

Chapter 1
2005 South Dakota
Legislative Manual
The Mount Rushmore State



| | |
|--------------------------------------|-----|
| Setting the Historical Stage | 2 |
| Chronology | 4 |
| Organic Law of Dakota Territory..... | 43 |
| Enabling Act..... | 50 |
| Constitution of South Dakota..... | 60 |
| State Seal and State Emblems | 126 |

Setting the Historical Stage by Robert F. Karolevitz*

*Summer heat or snows,
Mountain, plain or prairie fields,
South Dakota's people are
The grandest crop she grows.*

- Badger Clark

South Dakota lies in the very heartland of North America. A total of 77,047 square miles of diverse land area - approximately 370 miles long by 210 miles wide - constitutes the mid-continental common-wealth which is 16th among the 50 United States in size, 46th in population (2000 census: 754,844), 39th or 40th (with its twin, North Dakota) in admission to the Union.

The dam-harnessed Missouri River - which has been known popularly through the years as the "Big Muddy" or the "Old Mizzou" - divides the state into two distinct sections, geographically and philosophically.

It has been called a "land of savage extremes," with temperatures ranging from 40 degrees below zero to 116 above, although these low and high points are relatively infrequent. It offsets its eerie Badlands - called "hell with the fires burned out" by George Armstrong Custer - with the richly productive black loam of the southeastern corner of the state. It has known blizzards, floods, dust storms and drouth - but one day of a South Dakota springtime or its matchless Indian summer makes one forget immediately the rigors of a chilling winter or a scorching July.

It is an expansive country with soaring eagles and darting prairie dogs. Beneath the earth are the splendors of Jewel Cave, and above it stand gnarled cottonwoods old enough to have witnessed the total period of organized government in the region. In April and May each year, the lavender-hued pasque - the official state flower - bursts from untilled sod on pastures and hillsides to signal a new planting season on farmlands lying under open skies in the center of the nation.

While its food and fiber production affects all the states, it physically adjoins six neighbors: North Dakota, which separates it from Canada; Minnesota and Iowa on the east; Montana and Wyoming on the west; and Nebraska to the south. Before 1889 it was part of the vast Dakota Territory. Earlier it was an undefined portion of the Louisiana Purchase from France in 1803 - and before that the Spanish claimed the prairie expanse.

Boundaries are important, of course, because they establish specific political land units and make the application of laws possible, but it must be remembered, too, that a state also means the people living within the particular borders. In other words, the geographic features of South Dakota are like a skeleton; to give it life, the flesh and blood of the citizenry must be added.

Without people there would have been no progress, no problems, no challenges, no achievement nor failures, no sorrow nor joy - the stuff of which history is made.

The parade of people - beginning with the Asiatic ancestors of the American Indians - has both brightened and bloodied the land, but viewed in proper context, the abrasions created by successive waves of newcomers (red and white included) are explainable and understandable - if not always defensible.

By knowing what lured or impelled various groups to migrate to the region which ultimately became South Dakota, one can grasp more readily the substance of the collision of cultures rather than belaboring the surface sore spots. The story is exciting and dramatic, often lighthearted and occasionally tragic. It is, after all, a continuing saga of people of many different backgrounds and the challenges they faced on a specific portion of the earth's real estate.

*Robert F. Karolevitz, **CHALLENGE: THE SOUTH DAKOTA STORY**, (Sioux Falls: Brevet Press, Inc., 1975), pp. 3-5. Edited paragraph one.

Chronology*

The State of South Dakota is a part of that vast domain which was acquired by the United States through the celebrated Louisiana Purchase in 1803. President Thomas Jefferson purchased the territory, which includes the present states of Missouri, Kansas, Nebraska, Iowa, Minnesota, North and South Dakota, Montana, and Idaho, from France for fifteen million dollars and the assumption of certain claims held by citizens of the United States against France.

Although nine states eventually were organized out of the Louisiana Purchase, during their existence as territories the boundaries of these divisions were subject to frequent and marked changes, and names appeared and disappeared.

South Dakota was originally part of what was called the Louisiana Territory. In 1812, that part of South Dakota lying west of the Missouri River became known as the "Mandan Territory," and the area lying east of the Missouri River became incorporated into the Missouri Territory. The eastern half of South Dakota was included in the Michigan Territory in 1834, and two years later, part of the Wisconsin Territory. In 1849, after the organization of Wisconsin as a state, the area east of the Missouri River was included in the Minnesota Territory. The portion of South Dakota west of the Missouri River was included in the Nebraska Territory in 1854. However, the admission of Minnesota as a state in 1858, left all the country west of its boundaries along the Big Sioux River to the Missouri River without any organization, legal name or existence.

This part was, by common consent, designated by the name of Dakota. Dakota is an Indian name which means "confederated" or "leagued together" and was originally derived from the great associated tribe of Indians, known in their own language as Dakotas.

In 1861, President James Buchanan signed the Organic Act (a copy of the document is found in this Blue Book) creating the Dakota Territory, which included the present states of North and South Dakota, Montana, Wyoming, and a small part of Nebraska. However, by 1868, Dakota Territory consisted of only what are North and South Dakota today. In 1889, the "Omnibus Bill" or the Enabling Act (a copy of the document is found in this Blue Book) was adopted which provided for the dividing of Dakota Territory into the states of North and South Dakota, and enabled the two Dakotas, Montana, and Washington to formulate constitutions.

* The introductory material to the chronology was substantially derived from the "Introductory," **Revised Code of South Dakota**, 1903, and the "Dakota Historical Sketch," **South Dakota Manual**, 1905.

-
- 1683 Le Sueur may have visited Sioux Falls to buy furs to be shipped by flatboat to the mouth of the Mississippi.
1700. Le Sueur's traders from Fort L'Huillier (Mankato, Minnesota) traded on Big Sioux at Flandreau and Sioux Falls.
1743. The Chevalier de la Verendrye plant a leaden plate (now at the State Cultural Heritage Center in Pierre) on a hill near Fort Pierre, claiming this area for the King of France. March 30, 1743, the first white man clearly to have been in South Dakota.
1745. De Lusigan visited Big Stone Lake to call in unlicensed traders.
1750. Teton Sioux at about this date, having driven Omaha from Big Sioux and James River valleys, reached Missouri River and engaged Ree in forty years' war.
1775. Oglala Teton discover Black Hills and soon afterward drive Kiowa from that region.
1780. Yankton and Yanktonais Sioux, about this date, having been driven from western Iowa by Oto, came up and settled in James River Valley.
1785. Pierre Dorian, later guide to Lewis and Clark, married a Yankton woman and settled in trade at mouth of James River.
1792. Joseph Garreau settles with the Ree Indians at Little Bend of the Missouri.
1794. Jean Baptiste Trudeau spends year in South Dakota and builds first house in Charles Mix County, November 1794, on Black Timber Creek, just down river a mile or two from Great Fort Randall Dam. Sioux finally conquer Ree and drive them from their strong position at Little Bend. The Ree retreat up river and settle with relatives at mouth of Grand River.
1796. Registre Loisel builds post on Cedar Island, between Pierre and Big Bend.
1802. Loisel, French trader, built a fur trading post near mouth of Chappelle Creek on an island, 1802. Perrin de Lac, French explorer, set a four-sided cedar post probably on what is now known as the Bijou Hills.
1804. Lewis and Clark make first camp site in Union County, the first military expedition to enter South Dakota. (Captain Clark records much "elk sign" at a place they call Elk Point.) The party elects Patrick Gass to replace Sgt. Floyd, who died two days before, the first election west of the Mississippi. The explorers visit Spirit Mound, which area tribes say is inhabited by "devils." William Clark wrote: *"From the top of this mound, we beheld a most beautiful landscape. Numerous herds of buffalo were seen feeding in various directions. The plain to north, northwest, and northeast extends without interruption as far as can be seen."* The expedition councils with Yankton Sioux at Calumet Bluff. The expedition presents gifts of tobacco, corn and flags. The Yankton prepare a feast. Mr.

Dorian, the interpreter, stays behind to negotiate a peace with the Yankton's neighbors and arrange for the chiefs to visit Washington. The expedition stops near present-day Chamberlain. Lewis spends the next day hunting and describes immense herds of buffalo, deer, elk and antelope in every direction. The party arrives at the mouth of a small river they call Teton (now Bad River). A council with Teton Sioux turns tense; Clark draws his sword; the Tetons string their bows. Chief Black Buffalo diffuses the situation. Without this action, the expedition and American history could have changed dramatically.

1805. Pierre Dorian conducts party of Sioux chiefs to St. Louis.
1806. Lewis and Clark return from Pacific, passing through South Dakota again on their return to St. Louis, in late August. The trip downstream goes much more quickly than the trip upstream.
1807. Manuel Lisa undertakes trade with Indians at head of Missouri. Sergeant Nathaniel Pryor attempts to conduct Big White, a Mandan chief, who visited Washington with Lewis and Clark, to his home and is attacked and driven back by Rees, assisted by Miniconjou Teton Sioux under Black Buffalo. Four killed, nine wounded.
1808. St. Louis Missouri Fur Company organized for trade on upper Missouri. Established post in Loisel house on Cedar Island.
1809. Manuel Lisa, for St. Louis Missouri Fur Company, safely conducts Big White to his home in North Dakota. Finds Rees friendly.
1810. Loisel Post burned with large stock of furs.
1811. Astorian party go up Missouri to Grand River, where they buy horses of Rees and go thence up Grand River toward Pacific. First recorded exploration of northern Black Hills region. Manuel Lisa finds Sioux excited over "Prophet craze" and believes is due to hostile English influence. Reports condition to General Clark, Indian agent.
1812. General Clark sends Manuel Lisa to northern part of South Dakota, where he builds Fort Manuel, to control Indians of the Missouri. Red Thunder, Flathead Yanktonais chief from Elm River, Brown County, with son, Waneta, and 22 Sissetons, enlist to serve English in war against Americans.
1813. March 5. Yankton join Arikara and Gros Ventre in siege of Fort Manuel. Great battle in which Manuel loses 15 men. Fort destroyed. Real engagement of War of 1812. Lisa retires to Big Bend, where he establishes fort and keeps Tetons friendly to Americans.
1815. Teton Sioux sign treaty of friendship at portage des Sioux. Chief Black Buffalo dies there July 14. Given military funeral.
1816. Trueau House burns.

-
1817. Fur trade revives. Joseph La Framboise builds Fort Teton at site of Fort Pierre. First continuous settlement.
1818. Hazen Mooers set up fur trading post at Great Bend of Big Sioux (Flandreau.) Fort Tecumseh built at site of Fort Pierre, by Columbia Fur Company. Fort Recovery built upon American Island at Chamberlain, by Missouri Fur Company. (It is possible this post was built 10 years earlier to compensate loss of Loisel Post, and was headquarters of Manuel Lisa during War of 1812-1815.)
1823. General Ashley, lieutenant governor of Missouri, en route to Yellowstone, with cargo of goods and 100 men, attacked by Rees at Grand River and 13 men killed and 10 severely wounded. Colonel Henry Leavenworth, with 220 men, marches from Fort Atkinson, near Omaha, to attack Rees. At Yankton, July 3, Sergeant Samuel Stackpole and six men drowned by overturning boat. Leavenworth is joined by Joshua Pilcher, manager of Missouri Fur Company, with 40 volunteers at Fort Recovery. General Ashley and 80 men join party at Cheyenne River. Seven hundred and fifty Sioux Indians volunteer for the campaign. August 9, Ree towns reached and besieged. Rees ask for terms. First general military movement in Dakota. General Smith, noted frontiersman, made first prayer on June 2, 1823, before setting out as a courier, this near Arikara Village north of Grand River. Hugh Glass, badly wounded by a bear present site of Shade Hill dam on Grand River and deserted by his companions, made historic cross country trek to Fort Kiowa more than 150 miles away on River. Jedediah Smith, probably first white man to enter the Black Hills, probably via Buffalo Gap, in 1823 en route from Fort Kiowa west to Upper Missouri.
1825. General Henry Atkinson and Dr. Benjamin O'Fallon sent up Missouri with an escort of 476 men to make treaties for trade and intercourse with Indian tribes. Very successful. First Fourth of July celebration in Dakota, at Fort Pierre. Father of Inkpaduta, a Wakpekuta chief, kills his brother Tasagi and is driven from his tribe. Settles on Vermillion River in South Dakota.
1828. American Fur Company absorbs Columbia Fur Company and becomes dominant in Dakota trade.
1830. Fort Tecumseh, later Fort Pierre, established as fur trade center in 1830.
1831. Pierre Chouteau Jr. navigates first steamboat, the "Yellowstone," on upper Missouri, reaching Fort Tecumseh. Revolutionizes fur trade methods. Elm River trading post on Elm River in Brown County operated by Captain Dickson, former English Officer, 1831.
1832. Fort Pierre built to succeed Fort Tecumseh. George Catlin, famous painter of Indian pictures, visits Fort Pierre and paints many likenesses. Frederick Le Boue, a trader, kills Francious Quenel, an employee, at mouth of Cherry Creek, on Cheyenne River. Le Boue arrested by order of Williams Laidlaw, bourgeois of Fort Pierre, and sent to St. Louis in chains.

1837. Great smallpox epidemic on Missouri River. All tribes suffer severely. Mandans practically destroyed.
1838. Dr. Joseph N. Nicollet, accompanied by John C. Fremont, visits the coteau region of eastern South Dakota, mapping and naming the lakes.
1839. Nicollet and Fremont again visit South Dakota, coming up the river to Fort Pierre, thence passing over to James River, and finally to the Minnesota. Father Pierre John DeSmet visits the renegade band of Wakpekuta Sioux under Wamdesapa, to try to effect a peace between them and Potawatomic of central Iowa.
1840. Fort Pierre visited by Fathers C. Hoecken and P. J. DeSmet and the Rev. Stephen Return Riggs. First formal sermon preached in South Dakota by Stephen Return Riggs in 1840 at Fort Pierre.
1843. Audubon, the naturalist, visited this section on a professional trip and observed and noted most of the birds and animals. Father Alexandria Ravoux visits Fort Pierre and baptizes many Indians.
1845. Father Ravoux visits Fort Vermillion.
1847. Mrs. Joseph LaBarge comes to Fort Pierre with her husband, Captain LaBarge on the Steamboat "Martha." First white woman to visit South Dakota. The "Martha" attacked by Yankton Indians at Crow Creek.
1849. Inkpaduta, son of the renegade Wamdesapa, massacres his cousin Wamunidiyapapi and 17 other Wakpekuta.
1851. Father DeSmet visits the Teton Sioux. Sante Sioux relinquishes title to all lands east of Big Sioux River by treaty of Traverse des Sioux.
1855. Government buys Fort Pierre. General W. S. Harney, after battle of Ash Hollow, in Nebraska, brings army of 1200 men to Pierre. Lt. G.K. Warren, later famous in Civil War, examines and makes topographical survey of much of South Dakota. General Harney takes over Fort Pierre Choteau for the military 1855 and held great council with Sioux here in 1856. Oldest existent structure made by white man erected in Peoria Bottom by General Harney's soldiers. Still standing near Oahe Mission.
1856. First settlement other than trade or military center established at Medary, 1856. First wagon bridge built in state over James River near present Redfield by Colonel Abercrombie in 1856. Fort Lookout 1856-1857, and Fort Randall 1856-1892 established.
1857. Settlement begun at Sioux Falls, Flandreau, and Medary. "The Nobles Road" built across the state from Lake Benton to Crow Creek. Fort Randall completed and occupied. Inkpaduta, the renegade, massacres 42 settlers at Spirit Lake, Iowa, and retreats into South Dakota with four white women captives.

-
1858. Yankton Indians make treaty relinquishing title to lands between Big Sioux and Missouri. Mrs. Goodwin, first white woman settler, arrives at Sioux Falls. Settlement at Medary destroyed by Smutty Bear, Yankton Sioux. Settlers at Sioux Falls build and fortify Fort Sod. Provisional government organized. Legislature elected and convened. Alpheus G. Fuller sent as delegate to congress. Henry Masters, governor.
1859. Yankton treaty ratified. July 10, Indians surrender lands. Yankton, Vermillion and Bon Home founded. "Dakota Democrat" newspaper established by Samuel J. Albright, July 2. Gov. Masters dies. New legislature elected at Sioux Falls. Jefferson P. Kidder elected delegate to congress. Wilmot W. Brookings, provisional governor.
1860. First church society organized at Vermillion by Presbyterians. First school opened at Vermillion. Nobles Trail ending at Missouri River, near Bijou Hills, later site of Brule City, established from Fr. Ridgely, Minnesota, to river. First schoolhouse, other than Fort Randall, established in South Dakota at Bon Homme in 1860.
1861. Dakota Territory created by Congress March 2. Dr. William Jayne appointed governor. Establishes temporary capital at Yankton. Calls election for legislature and delegate to congress. John B.S. Todd elected delegate.
1862. First territorial legislature, "The Pony Congress," meets March 17. Company A, Dakota Cavalry, at Yankton. Great Indian outbreak in Minnesota, August 18. The Amidons massacred at Sioux Falls. Settlers flee in wild panic. Stockade at Yankton. All men called to arms.
1863. Gov. Jayne goes to congress. Newton Edmunds appointed governor. Company B Dakota Cavalry organized at Elk Point. First homestead taken in United States under federal laws filed on by Mahlon Gore at Vermillion land office on January 1863. Fort Sully (the first) established four miles east of Pierre by General Sully. Dakotans first called "Coyotes" by the 6th Iowa Cavalry at Fort Thompson in 1863.
1864. Fort Wadsworth established at edge of Coteau des Prairies.
1865. War of Outbreak ended by treaty at Fort Pierre. Montana road ordered built.
1866. Red Cloud war begins. Andrew J. Faulk succeeds Newton Edmunds as governor. Great affliction of grasshoppers. Crops eaten. Fort Sully (new) established.
1868. Red Cloud war ends. Great Sioux Reservation created by treaty.
1869. Faulk succeeded by John A. Burbank as governor. "Wild and woolly period." Great factional Moody-Brookings fight begins.
1870. Fort Bennett (Cheyenne Agency) established.

1872. On October 1, 1872, the first locomotive crossed the Sioux River on the Dakota Southern, the first railway into the territory - Dakota Southern from Sioux City to Yankton.
1873. Northwestern railway built to Lake Kampeska. Gen Edwin S. McCook, secretary of Dakota Territory, shot and killed by Peter P. Wintermute, result of factional political fight.
1874. Burbank succeeded by John L. Pennington as governor. Second invasion of grasshoppers. Custer expedition into "Forbidden Land," the Black Hills, and gold discovered near Custer City on French Creek. The Theon Stone indicates that as early as 1834 white men had discovered gold but all perished without taking the news to the outside world.
1875. Black Hills treaty commission fails. Rush of miners to Custer.
1876. Gold discovered in Deadwood Gulch. Stampede from Custer. Miners establish law and order. Black Hills war. Battles of Rosebud and Little Big Horn. Custer's command destroyed. Battle of Slim Buttes. Black Hills relinquished by Indians. All agency Sioux dismounted and disarmed.
1877. Great Dakota Boom begins. William A. Howard succeeds Pennington as governor.
1879. Great boom waxes strong. Railroad building begins.
1880. Northwestern railway builds to Pierre; the Milwaukee reaches Chamberlain. Great October blizzard. Gov. Howard dies and is succeeded by Nehemiah G. Ordway.
1881. Terrific floods on Big Sioux and Missouri in spring. Floods and ice lashed steamboat fleet tied up at Yankton, destroying all but three or four. Damaged boats never repaired, or extensive navigation resumed, although boats plied the river into the 1890s. Spotted Tail, noted Brule Sioux Chief, killed by jealous warrior. Yankton College established by Joseph Ward.
1882. State university established.
1883. Capital removed from Yankton to Bismarck. Division and admission movement earnestly prosecuted to save school lands. First Sioux Falls constitutional convention. Presbyterian University opened at Pierre. Removed to Huron as Huron College, 1898. Sioux Falls College founded. Agricultural College founded at Brookings. Madison Normal School founded.
1884. Ordway succeeded by Gilbert A. Pierce as governor. Redfield College founded. All Saints School for Young Ladies founded at Sioux Falls.
1885. Second Sioux Falls constitutional convention. State officers and United States senators and representatives elected. Huron temporary capital. Spearfish Normal organized. Dakota Wesleyan University established at Mitchell.

-
1886. First railroad into Black Hills in.
1887. Pierce succeeded by Louis K. Church as governor. School of Mines founded at Rapid City.
1889. Enabling Act of Congress (a copy of the document is found in this Blue Book) provides for division and admission of South and North Dakota. Arthur C. Mellette succeeds Church as governor. Third Sioux Falls constitutional convention. Division and admission at last, November 2. Lutheran Normal School Founded at Sioux Falls. Augustana College founded at Canton.
1890. Opening of portion of Great Sioux Reservation between White and Cheyenne rivers. Messiah war. Sitting Bull killed. Battle of Wounded Knee. Second year of alarming drought. Many settlers destitute.
1891. Good conditions restored.
1892. Lake Traverse Reservation (Sisseton-Wahpeton) opened to white settlement.
1893. Charles H. Sheldon succeeds Mellette as governor.
1895. W.W. Taylor, state treasurer, defaults for \$367,000, and absconds. Returned and is convicted. Period of great depression and hard times. Springfield Normal School organized.
1896. The tide turns. Beginning of long period of prosperity.
1897. Andrew E. Lee succeeds Sheldon as governor.
1898. Spanish War. First South Dakota Infantry sent to Philippines. Distinguished service there.
1899. First South Dakota Infantry returns from Philippines crowned with glory. President McKinley welcomes the regiment home.
1901. Charles N. Herried succeeds Lee as governor. Northern Normal and Industrial School opened at Aberdeen.
1903. Bishop O'Gorman predicts finding of Verendrye plate.
1904. Opening of portion of Rosebud reservation land brings unprecedented rush of home seekers. Some 106,000 persons apply for right to enter lands. Mitchell contests with Pierre for state Capital. Pierre for third time successful.
1905. Samuel H. Elrod succeeds Herried as governor. Legislature authorized building of new capitol.
1907. Coe I. Crawford succeeds Elrod. Northwestern and Milwaukee railroads completed from Missouri River to Black Hills.

1908. Corner stone of Capitol Building laid June 25. Opening of Rosebud Reservation in Tripp County, in October.
1909. Robert S. Vessey succeeds Crawford. Cheyenne River and Standing Rock lands opened October 4, and 80,142 persons registered.
1910. New capitol dedicated, June 30.
1911. Serious drought. Ex-Sen. Alfred B. Kittredge, died May 4. Bartlett Tripp, Ex-Chief Justice, died December 8.
1912. Fine crops.
1913. Frank M. Bryne succeeds Vessey as governor. State Tax Commission created and assessment made at full value. Prof. Niels E. Hansen made trip to Russia under auspices of state to secure subhumid alfalfas. February 16, 1913, - Verendrye plate found at Fort Pierre.
1914. Robert L. Slagle, president State College, transferred to presidency of State University. George W. Nash resigns presidency Northern Normal and Industrial School; Willis E. Johnson chosen his successor. Ellwood C. Perisho, dean of State University, chosen president of State College at Brookings.
1915. Third State Census taken. 583,747 population. Bank Deposits guaranteed.
1916. Fourth South Dakota National Guard called into Federal service May 20 and sent to Mexican border. Constitutional prohibition adopted. William Jayne, first territorial governor, died March 20 at Springfield, Illinois. South Dakota enters into number of socialist ventures, including Rural Credits, State Hill Insurance, State Bonding, coal mining and cement making; all liquidated, except cement manufacturing, by 1932.
1917. Peter Norbeck succeeds Bryne as governor. March 3, Fourth Regiment returned from Mexican border and mustered out at Camp Crook, Omaha. April 6 - War against Germany declared. June 5 - first selective draft, and 58,014 young men registered. July 14 - First Cavalry mobilized at home stations. July 15 - Fourth Regiment mobilized at home stations. October 1 - Rural Credits Act became effective. October 4 - John P. Williamson, notable missionary, died at 82.
1918. June 6 - second selective draft, and 5,197 men registered. September 12 - third selective draft, and 77,179 men registered. Great epidemic of influenza; 50,000 cases and 1,000 deaths in South Dakota. November 11 - armistice signed with Germany.
1919. State Highway Commission established. September 25 - great fire broke out in Homestake mine. Not extinguished until December 1. Mine flooded up to sixth level. Yankton bridge begun. December 2 - special legislative session ratified Federal Equal Suffrage.

-
1920. May 20 - great cloudbursts in central portion of state, causing great damage and tying up transportation for 21 days. June 20-29 - special session legislature. October - Great fall in prices of farm produce caused severe financial crisis. State Coal Mine opened.
1921. William H. McMaster succeeds Norbeck as governor.
1922. Hon. Charles Sumner Whiting, Judge of Supreme Court, died on March 25, 1922. July 1 - Railway shopmen's strike demoralizes transportation until November. Cheyenne River bridge at Lacy built.
1923. Missouri River State Bridge Program undertaken for bridges at Rosebud, Chamberlain, Pierre, Forest City and Mobridge. Rosebud and Mobridge structures begun. Gov. McMaster launches "Gasoline War." Charles W. Pugsley succeeds Willis E. Johnson as president of State College.
1924. Severe gale, June 14, sweeps state, wrecking buildings and destroying eight lives. Yankton and Mobridge bridges dedicated. Chamberlain bridge begun.
1925. Carl Gunderson succeeds McMaster as governor. Administrative reorganization act passed and effective July 1. Fourth State Census. Population 681,260. September 1 - Rosebud Bridge dedicated. Rushmore National Monument, first called the Mount Harney Memorial Association, started in 1925; promoted and pushed through to final completion largely through efforts of Doane Robinson, state historian.
1926. June 28, Pierre-Fort Pierre Bridge dedicated. November 2, William J. Bulow, Democrat, defeats Carl Gunderson, Republican, for governor by 13,000 votes. First Democratic governor since 1901. Forest City Bridge completed.
1927. President and Mrs. Calvin Coolidge maintain Summer White House in Black Hills for three months. Hon. John Howard Gates, Judge of Supreme Court, died November 8.
1928. Ex-Gov. Charles N. Herried died July 6. Gov. Wm. J. Bulow re-elected governor.
1929. Louis N. Crill, Secretary of Agriculture, died February 7. C. E. Coyne, Lieutenant Gov., died May 27. John T. Grisby appointed lieutenant governor. Congress appropriated \$250,000 for Rushmore Memorial.
1930. Figure of Washington on Rushmore National Memorial unveiled July 4. Thomas Sterling, former U.S. Sen., dies August 26. Soldiers and Sailors Memorial begun at Pierre. Homestake has disastrous fire but produces \$8,426,000 in gold. Despite prevailing drought, U.S. Department values South Dakota crops at \$115,041,000. State Cement Plant manufactures 582,397 barrels of cement. Fiftieth anniversary celebrations held in many localities. Federal census taken; South Dakota's population 692,849. Warren E. Green, Republican, elected governor. W. J. Bulow, Democrat, U.S. Senator. Winter 1930-1931 sets record for fine weather.

1931. Legislature fixes boundaries of Congressional Districts; District 1, all east Missouri River; District 2, all west Missouri River. Newton Dexter Burch, Judge of State Supreme Court, died March 18. We're growing old - more fiftieth anniversaries of settlement celebrated. Funds for annex to State Capitol made available.
1932. Bumper crop of small grain and hay. Markets very bad. Capitol annex completed and occupied. Peter Norbeck, Republican, re-elected to U.S. Senate. Tom Berry, Democrat, succeeds Green, as governor.
1933. Legislature resubmits prohibition amendment. Enacts gross income tax; makes drastic reduction in taxation.
1934. July 28. National Geographic Society - U.S. Army balloon the "Explorer" rises into the stratosphere from Black Hills; lands near Grand Island, Nebraska. July 28. Monument to Indian chiefs and Indian World War soldiers dedicated at Little Eagle, Corson County.
1935. Jan 8. Inauguration of State officials. Legislature fails to re-enact Gross Income Tax Law. Net income and Sales Tax Law passed. Liquor business legalized. Tax on chain stores enacted. November 11. The "Explorer II" manned by Capt. A.W. Stevens and Capt. O.A. Anderson rose from its base near Rapid City to the greatest height yet attained by man - 72,395 feet. Stratosphere balloon came to earth near White Lake.
1936. May 5. Primary election held. President Roosevelt visited state during summer. November 3 - General election. Leslie Jensen succeeds Berry; Republicans win offices of Gov., lieutenant governor, two places on board of railroad commissioners, and control of legislature. Francis H. Case, Republican, of Custer defeats T.B. Werner for Congress in Second District. Chan Gurney, Republican candidate for Senate, defeated by Sen. Bulow.
1937. Jan 5 - state officials inaugurated; state legislature convened. Legislature abolishes Department of Justice; duties transferred to Attorney General, Highway and Agriculture departments. Ore tax increased from 4 percent to 6 percent of the value of article produced. A total of 181 miles of state road hardsurfaced in 1937. Sylvan Lake Hotel completed. George W. Wright of Huron, Secretary of Finance, died April 9, 1937; succeeded by J. M. Berry of Ipswich, April 20, 1937. Hon. Dwight Campbell resigned from Supreme Court Bench and was succeeded by St. Clair Smith, January 9, 1937. Apportionment of Senators and Representatives under Constitutional amendment.
1938. Primary election May 3. Some 485 miles of state roads hardsurfaced; complete hardsurfacing of Highway 16 across entire state; event celebrated at Chamberlain June 22-24, 1938 - Gov. Jensen, chief speaker. Hon. C.G. Sherwood, former Supreme Court Judge, April, 1923 to January, 1931; died August 17, 1938. National Cornhusking Contest held south of Sioux Falls November 3, 1938; over 125,000 attend. Complete Republican victory November 8.

1939. Inauguration of State officials January 3; Harlan J. Bushfield succeeds Jensen as governor; first meeting of legislature under redistricting. South Dakota celebrated Fiftieth Anniversary of Statehood July 2. Figure of Theodore Roosevelt on Rushmore National Memorial unveiled. Gutzon Borglum, sculptor, and Gov. Harlan J. Bushfield principal speakers. Total value of crops, \$75,422,00. Mineral production in excess of \$20,000,000. No bank failures. One million tourists visit state.
1940. May 7, Gov. Bushfield defeats A.N. Graff for Republican gubernatorial nomination. Lewis W. Bicknell defeats A.O. Steensland in Democratic contest. November 5, Republicans sweep state, winning every major political post: Wilkie by 45,000; Gov. Bushfield by 31,000. Case and Mundt retain seats in Congress. In legislature, Republicans win 95 of 110 seats. Crops reach \$100,000,000 again. Minerals and tourists exceed 1939.
1941. January 7 - Legislature convenes. Gov. Bushfield and other elective officials inaugurated. Sales tax reduced from three to two per cent beginning July 1. March 6. World famous sculptor, Gutzon Borglum, died at Chicago. Mt. Rushmore Memorial is his legacy to the ages.
1942. May. Tom Berry defeats U.S. Sen. W.J. Bulow for Democrat senatorial nomination. Gov. Harlan J. Bushfield wins right to oppose Berry in November by defeating Secretary of State Olive A. Ringsrud. Primary fails to produce a Republican nominee for governor. M.Q. Sharpe wins place in convention. November, Gov. Bushfield elected to U.S. Senate. M.Q. Sharpe elected governor. Republicans win 100 of 110 seats in legislature. Population loss continues.
1943. Gov. Sharpe inaugurated. State income tax abolished. State departmental consolidations effected. Office of Comptroller established. Flood stages along Missouri River in March and April. Pick-Sloan plan for development of Missouri Valley announced. 109th Battalion Combat Engineers (South Dakota's 109th Eng. Rept.) in combat in North Africa and Italy. 147th F. A. Battalion (South Dakota's 147th F. A. Regt.) in combat in South Pacific. Major Joe Foss of Sioux Falls becomes World War II ace, shooting down 26 Japanese planes; receives Congressional Medal of Honor. State subscribes to \$69 million E Bonds and is above quota. Bushel crops made 231,600,000 bushels or 48 million above 20 year average. Cattle, hogs, sheep reach total of 6,556,000.
1944. State blessed with good crops. In November election, Republicans sweep state. Chan Gurney re-elected to U.S. Senate. Congressmen Francis Case and Karl Mundt returned to House. Gov. M.Q. Sharpe re-elected. All Republican State Senate and House of 72 Republicans to 3 Democrats in 1945. Gov. Sharpe heads Missouri River States Committee. 109th Combat Engineers in France and 147th F. A. in Philippines. Lt. Cecil E. Harris, Cresbard, becomes second World War II ace with 24 airborne and four grounded planes. State subscribed to \$136,000,000 in three E Bond Drives. Special session of legislature in July passes veterans' aid and election laws. Bushel crops reach total of 309,784,000 bushels and farm animals reach all time high.

1945. Legislature convenes. Inauguration of Gov. Sharpe and other elected officials. President Franklin Delano Roosevelt dies at Warm Springs, Ga., April 12. Vice-President Harry Truman succeeds him. Park board abolished and merged with Game and Fish Department. Power District Law defeated by legislature. State census reveals further population losses to 589,702. Over 60,000 South Dakotans in armed services. Precipitation records broken in many areas. Bushel crops reach total of 364,438,000 bushels. State subscribes for \$105,000,000 E Bonds - again over quotas. Total war bond sales aggregate \$552,288,000 or nearly \$1000 per capita.
1946. Inauguration of Missouri Valley Development by commencement of Fort Randall Dam on Missouri and Angostura project on with fork of Cheyenne near Hot Springs. M.Q. Sharpe, asking a third term, defeated by George T. Mickelson in primaries. Fall elections continue Republican trend. South Dakota leads the nation in least amount of E Bond redemptions. Total state bank deposits \$230,298,000 at same time or total deposits of near \$450,000,000. This was a further liquid asset of better than \$750 per capita.
1948. Gov. George T. Mickelson re-elected for second term in November general election, at which voters also approved Constitutional Amendment providing for payment of Soldiers' Bonus, not to exceed \$30 million.
1949. January 4, - Thirty-first Legislature convenes and passes World War II Veterans' Bonus Bill, sponsored by Gov. Mickelson. January 3 - severest blizzard ever recorded in territorial or state history, hits western half state. Snow drifts 30 feet deep in foothills and ranchlands, submerging haystacks and sometimes entire herds stock. Gov. Mickelson pushes bill through legislature appropriating \$100,000 for disaster relief - calls Army to rescue; all available caterpillars, trucks and road machinery commandeered, opening roads to isolated towns, ranches and haystacks. Medical supplies, foodstuffs and stock feed delivered to stricken countrysides. Both public and privately owned airplanes conducted efficient reconnaissance.
1950. Nomination of Sigurd Anderson by a slim margin over four individuals was outstanding political event of the year. Construction is started on the Oahe Dam, work on the Fort Randall Dam nears completion. Initiation of Old Age Survivors' Insurance on a state and political sub-division level is recognized as a B-36 bomber base and the construction connected with the development of the base is most important to South Dakota.
1951. Legislature creates Legislative Research Council expands bonus payments for World War II Veterans, passes Voluntary School District Reorganization law. In October state sales tax reduced from three to two cents. Angostura Reservoir near Hot Springs finished. Former Gov. Tom Berry of Belvidere dies.
1952. Gov. Sigurd Anderson elected Chairman of Inland Governors Conference and Missouri River State Committee. Closure ceremonies held at Fort Randall Dam at Pickstown. Construction continues on Oahe Dam and ground breaking ceremonies held at Gavins Point Dam near Yankton. A severe winter resulted in

- Gov. Anderson appointing a snow disaster emergency committee. Storm damages surpass previous record of 1949. U.S. Air Force planes from all over the nation participated in Air Lift by dropping hay to isolated cattle. Spring floods of Missouri River and tributaries brought response by Gov. Anderson who organized flood disaster committee. Gov. Anderson re-elected for second term; first South Dakota governor to receive more than 200,000 votes. The largest road buildings program in the state's history occurred.
1953. First South Dakota drivers' license law takes effect. Sitting Bull's body returned to South Dakota from North Dakota after 62 years. Closure ceremonies held at Fort Randall. President Eisenhower spends three days at Game Lodge in Custer State Park. First commercial oil well brought in by Shell Oil Co. in Harding County. Yankton toll bridge becomes free bridge.
1954. Former Gov. George T. Mickelson appointed U.S. District Judge. One-half block in Kimball destroyed by fire. President Eisenhower pulls switch releasing power from Fort Randall Dam. Supreme Court rules Joe Foss eligible candidate for governor; Foss elected. South Dakota retires Rural Credit debt, becomes eighth state in nation to be debt free. Metron B. Tice, Mitchell, elected National Commander of the Veterans of Foreign Wars. State Fair reports biggest receipts in history.
1955. Legislature enacts sweeping changes in taxation and assessment and school re-organization laws. Korean War Veterans Bonus financed by temporary taxes which are automatically repealed when all bonus claims paid. Some 26,625 veterans receive total of \$9,811,540 in bonus payments and taxes to support program repealed after eight months. Gov. Foss organizes SD Industrial Development and Expansion Agency (IDEA) to attract new industry. Uniform state personnel policies adopted. Gov. Foss orders investigations at State Sanatorium and Yankton State Hospital which result in staff changes.
1956. Gov. Foss and all other State Republican office holders re-elected. State launches largest highway construction program in history as \$39.6 million is programmed for over 737 miles of new road construction. Gov. Foss elected chairman of Missouri Basin States Committee and named to executive board of annual Gov.'s Conference. National Guard and private truckers cooperate to deliver hay to drought-stricken areas. Fort Randall Dam dedicated. National Guard Regiment (196th Infantry) converted to Engineer and Artillery units after unprecedented vote among officers and men. William Pringle, Pierre, elected president of Izaak Walton League of America; Gerald Cray, Deadwood, becomes Imperial Potentate of Shriners of North America. More than two million tourists visit state.
1958. Yankton given All-American City award. South Dakota University wins NCAA small college basketball crown. Axel Beck of Elk Point sworn in as second U.S. district court judge. Dr. H.M. Briggs chosen president of State College. Thousands watch dramatic closure of Oahe Dam by giant earth movers. Barbara Gunderson named to U.S. Civil Service Commission. Democrats seize gover-

nor's office for first time in 22 years with election of Ralph Herseth of Houghton.

