

2019 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HCR 3033

2019 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Fort Union Room, State Capitol

HCR 3033
2/14/2019
32782

- Subcommittee
 Conference Committee

Committee Clerk: Carmen Hart

Explanation or reason for introduction of bill/resolution:

Requiring a flag display in Memorial Hall to include the flag of the US of America in honor of veterans and members of the armed forces

Minutes:

Attachments 1-3

Chairman Kasper opened the hearing on HCR 3033.

Rep. Bill Devlin appeared in support. Attachment 1 (:08-2:50)

Rep. Schneider: Do we need a resolution to keep it there?

Rep. Devlin: I think we do at least for the foreseeable future. I think the American flag should always be there.

Rep. Johnston: Did the tribal nations go through legislative management and get approval to display their flag?

Rep. Devlin: I do not know. If you need to know that, possibly check with Senator Holmberg.

Jim Nelson of the ND Veterans' Legislative Council, emailed Attachment 2 in support.

Attachment 3 was given to the committee by the law intern.

Chairman Kasper closed the hearing.

Rep. B. Koppelman moved the amendment.

Vice Chair Steiner seconded the motion.

Voice vote. Motion carries.

Rep. Vetter made a motion for a **DO PASS AS AMENDED** and placed on the consent calendar.

House Government and Veterans Affairs Committee
HCR 3033
2/14/19
Page 2

Rep. Schneider seconded the motion.

A roll call vote was taken. 14-0, 0 absent.

Rep. Johnston will carry the bill.

DE 2/14/19

19.3117.02001
Title.04000

Prepared by the Legislative Council staff for
Representative Devlin
February 13, 2019

PROPOSED AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3033

Page 1, line 1, remove "a flag display in Memorial Hall to include"

Page 1, line 2, after "America" insert "to be flown in Memorial Hall at all times"

Page 1, line 7, remove "there is not"

Page 1, line 7, after "flag" insert "has not been"

Page 1, line 7, after "Hall" insert "at all times in the past"

Page 1, line 21, replace "as part of any flag display" with "at all times"

Renumber accordingly

Date: 2-14-19
 Roll Call Vote #: 1

**2019 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 3033**

House Government and Veterans Affairs Committee
 Subcommittee

Amendment LC# or Description: 19. 3117. 02001

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 Rep. B. Koppelman Seconded By Rep. Steiner

Representatives	Yes	No	Representatives	Yes	No
Chairman Jim Kasper			Rep. Pamela Anderson		
Vice Chair Vicky Steiner			Rep. Mary Schneider		
Rep. Jeff Hoverson					
Rep. Craig Johnson					
Rep. Daniel Johnston					
Rep. Karen Karls					
Rep. Ben Koppelman					
Rep. Vernon Laning					
Rep. Scott Louser					
Rep. Karen Rohr					
Rep. Austen Schauer					
Rep. Steve Vetter					

*Vote
 Motion
 Carries*

Total (Yes) _____ No _____
 Absent _____
 Floor Assignment _____

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

Date: 2-14-19
 Roll Call Vote #: 2

**2019 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 3033**

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 Rep. Vetter Seconded By Rep. Schneider

Representatives	Yes	No	Representatives	Yes	No
Chairman Jim Kasper	X		Rep. Pamela Anderson	X	
Vice Chair Vicky Steiner	X		Rep. Mary Schneider	X	
Rep. Jeff Hoverson	✓				
Rep. Craig Johnson	X				
Rep. Daniel Johnston	X				
Rep. Karen Karls	X				
Rep. Ben Koppelman	X				
Rep. Vernon Laning	X				
Rep. Scott Louser	X				
Rep. Karen Rohr	X				
Rep. Austen Schauer	X				
Rep. Steve Vetter	X				

Total (Yes) 14 No 0

Absent 0

Floor Assignment Rep. Johnston

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

REPORT OF STANDING COMMITTEE

HCR 3033: Government and Veterans Affairs Committee (Rep. Kasper, Chairman)
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends
DO PASS and **BE PLACED ON THE CONSENT CALENDAR** (14 YEAS, 0 NAYS,
0 ABSENT AND NOT VOTING). HCR 3033 was placed on the Sixth order on the
calendar.

Page 1, line 1, remove "a flag display in Memorial Hall to include"

Page 1, line 2, after "America" insert "to be flown in Memorial Hall at all times"

Page 1, line 7, remove "there is not"

Page 1, line 7, after "flag" insert "has not been"

Page 1, line 7, after "Hall" insert "at all times in the past"

Page 1, line 21, replace "as part of any flag display" with "at all times"

Renumber accordingly

2019 SENATE GOVERNMENT AND VETERANS AFFAIRS

HCR 3033

2019 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Sheyenne River Room, State Capitol

HCR3033
3/28/2019
#34341

- Subcommittee
 Conference Committee

Committee Clerk: Pam Dever

Explanation or reason for introduction of bill/resolution:

Requiring the UD flag to be flown in Memorial Hall at all times in honor of veterans & members of the armed forces.

