

2021 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HB 1335

2021 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Pioneer Room, State Capitol

HB 1335
2/18/2021

Relating to reservation of powers not granted to the federal government

Chairman Kasper opened the hearing at 10:50 a.m.

Representatives	Roll Call
Representative Jim Kasper	P
Representative Ben Koppelman	P
Representative Pamela Anderson	P
Representative Jeff A. Hoverson	P
Representative Karen Karls	P
Representative Scott Louser	P
Representative Jeffery J. Magrum	P
Representative Mitch Ostlie	P
Representative Karen M. Rohr	P
Representative Austen Schauer	P
Representative Mary Schneider	P
Representative Vicky Steiner	P
Representative Greg Stemen	P
Representative Steve Vetter	A

Discussion Topics:

- Tenth amendment reaffirmation

Rep. Kempenich introduced and testified in favor.

Vice Chair B. Koppelman moved **Do Pass**. **Rep. Magrum** seconded the motion.

Representatives	Vote
Representative Jim Kasper	Y
Representative Ben Koppelman	Y
Representative Pamela Anderson	N
Representative Jeff A. Hoverson	Y
Representative Karen Karls	Y
Representative Scott Louser	Y
Representative Jeffery J. Magrum	Y
Representative Mitch Ostlie	Y
Representative Karen M. Rohr	Y
Representative Austen Schauer	Y
Representative Mary Schneider	N
Representative Vicky Steiner	Y
Representative Greg Stemen	Y
Representative Steve Vetter	A

Motion passed. 11-2-1. **Rep. Hoverson** is the carrier.

House Government and Veterans Affairs Committee

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Additional written testimony: #6742

Chairman Kasper ended at 11:04 a.m.

Carmen Hart, Committee Clerk

REPORT OF STANDING COMMITTEE

HB 1335: Government and Veterans Affairs Committee (Rep. Kasper, Chairman)
recommends **DO PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB
1335 was placed on the Eleventh order on the calendar.

HB 1335

Governmental and Veteran Affairs Committee

Representative Kasper and Committee Members

I am in Support of HB 1335

Thank You

Gordon Greenstein

US Navy (Veteran)

US Army Retired)

About the Tenth Amendment

“The Tenth Amendment was intended to confirm the understanding of the people at the time the Constitution was adopted, that powers not granted to the United States were reserved to the States or to the people. It added nothing to the instrument as originally ratified.” – United States v. Sprague, [282 U.S. 716, 733](#) (1931).

The founding fathers had good reason to pen the Tenth Amendment.

The issue of power – and especially the great potential for a power struggle between the federal and the state governments – was extremely important to the America’s founders. They deeply distrusted government power, and their goal was to prevent the growth of the type of government that the British has exercised over the colonies.

Adoption of the Constitution of 1787 was opposed by a number of well-known patriots including Patrick Henry, Samuel Adams, Thomas Jefferson, and others. They passionately argued that the Constitution would eventually lead to a strong, centralized state power which would destroy the individual liberty of the People. Many in this movement were given the poorly-named tag “Anti-Federalists.”

The Tenth Amendment was added to the Constitution of 1787 largely because of the intellectual influence and personal persistence of the Anti-Federalists and their allies.

It’s quite clear that the Tenth Amendment was written to emphasize the *limited nature* of the powers delegated to the federal government. In delegating just specific powers to the federal government, the states and the people, with some small exceptions, were free to continue exercising their sovereign powers.

When states and local communities take the lead on policy, the people are that much closer to the policymakers, and policymakers are that much more accountable to the people. Few Americans have spoken with their president; many have spoken with their mayor.

Adherence to the Tenth Amendment is the first step towards ensuring liberty in the United States. Liberty through decentralization.

The Tenth Amendment Center

2021 SENATE GOVERNMENT AND VETERANS AFFAIRS

HB 1335

2021 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee
Room JW216, State Capitol

HB 1335
3/19/2021

Relating to reservation of powers not granted to the federal government.

Chair Vedaa opened the hearing at 10:15 AM with Sen Vedaa, Meyer, Eklin, K Roers, Weber, Wobbema, and Marcellais present.

Discussion Topics:

- 10th Amendment
- Sovereignty

Rep Kempenich, Dist 39 – introduced the bill
Carol Two Eagles – testified opposed

Additional written testimony:

Thea Holter – support #10295
Maria Romanick – support #10096
Taya Sakala – support #10076, 10075
Brittany Wold – support #10064
Jacob Holter – support #10037
Cionda Holter – support #10036
Kenneth Tarkinton – support #10034
Amber Vitebo – support #10027
Ruth Wolhart – support #10024
Lindsay Presteng – support #10016

Adjourned at 10:27 AM

Pam Dever, Committee Clerk

#10295, #10096, #10076,
#10037, #10036, #10034,
#10027, #10024, #10016

To the Senate Government and Veterans Affairs Committee:

Please DO PASS HB 1335.

The 10th Amendment is a forgotten treasure. It is a beautiful string of 28 words.

“The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”

James Madison, writing in *The Federalist Papers*, No., 45 affirmed the concept of States’ sovereignty before the 10th Amendment was passed.

