

State of South Dakota

EIGHTY-SECOND SESSION LEGISLATIVE ASSEMBLY, 2007

239N0097

SENATE JOINT RESOLUTION NO. 5

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

1 A JOINT RESOLUTION, To propose a constitutional amendment regarding certain restrictions
2 on legislators and to allow legislators to participate in certain state contracts.

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 12 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 12 of the Constitution of the State of South Dakota, be
10 amended to read as follows:

11 § 12. No member of the Legislature shall, during the term for which ~~he~~ the member was
12 elected or appointed, be appointed or elected to any civil office in the state which ~~shall have~~
13 ~~been~~ was created, or the emoluments of which ~~shall have been~~ were increased during the term
14 for which ~~he~~ the member was elected or appointed, nor shall any member receive any civil
15 appointment from the Governor, the Governor and senate, or from the Legislature during the



1 term for which ~~he shall have been~~ the member was elected or appointed, and all such
2 appointments ~~and all votes given for any such members for any such office or appointment~~ shall
3 be void; ~~nor shall any~~ from the beginning. However, a member of the Legislature may, during
4 the term for which the member was elected or appointed, be appointed by the Governor or the
5 Legislature to any advisory board, commission, or other such body. No member of the
6 Legislature shall during the term for which ~~he shall have been~~ the member was elected or
7 appointed, or within ~~one year~~ six months thereafter, be interested, directly or indirectly, in any
8 contract with the state ~~or any county thereof~~, authorized by any law passed during the term for
9 which ~~he shall have been~~ the member was elected or appointed. However, a member of the
10 Legislature may, during the term for which the member was elected or appointed, or within six
11 months thereafter, contract with the state or any of its offices, departments, boards, agencies,
12 commissions, or institutions, for the provision of supplies, equipment, services as an
13 independent contractor, or public improvements, or to convey or lease real property, if the
14 contract is awarded after public notice and competitive bidding and there is a subsequent public
15 disclosure of all proposals considered and the contract awarded.