

## 2025 South Dakota Legislature

**Senate Bill 167****AMENDMENT 167B  
FOR THE INTRODUCED BILL**

1 **An Act to revise certain provisions pertaining to municipal government.**

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

3 **Section 1. That § 9-6-1 be AMENDED:**

4 ~~9-6-1. Whenever a municipality shall have less than two hundred fifty population,~~  
5 ~~the owners of a majority of the real property therein, both in area and assessed valuation,~~  
6 ~~may petition the circuit court of the county in which such municipality or any part thereof~~  
7 ~~is situated for the dissolution of the municipality.~~If a municipality has a population of less  
8 than two hundred fifty, the owners of a majority of the real property in the municipality,  
9 both in area and assessed valuation, may file a petition for the dissolution of the  
10 municipality. The petition for dissolution must be filed in the circuit court of the county in  
11 which the municipality is situated. If the municipality is located in more than one county,  
12 the petition for dissolution may be filed in either county.

13 **Section 2. That § 9-6-2 be AMENDED:**

14 ~~9-6-2. Such~~A petition for dissolution must show the show:  
15 (1) ~~The name of the municipality,~~the;  
16 (2) ~~The date of its incorporation,~~the;  
17 (3) ~~The fact that it contains a population of less than two hundred fifty persons,~~and  
18 ~~that the;~~  
19 (4) ~~That the~~petitioners are the owners of more than one-half of the real property  
20 contained within its limits, in area, as shown by a recorded deed or other  
21 instrument evidencing title to the property; and  
22 (5) ~~That the~~petitioners are the owners of more than one-half of such thereal property  
23 contained within the limits of the municipality, in assessed valuation, as shown by  
24 the last assessment thereof prior to the filing of such petition. Such petition shall  
25 be verified by the affidavit of two or more of the petitioners to the effect that the

1 ~~statements contained in it are true and be filed in the office of the clerk of the~~  
2 ~~circuit court~~ most recent assessed values available from the county or counties in  
3 which the municipality is situated at the time of filing the petition for dissolution.

4 Two or more of the petitioners shall verify by affidavit that the statements  
5 contained in the petition for dissolution are true.

6 **Section 3. That § 9-6-3 be AMENDED:**

7 **9-6-3.** Upon the filing of a petition for dissolution, as provided in §§ 9-6-1 and 9-  
8 6-2, the circuit court shall issue an order to the municipality, ~~returnable in not less than~~  
9 ~~ten nor more than thirty days,~~ to show cause why the petition should not be granted. ~~Such~~  
10 The order shall must be served in the same manner as summonses a summons in a civil  
11 action against municipalities not less than ten nor more than thirty days before the return  
12 date thereof a municipality.

13 **Section 4. That § 9-6-4 be AMENDED:**

14 **9-6-4.** Upon the return day of such order, or any day to which the hearing thereon  
15 ~~may be adjourned,~~ Any objections to the petition may for dissolution must be filed on  
16 behalf with the circuit court within thirty days from the date of service on the municipality.  
17 Objections may be made by any public officer or employee of the municipality or any  
18 property owner or taxpayer thereof, which objections shall of the municipality. An  
19 objection must be in writing and be verified in the same manner as the petition.

20 ~~The court may upon such hearing take such evidence as it may deem proper to a~~  
21 ~~determination of the petition and objections thereto~~ verified by an affidavit affirming the  
22 statements contained in the objection are true.

23 **Section 5. That § 9-6-5 be AMENDED:**

24 **9-6-5.** ~~If upon such hearing it appears to the satisfaction of,~~ after a hearing on the  
25 petition for dissolution and any objections, the court ~~that the~~ determines there are  
26 sufficient interests of such the municipality and of its property owners and taxpayers  
27 require that the municipality be dissolved to support the dissolution of the municipality,  
28 ~~the court shall must~~ appoint a referee to make an enumeration of its population and to  
29 examine the records of ~~such the~~ municipality and of the county in which the ~~same~~  
30 municipality is situated, to ascertain whether ~~such the~~ petition has been executed by

1 persons owning more than one-half of the real property within ~~such corporation~~ the  
 2 municipality, both in area and assessed valuation.

3 The court may also refer to ~~such~~ the referee any other question ~~in controversy~~  
 4 ~~which that~~ that may arise ~~upon~~ regarding the petition and objections ~~thereto~~.

