

HB 1118

Senator Joan Heckaman

Good afternoon, Chairman, and Members of the Committee:

I am Senator Joan Heckaman and I am here to support HB 1118 which addresses executive orders.

Over the weekend I did research on this topic on the National Council of State Legislatures web site and found that there are several states with similar situations. Authority for executive orders is ordinarily seated with the legislature when an executive order is given to suspend state laws enacted by the legislature.

This bill does not remove that authority, but it does put parameters around this so power are not abused or exceed authority and that those powers do not undermine separation of powers so important to the effectiveness of our state operations.

NCSL, in a document, states that legislatures do have authority to legislate firm limits on emergency executive powers. Some states already have specific limits, relating to the extent or time limits on orders. North Dakota does not.

Legislatures also retain the power to nullify an emergency proclamation by resolution, usually by a simple majority in both houses. However, since North Dakota was not in session during the issuance of most of these orders, that was not possible.

While this looks like an attack on the individual issuing the orders, it is not. This bill provides the necessary tools for the legislature to provide clear and concise direction on its authority to retain laws it has already deemed necessary for effective government for all North Dakotans.

Thank you.

I would stand for any questions.

Sen. Joan Heckaman