

State of South Dakota

EIGHTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2014

196V0759

HOUSE BILL NO. 1248

Introduced by: Representatives Qualm, Campbell, Haggar (Jenna), Hickey, Kaiser, Kopp, Latterell, May, Stalzer, Steele, Verchio, and Wick and Senators Jensen, Omdahl, Otten (Ernie), Rampelberg, and Van Gerpen

1 FOR AN ACT ENTITLED, An Act to regulate the state of South Dakota's relationship to
2 certain presidential executive orders and decrees.

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

4 Section 1. Neither the Governor, the Legislature, nor any state official with competent
5 discretionary authority is required by law to recognize, administer, implement, or facilitate the
6 provisions of any unilaterally issued presidential executive order or decree unless:

7 (1) The executive order is a proper exercise of the police power necessary to protect the
8 immediate public peace, health, and safety in the areas of national security, military
9 preparedness, declarations of national disasters or epidemics, or other true
10 emergencies; or

11 (2) The executive order has been debated in Congress and has received an affirmative
12 vote in both houses.

13 Section 2. Nothing in this Act may be construed to prohibit either the Governor, the
14 Legislature, or any state official with competent discretionary authority from recognizing,



1 administering, implementing, or facilitating any presidential executive order or decree other than
2 those addressed in section 1 of this Act, if, in the considered judgment of the entity exercising
3 discretion the presidential executive order or decree is found to be in the best interests of the
4 state of South Dakota and its citizens.