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## Constitutional Change in South Dakota

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# Economics Newsletter

Economics Department

• South Dakota State University

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September 28, 1972

## CONSTITUTIONAL CHANGE IN SOUTH DAKOTA

Most of us are reasonably familiar with our national Constitution, but very few of us have ever seen a copy of the Constitution of the State of South Dakota. Nevertheless on November 7, we will be called upon to vote on four replacement articles for this basic document. How many of us will say, "I don't understand this, so I'll vote No"? How many others will say, "I don't understand enough about this to vote"?

The proposed replacement articles are intended to replace the present Executive, Judicial, Local Government, and Amendments and Revisions Articles. They were prepared by the Constitutional Revision Commission and placed on the ballot by the 1972 Legislature. This commission was created by the Legislature in 1969 and charged with the task of modernizing the State Constitution.

### EXECUTIVE ARTICLE

The proposed Executive Article contains several provisions intended to improve the operating efficiency of the Executive Branch. It provides for joint election of the Governor and Lieutenant Governor for four year terms. They may succeed themselves for an additional term. It also contains a grant of power to the Governor to reorganize the Executive Branch. If the proposal passes, the Executive Branch must be reorganized into 25 or less major departments. This number does not include the elected Constitutional offices. Currently,

this would affect about 160 subdivisions. Reorganization plans would be subject to legislative veto. The position of Superintendent of Public Instruction would be filled by appointment. All other elected Constitutional officers would remain as they are now except that they would be elected for four year terms.

### JUDICIAL ARTICLE

The proposed replacement for the Judicial Article seeks to improve the administration of justice in South Dakota. The primary feature is the establishment of a unified court system. This system would consist of a Supreme Court, circuit courts of general jurisdiction and courts of limited jurisdiction. The courts of limited jurisdiction would be established by the legislature. The Chief Justice of the Supreme Court would be the administrative head of the entire system. He would have the power to temporarily assign circuit court judges to wherever they are needed in the state to prevent pile-up of case loads. A judicial qualifications commission would also be established to investigate complaints against judges and recommend action by the Supreme Court. Judges would be elected on a non-political ballot for a term of eight years.

### LOCAL GOVERNMENT ARTICLE

The proposed Local Government Article would replace the County and Township Article and the Municipal Cor-

porations Article. This article attempts to provide more freedom for local people in choosing the type of local government they feel is appropriate. At the same time, it attempts to improve the capability of local units in administering state law. The main feature included to accomplish this is the extension of home rule to counties as well as cities. Home rule allows local units to decide for themselves what form of government would work best for them. A new provision is also included allowing all local government units to develop cooperative approaches to providing government services. At the same time, the proposed article protects existing county boundaries and township governments by expressly prohibiting changes in either unless a majority of the voters voting within them approve.

#### AMENDMENTS AND REVISIONS ARTICLE

The proposed Amendments and Revisions Article provides a means by which the people can change the constitution, when necessary. The most significant change here is the provision allowing the people to use the initiation

procedure in calling a constitutional convention or in submitting a constitutional amendment to the vote of the people. Presently, only the Legislature can submit a convention call or an amendment to the vote of the people.

Only the highlights of these important issues have been presented here. Additional information can be obtained by asking your County Extension Agent for FS 566 - Constitutional Change: Questions and Answers, FS 567 - The Executive Article, FS 568 - The Judicial Article, FS 569 - The Local Government Article, and FS 570 - The Amendments and Revisions Article. In addition, watch your Educational Television station on Wednesday nights during October and the first week in November. A series of programs will be presented on these articles at 9:00 p.m. Central time and 8:00 p.m. Mountain time. A toll-free telephone number will be available for calling your questions in to these programs for answers.

Don't be an uninformed voter and don't let your neighbor be one either.

Gordon D. Rose - Extension Economist

The 1973 "Agri-Business Day" will be Tuesday, April 3

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