the resolution (see attached #1).

Ralph Mikke, Gladstone, ND: I am in support of this bill, first of all, who's the government, the government is the people. If it weren't for the people, there wouldn't be a government at all. Since we are supposed to be a nation of government for the people, by the people and of the people. I also respect the sovereignty of each individual state. I think we should be able to have some say-so or to reject something that isn't right. We all know that Washington, DC is totally out of control these days. They want to operate as a dictatorship. I feel that if the state could have the right, we could really make a change. If we think that something is unconstitutional, I think we should have that right to reject it, whether we do it by initiated measure, by constitutional amendment or something like that. I think, from what I have seen reading the bill here, I am all in favor of it and I would urge the committee and the Senate to pass this resolution and put it on the ballot so that the people can vote on it.

Ch. Hogue: Thank you. Testimony in opposition.

Rep. Bill Kretschmar: Opposed. This is a proposed amendment to our state constitution. I'm always kind of interested in what we are trying to do with our state constitution. I think some things are good, some things maybe not so good. In the House I voted against this measure. It was heard in the House Judiciary committee, the committee amended it some, but the amendments were defeated on the House floor. This measure would give our state, our people, and our legislature some powers to do things to try and get a remedy for some of the things that our federal government is doing what we don't like. There are several things that the federal government does that I'm not particularly fond of. I believe the founding fathers put in methods to make changes in our federal government if the people so wished. In the Bill of Rights any citizen or group of citizens may petition their government to do something if there are statutes that we don't like we can work to have them amended or repealed through the process that we have. I just don't think we should put this resolution 3022 into our state constitution. There are certainly questions in it; who is going to determine what we think is unconstitutional, normally that is done by courts. Usually the highest court in the state or the US Supreme Court. Lower courts have made rulings on unconstitutionality of

measures also. I think it is always done by a court and not by a group of citizens. In the last paragraph of 3022 it kind of gives to the rights of the people to not obey federal laws. I think it is incumbent upon all the citizens to obey what the federal government has done, even though we don't like it. We should be able to work to change it certainly under our system. In the last session, in 2013, there was a bill to prohibit local enforcement people to cooperate with federal law enforcement people in certain areas. That was not passed because law enforcement people in our state and federal people do cooperate very well. I don't think we should ask the people to vote on this measure because it acts to allow the citizens the right to disobey federal laws if they so choose. There are ways we can petition our government or try to get our federal laws changed.

Ch. Hogue: Let's go back to the bill you alluded to, as I recall that was not a constitutional amendment that was a proposed statute. I guess I had the question about this resolution, if the legislature or the people through the initiated measure process wanted to prevent, let's use the example of state law enforcement from assisting federal law enforcement with either the investigation of certain crimes or other acts that the federal government charges federal law enforcement officers with. Why couldn't we do that in the statute, why do we need to amend the constitution?

Rep. Kretschmar: I think we could propose a statute.

Ch. Hogue: I'm not asking if you support that on the merits. Couldn't we do this in a statute? Do we have to amend the constitution to do what this resolution asks us to do?

Rep. Kretschmar: I believe it could be done by statute. Here is it proposed to be in the constitution. I really don't think we should put it in the constitution. That's my opinion on that.

Sen. Casper: We'd be saying that the state of ND would not have to use its resources or workforce to implement a law because we deem it to be unconstitutional, is it as simple as that.

Rep. Kretschmar: That is basically what the resolution says I believe. The very last page it really doesn't say who is going to determine what's unconstitutional.

Sen. Casper: So there isn't a process or procedure for that determination.

Rep. Kretschmar: Not in the resolution.

Ch. Hogue: In the last part of the bill, page 2, lines 1-4 (he read the wording of subsection 3). I assume there was some federal program and we didn't want our state resources to be used for that. We could just pass a statute that said that.

Rep. Kretschmar: I believe we could. In the House Judiciary committee, the committee amended the resolution quite substantially; taking out parts 2 and 3, but the Floor put them back in; so that's where we are today.

Ch. Hogue: Thank you. Further testimony in opposition.