1959. The first Democratic administration in 22 years took office, but Republicans controlled House and Democrats the Senate. Gov. Herseth's primary legislative recommendation, a study of state and local taxes, adopted. Other major legislative actions included record 61.3 million budget, moving School for the Blind from Gary to Aberdeen, an implied-consent blood test law for drivers, and a drivers license bill. The state thus became the last in the Union to require tests for the privilege of driving. The establishment of a Titan ICBM missile base at Rapid City announced. Supreme Court Judge Harold Bogue, while vacationing, drowned in Florida surf. A forest fire seriously threatened the cities of Lead and Deadwood. A trio of youths held up Kranzburg bank, but later returned the money. Former Gov. Joe Foss named head of new American Football League.
1960. Former Gov. and U.S. Sen. William J. Bulow died. Federal assistance provided to drought areas in the state, while floods caused damage in the Sioux Falls area. An emergency fund created to feed starving pheasants. Sen. Lyndon Johnson spoke at ceremonies to break ground for Big Bend Dam. U.S. Sen. Hubert Humphrey, a South Dakota native, announced his candidacy for the presidency. Gov. Herseth suffered a mild heart attack. Republicans came back after two years of Democratic administration with State Rep. Archie Gubbrud leading the slate, winning all state-house offices and control of both legislative houses. Karl Mundt and E.Y. Berry re-elected to Congress; Ben Reifel (a part-Sioux Indian) elected from the First Congressional district. Rep. George McGovern named by President-elect Kennedy as Food for Peace chief.
1961. Archie Gubbrud, former Speaker of the South Dakota House of Representatives and Alcester farmer, sworn in as the twenty-second governor after winning an upset victory over incumbent Democratic Gov. Ralph Herseth. Legislative reapportionment caused a storm of protest when the legislature, in the final hours before adjournment, gave an additional House seat to Minnehaha County and took one Senate seat from Brown County to increase Pennington County's representation in the Senate. The legislature also undertook a major investigation of the State Training School at Plankinton, resulting in the hiring of a new superintendent, Edward Green. Dr. I.R. Salladay resigned as medical director of the State Hospital. A racial incident occurred in Rapid City when a cafe owner refused service to a visiting African dignitary. The purchase of additional limestone deposits by the Cement Plant stirred up controversy and charges of mismanagement of public funds. P.J. Mahoney appointed director of State Employment Security Department, but ousted former Director Goldie Wells only after a courtroom fight. Five South Dakota National Guard units recalled to service during the Berlin crisis in late August. Corps of Engineers land acquisition for Big Bend Dam slowed as construction began. The most successful pheasant season in history drew thousands of hunters to South Dakota.
1962. Sen. Francis Case dies in Washington D.C. Despite a clean sweep by the GOP of the State House, Joe Bottum, former Lt. Gov., and appointee to complete Sen. Francis Case's unexpired term, was narrowly beaten. Joe Bottum had been ap-

pointed to fill Case's unexpired term. The spring of 1962 was one of the wettest and most destructive springs in South Dakota history, including a tornado in Mitchell and major floods in Rapid City and the northern Black Hills. President Kennedy dedicated the power facilities at Oahe Dam. Five persons lost their lives when an overpass on Interstate 90, east of Rapid City, collapsed. A long strike against the Chicago and Northwestern Railroad slowed economic growth in central and western South Dakota and almost halted construction at the West River missile sites and at Oahe and Big Bend Dams. The electorate approved constitutional amendments permitting annual sessions of the legislature, authorizing municipal home rule, and giving the South Dakota Highway Department authority to condemn and take possession of land before the landowner is compensated.

1963. The city of Aberdeen became the "Quint City" with the birth of quintuplets to Mrs. Andrew Fischer on September 14. Newsmen from across the nation converged on South Dakota to report the story. The dispute between Herried and Mound City over the location of the Campbell County Agricultural Stabilization and Conservation Service office came to a boil; the federal government threatened to use federal marshals to secure remaining records from the blockade office in Mound City. The State appropriated budget reached a record high of \$77.6 million. The tribal leaders of the Sioux Indians were successful in having the law adopted by the legislature to assume jurisdiction over the Indian Country, referred for replacement on the November 1964 ballot. Dr. Harvey Davis, curriculum consultant, recommended consolidation of the state institutions of higher learning. Nebraska and South Dakota hassled about fishing privileges in the Nebraska portion of the Gavins Point tail waters area. The Black Hills suffered from a bark beetle infestation. The new medical aid to the aged plan, adopted by the 1963 legislature, was first delayed, then rejected, by the federal government.
1964. Native-born South Dakotan Hubert Humphrey was elected vice-president. Humphrey was born at Wallace and reared at Doland. The state supported the Republican party members of Congress, all state constitutional offices, and for a majority of both houses of the State Legislature, but voted Democratic nationally - the first time in nearly 30 years. The first annual 30-day session of the legislature was held. The state's pheasant population declined sharply. At the instigation of the legislature, the office of the Attorney General investigated the insurance industry in South Dakota and recommended remedial legislation for what the investigator, Vinton Nutt, termed the "worst insurance department in the fifty states." The voters turned down a referred law to assume criminal and civil jurisdiction over Indian Country in South Dakota. Mrs. Lawrence Stavig, Sioux Falls, wife of the president of Augustana College, was named National Mother of the Year. Devastating fires swept the Black Hills. The National Farmers Organization conducted a livestock withholding action; violence in conjunction with the action included road blockades, slashed tires, and cut fences.
1965. Legislative reapportionment caused bitter controversy. The issue was settled by moving the existing congressional line, which followed the main channel of the Missouri River, approximately 100 miles eastward. The makeup of the Senate

was changed to provide 29 districts. An increase in the sales tax and use tax from two to three per cent was passed by the legislature. Property tax relief funds were returned to counties for distribution to taxpayers. The pheasant slump caused restriction of hunting with a resultant loss in tourist revenue. A jurisdictional fight between public and private utilities was settled by compromise legislation. Flash floods in the Black Hills area caused considerable property damage. Legislation designed to coordinate vocational training in the state was passed.

1966. The worst blizzard on record hit South Dakota in March. The storm claimed 10 lives and loss of livestock was estimated at 95,000 head. Secretary of State Dean Rusk dedicated Big Bend Dam, the last project in the Pick-Sloan plan. A comprehensive revision of the state insurance code was passed by the legislature. The Uniform Commercial Code was adopted. A state data procession system was authorized. Bills were passed enabling the state to participate in the Federal Medicare program. A State Planning Agency and a Fine Arts Council was created by the legislature. Three constitutional amendments were passed in November. Amendment A classifies all property within an independent school district as either agricultural property or non agricultural property and defines both classes. This amendment also limits the mill levy on agricultural property for such school districts to 24 mills. Amendment B provides the county superintendent of schools be on local option basis. Amendment C allows the Supreme Court to establish county courts by district, thereby allowing a county judge to serve more than one county. The federal Highway Beautification Act caused considerable controversy over billboard advertising. Mule skinner Jean De Haven drove a 20-mule team from Death Valley, California, to Wessington, bringing national publicity to the state. Balloonist Nick Piantanida's free fall attempt at Sioux Falls ended in disaster when oxygen mechanism failed, and he later died as a result. The pheasant season was restricted as the birds continued to decline.
1967. The 1967 legislature set in motion steps for school reorganization by passing a law and referring it to a vote of the people. The legislature also provided an automobile safety inspection program to conform to federal standards. It created the State Building Authority to finance capital construction projects. The state also provided a retirement system for its employees. Dr. M. F. Codington, the Superintendent of Public Instruction, died, and Dr. Gordon Diedtrich was appointed to replace him. In April the National Farmers' Organization began to slaughter hogs to protest low prices for pork. A crazed party in a divorce suit in Rapid City began shooting in the courtroom and killed his wife, and attorney, and wounded the judge before being subdued. Several reformed convicts from the state penitentiary began "Operation Pitfall," a program of visiting schools to convince young people to get a good education and stay out of trouble. Pheasants Unlimited, Inc. was formed to stop the decline in the state's pheasant population.
1968. Politics claimed the attention of South Dakota throughout 1968. After President Johnson's announcement that he would not seek another term, Sen. Robert Kennedy entered the state's Democratic Primary and defeated Sen. Eugene

McCarthy of Minnesota and vice-president Hubert Humphrey. Following Sen. Kennedy's assassination on the eve of his victories in South Dakota and California primaries, Sen. George McGovern entered the race for the Democratic Presidential nomination. Vice President Humphrey won the nomination in Chicago. However, the Republican nominee, Richard Nixon, carried the state in the November election. The Republican state ticket headed by Congressman E.Y. Berry and Ben Reifel and Attorney General Frank Farrar, the gubernatorial candidate, swept the state offices although the Democrats made some gains in the legislature. Sen. McGovern was the lone Democrat to retain his seat after a bitter contest with former governor Archie Gubbrud. In other election results the people narrowly supported the action of the legislature to provide for school reorganization. A referred law to eliminate daylight savings time was defeated at the polls. Only one of five constitutional amendments survived the general election. Teacher militancy grew in the state as 4,000 teachers marched on Pierre demanding more state aid for education. Teachers engaged in lengthy strikes in Rapid City in the fall. The strike was finally settled when the court issued an injunction requiring the teachers to return to work. Rapid City was shaken by the death of six Rapid City High School cheerleaders in the crash of a light plane returning to Rapid City after the State A Basketball tournament in March. Thomas James White Hawk was the center of a controversy regarding capital punishment after he was convicted of murder and sentenced to die in the electric chair. The Board of Regents named Dr. Richard Gibb as the state's first Commissioner of Higher Education. Congress approved the Oahe irrigation project but refused to fund it until the state repealed its ban on non-resident hunting of migratory waterfowl. Jet airplane service was inaugurated in most of the state's larger cities. The state was featured in a new motion picture called *The Family Band* which centered around early South Dakota politics. South Dakota rodeo star Casey Tibbs made a movie, *Born to Buck* featuring South Dakota horses. Filming was begun in Mexico on *A Man Called Horse*, a movie about Sioux Indian tribes, featuring Indians from the Rosebud area.

1969. Before the winter of 1968-69 was over, a record 100 inches of snow fell in parts of eastern South Dakota. The legislature appropriated \$500,000 in emergency state aid to help local communities clear snow and repair flood damage. The 1969 Legislative Session was marked by two controversial issues. Tax reform divided the houses of the legislature with the House passing a bill to levy a three percent adjusted gross income tax only to see it die in committee in the Senate. An eleventh hour compromise was agreed upon which increased the excises on gasoline and cigarettes. The legislature also granted cities the right to impose non ad-valorem taxes other than motor fuel taxes. A bill backed by Gov. Farrar which created a consumer's Gas and Electric Council to regulate the electric power and gas distribution industry created a storm of controversy throughout the state. The bill finally cleared the legislature after passing the Senate by a single vote, but was referred to the people by its opponents. The legislature also passed a "no strike" law, but it did not stop the Sioux Falls Police Department from engaging in a "sick out" during a wage dispute with the city council. Two court cases received national attention. Gov. Farrar muted the death sentence of convicted killer Thomas White Hawk to life imprisonment without parole or pardon. Rancher Baxter Berry, who had been accused of murdering an Indian,

was tried and acquitted by an all-white jury after pleading self-defense. Some parts of the national news media attempted to portray the two trials as a contrast of justice with racial overtones. President Nixon visited the state to honor his longtime friend Sen. Karl Mundt by dedicating the Karl E. Mundt Library at Dakota State College. Late in the year Sen. Karl Mundt suffered a severe stroke.

1970. During the 1970 Legislative Session the Consumer's Gas and Electric Council law was repealed, which assured that it would not go to a vote of the people. Immediately after the 1970 Session an agricultural oriented group initiated a state income tax proposal which promised property tax relief. Gov. Farrar's renomination was challenged in the Republican Party primary by Pennington County State Sen. Frank Henderson. Although Gov. Farrar comfortably won renomination, the primary campaign was bitter. The Republicans also had hard primary campaigns in both congressional districts. The Democrats enjoyed a primary contest only in the second congressional district. State Sen. Richard Kneip easily defeated incumbent Gov. Farrar for governor. Democrats Frank Denholm and James Abourezk defeated Republicans Dexter Gunderson and Fred Brady for the state's two congressional seats. However, Republicans carried most of the state constitutional offices and retained wide majorities in both the houses of legislature. The people rejected the initiated state income tax by a large margin and also rejected an initiated measure to abolish mandatory fluoridation. Four of nine proposed constitutional amendments were accepted. Attorney General Mydland announced a crackdown on gambling which culminated in several raids around the state. This resulted in the legislature taking action to legalize limited forms of gambling. The legislature also repealed the 23-year-old ban on non-resident waterfowl hunting to facilitate congressional funding of the Oahe Irrigation Project. A massive manhunt was held through three states and Canada for Harold Halseth who was accused of kidnapping a Minnehaha County deputy sheriff at gunpoint and taking his patrol car. Halseth was captured in Canada. Fire swept through the business district of Artesian. Homestake Mining Company was ordered by the federal government to stop all mercury discharge into Whitewood creek. The Board of Regents created a controversy by ordering a freeze on all college enrollments. Later in the year the Commissioner of Higher Education brought out the even more controversial master plan, which recommended closing two of the seven state-supported colleges. Indian militancy appeared with the occupation of, first, Sheep Mountain and then Mount Rushmore.
1971. Acting on parts of the controversial "Master Plan for Higher Education" compiled by the Commissioner of Higher Education, the Board of Regents attempted to establish one engineering school at South Dakota School of Mines and Technology, with limited engineering courses taught at South Dakota State University. The matter became controversial during the 1971 legislative session and the legislature voted to override the Regents' action and continue the state's two engineering schools. The matter was further complicated because the Governor, Speaker of the House and Lt. Governor signed an incorrect version of the legislation to continue the two schools. The 1971 Legislature also merged Southern State College at Springfield as a branch of the University of South Dakota. There was a great deal of controversy over the seating of two new members of

the State Board of Regents. Outgoing Gov. Farrar appointed former Democrat state representative Elvern Varilek and Ron Schmidt to the Board of Regents. However, upon his inauguration, new Gov. Richard Kneip, withdrew those appointments and asked the two regents whose seats were becoming vacant to continue. The State Supreme Court ruled in favor of Kneip's action. The first Democrat administration in 11 years took office in the statehouse and Democratic Congressmen Frank Denholm and James Abouresk became U.S. Representatives. A legislative apportionment act passed which reduced the state House of Representatives from 75 to 70 members. Sen. George McGovern announced his candidacy for the democratic Presidential nomination. Tax reform was a major issue during the legislative session. Gov. Kneip proposed a state income tax and property tax relief. However, he was unable to convince the legislature to pass the proposed legislation. The South Dakota Farmers Union announced it would test the constitutionality of the local property tax for support of elementary and secondary education. Mount Rushmore was selected by the American Bicentennial celebration. There was a great deal of dispute over whether South Dakota was in compliance with federal highway beautification standards with the federal government threatening to withhold 10 percent of federal highway monies. A group of Indians took over Mount Rushmore for a short time to protest the failure of the government to meet Indian treaty obligations. The legislature appropriated funds to make South Dakota the first state to have a statewide weather modification program. The 1970 census revealed the state population decreased by 2.1 percent since 1960, from 680,514 to 666,257. There was a decrease of nearly 40,000 in the rural population.

1972. On June 9, Rapid City and other Black Hills areas hit by massive flooding in middle of the night with a loss of more than 200 lives and millions of dollars in damage. For the first time since the mid 1930s, the Democratic Party took control of both houses of the legislature. Gov. Kneip won re-election overwhelmingly and the Democrats swept almost all other statewide offices. Democratic Congressman James Abourezk defeated Republican Robert Hirsch for the U.S. Senate seat vacated by Sen. Karl Mundt. Republican James Abdnor won the Second Congressional District seat vacated by Abourezk. At the Democratic National Convention, U.S. Sen. George McGovern was nominated for president. In November he was defeated by Republican candidate Richard Nixon, carrying only Massachusetts and the District of Columbia. Gov. Richard Kneip's tax reform package was rejected by the legislature for a second time. The legislature enacted a program of property tax relief for the elderly and except for the drinking age, lowered the age of majority to 18. For the first time since statehood, a comprehensive revision of the state Constitution was completed when voters approved four revised articles of the state Constitution. The articles unified the court system; called for reorganization of state government and provided for four-year terms for governor; provided broad home-rule powers for local government units; and granted citizens the authority to initiate constitutional amendments. The Great Lakes of South Dakota Association attempted to conduct a statewide lottery. The matter became controversial and resulted in several court fights over whether the 1970 Legislature had intended to authorize a statewide lottery. The courts stopped operation.

1973. The village Wounded Knee, near the 1890 site of the last armed conflict between the Sioux Nation and the United States Army, became the focus of the most significant demonstration of the American Indian Movement's demand for Indian rights, when, on February 27, armed AIM members and sympathizers occupied the community. Federal and local law enforcement officers blockaded the area. The AIM occupation lasted for 71 days and resulted in the death of two occupiers, the serious wounding of law enforcement officers and extensive property damage. Peace was restored on May 8. On February 6, an American Indian Movement demonstration in Custer, protesting a criminal proceeding involving the death of an Indian, flared into a club-swinging confrontation between Indians and peace officers. Before the incident ended, three buildings, including the Custer County Courthouse, had been damaged by arsonists. In August, AIM leader Clyde Bellecourt was seriously wounded in a shooting incident. The alleged gunman, another AIM leader, was arrested but released when Bellecourt refused to testify against him. The Democratic Party was in control of the legislature for the first time since the New Deal era with the major issue the Governor's income tax. The tax bill failed in the Senate by one vote. Gov. Kneip also unveiled executive order 73-1. This executive document, authorized under a provision of the state Constitution, thoroughly revised existing state government by consolidating more than 160 state offices into 16 departments, headed by gubernatorial appointees. The Kneip administration drew additional public attention with two political developments. The Governor's choice for secretary of the new Department of Public Safety, former Planning Bureau Director Lynn Muchmore, whipped up a flurry of reaction to his innovative policy changes in his new post. Public and governmental responses prompted Muchmore to resign. Gov. Kneip raised a political and constitutional windstorm of his own when he announced his intention to run for a third term as Governor. The state Constitution restricts a Governor to two terms; however, a recent amendment to the executive article of the Constitution increasing the Governor's term from two to four years raised the question of whether the governor was limited to two two-year terms or a total of eight years. The South Dakota Supreme Court decided the issue in Gov. Kneip's favor. In a year marked by increasing national awareness of environmental protection, rumors of a possible plan to remove quantities of Army nerve gas from Colorado for storage at a federal facility near Igloo, precipitated an immediate protest. Federal officials did not attempt to make the transfer because of overwhelming public concern.
1974. The Wounded Knee trial in St. Paul of American Indian Movement leaders Dennis Banks and Russell Means lasted nearly nine months before Judge Fred Nichol dismissed felony charges against the two men. The Minnehaha County Courthouse was extensively damaged when AIM supporters and authorities brawled during the trials of persons charged in connection with the 1973 demonstration by American Indian Movement supporters at Custer. There was also a dispute involving whether non-Indians would come under federal, state or tribal jurisdiction for crimes and offenses committed on the reservations. Sen. George McGovern defeated former Vietnam prisoner of war Leo Thorsness in the November general election, gaining a third U.S. Senate term. Republican candidate William Janklow rolled to a landslide victory over incumbent Attorney General

Kermit Sande. Gov. Richard Kneip polled 53 percent of the vote in his victory over GOP challenger John Olson, making him the first governor in history to serve eight years. Political newcomer Republican Larry Pressler upset incumbent Democrat Congressman Frank Denholm. Second District Republican Congressman James Abdnor retained his Congressional seat. Control of the state legislature was split, with Democrats having a majority in the Senate and Republicans in the House. There were severe summer drought conditions and poor livestock prices and crop yields were down drastically. The giant Oahe Irrigation project, which envisions the irrigation of more than 110,000 acres in the north central and northeastern part of the state, was challenged when United Family Farmers filed suit unsuccessfully in federal court to halt the project. A four-year, degree-granting medical school at the University of South Dakota was created. The state Supreme Court upheld the 1972 constitutional amendment revising the executive article of the Constitution, thus confirming reorganization of the executive branch by the governor.

1976. Mount Rushmore was one of the national attractions during the national Bicentennial year. Drought was a critical issue. Many ranchers and farmers were forced to cut back their herds. In some areas, drought conditions were worse than the 1930s. U.S. Representatives Larry Pressler and Jim Abdnor won re-election. The Republicans gained control of the Senate and the House by a large majority.
1977. The Congressional decision to delete \$17 million from the federal budget for funding of the Oahe Irrigation Project was the top news story in 1977. After the elections in the fall of 1976, a majority of members on the Oahe Conservancy Subdistrict Board either opposed or questioned the project. President Carter agreed and asked for no funding. The Oahe controversy was a principal concern for many South Dakotans because the state had suffered with below average rainfall in many areas since 1973. But, the rains came in 1977. A wet fall delayed harvest, but crops were good. However, continuing low prices caused farmers to participate in a national agricultural strike on December 14. Gov. Kneip established a modern day record by issuing 30 vetoes during the 1977 Legislative Session; 16 were overridden by the legislature. The state's lawmakers continued their struggle with the federal government over who should control roadside signs and billboards.
1978. A \$16 million surplus in the state treasury enabled the legislature to repeal the state personal property tax. The legislature also appointed a special committee to develop ways to fund the repeal in the future. Problems occurred at the State Cement Plant when both new and old kilns did not function properly. Orders could not be filled. The lack of shipments to out-of-state customers caused a law suit and disenchantment among non-South Dakota buyers. Attorney General William Janklow was elected governor. Republican winners in all Constitutional offices. The only Democrat winner for state office was Ken Stofferahn as a new Public Utilities Commissioner. U.S. Congressman Larry Pressler won the Senate seat vacated by Sen. James Abourezk, Tom Daschle won Pressler's old position and James Abdnor was re-elected to a fourth term in the House of Representatives. November ballot action also included the repeal of a dairy marketing pro-

cedure that guaranteed profits for the state's private dairies and the defeat of an initiated obscenity law that some argued might have been declared unconstitutional. Gov. Richard Kneip resigned from office to accept the ambassadorship to Singapore. Lt. Gov. Harvey Wollman completed the final six months of the term. Good crops and low prices in 1977 coupled to create a grain storage problem. There was also a shortage of boxcars that hampered farm-to-market shipping. South Dakota farmers and ranchers joined representatives from other states in a tractorcade to Washington to protest the low prices. The federal government withheld \$4.5 million in federal highway funds when agreement could not be reached over billboard regulation. In December, parental complaints about singing of Christmas carols in public schools drew national attention.

1979. William Janklow was inaugurated governor. The nation's closest Congressional race was settled by a court ruling declaring Thomas Daschle the winner over Leo Thorsness. The legislature broadened the state's sales tax, hoping to raise \$19 million. In June, the Corn Palace in Mitchell was severely damaged by fire. The state suffered a drop in tourism caused by the national shortage of gasoline.
1980. Congressman James Abdnor defeated Sen. George McGovern in his bid for reelection. Gov. Janklow's plan to establish a state rail authority and purchase track and operate a state rail system passed the legislature. Citibank of New York relocated its credit card division in South Dakota. South Dakota suffered the worst drought since the 1930s. More than \$600 million worth of crops, hay and pasture withered under the hot sun. 25,000 pounds of marijuana were seized from a DC-7 plane near Akaska making it the biggest drug bust in South Dakota's history. The state suddenly found itself in a financial crisis which led Gov. Janklow to order a five percent reduction in state spending.
1981. Ronald Reagan was inaugurated U.S. president January 20. The 52 American hostages, held captive in American Embassy in Tehran, Iran, for 444 days released on inauguration day after lengthy negotiations. South Dakota showed growth in population, 666,257 in 1970 to 690,178 in 1980. Despite the increase in population, South Dakota lost one Congressman effective in 1982. The legislature raised several taxes to fund state government and assessed a penny to the state's gas tax to help fund the operation of a state railroad. A successful court challenge to the change in the gas tax resulted in the first special session of the legislature in 31 years. Assassination attempts were made on President Ronald Reagan and Pope John Paul II. An agreement was reached between the State of South Dakota and Energy Transportation Systems, Inc. (ETSI), a San Francisco company to sell Missouri River water in exchange for ETSI not using southwestern South Dakota water in its coal slurry pipeline. Gov. Janklow called the legislature into special session for a second time to make changes in the statutes to implement the agreement. Burlington Northern Railroad was granted the authority to operate South Dakota's 480-mile core of railroad track in eastern South Dakota. American Indian Movement (AIM) established a camp at Yellow Thunder southwest of Rapid City in an attempt to reclaim the Black Hills. Citibank opened its credit card division in Sioux Falls employing 300 people.

-
1982. LaDonna Mathis and her two sons were shot to death on their Mt. Vernon farm in late 1982. Her husband John Mathis was acquitted of the triple murder. Gov. William Janklow won re-election over Democrat challenger Michael O'Connor. Republican incumbents Secretary of State Alice Kundert, Attorney General Mark Meierhenry, Auditor Vernon Larson, Treasurer David Volk all won re-election. Commissioner of School and Public Lands Julian Cheney recaptured the post for the Republicans. Democrat Dennis Eisnach survived a recount over Republican Beverly Nuttbrock in the race for the Public Utilities Commission. Eisnach's win gave control of the PUC to the Democrats. Incumbents Thomas Daschle (1st District) and Clint Roberts (2nd District) were pitted head-to-head for the state's lone Congressional seat. Daschle won a narrow victory. Korczak Ziolkowski died, leaving to his descendants the job of finishing his mountain carving of Chief Crazy Horse near Custer.
1983. The death of School and Public Lands Commissioner Julian Cheney created a controversy regarding vacancy. Gov. Janklow appointed State Treasurer David Volk to the position, combining the two offices. A successful court challenge separated the two positions and former Commissioner John (Jack) Gerken returned to complete the term. Following a vote of the people mandating single member senate districts, the legislature divided the state into 35 legislative districts each electing two representatives and one senator. Indian artist Oscar Howe died in Vermillion. South Dakota farmers idled 4.2 million acres of farmland under the Reagan administration's payment-in-kind (PIK) program. The legislature expanded the state's campaign to attract new industry by allowing state chartered banks to enter the insurance business. In addition, the legislature authorized "sale-leaseback" which allowed the state to sell public buildings and continue to use them under lease from the private sector.
1984. By a one vote margin, the state House of Representatives approved Gov. Bill Janklow's plan to convert the college campus at Springfield to a prison. The first prisoners were housed in Springfield by the end of the year. Heavy rains and June floods topped the weather stories. A federal disaster team estimated damage at more than \$290 million. The Lake Menno dam burst forcing several farm families from their homes. The Bad River rose 23 feet in an eight-hour period at Fort Pierre. Sen. Larry Pressler set a new record with 235,176 votes (75 percent) in his re-election bid. South Dakotans re-elected Democrats Rep. Tom Daschle and PUC Commissioner Ken Stofferahn. Gov. Janklow called a special session in May to deal with water development. Six new water development districts based on major water projects were formed and the old conservancy subdistricts abandoned. New York Rep. Geraldine Ferraro became the first woman to run for vice president. The Mondale/Ferraro team lost to Reagan/Bush. A proposed Constitutional amendment to combine the offices of State Treasurer and Commissioner of School and Public Lands was rejected by voters. The agreement between the state and Energy Transportation Systems, Inc. (ETSI) to sell Missouri River water was discontinued.
1985. The legislature attracted national attention and made history by sending its entire membership to Washington, DC, to lobby national leaders on the agricultural crisis. Gov. Janklow initiated his Rural Renaissance program to assist farmers

hit by drought and low farm prices. Thirty-nine counties were declared eligible for drought disaster aid. South Dakotans voted in their first statewide special election in November, turning down a nuclear waste compact with North Dakota by an 83-17 percent vote. Chem-Nuclear abandoned plans to build a hazardous waste site near Edgemont. After a 12-week strike, Morrell workers in Sioux Falls ratified a new contract.

1986. Following wide open primaries in both parties, the Republicans retained control of state government and Democrats filled the federal seats. Gov. Bill Janklow challenged incumbent Sen. James Abdnor in a primary. Abdnor won, but lost to Rep. Tom Daschle in the general election. State Rep. Tim Johnson picked up the U.S. House seat vacated by Daschle. George S. Mickelson and Lars Herseth, both sons of former Governors, opposed each other for governor. Mickelson won with a 51-49 percent margin. All Constitutional officers elected were Republicans. James Burg elected the third Democratic member of the Public Utilities Commission. Democrats picked up 10 seats in the legislature. The spaceship *Challenger* exploded, causing instant death for seven astronauts and Christi McAuliffe, the first teacher-in-space. Five years of wet weather created flood conditions in eastern South Dakota, causing more than \$50 million in damages. New lakes were formed in Kingsbury and Miner counties. President Reagan made two visits to the state in an unsuccessful attempt to retain a Republican United States Senate. A fire in downtown Redfield destroyed almost a block of business buildings. Union County grieved over two murder-suicides in one day.
1987. Gov. George Mickelson was successful in promoting his one-cent sales tax for economic development with the legislature, and the establishment of the Revolving Economic Development and Initiative (REDI) Fund. South Dakota was one of the first states to adopt the 65 mph speed limit on interstate highways after U.S. Congress approved the change. Two former governors died; Richard Kneip on March 9 and Archie Gubburd on April 25. The farm crisis continued to plague the Midwest, with farm foreclosures at a record high and land values dropping. Air service continued to deteriorate in the middle-sized cities in the state. The State Capitol renovation continued and ground was broken in Pierre for the Cultural Heritage Center. The first of a fleet of B-1 Bombers arrived at Ellsworth Air Force Base. The legislature appropriated \$900,000 to assist the efforts of economic developers in the state to acquire the Supercollider for South Dakota. The \$4.4 billion atom smasher involves building a 57 mile circular tunnel for an energy-related research project. Gov. George Mickelson called a special session on July 16 to finalize the state's commitment to the project application. The drinking age was raised from 19 to 21 by the 1987 legislature after an attempt to challenge in court the federal government's right to withhold highway funds until such a law was passed.
1988. The research-linked Future Fund grant program bestowed the first business-university research grant in 1988. The Future Fund program, initiated by Gov. Mickelson, was funded with \$5 million of employers' contributions to the state unemployment insurance trust fund. The state conducted its first early presidential primary in February. This early date brought many presidential candidates to South Dakota and gave the state national exposure. Republican Bob Dole and

Democrat Dick Gephardt won their party's primaries. South Dakota suffered the worst drought in 50 years. The northern and western parts of the state were the driest with thousands of acres of grassland and forest destroyed by fires. U.S. Rep. Tim Johnson won re-election by defeating Republican challenger David Volk. Republican Laska Schoenfelder upset incumbent Dennis Eisnach for a position on the Public Utilities Commission. South Dakotans rejected Dakota Proposition II, a constitutional amendment to limit property taxes.

1989. Four bronze statues were placed in the capitol rotunda throughout the year. Named for attributes of early pioneers, *Vision*, *Wisdom*, *Integrity* and *Courage* they serve as a lasting legacy of the state's centennial. The legislature passed Gov. Mickelson's two-year property tax freeze. The South Dakota-Nebraska boundary compact was signed and later ratified by the legislature, changing the state's boundary to the centerline of the Missouri River's main channel. The state's first female state legislator, Secretary of State and U.S. Senator Gladys Pyle died at the age of 98. Legislators Rep. Debra Anderson and Sen. Mary McClure resigned to take positions in the White House. A grand jury investigation of the South Dakota State Penitentiary brought various charges, including marijuana distribution against former inmates and eight prison administrators. The Board of Charities and Corrections was replaced by the Department of Human Services and the Department of Corrections. During the year, South Dakota celebrated a century of statehood with the largest grass roots volunteer effort in the state's history. Hundreds of communities held special celebrations and created lasting legacy projects. Over 20 statewide Centennial events such as the Centennial Wagon Trains and the Missouri River Flotilla were held.
1990. Gov. George Mickelson declared 1990 the Year of Reconciliation to coincide with the 100th anniversary of the Wounded Knee Massacre. The declaration set into motion concentrated efforts to reach a new understanding and appreciation of the state's Indian heritage and to begin dialogue that heals. The movie "Dances With Wolves" opened nationally in November to rave reviews. Filmed in South Dakota, the movie showcased the vast beauty of the state and created new interest nationwide. People were interested in the stunning sunsets of South Dakota as well as the Indian heritage detailed in the movie about a cavalry man's encounter with Sioux Indians. The movie, featuring Kevin Costner, garnered seven Academy Awards including Best Picture, Best Director and Best Screenplay. The state legislature voted to make Martin Luther King Day a non-working holiday. The legislature changed the second Monday in October from Pioneer Day to Native American Day, a working state holiday. On November 6, voters approved a ballot measure requiring legislative approval of large-scale solid waste landfills and rejected a ballot measure which would have limited permits for surface mining to 3,100 acres. One constitutional amendment allowing the legislature to call itself into special session became law in 1990 while the voters rejected four other constitutional amendments. The failed amendments related to disposition of private property taken for public use, the eligibility for legislative office, the imposition of an income tax and a limit on the growth of taxes on real property. The U.S. Senate race drew the most interest in the general election. Republican Sen. Larry Pressler defeated Democrat Ted Muenster and Independent Dean Sinclair. Republican Gov. George Mickelson and De-

mocrat Representative Tim Johnson defeated their challengers, Bob Samuelson and Don Frankenfeld. Democrats won several seats in the state Senate, but fell one short of claiming a majority. Gambling in Deadwood generated \$281.5 million from November 1, 1989, throughout the end of October 1990. The gambling provided some vigorous growth in the community, but most of the main-street businesses were quickly converted into casinos. The 50th Black Hills Motor Classic in Sturgis brought more than 300,000 motorcyclists to the area, and boosted tourism in the state.

On August 2, Iraqi troops rolled into Kuwait and trampled the tiny mideastern country. Later, hundreds of South Dakota National Guards, Ellsworth Air Force Base personnel and South Dakota reserves made their way to duty in the Middle East war. They were among an estimated 500,000 U.S. troops in the Persian Gulf area. In September, a fire burned 14,200 acres of forest land southeast of Custer. The five-day blaze destroyed cabins in Custer State park and forced the evacuation of several homes.

1991. Desert Storm, the war in the Middle East, came to an end February 28, when Saddam Hussein accepted the terms of the United Nations cease fire. South Dakotans started coming home.
- The legislature grappled with taxes, abortion and waste disposal. At the end, the Governor's tax bill was defeated and no compromise reached. The saga of Lonetree, a multistate waste disposal site near Edgemont, continued. A project that proposed burying more than one million tons of baled garbage a year in a landfill near Edgemont was first approved by a state board. However, a group sponsored a petition to place the issue on the ballot. In November 1990, voters approved the initiative and in 1991 the legislature approved Lonetree. A group called Action for the Environment then gathered the required signatures to refer that law to the people. South Dakotans voted down the law at the November 1992 election. A bill outlawing abortion except when the mother's life is threatened and in cases of rape or incest, or when the baby would be born with profound deformities was defeated by the Senate after approval in the House. The bill caused a great deal of debate in the legislature. On July 3, President George Bush, Hollywood celebrities and other VIPs joined an estimated 2,000 people at Mount Rushmore's 50th anniversary and formal dedication. A commemorative stamp was also issued. Iona Klein of Dallas claimed a \$12.5 million Lotto America ticket and then admitted she had picked up the ticket at the convenience store where she worked. The dispute was settled in court when Klein split the winnings with the owners of the store. Video lottery becomes a major state revenue source and several cities pass ordinances designed to slow the spread of the machines.
1992. Although Republican President George Bush carried South Dakota, he was defeated by Democrat William Clinton in the November 1992 election, an election with a strong third-party candidate, Ross Perot. Perot received 21.8 percent of the South Dakota vote. Democrats gained control of the state Senate while Republicans maintained their majority in the House of Representatives. U.S. Senator Tom Daschle retained his seat. U.S. Representative Tim Johnson also defeated his opponents. Voters approved a Constitutional amendment limiting

terms of U.S. and state legislators and state constitutional officers. They defeated a referred law to approve the construction and operation of the Lonetree solid waste disposal facility; an initiated measure to impose a personal and corporate income tax and another to repeal the video lottery. Voters approved an initiative to provide acreage regulation and reclamation incentive for large-scale gold or silver surface mining. Donald Moeller, 40, was convicted and sentenced to death for the murder of 9-year-old Becky O'Connell in Sioux Falls. If the conviction stands, Moeller would be the first person executed in South Dakota since 1947. Dr. Michael Swango was removed from the University of South Dakota Medical School residency program in December after officials learned he was convicted in the non-fatal poisoning of six co-workers in Illinois in 1985. Many people questioned the system of choosing residents after the removal. Bob Koenig of Sioux Falls sued the Rapid City Catholic Diocese saying he was sexually abused as a child by the Rev. William Lambert. Wally Walton, a former Pierre minister, pleaded no contest to sex charges and agreed to testify against four family members. In May federal agents hauled off the bones of a 65 million-year-old *Tyrannosaurus rex*, prompting a legal battle and a series of protests. Sioux Falls was rated number one by Money magazine, making it the best place to live in America.

1993. On April 19, 1993, a state-owned plane crashed in Dubuque, Iowa, killing Gov. George S. Mickelson; Commissioner of the State Office of Economic Development Roland Dolly, Director of the Office of Energy Policy Ron Reed, Northern State Power General Manager Angus Anson; First Bank of South Dakota President and Chief Executive David Birkeland; Sioux Falls Development Foundation President Roger Hainje; and state pilots Ron Becker and David Hansen. Residents mourned statewide for the eight men and more than 13,000 South Dakotans filed reverently past the governor's casket as he lay in state in the capitol rotunda. The state's congressional delegation, 12 governors and U.S. Sen. Bob Dole of Kansas attended the memorial service in the capitol and a procession of cars followed the hearse carrying the governor's body from Pierre to Brookings for burial. Residents of cities along the route stood reverently, many with American flags, as the procession passed. Lt. Gov. Walter D. Miller was sworn in as governor on April 20, in a small ceremony in the capitol rotunda. He appointed Steve Kirby as lieutenant governor on May 20 and he was officially approved by the South Dakota legislature at a special session May 25. Gov. Mickelson was returning from Cincinnati, Ohio, where he and the others had met with officials of John Morrell & Co. During the 1993 legislative session, members voted to approve a bill raising the bet limit in Deadwood. Opponents of the legislation filed their intent to refer the law to a vote of the people immediately, saying they would have no problem gathering the 12,836 signatures needed.
1994. In June, the South Dakota Supreme Court ruled that the statewide gambling – including video blackjack, poker and keno games – violated the South Dakota Constitution because they did not fit the definition of a lottery. The state budget was formulated with the expectations of receiving \$65 million from the state's percentage of the games, and now that money would not be available. After a

series of legal steps to forestall the action, 7,589 machines were shut down in August. Meanwhile, the Legislature met in special session and cut the state budget by some \$28 million and used \$27 million in reserve funds to offset potential losses. The Legislature also put a constitutional amendment to reauthorize the video lottery on the November 8 ballot. After a hard-fought campaign, South Dakota voters passed the amendment allowing video lottery by 51 percent to 49 percent. The machines were turned back on November 22.

