

2021 HOUSE JUDICIARY

HB 1282

2021 HOUSE STANDING COMMITTEE MINUTES

Judiciary

Room JW327B, State Capitol

HB 1282
1/27/2021

Relating to a joint committee on neutralization of federal laws; and to provide a directive.
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Chairman Klemin called the hearing to order at 11:00 AM.

Present: Representatives Klemin, Karls, Becker, Christensen, Cory, K Hanson, Jones, Magrum, Paulson, Paur, Roers Jones, Satrom, and Vetter. **Absent:** Rep. Buffalo

Discussion Topics:

- Amendment
- Effect of the supremacy clause
- Costs and growth of government.

Rep. Ertelt: Introduced the bill. Testimony #3802 11:02

Gaylynn Becker of Bismarck, ND: Testimony #3644 11:19

Additional written testimony: 3709, 3694,

Chairman Klemin closed the hearing at 11:23.

DeLores D. Shimek
Committee Clerk

Testimony in Support of House Bill 1282
Rep. Sebastian Ertelt
ND District 26

Chairman Klemin and Members of the House Judiciary Committee, I urge a unanimous DO PASS recommendation on House Bill 1282.

For the record, I am Representative Sebastian Ertelt representing North Dakota District 26, which includes all of Sargent County, the eastern half of Dickey County, the southern half of Ransom County, and the western half of Richland County.

The Ninth Amendment to the Constitution of the United States declares:
The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

The Tenth Amendment to the Constitution of the United State declares:
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.

House Bill 1282 seeks a formal process by which the States and the people may assert these rights. Quite simply, a legislative committee would review any existing and all future federal laws, regulations, and executive orders. The committee would make a recommendation for or against neutralization and then the legislative assembly would vote for or against neutralization – just as we do with any proposed bill today. Unless the legislative assembly votes against neutralization, the federal law, regulation, or executive order would not be recognized or enforced in the state. Such action would be communicated to the legislatures of the other states.

I would ask the committee to consider an amendment House Bill 1282 to replace each instance of President of the Senate to President Pro Tempore of the Senate. This was an oversight on my part when working with legislative council.

States have successfully neutralized federal law in the present and the past. Although federally prohibited, marijuana use has been allowed in several of the states. The Nation Defense and Authorization Act of 2012 and beyond, which essentially allows spying on US citizens without due process, has been neutralized in part by both states and local jurisdictions. In its infancy, Real ID was refused implementation by more than 20 states. Federal education programs such as No Child Left Behind and Common Core also met with resistance by the states.

I have included in my testimony Articles I, II, & III of the Constitution of the United States as a reminder of the enumerated, and thereby limited, powers of the Legislative, Executive, and Judicial branches of the federal government, respectively.

Some advice I would offer in closing from Thomas Jefferson, “In questions of power, let no more be heard of confidence in man, but bind him down from mischief by the chains of the constitution.”

Article I

Section 1

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2

The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

Section 3

The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senator shall have one Vote.

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; and if Vacancies happen by Resignation or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

Section 4

The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different Day.

Section 5

Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.

Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.

Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

Section 6

The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been increased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

Section 7

All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

Section 8

The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

To borrow Money on the credit of the United States;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

To establish Post Offices and post Roads;

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the supreme Court;

To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;—And

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

Section 9

The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

No Bill of Attainder or ex post facto Law shall be passed.

No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or enumeration herein before directed to be taken.

No Tax or Duty shall be laid on Articles exported from any State.

No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

Section 10

No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing it's inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Controul of the Congress.

No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

Article II

Section 1

The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this Purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President.

The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.

In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the Same shall devolve on the Vice President, and the Congress may by law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be increased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:— I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States.

Section 2

The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

Section 3

He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

Section 4

The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

Article III

Section 1

The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

Section 2

The Judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—between a State and Citizens of another State;—between Citizens of different States,—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

Section 3

Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the testimony of two Witnesses to the same overt Act, or on Confession in open Court.