5 ~~Such~~ The referee shall ~~with all convenient speed~~ make his report to the court ~~of~~ on  
 6 all matters referred to ~~him~~, ~~and upon~~ the referee within the time designated by the court.  
 7 Upon the filing of ~~such~~ the report and upon not less than six days' notice to the  
 8 municipality, the court shall consider the report of the referee and may take evidence as  
 9 it deems relevant.

10 **Section 6. That § 9-6-6 be AMENDED:**

11 **9-6-6.** ~~If it appears from such report that the population of such municipality is~~  
 12 ~~less than two hundred fifty, and that such petition has been executed by property owners~~  
 13 ~~owning more than one-half of the real property within such municipality, both in area and~~  
 14 ~~in assessed valuation; and if it further appears to the satisfaction of the court that it is to~~  
 15 ~~the best interests of such municipality and of the property owners thereof that it be~~  
 16 ~~dissolved, the court shall render a judgment adjudging and decreeing the dissolution of~~  
 17 ~~such municipality~~ The court must render a judgment decreeing the dissolution of a  
 18 municipality if:

19 (1) The referee reports that:

20 (a) At the time the petition for dissolution is filed, the population of the  
 21 municipality is less than two hundred fifty; and

22 (b) The petition has been executed by property owners owning more than one-  
 23 half of the real property within the municipality, both in area and in assessed  
 24 valuation; and

25 (2) The court determines it is in the best interests of the municipality and the property  
 26 owners that the municipality be dissolved.

27 **Section 7. That § 9-6-7 be AMENDED:**

28 **9-6-7.** The clerk of courts shall enter the petition and all objections thereto for  
 29 dissolution, any objections, the report of the referee, and the judgment of dissolution ~~shall~~  
 30 ~~be entered by the clerk of courts upon his~~ into the judgment record, ~~the same as~~  
 31 ~~judgments are entered in civil cases.~~

32 **Section 8. That § 9-6-8 be AMENDED:**

1           **9-6-8.** A copy of the judgment of dissolution, certified by the clerk of courts, ~~shall~~  
 2           must be filed in the office of the register of deeds in the county or counties in which ~~such~~  
 3           the municipality is situated and in the Office of the Secretary of State, ~~and upon.~~ Upon  
 4           the filing of ~~such copies such~~ municipality ~~shall be deemed to be dissolved, and it shall~~  
 5           ~~cease to be a municipality excepting~~ the copies, the municipality is dissolved and ceases  
 6           to be a municipality, except as set forth in § 9-6-9.

7           **Section 9. That § 9-6-9 be AMENDED:**

8           **9-6-9.** After the entry of the judgment of dissolution, ~~the territory comprised in~~  
 9           ~~such~~ formerly comprising the dissolved municipality ~~shall~~ must revert to the jurisdiction  
 10           and control and ~~shall become a part~~ of the local subdivision or organization of which it  
 11           would have been a part had it never existed.

12           ~~Its~~ The municipal governing body and other officers ~~shall cease to possess any~~  
 13           ~~powers except that they shall remain in office and shall possess, under the direction of~~  
 14           the circuit court, all powers necessary ~~to~~ for the winding up of the corporate affairs of ~~such~~  
 15           the municipality, including the power to levy and collect taxes to pay ~~its~~ any indebtedness,  
 16           and to make all orders necessary for the disposal of ~~its~~ municipal property and for the  
 17           proper distribution of the proceeds ~~thereof.~~ Such. The governing body and other officers  
 18           shall remain in office ~~for such purposes of winding up the corporate affairs of the~~  
 19           municipality only for the period of six months after the entry of the judgment of  
 20           dissolution, unless the court entering ~~such~~ the judgment ~~shall order~~ orders an extension  
 21           of ~~such period of six months~~ for the purpose of permitting the affairs of ~~such~~ the  
 22           municipality to be fully closed.