Dave Beudoin, Dickinson: Opposed. I'm against it. I moved to California many years ago, so I know what is going on in CA; their politics and especially the EPA, and the standards that they have and the things that they do. I feel like the rights of the citizens of the United States have been violated to a great extent and that citizens of ND have to be protected from the federal government and the rules and regulations that it does impose. I was around when the Biscuit fire took place in CA/OR. Billions of acres burned and afterwards it took two years before the federal government would allow timber guys to come in to clean the forest up. By that time, the trees had already rotten, and their excuse for it was that the paperwork wasn't done. I was there when the Univ of Oregon came and talked to the EPA and the spotted owl. Basically the EPA ran them out of the building because of what they had to say. The studies proved that the spotted owl did fly, it didn't migrate. As a citizen of this state being exposed to California and everything that happened, I think we're on a process right now it's going to take a little bit more than this initiative to curtail the power of the EPA or the federal government against our liberties that we have enjoyed so much in this state. I remember growing up and there were very few rules and regulations. If you were caught drinking, the officers would take you home to your parents and then you probably got scolded and reprimanded by your parents. That took care of the problem. Back then a lot of the laws we weren't really subject to, there was a lot of freedom. Freedom means, of course, that you have a choice in what you do and say and there is a responsibility back then of values and morals. Seems like the direction of values and morals have deteriorated by our government that is now corrupt and has been for quite a long time.

Ch. Hogue: Thank you. Further testimony in opposition. Neutral testimony. We will close the hearing.

# 2015 SENATE STANDING COMMITTEE MINUTES

## Judiciary Committee

Fort Lincoln Room, State Capitol

HCR 3022

3/25/2015

25376

Subcommittee

Conference Committee

Committee Clerk Signature



### Minutes:

Ch. Hogue: Let's take a look at HCR 3022. The bill is a proposed constitutional amendment to the state constitution. I looked at the bill, I clearly don't understand it. I wasn't sure what part we couldn't do without simply passing a statute. I think there was an effort last session, if you recall. Rep. Streyle had a bill in that would have precluded our state law enforcement folks from assisting with the enforcement of federal gun laws. To me, that would have been a valid exercise, if we had passed it (but it didn't pass). It would have been a perfectly valid statute for us to say that our state employees will not be involved in the enforcement of federal statutes or laws.

Sen. Nelson: So what would happen with the National Guard; they sometimes get called up for federal duty.

Ch. Hogue: That was decided in a case against the former Minnesota Governor Perpech, an 8<sup>th</sup> circuit case. I was in the guard at the time. Basically the National Guard wears two hats. They have to answer to the governor and answer to the president when called up by the president. In the statute and the case made clear is when the president calls his call preempts anything that the governor would do to call up the National Guard troops. I don't think anything would change because this HCR is proposing to amend the state constitution. We already have a federal statute in federal case law that says when the National Guard is federalized, they take precedence.

Sen. Grabinger: It would have to be something really important to make a constitutional change in my opinion. This is not something I take lightly, changing the constitution. I agree with Rep. Kretschmar's testimony yesterday. I think he was correct and honestly I don't think our country's on the verge of imploding as Rep. Skarphol suggested. We don't need this.



Ch. Hogue: I disagree with what you said, we shouldn't be afraid of changing the constitution when it is necessary. I like the fact that we can pass a resolution and let the people decide when to amend our constitution in every session. If you look through what we went through yesterday on the floor, where the framers of the U. S. constitution messed up, they made it too hard to amend our constitution. It takes 38 states and it's probably never going to happen again in our lifetime. So we end up having 9 justices on the Supreme Court decide what our constitution is. The people don't get to decide. If you get time to look through the federalist papers, you can see that a lot of the founders said we should have a constitutional convention every generation. No generation should have to live under the organic rules passed by the founders 230 years ago. I don't hesitate to amend our constitution when the time is right. It doesn't have any special status, it doesn't warrant some caution or trepidation. It should be amended whenever we think it is appropriate.

Sen. Luick: I agree, we cannot live by the rules that were set up 200 years ago.

Ch. Hogue: Our constitutional convention at the Supreme Court. That's the only time our constitution is changed, when they decide what it means.