The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

House Judiciary Committee

HB 1282

By Dr. Gaylynn Becker

January 27, 2021

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Chairman Klemin and Members of the House Judiciary Committee:

I am Gaylynn Becker of Bismarck, ND. I'm testifying on my own.
I am here to testify in support of House Bill 1282.

I believe very strongly that neither the President nor the Congress of the United States of America has the right under the Constitution of the United States of America to pass legislation nor does it have the authority to promulgate rules, regulations, or executive orders, nor anything similar to such, which are contrary to our rights and freedoms as citizens.

In addition, we need HB 1282 passed so that North Dakota has a statute which delineates and provides the authority to review all current federal laws, executive orders and regulations in effect now as well as any that may occur in the future.

Thank you for considering this important legislation for the citizens of North Dakota.

God bless you,

HB 1282

I am writing in support of HB 1282.

If I understand this bill correctly, you, our elected officials, would regain the power to make decisions on our behalf. The mandates by Governor Burgum and the unelected State Health Officer have been detrimental to our livelihood and taken away our ability to manage and recover through their overreach. We are not in an emergency. It is time we take back control of our state.

I lived through the 1997 flood, a disaster that cost Grand Forks \$557.5 million dollars. Despite the fire, flood, and evacuation that affected almost all the 52,000 citizens, people were anxious to get back to normal and worked hard to rebuild the city. The emergency was warranted, but even with all the destruction, did not extend beyond that year.

We are being told that we are in a state of emergency right now, one that has been going on for nearly a year. That defies the definition of an emergency! Because we are in an emergency, we are being ruled by health officers that we did not elect, and we have no control over the unscientific decisions made, affecting all areas of life.

Our response to the SARS COVID-2 virus has been unmistakably exaggerated. We locked down schools despite scientific evidence showing that schools pose little to no risk of spreading the illness. We put unrealistic mandates in place that denied freedom for our citizens to be responsible for their own health. We attempted to force mask wearing, though there is no evidence that the cloth masks being pushed can stop viruses from spreading. We carried out mass testing with an ineffective test whose positive “cases” drove drastic isolation and quarantining measures that further cut our education and medical personnel availability.

We are not in an emergency. We are in a forced public health fiasco. The vaccine cannot prevent the virus from being shared, so there is no sense in declaring an emergency until more have received it. We need to do what we should have done in the beginning. We need to protect the most vulnerable, and the rest of us need to do what we did in 1997—get back to living life.

Erin J McSparron

Hello,

I am writing today in support of HB 1282. There have been many factors throughout the last several years which have shown me, and hopefully most North Dakotans that the federal government does not work in our interest.

A few examples come to mind, possibly the most recent of which is the election of 2020 and events directly thereafter. The US Supreme Court failed the people of the United States by not acting when several states did not follow the US constitution in determining election laws; when our own representatives had a chance to uphold their oath to defend the constitution by objecting to unconstitutional electors picked in these states they failed the people of North Dakota. We are already seeing direct results of these failures. Within one week of Joe Biden taking office, the Keystone XL pipeline project has stopped. How many jobs, current and future, were destroyed by the cancellation of this pipeline? How long will it be until we in North Dakota experience the results of more direct action against our state's energy industry, and how many jobs could be destroyed by a "Green New Deal" type of agenda?

Another example which is easy to recall is talk of covid-19 regulations at the federal level, such as mask mandates and restrictions on businesses. Mandating the use of face coverings is certainly not something that the federal government should be doing; individual states should not be mandating face coverings either, but it would be a more appropriate discussion at the state level. There are several arguments about the effectiveness of face coverings, but that is a different discussion altogether. In several states, there are not only mask mandates, but business-killing restrictions. Even here in North Dakota we have seen businesses shut down due to restrictions implemented by executive order at the state level, and our state covid response has been less drastic than some of these other states. These heavy-handed regulations would be detrimental to our state's small businesses, and therefore our economy, if implemented at the federal level.

We have also heard for years about restrictions to the second amendment of the Constitution of the United States. I do believe that we may start to see some of these restrictions. One that I have read about is a tax or permit for the purchase of ammunition. Taxing ammunition could make it impossible for people to practice their right to bear arms. I believe that the state legislative body must protect the people of North Dakota by protecting this right, and all other unalienable rights.

