

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 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 neutralization of federal laws - Membership - Duties.**

8 1. The membership for the committee on neutralization of federal laws is comprised of:

9 a. The president of the senate, or the president's designee;

10 b. Six members of the senate, to be appointed by the president of the senate, not
11 more than four of whom may be members of the same political party;

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

13 d. Six members of the house of representatives, to be appointed by the speaker of
14 the house, not more than four of whom may be members of the same political
15 party.

16 2. The president of the senate and the speaker of the house shall serve as co-presiding
17 officers of the committee.

18 3. Each committee member serves a term of two years, coinciding with the beginning
19 and end of the regular session of the legislative assembly each odd-numbered year.

20 4. The committee shall meet at the call of either co-presiding officer.

21 5. Upon receipt of federal legislation, regulation, or an executive order, for consideration
22 and process, the committee shall recommend whether to neutralize in its entirety a
23 specific federal law, regulation, or executive order. In making its recommendation, the
24 committee shall consider whether the legislation, regulation, or executive order is

1 outside the scope of the powers delegated to the federal government in the
2 Constitution of the United States.

3 6. The committee may review all existing federal statutes, regulations, and executive
4 orders enacted before the effective date of this section for the purpose of determining
5 constitutionality and shall recommend whether to neutralize in its entirety a specific
6 federal statute, regulation, or executive order.

7 7. Upon the committee's recommendation, the legislative assembly, by concurrent
8 resolution, shall consider whether to nullify the federal action. Until the legislative
9 assembly considers the recommendation by concurrent resolution, the federal law,
10 regulation, or executive order in question is not recognized and may not be enforced in
11 the state.

12 8. If the legislative assembly approves the concurrent resolution by a simple majority to
13 neutralize a federal statute, regulation, or executive order based on constitutionality,
14 the state and the citizens of the state may not recognize or be obligated to abide by
15 the federal law or executive order.

16 9. The secretary of the senate and the chief clerk of the house of representatives shall
17 communicate the intentions of this section to the legislatures of the several states to
18 assure the state considers union for specific national purposes, particularly those
19 enumerated in the Constitution of the United States.

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