South Dakota was number one in the nation twice on election day. The state ranked number one nationally with the highest percentage of eligible voters turning out to vote. The second "first in the nation" came from kids involved in the Kids Voting project. South Dakota ranked number one in the percentage of students in grades K-12 involved in Kids Voting who showed up at the polling places to "practice" vote.

Governor Walter D. Miller, who was lieutenant governor and assumed the post of governor when Governor George Mickelson was killed in a plane crash in 1993, decided to seek re-election in 1994. He was opposed by former Governor William Janklow. Janklow served as governor from 1979 through 1986. Governor Janklow won the Republican primary and the following general election. He defeated Democrat Jim Beddow of Mitchell 55 to 41 percent.

The Legislature approved a package of \$10 million in state financial aid for John Morrell & Co. in an attempt to save its Sioux Falls plant.

The people voted against a property tax cut by a slim margin. The measure failed 49 to 51 percent. Republicans added to their majority in the state House of Representatives and regained control of the state Senate in the November election.

U.S. Senator Tom Daschle of South Dakota defeated Senator Christopher Dodd, a Democrat from Connecticut 24-23 to become the minority leader of the U.S. Congress for the next four years.

1995. In early January, Gov. William Janklow returned to the office he held from 1979 to early 1987. He was sworn in three days before his formal inauguration. After the initiated measure dubbed Dakota 1 failed to pass by a narrow margin in 1994, Gov. Janklow asked the legislature to cut property taxes by 30 percent. The governor's proposal would have reduced property taxes by \$120 million and included a controversial medical-services tax, which was deleted. Lawmakers decided to cut taxes by 20 percent. The property-tax reduction took effect in 1996, was funded by lifting many sales-tax exemptions, increasing the state's share of video-lottery profits, raising the cigarette tax and cutting state spending in other areas. Gov. Janklow also cut 755 state government jobs over several months. Many eastern South Dakota farmers were kept out of fields by incessant rain and spring snowstorms. This caused livestock losses and prevented planting or forced farmers to wait until late in the season to plant crops. The president approved a disaster declaration for 58 of South Dakota's 66 counties because of the weather and flooding. A snow and ice storm in October cut a

swath of destruction in the form of snapped power poles from Milbank to Gregory. Rural electric service was devastated in the region. Newcomers to the state might have thought 1995 was an election year. Campaign ads filled the airwaves for an expected Larry Pressler-Tim Johnson U.S. Senate race. The campaigning began a year and a half before the 1996 election. Early in the year John Morrell & Co. in Sioux Falls, a meat-packing plant that is one of the state's largest employers, dropped retirement benefits for 1200 retirees, prompting protests from officials across the state and from the retirees. Smithfield Foods, a Virginia company, was discussed in newspaper articles in 1995 as a prospective buyer for John Morrell and Company.

1996. Tim Johnson defeated Larry Pressler for a seat in the U.S. Senate in a race that demanded the state's attention for nearly 18 months. The two men spent more than \$8 million dollars campaigning, the largest amount ever spent in a South Dakota campaign. Johnson won the seat 51 to 49 percent. In other election news, John Thune, a 35-year-old Republican from Murdo and Pierre, defeated three candidates for the lone U.S. House of Representatives seat vacated by Tim Johnson. Also, President Bill Clinton campaigned in South Dakota twice while his opponent Bob Dole visited the state several times. Clinton rallied supporters in Brandon in September and in what was billed as his last campaign appearance, Clinton addressed a late-night rally in Sioux Falls on election eve. Other news items included a possible murder in Sioux Falls and a known murder by a teenager in Fort Pierre. Piper Streyle, a 28-year-old mother of two, disappeared from her rural Canistota home in late July. Authorities arrested Robert LeRoy Anderson, 26, of Sioux Falls, and charged him with kidnapping, although she had not been found. In January, Michael Hare, a 28-year-old taxi driver from Pierre, was shot and killed and robbed of \$34.48. Two teenagers were arrested near the scene and one of them, Paul D. Jensen Jr., 15, was convicted of murder and given life in prison. Communities across the state debated the merits of corporate farming when corporations, including Tyson Foods, offered South Dakota farmers contracts to run factory-style hog farms. In June, Gov. Janklow announced that 200 workers in the state Transportation Department would be laid off as part of a plan to save \$7 million. The Department of Transportation would use part-time seasonal positions to handle peak workloads. Taking advantage of Congress' decision to give states the authority to set highway speeds, the 1996 Legislature raised the speed limit on Interstates 90 and 29 to 75 miles per hour and to 65 miles per hour on most other state highways. Much of South Dakota was covered with thick ice in November.
1997. South Dakota suffered through endless blizzards that paralyzed much of the state throughout the long 1997 winter. Thousands of head of livestock died, many rural areas were cut off and local governments looked for funding to open roads and rescue people. In January, most of the state and some of the nation listened to reports while authorities searched for Karen Nelson of Webster who was trapped alone in her pickup truck while a blizzard raged. She kept contact with the outside world through her cellular phone. After 40 hours without food or water and only a few blankets to keep her warm, rescuers found her near a county road northwest of Webster. The huge snowdrifts then brought flooding

that put eastern South Dakota on alert as rivers and lakes rose to record levels. President Clinton signed a statewide disaster declaration.

Lake Kampeska near Watertown rose to six feet over full early in April and hundreds of people were forced to flee their lakeside homes. Vice President Gore visited South Dakota to see the flooding. The Big Sioux, James, Vermillion and Missouri rivers all caused flooding problems. It took the U.S. Congress until June to approve hundreds of millions of dollars in aid for the disaster. During the April floods, volunteers and prison crews struggled to keep the surging James River at bay, but the river won and James Valley Christian School near Huron was almost completely flooded.

Smithfield Foods purchased the Dakota Pork plant in Huron and the next day announced they were closing the plant, putting 850 people out of work. Dakota Pork's former owner, Carl Kuehne, said he sold the plant because of a chronic shortage of slaughter hogs. With less than two weeks until a November 3 deadline, supporters mounted a last-minute effort and gathered 31,162 signatures to put a Constitutional amendment on the ballot that would restrict corporate agriculture in South Dakota. The measure was referred to as the "corporate hog farm" amendment.

The Solem Public Safety Center near Pierre opened and was dedicated on October 23, 1997. It houses the South Dakota Women's Prison, the Department of Corrections central office, Pierre Police Department, Hughes County Sheriff's Office, a state Highway Patrol station and Division of Criminal Investigation agents. The prison takes up the majority of the 78,000 square foot building.

Gov. Bill Janklow appointed Gary Brown, Rapid City, to the House of Representatives to serve the remainder of the term of District 32 Rep. Mike DeMersseman, who resigned in December. Gov. Janklow appointed Rep. Don Brosz to the Senate to serve the remainder of the term of District 5 Senator Jim Thompson, who resigned. Gov. Janklow appointed Burdette Solum, Watertown, to the House of Representatives to serve the remainder of the term of District 5 Representative Don Brosz who was appointed to the State Senate.

Donald Moeller was back on death row after a retrial in the 1990 rape and murder of a Sioux Falls girl. Moeller's first conviction was overturned by the state Supreme Court. The jurors in his retrial in Rapid City came to the same conclusion as those in his first trial: Moeller is guilty and must die for the crime.

The 1997 legislature approved open enrollment which allows students to attend classes in the school districts of their choice without paying out-of-district tuition. Transfers are allowed both between school districts and within a district.

In October, a South Dakota rancher sold "Sue," the world's largest and most complete Tyrannosaurus Rex skeleton to the Field Museum of Natural History in Chicago for \$8.36 million. The 65-million-year-old fossil was discovered in 1990 on a ranch near Faith by a commercial fossil business in Hill City. The fossil was seized in 1992 by federal agents as part of an investigation into illegal

collecting. The fossil was returned to the ranch owner and sold to the Chicago museum in October 1997. It is being uncrated and will be on public display, cleaned up and reassembled in 2000.

The Philip High School Future Homemakers of America Chapter won the FHA's national Community Service Award for 1997 for their "Families First" project. The Philip FHA Chapter planned and implemented a week of special family activities to encourage families to spend more time together.

South Dakota supplied America's Holiday Tree, a 60-foot spruce from the Black Hills National Forest. The efforts to send a tree from South Dakota to Washington D.C. were launched in November 1996 at a ceremony on the Capitol steps in Pierre. A year later, the 60-foot spruce tree in the Black Hills National Forest was cut down, carefully bundled, placed on a Mack Truck and began its journey to the nation's capital. Fifteen communities in South Dakota held programs celebrating the tree's journey to Washington DC. The tree was South Dakota's gift to the nation and was displayed on the west lawn of the U.S. Capitol. Donations and the sale of sweatshirts and other mementos funded the project. The ornaments donated by South Dakota citizens and placed on America's Holiday Tree were placed in the National Archives. The Capitol City Children's Chorus from Pierre raised money and traveled to Washington D.C. to perform at the opening ceremony of the tree lighting.



*National Christmas Tree
Photo courtesy of Marty DeWitt.*

1998. A monstrous prairie tornado flattened the McCook County town of Spencer on May 30. The event brought national attention to the town and the outpouring of volunteers and aid. The tornado destroyed almost every building in Spencer, population 320. Six people died and 150 were injured. Gov. Bill Janklow set up a governor's temporary office at the site, and offered his help. When officials mounted a cleanup campaign and Gov. Janklow asked for 1,000 volunteers to help, some 8,000 people showed up that day. Fund raising for the victims brought in more than \$1 million. By the end of the year, some of Spencer's businesses were open and many new homes were being built or completed.

In September Gov. Bill Janklow ordered inspections of Canadian grain and live-stock shipments entering the state because the federal government would not enforce the rules of international trade. The blockade gained support from other governors. When trade talks were scheduled in October, Gov. Janklow lifted the blockade.

Flooding continued in 1998, and northeastern South Dakota suffered greatly. More roads and farmland were flooded and there seemed to be no end to the wa-

ter problems. The Federal Emergency Management Agency came to the state twice and set up field offices to assess the damages.

Farmers suffered with low crop and livestock prices. At the end of the year hogs were sold for 10 cents a pound, the lowest since the 1950s. The U.S. Congress passed a multi-billion dollar farm aid package.

The debate over corporate hog farms manifested itself in 1998 as constitutional Amendment E. The measure, approved by the state's voters in November, bans non-family-farm corporations from growing crops and owning or raising livestock. It also prevents those companies from having financial interests in agricultural contracts, farm land and operations.

Janklow became the first South Dakota governor to be elected to four four-year terms. He won in November with 64 percent of the vote. Other Constitutional officers elected were all incumbents: Republicans Lt. Gov. Carole Hillard, Secretary of State Joyce Hazeltine, Attorney General Mark Barnett, State Auditor Vern Larson and Democrats State Treasurer Richard Butler and Commissioner of School and Public Lands Curt Johnson. Jim Burg was re-elected to the Public Utilities Commission.

Gov. Janklow instituted a program to wire all K-12 schools for technology, including Internet access, using prison crews. He also negotiated for substantial rate reductions for schools for telecommunications connections and Internet access. The schools were wired at less expense than any other state in the nation. Janklow then announced he was going to do the same for the universities and tech schools, private schools and public libraries.

Gov. Janklow's program to have prison inmates build housing for the elderly in small towns received a national achievement award from The National Council of State Housing Agencies.

1999. Governor Janklow appointed a task force to make sure South Dakota will be prepared for problems caused by the "Year 2000" computer glitch. The task force gathered information on the Y2K compliance status and progress of systems such as utilities, communications, health care, nursing care, public works, law enforcement and emergency services.

The Value-Added Agriculture Subfund (VASF) was implemented in July 1999. The VASF provided financing for projects which produce, use, or process any form of agriculture commodity, product, or by-product in the state. Research and development projects and feasibility studies for value-added projects are included. Agriculture producers, producer groups or agri-businesses are eligible to apply for grants or loans from the VASF.

Inmate-built houses for senior citizens and persons with disabilities became available throughout South Dakota. The homes were originally available to applicants from communities of less than 5,000 population and rural areas.

Senate Bill 95, which requires meatpackers to report the prices they pay for live-stock went into effect July 1.

Complaints by the State Training School inmates of abuse and by former employees of lack of training dominated headlines in South Dakota for most of the year. Gina Score, a 14-year-old inmate at the State Training School, died after a mandatory run at the girls' boot camp program at Plankinton on July 21st.

On October 25th, a runaway Lear-jet from Florida veered off course and crashed in a pasture near Mina, South Dakota. Professional golfer Payne Stewart and five others died in the crash. Experts believe that the plane's cabin had lost pressure.

Robert Leroy Anderson of Sioux Falls was convicted of murder in the deaths of Piper Streyle of rural Canistota and Larisa Dumansky of Sioux Falls. Anderson was sentenced to die by lethal injection.

President Clinton declared Shannon County a federal disaster area. Several tornadoes and severe storms hit the reservation June 4-5. One man died and more than 40 people were injured. Approximately 160 homes were destroyed or badly damaged.

Mayo Clinic doctors removed Governor Janklow's spleen and an inflamed portion of his pancreas during exploratory surgery for pancreatic cancer. No cancer was found.

President Clinton toured the Pine Ridge Indian Reservation promising federal projects as part of an effort to combat poverty.

Unrest over the deaths of two American Indian men near Whiteclay, Nebraska, coupled with continuing complaints about alcohol sold to people from the nearby Pine Ridge Reservation, resulted in several marches on Whiteclay during the summer.

The state education department announced early in the year that South Dakota ninth-graders who took a standardized writing test scored far below the national average and fifth grade students weren't quite up to par. Teachers and administrators held meetings and conferences to find ways to improve writing. Test scores from a later test in October were up dramatically.

2000. Despite months of preparations for possible Y2K problems, New Year's Day turned out to be so routine that South Dakota's emergency operations center closed six hours early Saturday. The state Division of Emergency Management wound down its operations at noon CT, after receiving no reports of any Y2K-related interruptions in public services. The state Bureau of Information and Telecommunications found no significant problems in state government's massive computer and technology systems.

One of Governor Janklow's top priorities is to see that every baby born in South Dakota has the opportunity for a good start in life. His expectations for that good start include initiatives on infant brain development, comprehensive early childhood development that includes physical, intellectual, emotional and social development, parent training, and health care. Bright Start is the Governor's new comprehensive early childhood initiative and it is composed of the following

components: Home Visitation, Newborn Hearing Screenings, Early Intervention Screenings, Immunizations, Web Site, Parent/Infant Welcome Box, Responsive Parenting Seminars. A Welcome Box is sent to every newborn infant in South Dakota beginning in January 2000. The items in the box are intended to assist parents as they help their babies get a good, healthy start in life.

The South Dakota House of Representatives ended a two-day special session by agreeing to sell the state-owned cement plant and recommending a trust fund to protect most of the \$252.3 million that GCC of Chihuahua, Mexico, has offered to pay. The company, which incorporated in South Dakota as GCC Dacotah, Inc., has plants, concrete operations or distribution terminals in Texas, New Mexico, Mexico and Colorado. Homestake Mining Company announced the closing of its 124-year gold mine in Lead. Homestake Mine is the world's oldest continuously operated gold mine and the oldest registered corporation in South Dakota. Homestake Mine has been recommended as the site for a world-class underground scientific laboratory.

Voters decided to keep video lottery for the third time since its inception.

The Jasper Fire burned 83,500 acres of the Black Hills National Forest. A Wyoming woman was arrested on suspicion of setting the fire.

Congress approved the \$273 million Lewis & Clark water project which would pipe treated Missouri River water to homes and towns in southeast South Dakota, northwest Iowa and southwest Minnesota.

The South Dakota High School Activities Association agreed to switch the girls' volleyball and basketball seasons, effective in the fall of 2002.

Dakota Fast File, a new way to file UCC filings using the Internet, was implemented in July.

A compact has been signed between the Cheyenne River Sioux Tribe and the South Dakota Secretary of State. This compact allows the Cheyenne River Sioux Tribe to partner with and use the Secretary of State's uniform commercial code filing system. This will make the "first in the nation" agreement for filing UCC's between a state and a reservation! This provides the ability for tribal members to have their collateral perfected, making loans more available from lending institutions and ultimately helping create business and industrial development on the reservation.

2001. A letter containing anthrax was mailed to the office of Senator Tom Daschle. Fifty-five staff members in the office building, including Daschle and the staff in his Capitol office, were tested for anthrax. Twenty-three had been exposed to the anthrax, but none were infected. The anthrax threat didn't end with Senator Daschle's office however. All told, anthrax-tainted letters killed five people and forced evacuation of federal buildings in Washington DC.

Senator Tom Daschle became Senate Majority Leader after Senator Jim Jeffords of Vermont defected the GOP to join the Independents, thus tilting control of the Senate to the Democrats.

Security was heightened in South Dakota after the September 11 terrorist attacks in New York City and the Pentagon. More than 3,000 people were killed as hijackers flew two planes into the World Trade Center and a third into the Pentagon. A fourth plane crashed south of Pittsburgh after passengers successfully blocked terrorist motives aiming the aircraft for another nationally significant target. Following the attacks, President Bush declared war on international terrorism and those that assist them. Working with Afghan allies, U.S. military forces removed Afghanistan's Taliban regime.

In excess of 25,000 people gathered at the State Capitol in Pierre to celebrate the dedication of the World War II Memorial on September 15th in Pierre. The memorial, positioned adjacent to Capitol Lake, consists of six bronze figures representing the branches of service in which South Dakotans served during WWII.

A committee of U.S. physicists said the Homestake gold mine was the best site for a new national underground science laboratory. It was estimated that the physics lab could generate \$2 billion in economic activity during its first 20 years and provide hundred of jobs in the northern Black Hills. In October, President Bush signed a bill to provide \$10 million in start-up money for the conversion of the mine. On December 19 Congress attempted to relieve the business owners of Homestake from potential liability for environmental damage in the future. Even so, at year-end the National Science Foundation, which would operate the lab for the state, had yet to agree to direct and pay for the project.

Governor Bill Janklow decided to close the State Training School at Plankinton by the end of the year. Janklow based the decision on there being fewer young people sent to the Department of Corrections and the need to find budget efficiencies because of the economic downturn's effects on government revenue.

U.S. Representative John Thune decided to run for the U.S. Senate.

President Bush visited South Dakota to rally support for his tax cut plan.

South Dakota became the last state to allow cameras in court rooms.

2002. The Associated Press voted Tim Johnson's narrow victory over John Thune in the U.S. Senate race as South Dakota's top story of the year. Johnson's narrow win was marked by a "scant 524 of 337,508" total votes cast on the November 5th general election. During the campaign season, President Bush made an unprecedented number of trips to South Dakota in support of John Thune's candidacy.

Republican Mike Rounds defeated well-funded primary opponents Mark Barnett and Steve Kirby during the June primary. As the underdog third contender, former State Senator Mike Rounds of Pierre ran a low-budget campaign, stayed away from the highly competitive top two candidates and was rewarded by Republican voters with the party's nomination in June. Rounds moved on to vic-

tory in the gubernatorial race defeating Democrat opponent Jim Abbott by a 57 to 42 percent margin during the November general election.

Governor Bill Janklow moved on to South Dakota's lone U.S. House seat after winning a 53.5% margin against rival Democrat Stephanie Herseth during the November 2002 election. Herseth, a young South Dakota native with state political ties, executed a campaign that nearly defeated one of the state's long-time political icons.

In response to one of the most severe droughts in state history, the Bush administration provided \$752 million in aid for South Dakota livestock farmers and other drought stricken states. As the drought continued in 2002, the battle to provide much more aid became a major issue in the U.S. Senate race.

Summer 2002 brought devastating forest fires in the Black Hills with two fires charring more than 23,000 acres during the summer. The Battle Creek Fire burned more than 13,000 acres, and the Grizzly Gulch Fire forced the evacuation of both Deadwood and parts of Lead. Politically, the forest fires directed public attention to U.S. Forest Service and the agency's forestry management policies and practices.

Federal Judge Charles Kornmann of Aberdeen ruled South Dakota's anti-corporate farming law (Amendment E) unconstitutional. Amendment E passed in 1998 by an initiated measure and declared that in order for a family farm to be incorporated, at least one family member must do substantial routine labor on the farm. This was found unconstitutional because it is in violation of the Federal Americans with Disabilities Act. Three weeks after Kornmann's ruling, voters defeated the amendment's replacement during the June 2002 primary election.

Governor Bill Janklow testified before the U.S. Senate Committee on Health, Education, Labor and Pensions on May 8, 2002, regarding the Hatch-Waxman Act and prescription drug patents. Janklow spoke on behalf of himself and 10 other governors who are members of Business For Affordable Medicine (BAM), a coalition of companies, governors and labor leaders who seek ways to reduce prescription drug costs. Janklow addressed the ability of pharmaceutical manufacturers to delay competition from lower-cost generic alternatives as patents expire, and the impact to state Medicaid programs.

South Dakota received nearly \$18 million thanks to a 1998 settlement between 44 states and the tobacco industry. As determined by South Dakota law, the money from the settlement was placed in a constitutional trust fund for educational enhancement.

Facing increasing fiscal pressure, the 2002 Legislature tapped reserve funds to balance state spending.

2003. After months of diplomatic efforts and military buildup, on March 19 President Bush announced the start of the war against Saddam Hussein's Iraq regime with Operation Iraqi Freedom. United States and British forces quickly seized large amounts of territory and overtook much of Baghdad by April 7. Saddam Hussein was captured on December 13.

Space shuttle Columbia disintegrated over Texas 16 minutes short of touchdown on February 1. After an investigation the cause was found to be a chunk of foam insulation that broke off the fuel tank and pierced the left wing on launch day.

In May, Congress approved tax cuts promoted by President Bush total \$330 billion through 2013. The third largest tax cut in history.

June 24th became known as "Tornado Tuesday" after 67 twisters ripped through South Dakota setting a state record. One tornado touched down near Manchester almost wiping the town off the map.

Computer maker Gateway laid off more than 2500 workers in plants in Sioux Falls and North Sioux City. Additionally, in September financially troubled Northwestern Corporation filed for Chapter 11 Bankruptcy.

On August 16 U.S. Representative William Janklow collided with a Minnesota motorcycle rider, Randy Scott near Trent, South Dakota. Janklow was convicted of second-degree manslaughter in December.

Mosquitoes caused a stir as South Dakota was hit hard with West Nile Virus cases. On August 22nd, South Dakota had its first death from the Virus when 89 year old Virgil Christianson from Wakonda died in Yankton after a battle with the virus. Thirteen other South Dakotans also died in 2003 from West Nile Virus. There were a total of 1,039 human cases in the state.

2004. One person died, and 50 others contracted West Nile virus. Mosquito control efforts at the local level were credited with helping keep disease numbers down in 2004.

This year marked the fifth year of drought in South Dakota. For the first time since 1988, the governor activated the state Drought Task Force in South Dakota to coordinate state and federal efforts in preparation for severe drought.

Performers from across South Dakota took the stage to honor the state's veterans and their families at the Korean War Memorial Dedication Ceremony Saturday, Sept. 18, in Pierre. Tens of thousands of visitors gathered at the State's Capitol Complex for the dedication ceremony and celebratory events.

Legislation to ban abortions without exception fell one vote short of passing in the state Legislature. Supporters promoted the legislation as the ticket to a re-hearing of Roe V. Wade by the U.S. Supreme Court.

John Thune topped the national political charts with his defeat of Senate Minority Leader Tom Daschle on November 2. The victory marked the first time in 52 years where a Senate Leader was ousted from office. Seventy-nine percent of registered voters turned out for the general election. Thune gained support in traditional Democrat counties and increased his margins in many Republican counties.

Stephanie Herseth became the first woman to represent South Dakota in the U.S. House after narrowly defeating Republican Larry Diedrich in a special election on June 1. She filled the seat left vacant when William Janklow resigned. Herseth's support continued into the November 2 general election where she again defeated Diedrich in the race for a full two-year term.

arry Diedrich state's broad-based sales tax systeml the state inheritance tax.and marketed as a way to provide financial relie

Voters rejected the proposed repeal of the state's sales tax on food. Proposed and marketed by the Democrat Party as a way to provide financial relief for the poor, the measure revealed the people's support for the state's broad-based sales tax system.

The Organic Law

(Act of March 2, 1861, Ch. 86, 12 Statutes at Large 239.)

An act to provide a temporary government for the territory of Dakota, and to create the office of surveyor general therein.

Be it enacted by the senate and house of representatives of the United States of America in congress assembled, That all that part of the territory of the United States included within the following limits, namely: commencing at a point in the main channel of the Red river of the North, where the forty-ninth degree of north latitude crosses the same; thence up the main channel of the same, and along the boundary of the state of Minnesota, to Big Stone lake; thence along the boundary line of the said state of Minnesota to the Iowa line; thence along the boundary line of the state of Iowa to the point of intersection between the Big Sioux and Missouri rivers; thence up the Missouri river, and along the boundary line of the territory of Nebraska, to the mouth of the Niobrara or Running Water river; thence following up the same, in the middle of the main channel thereof, to the mouth of the Keha Paha or Turtle Hill river; thence up said river to the forty-third parallel of north latitude; thence due west to the present boundary of the territory of Washington; thence along the boundary line of Washington territory, to the forty-ninth degree of north latitude; thence east, along said forty-ninth degree of north latitude, to the place of beginning, be, and the same is hereby organized into a temporary government, by the name of the territory of Dakota: provided, that nothing in this act contained shall be construed to impair the rights of person or property now pertaining to the Indians in said territory, so long as such rights shall remain unextinguished by treaty between the United States and such Indians, or to include any territory which, by treaty with any Indian tribe, is not, without the consent of said tribe, to be included within the territorial limits or jurisdiction of any state or territory; but all such territory shall be excepted out of the boundaries and constitute no part of the territory of Dakota, until said tribe shall signify their assent to the president of the United States to be included within the said territory, or to affect the authority of the government of the United States to make any regulations respecting such Indians, their lands, property, or other rights, by treaty, law or otherwise, which it would have been competent for the government to make if this act had never passed: provided, further, that nothing in this act contained shall be construed to inhibit the government of the United States from dividing said territory into two or more territories, in such manner and at such times as Congress shall deem convenient and proper, or from attaching any portion thereof to any other territory or state.

§2. And be it further enacted, that the executive power and authority in and over said territory of Dakota, shall be vested in a Governor, who shall hold his office for four years, and until his successor shall be appointed and qualified, unless sooner removed by the president of the United States. The Governor shall reside within said territory, shall be commander-in-chief of the militia thereof, shall perform the duties and receive the emoluments of superintendent of Indian affairs, and shall approve all laws passed the legislative assembly before they shall take effect; he may grant pardons for offenses

against the laws of said territory, and reprieves for offenses against the laws of the United States until the decision of the president can be made known thereon; he shall commission all officers who shall be appointed to office under the laws of said territory, and shall take care that the laws be faithfully executed.

§3. And be it further enacted, that there shall be a secretary of said territory, who shall reside therein, and hold his office for four years, unless sooner removed by the president of the United States; he shall record and preserve all the laws and proceedings of the legislative assembly hereinafter constituted, and all the acts and proceedings of the Governor, in his executive department; he shall transmit one copy of the laws, and one copy of the executive proceedings, on or before the first day of December in each year, to the president of the United States, and, at the same time, two copies of the laws to the speaker of the house of representatives and the president of the senate, for the use of Congress; and in case of the death, removal, or resignation, or other necessary absence of the Governor from the territory, the secretary shall have, and he is hereby authorized and required, to execute and perform all the powers and duties of the Governor during such vacancy or necessary absence, or until another Governor shall be duly appointed to fill such vacancy.

[§4. And be it further enacted, that the legislative power and authority of said territory shall be vested in the Governor and a legislative assembly. The legislative assembly shall consist of a council and house of representatives. The council shall consist of nine members, which may be increased to thirteen, having the qualifications of voters as hereinafter prescribed, whose terms of service shall continue two years. The house of representatives shall consist of thirteen members, which may be increased to twenty-six, possessing the same qualifications as prescribed for members of the council, and whose term of service shall continue one year. An apportionment shall be made, as nearly equal as practicable, among the several counties or districts for the election of the council and house of representatives, giving to each section of the territory representation in the ratio of its population, (Indians excepted) as nearly as may be; and the members of the council and of the house of representatives shall reside in, and be inhabitants of, the district for which they may be elected, respectively. Previous to the first election, the Governor shall cause a census or enumeration of the inhabitants of the several counties and districts of the territory to be taken; and the first election shall be held at such time and places, and be conducted in such manner, as the Governor shall appoint and direct; and he shall, at the same time, declare the number of the members of the council and house of representatives to which each of the counties or districts shall be entitled under this act. The number of persons authorized to be elected, having the highest number of votes in each of said council districts, for members of the council, shall be declared by the Governor to be duly elected to the council; and the person or persons authorized to be elected having the greatest number of votes for the house of representatives, equal to the number to which each county or district shall be entitled, shall be declared by the Governor to be elected members of the house of representatives: provided, that in case of a tie between two or more persons voted for, the Governor shall order a new election, to supply the vacancy made by such tie. And the persons thus elected to the legislative assembly shall meet at such place and on such day as the Governor shall appoint; but thereafter, the time, place, and manner of holding and conducting all elections by the people, and the apportioning the

representation in the several counties or districts to the council and house of representatives, according to the population, shall be prescribed by law, as well as the day of the commencement of the regular sessions of the legislative assembly: provided, that no one session shall exceed the term of forty days, except the first, which may be extended to sixty days, but no longer.]

§5. And be it further enacted, that every free white male inhabitant of the United States above the age of twenty-one years, who shall have been a resident of said territory at the time of the passage of this act, shall be entitled to vote at the first election, and shall be eligible to any office within the said territory; but the qualifications of voters and of holding office at all subsequent elections shall be such as shall be prescribed by the legislative assembly: provided, that the right of suffrage and of holding office shall be exercised only by citizens of the United States and those who shall have declared on oath their intention to become such, and shall have taken an oath to support the Constitution of the United States.

[§6. And be it further enacted, that the legislative power of the territory shall extend to all rightful subjects of legislation consistent with the constitution of the United States and the provisions of this act; but no law shall be passed interfering with the primary disposal of the soil; no tax shall be imposed upon the property of the United States; nor shall the lands or other property of nonresidents be taxed higher than the lands or other property of residents; nor shall any law be passed impairing the rights of private property; nor shall any discrimination be made in taxing different kinds of property; but all property subject to taxation shall be in proportion to the value of the property taxed.]

§7. And be it further enacted, that all township, district, and county officers, not herein otherwise provided for, shall be appointed or elected, as the case may be, in such manner as shall be provided by the Governor and legislative assembly of the territory. The Governor shall nominate and, by and with the advice and consent of the legislative council, appoint all officers not herein otherwise provided for; and, in the first instance the Governor alone may appoint all said officers, who shall hold their offices until the end of the first session of the legislative assembly, and shall lay off the necessary districts for members of the council and house of representatives, and all other officers.

§8. And be it further enacted, that no member of the legislative assembly shall hold or be appointed to any office which shall have been created, or the salary or emoluments of which shall have been increased while he was a member, during the term for which he was elected, and for one year after the expiration of such term; and no person holding a commission or appointment under the United States, except postmasters, shall be a member of the legislative assembly, or shall hold any office under the government of said territory.

§9. And be it further enacted, that the judicial power of said territory shall be vested in a Supreme Court, district courts, probate courts, and in justices of the peace. The Supreme Court shall consist of a chief justice and two associate justices, any two of whom shall constitute a quorum, and who shall hold a term at the seat of government of said territory annually, and they shall hold their offices during the period of four years. The said terri-

tory shall be divided into three judicial districts, and a district court shall be held in each of said districts by one of the justices of the Supreme Court, at such time and place as may be prescribed by law; and the said judges shall, after their appointments, respectively, reside in the districts which shall be assigned them. The jurisdiction of the several courts herein provided for, both appellate and original, and that of the probate courts and of the justices of the peace, shall be as limited by law: provided, that justices of the peace shall not have jurisdiction of any matter in controversy when the title or boundaries of land may be in dispute, or where the debt or sum claimed shall exceed one hundred dollars; and the said Supreme and district Courts, respectively, shall possess chancery as well as common-law jurisdiction, and authority for redress of all wrongs committed against the Constitution or laws of the United States, or of the territory, affecting persons or property. Each district court, or the judge thereof, shall appoint its clerk, who shall also be the register in chancery, and shall keep his office at the place where the court may be held. Writs of error, bills of exception, and appeals, shall be allowed in all cases from the final decisions of said district courts to the supreme court, under such regulations as may be prescribed by law; but in no case removed to the Supreme Court shall trial by jury be allowed in said court. The Supreme Court, or the justices thereof, shall appoint its own clerk, and every clerk shall hold his office at the pleasure of the court for which he shall have been appointed. Writs of error and appeals from the final decisions of said Supreme Court shall be allowed, and may be taken to the Supreme Court of the United States, in the same manner, and under the same regulations as the circuit courts of the United States, where the value of the property, or the amount in controversy, to be ascertained by the oath or affirmation of either party, or other competent witness, shall exceed one thousand dollars; and each of the said district courts shall have and exercise the same jurisdiction, in all cases arising under the Constitution and laws of the United States as is vested in the circuit and district courts of the United States; and the said Supreme and district Courts of the said territory, and the respective judges thereof, shall and may grant writs of habeas corpus in all cases in which the same are grantable by the judges of the United States in the District of Columbia; and the first six days of every term of said courts, or so much thereof as shall be necessary, shall be appropriated to the trial of causes arising under the said Constitution and laws; and writs of error and appeals in all such cases shall be made to the Supreme Court of said territory the same as in other cases. The said clerk shall receive, in all such cases, the same fees which the clerks of the district courts of Nebraska territory now receive for similar services.

[§10. And be it further enacted, that there shall be appointed an attorney for said territory, who shall continue in office for four years, unless sooner removed by the president and who shall receive the same fees and the salary as the attorney of the United States for the present territory of Nebraska. There shall also be a marshal for the territory appointed, who shall hold his office for four years, unless sooner removed by the president, and who shall execute all processes issuing from the said courts when exercising their jurisdiction as circuit and district courts of the United States; he shall perform the duties, be subject to the same regulations and penalties, and be entitled to the same fees as the marshal of the district court of the United States for the present territory of Nebraska, and shall, in addition, be paid two hundred dollars annually as a compensation for extra services.]

§11. And be it further enacted, that the Governor, secretary, chief justice and associate justices, attorney, and marshal, shall be nominated and, by and with the advice and consent of the senate, appointed by the president of the United States. The Governor and secretary to be appointed as aforesaid shall, before they act as such, respectively take an oath or affirmation before the district judge, or some justice of the peace in the limits of said territory duly authorized to administer oaths and affirmations by the laws now in force therein, or before the chief justice or some associate justice of the Supreme Court of the United States, to support the Constitution of the United States and faithfully to discharge the duties of their respective offices; which said oaths, when so taken, shall be certified by the person by whom the same shall have been taken; and such certificates shall be received and recorded by the secretary among the executive proceedings; and the chief justice and associate justices, and all other civil officers in said territory, before they act as such, shall take a like oath or affirmation before the said Governor or secretary, or some judge or justice of the peace of the territory who may be duly commissioned and qualified, which said oath or affirmation shall be certified and transmitted by the person taking the same to the secretary, to be by him recorded as aforesaid; and afterwards the like oath or affirmation shall be taken, certified, and recorded in such manner and form as may be prescribed by law. The Governor shall receive an annual salary of fifteen hundred dollars as Governor, and one thousand dollars as superintendent of Indian affairs; the chief justice and associate justices shall each receive an annual salary of eighteen hundred dollars; the secretary shall receive an annual salary of eighteen hundred dollars. The said salaries shall be paid quarter-yearly at the treasury of the United States. The members of the legislative assembly shall be entitled to receive three dollars each per day during their attendance at the session thereof, and three dollars for every twenty miles travel in going to and returning from the said sessions, estimated according to the nearest usually traveled route. There shall be appropriated annually the sum of one thousand dollars, to be expended by the Governor, to defray the contingent expenses of the territory. There shall also be appropriated annually a sufficient sum, to be expended by the secretary of the territory, and upon an estimate to be made by the secretary of the treasury of the United States, to defray the expenses of the legislative assembly, the printing of the laws, and other incidental expenses; and the secretary of the territory shall annually account to the secretary of the treasury of the United States for the manner in which the aforesaid sum shall have been expended.

§12. And be it further enacted, that the legislative assembly of the territory of Dakota shall hold its first session at such time and place in said territory as the Governor thereof shall appoint and direct; and at said first session, or as soon thereafter as they shall deem expedient, the Governor and legislative assembly shall proceed to locate and establish the seat of government for said territory at such place as they may deem eligible; which place, however, shall thereafter be subject to be changed by the said Governor and legislative assembly.

[§13. And be it further enacted, that a delegate to the house of representatives of the United States, to serve during each Congress of the United States, may be elected by the voters qualified to elect members of the legislative assembly, who shall be entitled to the same rights and privileges as are exercised and enjoyed by the delegates from the several

other territories of the United States to the said house of representatives. The first election shall be held at such time and places, and be conducted in such manner, as the Governor shall appoint and direct; and at all subsequent elections, the times, places, and manner of holding elections shall be prescribed by law. The person having the greatest number of votes shall be declared by the Governor to be duly elected, and a certificate thereof shall be given accordingly.]

[§14. And be it further enacted, that when the land in said territory shall be surveyed, under the direction of the government of the United States, preparatory to bringing the same into market, sections numbered sixteen and thirty-six in each township in said territory shall be, and the same are hereby, reserved for the purpose of being applied to schools in the states hereafter to be erected out of the same.]

§15. And be it further enacted, that temporarily, and until otherwise proved by law, the Governor of said territory may define the judicial districts of said territory and assign the judges who may be appointed for said territory to the several districts, and also appoint the times and places for holding court in the several counties or subdivisions in each of said judicial districts by proclamation to be issued by him; but the legislative assembly, at their first or any subsequent session, may organize, alter, or modify such judicial districts, and assign the judges, and alter the times and places of holding the courts, as to them shall seem proper and convenient.

[§16. And be it further enacted, that the Constitution and all laws of the United States which are not locally inapplicable shall have the same force and effect within the said territory of Dakota as elsewhere within the United States.]

[§17. And be it further enacted, that the president of the United States, by and with the advice and consent of the senate, shall be, and he is hereby, authorized to appoint a surveyor-general for Dakota, who shall locate his office as such place as the secretary of the interior shall from time to time direct, and whose duties, powers, obligations, responsibilities, compensation, and allowances for clerk hire, office rent, fuel, and incidental expenses, shall be the same as those of the surveyor-general of Nebraska and Kansas, under the direction of the secretary of the interior, and such instructions as he may from time to time deem it advisable to give him.]

§18. And be it further enacted, that so much of the public lands of the United States in the territory of Dakota, west of its eastern boundary, and east and north of the Niobrara, or Running Water river, be formed into a land district, to be called the Yancton district, at such time as the president may direct, the land office for which shall be located at such point as the president may direct, and shall be removed from time to time to other points within said district whenever, in his opinion, it may be expedient.

