

**FIRST ENGROSSMENT
with Senate Amendments
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; and to provide a directive.

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

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

6 **Committee on federal nullification - Membership - Duties.**

- 7 1. For purposes of this section, "nullify" means to restrict a state agency or political
8 subdivision of the state or an individual employed by a state agency or political
9 subdivision of the state from enforcing a federal statute, regulation, or executive order.
10 2. During each biennium, the legislative management shall appoint a committee on
11 federal nullification in the same manner as the legislative management appoints other
12 interim committees. The legislative management shall designate the chairman of the
13 committee. The committee shall operate according to the statutes and procedure
14 governing the operation of other legislative management interim committees.
15 3. The committee shall meet at the call of the chairman of the committee.
16 4. Upon receipt of a federal statute, regulation, or executive order, for consideration and
17 process, the committee shall recommend whether to nullify in its entirety a specific
18 federal statute, regulation, or executive order.
19 5. The committee may review any existing federal statute, regulation, or executive order
20 enacted before the effective date of this section and shall recommend whether to
21 nullify in its entirety a specific federal statute, regulation, or executive order.
22 6. When making a recommendation, the committee shall consider whether the federal
23 statute, regulation, or executive order is outside the scope of the powers delegated to
24 the federal government by the United States Constitution.

1 7. Upon the committee's recommendation, the legislative assembly, by concurrent
2 resolution, shall consider whether to nullify the federal action.

3 8. If the legislative assembly approves the concurrent resolution by a simple majority of
4 the members-elect to nullify a federal statute, regulation, or executive order, the state
5 and the citizens of the state may not be obligated to abide by the federal statute,
6 regulation, or executive order.

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