

2025 HOUSE ENERGY AND NATURAL RESOURCES

HB 1089

2025 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee

Coteau AB Room, State Capitol

HB 1089

1/16/2025

Relating to international health and climate control regulations.

10:03 a.m. Chairman Porter called the hearing to order.

Members Present: Chairman Porter, Vice Chairman Anderson, Vice Chair Novak,
Representatives: Dockter, Hagert, Headland, Heinert, Johnson, Marschall, Olson, Ruby,
Conmy, Foss

Discussion Topics:

- Sustainability
- Climate Control Regulations

10:03 a.m. Representative Hoverson introduced the bill.

10:16 a.m. Travis Zablوتney, ND Resident, testified in favor.

10:21 a.m. David Glaat, Director of the Department of Environmental Quality, testified in opposition. #29516

10:28 a.m. Claire Ness, Chief Deputy Attorney General of ND, testified neutrally.

Additional written testimony:

Gordon Greenstein, U.S. Military Veteran, submitted testimony in favor. #28475

Alexandra Deufel, ND Resident, submitted testimony in opposition. #28811

10:39 a.m. Chairman Porter closed the hearing.

Leah Kuball, Committee Clerk

HB 1089

Energy and Natural Resources

Chairman Porter and Committee Members

I am in support of HB 1089

My understanding of this bill is to prohibit the state or any political subdivision from adopting laws or policies that could infringe on private property rights based on international plans. It explicitly prevents state and local governments from expending public funds or providing financial aid to organizations implementing such international policies. This bill is designed to protect local autonomy and private property rights by creating barriers to the implementation of certain international environmental and health guidelines. I believe this is a very sound constitutional bill.

Thank You, Gordon Greenstein

US Navy (Veteran)

US Army (Retired)

Testimony in opposition to HB 1089

I am opposed to ignoring international health and climate regulations, for the following reasons:

1. Following and complying with international treaties is the purview of the federal government, not the state.
2. This is bad for business as corporations and the markets rely on consistent application of rules, regulations, and law
3. This is obviously bad for the future of our children. Climate change is real and it is currently driven and greatly accelerated by human activity. This is not questioned outside of political circles. The science of climate change is solid.
4. This is obviously bad for public health. Vaccination rates are already falling below rates required to maintain herd immunity. Public health experts know how to address public health challenges much better than politicians without the requisite science training.
5. An inability to understand the science of climate change or public health is not reason to ignore the recommendations of those that do understand it.
6. Making policy based on misinformation is bad for our future.

Sincerely

Alex Deufel District 40



Environmental Quality | House Energy & Natural Resources Committee

Testimony in Opposition of
Senate Bill No. 1089

January 16, 2025

TESTIMONY OF

David Glatt, Director of the Department of Environmental Quality

Good morning, Chairman Porter and members of the House Energy and Natural Resources Committee. My name is David Glatt, and I am director of the North Dakota Department of Environmental Quality (DEQ). The DEQ is responsible for the implementation of the primary environmental protection programs in the state. I am here today to testify in opposition to HB 1089.

North Dakota has a long history of objecting to federal agendas, standards, or decisions that have been interpreted as regulatory overreach or impacting the sovereignty of the state. More recently our challenges have centered on Climate Initiatives or laws that do not reflect or acknowledge on-the-ground realities, technical advancements, or North Dakota's sovereignty. In cases where federal overreach is identified, the Attorney General along with the DEQ has aggressively pursued litigation to overturn the federal actions. Several court actions are being pursued by the DEQ in cooperation with like-minded states. Our aggressive objection to those federal regulations center on the fact that they either do not acknowledge state sovereignty, state expertise, do not improve environmental quality or public health; or do not follow applicable technology or federal law.