§19. And be it further enacted, that the president be, and he is hereby, authorized to appoint, by and with the advice and consent of the senate, a register and receiver for said district who shall respectively be required to reside at the site of said office, and who shall have the same powers, perform the same duties, and be entitled to the same com-

pensation, as are or may be prescribed by law in relation to other land offices of the United States.

§20. And be it further enacted, that the river in said territory heretofore known as the "River aux Jacques," or "James river," shall hereafter be called the Dakota river.

§21. And be it further enacted, that until Congress shall otherwise direct, that portion of the territories of Utah and Washington between the forty-first and forty-third degrees of north latitude, and east of the thirty-third meridian of longitude west from Washington, shall be, and is hereby, incorporated into and made a part of the territory of Nebraska.

Approved March 2, 1861.

[Historical Note: Sections 4,6,10,12,13,14,16 and 17 were repealed in 1933 as obsolete.]

The Enabling Act

(Act of February 22, 1889, Ch. 180, 25 Statutes at Large 676.)

An act to provide for the division of Dakota into two states, and to enable the people of North Dakota, South Dakota, Montana, and Washington to form constitutions and state governments, and to be admitted into the union on an equal footing with the original states, and to make donations of public lands to such states.

Be it enacted by the senate and house of representatives of the United States of America in Congress assembled, that the inhabitants of all that part of the area of the United States now constituting the territories of Dakota, Montana, and Washington, as at present described, may become the states of North Dakota, South Dakota, Montana, and Washington respectively, as hereinafter provided.

§2. The area comprising the territory of Dakota shall, for the purposes of this act, be divided on the line of the seventh standard parallel produced due west to the western boundary of said territory; and the delegates elected as hereinafter provided to the constitutional convention in districts north of said parallel shall assemble in convention, at the time prescribed in this act, at the city of Bismarck; and the delegates elected in districts south of said parallel shall, at the same time, assemble in convention at the city of Sioux Falls.

§3. That all persons who are qualified by the laws of said territories to vote for representatives to the legislative assemblies thereof, are hereby authorized to vote for and choose delegates to form conventions in said proposed states; and the qualifications for delegates to such conventions shall be such as by the laws of said territories, respectively, persons are required to possess to be eligible to the legislative assemblies thereof, and the aforesaid delegates to form said conventions shall be apportioned within the limits of the proposed states, in such districts as may be established as herein provided, in proportion to the population in each of said counties and districts, as near as may be, to be ascertained at the time of making said apportionments by the persons hereinafter authorized to make the same, from the best information obtainable, in each of which districts three delegates shall be elected, but no elector shall vote for more than two persons for delegates to such conventions; that said apportionments shall be made by the Governor, the chief justice and the secretary of said territories; and the governors of said territories shall, by proclamation, order an election of the delegates aforesaid in each of said proposed states, to be held on the Tuesday after the second Monday in May, 1889, which proclamation shall be issued on the fifteenth day of April, 1889; and such election shall be conducted, the returns made, the result ascertained and the certificates to persons elected to such conventions issued in the same manner as is prescribed by the laws of the said territories regulating elections therein for delegates to Congress; and the number of votes cast for delegates in each precinct shall also be returned. The number of delegates to said conventions respectively, shall be seventy-five; and all persons resident in said proposed states, who are qualified voters of said territories as herein provided, shall be entitled to vote upon the

election of delegates, and under such rules and regulations as said conventions may prescribe, not in conflict with this act, upon the ratification or rejection of the constitutions.

§4. That the delegates to the conventions elected as provided for in this act shall meet at the seat of government of each of said territories, except the delegates elected in South Dakota, who shall meet at the city of Sioux Falls, on the fourth day of July, 1889, and, after organization, shall declare on behalf of the people of said proposed states, that they adopt the Constitution of the United States; whereupon the said conventions shall be, and are hereby authorized to form constitutions and state governments for said proposed states, respectively. The Constitution shall be republican in form, and make no distinction in civil or political rights on account of race or color, except as to Indians not taxed, and not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence. And said convention shall provide by ordinances irrevocable without the consent of the United States and the people of said states:

First. That perfect toleration of religious sentiment shall be secured, and that no inhabitant of said states shall ever be molested in person or property on account of his or her mode of religious worship.

Second. That the people inhabiting said proposed states do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within the boundaries thereof, and to all lands lying within said limits owned or held by any Indian or Indian tribes; and that until the title thereto shall have been extinguished by the United States, the same shall be and remain subject to the disposition of the United States, and said Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States; that the lands belonging to citizens of the United States residing without the said states shall never be taxed at a higher rate than the lands belonging to residents thereof; that no taxes shall be imposed by the states on lands or property therein belonging to or which may hereafter be purchased by the United States or reserved for its use. But nothing herein, or in the ordinances herein provided for, shall preclude the said states from taxing as other lands are taxed any lands owned or held by any Indian who has severed his tribal relations, and has obtained from the United States or from any person a title thereto by patent or other grant, save and except such lands as have been or may be granted to any Indian or Indians under any act of Congress containing a provision exempting the lands thus granted from taxation; but said ordinances shall provide that all such lands shall be exempt from taxation by said states so long and to such extent as such act of Congress may prescribe.

Third. That the debts and liabilities of said territories shall be assumed and paid by said states, respectively.

Fourth. That provision shall be made for the establishment and maintenance of systems of public schools, which shall be open to all the children of said states, and free from sectarian control.

§5. That the convention which shall assemble at Bismarck shall form a Constitution and state government for a state to be known as North Dakota, and the convention which shall

assemble at Sioux Falls shall form a Constitution and state government for a state to be known as South Dakota; provided, that at the election for delegates to the constitutional convention in South Dakota, as hereinbefore provided, each elector may have written or printed on his ballot, the words, "For the Sioux Falls Constitution," or the words, "Against the Sioux Falls Constitution," and the votes on this question shall be returned and canvassed in the same manner as for the election provided for in section 3 of this act; and if a majority of all votes cast on this question shall be "For the Sioux Falls Constitution" it shall be the duty of the convention which may assemble at Sioux Falls, as herein provided, to resubmit to the people of South Dakota, for ratification or rejection, at the election hereinafter provided for in this act, the Constitution framed at Sioux Falls, and adopted November 3, 1885, and also the articles and propositions separately submitted at that election, including the question of locating the temporary seat of government, with such changes only as relate to the name and boundary of the proposed state, to the reapportionment of the judicial and legislative districts, and such amendments as may be necessary in order to comply with the provisions of this act; and if a majority of the votes cast on the ratification or rejection of the Constitution shall be for the Constitution irrespective of the articles separately submitted, the state of South Dakota shall be admitted as a state in the union under said Constitution as hereinafter provided; but the archives, records and books of the territory of Dakota shall remain at Bismarck, the capital of North Dakota, until an agreement in reference thereto is reached by said states. But if at the election for delegates to the constitutional convention in South Dakota a majority of all that votes cast at that election shall be "Against the Sioux Falls Constitution," then, and in that event, it shall be the duty of the convention which will assemble at the city of Sioux Falls on the fourth day of July, 1889, to proceed to form a Constitution and state government as provided in this act the same as if that question had not been submitted to a vote of the people of South Dakota.

§6. It shall be the duty of the constitutional conventions of North Dakota and South Dakota to appoint a joint commission, to be composed of not less than three members of each convention, whose duty it shall be to assemble at Bismarck, the present seat of government of said territory, and agree upon an equitable division of all property belonging to the territory of Dakota, the disposition of all public records, and also adjust and agree upon the amount of the debts and liabilities of the territory, which shall be assumed and paid by each of the proposed states of North Dakota and South Dakota; and the agreement reached respecting the territorial debts and liabilities shall be incorporated in the respective Constitutions, and each of said states shall obligate itself to pay its proportion of such debts and liabilities the same as if they had been created by such states respectively.

§7. If the constitutions formed for both North Dakota and South Dakota shall be rejected by the people at the elections for the ratification or rejection of their respective constitutions as provided for in this act, the territorial government of Dakota shall continue in existence the same as if this act had not been passed. But if the Constitution formed for either North Dakota or South Dakota shall be rejected by the people, that part of the territory so rejecting its proposed Constitution shall continue under the territorial government of the present territory of Dakota, but shall, after the state adopting its constitution is admitted into the union, be called by the name of the territory of North Dakota or South

Dakota, as the case may be; provided, that if either of the proposed states provided for in this act shall reject the Constitution which may be submitted for ratification or rejection at the election provided therefore, the Governor of the territory in which such proposed Constitution was rejected shall issue his proclamation reconvening the delegates elected to the convention which formed such rejected Constitution, fixing the time and place at which said delegates shall assemble; and when so assembled they shall proceed to form another Constitution or to amend the rejected Constitution, and shall submit such new Constitution or amended Constitution to the people of the proposed state for ratification or rejection, at such time as said convention may determine; and all the provisions of this act, so far as applicable, shall apply to such convention so reassembled and to the Constitution which may be formed, its ratification or rejection, and to the admission of the proposed state.

§8. That the constitutional convention which may assemble in South Dakota shall provide by ordinance for resubmitting the Sioux Falls Constitution of 1885, after having amended the same as provided in section 5 of this act, to the people of South Dakota for ratification or rejection at an election to be held therein on the first Tuesday in October, 1889; but if said constitutional convention is authorized and required to form a new Constitution for South Dakota, it shall provide for submitting the same in like manner to the people of South Dakota for ratification or rejection, at an election to be held in said proposed state on the said first Tuesday in October. And the constitutional conventions which may assemble in North Dakota, Montana, and Washington, shall provide in like manner for submitting the Constitutions formed by them to the people of said proposed states respectively, for ratification or rejection, at elections to be held in said proposed states on the first Tuesday in October. At the elections provided for in this section the qualified voters of said proposed states shall vote directly for or against the proposed Constitutions, and for or against any articles or propositions separately submitted. The returns of said elections shall be made to the secretary of each of said territories, who, with the Governor and chief justice thereof, or any two of them, shall canvass the same; and if a majority of the legal votes cast shall be for the constitution, the Governor shall certify the result to the president of the United States, together with a statement of the votes cast thereon and upon separate articles or propositions, and a copy of the said Constitution, articles, propositions, and ordinances. And if the Constitutions and governments, of said proposed states are republican in form, and if all the provisions of this act have been complied with in the formation thereof, it shall be the duty of the president of the United States to issue his proclamation announcing the result of the election in each, and thereupon the proposed states which have adopted Constitutions and formed state governments, as herein provided, shall be deemed admitted by congress into the union, under and by virtue of this act, on an equal footing with the original states from and after the date of said proclamation.

§9. That until the next general census, or until otherwise provided by law, said states shall be entitled to one representative in the house of representatives of the United States, except South Dakota which shall be entitled to two; and the representatives to the fifty-first Congress, together with the Governors and other officers provided for in said Constitutions, may be elected on the same day of the election for the ratification or rejection of the Constitutions; and until said state officers are elected and qualified under the provi-

sions of each Constitution and the states, respectively, are admitted into the union, the territorial officers shall continue to discharge the duties of their respective offices in each of said territories.

§10. That upon the admission of each of said states into the union, sections numbered sixteen and thirty-six in every township of said proposed states, and where such sections, or any parts thereof, have been sold or otherwise disposed of by or under the authority of any act of Congress, other lands equivalent thereto, in legal subdivisions of not less than one-quarter section, and as contiguous as may be to the section in lieu of which the same is taken, are hereby granted to said states for the support of common schools, such indemnity lands to be selected within said states in such manner as the Legislature may provide, with the approval of the secretary of the interior; provided, that the sixteenth and thirty-sixth sections embraced in permanent reservations for national purposes shall not, at any time, be subject to the grant nor to the indemnity provisions of this act, nor shall any lands embraced in Indian, military or other reservations of any character, be subject to the grants or to the indemnity provisions of this act until the reservation shall have been extinguished and such lands be restored to, and become a part of, the public domain.

§11. That all lands granted by this act shall be disposed of only at public sale after advertising -- tillable lands capable of producing agricultural crops for not less than \$10 per acre and lands principally valuable for grazing purposes for not less than \$5 per acre. Any of the said lands may be exchanged for other lands, public or private of equal value and as near as may be of equal area, but if any of the said lands are exchanged with the United States such exchange shall be limited to surveyed, nonmineral, unreserved public lands of the United States within the state.

Except as otherwise provided herein, the said lands may be leased under such regulations as the Legislature may prescribe. Leases for the production of minerals, including leases for exploration for oil, gas, and other hydrocarbons and the extraction thereof, shall be for such term of years and on such conditions as may be from time to time provided by the legislatures of the respective states; leases for grazing and agricultural purposes shall be for a term not longer than ten years; and leases for development of hydroelectric power shall be for a term not longer than fifty years.

The state may also, upon such terms as it may prescribe, grant such easements or rights in any of the lands granted by this act, as may be acquired in privately owned lands through proceedings in eminent domain: provided, however, that none of such lands, nor any estate or interest therein, shall ever be disposed of except in pursuance of general laws providing for such disposition, nor unless the full market value of the estate or interest disposed of, to be ascertained in such manner as may be provided by law, has been paid or safely secured to the state.

With the exception of the lands granted for public buildings, the proceeds from the sale and other permanent disposition of any of the said lands and from every part thereof, shall constitute permanent funds for the support and maintenance of the public schools and the various state institutions for which the lands have been granted. Rentals on leased land, proceeds from the sale of timber and other crops, interest on deferred payments on

land sold, interest on funds arising from these lands, and all other actual income, shall be available for the acquisition and construction of facilities, including the retirement of bonds authorized by law for such purposes, and for the maintenance and support of such schools and institutions. Any state may, however, in its discretion, add a portion of the annual income to the permanent funds. Notwithstanding the foregoing provisions of this section, each of the states of North Dakota, South Dakota, and Washington may pool the moneys received by it from oil and gas and other mineral leasing of said lands. The moneys so pooled shall be apportioned among the public schools and the various state institutions in such manner that the public schools and each of such institutions shall receive an amount which bears the same ratio to the total amount apportioned as the number of acres (including any that may have been disposed of) granted for such public schools or for such institutions bears to the total number of acres (including any that may have been disposed of) granted by this act. Not less than fifty per centum of each such amount shall be covered into the appropriate permanent fund.

The lands hereby granted shall not be subject to pre-emption, homestead entry, or any other entry under the land laws of the United States whether surveyed or unsurveyed, but shall be reserved for the purposes for which they have been granted.

§12. That upon the admission of each of said states into the union, in accordance with the provisions of this act, fifty sections of the unappropriated public lands within said states, to be selected and located in legal subdivisions as provided in section 10 of this act, shall be, and are hereby granted to said states for public buildings at the capital of said states for legislative, executive, and judicial purposes, including construction, reconstruction, repair, renovation, furnishings, equipment, and any other permanent improvements of such buildings, and the acquisition of necessary land for such buildings, and the payment of principal and interest on bonds issued for any of the above purposes.

§13. That five per centum of the proceeds of the sales of public lands lying within said states which shall be sold by the United States subsequent to the admission of said states into the union, after deducting all the expenses incident to the same, shall be paid to the said states, to be used as a permanent fund, the interest of which only shall be expended for the support of the common schools within said states, respectively.

§14. That the lands granted to the territories of Dakota and Montana by the Act of February 18, 1881, entitled "An Act to grant lands to Dakota, Montana, Arizona, Idaho, and Wyoming for university purposes," are hereby vested in the states of South Dakota, North Dakota, and Montana respectively, if such states are admitted into the union as provided in this act, to the extent of the full quantity of seventy-two sections to each of said states, and any portion of said lands that may not have been selected by either of said territories of Dakota or Montana may be selected by the respective states aforesaid; but said Act of February 18, 1881, shall be so amended as to provide that none of said lands shall be sold for less than \$10 per acre, and the proceeds shall constitute a permanent fund to be safely invested and held by said states severally, and the income thereof be used exclusively for university purposes. And such quantity of the lands authorized by the fourth section of the Act of July 17, 1854, to be reserved for university purposes in the territory of Washington, as together with the lands confirmed to the vendees of the territory by the Act of

March 14, 1864, will make the full quantity of seventy-two entire sections, are hereby granted in like manner to the state of Washington for the purposes of a university in said state. None of the lands granted in this section shall be sold at less than \$10 per acre; but said lands may be leased in the same manner as provided in section 11 of this act. The schools, colleges and universities provided for in this act shall forever remain under the exclusive control of the said states, respectively, and no part of the proceeds arising from the sale or disposal of any lands herein granted for educational purposes shall be used for the support of any sectarian or denominational school, college, or university. The section of land granted by the Act of June 16, 1880, to the territory of Dakota, for an asylum for the insane shall, upon the admission of said state of South Dakota into the union, become the property of said state.

§15. That so much of the land belonging to the United States as have been acquired and set apart for the purpose mentioned in "An act appropriating money for the erection of a penitentiary in the territory of Dakota," approved March 2, 1881, together with the buildings thereon, be, and the same is hereby granted, together with any unexpended balances of the money appropriated therefore by said act, to said state of South Dakota, for the purposes therein designated; and the states of North Dakota and Washington shall, respectively, have like grants for the same purpose, and subject to like terms and conditions as provided in said Act of March 2, 1881, for the territory of Dakota. The penitentiary at Deer Lodge City, Montana, and all lands connected therewith and set apart and reserved therefore, are hereby granted to the state of Montana.

§16. That ninety thousand acres of land, to be selected and located as provided in section 10 of this act, are hereby granted to each of said states except to the state of South Dakota, to which one hundred twenty thousand acres are granted for the use and support of agricultural colleges in said states, as provided in the acts of Congress making donations of lands for such purposes.

§17. That in lieu of the grant of land for purposes of internal improvement made to new states by the eighth section of the Act of September 4, 1841, which act is hereby repealed as to the states provided for by this act, and in lieu of any claim or demand by the said states, or either of them, under the Act of September 28, 1850, and section 2479 of the Revised Statutes, making a grant of swamp and overflowed lands to certain states, which grant it is hereby declared is not extended to the states provided for in this act, and in lieu of any grant of saline lands to said states, the following grants of land are hereby made, to wit:

To the state of South Dakota: For the school of mines, forty thousand acres; for the reform school, forty thousand acres; for the deaf and dumb asylum, forty thousand acres; for the agricultural college, forty thousand acres; for the university, forty thousand acres; for state normal school, eighty thousand acres; for public buildings at the capital of said state, fifty thousand acres, and for such other educational and charitable purposes as the Legislature of said state may determine, one hundred seventy thousand acres; in all, five hundred thousand acres. To the state of North Dakota a like quantity of land as is in this section granted to the state of South Dakota, and to be for like purposes, and in like proportion as far as practicable.

To the state of Montana: For the establishment and maintenance of a school of mines, one hundred thousand acres; for state normal schools, one hundred thousand acres; for agricultural colleges, in addition to the grant hereinbefore made for that purpose, fifty thousand acres; for the establishment of a state reform school, fifty thousand acres; for the establishment of a deaf and dumb asylum, fifty thousand acres; for public buildings at the capital of the state, in addition to the grant hereinbefore made for that purpose, one hundred fifty thousand acres.

To the state of Washington: For the establishment and maintenance of a scientific school, one hundred thousand acres; for state normal schools, one hundred thousand acres; for public buildings at the state capital in addition to the grant hereinbefore made for that purpose, one hundred thousand acres; for state, charitable, educational, penal, and reformatory institutions, two hundred thousand acres.

That the states provided for in this act shall not be entitled to any further or other grants of land for any purpose than as expressly provided in this act. And the lands granted by this section shall be held, appropriated, and disposed of exclusively for the purposes herein mentioned, in such manner as the legislatures of the respective states may severally provide.

§18. That all mineral lands shall be exempted from the grants made by this act. But if sections sixteen and thirty-six, or any subdivision or portion of any smallest subdivision thereof in any township shall be found by the department of the interior to be mineral lands, said states are hereby authorized and empowered to select, in legal subdivisions, an equal quantity of other unappropriated lands in said states, in lieu thereof, for the use and benefit of the common schools of said states.

§19. That all lands granted in quantity or as indemnity by this act shall be selected, under the direction of the secretary of the interior, from the surveyed, unreserved, and unappropriated public lands of the United States within the limits of the respective states entitled thereto. And there shall be deducted from the number of acres of land donated by this act for specific objects to said states the number of acres in each heretofore donated by Congress to said territories for similar objects.

§20. That the sum of twenty thousand dollars or so much thereof as may be necessary, is hereby appropriated, out of any money in the treasury not otherwise appropriated, to each of said territories for defraying the expenses of the said conventions, except to Dakota for which the sum of forty thousand dollars is so appropriated, twenty thousand dollars each for South Dakota and North Dakota, and for the payment of the members thereof, under the same rules and regulations and at the same rates as are now provided by law for the payment of the territorial legislatures. Any money hereby appropriated not necessary for such purpose shall be covered into the treasury of the United States.

§21. That each of said states, when admitted as aforesaid, shall constitute one judicial district, the names thereof to be the same as the names of the states, respectively; and the circuit and district courts thereof shall be held at the capital of such state for the time being, and each of said districts shall for judicial purposes, until otherwise provided, be

attached to the eighth judicial circuit, except Washington and Montana, which shall be attached to the ninth judicial circuit. There shall be appointed for each of said districts one district judge, one United States attorney and one United States marshal. The judge of each of said districts shall receive a yearly salary of three thousand five hundred dollars payable in four equal installments, on the first days of January, April, July, and October of each year, and shall reside in the district. There shall be appointed clerks of said courts in each district, who shall keep their offices at the capital of said state. The regular terms of said courts shall be held in each district, at the place aforesaid on the first Monday in April and the first Monday in November of each year, and only one grand jury and one petit jury shall be summoned in both said circuit and district courts. The circuit and district courts for each of said districts and the judges thereof, respectively, shall possess the same powers and jurisdiction, and perform the same duties required to be performed by the other circuit and district courts and judges of the United States, and shall be governed by the same laws and regulations. The marshal, district attorney, and clerks of the circuit and district courts of each of said districts, and all other officers and person performing duties in the administration of justice therein, shall severally possess the powers and perform the duties lawfully possessed and required to be performed by similar officers in other districts of the United States; and shall, for the services they may perform, receive the fees and compensation allowed by law to other similar officers and persons performing similar duties in the state of Nebraska.]

§22. That all cases of appeal or writ of error heretofore prosecuted and now pending in the Supreme Court of the United States upon any record from the Supreme Court of either of the territories mentioned in this act, or that may hereafter lawfully be prosecuted upon any record from either of said courts, may be heard and determined by said Supreme Court of the United States. And the mandate of execution or of further proceedings shall be directed by the Supreme Court of the United States to the circuit or district court hereby established within the state succeeding the territory from which such record is or may be pending, or to the Supreme Court of such state, as the nature of the case may require; provided, that the mandate of execution or of further proceedings shall, in cases arising in the territory of Dakota, be directed by the Supreme Court of the United States to the circuit or district court of the district of South Dakota, or to the Supreme Court of the state of South Dakota, or to the circuit or district court of the district of North Dakota, or to the Supreme Court of the State of North Dakota, or to the Supreme Court of the territory of North Dakota, as the nature of the case may require. And each of the circuit, district, and state courts, herein named, shall, respectively, be the successor of the Supreme Court of the territory, as to all such cases arising within the limits embraced within the jurisdiction of such courts respectively, with full power to proceed with the same, and award mesne or final process therein; and that from all judgments and decrees of the Supreme Court of either of the territories mentioned in this act, in any case arising within the limits of any of the proposed states prior to admission, the parties to such judgment shall have the same right to prosecute appeals and writs of error to the Supreme Court of the United States as they shall have had by law prior to the admission of said state into the union.

§23. That in respect to all cases, proceedings, and matters now pending in the Supreme or district Courts of either of the territories mentioned in this act at the time of the admission

into the union of either of the states mentioned in this act, and arising within the limits of any such state, whereof the circuit or district courts by this act established might have had jurisdiction under the laws of the United States had such courts existed at the time of the commencement of such cases, the said circuit and district courts, respectively, shall be the successors of said Supreme and district Courts of said territory; and in respect to all other cases, proceedings and matters pending in the Supreme or district Courts of any of the territories mentioned in this act at the time of the admission of such territory into the union, arising within the limits of said proposed state, the courts established by such state shall, respectively, be the successors of said Supreme and district territorial Courts; and all the files, records, indictments, and proceedings relating to any such cases, shall be transferred to such circuit, district, and state courts, respectively, and the same shall be proceeded with therein in due course of law; but no writ, action, indictment, cause, or proceeding now pending, or that prior to the admission of any of the states mentioned in this act, shall be pending in any territorial court in any of the territories mentioned in this act, shall abate by the admission of any such state into the union, but the same shall be transferred and proceeded with, in the proper United States circuit, district, or state court, as the case may be; provided, however, that in all civil actions, causes, and proceedings, in which the United States is not a party, transfers shall not be made to the circuit and district courts of the United States except upon written request of one of the parties to such action or proceeding filed in the proper court; and in the absence of such request, such cases shall be proceeded with in the proper state courts.

§24. That the constitutional conventions may, by ordinance, provide for the election of officers for full state governments, including members of the Legislatures and representatives in the fifty-first congress; and said state governments shall remain in abeyance until the state shall be admitted into the union, respectively, as provided in this act. In case the constitution, of any of said proposed states shall be ratified by the people, but not otherwise, the Legislature thereof may assemble, organize, and elect two senators of the United States, and the Governor and secretary of state of such proposed state shall certify the election of the Senators and representatives in the manner required by law; and when such state is admitted into the union, the senators and representatives shall be entitled to be admitted to seats in Congress, and to all the rights and privileges of senators and representatives of other states in the Congress of the United States; and the officers of the state governments formed in pursuance of said Constitutions, as provided by the constitutional conventions, shall proceed to exercise all the functions of such state officers; and all laws in force made by said territories, at the time of their admission into the union, shall be in force in said states, except as modified or changed by this act, or by the Constitutions of the states, respectively.

§25. That all acts or parts of acts in conflict with the provisions of this act, repealed.

[Historical Note: Section 11 was amended in 1921, 1932, 1938, 1948, 1952 and 1967. Section 12 was amended in 1957. Sections 11 and 12 are reproduced as last amended. Section 21 was repealed in 1948.]

*The
Constitution
of South Dakota*

Preamble

We, the people of South Dakota,

grateful to Almighty God for our civil and religious liberties, in order to form a more perfect and independent government, establish justice, insure tranquillity, provide for the common defense, promote the general welfare and preserve to ourselves and to our posterity the blessings of liberty, do ordain and establish this Constitution for the state of South Dakota.

Article I
Name and Boundary

§1. Name of state.

The name of the state shall be South Dakota.

§2. Boundaries of state.

The boundaries of the state of South Dakota shall be as follows: Beginning at the point of intersection of the western boundary line of the state of Minnesota, with the northern boundary line of the state of Iowa and running thence northerly along the western boundary line of the state of Minnesota, to its intersection with the seventh standard parallel; thence west on the line of the seventh standard parallel produced due west to its intersection with the twenty-seventh meridian of longitude west from Washington; thence south on the twenty-seventh meridian of longitude west from Washington to its intersection with the northern boundary line of the state of Nebraska; thence easterly along the northern boundary line of the state of Nebraska to its intersection with the western boundary line of the state of Iowa; thence northerly along the western boundary line of the state of Iowa to its intersection with the northern boundary line of the state of Iowa; thence east along the northern boundary line of the state of Iowa to the place of beginning.

Article II

Division of the Powers of Government

The powers of the government of the state are divided into three distinct departments, the legislative, executive and judicial; and the powers and duties of each are prescribed by this Constitution.

Article III

Legislative Department

§1. Legislative power -- Initiative and referendum.

The legislative power of the state shall be vested in a Legislature which shall consist of a senate and house of representatives. However, the people expressly reserve to themselves the right to propose measures, which shall be submitted to a vote of the electors of the state, and also the right to require that any laws which the Legislature may have enacted shall be submitted to a vote of the electors of the state before going into effect, except such laws as may be necessary for the immediate preservation of the public peace, health or safety, support of the state government and its existing public institutions. Not more than five per cent of the qualified electors of the state shall be required to invoke either the initiative or the referendum.

This section shall not be construed so as to deprive the Legislature or any member thereof of the right to propose any measure. The veto power of the Executive shall not be exercised as to measures referred to a vote of the people. This section shall apply to municipalities. The enacting clause of all laws approved by vote of the electors of the state shall be: "Be it enacted by the people of South Dakota." The Legislature shall make suitable provisions for carrying into effect the provisions of this section.

§2. Number of legislators -- Regular sessions.

After the Legislature elected for the years 1937 and 1938 the number of members of the house of representatives shall not be less than fifty nor more than seventy-five and the number of members of the senate shall not be less than twenty-five nor more than thirty-five.

The sessions of the Legislature shall be biennial except as otherwise provided in this Constitution.

§3. Qualifications for legislative office -- Officers ineligible.

No person is eligible for the office of senator who is not a qualified elector in the district from which such person is chosen, a citizen of the United States, and who has not attained the age of twenty-one years, and who has not been a resident of the state for two years next preceding election.

No person is eligible for the office of representative who is not a qualified elector in the district from which such person is chosen, and a citizen of the United States, and who has

not been a resident of the state for two years next preceding election, and who has not attained the age of twenty-one years.

No judge or clerk of any court, secretary of state, attorney general, state's attorney, recorder, sheriff or collector of public moneys, member of either house of Congress, or person holding any lucrative office under the United States, or this state, or any foreign government, shall be a member of the Legislature: provided, that appointments in the militia, the offices of notary public and justice of the peace shall not be considered lucrative; nor shall any person holding any office of honor or profit under any foreign government or under the government of the United States, except postmasters whose annual compensation does not exceed the sum of three hundred dollars, hold any office in either branch of the Legislature or become a member thereof.

§4. Disqualification for conviction of crime -- Defaults on public money.

No person who has been, or hereafter shall be, convicted of bribery, perjury, or other infamous crime, nor any person who has been, or may be collector or holder of public moneys, who shall not have accounted for and paid over, according to law, all such moneys due from him, shall be eligible to the Legislature or to any office in either branch thereof.

§5. Legislative reapportionment.

The Legislature shall apportion its membership by dividing the state into as many single-member, legislative districts as there are state senators. House districts shall be established wholly within senatorial districts and shall be either single-member or dual-member districts as the Legislature shall determine. Legislative districts shall consist of compact, contiguous territory and shall have population as nearly equal as is practicable, based on the last preceding federal census. An apportionment shall be made by the Legislature in 1983 and in 1991, and every ten years after 1991. Such apportionment shall be accomplished by December first of the year in which the apportionment is required. If any Legislature whose duty it is to make an apportionment shall fail to make the same as herein provided, it shall be the duty of the Supreme Court within ninety days to make such apportionment.

§6. Legislative terms of office -- Compensation -- Regular sessions.

The terms of office of the members of the Legislature shall be two years; they shall receive for their services the salary fixed by law under the provisions of § 2 of article XXI of this Constitution, and five cents for every mile of necessary travel in going to and returning from the place of meeting of the Legislature on the most usual route.

No person may serve more than four consecutive terms or a total of eight consecutive years in the senate and more than four consecutive terms or a total of eight consecutive years in the house of representatives. However, this restriction does not apply to partial terms to which a legislator may be appointed or to Legislative service before January 1, 1993.

A regular session of the Legislature shall be held in each odd-numbered year and shall not exceed forty legislative days, excluding Sundays, holidays and legislative recess, except in cases of impeachment, and members of the Legislature shall receive no other pay or perquisites except salary and mileage.

A regular session of the Legislature shall be held in each even-numbered year beginning with the year 1964 and shall not exceed thirty-five legislative days, excluding Sundays, holidays and legislative recess, except in cases of impeachment, and members of the Legislature shall receive no other pay or perquisites except salary and mileage.

§7. Convening of annual sessions.

The Legislature shall meet at the seat of government on the second Tuesday of January at 12 o'clock m. and at no other time except as provided by this Constitution.

§8. Oath required of legislators and officers -- Forfeiture of office for false swearing.

Members of the Legislature and officers thereof, before they enter upon their official duties, shall take and subscribe the following oath or affirmation: I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the state of South Dakota, and will faithfully discharge the duties of (senator, representative or officer) according to the best of my abilities, and that I have not knowingly or intentionally paid or contributed anything, or made any promise in the nature of a bribe, to directly or indirectly influence any vote at the election at which I was chosen to fill said office, and have not accepted, nor will I accept or receive directly or indirectly, any money, pass, or any other valuable thing, from any corporation, company or person, for any vote or influence I may give or withhold on any bill or resolution, or appropriation, or for any other official act.

This oath shall be administered by a judge of the Supreme or circuit Court, or the presiding officer of either house, in the hall of the house to which the member or officer is elected, and the secretary of state shall record and file the oath subscribed by each member and officer.

Any member or officer of the Legislature who shall refuse to take the oath herein prescribed shall forfeit his office.

Any member or officer of the Legislature who shall be convicted of having sworn falsely to, or violated his said oath, shall forfeit his office and be disqualified thereafter from holding the office of senator or member of the house of representatives or any office within the gift of the Legislature.

§9. Each house as judge of qualifications -- Quorum -- Rules of proceedings -- Officers and employees.

Each house shall be the judge of the election returns and qualifications of its own members.

A majority of the members of each house shall constitute a quorum, but a smaller number may adjourn from day-to-day, and may compel the attendance of absent members in such a manner and under such penalty as each house may provide.

Each house shall determine the rules of its proceedings, shall choose its own officers and employees and fix the pay thereof, except as otherwise provided in this Constitution.

§10. Filling legislative vacancies.

The Governor shall make appointments to fill such vacancies as may occur in either house of the Legislature.

§11. Legislators' privilege from arrest -- Freedom of debate.

Senators and representatives shall, in all cases except treason, felony or breach of the peace, be privileged from arrest during the session of the Legislature, and in going to and returning from the same; and for words used in any speech or debate in either house, they shall not be questioned in any other place.

§12. Legislators ineligible for other office -- Contracts with state or county.

No member of the Legislature shall, during the term for which he was elected, be appointed or elected to any civil office in the state which shall have been created, or the emoluments of which shall have been increased during the term for which he was elected, nor shall any member receive any civil appointment from the Governor, the Governor and senate, or from the Legislature during the term for which he shall have been elected, and all such appointments and all votes given for any such members for any such office or appointment shall be void; nor shall any member of the Legislature during the term for which he shall have been elected, or within one year thereafter, be interested, directly or indirectly, in any contract with the state or any county thereof, authorized by any law passed during the term for which he shall have been elected.

§13. Legislative journals -- Recording of yeas and nays.

Each house shall keep a journal of its proceedings and publish the same from time to time, except such parts as require secrecy, and the yeas and nays of members on any question shall be taken at the desire of one-sixth of those present and entered upon the journal.

§14. Elections viva voce.

In all elections to be made by the Legislature the members thereof shall vote viva voce and their votes shall be entered in the journal.

§15. Open legislative sessions -- Exception.

The sessions of each house and of the committee of the whole shall be open, unless when the business is such as ought to be kept secret.

§16. Adjournment of legislative houses.

Neither house shall without the consent of the other adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

§17. Reading of bills.

Every bill shall be read twice, by number and title once when introduced, and once upon final passage, but one reading at length may be demanded at any time before final passage.

§18. Enacting clause -- Assent by majority -- Recording of votes.

The enacting clause of a law shall be: "Be it enacted by the Legislature of the State of South Dakota" and no law shall be passed unless by assent of a majority of all the members elected to each house of the Legislature. And the question upon the final passage shall be taken upon its last reading, and the yeas and nays shall be entered upon the journal.

§19. Signing of bills and resolutions.

The presiding officer of each house shall, in the presence of the house over which he presides, sign all bills and joint resolutions passed by the Legislature, after their titles have been publicly read immediately before signing, and the fact of signing shall be entered upon the journal.

§20. Origin of bills -- Amendment in other house.

Any bill may originate in either house of the Legislature, and a bill passed by one house may be amended in the other.

§21. One subject expressed in title.

No law shall embrace more than one subject, which shall be expressed in its title.

§22. Effective date of acts -- Emergency clause.

No act shall take effect until ninety days after the adjournment of the session at which it passed, unless in case of emergency, (to be expressed in the preamble or body of the act) the Legislature shall by a vote of two-thirds of all the members elected of each house, otherwise direct.

§23. Private and special laws prohibited.

The Legislature is prohibited from enacting any private or special laws in the following cases:

1. Granting divorces.
2. Changing the names of persons or places, or constituting one person the heir at law of another.
3. Locating or changing county seats.
4. Regulating county and township affairs.
5. Incorporating cities, towns and villages or changing or amending the charter of any town, city or village, or laying out, opening, vacating or altering town plats, streets, wards, alleys and public ground.
6. Providing for sale or mortgage of real estate belonging to minors or others under disability.
7. Authorizing persons to keep ferries across streams wholly within the state.
8. Remitting fines, penalties or forfeitures.
9. Granting to an individual, association or corporation any special or exclusive privilege, immunity or franchise whatever.
10. Providing for the management of common schools.
11. Creating, increasing or decreasing fees, percentages or allowances of public officers during the term for which said officers are elected or appointed.

But the Legislature may repeal any existing special law relating to the foregoing subdivisions.

In all other cases where a general law can be applicable no special law shall be enacted.

§24. Release of debt to state or municipality.

The Legislature shall have no power to release or extinguish, in whole or in part, the indebtedness, liability or obligation of any corporation or individual to this state, or to any municipal corporation therein.

§25. Games of chance prohibited -- Exceptions.

The Legislature shall not authorize any game of chance, lottery, or gift enterprise, under any pretense, or for any purpose whatever provided, however, it shall be lawful for the Legislature to authorize by law, bona fide veterans, charitable, educational, religious or fraternal organizations, civic and service clubs, volunteer fire departments, or such other public spirited organizations as it may recognize, to conduct games of chance when the entire net proceeds of such games of chance are to be devoted to educational, charitable, patriotic, religious, or other public spirited uses. However, it shall be lawful for the Legislature to authorize by law a state lottery or video games of chance, or both, which are regulated by the state of South Dakota, either separately by the state or jointly with one or more states, and which are owned and operated by the state of South Dakota, either separately by the state or jointly with one or more states or persons, provided any such video games of chance shall not directly dispense coins or tokens. However, the Legislature shall not expand the statutory authority existing as of June 1, 1994, regarding any private ownership of state lottery games or video games of chance, or both. The Legislature shall establish the portion of proceeds due the state from such lottery or video games of chance, or both, and the purposes for which those proceeds are to be used. SDCL 42-7A, and its amendments, regulations, and related laws, and all acts and contracts relying for authority upon such laws and regulations, beginning July 1, 1987, to the effective date of this amendment, are ratified and approved. Further, it shall be lawful for the Legislature to authorize by law, limited card games and slot machines within the city limits of Deadwood, provided that 60% of the voters of the City of Deadwood approve legislatively authorized card games and slot machines at an election called for such purpose. The entire net Municipal proceeds of such card games and slot machines shall be devoted to the Historic Restoration and Preservation of Deadwood.

