

# State of South Dakota

SEVENTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2002

453H0270

## SENATE BILL NO. 76

Introduced by: Senators Hutmacher, Dennert, Duxbury, Hagen, Koetzle, McIntyre, Moore, Reedy, Sutton (Dan), Symens, and Volesky and Representatives Flowers, Bartling, Bradford, Burg, Elliott, Gillespie, Hargens, Hundstad, Nachtigal, and Olson (Mel)

1 FOR AN ACT ENTITLED, An Act to provide for legislative redistricting by a bipartisan,  
2 nonlegislative commission.

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

4 Section 1. A commission of seven citizens, none of whom may be public officials, shall be  
5 selected to prepare the plan for redistricting the state into legislative districts following each  
6 federal decennial census of population.

7 Section 2. The majority and minority leaders of each house shall each designate one  
8 commissioner. A commissioner shall be appointed from each district listed in section 3 of this  
9 Act. The majority leader of the Senate has first choice of the district from which the majority  
10 leader will select a commissioner. The majority leader of the House of Representatives has  
11 second choice; the minority leader of the Senate has third choice; the minority leader of the  
12 House of Representatives has fourth choice. Within twenty days after their designation, the four  
13 commissioners shall select the fifth, sixth, and seventh members. If the four members fail to select  
14 the fifth, sixth, and seventh member within the time prescribed, chief justice of the Supreme



1 Court shall select the fifth, sixth, and seventh members.

2 Section 3. The commission districts are the following counties:

3 (1) District 1 - Minnehaha;

4 (2) District 2 - Brookings, Clark, Codington, Day, Deuel, Grant, Hamlin, Kingsbury,  
5 Lake, Marshall, Miner, Moody, and Roberts,

6 (3) District 3 - Aurora, Bon Homme, Brule, Charles Mix, Clay, Davison, Douglas,  
7 Gregory, Hanson, Hutchinson, Lincoln, McCook, Turner, Union, and Yankton;

8 (4) District 4 - Beadle, Brown, Buffalo, Campbell, Edmunds, Faulk, Hand, Hughes,  
9 Hyde, Jerauld, McPherson, Potter, Sanborn, Spink, Sully, and Walworth;

10 (5) District 5 - Butte, Corson, Dewey, Haakon, Harding, Lawrence, Meade, Perkins,  
11 Stanley, and Ziebach;

12 (6) District 6 - Bennett, Custer, Fall River, Jackson, Jones, Lyman, Mellette, Shannon,  
13 Todd, and Tripp;

14 (7) District 7 - Pennington.

15 Section 4. If a vacancy occurs on the commission, the appointing authority of the vacated  
16 seat shall designate a successor.

17 Section 5. The members shall select a presiding officer from among themselves.

18 Section 6. Commissioners are entitled to the same compensation and expenses as provided  
19 to members of the Legislature while attending commission meetings or carrying out the official  
20 duties of the commission.

21 Section 7. No member of the commission may run for election to a legislative seat within two  
22 years after the redistricting plan in which the member participated becomes effective.

23 Section 8. The director of the Legislative Research Council, under the direction of the  
24 Executive Board, shall provide the technical staff and clerical services that the commission needs

1 to prepare its districting plan.

2 Section 9. Upon request state agencies shall cooperate with the commission and furnish  
3 technical assistance and consulting personnel.

4 Section 10. Before the commission submits its legislative redistricting plan to the Legislature,  
5 it shall hold at least one public hearing on the plan at the state capitol, one in Sioux Falls, one in  
6 Rapid City, and two on major Indian reservations. The commission may hold other hearings as  
7 it deems necessary.

8 Section 11. The commission shall submit its legislative redistricting plan to the Legislature  
9 by September twentieth of the year immediately following the federal decennial census of  
10 population.

11 Section 12. Within thirty days after the commission submits its legislative redistricting plan  
12 to the Legislature, the Legislature shall return the plan to the commission with its  
13 recommendations.

14 Section 13. Within thirty days after receiving the legislative redistricting plan and the  
15 Legislature's recommendations, the commission shall file its final legislative redistricting plan  
16 with the secretary of state and it shall become law.