

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

673A0767

HOUSE BILL NO. 1225

Introduced by: Representatives Volesky, Chicoine, Davis, Duxbury, Fischer-Clemens, Hagen, Haley, Koetzle, Lee, and Lucas and Senators Lawler, Dennert, Flowers, Hunhoff, Hutmacher, Kloucek, Lange, Reedy, Symens, and Valandra

1 FOR AN ACT ENTITLED, An Act to create a Legislative Ethics Committee in the House of
2 Representatives and in the Senate.

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

4 Section 1. There shall be an ethics committee in the Senate and an ethics committee in the
5 House of Representatives, each to consist of six members. The majority leader in the Senate and
6 the minority leader in the Senate shall each appoint three members to the senate committee. The
7 majority leader in the House of Representatives and the minority leader in the House of
8 Representatives shall each appoint three members to the house committee. The majority leader
9 of the Senate shall designate a chair and a vice chair from the members of the senate committee.
10 The majority leader of the House of Representatives shall designate a chair and a vice chair from
11 the members of the house committee. A member of either ethics committee may disqualify
12 himself or herself from participating in any proceeding upon submission of a written statement
13 that the member cannot render an impartial and unbiased decision in a case. A member is
14 ineligible to participate in committee meetings, as a member of the committee, in any proceeding
15 relating to the member's own conduct. A member may be disqualified by a unanimous vote of

1 the remaining eligible members of the committee. If a member of the ethics committee is
2 disqualified from or is ineligible to participate in any committee proceedings, the authority
3 responsible for the original appointment of the disqualified or ineligible member shall appoint a
4 replacement member who shall serve during the period of the original member's disqualification
5 or ineligibility. Members shall receive a per diem and travel expenses at the same rate as paid
6 members of interim committees for attending meetings held when the Legislature is not in
7 session.

8 Section 2. The senate committee and the house committee shall each have the following
9 powers, duties and functions:

- 10 (1) Prepare a code of ethics within ten days after the commencement of each legislative
11 session;
- 12 (2) Adopt rules of procedure for the conduct of its meetings;
- 13 (3) Issue advisory opinions interpreting the intent of constitutional and statutory
14 provisions relating to legislators and lobbyists as well as interpreting the code of ethics
15 and rules adopted pursuant to section 4 of this Act. Opinions shall be issued when
16 approved by a majority of the six members and may be issued upon the written
17 request of a member of the Legislature or upon the committee's initiation. Opinions
18 are not binding on the legislator or lobbyist;
- 19 (4) Receive and investigate complaints and charges against members of its house alleging
20 a violation of the code of ethics, rules governing lobbyists or other matters referred
21 to it by its house. Any alleged criminal violations shall be referred to the attorney
22 general for further investigation. The committee shall recommend rules for the receipt
23 and processing of complaints made during the legislative session and those made after
24 the Legislature adjourns, including rules dealing with unfounded and frivolous
25 complaints;

- 1 (5) Hold executive or closed meetings for the discussion and resolution of complaints;
- 2 (6) Recommend legislation relating to legislative ethics and lobbying activities.

3 Section 3. The ethics committees may employ independent legal counsel to assist them in
4 carrying out their duties under this Act with the approval of a committee's house when the
5 Legislature is in session and with the approval of the Executive Board of the Legislative
6 Research Council when the Legislature is not in session. Payment of costs for the independent
7 legal counsel shall be made by the Legislative Research Council.

8 Section 4. The code of ethics and rules relating to complaints does not become effective until
9 approved by the members of the house to which the proposed code and rules apply. The code
10 or rules may be amended either upon the recommendation of the ethics committee or by
11 members of the Legislature.

12 Section 5. A violation of the code of ethics may result in censure, reprimand, or other
13 sanctions as determined by a majority of the member's house. However, a member may be
14 suspended or expelled and the member's salary forfeited only if directed by a two-thirds vote of
15 the member's house. A suspension, expulsion, or forfeiture of salary shall be for the duration
16 specified in the directing resolution. However, it may not extend beyond the end of the legislative
17 session during which the violation occurred. A violation of a rule relating to lobbyists and
18 lobbying activities may result in censure, reprimand, or other sanctions as determined by a
19 majority of the members of the house in which the violation occurred. However, a lobbyist may
20 be suspended from lobbying activities for the duration provided in the directing resolution only
21 if directed by a two-thirds vote of the house in which the violation occurred.

22 Section 6. The senate committee and the house committee shall require the auditor general
23 to conduct a random audit of the campaign statements and statements of financial interest filed
24 by legislators as required by §§ 12-25-13.3 and 12-25-28 and the expense reports filed by
25 lobbyists and employers of lobbyists as required by § 2-12-11.