§26. Municipal powers denied to private organizations.

The Legislature shall not delegate to any special commission, private corporation or association, any power to make, supervise or interfere with any municipal improvement, money, property, effects, whether held in trust or otherwise, or levy taxes, or to select a capital site, or to perform any municipal functions whatever.

§27. Suits against the state.

The Legislature shall direct by law in what manner and in what courts suits may be brought against the state.

§28. Bribery and corrupt solicitation of officers -- Compelling testimony -- Immunity from prosecution.

Any person who shall give, demand, offer, directly or indirectly, any money, testimonial, privilege or personal advantage, thing of value to any executive or judicial officer or member of the Legislature, to influence him in the performance of any of his official or public duties, shall be guilty of bribery and shall be punished in such manner as shall be provided by law.

The offense of corrupt solicitation of members of the Legislature, or of public officers of the state, or any municipal division thereof, and any effort towards solicitation of said members of the Legislature, or officers to influence their official actions shall be defined by law, and shall be punishable by fine and imprisonment.

Any person may be compelled to testify in investigation or judicial proceedings against any person charged with having committed any offense of bribery or corrupt solicitation, and shall not be permitted to withhold his testimony upon the ground that it may criminate himself, but said testimony shall not afterwards be used against him in any judicial proceeding except for bribery in giving such testimony, and any person convicted of either of the offenses aforesaid shall be disqualified from holding any office or position or office of trust or profit in this state.

§29. Legislative powers in emergency from enemy attack.

Notwithstanding any general or special provisions of the Constitution, in order to insure continuity of state and local governmental operations in periods of emergency resulting from disasters caused by enemy attack, the Legislature shall have the power and the immediate duty (1) to provide for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices, and (2) to adopt such other measures as may be necessary and proper for insuring the continuity of governmental operations. In the exercise of the powers hereby conferred the Legislature shall in all respects conform to the requirements of this Constitution except to the extent that in the judgment of the Legislature so to do would be impracticable or would admit of undue delay.

§30. Power of committee of Legislature to suspend administrative rules and regulations.

The Legislature may by law empower a committee comprised of members of both houses of the Legislature, acting during recesses or between sessions, to suspend rules and regulations promulgated by any administrative department or agency from going into effect until July 1 after the Legislature reconvenes.

§31. Convening of special sessions upon petition.

In addition to the provisions of Article IV, Section 3, the Legislature shall be convened in special session by the presiding officers of both houses upon the written petition of two-thirds of the members of each house. The petition shall state the purposes of the session, and only business encompassed by those purposes may be transacted.

§32. Term limitations for United States Congressmen.

Commencing with the 1992 election, no person may be elected to more than two consecutive terms in the United States senate or more than six consecutive terms in the United States House of Representatives.

Article IV

Executive Department

§1. Executive power.

The executive power of the state is vested in the Governor.

§2. Qualification, election and term.

The Governor and lieutenant governor must be citizens of the United States, have attained the age of twenty-one years, and be residents of the State of South Dakota for two years preceding their election. They shall be jointly elected for a term of four years at a general election held in a nonpresidential election year. The candidates having the highest number of votes cast jointly for them shall be elected. Commencing with the 1974 general election, no person shall be elected to more than two consecutive terms as Governor or as lieutenant governor. The election procedure shall be as prescribed by law.

§3. Powers and duties of the Governor.

The Governor shall be responsible for the faithful execution of the law. He may, by appropriate action or proceeding brought in the name of the state, enforce compliance with any constitutional or legislative mandate, or restrain violation of any constitutional or legislative power, duty or right by any officer, department or agency of the state or any of its civil divisions. This authority shall not authorize any action or proceedings against the Legislature.

He shall be commander-in-chief of the armed forces of the state, except when they shall be called into the service of the United States, and may call them out to execute the laws, to preserve order, to suppress insurrection or to repel invasion.

The Governor shall commission all officers of the state. He may at any time require information, in writing or otherwise, from the officers of any administrative department, office or agency upon any subject relating to the respective offices.

The Governor shall at the beginning of each session, and may at other times, give the Legislature information concerning the affairs of the state and recommend the measures he considers necessary.

The Governor may convene the Legislature or either house thereof alone in special session by a proclamation stating the purposes of the session, and only business encompassed by such purposes shall be transacted.

Whenever a vacancy occurs in any office and no provision is made by the Constitution or laws for filling such vacancy, the Governor shall have the power to fill such vacancy by appointment.

The Governor may, except as to convictions on impeachment, grant pardons, commutations, and reprieves, and may suspend and remit fines and forfeitures.

§4. Veto power.

Whenever the Legislature is in session, any bill presented to the Governor for signature shall become law when the Governor signs the bill or fails to veto the bill within five days, not including Saturdays, Sundays, or holidays, of presentation. A vetoed bill shall be returned by the Governor to the Legislature together with the Governor's objections within five days, not including Saturdays, Sundays, or holidays, of presentation if the Legislature is in session or upon the reconvening of the Legislature from a recess. Any vetoed bill shall be reconsidered by the Legislature and, if two-thirds of all members of each house shall pass the bill, it shall become law.

Whenever a bill has been presented to the Governor and the Legislature has adjourned sine die or recessed for more than five days within five days from presentation, the bill shall become law when the Governor signs the bill or fails to veto it within fifteen days after such adjournment or start of the recess.

The Governor may strike any items of any bill passed by the Legislature making appropriations. The procedure for reconsidering items struck by the Governor shall be the same as is prescribed for the passage of bills over the executive veto. All items not struck shall become law as provided herein. Bills with errors in style or form may be returned to the Legislature by the Governor with specific recommendations for change. Bills returned shall be treated in the same manner as vetoed bills except that specific recommendations for change as to style or form may be approved by a majority vote of all the members of each house. If the Governor certifies that the bill conforms with the Governor's specific recommendations, the bill shall become law. If the Governor fails to certify the bill, it shall be returned to the Legislature as a vetoed bill.

§5. Powers and duties of lieutenant governor.

The lieutenant governor shall be president of the senate but shall have no vote unless the senators be equally divided. The lieutenant governor shall perform the duties and exercise the powers that may be delegated to him by the Governor.

§6. Succession of executive power.

When the office of Governor shall become vacant through death, resignation, failure to qualify, conviction after impeachment or permanent disability of the Governor, the lieutenant governor shall succeed to the office and powers of the Governor. When the Governor is unable to serve by reason of continuous absence from the state, or other temporary disability, the executive power shall devolve upon the lieutenant governor for the residue of the term or until the disability is removed.

Whenever there is a permanent vacancy in the office of the lieutenant governor, the Governor shall nominate a lieutenant governor who shall take office upon confirmation by a majority vote of all the members of each house of the Legislature.

Whenever there is a concurrent vacancy in the office of Governor and lieutenant governor, the order of succession for the office of Governor shall be as provided by law.

The Supreme Court shall have original and exclusive jurisdiction to determine when a continuous absence from the state or disability has occurred in the office of the Governor or a permanent vacancy exists in the office of lieutenant governor.

§7. Other executive officers -- Powers, duties, and term limitations.

There shall be chosen by the qualified electors of the state at the general election of the Governor and every four years thereafter the following constitutional officers: attorney general, secretary of state, auditor, treasurer, and commissioner of school and public lands, who shall severally hold their offices for a term of four years. Commencing with the 1992 general election, no person may be elected to more than two consecutive terms as attorney general, secretary of state, auditor, treasurer, or commissioner of school and public lands.

§8. Reorganization.

All executive and administrative offices, boards, agencies, commissions and instrumentalities of the state government and their respective functions, powers and duties, except for the office of Governor, lieutenant governor, attorney general, secretary of state, auditor, treasurer, and commissioner of school and public lands, shall be allocated by law among and within not more than twenty-five principal departments, organized as far as

practicable according to major purposes, by no later than July 1, 1974. Subsequently, all new powers or functions shall be assigned to administrative offices, agencies and instrumentalities in such manner as will tend to provide an orderly arrangement in the administrative organization of state government. Temporary commissions may be established by law and need not be allocated within a principal department.

Except as to elected constitutional officers, the Governor may make such changes in the organization of offices, boards, commissions, agencies and instrumentalities, and in allocation of their functions, powers and duties, as he considers necessary for efficient administration. If such changes affect existing law, they shall be set forth in executive orders, which shall be submitted to the Legislature within five legislative days after it convenes, and shall become effective, and shall have the force of law, within ninety days after submission, unless disapproved by a resolution concurred in by a majority of all the members of either house.

§9. Appointment and removal power.

Each principal department shall be under the supervision of the Governor and, unless otherwise provided in this Constitution or by law, shall be headed by a single executive. Such single executive, unless provided otherwise by the Constitution, shall be nominated and, by and with the advice and consent of the senate, appointed by the Governor and shall hold office for a term to expire at the end of the term for which the Governor was elected, unless sooner removed by the Governor.

Except as otherwise provided in this Constitution, whenever a board, commission or other body shall head a principal department of the state government, the members thereof shall be nominated and, by and with the advice and consent of the senate, appointed by the Governor. The term of office and removal of such members shall be as prescribed by law.

The Governor shall have power to nominate and make interim appointments requiring senate confirmation during recess of the Legislature except that such nominations and interim appointments shall extend only to the end of the Governor's term or until acted upon by the Legislature.

§§10 to 13. Superseded.

Article V Judicial Department

§1. Judicial powers.

The judicial power of the state is vested in a unified judicial system consisting of a Supreme Court, circuit courts of general jurisdiction and courts of limited original jurisdiction as established by the Legislature.

§2. Supreme Court.

The Supreme Court is the highest court of the state. It consists of a chief justice and four associate justices. Upon request by the Supreme Court the Legislature may increase the number of justices to seven. All justices shall be selected from compact districts established by the Legislature, and each district shall have one justice.

§3. Circuit courts.

The circuit courts consist of such number of circuits and judges as the Supreme Court determines by rule.

§4. Courts of limited jurisdiction.

Courts of limited jurisdiction consist of all courts created by the Legislature having limited original jurisdiction.

§5. Jurisdiction of courts.

The Supreme Court shall have such appellate jurisdiction as may be provided by the Legislature, and the Supreme Court or any justice thereof may issue any original or remedial writ which shall then be heard and determined by that court. The Governor has authority to require opinions of the Supreme Court upon important questions of law involved in the exercise of his executive power and upon solemn occasions.

The circuit courts have original jurisdiction in all cases except as to any limited original jurisdiction granted to other courts by the Legislature. The circuit courts and judges thereof have the power to issue, hear and determine all original and remedial writs. The circuit courts have such appellate jurisdiction as may be provided by law.

Imposition or execution of a sentence may be suspended by the court empowered to impose the sentence unless otherwise provided by law.

§6. Qualifications of judicial personnel.

Justices of the Supreme Court, judges of the circuit courts and persons presiding over courts of limited jurisdiction must be citizens of the United States, residents of the state of South Dakota and voting residents within the district, circuit or jurisdiction from which they are elected or appointed. No Supreme Court justice shall be deemed to have lost his voting residence in a district by reason of his removal to the seat of government in the discharge of his official duties. Justices of the Supreme Court and judges of circuit courts must be licensed to practice law in the state of South Dakota.

§7. Judicial selection.

Circuit court judges shall be elected in a nonpolitical election by the electorate of the circuit each represents for an eight-year term.

A vacancy, as defined by law, in the office of a Supreme Court justice or circuit court judge, shall be filled by appointment of the Governor from one of two or more persons nominated by the judicial qualifications commission. The appointment to fill a vacancy of a circuit court judge shall be for the balance of the unexpired term; and the appointment to fill a vacancy of a Supreme Court justice shall be subject to approval or rejection as hereinafter set forth.

Retention of each Supreme Court justice shall, in the manner provided by law, be subject to approval or rejection on a nonpolitical ballot at the first general election following the expiration of three years from the date of his appointment.

Thereafter, each Supreme Court justice shall be subject to approval or rejection in like manner every eighth year. All incumbent Supreme Court justices at the time of the effective date of this amendment shall be subject to a retention election in the general election in the year in which their respective existing terms expire.

§8. Selection of the chief justice.

The chief justice shall be selected from among the justices of the Supreme Court for a term and in a manner to be provided by law. The chief justice may resign his office without resigning from the Supreme Court.

§9. Qualifications commission.

The Legislature shall provide by law for the establishment of a judicial qualifications commission which have such powers as the Legislature may provide, including the power to investigate complaints against any justice or judge and to conduct confidential hearings concerning the removal or involuntary retirement of a justice or judge. The Supreme Court shall prescribe by rule the means to implement and enforce the powers of the commission. On recommendation of the judicial qualifications commission the Supreme Court, after hearing, may censure, remove or retire a justice or judge for action which constitutes willful misconduct in office, willful and persistent failure to perform his duties, habitual intemperance, disability that seriously interferes with the performance of the duties or conduct prejudicial to the administration of justice which brings a judicial office into disrepute. No justice or judge shall sit in judgment in any hearing involving his own removal or retirement.

§10. Restrictions.

During his term of office no Supreme Court justice or circuit court judge shall engage in the practice of law. Any Supreme Court justice or circuit court judge who becomes a candidate for an elective nonjudicial office shall thereby forfeit his judicial office.

§11. Administration.

The chief justice is the administrative head of the unified judicial system. The chief justice shall submit an annual consolidated budget for the entire unified judicial system, and the total cost of the system shall be paid by the state. The Legislature may provide by law for the reimbursement to the state of appropriate portions of such cost by governmental subdivisions. The Supreme Court shall appoint such court personnel as it deems necessary to serve at its pleasure.

The chief justice shall appoint a presiding circuit judge for each judicial circuit to serve at the pleasure of the chief justice. Each presiding circuit judge shall have such administrative power as the Supreme Court designates by rule and may, unless it be otherwise provided by law, appoint judicial personnel to courts of limited jurisdiction to serve at his pleasure. Each presiding circuit judge shall appoint clerks and other court personnel for the counties in his circuit who shall serve at his pleasure at a compensation fixed by law. Duties of clerks shall be defined by Supreme Court rule.

The chief justice shall have power to assign any circuit judge to sit on another circuit court, or on the Supreme Court in case of a vacancy or in place of a justice who is disqualified or unable to act. The chief justice may authorize a justice to sit as a judge in any circuit court.

The chief justice may authorize retired justices and judges to perform any judicial duties to the extent provided by law and as directed by the Supreme Court.

§12. Rule-making power.

The Supreme Court shall have general superintending powers over all courts and may make rules of practice and procedure and rules governing the administration of all courts. The Supreme Court by rule shall govern terms of courts, admission to the bar, and discipline of members of the bar. These rules may be changed by the Legislature.

§13. Transition.

The Legislature by law and the Supreme Court by rule shall provide for the orderly transition of the judicial system in conformity with this article.

§§14 to 39. Superseded.

Article VI Bill of Rights

§1. Inherent rights.

All men are born equally free and independent, and have certain inherent rights, among which are those of enjoying and defending life and liberty, of acquiring and protecting property and the pursuit of happiness. To secure these rights governments are instituted among men, deriving their just powers from the consent of the governed.

§2. Due process -- Right to work.

No person shall be deprived of life, liberty or property without due process of law. The right of persons to work shall not be denied or abridged on account of membership or nonmembership in any labor union, or labor organization.

§3. Freedom of religion -- Support of religion prohibited.

The right to worship God according to the dictates of conscience shall never be infringed. No person shall be denied any civil or political right, privilege or position on account of his religious opinions; but the liberty of conscience hereby secured shall not be so construed as to excuse licentiousness, the invasion of the rights of others, or justify practices inconsistent with the peace or safety of the state.

No person shall be compelled to attend or support any ministry or place of worship against his consent nor shall any preference be given by law to any religious establishment or mode of worship. No money or property of the state shall be given or appropriated for the benefit of any sectarian or religious society or institution.

§4. Right of petition and peaceable assembly.

The right of petition, and of the people peaceably to assemble to consult for the common good and make known their opinions, shall never be abridged.

§5. Freedom of speech -- Truth as defense -- Jury trial.

Every person may freely speak, write and publish on all subjects, being responsible for the abuse of that right. In all trials for libel, both civil and criminal, the truth, when published with good motives and for justifiable ends, shall be a sufficient defense. The jury shall have the right to determine the fact and the law under the direction of the court.

§6. Jury trial -- Reduced jury -- Three-fourths vote.

The right of trial by jury shall remain inviolate and shall extend to all cases at law without regard to the amount in controversy, but the Legislature may provide for a jury of less than twelve in any court not a court of record and for the decision of civil cases by three-fourths of the jury in any court.

§7. Rights of accused.

In all criminal prosecutions the accused shall have the right to defend in person and by counsel; to demand the nature and cause of the accusation against him; to have a copy thereof; to meet the witnesses against him face to face; to have compulsory process served for obtaining witnesses in his behalf, and to a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed.

§8. Right to bail -- Habeas corpus.

All persons shall be bailable by sufficient sureties, except for capital offenses when proof is evident or presumption great. The privilege of the writ of habeas corpus shall not be suspended unless, when in case of rebellion or invasion, the public safety may require it.

§9. Self-incrimination -- Double jeopardy.

No person shall be compelled in any criminal case to give evidence against himself or be twice put in jeopardy for the same offense.

§10. Indictment or information -- Modification or abolishment of grand jury.

No person shall be held for a criminal offense unless on the presentment or indictment of a grand jury, or information of the public prosecutor, except in cases of impeachment, in cases cognizable by county courts, by justices of the peace, and in cases arising in the army and navy, or in the militia when in actual service in time of war or public danger: provided, that the grand jury may be modified or abolished by law.

§11. Search and seizure.

The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures shall not be violated, and no warrant shall issue but upon probable cause supported by affidavit, particularly describing the place to be searched and the person or thing to be seized.

§12. Ex post facto laws -- Impairment of contract obligations -- Privilege or immunity.

No ex post facto law, or law impairing the obligation of contracts or making any irrevocable grant of privilege, franchise or immunity, shall be passed.

§13. Private property not taken without just compensation -- Benefit to owner -- Fee in highways.

Private property shall not be taken for public use, or damaged, without just compensation, which will be determined according to legal procedure established by the Legislature and according to § 6 of this article. No benefit which may accrue to the owner as the result of an improvement made by any private corporation shall be considered in fixing the com-

pensation for property taken or damaged. The fee of land taken for railroad tracks or other highways shall remain in such owners, subject to the use for which it is taken.

§14. Resident aliens' property rights.

No distinction shall ever be made by law between resident aliens and citizens, in reference to the possession, enjoyment or descent of property.

§15. Imprisonment for debt.

No person shall be imprisoned for debt arising out of or founded upon a contract.

§16. Military subordinate to civil power -- Quartering of soldiers.

The military shall be in strict subordination to the civil power. No soldier in time of peace shall be quartered in any house without consent of the owner, nor in time of war except in the manner prescribed by law.

§17. Taxation without consent -- Uniformity.

No tax or duty shall be imposed without the consent of the people or their representatives in the Legislature, and all taxation shall be equal and uniform.

§18. Equal privileges or immunities.

No law shall be passed granting to any citizen, class of citizens or corporation, privileges or immunities which upon the same terms shall not equally belong to all citizens or corporations.

§19. Free and equal elections -- Right of suffrage -- Soldier voting.

Elections shall be free and equal, and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage. Soldiers in time of war may vote at their post of duty in or out of the state, under regulations to be prescribed by the Legislature.

§20. Courts open -- Remedy for injury.

All courts shall be open, and every man for an injury done him in his property, person or reputation, shall have remedy by due course of law, and right and justice, administered without denial or delay.

§21. Suspension of laws prohibited.

No power of suspending laws shall be exercised, unless by the Legislature or its authority.

§22. Attainder by Legislature prohibited.

No person shall be attainted of treason or felony by the Legislature.

§23. Excessive bail or fines -- Cruel punishments.

Excessive bail shall not be required, excessive fines imposed, nor cruel punishments inflicted.

§24. Right to bear arms.

The right of the citizens to bear arms in defense of themselves and the state shall not be denied.

§25. Treason.

Treason against the state shall consist only in levying war against it, or in adhering to its enemies, or in giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act or confession in open court.

§26. Power inherent in people -- Alteration in form of government -- Inseparable part of Union.

All political power is inherent in the people, and all free government is founded on their authority, and is instituted for their equal protection and benefit, and they have the right in lawful and constituted methods to alter or reform their forms of government in such manner as they may think proper. And the state of South Dakota is an inseparable part of the American Union and the Constitution of the United States is the supreme law of the land.

§27. Maintenance of free government -- Fundamental principles.

The blessings of a free government can only be maintained by a firm adherence to justice, moderation, temperance, frugality and virtue and by frequent recurrence to fundamental principles.

Article VII

Elections and Right of Suffrage

§1. Right to vote.

Elections shall be free and equal, and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.

§2. Voter qualification.

Every United States citizen eighteen years of age or older who has met all residency and registration requirements shall be entitled to vote in all elections and upon all questions submitted to the voters of the state unless disqualified by law for mental incompetence or the conviction of a felony. The Legislature may by law establish reasonable requirements to insure the integrity of the vote.

Each elector who qualified to vote within a precinct shall be entitled to vote in that precinct until he establishes another voting residence. An elector shall never lose his residency for voting solely by reason of his absence from the state.

§3. Elections.

The Legislature shall by law define residence for voting purposes, insure secrecy in voting and provide for the registration of voters, absentee voting, the administration of elections, the nomination of candidates and the voting rights of those serving in the armed forces.

§§4 to 10. Superseded.

Article VIII

Education and School Lands

§1. Uniform system of free public schools.

The stability of a republican form of government depending on the morality and intelligence of the people, it shall be the duty of the Legislature to establish and maintain a general and uniform system of public schools wherein tuition shall be without charge, and equally open to all; and to adopt all suitable means to secure to the people the advantages and opportunities of education.

§2. Perpetual trust fund for maintenance of public schools -- Principal inviolate.

All proceeds of the sale of public lands that have heretofore been or may hereafter be given by the United States for the use of public schools in the state; all such per centum as may be granted by the United States on the sales of public lands; the proceeds of all property that shall fall to the state by escheat; the proceeds of all gifts or donations to the state for public schools or not otherwise appropriated by the terms of the gift; and all property otherwise acquired for public schools, shall be and remain a perpetual fund for the maintenance of public schools in the state. It shall be deemed a trust fund held by the state. The principal shall never be diverted by legislative enactment for any other purpose, and may be increased; but, if any loss occurs through any unconstitutional act, the state shall make the loss good through a special appropriation.

§3. Fund income apportioned among schools -- Apportionment of fines.

The interest and income of this fund together with all other sums which may be added thereto by law, shall be faithfully used and applied each year for the benefit of the public schools of the state, and shall be for this purpose apportioned among and between all the several public school corporations of the state in proportion to the number of children in each, of school age, as may be fixed by law; and no part of the fund, either principal or interest, shall ever be diverted, by legislative enactment, even temporarily, from this purpose or used for any other purpose whatever than the maintenance of public schools for the equal benefit of all the people of the state. However, before the interest and income is apportioned to the public schools, the principal shall be increased each year by an amount equal to the rate of inflation from the interest and income earned from this fund. The principal may be prudently invested as provided by law.

The proceeds of all fines collected from violations of state laws shall be paid to the county treasurer of the county in which the fine was imposed, and distributed by the county treasurer among and between all of the several public schools incorporated in such county in proportion to the number of children in each, of school age, as may be fixed by law.

§4. Sale of school lands -- Appraisal.

After one year from the assembling of the first Legislature, the lands granted to the state by the United States for the use of public schools may be sold upon the following conditions and no other: not more than one-third of all such lands shall be sold within the first five years, and no more than two-thirds within the first fifteen years after the title thereto

is vested in the state, and the Legislature shall, subject to the provisions of this article, provide for the sale of the same.

The commissioner of school and public lands, the state auditor and the county superintendent of schools of the counties severally, shall constitute boards of appraisal and shall appraise all school lands within the several counties which they may from time to time select and designate for sale, at their actual value under the terms of sale.

They shall take care to first select and designate for sale the most valuable lands; and they shall ascertain all such lands as may be of special and peculiar value, other than agricultural, and cause the proper subdivision of the same in order that the largest price may be obtained therefor.

§5. Terms of sale of school lands.

No land shall be sold for less than the appraised value, and in no case for less than ten dollars per acre. The purchaser shall pay at least one-tenth of the purchase price in cash. The Legislature shall provide by general law for payment of the balance which shall be made in partial payments and must be fully paid up within thirty years. Interest shall be established by the Legislature. All lands may be sold for cash, provided further, that the purchaser or purchasers shall have the right or option of paying the balance in whole or in part on any interest paying date, under such rules as the Legislature may provide. No land shall be sold until appraised and advertised and offered for sale at public auction. No land can be sold except at public sale.

Such lands as shall not have been specially subdivided shall be offered in tracts of not more than eighty acres and these subdivided into the smallest division of the lands designated for sale and not sold within two years after their appraisal shall be reappraised by the board of appraisers as hereinafter provided before they are sold.

§6. Conduct of sales of school lands -- Conveyance of right or title.

All sales shall be conducted through the office of the commissioner of school and public lands as may be prescribed by law, and returns of all appraisals and sales shall be made to said office. No sale shall operate to convey any right or title to any lands for sixty days after the date thereof, nor until the same shall have received the approval of the Governor in such form as may be provided by law. No grant or patent for any such lands shall issue until final payment be made.

§7. Perpetual trust fund from proceeds of grants and gifts.

All lands, money, or other property donated, granted, or received from the United States or any other source for a university, agricultural college, normal schools, or other educational or charitable institution or purpose, and the proceeds of all such lands and other property so received from any source, shall be and remain perpetual funds, the interest and income of which, together with the rents of all such lands as may remain unsold, shall be inviolably appropriated and applied to the specific objects of the original grants or gifts. The principal of every such fund may be increased, but shall never be diverted by legislative enactment for any other purpose, and the interest and income only shall be used. Every such fund shall be deemed a trust fund held by the state, and the state shall make good all losses that may occur through any unconstitutional act or where required under the Enabling Act.

§8. Appraisal and sale of donated lands -- Separate accounts.

All lands mentioned in the preceding section shall be appraised and sold in the same manner and by the same officers and boards under the same limitations, and subject to all the conditions as to price, sale and approval, provided above for the appraisal and sale of lands for the benefit of public schools, but a distinct and separate account shall be kept by the proper officers of each of such funds.

§9. Lease of school lands.

The lands mentioned in this article shall be leased for pasturage, meadow, farming, the growing of crops of grain and general agricultural purposes, and at public auction after notice as hereinbefore provided in case of sale and shall be offered in tracts not greater than one section. All rents shall be payable annually in advance, and no term of lease shall exceed five years, nor shall any lease be valid until it receives the approval of the Governor.

Provided, that any lessee of school and public lands shall, at the expiration of a five-year lease, be entitled, at his option, to a new lease for the land included in his original lease, for a period of time not exceeding five years, without public advertising, at the current rental prevailing in the county in which such land is situated, at the time of the issuance of the new lease. The commissioner of school and public lands shall notify by registered mail each lessee or assignee on or before the first day of November first preceding the expiration of his lease that such lease will expire.

Such option shall be exercised by the lessee by notifying the commissioner of school and public lands by registered mail, on or before the first day of December first preceding the expiration of his lease describing the lands for which he desires a new lease, in the same manner as the same is described in his original lease.

The Legislature may provide by appropriate legislation for the payment of local property taxes by the lessees of school and public lands.

§10. Trespassers' claims to public lands not recognized -- Improvements not compensated.

No claim to any public lands by any trespasser thereon by reason of occupancy, cultivation or improvement thereof, shall ever be recognized; nor shall compensation ever be made on account of any improvements made by such trespasser.

§11. Investment of permanent educational funds.

Except as otherwise required by the Enabling Act, the moneys of the permanent school and other educational and charitable funds shall be invested by the state investment council in stocks, bonds, mutual funds, and other financial instruments as provided by law.

§12. Disapproval by Governor of sale, lease or investment.

The Governor may disapprove any sale, lease or investment other than such as are intrusted to the counties.

§13. Audit of losses to permanent educational funds -- Permanent debt -- Interest.

The permanent school or other educational and charitable funds of this state shall be audited by the proper authorities of the state. If any loss occurs through any unconstitutional

act, the state shall make the loss good through a special appropriation. The amount of indebtedness so created shall not be counted as a part of the indebtedness mentioned in article XIII, § 2.

§14. Protection and defense of school lands.

The Legislature shall provide by law for the protection of the school lands from trespass or unlawful appropriation, and for their defense against all unauthorized claims or efforts to divert them from the school fund.

§15. Taxation to support school system -- Classification of property.

The Legislature shall make such provision by general taxation and by authorizing the school corporations to levy such additional taxes as with the income from the permanent school fund shall secure a thorough and efficient system of common schools throughout the state. The Legislature is empowered to classify properties within school districts into separate classes for purposes of school taxation. Taxes shall be uniform on all property in the same class.

§16. Public support of sectarian instruction prohibited.

No appropriation of lands, money or other property or credits to aid any sectarian school shall ever be made by the state, or any county or municipality within the state, nor shall the state or any county or municipality within the state accept any grant, conveyance, gift or bequest of lands, money or other property to be used for sectarian purposes, and no sectarian instruction shall be allowed in any school or institution aided or supported by the state.

§17. Interest in sale of school equipment prohibited.

No teacher, state, county, township or district school officer shall be interested in the sale, proceeds or profits of any book, apparatus or furniture used or to be used in any school in this state, under such penalties as shall be provided by law.

§18. Apportionment of mineral leasing moneys -- Amounts covered into permanent funds.

Notwithstanding the provisions of §§ 2, 3 and 7 of article VIII of this Constitution, moneys received from the leasing of all common school, indemnity, and endowment lands for oil and gas and other mineral leasing of said lands shall be apportioned among the public schools and the various state institutions in such manner that the public schools and each of such institutions shall receive an amount which bears the same ratio to the total amount apportioned as the number of acres (including any that may have been disposed of) granted for such public schools or for such institutions bears to the total number of acres (including any that may have been disposed of) granted in trust to the state by the Enabling Act approved February 22, 1889, as amended, and allocations authorized pursuant to the provisions of § 17 of such Enabling Act; and further that not less than fifty percent of each such amount so allocated shall be covered into the permanent fund of the public schools and each of such institutions.

§19. Mineral rights reserved to state -- Leases permitted.

All gas, coal, oil and mineral rights, and any other rights, as specified by law, to or in public lands, are reserved for the state. Leases may be executed by the state for the exploration, extraction and sale of such materials in the manner and with such conditions as are provided by law.

§20. Loan of nonsectarian textbooks to all school children.

Notwithstanding the provisions of section 3, Article VI and section 16, Article VIII, the Legislature may authorize the loaning of nonsectarian textbooks to all children of school age.

Article IX

Local Government

§1. Organization of local government.

The Legislature shall have plenary powers to organize and classify units of local government, except that any proposed change in county boundaries shall be submitted to the voters of each affected county at an election and be approved by a majority of those voting thereon in each county. No township heretofore organized may be abolished unless the question is submitted to the voters of the township and approved by a majority of those voting thereon in each township.

§2. Home rule.

Any county or city or combinations thereof may provide for the adoption or amendment of a charter. Such charter shall be adopted or amended if approved at an election by a majority of the votes cast thereon. Not less than ten percent of those voting in the last preceding gubernatorial election in the affected jurisdiction may by petition initiate the question of whether to adopt or amend a charter.

A chartered governmental unit may exercise any legislative power or perform any function not denied by its charter, the Constitution or the general laws of the state. The charter may provide for any form of executive, legislative and administrative structure which shall be of superior authority to statute, provided that the legislative body so established be chosen by popular election and that the administrative proceedings be subject to judicial review.

Powers and functions of home rule units shall be construed liberally.

§3. Intergovernmental cooperation.

Every local government may exercise, perform or transfer any of its powers or functions, including financing the same, jointly or in cooperation with any other governmental entities, either within or without the state, except as the Legislature shall provide otherwise by law.

§4. Local initiatives to provide for cooperation and organization of local government units.

On or after January 1, 2001, the voters of any unit of local government shall have the right to initiate proposals for cooperation within or between local governmental units,

either within or without the state, except as the Legislature shall provide otherwise by law. Such proposals may include combining, eliminating, and joint financing of offices, functions, and governmental units. Such proposals shall be adopted if approved at an election by a majority of the votes cast thereon in each affected unit. A number not less than fifteen percent of those voting in the last preceding gubernatorial election in each affected jurisdiction may by petition initiate the question of whether to adopt the proposal at the next general election.

§§5 to 7. Superseded.

Article X Municipal Corporations

[Repealed by SL 1972, ch 3, approved Nov. 7, 1972.]

Article XI Revenue and Finance

§1. Annual tax.

The Legislature shall provide for an annual tax, sufficient to defray the estimated ordinary expenses of the state for each year, not to exceed in any one year two mills on each dollar of the assessed valuation of all taxable property in the state, to be ascertained by the last assessment made for state and county purposes.

And whenever it shall appear that such ordinary expenses shall exceed the income of the state for such year, the Legislature shall provide for levying a tax for the ensuing year, sufficient, with other sources of income, to pay the deficiency of the preceding year, together with the estimated expenses of such ensuing year. And for the purpose of paying the public debt, the Legislature shall provide for levying a tax annually, sufficient to pay the annual interest and the principal of such debt within ten years from the final passage of the law creating the debt; provided, that the annual tax for the payment of the interest and principal of the public debt shall not exceed in any one year two mills on each dollar of the assessed valuation of all taxable property in the state, as ascertained by the last assessment made for the state and county purposes.

Provided, that for the purpose of establishing, installing, maintaining and operating a hard fiber twine and cordage plant at the state penitentiary at Sioux Falls, South Dakota, the Legislature shall provide for a tax for the year 1907 of not to exceed one and one-half mills on each dollar of the assessed valuation of all taxable property in the state, as ascertained by the last assessment made for state and county purposes.

§2. Classification of property for taxation -- Income.

To the end that the burden of taxation may be equitable upon all property, and in order that no property which is made subject to taxation shall escape, the Legislature is empowered to divide all property including moneys and credits as well as physical property into classes and to determine what class or classes of property shall be subject to taxation and what property, if any, shall not be subject to taxation. Taxes shall be uniform on all property of the same class, and shall be levied and collected for public purposes only. Taxes may be imposed upon any and all property including privileges, franchises and licenses to do business in the state. Gross earnings and net incomes may be considered in

taxing any and all property, and the valuation of property for taxation purposes shall never exceed the actual value thereof. The Legislature is empowered to impose taxes upon incomes and occupations, and taxes upon incomes may be graduated and progressive and reasonable exemptions may be provided.

§3. Corporate tax power of state not suspended.

The power to tax corporations and corporate property shall not be surrendered or suspended by any contract or grant to which the state shall be a party.

§4. Banks and bankers taxed.

The Legislature shall provide for taxing all moneys, credits, investments in bonds, stocks, joint stock companies, or otherwise; and also for taxing the notes and bills discounted or purchased, moneys loaned and all other property, effects or dues of every description, of all banks and of all bankers, so that all property employed in banking shall always be subject to a taxation equal to that imposed on the property of individuals.

§5. Public property exempt from taxation -- Exceptions.

The property of the United States and of the state, county and municipal corporations, both real and personal, shall be exempt from taxation, provided, however, that all state owned lands acquired under the provisions of the rural credit act may be taxed by the local taxing districts for county, township and school purposes, and all state owned lands, known as public shooting areas, acquired under the provisions of § 25.0106 SDC 1939 and acts amendatory thereto, may be taxed by the local taxing districts for county, township and school purposes in such manner as the Legislature may provide.

§6. Property exempt from taxation -- Personal property.

The Legislature shall, by general law, exempt from taxation, property used exclusively for agricultural and horticultural societies, for school, religious, cemetery and charitable purposes, property acquired and used exclusively for public highway purposes, and personal property to any amount not exceeding in value two hundred dollars for each individual liable to taxation.

§7. Other exemption laws void.

All laws exempting property from taxation other than that enumerated in §§ 5 and 6 of this article, shall be void.

§8. Object of tax to be stated -- Use of vehicle and fuel taxes.

No tax shall be levied except in pursuance of a law, which shall distinctly state the object of the same, to which the tax only shall be applied, and the proceeds from the imposition of any license, registration fee, or other charge with respect to the operation of any motor vehicle upon any public highways in this state and the proceeds from the imposition of any excise tax on gasoline or other liquid motor fuel except costs of administration and except the tax imposed upon gasoline or other liquid motor fuel not used to propel a motor vehicle over or upon public highways of this state shall be used exclusively for the maintenance, construction and supervision of highways and bridges of this state.

§9. Taxes paid into treasury -- Appropriations required for expenditure.

All taxes levied and collected for state purposes shall be paid into the state treasury. No indebtedness shall be incurred or money expended by the state, and no warrant shall be drawn upon the state treasurer except in pursuance of an appropriation for the specific purpose first made. The Legislature shall provide by suitable enactment for carrying this section into effect.

§10. Special assessments for local improvements -- Taxes for municipal purposes.

The Legislature may vest the corporate authority of cities, towns and villages, with power to make local improvements by special taxation of contiguous property or otherwise. For all corporate purposes, all municipal corporations may be vested with authority to assess and collect taxes; but such tax shall be uniform in respect to persons and property within the jurisdiction of the body levying the same.

§11. Unauthorized use of public money as felony.

The making of profit, directly or indirectly, out of state, county, city, town or school district money, or using the same for any purpose not authorized by law, shall be deemed a felony and shall be punished as provided by law.

§12. Annual statement of receipts and expenditures.

An accurate statement of the receipts and expenditures of the public moneys shall be published annually, in such manner as the Legislature may provide.

§13. Vote required to increase tax rates or valuations.

The rate of taxation imposed by the state of South Dakota on personal or corporate income or on sales or services, or the allowable levies or the percentage basis for determining valuation as fixed by law for purposes of taxation on real or personal property, shall not be increased unless by consent of the people by exercise of their right of initiative or by two-thirds vote of all the members elect of each branch of the Legislature.

§14. Vote required to impose or increase taxes.

The rate of taxation imposed by the State of South Dakota in regard to any tax may not be increased and no new tax may be imposed by the State of South Dakota unless by consent of the people by exercise of their right of initiative or by two-thirds vote of all the members elect of each branch of the Legislature.

§15. Inheritance tax prohibited.

No tax may be levied on any inheritance, and the Legislature may not enact any law imposing such a tax. The effective date of this section is July 1, 2001.

Article XII

Public Accounts and Expenditures

§1. Appropriation and warrant required for payment from treasury.