The powers delegated by the proposed Constitution to the federal government, are few and defined. Those which are to remain in the State governments are numerous and indefinite.

Concentrated power usually grows into dictatorship or oligarchy. Is there any greater instance of concentrated power than Washington, DC? Consider several federal excesses in the context of the 10th Amendment:

- Gun controls
- Surveillance of citizens
- Regulate food and drugs
- Protecting Big Tech
- Almost all other forms of federal regulation

Now we see the US Congress attempting to pass H.R. 1 in an attempt to permanently corrupt States’ elections!

It is time for the State of North Dakota to exercise our sovereignty and stand up to Federal government overreach. HB 1335 empowers state officials and employees by reminding them of what they already have, namely that the Federal government does not have authority not given to it by the Constitution or delegated to it by North Dakota.

References:

[Thirty Enumerated Powers | Tenth Amendment Center](#)

[The 10th Amendment: An Introduction](#)

[Federalist No. 45](#)

[15 Insane Things In Democrats' H.R. 1 Bill To Corrupt Elections Forever \(thefederalist.com\)](https://www.thefederalist.com/15-Insane-Things-In-Democrats-H.R.-1-Bill-To-Corrupt-Elections-Forever/)

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Sixty-seventh
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1335

Introduced by

Representatives Kempenich, Bellew, Jones, Kading, M. Ruby, Simons

Senators O. Larsen, Myrdal

1 A BILL for an Act to create and enact a new section to chapter 44-04 of the North Dakota
2 Century Code, relating to reservation of powers not granted to the federal government.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1.** A new section to chapter 44-04 of the North Dakota Century Code is created
5 and enacted as follows:

6 **Reservation of powers not granted to the federal government.**

7 Pursuant to the tenth amendment to the Constitution of the United States, public officials
8 and employees in this state need not carry out or comply with an executive order of the
9 president of the United States, a regulation of a federal agency or department, or a federal
10 statute infringing on powers reserved to the several states.

NDCA Member,

Are you aware of the 10th Amendment to the US Constitution? It is a beautiful string of 28 words.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Like the 10th Amendment, HB 1335 is wonderfully concise. It adds the following to the ND Century Code:

Pursuant to the tenth amendment to the Constitution of the United States, public officials and employees in this state need not carry out or comply with an executive order of the president of the United States, a regulation of a federal agency or department, or a federal statute infringing on powers reserved to the several states [underlines added]

It is time for the State of North Dakota to exercise our sovereignty and stand up to Federal government overreach. HB 1335 empowers state officials and employees by reminding them of what they already have, namely that the Federal government has no authority not given to it by the Constitution or delegated to it by North Dakota.

2021 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee
Room JW216, State Capitol

HB 1335
3/19/2021

Relating to reservation of powers not granted to the federal government
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Chair Vedaa called to order at 10:59 AM with Sen Vedaa, Meyer, Elkin, K Roers, Wever, Wobbema, and Maracellais present.

Discussion Topics:

- Committee Work

Sen Meyer moved a **Do Pass**

Sen Wobbema seconded

Roll Call Vote: 3 -- YES 4 -- NO -0-ab Motion Failed

Senators	Vote
Senator Shawn Vedaa	Y
Senator Scott Meyer	Y
Senator Jay R. Elkin	N
Senator Richard Marcellais	N
Senator Kristin Roers	N
Senator Mark F. Webber	N
Senator Michael A. Wobbema	Y

Sen K Roers moved a **Do Not Pass**

Sen Weber seconded

Roll Call Vote: 4 -- YES 3 -- NO -0-ab Motion Passed

Senators	Vote
Senator Shawn Vedaa	N
Senator Scott Meyer	N
Senator Jay R. Elkin	Y
Senator Richard Marcellais	Y
Senator Kristin Roers	Y
Senator Mark F. Webber	Y
Senator Michael A. Wobbema	N

Sen K Roers will carry the bill

Clerk was told to hold this as they want to bring it back to reconsider - no standing report

Adjourned at 11:14 AM

Pam Dever, Committee Clerk

2021 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee
Room JW216, State Capitol

HB 1335
3/25/2021

Relating to reservation of powers not granted to the federal government.

Chair Vedaa called to order at 11:00 Am with Sen Vedaa, Meyer, Elkin, K Roers, Weber, Wobbema, and Marcellais present.

Discussion Topics:

- Committee Work
- Reconsideration

Sen Weber moved to **reconsider HB 1335**

Sen Elkin seconded

Voice Vote Taken: Motion Passed

Sen Weber moved a **Do Pass**

Sen Wobbema seconded

Roll Call Vote: 5 -- YES 2 -- NO -0-ab Motion Passed

Senators	Vote
Senator Shawn Vedaa	Y
Senator Scott Meyer	Y
Senator Jay R. Elkin	Y
Senator Richard Marcellais	N
Senator Kristin Roers	N
Senator Mark F. Webber	Y
Senator Michael A. Wobbema	Y

Sen Vedaa will carry the bill.

Adjourned at 11:05 AM

Pam Dever, Committee Clerk

REPORT OF STANDING COMMITTEE

HB 1335: Government and Veterans Affairs Committee (Sen. Vedaa, Chairman)
recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB
1335 was placed on the Fourteenth order on the calendar.