

# State of South Dakota

NINETY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 2019

843B0356

## SENATE BILL NO. 39

Introduced by: Senator Nelson

1 FOR AN ACT ENTITLED, An Act to prohibit the state employment of certain relatives.

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

3 Section 1. That chapter 3-6C be amended by adding a NEW SECTION to read:

4 A state official or state employee, in the exercise of that person's duty, may not serve in a  
5 supervisory capacity over, or enter into a personal service contract with, that person's parent by  
6 birth or adoption, spouse, son or daughter by birth or adoption, stepchild, brother or sister by  
7 whole or half blood or by adoption, brother-in-law or sister-in-law, or son-in-law or  
8 daughter-in-law.

9 As used in this section, the term, supervisory capacity, means the authority to appoint,  
10 employ, hire, assign, transfer, promote, evaluate, reward, discipline, demote, or terminate. As  
11 used in this section, the term, evaluate, does not include evaluations by peers or subordinates.

12 This section does not apply to:

- 13 (1) An employment relationship or contract entered into before July 1, 2019;  
14 (2) An employment relationship or contract entered into before the person assumed the  
15 supervisory capacity; or



1       (3) Any temporary work arrangement necessary to meet a critical and urgent agency  
2            need.

3        If any state moneys are paid out as compensation to the relative of a state official or state  
4        employee, as a result of any action prohibited by this section, three times the amount paid out  
5        shall be deducted from any compensation payable to the hiring or contracting state official or  
6        state employee.

7        Any resident of this state may bring a declaratory judgment action under chapter 21-24 in  
8        any circuit court against any person in violation of this section. If the resident prevails, the state  
9        official against whom the action was brought shall forfeit the office to which the official was  
10        elected or appointed and an employee against whom an action was brought shall be discharged.