Sen. Grabinger: I move a Do Not Pass.

Sen. Nelson: Second the motion.

**4 YES 2 NO 0 ABSENT**

**DO NOT PASS**

**CARRIER: Sen. Grabinger**

Date: 3/25/15

Roll Call Vote #: 1

2015 SENATE STANDING COMMITTEE  
ROLL CALL VOTE

BILL/RESOLUTION NO. 3022

Senate JUDICIARY 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 Sen. Grabinger    Seconded By Sen. Nelson

Senators	Yes	No	Senators	Yes	No
Chairman Hogue	✓		Sen. Grabinger	✓	
Sen. Armstrong		✓	Sen. C. Nelson	✓	
Sen. Casper		✓			
Sen. Luick	✓				

Total (Yes) 4    No 2

Absent ∅

Floor Assignment Sen. Grabinger

**REPORT OF STANDING COMMITTEE**

**HCR 3022: Judiciary Committee (Sen. Hogue, Chairman) recommends DO NOT PASS**  
(4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HCR 3022 was placed on the  
Fourteenth order on the calendar.

**2015 TESTIMONY**

**HCR 3022**

1-1

**Before the 64<sup>th</sup> Legislative Assembly**  
**Senate Judiciary Committee**  
**House Concurrent Resolution No. 3022**  
**Tuesday, March 24, 2015 at 9:00 A.M.**  
**By Glen E. Baltrusch**

Mr. Chairman and Committee Members,

Good morning! My name is Glen Baltrusch, and I reside at Harvey, ND; which is in District 14. I unable to stand before you this morning due to prior scheduled appointments. I do however, find myself supporting House Concurrent Resolution No. 3022.

In reviewing House Concurrent Resolution No. 3022, I find myself questioning the reasoning that the North Dakota Legislature has taken so long to support the Ninth and Tenth Amendments; commonly known as 'nullification'. I am aware that nullification law (House Bill 1183) was proposed during the 63<sup>rd</sup> Legislative Assembly; passing in the House of Representatives, but then being defeated by the Senate. I believe there currently are proposed 'nullification' amendments to Engrossed House Bill No. 1241 and Engrossed House Bill No. 1450. One of my concerns is the fact that even if this House Concurrent Resolution is placed on the ballot, that the North Dakota Legislative Assemblies have continued to delay implementation of the Ninth and Tenth Amendments, known as 'nullification' for a minimum of another two years, give or take. Just to provide you with a bit of insight, Several of the States started enacting 'nullification' legislation nearly eight to ten years ago.

It is interesting to note that a number of the Several States over the past several years (eight to ten) have enacted 'nullification' laws and / or Constitutional Amendments to their State Constitutions in support of the Ninth and Tenth Amendments to the United States Constitution to stop federal overreach, and continue to do such yet today. HCR 3022 as introduced, in my humble opinion, is both legal and constitutional as written. It appears to be consistent with James Madison and Federalist No. 46 as the effective way to stop the federal abuse and overreach of power.

It is also interesting to note that the Supreme Court of the United States has upheld the Tenth Amendment at least four times with the following cases:

1. Prigg vs. Pennsylvania (1842);
2. New York vs. US (1992);
3. Printz vs. US (1997); and
4. National Federation of Businesses vs. Sebelius (2012).

HCR 3022  
3/24/15

1-2

It is my humble opinion that this concurrent resolution to amend and reenact Section 23 of Article I of the Constitution of North Dakota to reject unconstitutional acts, laws, orders, rules, and regulations that are unauthorized by the Constitution of the United States; and violate the true meaning and intent by the Founders and Ratifiers of the Constitution of the United States; be passed out of this Committee with a "Do Pass" recommendation to the floor of the Senate for concurrence.

Mr. Chairman, and Committee Members, I respectfully request that you seriously consider your decision of House Concurrent Resolution No. 3022 and that this committee vote for a "Do Pass" recommendation to the floor of the Senate for concurrence, whereas House Concurrent Resolution No. 3022 may be placed on the General Election Ballot in 2016 to be voted on by the People of North Dakota.

Thank you for your time and consideration of this pertinent matter.

HCR 3022  
3/24/15