

# State of South Dakota

## EIGHTY-SIXTH SESSION LEGISLATIVE ASSEMBLY, 2011

930S0134

### HOUSE BILL NO. 1101

Introduced by: Representatives Gibson, Abdallah, Blake, Dennert, Feickert, Killer, Kirkeby,  
Lucas, Schrempp, Sigdestad, Street, and Wismer and Senators Frerichs and  
Maher

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

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.

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



Section 3. The commission districts are the following counties:

(1) District 1 - Minnehaha;

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

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

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

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

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

(7) District 7 - Pennington.

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

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

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

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

Section 8. The director of the Legislative Research Council, under the direction of the Executive Board, shall provide the technical staff and clerical services that the commission needs to prepare its districting plan.

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

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

7       Section 11. The commission shall submit its legislative redistricting plan to the Legislature  
8       by September 20, 2011.

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

12      Section 13. Within thirty days after receiving the legislative redistricting plan and the  
13      Legislature's recommendations, the commission shall file its final legislative redistricting plan  
14      with the secretary of state and the plan shall become law fulfilling the requirements of S.D.  
15      Const., Art. III, § 5.

16      Section 14. Whereas, this Act is necessary for the support of the state government and its  
17      existing public institutions, an emergency is hereby declared to exist, and this Act shall be in  
18      full force and effect from and after its passage and approval.