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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 2157

03/11/2021 Authored by Munson, Drazkowski and Bahr
The bill was read for the first time and referred to the Committee on State Government Finance and Elections

1.1 A bill for an act
1.2 relating to state government; establishing a legislative commission on presidential
1.3 executive orders; authorizing the commission to review presidential executive
1.4 orders; directing action by the attorney general; restricting the implementation of
1.5 certain orders; proposing coding for new law in Minnesota Statutes, chapter 3.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. 3.3007 EXECUTIVE ORDERS OF PRESIDENT; REVIEW.

1.8 Subdivision 1. Legislative Commission on Presidential Executive Orders. The
1.9 Legislative Commission on Presidential Executive Orders is established. The commission
1.10 consists of the following members:

- 1.11 (1) the members of the Legislative Advisory Commission;
1.12 (2) the ranking minority members of the senate Committee on Finance and the senate
1.13 Division of Finance responsible for overseeing the items being considered by the commission;
1.14 and
1.15 (3) the ranking minority members of the house of representatives Committee on Ways
1.16 and Means and the house of representatives committee or division responsible for overseeing
1.17 the items being considered by the commission.

1.18 Subd. 2. Duties; obligation of attorney general. The commission may review any
1.19 executive order issued by the President of the United States which has not been affirmed
1.20 by a vote of the Congress of the United States and signed into law as prescribed by the
1.21 Constitution of the United States and recommend to the attorney general and governor that
1.22 the executive order be further reviewed. Upon recommendation from the Legislative Advisory
1.23 Commission, the attorney general shall review the executive order to determine the

2.1 constitutionality of the order and whether the state should seek an exemption from the  
2.2 application of the order or seek to have the order declared an unconstitutional exercise of  
2.3 legislative authority by the president. Upon specific direction of the commission, the attorney  
2.4 general must initiate a proceeding seeking to have an order declared unconstitutional.

2.5 **Subd. 3. Restriction on implementation of certain presidential executive**  
2.6 **orders. Notwithstanding any provision of law to the contrary, a political subdivision or any**  
2.7 **other publicly funded organization may not implement an executive order that restricts a**  
2.8 **person's rights or that the attorney general determines to be unconstitutional under this**  
2.9 **section and which relates to:**

2.10 (1) pandemics or other health emergencies;

2.11 (2) the regulation of natural resources, including coal and oil;

2.12 (3) the regulation of the agriculture industry;

2.13 (4) the use of land;

2.14 (5) the regulation of the financial sector as it relates to environmental, social, or  
2.15 governance standards; or

2.16 (6) the regulation of the constitutional right to keep and bear arms.