

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 nullification of federal laws; and to provide a
3 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 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 nullification of federal laws is comprised of:
- 12 a. The president pro tempore of the senate, or the president pro tempore's
13 designee;
- 14 b. Six members of the senate, to be appointed by the president pro tempore of the
15 senate, not more than four of whom may be members of the same political party;
- 16 c. The speaker of the house of representatives, or the speaker's designee; and
- 17 d. Six members of the house of representatives, to be appointed by the speaker of
18 the house, not more than four of whom may be members of the same political
19 party.
- 20 3. The president pro tempore of the senate and the speaker of the house shall serve as
21 co-presiding officers of the committee.
- 22 4. Each committee member serves a term of two years, coinciding with the beginning
23 and end of the regular session of the legislative assembly each odd-numbered year.
- 24 5. The committee shall meet at the call of either co-presiding officer.

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

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