

South Dakota One Call Board Policy Regarding Employment by the Board

Background:

During the initial process of establishing the Executive Director position in 1999, a Board member desired to be considered for this position and submitted an application. The Board member also submitted his resignation from the Board to the Governor. At the time that the Board was considering the applicants, legal counsel advised the Board that, since the Governor had not named a replacement for the Board member, it would not be appropriate for the Board to consider him for this position.

The current Executive Director has provided notification to the Board that he desires to terminate his contract with the Board within the next twelve to eighteen months.

Recommended Policy:

With the advance notification provided by the executive director, the Board will be initiating a process which will result in the issuance of a new professional services contract for executive director within the next nine to fifteen months. During this process, it is important for the Board to insure that all persons desiring consideration for this position have an equal opportunity to apply while the Board maintains high ethical standards and avoids any appearance or perception of impropriety. To this point, it is important that any Board member who desires to apply for this position and to be considered on an equal basis with other applicants should tender their resignation from the Board at the earliest possible time.

Additional information for consideration:

Lobbying Restriction after State Employment – Adopted by the SD State Legislature in 2017:

The restriction was changed in 2017 from one year to two years, and instead of applying only to elected officials, the 2017 amendment added department or agency heads, division directors, and the highest paid employee reporting to such person.

2-12-8.2. Officials and personnel prohibited from lobbying within two years after termination of service--Violation as misdemeanor. No elected officer, department or agency head, or division director, or the highest paid employee reporting to such person may be compensated, act, or register as a lobbyist, other than a public employee lobbyist, during a period of two years after that person's termination of service in the state government. A violation of this section is a Class 1 misdemeanor.

Source: SL 1977, ch 23, § 15; SL 1980, ch 24, § 27; SL 2011, ch 17, § 1; SL 2017, ch 222 (Initiated Measure 22), § 65, eff. Nov. 16, 2016; SL 2017, ch 72, § 32, eff. Feb. 2, 2017; SL 2017, ch 18, § 1