State of South Dakota

EIGHTY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2006

257M0080

SENATE ENGROSSED NO. HJR 1003 - 02/09/2006

Introduced by: Representatives Michels, Haley, Heineman, Hunhoff, and Putnam and Senators Olson (Ed), Broderick, Gray, Peterson (Jim), and Schoenbeck at the request of the Constitutional Revision Commission

1   A JOINT RESOLUTION, To revise certain constitutional provisions regarding the Legislature.

2   BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF SOUTH

3   DAKOTA, THE SENATE CONCURRING THEREIN:

4   Section 1. That at the next general election, the following amendments to Article III of the

5   Constitution of the State of South Dakota, as set forth in sections 2 to 10, inclusive, of this Joint

6   Resolution, which are hereby agreed to, shall be submitted to the electors of the state for

7   approval.

8   Section 2. That Article III, section 2 of the Constitution of the State of South Dakota, be

9   amended to read as follows:

10   § 2. ~~After the Legislature elected for the years 1937 and 1938 the~~ The number of members

11   of the house of representatives shall not be less than fifty nor more than seventy-five, and the

12   number of members of the senate shall not be less than twenty-five nor more than thirty-five.

13   ~~The sessions of the Legislature shall be biennial except as otherwise provided in this~~

14   ~~Constitution.~~

15   Section 3. That Article III, section 6 of the Constitution of the State of South Dakota, be

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Insertions into existing statutes are indicated by <u>underscores</u>. Deletions from existing statutes are indicated by ~~overstrikes~~.

1 amended to read as follows:

2 § 6. The terms of office of the members of the Legislature shall be two years; they shall

3 receive for their services the salary fixed by law under the provisions of § 2 of article XXI of

4 this Constitution~~, and five cents for every mile of necessary travel in going to and returning from~~

5 ~~the place of meeting of the Legislature on the most usual route~~.

6 No person may serve more than four consecutive terms or a total of eight consecutive years

7 in the senate and more than four consecutive terms or a total of eight consecutive years in the

8 house of representatives. However, this restriction does not apply to partial terms to which a

9 legislator may be appointed ~~or to legislative service before January 1, 1993~~.

10 A regular session of the Legislature shall ~~be held in each odd-numbered year and shall not~~

11 ~~exceed forty legislative days, excluding Sundays, holidays, and legislative recess, except in~~

12 ~~cases of impeachment, and members~~ not exceed forty legislative days in each odd-numbered

13 year and shall not exceed thirty-five legislative days in each even-numbered year except in cases

14 of impeachment. Sundays, holidays, and days of legislative recess shall not be included as

15 legislative days. Members of the Legislature shall receive no other pay or perquisites except

16 salary, expenses, per diem, and mileage as provided by law.

17 ~~A regular session of the Legislature shall be held in each even-numbered year beginning~~

18 ~~with the year 1964 and shall not exceed thirty-five legislative days, excluding Sundays, holidays~~

19 ~~and legislative recess, except in cases of impeachment, and members of the Legislature shall~~

20 ~~receive no other pay or perquisites except salary and mileage.~~

21 Section 4. That Article III, section 13 of the Constitution of the State of South Dakota, be

22 amended to read as follows:

23 § 13. Each house shall keep a journal of its proceedings and publish the same ~~from time to~~

24 ~~time, except such parts as require secrecy, and the~~ as provided by law. The yeas and nays of

1   members on any question shall be taken at the desire of one-sixth of those present and entered

2   upon the journal.

3   Section 5. That Article III, section 14 of the Constitution of the State of South Dakota, be

4   amended to read as follows:

5   § 14. In all elections to be made by the Legislature the members thereof shall vote ~~viva voce~~

6   and their votes shall be entered in the journal.

7   Section 6. That Article III, section 15 of the Constitution of the State of South Dakota, be

8   amended to read as follows:

9   § 15. ~~The sessions of each house and of the committee of the whole shall be open, unless~~

10   ~~when the business is such as ought to be kept secret~~ <u>All legislative sessions and joint sessions</u>

11   <u>shall be open to the public unless a two-thirds majority of the membership declares the business</u>

12   <u>is such as ought to be kept secret. No votes may be taken at any session or meeting closed to the</u>

13   <u>public</u>.

14   Section 7. That Article III, section 17 of the Constitution of the State of South Dakota, be

15   amended to read as follows:

16   § 17. Every bill shall be ~~read twice~~ <u>entered upon the journal</u>, by number and title ~~once~~<u>,</u> when

17   introduced~~,~~ and ~~once upon~~ <u>shall be read, by number and title, prior to</u> final passage~~, but one~~

18   ~~reading at length may be demanded at any time before final passage~~.

19   Section 8. That Article III, section 23 of the Constitution of the State of South Dakota, be

20   amended to read as follows:

21   § 23. The Legislature ~~is prohibited from enacting any private or special laws in the following~~

22   ~~cases:~~

23   ~~   1. Granting divorces.~~

24   ~~   2. Changing the names of persons or places, or constituting one person the heir at law of~~

1   ~~another.~~

2   ~~3. Locating or changing county seats.~~

3   ~~4. Regulating county and township affairs.~~

4   ~~5. Incorporating cities, towns and villages or changing or amending the charter of any town,~~

5   ~~city or village, or laying out, opening, vacating or altering town plats, streets, wards, alleys and~~

6   ~~public ground.~~

7   ~~6. Providing for sale or mortgage of real estate belonging to minors or others under~~

8   ~~disability.~~

9   ~~7. Authorizing persons to keep ferries across streams wholly within the state.~~

10   ~~8. Remitting fines, penalties or forfeitures.~~

11   ~~9. Granting to an individual, association or corporation any special or exclusive privilege,~~

12   ~~immunity or franchise whatever.~~

13   ~~10. Providing for the management of common schools.~~

14   ~~11. Creating, increasing or decreasing fees, percentages or allowances of public officers~~

15   ~~during the term for which said officers are elected or appointed.~~

16   ~~But the Legislature may repeal any existing special law relating to the foregoing~~

17   ~~subdivisions.~~

18   ~~In all other cases where a general law can be applicable no special law shall be enacted~~ <u>may</u>

19   <u>not pass any special or local law when a general law can be made applicable. Whether a general</u>

20   <u>law can be made applicable shall be a matter for judicial determination.</u>

21   Section 9. That Article III, section 29 of the Constitution of the State of South Dakota, be

22   amended to read as follows:

23   § 29. Notwithstanding any general or special provisions of the Constitution, in order to

24   insure continuity of state and local governmental operations in periods of emergency resulting

1   from ~~disasters~~ a natural or man-made disaster or a disaster caused by enemy attack, the

2   Legislature shall have the power and the immediate duty ~~(1)~~ to provide for prompt and

3   temporary succession to the powers and duties of public offices, of whatever nature and whether

4   filled by election or appointment, the incumbents of which may become unavailable for carrying

5   on the powers and duties of such offices, and ~~(2)~~ to adopt such other measures as may be

6   necessary and proper for insuring the continuity of governmental operations. In the exercise of

7   the powers hereby conferred the Legislature shall in all respects conform to the requirements

8   of this Constitution except to the extent that in the judgment of the Legislature so to do would

9   be impracticable or would admit of undue delay.

10   Section 10. That Article III, section 32 of the Constitution of the State of South Dakota, be

11   repealed:

12   § 32. ~~Commencing with the 1992 election, no person may be elected to more than two~~

13   ~~consecutive terms in the United States senate or more than six consecutive terms in the United~~

14   ~~States house of representatives.~~