

**FIRST ENGROSSMENT  
with Conference Committee Amendments  
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. Notwithstanding any other provision of law, the state, a political subdivision, or any  
17 other publicly funded organization may not implement an executive order if the  
18 attorney general issues an opinion that the executive order unconstitutionally restricts  
19 a person's rights or has been found unconstitutional by a court of competent  
20 jurisdiction and the executive order relates to:

21 a. Pandemics or other health emergencies;

22 b. The regulation of natural resources, including coal and oil;

23 c. The regulation of the agriculture industry;

24 d. The use of land;

Sixty-seventh  
Legislative Assembly

- 1           e. The regulation of the financial sector as it relates to environmental, social, or
- 2                   governance standards; or
- 3           f. The regulation of the constitutional right to keep and bear arms.