

# State of South Dakota

SEVENTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2000

831D0488

## SENATE BILL NO. 135

Introduced by: Senator Kloucek by request

1 FOR AN ACT ENTITLED, An Act to provide for the election of the secretary of game, fish and  
2 parks.

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

4 Section 1. That chapter 41-2 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 At the general election held in 2002 and every four years thereafter, there shall be chosen by  
7 the qualified voters of the state a secretary of game, fish and parks having the qualifications  
8 prescribed by law who shall hold office for a term of four years from the first Tuesday after the  
9 first Monday in January following the election and until a successor is elected and qualified.

10 Section 2. That chapter 41-2 be amended by adding thereto a NEW SECTION to read as  
11 follows:

12 No person is qualified to hold the office of secretary of game, fish and parks except a citizen  
13 of the United States who is a qualified voter of this state, is at least twenty-five years old, and  
14 has resided in this state for at least two years immediately preceding the election.

15 Section 3. That chapter 41-2 be amended by adding thereto a NEW SECTION to read as  
16 follows:

17 The secretary of game, fish and parks during the secretary's term of office shall reside at the

1 state capital.

2 Section 4. That chapter 41-2 be amended by adding thereto a NEW SECTION to read as  
3 follows:

4 If a vacancy occurs in the office of secretary of game, fish and parks by death, resignation,  
5 or otherwise, the Governor shall make a temporary appointment to fill the vacancy, but the  
6 person so appointed may hold the office only until the next general election and until a successor  
7 is elected and qualified.

8 Section 5. That § 3-8-2.1 be amended to read as follows:

9 3-8-2.1. The annual salaries of the Governor, the lieutenant governor, the secretary of state,  
10 the state auditor, the state treasurer, the attorney general, the commissioner of school and public  
11 lands, the secretary of game, fish and parks, each justice of the Supreme Court, and each circuit  
12 judge shall be adjusted annually by the same rate appropriated as the across-the-board increase  
13 to base salaries of state employees under the General Appropriations Act in each corresponding  
14 year.

15 Section 6. That chapter 41-2 be amended by adding thereto a NEW SECTION to read as  
16 follows:

17 The secretary of game, fish and parks shall take and subscribe the same oath as required of  
18 other state officers, and shall be included in the state employees' blanket bond conditioned for  
19 the faithful performance of the duties of the office.

20 Section 7. That chapter 41-2 be amended by adding thereto a NEW SECTION to read as  
21 follows:

22 Any candidate for the office of secretary of game, fish and parks shall be nominated and  
23 voted for at the primary and general elections as provided in this Act. The office of secretary of  
24 game, fish and parks is a nonpolitical office. It is a Class 2 misdemeanor for any political party  
25 to endorse or nominate by any convention, or other method, any candidate for the office of

1 secretary of game, fish and parks.

2 Section 8. That chapter 41-2 be amended by adding thereto a NEW SECTION to read as  
3 follows:

4 Nominating petitions for the office of secretary of game, fish and parks filed pursuant to this  
5 chapter shall be filed in the office of the secretary of state within the time prescribed by § 12-6-4  
6 and shall be signed by a number of registered voters not less than one percent of the total  
7 combined vote cast for Governor at the most recent certified gubernatorial election. To the  
8 extent it is consistent with this chapter, § 12-6-8 governs such petitions. In any petition filed by  
9 or on behalf of any candidate for nomination to the office of secretary of game, fish and parks  
10 at any primary election or any attachment to the petition, no reference may be made to any party  
11 ballot or to the party affiliation of such candidate. The order of names of candidates for the office  
12 of secretary of game, fish and parks certified by the secretary of state to each of the county  
13 auditors shall be arranged by lot. Any candidate has the right to be present or represented when  
14 the arrangement is being determined. If no more than two nominating petitions are filed on behalf  
15 of candidates for the office of secretary of game, fish and parks, the names of such persons need  
16 not be placed upon the primary ballot but such persons are the nominees for the office.

17 Section 9. That chapter 41-2 be amended by adding thereto a NEW SECTION to read as  
18 follows:

19 At all primary elections at which candidates for the office of secretary of game, fish and parks  
20 are to be nominated and a primary is required there shall be prepared and furnished by the several  
21 county auditors, separate ballots upon which shall be placed the names of the candidates for the  
22 office. The ballots shall be entitled "nonpolitical ballot for the office of secretary of game, fish  
23 and parks" and shall contain no other designation. The names of all candidates shall be placed  
24 thereon without any party designation in the order designated by the secretary of state. The form  
25 of the nonpolitical ballot shall be prescribed by the State Board of Elections.

1 Section 10. That chapter 41-2 be amended by adding thereto a NEW SECTION to read as  
2 follows:

3 If after nominations have been made under the provisions of this chapter and the number of  
4 nominees for the office of secretary of game, fish and parks is reduced through death,  
5 withdrawal, or disqualification of a nominee for the office, the registered voters of the state, may,  
6 if there is sufficient time for filing a nominating petition pursuant to § 12-8-6, nominate one or  
7 more candidates for the office by a petition otherwise complying with section 8 of this Act.

8 Section 11. That chapter 41-2 be amended by adding thereto a NEW SECTION to read as  
9 follows:

10 The nominees for the office of secretary of game, fish and parks are the two persons  
11 receiving the highest number of votes in the primary election.

12 Section 12. That subdivision (11) of § 12-25-1 be amended to read as follows:

13 (11) "State office," the offices of Governor, lieutenant governor, secretary of state,  
14 attorney general, state auditor, state treasurer, commissioner of school and public  
15 lands, secretary of game, fish and parks, and public utilities commissioner.

16 Section 13. That § 1-32-3 be amended to read as follows:

17 1-32-3. Except as provided by § 5-17-2 and this Act, the head of each principal department  
18 shall be appointed by the Governor with the consent of the senate and shall serve at the pleasure  
19 of the Governor pursuant to section 9, Article IV of the State Constitution.

20 Section 14. That § 1-32-3.1 be repealed.

21 ~~1-32-3.1. In addition to the other functions and responsibilities of the game, fish and parks~~  
22 ~~commission, the commission shall nominate, not less than three persons for the position of~~  
23 ~~secretary of game, fish and parks, who shall be appointed by and serve at the pleasure of the~~  
24 ~~Governor.~~

25 Section 15. That § 1-39-3 be repealed.

1    ~~1-39-3. The secretary of the department of game, fish and parks shall be qualified by training~~  
2    ~~and experience to administer the programs of the department and shall have such other~~  
3    ~~qualifications as may be specified by statute.~~