

THE SOUTH DAKOTA LEGISLATURE: AN OVERVIEW

State governments, like the federal government, are divided into three distinct branches. The legislative branch makes the laws, the executive branch carries out the laws, and the judicial branch interprets the laws. This guide's focus is the legislative branch and the process by which laws are made in South Dakota.

The South Dakota Legislature is bicameral, or composed of two bodies. The other states also have bicameral legislatures with one exception. The Nebraska Legislature is unicameral, or composed of only one body.

In South Dakota, the two bodies are the Senate and the House of Representatives. The state constitution provides that the Senate shall consist of not fewer than 25 or more than 35 members and that the House shall consist of not fewer than 50 or more than 75 members. Currently, the Senate has 35 members and there are 70 members of the House of Representatives.

The state comprises 35 legislative districts. (To view them, click on "Who Are My Legislators?" on the main LRC Homepage.) Voters in each district elect one senator and two representatives. Every ten years, in accordance with the state constitution, the Legislature must redraw the boundaries of the legislative districts to reflect shifts in the state's population. This reapportionment process keeps



the districts as equally populated as possible. That way, every state citizen receives equal representation.

As mandated in our state constitution, the Legislature meets annually at the seat of government, which is the state capitol in Pierre. The sessions begin every year on the second Tuesday in January at noon. The state constitution limits the length of these sessions. In odd-numbered years, the session is limited to 40 legislative days, and in even-numbered years, the session is limited to 35 legislative days. Legislative days do not include Sundays, holidays, or days when the Legislature is in recess.

In addition to these regular sessions, special sessions are held periodically when a need arises. The constitution gives the Governor the right to convene a special session, but the Legislature may also call itself into special session.

The Legislature, in a Special Session on October 23-24, 2001, adopted a new redistricting plan for distribution of legislative seats based on the 2000 federal census figures. Each of the thirty-five senate districts also constitutes a congruent, dual-member house district with one exception. Senate District 28 constitutes two house districts, House District 28A and House District 28B. The separate

districts were created to protect minority voting rights. The average population of a legislative district in 2000 was 21,567 people. Since it is a practical and political impossibility to have every district consist of exactly the "ideal" number of inhabitants, the Legislature adopted an apportionment plan with variances. The Legislature redistricts every ten years using the federal census figures.

The Legislature determined that, as a matter of policy, the legislative districts be constituted, as nearly as practicable, in accordance with the following principles:

- (1) Adherence to standards of population deviance as established by judicial precedent and to standards of population deviance as prescribed by Article III, section 5, of the South Dakota Constitution;
- (2) Protection of communities of interest by means of compact and contiguous districts;
- (3) Respect for geographical and political boundaries; and
- (4) Protection of minority voting rights consistent with the United States Constitution, the South Dakota Constitution, and federal statutes, as interpreted by the United States Supreme Court and other courts with jurisdiction.