



2021 South Dakota Legislature

House Bill 1194

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. Review of presidential executive orders**

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

10 Upon review, the Executive Board may recommend to the attorney general and the
 11 Governor that the order be further examined by the attorney general to determine the
 12 constitutionality of the order and to determine whether the state should seek an
 13 exemption from the application of the order or seek to have the order declared to be an
 14 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 rights or that is determined by the
 18 attorney general to be unconstitutional under this section if the order relates to:

- 19 (1) A pandemic or other public health emergency;
 20 (2) The regulation of natural resources;
 21 (3) The regulation of the agricultural industry;
 22 (4) The regulation of land use;
 23 (5) The regulation of the financial sector through the imposition of environmental,
 24 social, or governance standards; or
 25 (6) The regulation of the constitutional right to keep and bear arms.