Our general concern with HB 1089 as written is that it could unintentionally provide the federal government an opportunity for more oversight of environmental protection initiatives in the state while at the same time reducing state participation and input. The following are some of the DEQ's concerns relating to HB 1089:

- HB 1089 could prohibit the DEQ from adopting or enforcing existing or proposed federal regulations that may directly or indirectly reference international standards or climate initiatives. These references are showing up more frequently, not only in the body of some federal rules, but also in the rule preamble. By not adopting these rules, the state may struggle to retain program Primacy agreements with the US EPA in areas like the Clean Air Act, Clean Water Act, Safe Drinking Water Act or the Resource Conservation and Recovery Act. Without these program Primacy agreements, the federal government would exclude the state and directly implement the programs.
- There are federal standards that are consistent with "... health related regulation of an international health organization." The DEQ adopts federal standards for state implementation solely to protect environmental and public health. HB 1089 poses a couple important questions: Could the DEQ be precluded from enforcing existing or future regulations? Who decides or evaluates what is directly or indirectly associated with the international health organization? It is important to note that the DEQ adopts standards without consideration of their relationship with international organizations and only after a public review and comment period. In addition, all state rules must be presented before the North Dakota Administrative Rules Committee.
- Understanding and interpreting what law or regulation is associated with an international organization that has been adopted in full or part or indirectly or directly by a branch of the federal

government may be difficult if not speculative. Prohibiting the adoption of rules or orders by the state could limit our ability to challenge such rules and erode our standing in a court of law.

We believe that passage of HB 1089 would have consequences that not only impact environmental and public health but would limit the voice of North Dakota to effect common sense change at the federal level.

This concludes my testimony as it relates to HB 1089, and I will stand for questions.

2025 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee

Coteau AB Room, State Capitol

HB 1089

1/23/2025

Relating to international health and climate control regulations.

3:05 p.m. Chairman Porter opened the hearing.

Members Present: Chairman Porter, Vice Chairman Anderson, Vice Chair Novak,
Representatives: Dockter, Hagert, Johnson, Marschall, Olson, Ruby, Conmy, Foss

Members Absent: Representatives Headland, Heinert

Discussion Topics:

- State enacted laws relating to the United Nations
- Proactive nature of the bill

3:05 p.m. Representative Jeff Hoverson, North Dakota Representative for District 3, proposed an amendment LC: 25.0078.02002, testimony #31166.

3:11 p.m. Chairman Porter closed the hearing.

Wyatt Armstrong for Leah Kuball, Committee Clerk

25.0078.02002
Title.

Prepared by the Legislative Council
staff for Representative Hoverson
January 17, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1089

Introduced by

Representatives Hoverson, Maki, Nehring, Rios

Senator Magrum

1 A BILL for an Act to create and enact a new section to chapter 1-08 of the North Dakota Century
2 Code, relating to regulations or plans adopted by international organizations; ~~and to amend and~~
3 ~~reenact sections 23-12-21 and 23-1-01-15 of the North Dakota Century Code, relating to~~
4 ~~international health and climate control regulations.~~

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

6 **SECTION 1.** A new section to chapter 1-08 of the North Dakota Century Code is created
7 and enacted as follows:

8 ~~Enactment of certain~~ Agendas, plans, or resolutions approved by an international
9 ~~laws or plans by the~~ organization ineffective in this state ~~or a political subdivision~~
10 ~~prohibited.~~

11 ~~1. For purposes of this section:~~

12 ~~a. "Agenda 21" means the comprehensive action plan adopted at the 1992 United~~
13 ~~Nations conference on environment and development and any adopted~~
14 ~~amendments to the action plan.~~

15 ~~b. "Net-zero emissions plan" means the United Nations' proposal for carbon~~
16 ~~emissions from human activity to equal emissions reductions by the year 2050.~~

17 ~~c. "Political subdivision" means a county, township, park district, school district, city,~~
18 ~~and any other unit of local government created by the Constitution of North~~
19 ~~Dakota or by law for local government or other public purposes.~~

