

# State of South Dakota

EIGHTY-FIRST SESSION  
LEGISLATIVE ASSEMBLY, 2006

671M0138

## HOUSE JOINT RESOLUTION NO. 1001

Introduced by: Representatives Michels, Haley, Heineman, Hunhoff, and Putnam and Senators Olson (Ed), Broderick, Gray, Peterson (Jim), and Schoenbeck at the request of the Constitutional Revision Commission

1 A JOINT RESOLUTION, To revise certain constitutional provisions regarding private and  
2 special laws.

3 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF SOUTH  
4 DAKOTA, THE SENATE CONCURRING THEREIN:

5 Section 1. That at the next general election held in the state, the following amendment to  
6 Article III, section 23 of the Constitution of the State of South Dakota, as set forth in section 2  
7 of this Joint Resolution, which is hereby agreed to, shall be submitted to the electors of the state  
8 for approval.

9 Section 2. That Article III, section 23 of the Constitution of the State of South Dakota, be  
10 amended to read as follows:

11 § 23. The Legislature is ~~prohibited from enacting any private or special laws in the following~~  
12 ~~cases:~~

13 — 1. ~~Granting divorces:~~

14 — 2. ~~Changing the names of persons or places, or constituting one person the heir at law of~~  
15 ~~another.~~



1 ~~— 3. Locating or changing county seats.~~

2 ~~— 4. Regulating county and township affairs.~~

3 ~~— 5. Incorporating cities, towns and villages or changing or amending the charter of any town,~~  
4 ~~city or village, or laying out, opening, vacating or altering town plats, streets, wards, alleys and~~  
5 ~~public ground.~~

6 ~~— 6. Providing for sale or mortgage of real estate belonging to minors or others under~~  
7 ~~disability.~~

8 ~~— 7. Authorizing persons to keep ferries across streams wholly within the state.~~

9 ~~— 8. Remitting fines, penalties or forfeitures.~~

10 ~~— 9. Granting to an individual, association or corporation any special or exclusive privilege,~~  
11 ~~immunity or franchise whatever.~~

12 ~~— 10. Providing for the management of common schools.~~

13 ~~— 11. Creating, increasing or decreasing fees, percentages or allowances of public officers~~  
14 ~~during the term for which said officers are elected or appointed.~~

15 ~~— But the Legislature may repeal any existing special law relating to the foregoing~~  
16 ~~subdivisions.~~

17 ~~— In all other cases where a general law can be applicable no special law shall be enacted may~~  
18 ~~not pass any special or local law when a general law can be made applicable. Whether a general~~  
19 ~~law can be made applicable shall be a matter for judicial determination.~~