A \$15-dollar minimum wage, an end to fracking, "equality" in girls' sports; the list of things that could negatively affect our state is seemingly endless. HB 1282 would be an effective tool for the state of North Dakota to protect the constitution and the rights of the people in our state. I believe that there would be very minimal negative effects to passing this legislation because it would allow the state to target individual pieces of federal legislation, regulations, and executive orders. This bill would give the State of North Dakota an avenue to "Neutralize federal statute, regulation, or executive order," many of which (from what we can gather based off of previous experience, current regulation, and what we have been told by many in Washington DC) will be harmful to the liberties of the people of North Dakota and to our state's economy.

Thank you for your time,

Perrin Goetzfridt

2021 HOUSE STANDING COMMITTEE MINUTES

Judiciary
Room JW327B, State Capitol

HB 1282
2/2/2021

Relating to a joint committee on neutralization of federal laws; and to provide a directive.

Chairman Klemin called the hearing to order at 3:35 PM.

Present: Representatives Klemin, Karls, Christensen, K Hanson, Cory, Jones, Magrum, Paulson, Paur, Roers Jones, Satrom, and Vetter. **Absent:** Rep. Karls,

Discussion Topics:

- Amendment
- Committee Work

Rep. Becker: Introduced his proposed amendment. #4924, #4925

Motion made to adopt the amendment LC 21.0734.02002 by **Rep. Becker;** Seconded by **Rep. Satrom.**
Voice vote carried – amendment adopted

Rep. Roers Jones moved a Do Not Pass as amended.
Rep. Hanson: Seconded.

Roll Call Vote:

Representatives	Vote
Chairman Klemin	Y
Vice Chairman Karls	A
Rep Becker	N
Rep. Christensen	N
Rep. Cory	Y
Rep T. Jones	N
Rep Magrum	N
Rep Paulson	N
Rep Paur	N
Rep Roers Jones	Y
Rep B. Satrom	N
Rep Vetter	N
Rep Buffalo	Y
Rep K. Hanson	Y

Motion failed. 5-8-1.

Rep. Magrum moved a Do Pass as amended.

Rep. Christensen: Seconded.

Roll Call Vote:

Representatives	Vote
Chairman Klemin	N
Vice Chairman Karls	A
Rep Becker	Y
Rep. Christensen	Y
Rep. Cory	Y
Rep T. Jones	Y
Rep Magrum	Y
Rep Paulson	Y
Rep Paur	Y
Rep Roers Jones	N
Rep B. Satrom	Y
Rep Vetter	Y
Rep Buffalo	N
Rep K. Hanson	N

Motion carried 9-4-1

Rep Becker – Floor assignment

Chairman Klemin closed at 3:54PM

DeLores D. Shimek - Committee Clerk

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1282

Page 1, line 2, replace "neutralization" with "nullification"

Page 1, line 7, replace "**neutralization**" with "**nullification**"

Page 1, line 8, after "1." insert "For purposes of this section, "nullify" means to restrict a state agency or political subdivision of the state or an individual employed by a state agency or political subdivision of the state from enforcing a federal law, regulation, or executive order.

2."

Page 1, line 8, replace "neutralization" with "nullification"

Page 1, line 9, after "president" insert "pro tempore"

Page 1, line 9, replace "president's" with "president pro tempore's"

Page 1, line 10, after "president" insert "pro tempore"

Page 1, line 16, replace "2." with "3."

Page 1, line 16, after "president" insert "pro tempore"

Page 1, line 18, replace "3." with "4."

Page 1, line 20, replace "4." with "5."

Page 1, line 21, replace "5." with "6."

Page 1, line 22, replace "neutralize" with "nullify"

Page 2, line 3, replace "6." with "7."

Page 2, line 5, replace "neutralize" with "nullify"

Page 2, line 7, replace "7." with "8."

Page 2, line 8, remove "Until the legislative"

Page 2, remove lines 9 through 11

Page 2, line 12, replace "8." with "9."

