

# State of South Dakota

SEVENTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2002

744H0762

## SENATE JOINT RESOLUTION NO. 5

Introduced by: Senators Bogue, Albers, Apa, Brosz, Brown (Arnold), Cradduck, Daugaard, de Hueck, Dennert, Diedrich (Larry), Diedrich (Elmer), Drake, Duxbury, Everist, Greenfield, Hagen, Ham, Hutmacher, Kleven, Koetzle, Madden, McCracken, McIntyre, Moore, Munson, Olson (Ed), Putnam, Reedy, Staggers, Sutton (Dan), Symens, Vitter, Volesky, and Whiting and Representatives Olson (Mel), Abdallah, Bartling, Begalka, Bradford, Broderick, Brown (Richard), Burg, Clark, Davis, Derby, Duniphan, Elliott, Flowers, Frost, Fryslie, Garnos, Gillespie, Glenski, Hansen (Tom), Hargens, Heineman, Hennies (Don), Hennies (Thomas), Hundstad, Hunhoff, Jensen, Juhnke, Klaudt, Koistinen, Lange, Lintz, Madsen, McCaulley, McCoy, Michels, Monroe, Murschel, Nesselhuf, Pederson (Gordon), Peterson (Bill), Peterson (Jim), Pitts, Pummel, Rhoden, Sebert, Sigdestad, Slaughter, Smidt, Solum, Sutton (Duane), Teupel, Valandra, Van Etten, Van Gerpen, Van Norman, and Wick

1 A JOINT RESOLUTION, Proposing and submitting to the electors at the next general election  
2 amendments to Article III of the Constitution of the State of South Dakota, relating to the  
3 legislative appointments and conflicts of interest.

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

6 Section 1. That at the next general election held in the state, the following amendments to  
7 Article III of the Constitution of the State of South Dakota, as set forth in sections 2 and 3 of  
8 this Joint Resolution, which is hereby agreed to, shall be submitted to the electors of the state  
9 for approval.



1 Section 2. That Article III of the Constitution, of the State of South Dakota, be amended by  
2 adding thereto a NEW SECTION to read as follows:

3 § 33. No member of the Legislature may accept any appointment or election to a state or  
4 local office during any term in the Legislature if the office was created or its compensation  
5 increased during that term.

6 No member may accept paid employment directly with, or appointment to any office by, the  
7 Governor, the Governor and the Senate, or the Legislature.

8 No member may contract with the state or any of its offices, departments, boards, agencies,  
9 commissions, or institutions, for the provision of supplies, equipment, services as an independent  
10 contractor, or public improvements, or to convey or lease real property. The prohibition against  
11 contracting with the state applies if the member enters into a contract individually or through  
12 businesses that the member owns or controls, and the prohibition is effective during the member's  
13 term in the Legislature in which the contract was authorized and for one year thereafter.

14 All actions, including votes, appointments, or contracts, that violate this section are void.

15 Section 3. That Article III, section 12, of the Constitution of the State of South Dakota be  
16 repealed.