

State of South Dakota

EIGHTY-SECOND SESSION LEGISLATIVE ASSEMBLY, 2007

671N0101

SENATE JOINT RESOLUTION NO. 4

Introduced by: Senators Olson (Ed), Gray, Hunhoff, Koetzle, and Peterson (Jim) and Representatives Dennert, Heineman, Pederson (Gordon), and Putnam at the request of the Constitutional Revision Commission

1 A JOINT RESOLUTION, To propose a constitutional amendment to revise certain provisions
2 regarding private and special laws.

3 BE IT RESOLVED BY THE SENATE OF THE STATE OF SOUTH DAKOTA, THE HOUSE
4 OF REPRESENTATIVES CONCURRING THEREIN:

5 Section 1. That at the next general election held in the state, the following amendment to
6 Article III, section 23 of the Constitution of the State of South Dakota, as set forth in section 2
7 of this Joint Resolution, which is hereby agreed to, shall be submitted to the electors of the state
8 for approval.

9 Section 2. That Article III, section 23 of the Constitution of the State of South Dakota, be
10 amended to read as follows:

11 § 23. The Legislature is prohibited from enacting any private or special laws in the following
12 cases:

13 — 1. Granting divorces.

14 — 2. Changing the names of persons or places, or constituting one person the heir at law of
15 another.



1 ~~— 3. Locating or changing county seats.~~

2 ~~— 4. Regulating county and township affairs.~~

3 ~~— 5. Incorporating cities, towns and villages or changing or amending the charter of any town,~~
4 ~~city or village, or laying out, opening, vacating or altering town plats, streets, wards, alleys and~~
5 ~~public ground.~~

6 ~~— 6. Providing for sale or mortgage of real estate belonging to minors or others under~~
7 ~~disability.~~

8 ~~— 7. Authorizing persons to keep ferries across streams wholly within the state.~~

9 ~~— 8. Remitting fines, penalties or forfeitures.~~

10 ~~— 9. Granting to an individual, association or corporation any special or exclusive privilege,~~
11 ~~immunity or franchise whatever.~~

12 ~~— 10. Providing for the management of common schools.~~

13 ~~— 11. Creating, increasing or decreasing fees, percentages or allowances of public officers~~
14 ~~during the term for which said officers are elected or appointed.~~

15 ~~— But the Legislature may repeal any existing special law relating to the foregoing~~
16 ~~subdivisions.~~

17 ~~— In all other cases where a general law can be applicable no special law shall be enacted may~~
18 ~~not pass any special or local law when a general law can be made applicable. Whether a general~~
19 ~~law can be made applicable shall be a matter for judicial determination.~~