Page 2, line 13, replace "neutralize" with "nullify"

Page 2, line 16, replace "9." with "10."

Page 2, line 18, replace "union" with "a multistate compact"

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1282: Judiciary Committee (Rep. Klemin, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1282 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "neutralization" with "nullification"

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Page 1, line 9, after "president" insert "pro tempore"

Page 1, line 9, replace "president's" with "president pro tempore's"

Page 1, line 10, after "president" insert "pro tempore"

Page 1, line 16, replace "2." with "3."

Page 1, line 16, after "president" insert "pro tempore"

Page 1, line 18, replace "3." with "4."

Page 1, line 20, replace "4." with "5."

Page 1, line 21, replace "5." with "6."

Page 1, line 22, replace "neutralize" with "nullify"

Page 2, line 3, replace "6." with "7."

Page 2, line 5, replace "neutralize" with "nullify"

Page 2, line 7, replace "7." with "8."

Page 2, line 8, remove "Until the legislative"

Page 2, remove lines 9 through 11

Page 2, line 12, replace "8." with "9."

Page 2, line 13, replace "neutralize" with "nullify"

Page 2, line 16, replace "9." with "10."

Page 2, line 18, replace "union" with "a multistate compact"

Re-number accordingly

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1282

Page 1, line 2, replace "neutralization" with "nullification"

Page 1, line 7, replace "**neutralization**" with "**nullification**"

Page 1, line 8, after "1." insert "For purposes of this section, "nullify" means to restrict a state agency or political subdivision of the state or an individual employed by a state agency or political subdivision of the state from enforcing a federal law, regulation, or executive order.

2."

Page 1, line 8, replace "neutralization" with "nullification"

Page 1, line 9, after "president" insert "pro tempore"

Page 1, line 9, replace "president's" with "president pro tempore's"

Page 1, line 10, after "president" insert "pro tempore"

Page 1, line 16, replace "2." with "3."

Page 1, line 16, after "president" insert "pro tempore"

Page 1, line 18, replace "3." with "4."

Page 1, line 20, replace "4." with "5."

Page 1, line 21, replace "5." with "6."

Page 1, line 22, replace "neutralize" with "nullify"

Page 2, line 3, replace "6." with "7."

Page 2, line 5, replace "neutralize" with "nullify"

Page 2, line 7, replace "7." with "8."

Page 2, line 8, remove "Until the legislative"

Page 2, remove lines 9 through 11

Page 2, line 12, replace "8." with "9."

Page 2, line 13, replace "neutralize" with "nullify"

Page 2, line 16, replace "9." with "10."

Page 2, line 18, replace "union" with "a multistate compact"

Renumber accordingly

21.0734.02002

Sixty-seventh
Legislative Assembly
of North Dakota

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 ~~neutralization~~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 ~~neutralization~~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 law, regulation, or executive order.

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

13 a. The president pro tempore of the senate, or the ~~president's~~president pro
14 tempore's 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 ~~2.3.~~ The president pro tempore of the senate and the speaker of the house shall serve as
22 co-presiding officers of the committee.

23 ~~3.4.~~ Each committee member serves a term of two years, coinciding with the beginning
24 and end of the regular session of the legislative assembly each odd-numbered year.

- 1 4.5. The committee shall meet at the call of either co-presiding officer.
- 2 5.6. Upon receipt of federal legislation, regulation, or an executive order, for consideration
3 and process, the committee shall recommend whether to ~~neutralize~~ nullify in its entirety
4 a specific federal law, regulation, or executive order. In making its recommendation,
5 the committee shall consider whether the legislation, regulation, or executive order is
6 outside the scope of the powers delegated to the federal government in the
7 Constitution of the United States.
- 8 6.7. The committee may review all existing federal statutes, regulations, and executive
9 orders enacted before the effective date of this section for the purpose of determining
10 constitutionality and shall recommend whether to ~~neutralize~~ nullify in its entirety a
11 specific federal statute, regulation, or executive order.
- 12 7.8. Upon the committee's recommendation, the legislative assembly, by concurrent
13 resolution, shall consider whether to nullify the federal action. ~~Until the legislative
14 assembly considers the recommendation by concurrent resolution, the federal law,
15 regulation, or executive order in question is not recognized and may not be enforced in
16 the state.~~
- 17 8.9. If the legislative assembly approves the concurrent resolution by a simple majority to
18 ~~neutralize~~ nullify a federal statute, regulation, or executive order based on
19 constitutionality, the state and the citizens of the state may not recognize or be
20 obligated to abide by the federal law or executive order.
- 21 9.10. The secretary of the senate and the chief clerk of the house of representatives shall
22 communicate the intentions of this section to the legislatures of the several states to
23 assure the state considers ~~union~~ a multistate compact for specific national purposes,
24 particularly those enumerated in the Constitution of the United States.

