

**Sixty-seventh Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 5, 2021**

HOUSE BILL NO. 1164  
(Representatives Kading, Jones, M. Ruby, Schatz, Schauer, Toman)  
(Senators Heitkamp, Kannianen, O. Larsen)

AN ACT to amend and reenact section 54-03-32 of the North Dakota Century Code, relating to the review of presidential executive orders.

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

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

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

1. The legislative management may review any executive order issued by the president of the United States which has not been affirmed by a vote of the Congress of the United States and signed into law as prescribed by the Constitution of the United States and recommend to the attorney general and the governor that the executive order be further reviewed. Upon recommendation from the legislative management, the attorney general shall review the executive order to determine the constitutionality of the order and whether the state should seek an exemption from the application of the order or seek to have the order declared to be an unconstitutional exercise of legislative authority by the president.
2. Notwithstanding any other provision of law, the state, a political subdivision, or any other publicly funded organization may not implement an executive order if the attorney general issues an opinion that the executive order unconstitutionally restricts a person's rights or has been found unconstitutional by a court of competent jurisdiction and the executive order relates to:
  - a. Pandemics or other health emergencies;
  - b. The regulation of natural resources, including coal and oil;
  - c. The regulation of the agriculture industry;
  - d. The use of land;
  - e. The regulation of the financial sector as it relates to environmental, social, or governance standards; or
  - f. The regulation of the constitutional right to keep and bear arms.

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Speaker of the House

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President of the Senate

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Chief Clerk of the House

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Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-seventh Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1164.

House Vote:    Yeas 80            Nays 12            Absent 2

Senate Vote:    Yeas 40            Nays 7            Absent 0

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Chief Clerk of the House

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2021.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2021.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2021,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

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Secretary of State