No money shall be paid out of the treasury except upon appropriation by law and on warrant drawn by the proper officer.

§2. Contents of general appropriation bill -- Separate appropriation bills.

The general appropriation bill shall embrace nothing but appropriations for ordinary expenses of the executive, legislative and judicial departments of the state, the current expenses of state institutions, interest on the public debt, and for common schools. All other appropriations shall be made by separate bills, each embracing but one object, and shall require a two-thirds vote of all the members of each branch of the Legislature.

§3. Extra compensation prohibited -- Unauthorized contracts -- Change in compensation of officers -- Appropriations for defense of state.

The Legislature shall never grant any extra compensation to any public officer, employee, agent or contractor after the services shall have been rendered or the contract entered into, nor authorize the payment of any claims or part thereof created against the state, under any agreement or contract made without express authority of law, and all such unauthorized agreements or contracts shall be null and void; nor shall the compensation of any public officer be increased or diminished during his term of office: provided, however, that the Legislature may make appropriations for expenditures incurred in suppressing insurrection or repelling invasion.

§4. Annual statement required.

An itemized statement of all receipts and expenditures of the public moneys shall be published annually in such manner as the Legislature shall provide, and such statement shall be submitted to the Legislature at the beginning of each regular session by the Governor with his message.

§5. Health care trust fund established - Investment - Appropriations.

There is hereby created in the state treasury a trust fund named the health care trust fund. The state treasurer shall deposit into the health care trust fund any funds on deposit in the intergovernmental transfer fund as of July 1, 2001, and thereafter any funds appropriated to the health care trust fund as provided by law. The South Dakota Investment Council or its successor shall invest the health care trust fund in stocks, bonds, mutual funds, and other financial instruments as provided by law. Beginning in fiscal year 2003, and each year thereafter, the state treasurer shall make a distribution from the health care trust fund into the state general fund to be appropriated by law for health care related programs. The calculation of the distribution shall be defined by law and may promote growth of the fund and a steadily growing distribution amount. The health care trust fund may not be diverted for other purposes nor may the principal be invaded unless appropriated by a three-fourths vote of all the members-elect of each house of the Legislature.

§6. Education enhancement trust fund established - Investment - Appropriations.

There is hereby created in the state treasury a trust fund named the education enhancement trust fund. The state treasurer shall deposit into the education enhancement trust fund any funds received as of July 1, 2001, and funds received thereafter by the state pursuant to the Master Settlement Agreement entered into on November 23, 1998, by the State of South Dakota and major United States tobacco product manufacturers or the net proceeds of any sale or securitization of rights to receive payments pursuant to the Master Settlement Agreement, any funds in the youth-at-risk trust fund as of July 1, 2001, and thereafter any funds appropriated to the education enhancement trust fund as provided by

law. The South Dakota Investment Council or its successor shall invest the education enhancement trust fund in stocks, bonds, mutual funds, and other financial instruments as provided by law. Beginning in fiscal year 2003, and each year thereafter, the state treasurer shall make a distribution from the education enhancement trust fund into the state general fund to be appropriated by law for education enhancement programs. The calculation of the distribution shall be defined by law and may promote growth of the fund and a steadily growing distribution amount. The education enhancement trust fund may not be diverted for other purposes nor may the principal be invaded unless appropriated by a three-fourths vote of all the members-elect of each house of the Legislature.

Article XIII

Public Indebtedness

§1. State enterprises -- Legislative vote required -- Defense of state -- Rural credits -- Maximum indebtedness.

For the purpose of developing the resources and improving the economic facilities of South Dakota, the state may engage in works of internal improvement, may own and conduct proper business enterprises, may loan or give its credit to, or in aid of, any association, or corporation, organized for such purposes. But any such association or corporation shall be subject to regulation and control by the state as may be provided by law. No money of the state shall be appropriated, or indebtedness incurred for any of the purposes of this section, except by the vote of two-thirds of the members of each branch of the Legislature. The state may also assume or pay any debt or liability incurred in time of war for the defense of the state. The state may establish and maintain a system of rural credits and thereby loan and extend credit to the people of the state upon real estate security in such manner and upon such terms and conditions as may be prescribed by general law. The limit of indebtedness contained in § 2 of this article shall not apply to the provisions of this section, but the indebtedness of the state for the purposes contained in this section shall never exceed one-half of one percent of the assessed valuation of the property of the state, provided however, that nothing contained in this section shall affect the refinancing or refunding of the present outstanding indebtedness of this state.

§2. Maximum state debt -- Irrepealable tax to repay.

For the purpose of defraying extraordinary expenses and making public improvements, or to meet casual deficits or failure in revenue, the state may contract debts never to exceed with previous debts in the aggregate one hundred thousand dollars, and no greater indebtedness shall be incurred except for the purpose of repelling invasion, suppressing insurrection, or defending the state or the United States in war and provision shall be made by law for the payment of the interest annually, and the principal when due, by tax levied for the purpose or from other sources of revenue; which law providing for the payment of such interest and principal by such tax or otherwise shall be irrepealable until such debt is paid: provided, however, the state of South Dakota shall have the power to refund the territorial debt assumed by the state of South Dakota, by bonds of the state of South Dakota.

§3. State debt as in addition to territorial debt.

That the indebtedness of the state of South Dakota limited by § 2 of this article shall be in addition to the debt of the territory of Dakota assumed by and agreed to be paid by South Dakota.

§4. Debt limitations for municipalities and political subdivisions.

The debt of any county, city, town or civil township shall never exceed five per centum upon the assessed valuation of the taxable property therein, for the year preceding that in which said indebtedness is incurred. The debt of any school district shall never exceed ten per centum upon the assessed valuation of the taxable property therein, for the year preceding that in which said indebtedness is incurred. In estimating the amount of the indebtedness which a municipality or subdivision may incur, the amount of indebtedness contracted prior to the adoption of the Constitution shall be included.

Provided, that any county, municipal corporation, civil township, district, or other subdivision may incur an additional indebtedness, not exceeding ten per centum upon the assessed valuation of the taxable property therein, for the year preceding that in which said indebtedness is incurred, for the purpose of providing water and sewerage, for irrigation, domestic uses, sewerage and other purposes; and Provided, further, that in a city where the population is eight thousand or more, such city may incur an indebtedness not exceeding eight per centum upon the assessed valuation of the taxable property therein for the year next preceding that in which said indebtedness is incurred for the purpose of constructing street railways, electric lights or other lighting plants.

Provided, further, that no county, municipal corporation, civil township, district or subdivision shall be included within such district or subdivision without a majority vote in favor thereof of the electors of the county, municipal corporation, civil township, district or other subdivision, as the case may be, which is proposed to be included therein, and no such debt shall ever be incurred for any of the purposes in this section provided, unless authorized by a vote in favor thereof by a majority of the electors of such county, municipal corporation, civil township, district or subdivision incurring the same.

§5. Irrepealable tax to repay debt of municipality or political subdivision.

Any city, county, town, school district or any other subdivision incurring indebtedness shall, at or before the time of so doing, provide for the collection of an annual tax sufficient to pay the interest and also the principal thereof when due, and all laws or ordinances providing for the payment of the interest or principal of any debt shall be irrepealable until such debt be paid.

§6. Adjustment of debts and liabilities of territory of Dakota.

In order that payment of the debts and liabilities contracted or incurred by and in behalf of the territory of Dakota may be justly and equitably provided for and made, and in pursuance of the requirements of an act of Congress approved February 22, 1889, entitled "An act to provide for the division of Dakota into two states and to enable the people of North Dakota, South Dakota, Montana and Washington to form Constitutions and state governments and to be admitted into the union on an equal footing with the original states, and to make donations of public lands to such states" the states of North Dakota and South Dakota, by proceedings of a joint commission, duly appointed under said act,

the sessions whereof were held at Bismarck in said state of North Dakota, from July 16, 1889, to July 31, 1889, inclusive, have agreed to the following adjustment of the amounts of the debts and liabilities of the territory of Dakota which shall be assumed and paid by each of the states of North Dakota and South Dakota, respectively, to wit:

1. This agreement shall take effect and be in force from and after the admission into the union, as one of the United States of America, of either the state of North Dakota or the state of South Dakota.

2. The words "state of North Dakota" wherever used in this agreement, shall be taken to mean the territory of North Dakota, in case the state of South Dakota shall be admitted into the union prior to the admission into the union of the state of North Dakota; and the words "state of South Dakota," wherever used in this agreement, shall be taken to mean the territory of South Dakota in case the state of North Dakota shall be admitted into the union prior to the admission into the union of the state of South Dakota.

3. The said state of North Dakota shall assume and pay all bonds issued by the territory of Dakota to provide funds for the purchase, construction, repairs or maintenance of such public institutions, grounds or buildings as are located within the boundaries of North Dakota, and shall pay all warrants issued under and by virtue of that certain act of the legislative assembly of the territory of Dakota, approved March 3, 1889, entitled an act to provide for the refunding of outstanding warrants drawn on the capitol building fund.

4. The said state of South Dakota shall assume and pay all bonds issued by the territory of Dakota to provide funds for the purchase, construction, repairs or maintenance of such public institutions, grounds or buildings as are located within the boundaries of South Dakota.

5. That is to say: The state of North Dakota shall assume and pay the following bonds and indebtedness, to wit: Bonds issued on account of the hospital for insane at Jamestown, North Dakota, the face aggregate of which is two hundred and sixty-six thousand dollars; also, bonds issued on account of the North Dakota University at Grand Forks, North Dakota, the face aggregate of which is ninety-six thousand seven hundred dollars; also, bonds issued on account of the penitentiary at Bismarck, North Dakota, the face aggregate of which is ninety-three thousand six hundred dollars; also, refunding capitol building warrants dated April 1, 1889, eighty-three thousand five hundred and seven dollars and forty-six cents. And the state of South Dakota shall assume and pay the following bonds and indebtedness, to wit: Bonds issued on account of the hospital for the insane at Yankton, South Dakota, the face aggregate of which is two hundred and ten thousand dollars; also, bonds issued on account of the school for deaf mutes, at Sioux Falls, South Dakota, the face aggregate of which is fifty-one thousand dollars; also, bonds issued on account of the university at Vermillion, South Dakota, the face aggregate of which is seventy-five thousand dollars; also, bonds issued on account of the penitentiary at Sioux Falls, South Dakota, the face aggregate of which is ninety-four thousand three hundred dollars; also, bonds issued on account of agricultural college at Brookings, South Dakota, the face aggregate of which is ninety-seven thousand five hundred dollars; also, bonds issued on account of the normal school at Madison, South Dakota, the face aggregate of which is forty-nine thousand four hundred dollars; also, bonds issued on account of school of mines at Rapid City, South Dakota, the face aggregate of which is thirty-three thousand dollars; also, bonds issued on account of the reform school at Plankinton, South Dakota, the face aggregate of which is thirty thousand dollars; also, bonds issued on account of the normal school at Spearfish, South Dakota, the face aggregate of which is

twenty-five thousand dollars; also, bonds issued on account of the soldiers' home at Hot Springs, South Dakota, the face aggregate of which is forty-five thousand dollars.

6. The states of North Dakota and South Dakota shall pay one-half each of all liabilities now existing or hereafter and prior to the taking effect of this agreement incurred, except those heretofore and hereafter incurred on account of public institutions, grounds or buildings, except as otherwise herein specifically provided.

7. The state of South Dakota shall pay to the state of North Dakota forty-six thousand five hundred dollars on account of the excess of territorial appropriations for the permanent improvement of territorial institutions which under this agreement will go to South Dakota, and in full of the undivided one-half interest of North Dakota in the territorial library and in full settlement of unbalanced accounts, and of all claims against the territory, of whatever nature, legal or equitable, arising out of the alleged erroneous or unlawful taxation of the Northern Pacific Railroad lands, and the payment of said amount shall discharge and exempt the state of South Dakota from all liability for or on account of the several matters hereinbefore referred to; nor shall either state be called upon to pay or answer to any portion of liability hereafter arising or accruing on account of transactions heretofore had, which liability would be a liability of the territory of Dakota had such territory remained in existence, and which liability shall grow out of matters connected with any public institution, grounds or buildings of the territory situated or located within the boundaries of the other state.

8. A final adjustment of accounts shall be made upon the following basis: North Dakota shall be charged with all sums paid on account of the public institutions, grounds or buildings located within its boundaries on account of the current appropriations since March 8, 1889; and South Dakota shall be charged with all sums paid on account of public institutions, grounds or buildings located within its boundaries on the same account and during the same time. Each state shall be charged with one-half of all other expenses of the territorial government during the same time. All moneys paid into the treasury during the period from March 8, 1889, to the time of taking effect of this agreement by any county, municipality or person within the limits of the proposed state of North Dakota shall be credited to the state of North Dakota; and all sums paid into said treasury within the same time by any county, municipality or person within the limits of the proposed state of South Dakota shall be credited to the state of South Dakota; except that any and all taxes on gross earnings paid into said treasury by railroad corporations since the eighth day of March 1889, based upon earnings of years prior to 1888, under and by virtue of the act of the legislative assembly of the territory of Dakota, approved March 7, 1889, and entitled "An act providing for the levy and collection of taxes upon property of railroad companies in this territory," being chapter 107 of the Session Laws of 1889 (that is, the part of such sum going to the territory) shall be equally divided between the states of North Dakota and South Dakota; and all taxes heretofore or hereafter paid into said treasury under and by virtue of the act last mentioned, based on the gross earnings of the year 1888, shall be distributed as already provided by law, except that so much thereof as goes to the territorial treasury shall be divided as follows: North Dakota shall have so (much) thereof as shall be or has been paid by railroads within the limits of the proposed state of North Dakota and South Dakota so much thereof as shall be or has been paid by railroads within the limits of the proposed state of South Dakota. Each state shall be credited also with all balances of appropriations made by the seventeenth legislative assembly of the territory of Dakota for the account of public institutions, grounds or buildings situ-

ated within its limits, remaining unexpended on March 8, 1889. If there be any indebtedness except the indebtedness represented by the bonds and refunding warrants hereinbefore mentioned, each state shall at the time of such final adjustment of accounts, assume its share of said indebtedness as determined by the amount paid on account of the public institutions, grounds or buildings of such state in excess of the receipts from counties, municipalities, railroad corporations or persons within the limits of said state as provided in this article; and if there should be a surplus at the time of such final adjustment, each state shall be entitled to the amounts received from counties, municipalities, railroad corporations or persons within its limits over and above the amount charged to it.

§7. Obligation of state to pay proportion of territorial debt.

And the state of South Dakota hereby obligates itself to pay such part of the debts and liabilities of the territory of Dakota as is declared by the foregoing agreement to be its proportion thereof, the same as if such proportion had been originally created by said state of South Dakota as its own debt or liability.

§8. Refunding bond issue authorized for territorial debt payment.

The territorial treasurer is hereby authorized and empowered to issue refunding bonds to the amount of one hundred seven thousand five hundred dollars, bearing interest not to exceed the rate of four percent per annum, for the purpose of refunding the following described indebtedness of the territory of Dakota, to wit: Seventy-seven thousand five hundred dollars, five percent bonds, dated May 1, 1883, issued for the construction of the west wing of the insane hospital at Yankton and thirty thousand dollars, six percent bonds dated May 1, 1883, issued for permanent improvements [of the] Dakota penitentiary, at Sioux Falls, such refunding bonds, if issued, to run for not more than twenty years, and shall be executed by the Governor and treasurer of the territory, and shall be attested by the secretary under the great seal of the territory. In case such bonds are issued by the territorial treasurer as hereinbefore set forth, before the first day of October, 1889, then upon the admission of South Dakota as a state it shall assume and pay said bonds in lieu of the aforesaid territorial indebtedness.

§9. Road construction and coal supply by state.

The construction and maintenance of good roads and the supplying of coal to the people of the state from the lands belonging to the state are works of necessity and importance in which the state may engage but no expenditure of money for the same shall be made except by the vote of a two-thirds majority of the Legislature.

§10. State cement enterprises.

The manufacture, distribution and sale of cement and cement products are hereby declared to be works of public necessity and importance in which the state may engage, and suitable laws may be enacted by the Legislature to empower the state to acquire, by purchase or appropriation, all lands, easements, rights of way, tracks, structures, equipment, cars, motive power, implements, facilities, instrumentalities and material, incident or necessary to carry the provisions of this section into effect: provided, however, that no expenditure of money for the purposes enumerated in this section shall be made, except upon a vote of two-thirds of the members elect of each branch of the Legislature.

§11.State pledge to fund cement enterprises.

The state may pledge such cement plants and all of the accessories thereto, and may pledge the credit of the state, to provide funds for the purposes enumerated in §10 of this article, any provision in this Constitution to the contrary notwithstanding.

§12.State electric power enterprises.

The manufacture, distribution and sale of electric current for heating, lighting and power purposes are hereby declared to be works of public necessity and importance in which the state may engage, and suitable laws may be enacted by the Legislature to empower the state to acquire, by purchase or appropriation all lands, easements, rights of way, tracks, structures, equipment, cars, motive power, implements, facilities, instrumentalities and material incident or necessary to the acquisition, ownership, control, development and operation of the water powers of this state, and to carry this provision into effect: provided, however, that no expenditure of money for the purposes enumerated in this section shall be made except by a vote of two-thirds of the members elect of each branch of the Legislature.

§13.State pledge to fund electric power enterprises.

The state may pledge such plants and all of the accessories thereto, and may pledge the credit of the state, to provide funds for the purposes enumerated in § 12 of this article, any provision in this Constitution to the contrary notwithstanding.

§14.State coal mining enterprises.

The mining, distribution and sale of coal are hereby declared to be works of public necessity and importance in which the state may engage, and the Legislature may enact suitable laws to carry this provision into effect and to empower the state to acquire, by purchase or appropriation, all lands, structures, easements, tracks, rights of way, equipment, cars, motive power, and all other facilities, implements, instrumentalities, and materials necessary or incidental to the acquisition, mining, manufacturing and distribution of coal for fuel purposes: provided, however, that no expenditure of money for the purposes enumerated in this section shall be made except upon a vote of two-thirds of the members elect of each branch of the Legislature.

§15.State pledge to fund coal enterprises.

The state may pledge such plants and all of the accessories thereto, as well as the credit of this state, to provide funds for the purposes enumerated in § 14 of this article, any provision in this Constitution to the contrary notwithstanding.

§16.Works of internal improvement -- State indebtedness.

The state may engage in works of internal improvement, any provision in this Constitution, or limitation in § 2 of this article, to the contrary notwithstanding. The indebtedness of the state for the purposes contained in this section shall never exceed one-half of one percent of the assessed valuation of all property in this state and no such indebtedness shall be incurred nor money expended, except upon a two-thirds vote of the members elect in each branch of the Legislature.

§17. Home loans by state -- Debt limitation inapplicable.

The state may establish and maintain a system of credits for assisting in the building of homes by the people of the state, and therefor may loan money and extend credit to the people of the state upon real estate security in such manner and upon such terms and conditions as may be prescribed by general law. The limitations and provisions regarding the incurring of indebtedness elsewhere found in the Constitution shall not apply to this section, but the Legislature shall, at the time of incurring any indebtedness hereunder, provide for discharging same.

§18. Compensation of military and war relief personnel -- Maximum indebtedness.

The Legislature shall be authorized to provide by law for compensating honorably discharged soldiers, sailors, marines, and others, who have served with the armed forces of the United States, or who have engaged in war relief work in the World's War, or other wars of the United States, including former American citizens, who served in allied armies against the central powers in the World's War and who have been honorably discharged and repatriated; such compensation not to exceed the sum of fifteen dollars per month for the period of such service. For this purpose the Legislature may use the credit of the state, and any indebtedness created for this purpose shall not be a part of the indebtedness authorized or limited by other provisions of the Constitution; provided, that the amount of all indebtedness created by the state for the purposes specified in this section shall not exceed six million dollars.

§19. Bonus paid to veterans and deceased veterans' dependents.

1. The Legislature shall be authorized to provide by law for compensating and paying a bonus in money to veterans and to dependents of deceased veterans, who were legal residents of the state of South Dakota for a period of not less than six months immediately preceding entry into the armed forces of the United States and who have served for ninety or more days in the armed forces of the United States between the period beginning December 7, 1941 and ending September 2, 1945 and who are still in the armed forces or were discharged therefrom under conditions other than dishonorable. Such bonus to be paid in cash, at the rate of fifty cents per day for each day of service in the armed forces within continental United States and at the rate of seventy-five cents per day for each day of service in the armed forces outside of continental United States, provided that any such person who served wholly within continental United States shall be entitled to receive not to exceed a bonus or total sum of five hundred dollars, and any such person who has served wholly outside of continental United States, or partly within and partly without, shall be entitled to receive not to exceed a bonus payment in the total sum of six hundred fifty dollars; such bonus to be paid on or before the thirty-first day of December 1950. For this purpose the Legislature may use credit of the state and any indebtedness created for this purpose shall not be a part of the indebtedness authorized or limited by other provisions of the Constitution; provided that the amount of indebtedness created by the state for the purpose specified in this section shall not exceed thirty million dollars. If upon computation the amount of thirty million dollars shall be inadequate to make the specified payments as stated in this section, the Legislature shall have the power to apportion the amount.

2. The term "armed forces" shall mean and include the following: United States army, army of the United States, United States navy, United States naval reserves, United States

marine corps, United States marine corps reserve, United States coast guard, United States coast guard reserve which shall be construed to include the United States guard temporary reserve, women's army corps, United States navy women's reserve, United States marine corps women's reserve, United States coast guard women's reserve, army nurse corps and navy nurse corps.

§20. Trust fund created from proceeds of state cement enterprise sales - Investment - Annual appropriation.

The net proceeds derived from the sale of state cement enterprises shall be deposited by the South Dakota Cement Commission in a trust fund hereby created to benefit the citizens of South Dakota. The South Dakota Investment Council or its successor shall invest the trust fund in stocks, bonds, mutual funds, and other financial instruments as provided by law. Each fiscal year beginning in fiscal year 2001, a transfer of twelve million dollars shall be made from the trust fund to the state general fund as provided by law.

§21. Trust fund principal inviolate - Certain distributions in support of education permitted - Market value.

Except as provided in Article XIII, section 20 of the Constitution of the State of South Dakota, the original principal of the trust fund shall forever remain inviolate. However, the Legislature shall, by appropriation, make distributions from the difference between the twelve million dollar annual general fund transfer and five percent of the market value of the trust fund for the support of education, but not for the replacement of state aid to general education or special education, if the increase in the market value of the trust fund in that fiscal year was sufficient to maintain the original principal of the trust fund after such distributions. Beginning with fiscal year 2006, the market value of the trust fund shall be determined by adding the market value of the trust fund at the end of the sixteen most recent calendar quarters, and dividing that sum by sixteen.

Article XIV State Institutions

§1. Charitable and penal institutions.

The charitable and penal institutions of the state of South Dakota shall consist of a penitentiary, a hospital for the mentally ill, a school for the developmentally disabled, and a reform school for juveniles.

§2. Government of charitable and penal institutions.

The state institutions provided for in the preceding section shall be governed under such rules and restrictions as the Legislature shall provide.

§3. Board to govern state educational institutions.

The state university, the agriculture college, the school of mines and technology, the normal schools, a school for the deaf, a school for the blind, and all other educational institutions that may be sustained either wholly or in part by the state shall be under the control of a board of five members appointed by the Governor and confirmed by the sen-

ate under such rules and restrictions as the Legislature shall provide. The Legislature may increase the number of members to nine.

§4. [Repealed.]

§5. Mining and metallurgy to be taught.

The Legislature shall provide that the science of mining and metallurgy be taught in at least one institution of learning under the patronage of the state.

Article XV Militia

§1. Composition of militia.

The militia of the state of South Dakota shall consist of all able-bodied male persons residing in the state, between the ages of eighteen and forty-five years, except such persons as now are, or hereafter may be, exempted by the laws of the United States or of this state.

§2. Legislative provisions for militia.

The Legislature shall provide by law for the enrollment, uniforming, equipment and discipline of the militia and the establishment of volunteer and such other organizations or both, as may be deemed necessary for the protection of the state, the preservation of order and the efficiency and good of the service.

§3. Conformity to federal regulations.

The Legislature in providing for the organization of the militia shall conform, as nearly as practicable, to the regulations for the government of the armies of the United States.

§4. Commissions of officers of militia.

All militia officers shall be commissioned by the Governor, and may hold their commissions for such period of time as the Legislature may provide, subject to removal by the Governor for cause, to be first ascertained by a court-martial pursuant to law.

§5. Militia privileged from arrest.

The militia shall in cases except treason, felony or breach of the peace, be privileged from arrest during their attendance at muster and elections and in going to and returning from the same.

§6. Safekeeping of military records and relics.

All military records, banners and relics of the state, except when in lawful use, shall be preserved in the office of the adjutant general as an enduring memorial of the patriotism and valor of South Dakota; and it shall be the duty of the Legislature to provide by law for the safekeeping of the same.

§7. Conscientious objectors.

No person having conscientious scruples against bearing arms shall be compelled to do military duty in time of peace.

Article XVI

Impeachment And Removal From Office

§1. Power of impeachment in house -- Majority required.

The house of representatives shall have the sole power of impeachment.

The concurrence of a majority of all members elected shall be necessary to an impeachment.

§2. Trial of impeachments -- Presiding officer.

All impeachments shall be tried by the senate. When sitting for that purpose the senators shall be upon oath or affirmation to do justice according to law and evidence. No person shall be convicted without the concurrence of two-thirds of the members elected. When the Governor or lieutenant governor is on trial the presiding judge of the Supreme Court shall preside.

§3. Officers subject to impeachment -- Grounds -- Removal from office -- Criminal prosecution.

The Governor and other state and judicial officers, except county judges, justices of the peace and police magistrates, shall be liable to impeachment for drunkenness, crimes, corrupt conduct, or malfeasance or misdemeanor in office, but judgment in such cases shall not extend further than to removal from office and disqualification to hold any office of trust or profit under the state. The person accused whether convicted or acquitted shall nevertheless be liable to indictment, trial, judgment and punishment according to law.

§4. Removals of officers not subject to impeachment.

All officers not liable to impeachment shall be subject to removal for misconduct or malfeasance or crime or misdemeanor in office, or for drunkenness or gross incompetency, in such manner as may be provided by law.

§5. Suspension of duties between impeachment and acquittal.

No officer shall exercise the duties of his office after he shall have been impeached and before his acquittal.

§6. Lieutenant governor not to try Governor.

On trial of an impeachment against the Governor the lieutenant governor shall not act as a member of the court.

§7. Service of copy of impeachment before trial required.

No person shall be tried on impeachment before he shall have been served with a copy thereof at least twenty days previous to the day set for trial.

§8. Impeachment twice for same offense prohibited.

No person shall be liable to impeachment twice for the same offense.

Article XVII

Corporations

§1. Special corporation laws prohibited -- State- controlled corporations excepted.

No corporation shall be created or have its charter extended, changed or amended by special laws, except those for charitable, educational, penal or reformatory purposes, which are to be and remain under the patronage and control of the state; but the Legislature shall provide, by general laws, for the organization of all corporations hereafter to be created.

§2. Invalidation of charters without bona fide organization and business.

All existing charters, or grants of special or exclusive privileges under which a bona fide organization shall not have taken place and business been commenced in good faith at the time this Constitution takes effect, shall thereafter have no validity.

§3. Laws for benefit of corporation as conditioned on compliance with Constitutional provision.

The Legislature shall not remit the forfeiture of the charter of any corporation now existing nor alter or amend the same nor pass any other general or special law for the benefit of such corporation, except upon the condition that such corporation shall thereafter hold its charter subject to the provisions of this Constitution.

§4. Corporations subject to eminent domain -- Police power.

The exercise of the right of eminent domain shall never be abridged or so construed as to prevent the Legislature from taking the property and franchises of incorporated companies and subjecting them to public use, the same as the property of individuals; and the exercise of the police power of the state shall never be abridged or so construed as to permit corporations to conduct their business in such manner as to infringe the equal rights of individuals or the general well-being of the state.

§5. Casting of votes for directors or managers.

In all elections for directors or managers of a corporation, each member or shareholder may cast the whole number of his votes for one candidate, or distribute them upon two or more candidates, as he may prefer.

§6. Place of business and authorized agent required of foreign corporation.

No foreign corporation shall do any business in this state without having one or more known places of business and an authorized agent or agents in the same upon whom process may be served.

§7. Business to be expressed in charter -- Real estate restricted.

No corporation shall engage in any business other than that expressly authorized in its charter, nor shall it take or hold any real estate except such as may be necessary and proper for its legitimate business.

§8. Stocks and bonds -- Indebtedness increase.

No corporation shall issue stocks or bonds except for money, labor done, or money or property actually received; and all fictitious increase of stock or indebtedness shall be void. The stock and indebtedness of corporations shall not be increased except in pursuance of general law, nor without the consent of the persons holding the larger amount in value of the stock first obtained, at a meeting to be held after sixty days notice given in pursuance of law.

§9. Legislature's power to alter, revise, or annul corporate charters -- Creation, renewal, or extension.

The Legislature shall have the power to alter, revise or annul any charter of any corporation now existing and revocable at the taking effect of this Constitution, or any that may be created, whenever in their opinion it may be injurious to the citizens of this state, in such a manner, however, that no injustice shall be done to the incorporators. No law hereafter enacted shall create, renew or extend the charter of more than one corporation.

§10. Local consent required for grant of street railroad right.

No law shall be passed by the Legislature granting the right to construct and operate a street railroad within any city, town or incorporated village, without requiring the consent of the local authorities having the control of the street or highway proposed to be occupied by such street railroad.

§11. Construction and maintenance of telegraph lines -- Controlling interest in competing company prohibited.

Any association or corporation organized for the purpose, or any individual, shall have the right to construct and maintain lines of telegraph in this state and to connect the same with other lines; and the Legislature shall by general law of uniform operation provide reasonable regulations to give full effect to this section. No telegraph company shall consolidate with or hold a controlling interest in the stock or bonds of any other telegraph company owning a competing line, or acquire by purchase or otherwise, any other competing line of telegraph.

§12. Railroad corporations.

Every railroad corporation organized or doing business in this state under the laws or authority thereof shall have and maintain a public office or place in this state for the transaction of its business, where transfers of its stock shall be made, and in which shall be kept for public inspection books in which shall be recorded the amount of capital stock subscribed, and by whom; the names of the owners of its stock, and the amount owned by them respectively; the amount of stock paid in, and by whom; the transfers of said stock; the amount of its assets and liabilities; and the names and place of residence of its officers. The directors of every railroad corporation shall annually make a report, under oath, to the auditor of public accounts or some officer or officers to be designated by law, of all their acts and doings, which report shall include such matters relating to railroads as may be prescribed by law, and the Legislature shall pass laws enforcing by suitable penalties the provisions of this section.

§13.Movable property of railroad corporation considered personalty -- Execution and sale.

The rolling stock, and all other movable property belonging to any railroad company or corporation in this state shall be considered personal property, and shall be liable to execution and sale in the same manner as the personal property of individuals, and the Legislature shall pass no laws exempting such property from execution and sale.

§14.Consolidation of railroad lines -- Forfeiture of charter for evasion of provisions.

No railroad corporation shall consolidate its stock, property or franchises with any other railroad corporation owning a parallel or competing line; and in no case shall any consolidation take place except upon public notice given out, at least sixty days to all stockholders, in such manner as may be provided by law. Any attempt to evade the provisions of this section, by any railroad corporation, by lease or otherwise, shall work a forfeiture of its charter.

§15.Railways and rail companies declared public highways and common carriers -- Regulation of rates.

Railways heretofore constructed or that may hereafter be constructed, in this state are hereby declared public highways, and all railroad and transportation companies are declared to be common carriers and subject to legislative control; and the Legislature shall have power to enact laws regulating and controlling the rates of charges for the transportation of passengers and freight as such common carriers from one point to another in this state.

§16.Right to construct and operate railroad -- Passengers, tonnage and cars.

Any association or corporation organized for the purpose shall have the right to construct and operate a railroad between any points within this state, and to connect at the state line with railroads of other states. Every railroad company shall have the right with its road to intersect, connect with, or cross any other railroad, and shall receive and transport each the other's passengers, tonnage and cars, loaded or empty, without delay or discrimination.

§17.Rate discrimination prevention.

The Legislature shall pass laws to correct abuses and prevent discrimination and extortion in the rates of freight and passenger tariffs on the different railroads in this state, and enforce such laws by adequate penalties, to the extent, if necessary for that purpose, of forfeiture of their property and franchises.

§18.Compensation for private property taken for public use -- Assessment of damages.

Municipal and other corporations and individuals invested with the privilege of taking private property for public use shall make just compensation for property taken, injured or destroyed, by the construction or enlargement of their works, highways or improvements, which compensation shall be paid or secured before such taking, injury or destruction. The Legislature is hereby prohibited from depriving any person of an appeal from any preliminary assessment of damages against any such corporation or individuals made

by viewers or otherwise; and the amount of such damages in all cases of appeal shall, on the demand of either party, be determined by a jury as in other civil cases.

§19. "Corporations" defined.

The term "corporations," as used in this article, shall be construed to include all joint stock companies or associations having any of the powers or privileges of corporations not possessed by individuals or partnerships.

§20. Monopolies and trusts prohibited-- Combinations in restraint of trade -- Legislative powers.

Monopolies and trusts shall never be allowed in this state and no incorporated company, copartnership or association of persons in this state shall directly or indirectly combine or make any contract with any incorporated company, foreign or domestic, through their stockholders or the trustees or assigns of such stockholders, or with any copartnership or association of persons, or in any manner whatever to fix the prices, limit the production or regulate the transportation of any product or commodity so as to prevent competition in such prices, production or transportation or to establish excessive prices therefor.

The Legislature shall pass laws for the enforcement of this section by adequate penalties and in the case of incorporated companies, if necessary for that purpose may, as a penalty, declare a forfeiture of their franchises.

§21. Corporate or syndicate farming prohibited -- Definitions -- Restrictions.

No corporation or syndicate may acquire, or otherwise obtain an interest, whether legal, beneficial, or otherwise, in any real estate used for farming in this state, or engage in farming. The term, corporation, means any corporation organized under the laws of any state of the United States or any country. The term, syndicate, includes any limited partnership, limited liability partnership, business trust, or limited liability company organized under the laws of any state of the United States or any country. A syndicate does not include general partnerships, except general partnerships in which nonfamily farm syndicates or nonfamily farm corporations are partners. The term, farming, means the cultivation of land for the production of agricultural crops, fruit, or other horticultural products, or the ownership, keeping, or feeding of animals for the production of livestock or livestock products.

§ 22. Restrictions -- Application.

The restrictions in § 21 of this Article do not apply to:

(1) A family farm corporation or syndicate. A family farm corporation or syndicate is a corporation or syndicate engaged in farming or the ownership of agricultural land, in which a majority of the partnership interests, shares, stock, or other ownership interests are held by members of a family or a trust created for the benefit of a member of that family. The term, family, means natural persons related to one another within the fourth degree of kinship according to civil law, or their spouses. At least one of the family members in a family farm corporation or syndicate shall reside on or be actively engaged in the day-to-day labor and management of the farm. Day-to-day labor and management shall require both daily or routine substantial physical exertion and administration. None of the corporation's or syndicate's partners, members, or stockholders may be nonresident aliens, or other corporations or syndicates, unless all of the stockholders, members, or

partners of such entities are persons related within the fourth degree of kinship to the majority of partners, members, or stockholders in the family farm corporation or syndicate;

(2) Agricultural land acquired or leased, or livestock kept, fed or owned, by a cooperative organized under the laws of any state, if a majority of the shares or other interests of ownership in the cooperative are held by members in the cooperative who are natural persons actively engaged in the day-to-day labor and management of a farm, or family farm corporations or syndicates, and who either acquire from the cooperative, through purchase or otherwise, such livestock, or crops produced on such land, or deliver to the cooperative, through sale or otherwise, crops to be used in the keeping or feeding of such livestock;

(3) Nonprofit corporations organized under state non-profit corporation law;

(4) Agricultural land, which, as of the approval date of this amendment, is being farmed, or which is owned or leased, or in which there is a legal or beneficial interest, directly or indirectly owned, acquired, or obtained by a corporation or syndicate, if such land or other interest is held in continuous ownership or under continuous lease by the same such corporation or syndicate. For the purposes of this exemption, land purchased on a contract signed as of the approval date of this amendment is considered as owned on that date;

(5) Livestock, which as of the approval date of this amendment, is owned by a corporation or syndicate. For the purposes of this exemption, livestock to be produced under contract for a corporation or syndicate are considered as owned, if the contract is for the keeping or feeding of livestock and is signed as of the approval date of this amendment, and if the contract remains in effect and is not terminated by either party to the contract. This exemption does not extend beyond the term of any contract signed as of the approval date of this amendment;

(6) A farm operated for research or experimental purposes, if any commercial sales from the farm are only incidental to the research or experimental objectives of the corporation or syndicate;

(7) Land leases by alfalfa processors for the production of alfalfa;

(8) Agricultural land operated for the purpose of growing seed, nursery plants, or sod;

(9) Mineral rights on agricultural land;

(10) Agricultural land acquired or leased by a corporation or syndicate for immediate or potential nonfarming purposes, for a period of five years from the date of purchase. A corporation or syndicate may hold such agricultural land in such acreage as may be necessary to its nonfarm business operation, but pending the development of the agricultural land for nonfarm purposes, such land may not be used for farming except under lease to a family farm corporation or family farm syndicate or a non syndicate or noncorporate farm

(11) Agricultural lands or livestock acquired by a corporation or syndicate by process of law in the collection of debts, or by any procedures for the enforcement of a lien, encumbrance, or claim thereon, whether created by mortgage or otherwise. Any lands so acquired shall be disposed of within a period of five years and may not be used for farming before being disposed of, except under a lease to a family farm corporation or syndicate, or a nonsyndicate or noncorporate farm. Any livestock so acquired shall be disposed of within six months;

(12) Agricultural lands held by a state or nationally chartered bank as trustee for a person, corporation or syndicate that is otherwise exempt from the provisions of sections 21 to 24, inclusive, of this Article;

(13) A bona fide encumbrance taken for purposes of security;

(14) Custom spraying, fertilizing, or harvesting;

(15) Livestock futures contracts, livestock purchased for slaughter within two weeks of the purchase date, or livestock purchased and resold within two weeks.

§ 23. Loss of qualification -- Requalification or dissolution.

If a family farm corporation or family farm syndicate that has qualified under all the requirements of a family farm corporation or a family farm syndicate ceases to meet the defined criteria, it has twenty years, if the ownership of the majority of the stock of such corporation, or the majority of the ownership interest of such syndicate, continues to be held by persons related to one another within the fourth degree of kinship or their spouses, and their land holdings are not increased, to either requalify as a family farm corporation or family farm syndicate or dissolve and return to personal ownership.