25 **SECTION 2. DIRECTIVE.** The secretary of state shall forward a copy of the enrolled
26 version of this bill to the president of the United States, the president of the United States
27 Senate, the speaker of the United States House of Representatives, and each member of the
28 North Dakota congressional delegation.

2021 SENATE JUDICIARY

HB 1282

2021 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Peace Garden Room, State Capitol

HB 1282
3/30/2021

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

Hearing called to order all Senators Present: **Myrdal, Luick, Dwyer, Bakke, Fors, Heitkamp, Larson. [8:40]**

Discussion Topics:

- Federal Supremacy Clause
- Interstate Commerce as it relates to statute

Rep. Sebastian Ertelt, testified in favor [8:40]

Senator Oley Larson, R-Minot, testified in favor [9:02]

Dr. Gaylynn Becker, Bismarck, ND provided testimony in favor #10976 [9:06]

Senator Myrdal Moved Amendment 21.0734.03002
Senator Luick Seconded the Motion
Vote Passed 7-0-0

Senator Myrdal Moved a DO PASS AS AMENDED
Senator Luick Seconded the Motion
Vote Passed 6-1-0

Senator Myrdal Carried the Bill

Additional written testimony:

10902, 10916, 10928, 10962, 11003, 11005

Vote to Amend HB 1287	Vote
Senator Diane Larson	Y
Senator Michael Dwyer	Y
Senator JoNell A. Bakke	Y
Senator Robert O. Fors	Y
Senator Jason G. Heitkamp	Y
Senator Larry Luick	Y
Senator Janne Myrdal	Y

Senators	Vote
Senator Diane Larson	Y
Senator Michael Dwyer	Y
Senator JoNell A. Bakke	N
Senator Robert O. Fors	Y
Senator Jason G. Heitkamp	Y
Senator Larry Luick	Y
Senator Janne Myrdal	Y

Hearing Adjourned [9:20]

Jamal Omar, Committee Clerk

21.0734.03002

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1282

Page 1, line 2, after "on" insert "federal"

Page 1, line 2, remove "of federal laws"

Page 1, line 7, after "on" insert "federal"

Page 1, line 7, remove "of federal laws"

Page 1, line 10, replace "law" with "statute"

Page 1, line 11, remove "The membership for the committee on nullification of federal laws is comprised of:"

Page 1, remove lines 12 through 18

Page 1, line 19, replace "party" with "During each biennium, the legislative management shall appoint a committee on federal nullification in the same manner as the legislative management appoints other interim committees. The legislative management shall designate the chairman of the committee. The committee shall operate according to the statutes and procedure governing the operation of other legislative management interim committees"

Page 1, line 20, remove "The president pro tempore of the senate and the speaker of the house shall serve as"

Page 1, remove lines 21 through 23

Page 1, line 24, remove "5."

Page 1, line 24, replace "either co-presiding officer" with "the chairman of the committee"

Page 2, line 1, replace "6." with "4."

Page 2, line 1, after "of" insert "a"

Page 2, line 1, replace "legislation" with "statute"

Page 2, line 1, remove "an"

Page 2, line 3, replace "law" with "statute"

Page 2, line 3, remove "In making its recommendation, the"

Page 2, remove lines 4 through 6

Page 2, line 7, replace "7." with "5."

