

Minutes: Senate Local Government

Wednesday, February 12, 2025 10:00 AM

Roll Call

Present: Sen. Nelson, Sen. Rohl, Sen. Schoenfish, Sen. Smith, Sen. Wheeler,
Sen. Duhamel, and Sen. Reed

The meeting was called to order by Senator Reed

MOTION: TO APPROVE THE MINUTES OF FRIDAY, FEBRUARY 07TH

Moved by: Duhamel
Second by: Wheeler
Action: Prevailed by voice vote

HB 1072 : modernize provisions relating to water development districts.

Presented by: Representative Kady Wittman
Proponents: Representative Richard Vasgaard
Jay Phillip Gilbertson, East Dakota Water Development District, Brookings
Brad Preheim, Vermillion Basin Water Development District, Centerville
Opponents: Brian Burge, Self, Beresford

MOTION: DO PASS HB 1072

Moved by: Schoenfish
Second by: Duhamel
Action: Prevailed by roll call vote (6-0-1-0)

Voting Yes: Nelson, Rohl, Schoenfish, Wheeler, Duhamel, and Reed

Excused: Smith

THE CHAIR DEFERRED SB 193

At this time the gavel was handed over to Vice Chair Duhamel.

SB 167 : revise certain provisions pertaining to municipal government.

Presented by: Senator Tim Reed
Proponents: Yvonne Taylor, South Dakota Municipal League, Fort Pierre
Opponents: Shane Pullman, Department of Transportation

MOTION: AMEND SB 167

167A

On page 7, line 19, of the Introduced bill, delete " § 9-8-7" and insert " section 28 of this Act"

On page 9, line 23, of the Introduced bill, remove the overstrikes from "A majority of"

On page 9, line 23, of the Introduced bill, after "of" insert " all"

On page 9, line 23, of the Introduced bill, remove the overstrikes from " the aldermen constitutes a quorum to do business. When"

On page 9, line 23, of the Introduced bill, after "When" delete "Unless"

On page 10, line 12, of the Introduced bill, after "tempore" insert ", as provided in section 28 of this Act,"

On page 10, line 16, of the Introduced bill, after "ends." delete "

The mayor pro tempore shall perform the mayor's duties, except that the mayor pro tempore may not appoint, employ, or remove appointive officers without approval of the council.

The mayor pro tempore acts as the presiding officer of the council, but the mayor pro tempore may only vote as an alderman. No alderman acting as mayor may vote as the mayor to break a tie vote.

For purposes of this section "appointive officers" are municipal employees or members of a board, commission, committee, or similar body that the mayor has the authority to appoint, with or without the approval of the council."

On page 10, after line 25, of the Introduced bill, insert: "

Section 28. That a NEW SECTION be added to chapter 9-8:

The mayor pro tempore shall perform the mayor's duties, except that the mayor pro tempore may not appoint, employ, or remove appointive officers without approval of the council.

The mayor pro tempore acts as the presiding officer of the council, but the mayor pro tempore may only vote as an alderman. No alderman acting as mayor may vote as the mayor to break a tie vote.

For purposes of this section "appointive officers" are municipal employees or members of a board, commission, committee, or similar body that the mayor has the authority to appoint, with or without the approval of the council."

On page 12, line 17, of the Introduced bill, remove the overstrikes from "A majority of"

On page 12, line 17, of the Introduced bill, after "of" insert " all the commissioners on"

On page 12, line 17, of the Introduced bill, remove the overstrikes from " the board"

On page 12, line 17, of the Introduced bill, after "board" insert " of commissioners"

On page 12, line 17, of the Introduced bill, remove the overstrikes from " constitutes a quorum to do business. If "

On page 12, line 17, of the Introduced bill, after "If " delete "Unless "

On page 12, line 18, of the Introduced bill, after "board" delete " of commissioners"

On page 12, line 19, of the Introduced bill, after "of" insert " all"

On page 12, line 19, of the Introduced bill, remove the overstrikes from " the remaining commissioners"

On page 12, line 19, of the Introduced bill, after "commissioners" delete " all the members"

On page 13, line 14, of the Introduced bill, after "property." delete "Section 36. That § 9-9-18 be AMENDED:"

On page 13, line 15, of the Introduced bill, after "AMENDED:" delete "9-9-18. "

On page 13, line 15, of the Introduced bill, after "9-9-18. " delete "In a municipality governed by a board of five commissioners, the commissioners shall designate, by a majority vote of all the commissioners, one commissioner to be the commissioner of public safety, one commissioner to be the commissioner of public works, one commissioner to be the commissioner of utilities, and one commissioner to be the commissioner of finance and revenue."

On page 17, line 16, of the Introduced bill, after "members" insert " of the governing body"

On page 17, line 17, of the Introduced bill, delete " council" and insert " governing body"

Moved by: Wheeler

Second by: Rohl

Action: Prevailed by voice vote

MOTION: AMEND SB 167

167B

On page 6, line 25, of the Introduced bill, after "9-13." delete "Section 18. That a NEW SECTION be added to chapter 9-7:"

On page 6, line 26, of the Introduced bill, after "9-7:" delete "The board of trustees has the authority to summon and compel the attendance of witnesses and the production of books and papers, if necessary for the effective discharge of the board's duties. Any process necessary to enforce the powers conferred by this section must be signed by the president of the board, attested by the finance officer, and served by a municipal law enforcement officer or by the sheriff of the county."

On page 10, line 26, of the Introduced bill, after "council." delete "Section 28. That a NEW SECTION be added to chapter 9-8:"

On page 10, line 27, of the Introduced bill, after "9-8:" delete "The council has the authority to summon and compel the attendance of witnesses and the production of books and papers, if it is necessary for the effective discharge of the council's duties. Any process necessary to enforce the powers conferred by this section must be signed by the mayor, attested by the finance officer, and served by a municipal law enforcement officer or the sheriff of the county."

Moved by: Schoenfish
Second by: Rohl
Action: Prevailed by voice vote

MOTION: DO PASS SB 167 AS AMENDED

Moved by: Wheeler
Second by: Schoenfish
Action: Prevailed by roll call vote (7-0-0-0)

Voting Yes: Nelson, Rohl, Schoenfish, Smith, Wheeler, Duhamel, and Reed

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 167 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

At this time the gavel was returned to Chairman Reed.

MOTION: ADJOURN

Moved by: Smith
Second by: Wheeler
Action: Prevailed by voice vote

Anne Reisch, Committee Secretary

/s/ TIM S. REED
Tim S. Reed, Chair