§ 24. Annual report -- Violations -- Action and enforcement.

Any corporation or syndicate that owns agricultural land or engages in farming is required to report information necessary for the enforcement of sections 21 to 24, inclusive, of this Article to the Secretary of State on an annual basis, under rules promulgated by the Secretary pursuant to state law. The Secretary of State shall monitor such reports and notify the Attorney General of any possible violations, and any resident of the state may also notify the Attorney General of any possible violations. If a corporation or syndicate violates any provision of sections 21 to 24, inclusive, of this Article, the Attorney General shall commence an action in circuit court to enjoin any pending illegal purchase of land or livestock, or to force divestiture of land or livestock held in violation of sections 21 to 24, inclusive, of this Article. The court shall order any land held in violation of sections 21 to 24 of this Article to be divested within two years and any livestock to be divested within six months. If land so ordered by the court has not been divested within two years, the court shall declare the land escheated to the state. If the Attorney General fails to bring an action in circuit court to enforce sections 21 to 24, inclusive, of this Article, any resident of the state has standing in circuit court to sue for enforcement.

Article XVIII

Banking and Currency

§1. General banking law -- Provisions required.

If a general banking law shall be enacted it shall provide for the registry and countersigning by an officer of this state of all bills or paper credit designed to circulate as money, and require security to the full amount thereof, to be deposited with the state treasurer, in the approved securities of the state or of the United States, to be rated at ten per centum below their par value, and in case of their depreciation the deficiency shall be made good by depositing additional securities.

§2. Bank to cease operations within twenty years of organization -- Reorganization.

Every bank, banking company or corporation shall be required to cease all banking operations within twenty years from the time of its organization, and promptly thereafter close its business, but shall have corporate capacity to sue or be sued until its business is fully closed, but the Legislature may provide by general law for the reorganization of such banks.

§3. Liability of banking corporation shareholders and stockholders -- Exemption under federal law.

The shareholders or stockholders of any banking corporation shall be held individually responsible and liable for all contracts, debts and engagements of such corporation to the extent of the amount of their stock therein, at the par value thereof, in addition to the amount invested in such shares or stock and such individual liability shall continue for one year after any transfer or sale of stock by any stockholder or stockholders. Provided that if the shareholders and stockholders of any national banking corporation shall be exempt from liability by federal law then and in that event the liability upon shareholders and stockholders of state banking corporations herein imposed shall not be operative in the event that such state banking corporation has membership in the federal deposit insurance corporation.

**Article XIX
Congressional and Legislative Apportionment**

§1. Congressional representatives elected at large.

Until otherwise provided by law, the members of the house of representatives of the United States, apportioned to this state, shall be elected by the state at large.

§2. Senatorial and representative districts -- Apportionment.

Until otherwise provided by law, the senatorial and representative districts shall be formed, and the senators and representatives shall be apportioned as follows:

DISTRICTS

[Omitted -- See Chapter 2-2 for current provisions.]

**Article XX
Seat of Government**

§1. Temporary seat of government -- Vote.

The question of the location of the temporary seat of government shall be submitted to a vote of the electors of the proposed state of South Dakota in same manner and at the same election at which this Constitution shall be submitted, and the place receiving the highest number of votes shall be the temporary seat of government until a permanent seat of government shall be established as hereinafter provided.

§2. Permanent seat of government -- Vote.

The Legislature at its first session after the admission of this state, shall provide for the submission of the question of a place for a permanent seat of government to the qualified voters of the state at the next general election thereafter, and that place which receives a majority of all the votes cast upon that question shall be the permanent seat of government.

§3. Election between two places with highest votes if majority vote not received.

Should no place voted for at said election have a majority of all votes cast upon this question, the Governor shall issue his proclamation for an election to be held in the same manner at the next general election to choose between the two places having received the highest number of votes cast at the first election on this question. This election shall be conducted in the same manner as the first election for the permanent seat of government, and the place receiving the majority of all votes cast upon this question shall be the permanent seat of government.

Article XXI Miscellaneous

§1. Seal and coat of arms.

The design of the great seal of South Dakota shall be as follows: A circle within which shall appear in the left foreground a smelting furnace and other features of mining work. In the left background a range of hills. In the right foreground a farmer at his plow. In the right background a herd of cattle and a field of corn. Between the two parts thus described shall appear a river bearing a steamboat. Properly divided between the upper and lower edges of the circle shall appear the legend, "Under God the People Rule" which shall be the motto of the state of South Dakota. Exterior to this circle and within a circumscribed circle shall appear, in the upper part, the words, "State of South Dakota," in the lower part the words, "Great Seal," and the date in Arabic numerals of the year in which the state shall be admitted to the union.

§2. Salary of constitutional officers.

The Legislature by two-thirds vote of each branch thereof at any regular session may fix the salary of any or all constitutional officers including members of the Legislature. In fixing any such salary the Legislature shall determine the effective date thereof and may in its discretion decrease or increase the salary of any officer during his term.

§3. Oath of office.

Every person elected or appointed to any office in this state, except such inferior offices as may be by law exempted, shall, before entering upon the duties thereof, take an oath or affirmation to support the Constitution of the United States and of this state, and faithfully to discharge the duties of his office.

§4. Exemptions.

The right of the debtor to enjoy the comforts and necessities of life shall be recognized by wholesome laws exempting from forced sale a homestead, the value of which shall be limited and defined by law, to all heads of families, and a reasonable amount of personal property, the kind and value of which to be fixed by general laws.

§5. Rights of married women.

The real and personal property of any woman in this state, acquired before marriage, and all property to which she may after marriage become in any manner rightfully entitled, shall be her separate property, and shall not be liable for the debts of her husband.

§6. Drainage of agricultural lands.

The drainage of agricultural lands is hereby declared to be a public purpose and the Legislature may provide therefor, and may provide for the organization of drainage districts for the drainage of lands for any public use, and may vest the corporate authorities thereof, and the corporate authorities of counties, townships and municipalities, with power to construct levees, drains and ditches, and to keep in repair all drains, ditches and levees heretofore constructed under the laws of this state, by special assessments upon the property benefited thereby, according to benefits received.

§7. Irrigation of agricultural lands.

The irrigation of agricultural lands is hereby declared to be a public purpose and the Legislature may provide for the organization of irrigation districts for the irrigation of land, and may vest the corporate authorities thereof and the corporate authorities of counties, townships and municipalities with the power to construct, operate and maintain irrigation dams, reservoirs, canals, flumes, ditches and laterals, and to keep in repair all irrigation dams, reservoirs, canals, flumes, ditches and laterals heretofore constructed, under the laws of the state, by special assessments upon the property benefited thereby, according to the benefits received.

§8. Hail insurance.

The providing of insurance against loss or damage to crops by hail is hereby declared to be a public purpose, and the Legislature is authorized and empowered to levy an assessment upon agricultural land for such purpose, with such exemptions as may be provided by law. The state may be divided into hail insurance districts and the assessment per acre in the different districts shall be as the Legislature may determine, but such assessment shall be uniform upon all land of the same district that is similarly situated. The assessment hereby authorized may be levied by the Legislature direct, or by the corporate authorities of the districts herein provided for, or by such other agency as may be authorized by general law.

Article XXII

Compact with the United States

The following article shall be irrevocable without the consent of the United States and the people of the state of South Dakota expressed by their legislative assembly:

First. That perfect toleration of religious sentiment shall be secured, and that no inhabitant of this state shall ever be molested in person or property on account of his or her mode of religious worship.

Second. That we, the people inhabiting the state of South Dakota, do agree and declare that we forever disclaim all right and title to the unappropriated public lands lying within the boundary of South Dakota, and to all lands lying within said limits owned or held by any Indian or Indian tribes; and that until the title thereto shall have been extinguished by the United States, the same shall be and remain subject to the disposition of the United States; and said Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States; that the lands belonging to citizens of the United States residing without the said state shall never be taxed at a higher rate than the lands belonging to residents of this state; that no taxes shall be imposed by the state of South Dakota on lands or property therein belonging to or which may hereafter be purchased by the United States, or reserved for its use. But nothing herein shall preclude the state of South Dakota from taxing as other lands are taxed any lands owned or held by any Indian who has severed his tribal relation and has obtained from the United States, or from any person a title thereto by patent or other grant save and except such lands as have been or may be granted to any Indian or Indians under any act of Congress containing a provision exempting the lands thus granted from taxation. All such lands which may have been exempted by any grant or law of the United States, shall remain exempt to the extent, and as prescribed by such act of Congress.

Third. That the state of South Dakota shall assume and pay that portion of the debts and liabilities of the territory of Dakota as provided in this Constitution.

Fourth. That provision shall be made for the establishment and maintenance of systems of public schools, which shall be open to all the children of this state, and free from sectarian control.

Article XXIII

Amendments and Revisions of the Constitution

§1. Amendments.

Amendments to this Constitution may be proposed by initiative or by a majority vote of all members of each house of the Legislature. An amendment proposed by initiative shall require a petition signed by qualified voters equal in number to at least ten percent of the total votes cast for Governor in the last gubernatorial election. The petition containing the text of the proposed amendment and the names and addresses of its sponsors shall be filed at least one year before the next general election at which the proposed amendment is submitted to the voters. A proposed amendment may amend one or more articles and related subject matter in other articles as necessary to accomplish the objectives of the amendment.

§2. Revision.

A convention to revise this Constitution may be called by a three-fourths vote of all the members of each house. The calling of a constitutional convention may be initiated and submitted to the voters in the same manner as an amendment. If a majority of the voters voting thereon approve the calling of a convention, the Legislature shall provide for the

holding thereof. Members of a convention shall be elected on a nonpolitical ballot in the same districts and in the same number as the house of representatives. Proposed amendments or revisions approved by a majority of all the members of the convention shall be submitted to the electorate at a special election in a manner to be determined by the convention.

§3. Ratification.

Any constitutional amendment or revision must be submitted to the voters and shall become a part of the Constitution only when approved by a majority of the votes cast thereon. The Legislature may provide for the withdrawal by its sponsors of an initiated amendment at any time prior to its submission to the voters.

Article XXIV

Prohibition (Repealed)

Article XXV

Minority Representation (Rejected)

Article XXVI

Schedule and Ordinance

§1. Continuation of prior writs, actions, claims, and bodies corporate -- Validation of previously issued process.

That no inconvenience may arise from the change of the territorial government to the permanent state government, it is hereby declared that all writs, actions, prosecutions, claims and rights of individuals, and all bodies corporate, shall continue as if no change had taken place in this government; and all process which may be before the organization of the judicial department, under this Constitution, issued under the authority of the territory of Dakota, within the boundary of this state, shall be as valid as if issued in the name of the state of South Dakota.

§2. Fines, forfeitures and escheats of territory to accrue to state.

That all fines, penalties, forfeitures and escheats accruing to the territory of Dakota, within the boundary of the state of South Dakota, shall accrue to the use of said state.

§3. Recognizances, bonds, obligations and undertakings -- Criminal prosecutions and penal actions.

That all recognizances, bonds, obligations or other undertakings, heretofore taken, or which may be taken before the organization of the judicial department under this Constitution, shall remain valid, and shall pass over to, and may be prosecuted in the name of the state of South Dakota; and all bonds, obligations or undertakings, executed to this territory, within the boundaries of the state of South Dakota, or to any officer in his official capacity, shall pass over to the proper state authority, and to their successors in of-

fice, for the uses therein respectively expressed, and may be sued for and recovered accordingly.

All criminal prosecutions and penal actions, which have arisen, or which may arise before the organization of the judicial department under this Constitution, and which shall then be pending, may be prosecuted to judgment and executed in the name of the state.

§4. Civil and military officers.

All officers, civil and military, now holding their offices and appointments in this territory under the authority of the United States, or under the authority of the territory of Dakota, shall continue to hold and exercise their respective offices and appointments until superseded under this Constitution: provided, that the provisions of the above sections shall be subject to the provisions of the act of Congress providing for the admission of the state of South Dakota, approved by the president of the United States on February 22, 1889.

§5. Election of Constitution and state officers -- Ballots.

This Constitution shall be submitted for adoption or rejection to a vote of the electors qualified by the laws of this territory to vote at all elections, at the election to be held on Tuesday, October 1, 1889.

At the said election the ballots shall be in the following form:

For the Constitution: Yes. No.

For prohibition: Yes. No.

For minority representation: Yes. No.

As a heading to each of said ballots shall be printed on each ballot the following instructions to voters:

All persons desiring to vote for the Constitution, or for any of the articles submitted to a separate vote, must erase the word "No."

All persons who desire to vote against the Constitution, or against any article submitted separately, must erase the word "Yes."

Any person may have printed or written on his ballot only the words "for the Constitution," or "against the Constitution," and such ballot shall be counted for or against the Constitution accordingly. The same provision shall apply to articles submitted separately.

In addition to the foregoing election for the Constitution and for the articles submitted by this convention for a separate vote thereon, an election shall be held at the same time and places, by the said qualified electors, for the following state officers, to be voted for on the same ballot as above provided for votes on the Constitution and separate articles, to wit:

A Governor, lieutenant governor, secretary of state, auditor, treasurer, attorney general, superintendent of public instruction, commissioner of school and public lands, judges of the Supreme, circuit and county Courts, representatives in Congress, state senators, and representatives in the Legislature.

All the elections above provided for shall be held in the same manner and form as provided for the election for the adoption or rejection of the Constitution. And the names of all the officers above specified to be voted for at such election shall be written or printed upon the same ballots as the vote for or against the Constitution.

The judges of election in counting the ballots voted at such election shall count all the affirmative ballots upon the Constitution as votes for the Constitution; and they shall

count all the negative ballots voted at said election upon the Constitution as votes against the Constitution; and ballots voted at said election upon which neither of said words "yes" or "no" following the words "for the Constitution" are erased, shall not be counted upon such proposition. And they shall count all affirmative ballots so voted upon the article on prohibition separately submitted, as votes for such article, and they shall count all negative ballots so voted upon such article as votes against such article; and ballots upon which neither the words "yes" or "no" following the words "for prohibition" are erased, shall not be counted upon such proposition; and they shall count all the affirmative ballots so voted upon the article on minority representation, separately submitted, as votes for such article. And they shall count all negative ballots so voted upon such article as votes against such article; and ballots upon which neither of said words "yes" or "no" following the words "for minority representation" are erased, shall not be counted upon such proposition.

If it shall appear in accordance with the returns hereinafter provided for, that a majority of the votes polled at such election, for and against the Constitution, are for the Constitution, then this Constitution shall be the Constitution of the state of South Dakota. If it shall appear, according to the returns hereinafter provided for, that a majority of all votes cast at said election for and against "prohibition" are for prohibition then said article XIV shall be and form a part of this Constitution, and be in full force and effect as such from date of said election, but if a majority of said votes shall appear, according to said returns to be against prohibition, then article XXIV shall be null and void and shall not be a part of this Constitution. And if it appear, according to the returns hereinafter provided for, that a majority of all votes cast at said election for and against "minority representation" are for minority representation, then article XXV shall be and form a part of said Constitution, and be in full force and effect as such from the date of said election; but if a majority of said votes shall appear, according to said returns, to be against minority representation, then said article XXV shall be null and void and shall not be a part of this Constitution.

At such election the person voted for, for any one of the offices to be filled at such election, who shall receive the highest number of votes cast at said election, shall be declared elected to said office.

§6. Election for temporary seat of government.

At the same time and places of election there shall be held by said qualified electors an election for the place of the temporary seat of government.

On each ballot, and on the same ballot on which are the matters voted for or against, as hereinbefore provided, shall be written or printed the words "for temporary seat of government," (Here insert the name of the city, town or place, to be voted for.)

And upon the canvass and return of the vote, made as hereinafter provided for, the name of the city, town or place which shall have received the largest number of votes for said temporary seat of government, shall be declared by the Governor, chief justice and secretary of the territory of Dakota, or by any two of them, at the same time that they shall canvass the vote for or against the Constitution, together with the whole number of votes cast for each city, town or place, and the officers above named, shall immediately after the result of said election shall have been ascertained, issue a proclamation directing the Legislature elected at said election to assemble at said city, town or place so selected, on the day fixed by this schedule and ordinance.

§7. Conduct of election.

The election provided for herein shall be under the provisions of the Constitution herewith submitted, and shall be conducted in all respects as elections are conducted under the general laws of the territory of Dakota, except as herein provided. No mere technicalities or informalities in the manner or form of election, or neglect of any officer to perform his duty with regard thereto, shall be deemed to vitiate or avoid the same, it being the true intent and object of this ordinance to ascertain and give effect to the true will of the people of the state of South Dakota, as expressed by their votes at the polls.

§8. Election returns.

Immediately after the election herein provided for, the judges of election at each voting place shall make a true and complete count of all the votes duly cast at such election, and shall certify and return the result of the same, with the names of all the candidates and the number of votes cast for each candidate, and the number of votes cast for and against the Constitution, and the number of votes cast for and against prohibition, and the number of votes cast for and against minority representation, and the number of votes cast for each city, town or place for the "temporary seat of government," to the county clerk, or auditor of the respective counties, together with one of the poll lists and election books used in said election.

§9. Canvass of vote -- Filing with county clerks or auditors.

Within five days after said election the several boards of county canvassers provided by law for the canvassing of the results of the election, shall make and certify to the secretary of the territory of Dakota the true and correct return of the total number of votes cast for the Constitution, and against the Constitution, of the number of votes cast for and against "prohibition," and the number of votes cast for and against "minority representation," and the number of votes cast for each city, town or place as the "temporary seat of government," and of the number of votes cast for each person voted for at such election, except county officers and members of the Legislature, and shall transmit the same to the secretary of the territory of Dakota, by mail, and shall file with the county clerk or auditor of each of said counties a duplicate and certified copy of said return.

Said board of county canvassers shall issue certificates of election to the persons who shall have received the highest number of votes cast for the respective offices of judge of the county court, and representatives in the Legislature, and for state senator or senators.

§10. Certification of senator or representative from multi-county district.

When two or more counties are connected in one senatorial or representative district, it shall be the duty of the clerks and auditors of the respective counties to attend at the office of the county clerk of the senior county in the date of organization within twenty days after the date of election, and they shall compare the votes given in the several counties comprising such senatorial and representative district and such clerks or auditors shall immediately make out a certificate of election to the person having the highest number of votes in such district for state senator or representative or both; which certificate shall be delivered to the person entitled thereto on his application to the clerk of the senior county of such district.

§11. Delivery of returns to proper state officer -- Certification to president -- Proclamation of election result -- Lists of elected officers -- Certificates of election.

The secretary of the territory shall receive all returns of election transmitted to him as above provided, and shall preserve the same, and after they have been canvassed as hereinafter provided, and after the admission of the state of South Dakota into the union, he shall deliver said returns to the proper state officer of said state of South Dakota.

Within fifteen days after said election the secretary of the territory, with the Governor and chief justice thereof, or any two of them, shall canvass such returns and certify the same to the president of the United States, as provided in the Enabling Act.

They shall also ascertain the total number of votes cast at such election for the Constitution and against the Constitution; the total number of votes cast for and against prohibition; and the total number of votes cast for and against minority representation; and the total number of votes cast for each city, town or place as the "temporary seat of government"; and the total number of votes cast for each person voted for, for any office at said election, excepting county judges and members of the Legislature, and shall declare the result of said election in conformity with such vote, and the Governor of the territory shall thereupon issue a proclamation at once thereof.

They shall also make and transmit to the state Legislature, immediately upon its organization, a list of all the state and judicial officers who shall thus be ascertained to be duly elected.

The various county and district canvassing boards shall make and transmit to the secretary of the territory the names of all persons declared by them to be elected members of the senate and house of representatives of the state of South Dakota; he shall make separate lists of the senators and representatives so elected, which list shall constitute the rolls under which the senate and house of representatives shall be organized.

The Governor of the territory shall make and issue certificates of election to the persons who are shown by the canvass to have received the highest number of votes for Governor, lieutenant governor, secretary of state, auditor, treasurer, attorney general, superintendent of public instruction, commissioner of school and public lands and judges of the Supreme and circuit Courts. Such certificates to be attested by the secretary of the territory.

§12. Apportionment of state Legislature -- Number of senators and representatives initially elected.

The apportionment made in this Constitution shall govern the elections above provided for members of the state Legislature, until otherwise provided by law.

At the first election held under this ordinance for senators and representatives of the Legislature, there shall be elected forty-five senators and one hundred and twenty-four representatives in the state Legislature respectively.

§13. First assembly of Legislature -- Oaths of office.

The Legislature elected under the provisions of this ordinance and Constitution shall assemble at the temporary seat of government on the third Tuesday in October, in the year A. D. 1889, at 12 o'clock noon, and on the first day of their assemblage the Governor and other state officers shall take the oath of office in the presence of the Legislature. The oath of office shall be administered to the members of the Legislature and to the state

officers by the chief justice of the territory, or by any other officer duly authorized by the laws of the territory of Dakota to administer oaths.

§14. Election of two United States senators -- Two representatives.

Immediately after the organization of the Legislature and taking the oath of office by the state officers, the Legislature shall then and there proceed to the election of two senators of the United States for the state of South Dakota, in the mode and manner provided by the laws of Congress for the election of United States senators. And the Governor and the secretary of the state of South Dakota shall certify the election of the said senators and two representatives in Congress, in the manner required by law.

§15. Adjournment after election of senators -- Next meeting.

Immediately after the election of the United States senators as above provided for, said Legislature shall adjourn to meet at the temporary seat of government on the first Tuesday after the first Monday of January, 1890, at 12 o'clock m.; provided, however, that if the state of South Dakota has not been admitted by proclamation or otherwise at said date, then said Legislature shall convene within ten days after the date of the admission of the state into the union.

§16. Legislature and officers to exercise necessary and authorized powers only pending admission of state into union.

Nothing in this Constitution or schedule contained shall be construed to authorize the Legislature to exercise any powers except such as are necessary to its first organization, and to elect United States senators, and to adjourn as above provided. Nor to authorize any officer of the executive, administrative or judiciary departments to exercise any duties of his office until the state of South Dakota shall have been regularly admitted into the union, excepting such as may be authorized by the Congress of the United States.

§17. Validity of ordinances and schedule.

The ordinances and schedule enacted by this convention shall be held to be valid for all the purposes thereof.

§18. Freedom of religion -- Public lands -- Indian lands -- Uniformity of taxation -- Territorial debt -- Public schools -- Federal reservations -- Irrevocability.

That we, the people of the state of South Dakota, do ordain:

First. That perfect toleration of religious sentiment shall be secured, and that no inhabitant of this state shall ever be molested in person or property on account of his or her mode of religious worship.

Second. That we, the people inhabiting the state of South Dakota, do agree and declare, that we forever disclaim all right and title to the unappropriated public lands lying within the boundaries of South Dakota; and to all lands lying within said limits owned or held by any Indian or Indian tribes, and that until the title thereto shall have been extinguished by the United States the same shall be and remain subject to the disposition of the United States, and said Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States; that the lands belonging to citizens of the United States residing without the said state, shall never be taxed at a higher rate than the lands belonging to residents of this state. That no taxes shall be imposed by the state of South Dakota

on lands or property therein belonging to or which may hereafter be purchased by the United States, or reserved for its use. But nothing herein shall preclude the state of South Dakota from taxing as other lands are taxed any lands owned or held by any Indian who has severed his tribal relation and has obtained from the United States, or from any person a title thereto by patent or other grant save and except such lands _as have been, or may be granted to any Indian or Indians under any act of Congress containing a provision exempting the lands thus granted from taxation, all such lands which may have been exempted by any grant or law of the United States, shall remain exempt to the extent, and as prescribed by such act of Congress.

Third. That the state of South Dakota shall assume and pay that portion of the debts and liabilities of the territory of Dakota as provided in this Constitution.

Fourth. That provision shall be made for the establishment and maintenance of systems of public schools, which shall be open to all the children of this state, and free from sectarian control.

Fifth. That jurisdiction is ceded to the United States over the military reservations of Fort Meade, Fort Randall and Fort Sully, heretofore declared by the president of the United States: provided legal process, civil and criminal, of this state shall extend over such reservations, in all cases of which exclusive jurisdiction is not vested in the United States, or of crimes not committed within the limits of such reservations.

These ordinances shall be irrevocable without the consent of the United States, and also the people of the said state of South Dakota, expressed by their legislative assembly.

§19. Tenure of elected officers.

The tenure of all officers, whose election is provided for in this schedule, on the first day of October, A. D. 1889, shall be as follows:

The Governor, lieutenant governor, secretary of state, auditor, treasurer, attorney general, superintendent of public instruction, commissioner of school and public lands, judges of county courts, shall hold their respective offices until the first Tuesday, after the first Monday, in January, A. D. 1891, at twelve o'clock m., and until their successors are elected and qualified.

The judges of the Supreme Court and circuit courts shall hold their offices until the first Tuesday, after the first Monday, in January, A. D. 1894, at twelve o'clock m., and until their successors are elected and qualified; subject to the provisions of § 26 of article V of the Constitution.

The terms of office of the members of the Legislature, elected at the first election held under the provisions of this Constitution, shall expire on the first Tuesday, after the first Monday, in January, 1891.

§20. Time of general election.

That the first general election under the provisions of this Constitution shall be held on the first Tuesday, after the first Monday, in November, 1890, and every two years thereafter.

§21. Form of ballot.

The following form of ballot is adopted:

Constitutional Ticket
INSTRUCTIONS TO VOTERS

All persons desiring to vote for the Constitution, or for any of the articles submitted to a separate vote, may erase the word "No."

All persons who desire to vote against the Constitution, or any articles separately submitted may erase the word "Yes."

For the Constitution: Yes. No.

For Prohibition: Yes. No.

For Minority Representation: Yes. No.

For ____ as the temporary seat of government.

For Governor.

For Lieutenant Governor.

For Secretary of State.

For Auditor.

For Treasurer.

For Attorney General.

For Superintendent of Public Instruction.

For Commissioner of School and Public Lands.

For Judges of the Supreme Court.

First District _____

Second District _____

Third District _____

For Judge of the Circuit Court ____ Circuit.

For Representatives in Congress.

For State Senator.

For Representative in the Legislature.

For County Judge.

§22. Enrollment of Constitution -- Delivery to secretary of state -- Inclusion in state laws -- Copy to president of United States.

This Constitution shall be enrolled and after adoption and signing by the convention shall be delivered to Hon. A. J. Edgerton, the president of the constitutional convention, for safekeeping, and by him to be delivered to the secretary of state as soon as he assumes the duties of his office, and printed copies thereof shall be prefixed to the books containing the laws of the state and all future editions thereof.

The president of this convention shall also supervise the making of the copy that must be sent to the president of the United States; said copy is to be certified by the president and chief clerk of this convention.

§23. Agreement by joint commission concerning territorial records, books, and archives.

The agreement made by the joint commission of the constitutional conventions of North and South Dakota concerning the records, books, and archives of the territory of Dakota is hereby ratified and confirmed, which agreement is in the words following: That is to say:

The following books, records and archives of the territory of Dakota shall be the property of North Dakota, to wit:

All records, books and archives in the offices of the Governor and secretary of the territory (except records of articles of incorporation of domestic corporations, returns of election of delegates to the constitutional convention of 1889, for South Dakota, returns of elections held under the so-called local option law in counties within the limits of South Dakota, bonds of notaries public appointed for counties within the limits of South Dakota, papers relating to the organization of counties situate within the limits of South Dakota, all of which records and archives are a part of the records and archives of said secretary's office; excepting also census returns from counties situate within the limits of South Dakota and papers relating to requisitions issued upon the application of officers of counties situate within the limits of South Dakota, all which are part of the records and archives of said Governor's office.)

And the following records, books and archives shall also be the property of the state of North Dakota, to wit:

Vouchers in the office or in the custody of the auditor of this territory relating to expenditures on account of public institutions, grounds or buildings situate within the limits of North Dakota; one warrant register in the office of the treasurer of this territory, being a record of warrants issued under and by virtue of chapter twenty-four of the laws enacted by the eighteenth legislative assembly of Dakota territory; all letters, receipts and vouchers in the same office now filed by counties and pertaining to counties within the limits of North Dakota; paid and canceled coupons in the same office representing interest on bonds which said state of North Dakota is to assume and pay; reports of gross earnings of the year 1888 in the same office, made by corporations operating lines of railroad situated wholly or mainly within the limits of North Dakota; records and papers of the office of the public examiner of the second district of the territory; records and papers of the office

of the second district board of agriculture; records and papers in the office of the board of pharmacy of the district of North Dakota.

All records, books and archives of the territory of Dakota which it is not herein agreed shall be the property of North Dakota, shall be the property of South Dakota.

The following books shall be copied and the copies shall be the property of North Dakota, and the cost of such copies shall be borne equally by the said states of North Dakota and South Dakota. That is to say:

Appropriation ledger for the years ending November, 1889 and 1890 -- one volume.

The current warrant auditor's register -- one volume.

Insurance record for 1889 -- one volume.

Treasurer's cash book "D."

Assessment ledger "B."

Dakota territory bond register -- one volume.

Treasurer's current ledger -- one volume.

The originals of the foregoing volumes which are to be copied, shall at any time after such copying shall have been completed, be delivered on demand to the proper authorities of the state of South Dakota.

All other records, books and archives which it is hereby agreed shall be the property of South Dakota shall remain at the capital of North Dakota until demanded by the Legislature of the state of South Dakota, and until the state of North Dakota shall have had a reasonable time after such demand is made to provide copies or abstracts or such portions thereof as the said state of North Dakota may desire to have copies or abstracts of.

The state of South Dakota may also provide copies or abstracts of such records, books and archives which is agreed shall be the property of North Dakota as said state of South Dakota shall desire to have copies or abstracts of.

The expense of all copies or abstracts of records, books and archives which it is herein agreed may be made, shall be borne equally by said two states.

Article XXVII
State Control of Manufacture
and Sale of Liquor (Repealed)

Article XXVIII
County Investment of
Permanent School and Investment Funds

§1. School and governmental bonds -- Farm loans.

The several counties of the state shall invest the moneys of the permanent school and endowment funds in bonds of school corporations, state, county and municipal bonds or in first mortgages upon good improved farm lands within their limits respectively, under such regulations as the Legislature may provide, but no farm loan shall exceed one thousand dollars to any one person, firm or corporation.

Article XXIX
State Elevators, Warehouses,
Flouring Mills, and Packing Houses

§1. Provision for elevators and warehouses -- Marketing of agricultural products -- Flouring mills and packing houses.

The Legislature may provide by law and appropriate money for the purchase or construction and operation of elevators and warehouses, within or without the state, for the marketing of agricultural products; and provided, further, that the Legislature may provide by law and appropriate money to buy or construct and operate flouring mills and packing houses within the state, if, in the future, and in the judgment of the Legislature, the public necessities may so require.

Index to South Dakota Constitution

A

Actions

state, actions against authorized/Legis. Art. III, §27

Administrative Rules

power of legislature to suspend Art. III, §30

Alcoholic Beverages

prohibition by constitutional provision Art. XXIV

state control of manufacture and sale Art. XXVII

Appropriations

gen. appropriation bill, purposes Art. XII, §2

past services, appropriation prohibited Art. XII, §3

req. expenditure/public funds Art. XI, §9; Art. XII, §1

special approp./separate bill, vote req. Art. XII, §2

Arms

right to bear arms protected Art. VI, §24

Arrest

leg. privilege against arrest during session ... Art. III, §11

militia privilege against arrest Art. XV, §5

Assembly

right of people peaceably to assemble Art. VI, §4

Attorney General

election Art. IV, §7

Legislature, disqualifications /service in Art. III, §3

term limitation Art. IV, §7

term of office Art. IV, §7

Attorneys

admission and discipline Art. V, §12

judges, restrictions on practice of law by Art. V, §10

Auditor

term limitation Art. IV, §7

term of office Art. IV, §7

B

Bail

excessive bail prohibited Art. VI, §23

right to bail in criminal cases Art. VI, §8

Banks and Banking

bills circulating as money,

security deposited with state Art. XVIII, §1

reorg. of bank / expiration of term Art. XVIII, §2

stockholders' liability/corporate debts Art. XVIII, §3

taxation of moneys & credits in banking Art. XI, §4

term of existence /banking corporation Art. XVIII, §2

Bill of Rights

absentee voting by soldiers Art. VI, §19

accusation, right to demand nature & cause ... Art. VI, §7

aliens' property rights protected Art. VI, §14

alteration /forms of govt, inherent power Art. VI, §26

arms, right of citizens to bear Art. VI, §24

assembly and consultation by people Art. VI, §4

attainder by Legislature prohibited Art. VI, §22

bail, right to Art. VI, §8

excessive bail prohibited Art. VI, §23

compulsory process for criminal defendant Art. VI, §7

confrontation of witnesses Art. VI, §7

consent of governed source powers of govt Art. VI, §1

counsel, right to Art. VI, §7

courts open and available Art. VI, §20

cruel punishment prohibited Art. VI, §23

defendant's rights in criminal prosecutions Art. VI, §7

double jeopardy, protection against Art. VI, §9

due process required Art. VI, §2

elections free and equal Art. VI, §19

eminent domain procedure Art. VI, §13

equal freedom of men Art. VI, §1

excessive bails and fines prohibited Art. VI, §23

ex post facto law prohibited Art. VI, §12

fines not to be excessive Art. VI, §23

fundamental principles, recurrence to Art. VI, §27

grant of privilege, franchise or immunity
not to be irrevocable Art. VI, §12

habeas corpus writ not suspended Art. VI, §8

highway right of way Art. VI, §13

imprisonment for debt prohibited Art. VI, §15

indictment, presentment or information
required for criminal prosecution Art. VI, §10

inherent political power in people Art. VI, §26

inherent rights of men Art. VI, §1

jury trial Art. VI, §6

criminal prosecutions Art. VI, §7

military subordinate to civil power Art. VI, §16

obligation of contract Art. VI, §12

petition, right of Art. VI, §4

presentment, indictment or information required
for criminal prosecution Art. VI, §10

press, freedom of Art. VI, §5

private property, taking or damaging
for public use Art. VI, §13

quartering of soldiers prohibited Art. VI, §16

railroad right of way Art. VI, §13

religious freedom Art. VI, §3

remedies for injuries Art. VI, §20

right to work Art. VI, §2

search and seizure, protection against Art. VI, §11

sectarian support prohibited Art. VI, §3

self-incrimination, privilege against Art. VI, §9

special privileges/immunities prohibited Art. VI, §18

speech, freedom of Art. VI, §5

speedy trial of criminal prosecution Art. VI, §7

suffrage protected Art. VI, §19

suspension / laws restricted to Legislature Art. VI, §21

taxation by consent only Art. VI, §17

treason, definition and evidence required Art. VI, §25

truth as defense to libel Art. VI, §5

union membership not required/prohibited Art. VI, §2

United States Constitution supreme Art. VI, §

venue of criminal prosecution Art. VI, §7

warrant required for search and seizure Art. VI, §11

Board of Regents

composition and appointment Art. XIV, §3

Bribery

criminal offense, bribery of public officer Art. III, §28

disqualification from public office Art. III, §28

Legislature, disqualification Art. III, §4

Business Enterprise

state conduct of business enterprises Art. XIII, §1

C**Cement Plant**

work of public necessity and importance... Art. XIII, §10

pledge of state property/credit Art. XIII, §11

trust fund for proceeds of sale Art. XIII, §20

trust fund principal /remain Art. XIII, §21

Change of Name

special laws changing name prohibited Art. III, §23

Circuit Courts

appellate jurisdiction Art. V, §5

clerks, appointment, compensation Art. V, §11

employees, appointment/compensation Art. V, §11

general jurisdiction Art. V, §1

judges

candidacy for nonjudicial office Art. V, §10

disciplinary actions Art. V, §9

election Art. V, §7

number of judges Art. V, §3

practice of law prohibited Art. V, §10

presiding judge of circuit Art. V, §11

qualifications Art. V, §6

retired judges performing duties Art. V, §11

term of office Art. V, §7

vacancies, appointments to fill Art. V, §7

number of circuits Art. V, §3

original jurisdiction Art. V, §§1,5

presiding judge of circuit Art. V, §11

writs issued by court Art. V, §5

Clerks of Court

appointment by presiding circuit judge Art. V, §11

Coal Mining

works of necessity and importance Art. XIII, §§9,14

pledge of state property/credit authorized.. Art. XIII, §15

Comm of School and Public Lands

election Art. IV, §7

term of office Art. IV, §7

Congressional

election at large until otherwise provided.... Art. XIX, §1

Legislature, disqualification from service..... Art. III, §3

term limitations for members Art. III, §32

Constitution

adoption of Constitution Art. XXVI

amendment of Constitution Art. XXIII, §1

convention for revision of Constitution Art. XXIII, §2

ratification of amendments Art. XXIII, §3

withdrawal amendment by sponsors Art. XXIII, §3

Corporations

alteration, revision/annulment of charter.... Art. XVII, §9

business restricted to Art. XVII, §7

consideration for stocks and bonds Art. XVII, §8

cumulative voting for directors Art. XVII, §5

eminent domain, remain subject to Art. XVII, §4

family farm corporation Art. XVII, §§21,22,23

farming, annual report Art. XVII, §24

foreign corporation, Art. XVII, §6

general laws/ org corporations required Art. XVII, §1

increase in stock or indebtedness Art. XVII, §8

joint stock companies/associations Art. XVII, §19

monopolies and trusts prohibited Art. XVII, §20

municipal functions Art. III, §26

police power of state, Art. XVII, §4

real estate, restrictions on holding Art. XVII, §7

securities of corporations, Art. XVII, §8

special laws creating or amending

charter prohibited Art. XVII, §1

exclusive privileges prohibited Art. III, §23

state credit to business enterprises Art. XIII, §1

taxation of corporations Art. XI, §3

territorial law, special charters Art. XVII, §3

void if Art. XVII, §2

watered stock prohibited Art. XVII, §8

Counsel

criminal defendant's right to counsel Art. VI, §7

Counties

boundary changes, approval by voters Art. IX, §1

charter, adoption and affect Art. IX, §2

debt limitation Art. XIII, §4

home rule Art. IX, §2

intergovernmental cooperation Art. IX, §3

local gov't. cooperation, petition for Art. IX, §4

special laws regulating county affairs Art. III, §23

tax levy for retirement of debt Art. XIII, §5

County Seats

special laws locating county seats Art. III, §23

Courts and Judiciary

bribery and corrupt solicitation Art. III, §28

circuit courts Art. V - see *Circuit Courts*

emergency succession to office Art. III, §29

judicial power vested in courts Art. V, §1

separation from exec./legis. powers Art. II

limited jurisdiction courts Art. V, §4

open at all times Art. VI, §20

Supreme Court Art. V - see *Supreme Court*

transition of judicial system Art. V, §13

Crimes and Offenses

attainder by Legislature prohibited Art. VI, §22

cruel punishment prohibited Art. VI, §23

disqualification from service in legislature Art. III, §4

public funds, making of private profit Art. XI, §11

voting disqualifications/ felony Art. VII, §2

Criminal Prosecutions

confrontation of witnesses, right to Art. VI, §7

defense in person or by counsel, right to Art. VI, §7

double jeopardy prohibited Art. VI, §9

impeachment of officer Art. XVI, §3

nature and cause of accusation, demand for ... Art. VI, §7
 presentment, indictment/info required Art. VI, §10
 self-incrimination, privilege against Art. VI, §9
 speedy trial, right to Art. VI, §7