- 1 ~~d. "The 2030 agenda for sustainable development" means the 2015 United Nations~~
2 ~~general assembly resolution relating to the implementation of a policy to develop~~
3 ~~sustainable industries and communities.~~
- 4 ~~2. This state or a political subdivision may not adopt or implement a law, ordinance, or~~
5 ~~policy that deliberately or inadvertently infringes on or restricts private property rights~~
6 ~~in accordance with an agenda, plan, or resolution adopted by the United Nations or an~~
7 ~~associated organization of the United Nations, without due process including:~~
- 8 ~~a. Agenda 21;~~
9 ~~b. The net zero emissions plan;~~
10 ~~c. The 2030 agenda for sustainable development; or~~
11 ~~d. Any other international law or international plan of action that conflicts with the~~
12 ~~United States Constitution or the Constitution of North Dakota.~~
- 13 ~~3. This state or a political subdivision may not expend public funds or provide financial~~
14 ~~aid to a nongovernmental or intergovernmental organization implementing a policy~~
15 ~~relating to agenda 21, the net zero emissions plan, the 2030 agenda for sustainable~~
16 ~~development, or any other related plan or initiative. An agenda, plan, or resolution~~
17 ~~adopted by the United Nations directly naming and imposing a rule on this state or a~~
18 ~~political subdivision of this state which directly infringes upon or restricts property~~
19 ~~rights of any resident of this state is void and ineffective. This section does not~~
20 ~~preclude the legislative assembly or governing body of a political subdivision of this~~
21 ~~state from enacting a law similar or identical to a United Nations agenda, plan, or~~
22 ~~resolution.~~

23 **SECTION 2. AMENDMENT.** Section 23-12-21 of the North Dakota Century Code is
24 amended and reenacted as follows:

25 ~~23-12-21. International health regulations.~~

26 ~~A health-related regulation of an international health organization, either directly through the~~
27 ~~organization or indirectly through law, regulation, or order of the federal government, is not~~
28 ~~enforceable in this state unless enacted through legislation or a signed executive order.~~

29 **SECTION 3. AMENDMENT.** Section 23-1-01-15 of the North Dakota Century Code is
30 amended and reenacted as follows:

Sixty-ninth
Legislative Assembly

- 1 ~~23.1-01-15. International climate control regulations.~~
- 2 ~~A climate control related regulation of an international organization, either directly through~~
- 3 ~~the organization or indirectly through law or, regulation, or order of the federal government, is~~
- 4 ~~not enforceable on this state.~~

2025 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee

Coteau AB Room, State Capitol

HB 1089

1/23/2025

Relating to international health and climate control regulations.

3:31 p.m. Chairman Porter opened the hearing.

Members Present: Chairman Porter, Vice Chairman Anderson, Vice Chair Novak,
Representatives: Dockter, Hagert, Johnson, Marschall, Olson, M. Ruby, Conmy,
Foss

Members Absent: Representatives Headland, Heinert

Discussion Topics:

Committee Action

3:31 p.m. Representative Dockter moved to Amend LC:25.0078.02002 (proposed during the Jan 23, 2025, 3:05 p.m. meeting, testimony #31166)

3:31 p.m. Representative M. Ruby seconded the motion.

3:32 p.m. Voice Vote

3:32 p.m. Motion passed

3:32 p.m. Representative Conmy moved a Do Not Pass.

3:32 p.m. Representative Foss seconded the motion.

Representatives	Vote
Representative Todd Porter	Y
Representative Dick Anderson	Y
Representative Anna Novak	Y
Representative Liz Conmy	Y
Representative Jason Dockter	Y
Representative Austin Foss	Y
Representative Jared c. Hagert	Y
Representative Craig Headland	A
Representative Pat D. Heinert	A
Representative Jorin Johnson	N
Representative Andrew Marschall	N
Representative Jeremy L. Olson	Y
Representative Matthew Ruby	N

3:33 p.m. Motion passed 8-3-2

3:33 p.m. Representative Hagert will carry the bill.

3:33 p.m. Chairman Porter adjourned the meeting.

Wyatt Armstrong for Leah Kuball, Committee Clerk

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1089

Introduced by

Representatives Hoverson, Maki, Nehring, Rios

Senator Magrum

1,23-25
Jm 1083

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Feb 2013

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3d3

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- 2 ~~A climate control related regulation of an international organization, either directly through~~
- 3 ~~the organization or indirectly through law or, regulation, or order of the federal government, is~~
- 4 ~~not enforceable on this state.~~

**REPORT OF STANDING COMMITTEE
HB 1089**

Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS** ([25.0078.02002](#)) and when so amended, recommends **DO NOT PASS** (8 YEAS, 3 NAYS, 2 ABSENT OR EXCUSED AND NOT VOTING). HB 1089 was placed on the Sixth order on the calendar.