

# State of South Dakota

SEVENTY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 1997

400A0210

## HOUSE BILL NO. 1014

Introduced by: The Committee on State Affairs at the request of the Bureau of Personnel

1 FOR AN ACT ENTITLED, An Act to repeal certain provisions authorizing dual compensation  
2 for state employees.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 3-8-4 be amended to read as follows:

5 3-8-4. Except as provided in §§ 3-8-4.1 to ~~3-8-5.4~~ 3-8-4.3, inclusive, no person receiving  
6 a salary payable out of the state treasury or from the funds of any state institution or department,  
7 ~~shall~~ may, during the period for which such salary has been or is to be paid, receive any other  
8 salary from the state or any institution or department thereof.

9 Section 2. That § 3-8-5.1 be repealed.

10 ~~— 3-8-5.1. If the bureau of personnel considers the best interests of the state of South Dakota~~  
11 ~~served by permitting a state employee to be compensated for both his regular employment by the~~  
12 ~~state and for additional services to the state outside the scope of his regular employment~~  
13 ~~rendered to a state institution, department, office, or agency which is other than his primary~~  
14 ~~employer, the bureau may approve such dual compensation. No dual compensation is allowed~~  
15 ~~until the bureau approves the arrangement in accordance with §§ 3-8-4 to 3-8-5.4, inclusive.~~

16 Section 3. That § 3-8-5.2 be repealed.

1 ~~— 3-8-5.2. In exercising the powers delegated under § 3-8-5.1, the bureau of personnel shall~~  
2 ~~approve dual compensation arrangements only if a contract or agreement for the services is~~  
3 ~~written and specifies that the regular state employee is the best available talent at a reasonable~~  
4 ~~cost for the additional or supplemental employment.~~

5 Section 4. That § 3-8-5.3 be repealed.

6 ~~— 3-8-5.3. In determining whether a state employee is the best available talent at a reasonable~~  
7 ~~cost, the bureau of personnel may not permit the state employee to consider use of resources of~~  
8 ~~the state department, institution, office or agency for which he primarily works, as being~~  
9 ~~available at no cost to the state employee for purposes or use in relation to the additional or~~  
10 ~~supplemental state position for which he seeks approval or dual compensation. However, the~~  
11 ~~contract or agreement shall define the state government resources that are available at no cost~~  
12 ~~to the state employee.~~

13 Section 5. That § 3-8-5.4 be repealed.

14 ~~— 3-8-5.4. The bureau of personnel shall promulgate rules pursuant to chapter 1-26 which shall~~  
15 ~~establish procedures and specific criteria to be used in implementing the provisions of §§ 3-8-4.2~~  
16 ~~to 3-8-5.3, inclusive.~~