D

Divorce
 special laws granting divorces prohibited..... Art. III, §23

Double Jeopardy
 criminal prosecution twice prohibited..... Art. VI, §9
 impeachment twice prohibited Art. XVI, §8

Drainage
 public purpose, districts/assessments Art. XXI, §6

Due Process
 deprivation of life, liberty, property Art. VI, §2

E

Elections
 absence from state, residence not lost by Art. VII, §2
 absentee voting Art. VI, § 19; Art. VII, §3
 administration of elections Art. VII, §3
 age requirement for electors Art. VII, §2
 attorney general Art. IV, §7
 commissioner of school and public lands Art. IV, §7
 constitutional amendment Art. XXIII, §§1,3
 constitutional convention, Art. XXIII, §2
 county boundary changes Art. IX, §1
 free and equal elections Art. VI, §19; Art. VII, §1
 Governor and Lieutenant Governor Art. IV, §2
 home rule charter, election on adoption..... Art. IX, §2
 legislative elections, houses as judges Art. III, §9
 qualifications of voters Art. VII, §2
 residence requirement for electors Art. VII, §2
 right to vote Art. VII, §1
 secretary of state Art. IV, §7
 soldiers, absentee voting by Art. VI, §19
 state auditor Art. IV, §7
 state capital, selection by voters Art. XX
 state treasurer Art. IV, §7
 townships, election required to abolish Art. IX, §1

Electricity
 manufacture & distribution Art. XIII, §12
 pledge of state property, credit Art. XIII, §13

Elevators
 state operation of elevators permitted Art. XXIX, §1

Eminent Domain
 appeal to jury, right Art. XVII, §18
 corporations /subject to eminent domain Art. XVII, §4
 just compensation required . Art. VI, §13; Art. XVII, §18

Exec. & Administrative Departments
 appointment/removal supervising officers Art. IV, §9
 reorganization Art. IV, §8

Exemptions From Process
 wholesome law exempting required Art. XXI, §4

F

Ferries
 special laws authorizing ferries Art. III, §23

Fines, Penalties and Forfeitures
 remission by Governor Art. IV, §3
 remission by special law prohibited Art. III, §23
 school purposes, application to Art. VIII, §3

Flour Mills
 state operation of flour mills..... Art. XXIX, §1

Franchises
 special laws granting franchises Art. III, §23

Freedom of Press
 constitutional guaranty Art. VI, §5

Freedom of Speech
 constitutional guaranty Art. VI, §5
 legislative speech or debate Art. III, §11

G

Gambling
 Deadwood gambling Art. III, §25
 Legislature not to authorize game of chance,
 lottery or gift enterprise Art. III, §25
 State lottery Art. III, §25

Governor
 administrative officers, powers Art. IV, §3
 armed forces, powers concerning Art. IV, §3
 commander-in-chief armed forces Art. IV, §3
 election Art. IV, §2
 execution of laws Art. IV, §3
 executive power vested in Governor Art. IV, §1
 reorganization Art. IV, §8
 separation from legislative, judicial Art. II
 impeachment of Governor, Lt gov Art. XVI, §6
 Supreme Court judge to preside Art. XVI, §2
 Legislature, convening special sessions Art. IV, §3
 limitation of number of consecutive terms Art. IV, §2
 message to Legislature Art. IV, §3
 public moneys, statement to be included Art. XII, §4
 pardons, commutations and reprieves Art. IV, §3
 powers and duties Art. IV, §3
 qualifications for office Art. IV, §2
 separation of executive from leg/judicial Art. II
 Supreme Court opinion, power to require Art. V, §5
 term of office Art. IV, §2
 vacancies in office, appt by Governor Art. IV, §3
 executive and administrative officers Art. IV, §9
 judicial vacancies Art. V, §7
 legislative vacancies Art. III, §10
 vacancy in office, continuous absence from state/
 disability, succession Art. IV, §6
 veto power over legislation Art. IV, §4
 initiative/referendum measures Art. III, §1

Grand Jury
 abolition/modification grand jury Art. VI, §10
 presentment or indictment required Art. VI, §10

H

Habeas Corpus

suspension of writ prohibited..... Art. VI, §8

Hail Insurance

public purpose, districts and assessments Art. XXI, §8

Highways

good roads works of necessity/importance .. Art. XIII, §9
motor vehicle/fuel taxes earmarked Art. XI, §8
right of way taken, fee remains in owner..... Art. VI, §13
special laws relating to streets..... Art. III, §23
tax exemption of property Art. XI, §6

Homestead

exemption of homestead from forced sale ... Art. XXI, §4

I

Impeachment of Officers

conviction, two-thirds vote of senate Art. XVI, §2
criminal prosecution after impeachment..... Art. XVI, §3
double jeopardy applicable /impeachment... Art. XVI, §8
Governor on trial, Lt gov not to act..... Art. XVI, §6
 presiding officer trial of Gov./Lt gov .. Art. XVI, §2
grounds for impeachment Art. XVI, §3
house to have sole power of impeachment .. Art. XVI, §1
majority of house required / impeachment .. Art. XVI, §1
notice of charges served on accused Art. XVI, §7
removal of officers not subject to impeach.. Art. XVI, §4
suspension from duty pending trial..... Art. XVI, §5
trial by senate..... Art. XVI, §2

Indians

jurisdiction of Indian lands, disclaimer Art. XXII
taxation of patented Indian lands Art. XXII
Indictments and Presentments
requirement in criminal prosecutions..... Art. VI, §10
Initiative and Referendum
constitutional amendment, initiative Art. XXIII, §1
constitutional convention, initiative Art. XXIII, §2
power reserved by people, implementation Art. III, §1

Insurance

hail insurance as public purpose, districts and assessments..... Art. XXI, §8

Internal Improvement

state works of internal improvement.... Art. XIII, §§1, 16

Interstate Succession

special laws relating to succession prohib Art. III, §23

Investment Council

cement plant sale trust fund..... Art.XIII, §20
educational enhancement trust fund..... Art.XII, §6
health care trust Art.XII, §5
permanent school / other fund investment .. Art.VIII, §11

Iowa

boundaries with state of Iowa Art. I, §2

Irrigation

public purpose, districts, assessments..... Art. XXI, §7

J

Judges

disciplinary actions Art. V, §9
judicial qualifications commission..... Art. V, §9
Legislature, disqualification from service in... Art. III, §3
qualifications..... Art. V, §6

Jury Trials

eminent domain, damages Art. XVII, §18
libel prosecutions, determination of fact Art. VI, §5
reduced juries, legislative provision for Art. VI, §6
right of jury trial inviolate Art. VI, §6
three-fourths vote, in civil cases..... Art. VI, §6
Justices of the Peace
Legislature, justices not disqualified..... Art. III, §3

L

Labor Unions

right to work not abridged/ union member..... Art. VI, §2

Legislature

adjournment
 consent of other house required Art.III, §16
 place of adjournment..... Art. III, §16
 quorum not present, adjourn day to day Art. III, §9
annual sessions of Legislature Art. III, §6
 time of convening..... Art. III, §7
appointment of executive officers of principal
 state departments approval of senate Art. IV, §9
appointment to other office prohibited..... Art. III, §12
arrest of member, during session..... Art. III, §11
attendance by members, compel..... Art. III, §9
bills and resolutions
 amendment/house other than origin..... Art. III, §20
 effective date of acts Art. III, §22
 emergency clause, bills containing Art. III, §22
 referendum provisions not applicable.... Art. III, §1
 enacting clause, form Art. III, §18
 final passage, yeas and nays entered.... Art. III, §18
 introduction in either house Art. III, §20
 majority vote required in each house... Art. III, §18
 one subject expressed in title Art. III, §21
 reading required Art. III, §17
 signing by presiding officers..... Art. III, §19
 special and private laws, restrictions ... Art. III, §23

title to express subject..... Art. III, §21
veto power of Governor..... Art. IV, §4
bribery/corrupt solicitation defined Art. III, §28
committee of the whole, open sessions Art. III, §15
constitutional amendment, procedure..... Art. XXIII, §1
constitutional convention, duties Art. XXIII, §2
criminal convictions disqualifying Art. III, §§4,28
delegation of powers, restrictions on..... Art. III, §26
districts election of legislators, readjustment
 required after federal census Art. III, §5
election of members, house as judge..... Art. III, §9
emergency governmental functions..... Art. III, §29
executive department reorganization..... Art. IV, §8
forfeiture of office / oath Art. III, §8
free debate, privileges protecting Art. III, §11

journal of proceedings required Art. III, §13
 elections by Legislature, votes Art. III, §14
 final passage, yeas and nays Art. III, §18
 signing of bills and resolutions..... Art. III, §19
 length of sessions of Legislature Art. III, §6
 lieutenant governor as president of senate Art. IV, §5
 local government units Art. IX, §1
 message from Governor, contents Art. IV, §3
 mileage allowances for legislators Art. III, §6
 minority representation in Legislature Art. XXV
 number of legislators Art. III, §2
 oath of office required of legislators Art. III, §8
 officers and employees of houses Art. III, §9
 open sessions and committee of the whole ... Art. III, §15
 power vested in Legislature Art. III, §1
 president of senate Art. IV, §5
 private laws, restrictions on Art. III, §23
 public contract, interest of legislator Art. III, §12
 public office, appointment to prohibited Art. III, §12
 public officers /serving as legislators Art. III, §3
 qualifications of legislators Art. III, §3
 each house as judge of qualifications ... Art. III, §9
 quorum of houses Art. III, §9
 reapportionment required after census Art. III, §5
 regular sessions of Legislature Art. III, §6
 time of convening Art. III, §7
 reorganization of exec. dept, approval Art. IV, §8
 rules of proceedings, determination Art. III, §9
 rules of Supreme Court, power of change..... Art. V, §12
 separation of powers..... Art. II
 special laws, restrictions on Art. III, §23
 special sessions convened by Governor..... Art. IV, §3
 special sessions convened by legislative Art. III, §31
 tax rates, two thirds required Art. XI, §13
 terms of office of members Art. III, §6
 term limitations for members Art. III, §6
 two houses of Legislature Art. III, §1
 vacancies in office, appointments to fill Art. III, §10
 valuation, two thirds required Art. XI, §13
 voting in Legislature
 elections by Legislature, voice vote ... Art. III, §14
 final passage, yeas and nays entered ... Art. III, §18
 lieutenant governor, power to vote..... Art. IV, §5
 veto by Governor, to override Art. IV, §4
 yeas and nays taken at request..... Art. III, §13

Libel or Slander

jury trial on facts and law Art. VI, §5
 legislative debate privileged Art. III, §11
 truth as defense in prosecutions Art. VI, §5

Lieutenant Governor

election Art. IV, §2
 impeachment of Governor, lieutenant governor not to act at trial Art. XVI, §6
 Supreme Court judge to preside Art. XVI, §2
 limitation on number of consecutive terms Art. IV, §2
 powers and duties Art. IV, §5
 president of senate Art. IV, §5
 qualifications for office Art. IV, §2
 succession to powers of Governor Art. IV, §6
 term of office Art. IV, §2
 vacancy in office/ disability of Lt gov Art. IV, §6
 voting in senate Art. IV, §5

Lotteries

Legislature not to authorize lottery..... Art. III, §25

M

Married Women

separate property not liable /of husband..... Art. XXI, §5

Mentally Ill and Retarded Persons

property of persons under disability, special laws providing /sale/ mortgage prohibited... Art. III, §23

voting, disqualification Art. VII, §2

Mileage Allowance

legislators, allowance for Art. III, §6

Military Forces

ages of service in militia Art. V, §1

arrest, privilege against at muster Art. XV, §5

bonuses authorized for veterans

 World War I veterans Art. XIII, §18

 World War II veterans Art. XIII, §19

composition of state militia Art. XV, §1

conscientious objectors..... Art. XV, §7

definition of armed forces..... Art. XIII, §19

federal regulations, conformity to in organization

 of militia Art. XV, §3

Governor as commander-in-chief, powers Art. IV, §3

Legislature, officers of militia Art. III, §3

officers of militia, commissioning, removal . Art. XV, §4

organization and discipline of militia Art. XV, §2

quartering in houses, restrictions on Art. VI, §16

records, banners and relics, maintenance

 by adjutant general Art. XV, §6

subordination to civil power Art. VI, §16

voting at place of duty Art. VI, §19

voting residence not lost /absence state Art. VII, §2

Minnesota

boundaries with state of Minnesota Art. I, §2

Minors

property of persons under disability, special laws

 providing sale/mortgage prohibited Art. III, §23

Monopolies

prohibition of combines and trusts Art. XVII, §20

Montana

boundaries with the state of Montana..... Art. I, §2

Municipal Improvements

delegation of municipal powers to special comm.

 private corp./assoc. prohibited..... Art. III, §26

drainage as public purpose Art. XXI, §6

irrigation as public purpose Art. XXI, §7

special assessments for local improvements .Art. XI, §10

Municipalities

borrowing power restricted..... Art. XIII, §4

charters, adoption and affect..... Art. IX, §2

classification of local government units Art. IX, §1

debt limitation Art. XIII, §4

delegation of municipal powers prohibited ... Art. III, §26

home rule Art. IX, §2

incorporation of municipalities..... Art. III, §23

indebtedness to municipality Art. III, §24

initiative provisions Art. III, §1

intergovernmental cooperation..... Art. IX, §3
 local gov't cooperation, petition for..... Art. IX, §4
 organization of local government units..... Art. IX §1
 plats of townsites Art. III, §23
 referendum provisions applicable Art. III, §1
 special assessments authorized Art. XI, §10
 special laws, restrictions on..... Art. III, §23
 street railway, consent required..... Art. XVII, §10
 taxing powers restricted Art. XIII, §5
 uniformity tax /corporate purposes..... Art. XI, §10

N

National Guard

See Military Forces Art XV

Nebraska

boundaries with state of Nebraska Art. 1, §2

North Dakota

boundaries with state of North Dakota Art. 1, §2

Notaries Public

Legislature, notaries not disqualified Art. III, §3

O

Oaths

civil officers generally, oath required Art. XXI, §3
 legislators, oath of office required of Art. III, §8

P

Packing Houses

state operation of packing houses Art. XXIX, §1

Pardons and Paroles

Governor's power to grant Art. IV, §3

Penitentiary

constitutional status as state institution Art. XIV, §1
 governance..... Art. XIV, §2

Perjury

disqualification from Legislature Art. III, §4
 Permanent School Fund Art. VIII, §§2,3,11
 see School Fund

Process

foreign corporation agent in state..... Art. XVII, §6

Public Contracts

legislator's interest in contract prohibited Art. III, §12

Public Funds

annual statement of receipts and
 expenditures..... Art. XI, §12; Art. XII, §4
 appropriation required for disbursement
 of public funds Art. XI, §9; Art. XII, §1
 education enhancement trust fund..... Art. XII, §6
 failure to pay over public moneys, disqualifying
 forservice in Legislature..... Art. III, §4
 health care trust fund..... Art. XII, §5
 private profit from public funds as felony Art. XI, §11
 warrant required for disbursement Art. XII, §1

Public Lands

disclaimer of right/title federal lands..... Art. XXII
 tax exemption of federal property Art. XXII
 Public Officers and Employees
 bribery, corrupt solicitation defined Art. III, §28
 disqualification Art. III, §28
 emergency succession to office Art. III, §29
 executive officers of principal state departments,
 appointment, removal Art. IV, §9
 impeachment and removal from office..... Art. XVI
 - See Impeachment of Officers
 legislative houses, pay -officers, employees ... Art. III, §9
 legislator disqualified from public office Art. III, §3
 Legislature, officers disqualified Art. III, §3
 oath of office required Art. XXI, §3
 removal of officers not - impeachment Art. XVI, §4
 vacancies in office, appointments to fill..... Art. IV, §3
 judicial vacancies Art. V, §11
 legislative vacancies..... Art. III, §10

R

Railroads

annual report of financial condition Art. XVII, §12
 common carriers, status of railroads as Art. XVII, §15
 competing lines, consolidation prohib..... Art. XVII, §14
 connecting lines and service..... Art. XVII, §16
 discriminatory practices..... Art. XVII, §17
 forfeiture of property, franchises Art. XVII, §17
 public stock records and reports Art. XVII, §12
 rates and charges subject to regulation..... Art. XVII, §15
 right of way taken, fee remains in owner Art. VI, §13
 rolling stock subject to execution Art. XVII, §13
 street railway, consent - local authorities . Art. XVII, §10

Real Property

corporation, restrictions on real estate..... Art. XVII, §7

Reapportionment

legislative reapportionment required..... Art. III, §5
 Redfield State Hospital and School
 constitutional status as state institution Art. XIV, §1
 governance Art. XIV, §2

Referendum

power reserved by people, implementation..... Art. III, §1
 Register of Deeds
 Legislature, disqualification from service Art. III, §3

Religion

conscientious objectors not compelled to do
 military duty Art. XV, §7
 establishment of religion prohibited..... Art. VI, §3
 freedom of religion Art. VI, §3
 compact with United States Art. XXII
 schools - free from sectarian influence..... Art. VIII, §16
 compact with United States Art. XXII
 textbooks may be loaned Art. VIII, §20

Right To Work

union membership Art. VI, §2

Rural Credits

state system of credit authorized Art. XIII, §1

S

Salaries or Compensation

- increase of salary, legislator during term Art. III, §12
- special laws increasing compensation
 - during term prohibited Art. III, §23
- two-thirds vote required to change salary
 - of constitutional officer Art. XXI, §2
- judges Art. V, §11
- legislative officers, employees, Art. III, §9
- School and Public Lands
 - commissioner, election and term of office Art. IV, §7
 - defense against unauthorized claims Art. VIII, §14
 - leases for agricultural, grazing Art. VIII, §9
 - disapproval of lease by Governor Art. VIII, §12
 - mineral lease income Art. VIII, §18
 - mineral rights reserved to state Art. VIII, §19
 - occupancy, claim not acquired by Art. VIII, §10
 - protection against trespass Art. VIII, §14
 - sale of lands
 - advertising for sale Art. VIII, §5
 - appraisal before sale Art. VIII, §4
 - commissioner to conduct sales Art. VIII, §6
 - disapproval by Governor Art. VIII, §12
 - Governor's approval required Art. VIII, §6
 - price of sale Art. VIII, §5
 - proceeds paid into permanent fund Art. VIII, §2
 - selection of lands for sale Art. VIII, §4
 - subdivisions in which sold Art. VIII, §5
 - terms of sale Art. VIII, §5
 - title to land, when conveyed Art. VIII, §6

School Districts

- debt limitation / assessed valuation Art. XIII, §4
- tax levy for retirement of debt Art. XIII, §5
- School Fund
 - diversion from school purposes prohibited .. Art. VIII, §3
 - interest & income, annual distribution Art. VIII, §3
 - investment safeguarding of funds Art. VIII, §11
 - county loan permanent funds Art. XXVIII, §1
 - disapproval by Governor Art. VIII, §12
 - losses made good by state Art. VIII, §13
 - mineral lease income, payment into fund .. Art. VIII, §18
 - principal to remain inviolate Art. VIII, §2
 - sources of fund Art. VIII, §2
- School of Mines and Technology
 - constitutional status as state institution Art. XIV, §3
 - control by board of regents Art. XIV, §3
 - mining and metallurgy to be taught Art. XIV, §5

Schools

- free public school system required Art. VIII, §1
 - compact with United States Art. XXII
- officers of school district not to be interested
 - in contract for sales to schools Art. VIII, §17
- sectarian influence, freedom from required Art. VIII, §16
 - compact with United States Art. XXII
- special laws for management of common schools
 - prohibited Art. III, §23
 - taxation for support of schools Art. VIII, §15
- teachers not to be interested in contracts for
 - sales to schools Art. VIII, §17

Search and Seizure

- unreasonable prohibited Art. VI, §11

Secretary of State

- election Art. IV, §7
- Legislature, disqualification from service in ... Art. III, §3
- term limitation Art. IV, §7
- term of office Art. IV, §7

Self-Incrimination

- privilege against self-incrimination Art. VI, §9
 - bribery and corrupt solicitation, privilege
 - abrogated Art. III, §28

Sentence

- executive clemency Art. IV, §3
- suspension of execution by court Art. V, §5

Sheriff

- Legislature, disqualification from service Art. III, §3

Slander

- legislative debate privileged Art. III, §11

South Dakota State University

- constitutional status as state institution Art. XIV, §3
- control by board of regents Art. XIV, §3

State Auditor

- annual statement of receipts, expenditures ... Art. XI, §12
- election Art. IV, §7
- term limitation Art. IV, §7
- term of office Art. IV, §7
- State Boundaries
 - description of boundaries Art. 1, §2

State Capital

- delegation of power prohibited Art. III, §26
- selection by voters Art. XX

State Colleges

- constitutional status as state institutions Art. XIV, §3
- control by board of regents Art. XIV, §3

State Credit

- home credit loans Art. XIII, §17
- rural credit system Art. XIII, §1

State Debt

- internal improvements, debt Art. XIII, §§1,16
- limit on debt for general purposes Art. XIII, §2
- tax levy to pay debt Art. XIII, §2
- Territorial debt assumed Art. XIII, §§6,7
 - additional to other state debt Art. XIII, §3
 - compact with United States Art. XXII
 - refunding bonds authorized Art. XIII, §§2,8

State Institutions

- board of regents Art. XIV, §3
- charitable institutions enumerated Art. XIV, §1
 - governance Art. XIV, §2
- educational institutions, enumeration and
 - control Art. XIV, §3
 - lands for support of institutions defense
 - against unauthorized claims Art. VIII, §14
 - disapproval of sale or lease by Gov. Art. VIII, §12
 - lease for agricultural and grazing
 - purposes Art. VIII, §9
 - mineral lease income, distribution Art. VIII, §18
 - occupancy, claim not acquired by Art. VIII, §10

protection against trespass and unlawful
 appropriation..... Art. VIII, §14
 sale of lands Art. VIII, §8
 mining and metallurgy to be taught Art. XIV, §5
 penal institutions enumerated..... Art. XIV, §1
 governance..... Art. XIV, §2
 perpetual funds for support, sources Art. VIII, §7
 investment and safeguarding funds .. Art. VIII, §11
 disapproval of investment by Gov.... Art. VIII, §12
 losses made good by state..... Art. VIII, §13
 principal of funds never diminished... Art. VIII, §7

State of South Dakota

actions against state, authorization..... Art. III, §27
 boundaries of state..... Art. I, §2
 division of powers of government..... Art. II
 indebtedness to state, release by Legislature Art. III, §24
 name of state..... Art. I, §1
 transition from territorial government..... Art. XXVI

State School for the Blind

constitutional status as state institution Art. XIV, §3
 control by board of regents Art. XIV, §3

State School for the Deaf

constitutional status as state institution Art. XIV, §3
 control by board of regents Art. XIV, §3

State Seal

design and description..... Art. XXI, §1

State Treasurer

annual statement of receipts, expenditures ... Art. XI, §12
 election Art. IV, §7
 term limitation..... Art. IV, §7
 term of office..... Art. IV, §7

Statutes

effective date of acts..... Art. III, §22
 emergency clause, statutes containing Art. III, §22
 referendum not applicable Art. III, §1
 enacting clause
 initiative, laws approved under..... Art. III, §1
 Legislature, laws enacted by..... Art. III, §18
 one subject expressed in title..... Art. III, §21
 private laws, restrictions on..... Art. III, §23
 special laws, restrictions on..... Art. III, §23
 suspension of laws restricted to Legislature Art. VI, §21
 title to express subject Art. III, §21

Subpoena

defense witnesses in criminal case..... Art. VI, §7

Supreme Court

appellate jurisdiction Art. V, §5
 appointment of personnel..... Art. V, §11
 attorneys, admission and disciplinary powers Art. V, §12
 chief justice
 head of unified judicial system..... Art. V, §11
 selection and resignation Art. V, §8
 disciplining judges and justices..... Art. V, §9
 Governor
 determination of continuous absence
 from state or disability Art. IV, §6
 requiring opinion of justices Art. V, §5

justices

appointment..... Art. V, §7
 candidacy for nonjudicial office Art. V, §10
 chief justice, selection and resignation ... Art. V, §8
 circuit judge, sitting as Art. V, §11
 disciplinary actions Art. V, §9
 number and districts Art. V, §2
 practice of law prohibited Art. V, §10
 qualifications Art. V, §6
 retention election..... Art. V, §7
 retired justices performing duties Art. V, §11
 term of office..... Art. V, §7
 vacancy, appointment to fill..... Art. V, §7
 original jurisdiction..... Art. V, §5
 rule-making power..... Art. V, §12
 superintendence over inferior courts Art. V, §12
 transition of judicial system, rules for Art. V, §13
 writs issued by court..... Art. V, §5

T

Taxation

annual state levy for ordinary expenses..... Art. XI, §1
 banking, taxation of property used in Art. XI, §4
 benevolent, educational and charitable property
 exempt from taxation Art. XI, §6
 classification of property for tax purposes Art. XI, §2
 school tax purposes, classification.... Art. VIII, §15
 consent of people or Legislature required Art. VI, §17
 corporations, power to tax not to be surrendered
 or suspended..... Art. XI, §3
 deficiency in operating expenses, levy..... Art. XI, §1
 delegation of power to levy taxes to special
 commission or private corporation or
 association prohibited Art. III, §26
 exemptions from taxation
 benevolent, educational, charitable..... Art. XI, §6
 highway purposes, property used for.... Art. XI, §6
 personal property..... Art. XI, §6
 publicly owned property Art. XI, §5
 unauthorized exemptions void Art. XI, §7
 fuel tax proceeds to be used for highways Art. XI, §8
 highway property exempt from taxation Art. XI, §6
 highway user taxes, disposition of proceeds ... Art. XI, §8
 inheritance, taxes prohibited..... Art. XI, §15
 incomes, taxes on..... Art. XI, §2
 individual exemptions from taxation..... Art. XI, §6
 moneys and credits, Legislature to tax Art. XI, §4
 motor vehicle tax proceeds for highways..... Art. XI, §8
 municipal taxing powers restricted..... Art. X, §§1,2
 uniformity of rate / corporate..... Art. XI, §10
 nonresident owners not discriminated Art. XXII
 object of tax to be stated in law Art. XI, §8
 privileges, franchises and licenses, tax on..... Art. XI, §2
 progressive taxation of income permitted Art. XI, §2
 public property exempt from taxation Art. XI, §5
 compact with United States with respect
 to federal property..... Art. XXII
 rate increases..... Art. XI, §13, §14
 school taxes authorized..... Art. VIII, §15
 special assessments for local improvements
 authorized..... Art. XI, §10

state indebtedness, levy to pay Art. XI, §1
 irrepealable tax when debt incurred ... Art. XIII, §2
 treasury, taxes for state purposes paid into Art. XI, §9
 uniformity on property of same class..... Art. XI, §2
 municipal taxes to be uniform Art. XI, §10

Telephone and Telegraph

competing lines, consolidation prohibited Art. XVII, §11
 connection of lines Art. XVII, §11
 right of way for telegraph lines Art. XVII, §11

Term Limitations

term limitations for attorney general, auditor,
 commissioner of school and public lands,
 secretary of state and treasurer Art. IV, §7
 term limitations for Congressmen Art. III, §32
 term limitations for Governor Art. IV, §2
 term limitations for legislators Art. III, §6

Townships

abolition, election required..... Art. IX, §1
 local gov't. cooperation, petition for..... Art. IX, §4
 debt limitation on assessed valuation..... Art. XIII, §4
 special laws regulating township prohibited. Art. III, §23
 tax levy retirement of debt Art. XIII, §5

Training Schools

constitutional status as state institution Art. XIV, §1
 governance..... Art. XIV, §2

Treason

attainder prohibited Art. VI, §22
 definition of treason Art. VI, §25
 evidence required to convict Art. VI, §25

Treasurer

term limitation Art. IV, §7
 term of office Art. IV, §7

Trust Funds

cement plant principal / remain inviolate... Art. XIII, §21
 cement plant proceeds of sale Art. XIII, §20
 education enhancement trust fund..... Art. XII, §6
 health care trust fund..... Art. XII, §5

U

United States

state as inseparable part of Union..... Art. VI, §26

University of South Dakota

constitutional status as state institution Art. XIV, §3
 control by board of regents..... Art. XIV, §3

V

Veterans

bonuses authorized for veterans
 World War I veterans Art. XIII, §18
 World War II veterans Art. XIII, §19
 definition of armed forces..... Art. XIII, §19

W

War

continuation of governmental functions
 after enemy attack, Legislature to
 provide..... Art. III, §29

Warehouses

state operation of warehouses permitted ... Art. XXIX, §1

Witnesses

confrontation by witnesses Art. VI, §7
 self-incrimination, privilege against..... Art. VI, §9
 treason, witnesses required to convict Art. VI, §25

Wyoming

boundaries with state of Wyoming..... Art. I, §2

Y

Yankton State Hospital

constitutional status as state institution Art. XIV, §1
 governance Art. XIV, §2

State Seal and State Emblems



The design of **the Great Seal of South Dakota** is provided for in Article XXI of the State Constitution. It bears the motto: "Under God the People Rule" and the year in which the state was admitted to the Union, 1889.

The seal serves as a symbol of life in South Dakota. The plowman and the field of corn symbolizes farming, the smelting furnace depicts the mining industry, the cattle feeding on the plain represents ranching and dairying, the steamboat designates transportation and commerce, the trees indicate lumbering, the building portrays manufacturing, the river denotes the Missouri River, and the hills in the background identify the Black Hills.

State Flag and Pledge

The South Dakota flag features the state seal surrounded by a golden blazing sun in a field of sky blue. Letters reading "South Dakota, The Mount Rushmore State" -- the official state nickname -- are arranged in a circle around the sun.

The official pledge to the state flag is: "I pledge loyalty and support to the flag and state of South Dakota, land of sunshine, land of infinite variety."



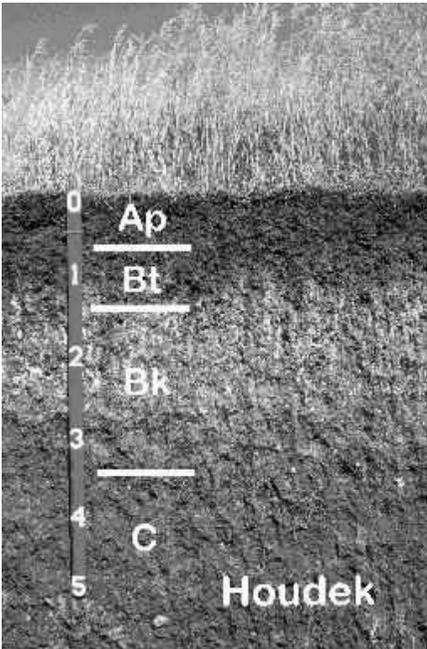
The pledge to the flag and to the state may not preempt, replace or be recited before the pledge of allegiance to the flag of the United States.

**State Animal - Coyote** (*Canis latrans*)

A natural predator of small game and rodents, the adaptable coyote hunts the open prairies and fields over the entire state, but occurs in greatest numbers along the Missouri River, its tributaries and in the Black Hills.

State Bird - Ring-Neck Pheasant

(*Phasianus colchicus*) was introduced to South Dakota in 1898. Easily recognized by its colorful plumage, the pheasant is also known for its delicious meat. Since it is primarily a Midwestern bird, pheasant is considered a delicacy in many states.



State Soil - Houdek Soil (fine-loamy, mixed, mesic typic argiustolls) was designated the state soil in 1990.

State Drink-Milk (*lac vaccun*) was adopted as the official state drink in 1986.



State Insect - Honey Bee

(*Apis mellifera* L) South Dakota is a leader in honey production. In recognition of its importance to the state's farm economy, the honey bee was adopted as the state insect in 1978. The state's mild clear clover honey is often shipped out-of-state to be blended with darker honey.

State Fossil - The Triceratops

A horned dinosaur of the late Cretaceous period (approximately 68 million years ago), is the state fossil. It was a vegetation-eating dinosaur and used its horns for defense. Discovered in Harding County in 1927, the skeleton is now on display in the Museum of Geology in Rapid City.

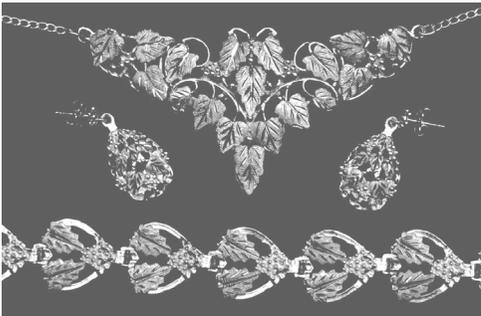


**State Grass - Western Wheat**

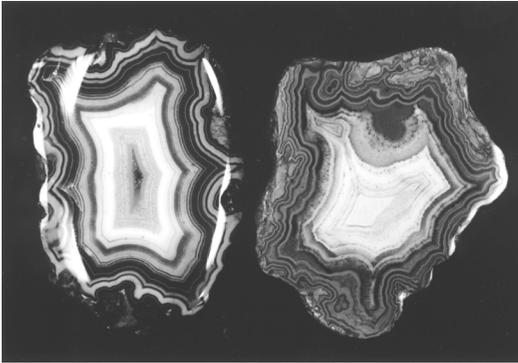
(*Agropyron smithii*) is a common grass to South Dakota, grown primarily as feed for livestock but also harvested for its seed.

State Flower - American Pasque

(*Pulsatilla hirsutissima*) is also called the May Day flower. It grows wild throughout the state and its blooming is one of the first signs of spring in South Dakota. A member of the anemone family, the Pasque is a five-petaled lavender flower.

**State Jewelry - Black Hills Gold**

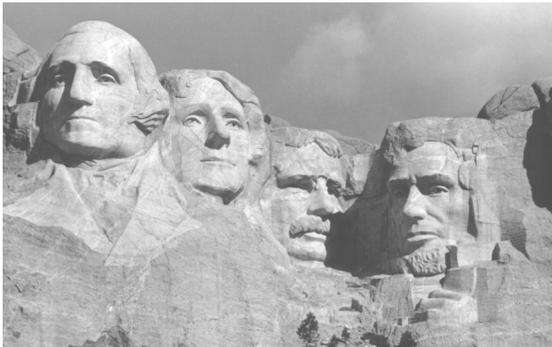
is created and manufactured exclusively in the Black Hills. Each design incorporates the motif of grapes and leaves in tri-color combinations of green, rose and yellow gold.



State Gemstone - Fairburn Agate - is a semi-precious stone first discovered near Fairburn, SD. Found primarily in an area extending from Orella, NE to Farmingdale, SD, it is used in jewelry and is a favorite of rock collectors.

State Mineral - Rose Quartz

is mined in the southern Black Hills. It was discovered near Custer, SD, in the 1880s and is used primarily for ornaments and jewelry.



State Nickname - Mount Rushmore State - became official in 1992. Before that South Dakota was known as the "Sunshine State" or the "Coyote State."

State Fish - Walleye - (*Stizostedion vitreum*) is the fish most sought after by South Dakota anglers. It is fine eating and one of the most challenging adversaries an angler can face. Found in lakes and rivers across the state, walleyes are most common in the Missouri River system and in the Glacial Lakes area of northeastern South Dakota. The state record walleye, a 15 pound 3 ounce beauty, was caught in Lake Sharpe just a few miles from Pierre. Photo by South Dakota Tourism



State Musical Instrument - Fiddle - The fiddle was designated the official state musical instrument of the state in 1989. Wilbur Foss, a Scotland native originated the South Dakota Old Time Fiddlers Association. The association has been in existence for over thirty (30) years.

State Tree - Black Hills Spruce

(*Picea glauca densata*) is a member of the evergreen family. The pyramid shaped tree is characterized by dense foliage of short bluegreen needles and slender cones.



State Dessert - Kuchen -- that quintessential German Russian pastry -- is a sweet dough crust filled with custard which is sometimes served plain or studded with fruit of all kinds. There's prune kuchen and peach, apple and blueberry. Kuchen was designated as the official state dessert in 2000.

Try this recipe for Apple Kuchen and taste for yourself!



For the crust:

2 cups flour
 1/2 cup sugar
 1/4 teaspoon kosher salt
 1/2 teaspoon vanilla extract
 1/2 pound (2 sticks) unsalted butter,
 cold and cut into pieces

For the topping:

2 tablespoons sugar
 1 1/2 teaspoons ground cinnamon
 3 Granny Smith apples, peeled, if desired,
 cored, and thinly sliced

For the filling:

1 pound cream cheese, at room temperature
 3/4 cup sugar
 1 teaspoon vanilla extract
 1 egg, at room temperature

Preheat the oven to 450 degrees.

Lightly grease and flour a 9x13-inch pan.

Cooking Time: 35 minutes

Place the flour, sugar, and salt in a large bowl or food processor fitted with a steel blade and mix to combine. Add the vanilla and butter, a little at a time. Press into the baking pan and bake in oven until slightly golden but not brown, about 12 to 15 minutes. Cool.

Lower the oven temperature to 400 degrees.

To make the filling: Mix the cream cheese, sugar, and vanilla in mixer (preferably with a paddle) and beat until creamy. Add the egg, mix to combine, and pour over the cooled crust.

Place the sugar and cinnamon in a small bowl and mix to combine.

Place the apples on top of the filling in two or three columns. Sprinkle with the cinnamon sugar and transfer to the oven. Bake until firm and a rich brown, about 20 minutes. Cut into 20 to 24 pieces.

State Sport – Rodeo - became the official sport of the State of South Dakota in 2003.



Photo S.D. Tourism



Photo S.D. Tourism

State Bread – Fry Bread-With House Bill 1205 the 2005 Legislature designated fry bread as the official bread of South Dakota.



State Song - "Hail South Dakota" - is the official state song, adopted in 1943. It is a marching song composed by Deecort Hammitt.

Hail! South Dakota, A great state of the land,
Health, wealth and beauty, That's what makes her grand;
She has her Black Hills, And mines with gold so rare,
And with her scenery, No other state can compare.

Come where the sun shines, And where life's worth your while,
You won't be here long, 'Till you'll wear a smile;
No state's so healthy, And no folk quite so true,
To South Dakota. We welcome you.

Hail! South Dakota, The state we love the best,
Land of our fathers, Builders of the west;
Home of the Badlands, and Rushmore's ageless shrine,
Black Hills and prairies, Farmland and Sunshine.
Hills, farms and prairies, Blessed with bright Sunshine.