

Sixty-seventh
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1282

Introduced by

Representatives Ertelt, Bellew, Christensen, Satrom, Schatz, Simons

Senator Clemens

1 A BILL for an Act to create and enact a new section to chapter 54-35 of the North Dakota
2 Century Code, relating to a joint committee on federal nullification ~~of federal laws~~; and to
3 provide a directive.

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

5 **SECTION 1.** A new section to chapter 54-35 of the North Dakota Century Code is created
6 and enacted as follows:

7 **Committee on federal nullification ~~of federal laws~~ - Membership - Duties.**

8 1. For purposes of this section, "nullify" means to restrict a state agency or political
9 subdivision of the state or an individual employed by a state agency or political
10 subdivision of the state from enforcing a federal lawstatute, regulation, or executive
11 order.

12 2. ~~The membership for the committee on nullification of federal laws is comprised of:~~

13 ~~a. The president pro tempore of the senate, or the president pro tempore's~~
14 ~~designee;~~

15 ~~b. Six members of the senate, to be appointed by the president pro tempore of the~~
16 ~~senate, not more than four of whom may be members of the same political party;~~

17 ~~c. The speaker of the house of representatives, or the speaker's designee; and~~

18 ~~d. Six members of the house of representatives, to be appointed by the speaker of~~
19 ~~the house, not more than four of whom may be members of the same political~~
20 ~~party~~

21 During each biennium, the legislative management shall appoint a
22 committee on federal nullification in the same manner as the legislative
23 management appoints other interim committees. The legislative management
shall designate the chairman of the committee. The committee shall operate

1 according to the statutes and procedure governing the operation of other
2 legislative management interim committees.

3 ~~3. The president pro tempore of the senate and the speaker of the house shall serve as~~
4 ~~co-presiding officers of the committee.~~

5 ~~4. Each committee member serves a term of two years, coinciding with the beginning~~
6 ~~and end of the regular session of the legislative assembly each odd-numbered year.~~

7 ~~5. The committee shall meet at the call of either co-presiding officer~~ the chairman of the
8 committee.

9 6. Upon receipt of a federal legislation statute, regulation, or ~~an~~ executive order, for
10 consideration and process, the committee shall recommend whether to nullify in its
11 entirety a specific federal ~~law~~ statute, regulation, or executive order. ~~In making its~~
12 ~~recommendation, the committee shall consider whether the legislation, regulation, or~~
13 ~~executive order is outside the scope of the powers delegated to the federal~~
14 ~~government in the Constitution of the United States.~~

15 7. The committee may review ~~all any~~ existing federal ~~statutes~~ statute,
16 ~~regulations~~ regulation, and/or executive ~~orders~~ order enacted before the effective date of
17 this section ~~for the purpose of determining constitutionality~~ and shall recommend
18 whether to nullify in its entirety a specific federal statute, regulation, or executive order.

19 8. When making a recommendation, the committee shall consider whether the federal
20 statute, regulation, or executive order is outside the scope of the powers delegated to
21 the federal government by the United States Constitution.

22 9. Upon the committee's recommendation, the legislative assembly, by concurrent
23 resolution, shall consider whether to nullify the federal action.

24 ~~9.10.~~ If the legislative assembly approves the concurrent resolution by a simple majority of
25 the members elect to nullify a federal statute, regulation, or executive order based on
26 constitutionality, the state and the citizens of the state may not recognize or be
27 obligated to abide by the federal law statute, regulation, or executive order.

28 ~~10. The secretary of the senate and the chief clerk of the house of representatives shall~~
29 ~~communicate the intentions of this section to the legislatures of the several states to~~
30 ~~assure the state considers a multistate compact for specific national purposes,~~
31 ~~particularly those enumerated in the Constitution of the United States.~~

- 1 | **SECTION 2. DIRECTIVE.** The secretary of state shall forward a copy of the enrolled
- 2 | version of this bill to the president of the United States, the president of the United States
- 3 | Senate, the speaker of the United States House of Representatives, and each member of the
- 4 | North Dakota congressional delegation.