Page 2, line 7, replace "all" with "any"

Page 2, line 7, replace "statutes" with "statute"

Page 2, line 7, replace "regulations" with "regulation"

Page 2, line 7, replace "and" with "or"

Page 2, line 8, replace "orders" with "order"

Page 2, line 8, remove "for the purpose of determining"

Page 2, line 9, remove "constitutionality"

Page 2, line 11, replace "8." with "6. When making a recommendation, the committee shall consider whether the federal statute, regulation, or executive order is outside the scope of the powers delegated to the federal government by the United States Constitution."

7."

Page 2, line 13, replace "9." with "8."

Page 2, line 13, after "majority" insert "of the members-elect"

Page 2, line 14, remove "based on constitutionality"

Page 2, line 15, remove "recognize or"

Page 2, line 16, replace "law" with "statute, regulation,"

Page 2, remove lines 17 through 20

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1282, as engrossed: Judiciary Committee (Sen. Larson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1282 was placed on the Sixth order on the calendar.

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Page 1, line 2, remove "of federal laws"

Page 1, line 7, after "on" insert "**federal**"

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Page 2, line 1, replace "6." with "4."

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Page 2, line 1, replace "legislation" with "statute"

Page 2, line 1, remove "an"

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Page 2, line 7, replace "7." with "5."

Page 2, line 7, replace "all" with "any"

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Page 2, remove lines 17 through 20

Renumber accordingly

Senate Judiciary Committee

HB 1282

By Dr. Gaylynn Becker

March 30, 2021

=====

Chairperson Diane Larson and Members of the Senate Judiciary Committee:

I am Gaylynn Becker, Ph.D. of Bismarck, ND. I'm testifying on my own.

I am here to testify in support of House Bill 1282.

I believe **very strongly** that neither the President nor the Congress of the United States of America has the right under the Constitution of the United States of America to pass legislation nor does it have the authority to promulgate rules, regulations, or executive orders, nor anything similar to such, which are contrary to our rights and freedoms as citizens.

In addition, we need HB 1282 passed so that North Dakota has a statute which delineates and provides the authority to review all current federal laws, executive orders and regulations in effect now as well as any that may occur in the future.

Thank you for considering this important legislation for the citizens of North Dakota as well as for the citizens of the United States of America.

God bless you,

To the Senate Judiciary Committee:

As a North Dakotan I greatly value my God-given rights enshrined within the US Constitution and Bill of Rights.

The US Constitution and Bill of Rights needs defending, and so I support a DO PASS for HB 1282.

This bill is a strong companion bill to HB 1335, which I also support. Both bills represent you, the elected representatives of the people of North Dakota, exercising the sovereignty the State of North Dakota holds in contrast to the growing tyranny coming from Washington, DC.

Senators, yourselves and our Representatives are the true voice of the people of North Dakota.

“The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood; who strives valiantly; who errs, who comes short again and again, because there is no effort without error and shortcoming” – Theodore Roosevelt

When it comes to combating federal tyranny, it is time for the North Dakota state legislature to be engaged more than once per biennium. HB 1282 puts you “in the arena”.

Please DO PASS HB 1282.

<https://guides.loc.gov/federalist-papers/text-41-50#s-lg-box-wrapper-25493409>

<https://constitution.congress.gov/constitution/amendment-10/>

<https://www.congress.gov/bill/116th-congress/house-bill/1>

<https://www.congress.gov/bill/117th-congress/house-bill/8>

<https://www.congress.gov/bill/117th-congress/house-bill/1446>

<https://joebiden.com/gunsafety/>

Senate Judiciary Committee:

I am a resident of District 13 (West Fargo) and am a lifelong North Dakotan. I am giving written testimony IN SUPPORT of HB 1282. This bill is for an ACT to create and enact a new section to chapter 54-35 of the North Dakota Century Code, relating to a joint committee on neutralization of federal laws; and to provide a directive. There is no better time than now for ND to take control of our state and have the ability to stop any federal laws that cascade onto us.

