

# State of South Dakota

NINETY-FIRST SESSION  
LEGISLATIVE ASSEMBLY, 2016

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## HOUSE JOINT RESOLUTION NO. 1001

Introduced by: Representatives Latterell, Bolin, Campbell, Craig, DiSanto, Greenfield (Lana), Marty, May, McCleerey, Qualm, Schoenbeck, Stalzer, Verchio, Wiik, and Zikmund and Senators Jensen (Phil) and Olson

1 A JOINT RESOLUTION, Proposing and submitting to the electors at the next general election  
2 an amendment to Article IV, section 3 of the Constitution of the State of South Dakota,  
3 relating to the powers and duties of the Governor.

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

6 Section 1. That at the next general election held in the state, the following amendment to  
7 Article IV, section 3 of the Constitution of the State of South Dakota, as set forth in section 2  
8 of this Joint Resolution, which is hereby agreed to, shall be submitted to the electors of the state  
9 for approval.

10 Section 2. That Article IV, section 3 of the Constitution of the State of South Dakota, be  
11 amended to read as follows:

12 § 3. The Governor shall be responsible for the faithful execution of the law. He may, by  
13 appropriate action or proceeding brought in the name of the state, enforce compliance with any  
14 constitutional or legislative mandate, or restrain violation of any constitutional or legislative



1 power, duty or right by any officer, department or agency of the state or any of its civil divisions.

2 This authority shall not authorize any action or proceedings against the Legislature.

3 He shall be commander-in-chief of the armed forces of the state, except when they shall be  
4 called into the service of the United States, and may call them out to execute the laws, to  
5 preserve order, to suppress insurrection or to repel invasion.

6 The Governor shall commission all officers of the state. He may at any time require  
7 information, in writing or otherwise, from the officers of any administrative department, office  
8 or agency upon any subject relating to the respective offices.

9 The Governor shall at the beginning of each session, and may at other times, give the  
10 Legislature information concerning the affairs of the state and recommend the measures he  
11 considers necessary.

12 The Governor may convene the Legislature or either house thereof alone in special session  
13 by a proclamation stating the purposes of the session, and only business encompassed by such  
14 purposes shall be transacted. Whenever a vacancy occurs in the representation of South Dakota  
15 in the United States Senate, the Governor shall convene a special session of the entire  
16 Legislature. The Legislature shall, by process of voting, fill the vacancy from among the duly  
17 elected Legislators.

18 Whenever a vacancy occurs in any office and no provision is made by the Constitution or  
19 laws for filling such vacancy, the Governor shall have the power to fill such vacancy by  
20 appointment.

21 The Governor may, except as to convictions on impeachment, grant pardons, commutations,  
22 and reprieves, and may suspend and remit fines and forfeitures.