Minutes:

Att #1 – Rep. Devlin

Chairman Davison: Open the hearing on HCR3033.

Rep. Devlin, Dist. 23, Finley: (see att # 1) I am here to introduce this resolution. I was visiting one day with some veterans in memorial hall and they asked me why the American flag is nowhere in memorial hall. I could not answer. I think this is an oversight. Questions?

Chairman Davison: Any more in support?

John Jacobsen: I am in support. This is to honor those veterans who have served. My church removed the US flag, and I told them I went to war for that flag, so it better get back. They put it back. (3.40)

Chairman Davison: Any more in support? Agency? Any against. Hearing is closed.

Vice Chair Meyer: I move a DO PASS on HCR3033. **Sen. Shawn Vedaa:** I second.

Chairman Davison: Call roll: **YES -- 7 NO -- 0 -0-absent.**
HCR3033 PASSED. Sen. Jay Elkin will carry the bill.

REPORT OF STANDING COMMITTEE

HCR 3033, as engrossed: Government and Veterans Affairs Committee (Sen. Davison, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HCR 3033 was placed on the Fourteenth order on the calendar.

2019 TESTIMONY

HCR 3033

#1
HCR 3033
2-14-19

Good morning, Chairman Kasper and esteemed members of the GVA Committee. I am here to introduce HCR3033 which asks legislative management to ensure there is American Flag on display in the Memorial Hall.

This resolution came out of a question I received from a couple Veterans I was visiting with when they noticed the flag display of the Tribal Nations in front of the Governor's Office. They wondered why there was not an American Flag on Display there or elsewhere in Memorial Hall.

They weren't objecting the flag display for the various Tribal Nations but instead just asking why our nation's flag wasn't also on display. I couldn't answer the question. I didn't know if it was up to the Governor, the Legislature or someone else.

In checking with Legislative Council, I found that NDCC 54-35-02 provides that the placement of any permanent display in the Memorial Hall is subject to approval of Legislative Management and any nonpermanent display is permitted for no more than 30 days.

This resolution, with the amendment before you, requires that the Flag of the United States be displayed in Memorial Hall at all times. I originally had it drafted to say the United States Flag must be included in all flag displays. But upon reflecting a little further, I felt the flag should be continuously displayed in Memorial Hall, in honor of our veterans and members of the armed services.

The tribal flag display did not originally contain an American Flag, but after this resolution was filed, one was placed in the display as was the North Dakota State Flag. I am sure no disrespect was intended, it was just an oversight because we didn't have any rules on the issue.

Chairman Kasper and Members of the GVA Committee I hope you will adopt the amendment and give this resolution a quick do pass recommendation. Thank you, Chairman Kasper and members of the Committee.

19.3117.02001
Title.

Prepared by the Legislative Council staff for
Representative Devlin
February 13, 2019

#1
HCR 3033
2-14-19

PROPOSED AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3033

Page 1, line 1, remove "a flag display in Memorial Hall to include"

Page 1, line 2, after "America" insert "to be flown in Memorial Hall at all times"

Page 1, line 7, remove "there is not"

Page 1, line 7, after "flag" insert "has not been"

Page 1, line 7, after "Hall" insert "at all times in the past"

Page 1, line 21, replace "as part of any flag display" with "at all times"

Renumber accordingly

Sixty-sixth
Legislative Assembly
of North Dakota

HOUSE CONCURRENT RESOLUTION NO. 3033

Introduced by

Representative Devlin

1 A concurrent resolution requiring ~~a flag display in Memorial Hall to include~~ the flag of the United
2 States of America to be flown in Memorial Hall at all times in honor of veterans and members of
3 the armed forces.

4 **WHEREAS**, North Dakota Century Code Section 54-35-02 provides the placement of any
5 permanent display in the Legislative Hall or the Memorial Hall is subject to approval of the
6 Legislative Management, and under Legislative Management policy any nonpermanent display
7 is permitted for no more than 30 days; and

8 **WHEREAS**, ~~there is not~~ an American flag has not been displayed in the Memorial Hall at all
9 times in the past; and

10 **WHEREAS**, the flag of the United States of America serves as a beacon of hope and liberty
11 to the world; a symbol of our unity, freedom, and patriotism; and a reminder of the honor due to
12 veterans and members of the armed forces; North Dakotans hold veterans and members of the
13 armed forces in high esteem and express gratitude for the service they have rendered to our
14 country; and

15 **WHEREAS**, in the words of President Ronald Reagan, "[w]e remember those who were
16 called upon to give all a person can give, and we remember those who were prepared to make
17 that sacrifice if it were demanded of them in the line of duty, though it never was. Most of all, we
18 remember the devotion and gallantry with which all of them ennobled their nation as they
19 became champions of a noble cause";

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

22 That the flag of the United States of America must be flown, in accordance with the United
23 States flag code, ~~as part of any flag display~~ at all times in Memorial Hall.

#2
HCR 3033
2-14-19

Kasper, Jim M.

