

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

385R0636

SENATE BILL NO. 112

Introduced by: Senator Kloucek

1 FOR AN ACT ENTITLED, An Act to regulate compensation for certain outside activities by
2 certain state officers and employees.

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

4 Section 1. No state officer or state employee may receive any valuable consideration under
5 any contract or grant outside of his or her official duties. The prohibition in this section does not
6 apply if the state officer or state employee has complied with each of the following conditions:

7 (1) The contract or grant is bona fide and actually performed;

8 (2) The performance or administration of the contract or grant is not within the course
9 of the officer's or employee's official duties, or is not under the officer's or employee's
10 official supervision;

11 (3) The performance of the contract or grant is not prohibited by state statute or rules
12 governing outside employment for the officer or employee;

13 (4) The contract or grant is neither performed for nor compensated by any person from
14 whom such officer or employee would be prohibited by state statute from receiving
15 a gift;



1 (5) The contract or grant is not one expressly created or authorized by the officer or
2 employee in his or her official capacity; and

3 (6) The contract or grant would not require unauthorized disclosure of confidential
4 information.

5 Section 2. This Act does not prevent a state officer or state employee from receiving
6 compensation contributed from the treasury of the United States, another state, county, or
7 municipality if the compensation is received pursuant to arrangements entered into between
8 such state, county, municipality, or the United States and the officer's or employee's agency.
9 This section does not prohibit a state officer or state employee from serving or performing any
10 duties under an employment contract with a governmental entity.

11 As used in this Act, the terms, officer and employee, do not include any officer or employee
12 who, in accordance with the terms of his or her employment or appointment, is serving without
13 compensation from the State of South Dakota or is receiving from the state only reimbursement
14 or expenses incurred or a predetermined allowance for such expenses.