

Sixty-seventh
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1164

Introduced by

Representatives Kading, Jones, M. Ruby, Schatz, Schauer, Toman

Senators Heitkamp, Kannianen, O. Larsen

1 A BILL for an Act to amend and reenact section 54-03-32 of the North Dakota Century Code,
2 relating to the review of presidential executive orders.

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

4 **SECTION 1. AMENDMENT.** Section 54-03-32 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **54-03-32. Review of presidential executive orders - Restriction.**

7 1. The legislative management may review any executive order issued by the president
8 of the United States which has not been affirmed by a vote of the Congress of the
9 United States and signed into law as prescribed by the Constitution of the United
10 States and recommend to the attorney general and the governor that the executive
11 order be further reviewed. Upon recommendation from the legislative management,
12 the attorney general shall review the executive order to determine the constitutionality
13 of the order and whether the state should seek an exemption from the application of
14 the order or seek to have the order declared to be an unconstitutional exercise of
15 legislative authority by the president.

16 2. The attorney general may initiate a review of an executive order issued by the
17 president of the United States for the purpose of issuing an opinion on whether the
18 executive order infringes on a person's rights. The legislative management may
19 request the attorney general review an executive order for the purpose of determining
20 whether an executive order infringes on a person's rights and upon a determination,
21 the attorney general shall issue an opinion.

22 3. Notwithstanding any other provision of law, the state, a political subdivision, or any
23 other publicly funded organization may not implement an executive order if the
24 attorney general issues an opinion that the executive order restricts a person's rights.

- 1 and ~~has been found unconstitutional by a court of competent jurisdiction which~~the
2 executive order relates to:
- 3 a. Pandemics or other health emergencies;
4 b. The regulation of natural resources, including coal and oil;
5 c. The regulation of the agriculture industry;
6 d. The use of land;
7 e. The regulation of the financial sector as it relates to environmental, social, or
8 governance standards; or
9 f. The regulation of the constitutional right to keep and bear arms.