My testimony is simple on this one, please refresh your memory on the Bill of Rights and the Constitution. You took an oath when elected into office to uphold the Constitution, please make the right decision for you constituents and the State of this beautiful state. Our rights don't stop during a Pandemic.

Please vote green or DO PASS on HB 1282.

Thank you for your time and all of your hard work!

Resources:

<https://bri-docs.s3.amazonaws.com/Branded-Bill-Of-Rights.pdf>

<https://bri-docs.s3.amazonaws.com/Branded-Constitution.pdf>

Dear NDCA Member,

HB 1282 would create a joint committee of lawmakers to review and potentially nullify all federal laws or executive orders that are suspected of violating the Constitution. This bill is incredibly important as we face 4 years of extreme leftist legislation coming down from the federal government. Inexplicably, this bill barely made it through the House chamber even though Republicans have an 80-14 majority. This indicates that 1282 may have an uphill battle in the Senate despite Republicans having a majority there as well. It is clear that many of our Republican lawmakers need to be replaced by true conservatives.

Dear Committee Members,

The COVID mask mandate is nonsense and faulty, yet persisted way too long despite logic and science.

The mandate has been a ridiculous infringement of our rights, completely destructive to business, children and adult mental health, family togetherness, the right to enjoy life and leisure, and loved ones have died without proper honor. The list goes on!!

Power needs to be given to the legislative branch to be able to nullify, or regulate any further federal executive order that violates our constitutional rights.

VOTE YES on HB 1282

Lori VanWinkle
District 3

Good Morning.

My name is Sheila Glaser, I am a lifetime citizen of ND and a ND business owner. I am in favor of HB 1282. I feel this last year I have experienced a violation of my Constitutional Rights as a citizen of this state and this country. Not only were decisions made violating my Constitutional Rights, but I was forced to impose those injustices on my customers. I was taking away their Constitutional Rights if they were willing to visit my place of business. To make matters worse, the current President is making radical and reckless decisions that are not in the best interest of our state or our country. President Biden has the potential to cause even greater damage to the state of ND. We are already dealing with the disastrous decision to stop the Keystone Pipeline negatively impacting the economy of ND. Our state is a great hunting state where we honor our Second Amendment, which is in jeopardy. Our state will struggle as our nation begins to provide for the many illegal immigrants crossing the border. Our state and this nation are under attack in so many ways. President Biden has shown in just a couple of months that he is a strong proponent in government overreach, and he is not looking out for the best interest of this nation. As a citizen of our state, a predominant RED, CONSERVATIVE STATE, I believe I represent the voice of a majority of the 63% that voted for President Donald Trump. HB 1282 is a necessary barrier to protect ND from the maniacal tyranny that President Biden is putting into play for the United State of America. The citizens of North Dakota are counting on you to protect our Constitutional Rights as they are jeopardized. May God Bless You and the Great State of North Dakota.

Sheila Glaser
3712 Ridge Way
Bismarck, ND 58503

Thank you for taking the time to read the following:

I am writing in support of HB 1282.

As a former American Government and History teacher, I have taught high school students about the Constitutional Convention. I have taught about concepts like balance of power among the three branches of government, federalism, the purpose of states, and the differences between administrative, judicial, and statutory law.

I support HB 1282, and ask that you do, too, because I see a dangerous trend occurring in American culture. Government has suspended individual freedoms that are supposed to be guaranteed by the Bill of Rights - the first ten amendments to the Constitution - and many Americans have not only willingly acquiesced but also started publicly shaming those of us who question the suspension of these rights in the name of public health. I believe a bill like 1282 might help slow the encroachment of government upon rights endowed to us by our creator.

Liberty is what makes us fundamentally a free society. Blood was shed to establish a nation where political freedoms like speech, press, petition, assembly, religion, and the right to bear arms are protected at all costs, and blood has been shed in an attempt to defend inalienable rights for human beings in America and across the globe in many generations since. **As the spouse of a National Guardsman and the granddaughter of two WWII veterans – a Marine and Army Air Corpsman - I think every person, from both political parties, should be**

standing up, asking more questions, and not apologizing for it. The passage of this bill create a formal process to do just that.