



Written by [Annalisa Pesek](#) on March 30, 2021

Why Won't Kristi Noem Sign H.B. 1217 to Protect Women's Sports?

South Dakota Republican Governor Kristi Noem took to [Twitter](#) on Monday evening, March 29, announcing that she would sign two executive orders related to [House Bill 1217](#), promoting fairness in women's sports. Noem also revealed plans for a "special legislative session" in late May or early June to address this "important issue."

"Only girls should play girls' sports," [tweeted](#) Noem. "I am immediately signing two executive orders to address this issue: one to protect fairness in K-12 athletics, and another to do so in college athletics." Noem shared links to the EOs, which state that "only females, based on their biological sex, as reflected on their birth certificate" shall be allowed to play in girls' and women's [K-12](#) and [collegiate athletics](#).



AP Images

Only girls should play girls' sports. Given the legislature's failure to accept my proposed revisions to HB 1217, I am immediately signing two executive orders to address this issue: one to protect fairness in K-12 athletics, and another to do so in college athletics. (1/3)

— Governor Kristi Noem (@govkristinoem) [March 29, 2021](#)

These executive orders, however, seem to be merely another attempt to distract South Dakotans from the reality that the potential 2024 presidential hopeful continues to refuse to sign the original bill. If Noem is pro-women's sports, why won't she just sign the bill?

Noem's latest announcements come after the South Dakota Republican-controlled state legislature rejected her changes to H.B. 1217 in a [vote of 67-2](#) on Monday, with several Democrats joining the GOP opposition.

Two weeks ago, the governor expressed excitement over signing the Fairness in Women's Sports Act, in celebration of International Women's Day on March 8. The following week, she suddenly reversed her decision and proposed a "[style and form](#)" veto, making sweeping changes to the legislation.

Noem's [edits](#) essentially struck down two entire sections of the original four-part bill. The first required that K-12 students annually verify their age and biological sex, as presented on a birth certificate. The second provided legal recourse for women in collegiate sports who might be harmed as a result of the act being violated.

By 2:00 pm on Monday, a flurry of tweets was exchanged between Noem's Communication Director Ian Fury and the American Principles Project (APP), with the latter suggesting the proposed legislation



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would once again return to Noem's desk where it would be either signed into law as originally drafted or vetoed altogether.

This is an incorrect reading of the South Dakota Constitution. <https://t.co/9PWHpNQJgS>

— Ian Fury (@IanTFury) [March 29, 2021](#)

Fury claimed the assumption that the bill would be sent back to the governor was "incorrect."

In response, the AAP [tweeted](#), "What's your reading, @IanTFury? What are you folks planning to do?"

Fury then cited Article 4, Section 4 of the South Dakota Constitution, [tweeting](#), "The key words are: 'if the Governor certifies that the bill conforms with the Governor's specific recommendations....'"

Releasing a firm statement on Monday in retaliation to the governor's tweets after the near unanimous vote by the state legislature to reject her edits, South Dakota Republican Speaker of the House Spencer Gosch wrote, "After consulting many legal scholars across the state of South Dakota, it is unanimous that the Governor's proposal is outside of her constitutional authority as the recommended changes are clearly substantive.... We will send HB 1217 back to her desk, giving her one more opportunity to do what's right for women's sports." Gosch went on to cite precedence in previous legislation signed into law in 1981 and 1985 by then-governor Bill Janklow, who also submitted revisions that were struck down by the state legislature.

Let's do what's right for women in South Dakota and sign House Bill 1217!!!!

pic.twitter.com/ZE9YK0mNfA

— Spencer Gosch (@SpencerGosch) [March 28, 2021](#)

In a [letter](#) penned by representatives from leading conservative groups nationwide who have formed "The Coalition to Save Girls' and Women's Sports," defenders of the bill to ban biological males from playing in girls' sports asked the governor to retract her revisions and support the act "as passed by the legislature." They further lambasted Noem's assertions that potential punitive action *could* be taken by the National Collegiate Athletic Association (NCAA) were the bill approved:

The South Dakota legislature got it right with HB 1217, and your original excitement to sign it was on the mark.... We stand behind these legislators and South Dakota's female athletes. Gutting the bill doesn't help anyone win — it sends South Dakota and their girls and women back to the sidelines and sends the wrong signal to others across the country in the fight to save girls' and women's sports. HB 1217 as passed protects all female athletes in South Dakota, not just those in high school or middle school. Your version of the bill would hand South Dakota's collegiate female athletes — and a say in your state's governance — to the NCAA on a silver platter. Why should collegiate females face injustice for achieving the honor of college-level competition?

Moreover, Noem is touting her own national coalition campaign to defend Title IX, which prohibits discrimination based on sex in government-funded educational programs and activities. Earlier this month, she [told reporters](#) that Mississippi Governor Tate Reeves has joined her Defend Title IX efforts. But Reeves, following the lead of Idaho Governor Brad Little, signed a women's sports bill before ever



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joining a coalition. Seeming to negate Noem's need for initiating her own coalition is this statement from the signatories of the above letter, which reads, "Mississippi and Arkansas joined Idaho as the second and third states to sign such legislation into law, and several other state legislatures have passed bills through at least one chamber."

By issuing the executive orders, Noem demonstrates a continued resistance to sign into law the bill as originally written. Sadly, her stance could signal her political demise, as she persists in defying not only the South Dakota legislature but also the people of her state who most certainly want H.B. 1217 passed now.



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