



2022 South Dakota Legislature

House Concurrent Resolution 6005

Introduced by: **Representative Milstead**

1 **A CONCURRENT RESOLUTION, Urging the executive branch to refrain from seeking**
2 **or promoting specific legislative outcomes.**

3 WHEREAS, the First Amendment to the United States Constitution protects the right of the
4 people to petition their government; and

5 WHEREAS, the right to petition the government often involves transmitting information
6 and articulating how a legislative decision will likely affect a particular issue, cause,
7 circumstance, or group of people; and

8 WHEREAS, given the realities of work commitments and travel constraints, the right of
9 the people to petition their government is often exercised, on their behalf, by lobbyists; and

10 WHEREAS, lobbying has, since its earliest days, been a mechanism by which the people
11 could, directly or indirectly, participate in the legislative decision-making process; and

12 WHEREAS, the right of the people to petition their government does not, through a
13 metamorphical process, extend to or become a right or obligation of the executive branch;
14 and

15 WHEREAS, Article II of the Constitution of South Dakota promotes a system of checks and
16 balances through the creation of three distinct branches of government, each having
17 specifically prescribed duties; and

18 WHEREAS, while the Constitution of South Dakota assigns to the Legislature the power to
19 legislate, it assigns to the executive branch only the duty to faithfully execute the law;

20 WHEREAS, it is a direct conflict of interest for the executive branch to introduce legislation
21 that, once enacted, is subject to the executive branch's independent exercise of enforcement
22 authority;

1 NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Ninety-
2 Seventh Legislature of the State of South Dakota, the Senate concurring therein, that the
3 executive branch is urged to serve as a transparent resource in the provision of accurate and
4 objective information to the Legislature, but to refrain from utilizing public resources, directly
5 or indirectly, to introduce legislation or lobby members of the Legislature, in an attempt to
6 seek, or promote, a specific legislative outcome.