



2021 South Dakota Legislature

House Bill 1194

HOUSE STATE AFFAIRS ENGROSSED

Introduced by: **Representative** Aylward

1 **An Act to authorize the review of certain executive orders issued by the President**
 2 **of the United States.**

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 **Section 1.** That a NEW SECTION be added:

5 **2-9-4.1. Presidential executive orders--Executive Board review--No**
 6 **implementation of certain orders.**

7 The Executive Board of the Legislative Research Council shall review any executive
 8 order issued by the President of the United States, if the order has not been affirmed by
 9 a vote of the Congress of the United States and signed into law, as prescribed by the
 10 Constitution of the United States.

11 Upon review, the Executive Board may recommend to the attorney general and the
 12 Governor that the order be further examined by the attorney general to determine the
 13 constitutionality of the order and to determine whether the state should seek to have the
 14 order declared to be an unconstitutional exercise of legislative authority by the President.

15 Notwithstanding any other law, no state agency, political subdivision, or any
 16 elected or appointed official or employee of this state or of a political subdivision may
 17 implement an executive order that restricts a person's constitutional rights or that is
 18 determined by the attorney general to be unconstitutional under this section if the order
 19 relates to:

20 (1) A pandemic or other public health emergency;

21 (2) The regulation of natural resources;

22 (3) The regulation of the agricultural industry;

23 (4) The regulation of land use;

24 (5) The regulation of the financial sector through the imposition of environmental,
 25 social, or governance standards; or

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