From: jim nelson <jimnelson73@yahoo.com>
Sent: Thursday, February 14, 2019 6:20 AM
To: Kasper, Jim M.
Subject: HCR 3019 HCR 3023 HCR 3033

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Chairman Kasper, The North Dakota Veterans Legislative Council stands in support of HCR 3029 HCR3023 and HCR 3033, We would request that you accept this email into the record on each resolution. Thank you Jim Nelson Legislative Director NDVLC

#3
HCR 3033
2-14-19
p.1.

54-35-02. Powers and duties.

In addition to the other applicable provisions of this chapter, the legislative management has the following powers and duties:

1. To study, consider, accumulate, compile, and assemble information on any subject upon which the legislative assembly may legislate, and upon such subjects as the legislative assembly may by concurrent or joint resolution authorize or direct, or any subject requested by a member of the legislative assembly; provided, that the legislative management may screen and prioritize studies assigned by concurrent or joint resolution to maintain its workload within the limitations of time and legislative appropriations.
2. To collect information concerning the government and general welfare of the state and of its political subdivisions.
3. To study and consider important issues of public policy and questions of general interest.
4. To study and promote uniformity of legislation in the United States upon subjects upon which uniformity is desirable and to receive, review, and make recommendations on uniform and model laws recommended to it by the state commission on uniform state laws.
5. To prepare proposed bills and resolutions for consideration of the succeeding legislative assembly.
6. To call to its assistance other members of the legislative assembly, and it may create committees consisting of its own members, or one or more of its own members and one or more other members of the legislative assembly and delegate by written resolution to such committees such of its powers and rights as it may deem advisable. Committees of the legislative management may also include nonlegislator members. Any member of the legislative assembly has the right to attend any meeting of the legislative management and may present that member's views on any subject which the legislative management may at any particular time be considering.
7. To issue subpoenas or subpoenas duces tecum in the manner provided in sections 54-03.2-08 and 54-03.2-09. Committees of the legislative management may issue subpoenas and subpoenas duces tecum in the same manner if specifically authorized by the legislative management. Failure to obey a subpoena issued by the legislative management, or one of its committees, is contempt.
8. To control the use of the legislative chambers and permanent displays in memorial hallway. Guidelines may be established pursuant to this subsection and the legislative council shall administer any guidelines that are established.
9. To determine access to legislative information services and impose fees for providing legislative information services and copies of legislative documents. This authority may not be exercised in a manner that contravenes access to legislative documents as otherwise provided by law.

54-35-02.1. Legislative audit and fiscal review committee.

For the purposes of studying and reviewing the financial transactions of this state; to assure the collection and expenditure of its revenues and moneys in compliance with law and legislative intent and sound financial practices; and to provide the legislative assembly with formal, objective information on revenue collections and expenditures for a basis of legislative action to improve the fiscal structure and transactions of this state, the legislative management shall appoint the legislative audit and fiscal review committee. The members of the committee must be appointed in the same manner as other members of interim committees of the legislative management.

54-35-02.2. Powers and duties of the legislative audit and fiscal review committee.

The legislative audit and fiscal review committee shall study and review audit reports as selected by the committee from those submitted by the state auditor, confer with the auditor and deputy auditors in regard to such reports, and when necessary, confer with representatives of the department, agency, or institution audited in order to obtain full and complete information in

HCR 3033
3-28-19
Att #1
page

Good morning, Chairman Davison and esteemed members of the Senate GVA Committee. For the Record, I am Rep. Bill Devlin of District 23 and I live in Finley. District 23 is a rural district in Eastern North Dakota.

I am here to explain HCR3033 which asks legislative management to ensure there is American Flag permanently on display in the Memorial Hall.

This resolution came out of a question I received from a couple Veterans I was visiting with when they noticed the flag display of the Tribal Nations in front of the Governor's Office. They wondered why there was not an American Flag on Display there or elsewhere in Memorial Hall.

They weren't objecting the flag display for the various Tribal Nations but instead just asking why our nation's flag wasn't also on display. I couldn't answer the question. I didn't know if it was up to the Governor, the Legislature or someone else.

In checking with Legislative Council, I found that NDCC 54-35-02 provides that the placement of any permanent display in the Memorial Hall is subject to approval of Legislative Management and any nonpermanent display is permitted for no more than 30 days.

This resolution, with the amendment before you, requires that the Flag of the United States be displayed in Memorial Hall at all times. I originally had it drafted to say the United States Flag must be included in all flag displays. But upon reflecting a little further, I felt the flag should be continuously displayed in Memorial Hall, in honor of our veterans and members of the armed services.

The tribal flag display did not originally contain an American Flag, but after this resolution was filed, one was placed in the display as was the North Dakota State Flag. I am sure no disrespect was intended, it was just an oversight because we didn't have any rules on the issue.

Chairman Davison and Members of the GVA Committee I hope you will adopt the amendment and give this resolution a quick do pass recommendation. Thank you, Chairman Davison and members of the Committee.