

STATE OF SOUTH DAKOTA



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May 25, 2023

Honorable Monae L. Johnson
Secretary of State
500 E. Capitol
Pierre, SD 57501

RE: Draft Attorney General's Statement (An Amendment to the South Dakota
Constitution Revising Legislative Term Limits)

Dear Secretary Johnson,

Enclosed is a copy of a proposed constitutional amendment, in final form, that the sponsor submitted to this Office. In accordance with state law, I hereby file the enclosed *draft* Attorney General's Statement for the purposes of receiving public comment on the same.

By copy of this letter, I am providing a copy of the *draft* Statement to the sponsor.

Very truly yours,

A handwritten signature in black ink, appearing to read "Marty Jackley".

Marty J. Jackley
ATTORNEY GENERAL

MJJ/dd
Enc.

Cc/encl: Senator Brent Hoffman
Reed Holwegner – Legislative Research Council

CONSTITUTIONAL AMENDMENT

DRAFT ATTORNEY GENERAL'S STATEMENT

Title: An Amendment to the South Dakota Constitution Revising Legislative Term Limits.

Explanation:

Members of the South Dakota Legislature are limited by the State Constitution to four consecutive terms of service, or eight consecutive years, in either the House of Representatives or the Senate. Currently, a legislator can serve an indefinite number of years in the Legislature if a break in service occurs in either chamber.

The proposed amendment limits legislators to serving a lifetime total of eight years in the State House of Representatives and a total of eight years in the State Senate.

SEN. B.R. HOFFMAN
SOUTH DAKOTANS FOR TERM LIMITS

2608 N. Career Avenue, #213, Sioux Falls, SD 57107

March 28th, 2023

Office of the Attorney General
1302 E. Hwy 14, Suite 1
Pierre, SD 57501

I respectfully submit language for an initiated constitutional amendment to limit state legislators to eight years of service in the Senate and House of Representatives for your review. I have reviewed the form changes suggested by the Legislative Research Council (March 27, 2023) and submit the following for a draft title and explanation.

"Be it enacted by the people of South Dakota, that Article III, Sec. 6 of the Constitution of the State of South Dakota, be AMENDED:

Legislative terms of office—Compensation—Regular session. The terms of office of the members of the legislature shall be two years; they shall receive for their services the salary fixed by law under the provisions of section 2 of article XXI of this Constitution, and five cents for every mile of necessary travel in going to and returning from the place of meeting of the Legislature on the most usual route.

No person may serve more than ~~four consecutive terms or a total of eight consecutive~~ years in the senate and more than ~~four consecutive terms or a total of eight consecutive~~ years in the house of representatives. However, this restriction does not apply to partial terms to which a legislator may be appointed.

A regular session of the Legislature shall be held each year and shall not exceed forty legislative days, excluding Sundays, holidays and legislative recess, except in cases of impeachment, and members of the Legislature shall receive no other pay or perquisites except salary and mileage."

Please note I haven't included an effective or delayed implementation date, and if approved by voters, the amendment would be effective July 1st, 2025, as provided by law. Please feel free to contact me if you have any questions or concerns. Thank you for your time and consideration.

//signed//

BRENT "B.R." HOFFMAN
State Senator (R-D9)

Copies to:
Legislative Research Council
Secretary of State