

State of South Dakota

NINETY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2017

436Y0259

SENATE ENGROSSED NO. **HB 1165** - 3/1/2017

Introduced by: Representatives Jamison, Ahlers, Reed, Ring, Smith, and Wismer and
Senators Peters, Bolin, Langer, and Stalzer

1 FOR AN ACT ENTITLED, An Act to provide for annually updated financial interest statements
2 for any person elected to statewide or local office.

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

4 Section 1. That § 3-1A-2 be amended to read:

5 3-1A-2. ~~Persons assuming~~ Any person who assumes the Office of Governor, lieutenant
6 governor, state treasurer, attorney general, secretary of state, state auditor, commissioner of
7 school and public lands, Public Utilities Commissioner, Supreme Court justice, circuit court
8 judge, ~~and or~~ state legislator shall, ~~within not more than~~ fifteen days ~~thereafter~~, after the person
9 assumes office and then not later than the first day of January of every year the person continues
10 to hold the office, file a statement of financial interest setting forth any additions ~~and or~~
11 corrections, ~~if any, to their~~ any previous statement of financial interest filed pursuant to § 12-25-
12 28 or 12-25-29.

13 Section 2. That § 3-1A-4 be amended to read:

14 3-1A-4. ~~Each~~ Any person assuming who assumes the office of a county commissioner,
15 school board member of a school district with a total enrollment of more than two thousand



1 students, or commissioner, councilman, or mayor in municipalities of the first class, shall
2 ~~within, not more than~~ fifteen days ~~thereafter~~ after the person assumes office and then not later
3 ~~than the first day of January of every year the person continues to hold the office,~~ file a
4 statement of financial interest setting forth ~~the~~ any additions ~~and~~ or corrections to ~~the~~ any
5 previous statement of financial interest filed pursuant to § 12-25-30, ~~if any.~~

6 Section 3. That § 12-25-28 be amended to read:

7 12-25-28. ~~All candidates~~ Any candidate for the United States Senate, the United States
8 House of Representatives, Governor, circuit court judge, ~~and or~~ the State Legislature shall file
9 a statement of financial interest with the secretary of state ~~within~~ not more than fifteen days after
10 filing the candidate's nominating petitions. ~~A~~ Any Supreme Court justice shall file a statement
11 of financial interest with the secretary of state ~~within~~ not more than fifteen days ~~of notifying~~
12 following notice to the secretary of state of ~~his~~ the justice's intention to place ~~his~~ the justice's
13 name on the retention ballot. A violation of this section is a petty offense. ~~An~~ Any intentional
14 violation of this section is a Class 2 misdemeanor.

15 Section 4. That § 12-25-29 be amended to read:

16 12-25-29. ~~All candidates~~ Any candidate for lieutenant governor, state treasurer, attorney
17 general, secretary of state, state auditor, public utilities commissioner, ~~and or~~ commissioner of
18 school and public lands shall file a statement of financial interest with the secretary of state
19 ~~within~~ not more than fifteen days after ~~their nominations have been~~ the candidate's nomination
20 is certified. A violation of this section is a petty offense. ~~An~~ Any intentional violation of this
21 section is a Class 2 misdemeanor.

22 Section 5. That § 12-25-30 be amended to read:

23 12-25-30. ~~Each~~ Any candidate for county commissioner, school board member in a school
24 district with a total enrollment of more than two thousand students, or commissioner, council

member, or mayor in any first class municipality, shall file a statement of financial interest with the office at which the candidate's nominating petitions are filed ~~within~~ not more than fifteen days after filing ~~such the candidate's nominating~~ petitions or, if otherwise nominated, ~~within~~ not more than fifteen days after ~~such the candidate's~~ nomination is certified. ~~A~~ Any violation of this section is a petty offense. An intentional violation of this section is a Class 2 misdemeanor.

Section 6. That § 12-25-27 be amended to read:

12-25-27. Terms as used in ~~§§ 12-25-27 to 12-25-31, inclusive, unless the context otherwise requires, this chapter~~ mean:

- (1) "Any member of ~~his~~ the individual's immediate family," a spouse or minor children living at home;
- (2) "Close economic interest," any enterprise that, in the calendar year preceding the filing of a any statement of financial interest under ~~any of §§ 12-25-28 to 12-25-30, inclusive, this chapter,~~ contributes ~~either~~ more than ten percent of or more than two thousand dollars; to the gross income of the family ~~which shall include, including~~ the individual required to file the statement and any member of ~~his~~ the individual's immediate family, ~~or an.~~ The term also includes any enterprise in which ~~such the~~ individual or any member of ~~his~~ the individual's immediate family ~~control~~ controls more than ten percent of the capital or stock;
- (3) "Enterprise," any business or economic relationship;
- (4) "Statement of financial interest," a description of the type of financial activity and the nature of the association with ~~the~~ any enterprise as ~~provided in subdivision (1) of~~ defined in this section.

Section 7. That § 3-1A-1 be amended to read:

3-1A-1. Terms used in this chapter mean:

- 1 (1) "Any member of ~~his or her~~ the individual's immediate family," a spouse or minor
2 children living at home;
- 3 (2) "Close economic interest," any enterprise that, in the calendar year preceding the
4 filing of a any statement of financial interest under this chapter, contributes ~~either~~
5 more than ten percent of or more than two thousand dollars; to the gross income of
6 the family ~~which includes,~~ including the individual required to file the statement and
7 any member of ~~his or her~~ the individual's immediate family, ~~or an~~. The term also
8 includes any enterprise in which the individual or any member of ~~his or her~~ the
9 individual's immediate family ~~control~~ controls more than ten percent of the capital
10 or stock;
- 11 (3) "Enterprise," any business or economic relationship;
- 12 (4) "Statement of financial interest," a description of the type of financial activity and the
13 nature of the association with ~~the~~ any enterprise as ~~provided in subdivision (1) of~~
14 defined in this section.