23           **Section 10. That § 9-6-10 be AMENDED:**

24           **9-6-10.** ~~If an application~~ If the governing body of a municipality with a population  
 25           of less than one thousand at the time of filing is presented with a petition for dissolution  
 26           signed by fifteen percent of the registered voters of ~~any~~ the municipality, based upon the  
 27           total number of registered voters at the last preceding general election, ~~having less than~~  
 28           ~~one thousand inhabitants is presented to the governing body asking for the dissolution of~~  
 29           ~~the municipality,~~ the governing body shall call a special election by giving fifty days'  
 30           published notice ~~thereof~~ to determine whether the municipality ~~shall~~ must be dissolved.  
 31           ~~No~~ A signature on the ~~application~~ petition is ~~not~~ not valid if signed more than six months prior  
 32           to the filing of the ~~application~~ petition. If any ~~such~~ application petition is presented on or  
 33           after January first prior to the annual municipal election and within sufficient time to

1 comply with the provisions of ~~§ 9-13-14~~ chapter 9-13, the question ~~shall of dissolution~~  
2 must be submitted at that annual municipal election.

3 The vote upon the question of dissolution ~~shall~~ must be by ballot and cast in the  
4 manner provided ~~by~~ in chapter 9-13.

5 **Section 11. That § 9-6-11 be AMENDED:**

6 **9-6-11.** Where an election is ~~had under~~ held pursuant to § 9-6-10 and a majority  
7 of the votes cast ~~at such election shall be~~ are against dissolution, there ~~shall be no other~~  
8 another election may not be held for the purpose of dissolving the municipality until five  
9 years after the date of ~~such~~ the first election.

10 **Section 12. That § 9-6-12 be AMENDED:**

11 **9-6-12.** If a majority of all the votes cast at an election ~~under~~ pursuant to § 9-6-  
12 10 ~~shall be~~ are for dissolution and ~~such vote shall have been given by~~ the turnout for the  
13 election was at least two-fifths of all the legal voters in such of the municipality, ~~as shown~~  
14 by the vote cast at the last preceding annual election therein, based upon the total number  
15 of registered voters at the last preceding general election, then a statement of the vote  
16 signed by the mayor or president of the ~~Board of Trustees~~ board of trustees and attested  
17 by the ~~auditor or clerk~~ finance officer must be filed in the office of the register of  
18 deeds of the ~~proper county; and such or counties in which the municipality is situated.~~  
19 The municipality shall, at the expiration of six months from the time of holding ~~such the~~  
20 election, cease to be a municipality, and the property belonging to ~~it~~ the municipality after  
21 the payment of its debts and liabilities ~~shall~~ must be disposed of ~~in such manner as the~~  
22 governing body may direct by transferring the property on an equitable basis to the county  
23 or counties in which the municipality is situated.

24 ~~Such dissolution shall~~ Dissolution does not affect the rights of any person under any  
25 contract with ~~such the~~ the municipality.

26 **Section 13. That § 9-7-1 be AMENDED:**

27 **9-7-1.** The ~~Board of Trustees~~ board of trustees of a ~~third class~~ municipality ~~shall~~  
28 consist of not less than three nor more than consists of either three or five members  
29 elected at large. Each shall member must be a legal voter of the municipality in accordance  
30 with § 9-14-2. The number of trustees of a municipality may be increased to five or  
31 reduced to three in the manner prescribed by chapter 9-11.

1 **Section 14. That § 9-7-3 be AMENDED:**

2 **9-7-3.** The members of the ~~Board of Trustees~~ board of trustees shall hold office  
3 for three years and until their successors are elected and qualified. A vacancy on the board  
4 ~~shall must~~ be filled as provided in § 9-13-14.1 or 9-13-14.2.

5 ~~When a municipality is organized~~ For purposes of staggering terms, when a  
6 municipality is organized, the trustees ~~shall must~~ be elected for terms of one, two, and  
7 three years respectively at the first annual election. At subsequent elections each trustee  
8 ~~shall must~~ be elected for a term of three years.

9 **Section 15. That § 9-7-5 be AMENDED:**

10 **9-7-5.** At the first regular meeting after their election, ~~the members of the Board~~  
11 ~~of Trustees~~ board of trustees shall elect one of their number as president to serve for one  
12 year and until ~~his~~ a successor is elected and qualified.

13 **Section 16. That § 9-7-6 be AMENDED:**

14 **9-7-6.** The board of trustees shall hold regular meetings at ~~such~~ the times as may  
15 be provided by ordinance.

16 Special meetings of the board may be held at any time upon call of the president  
17 or ~~clerk~~ finance officer by oral or written notice to the members ~~present within the~~  
18 municipality.

19 **Section 17. That § 9-7-7 be AMENDED:**

20 **9-7-7.** A majority of the members of the board ~~shall constitute~~ of trustees  
21 constitutes a quorum, but ~~no~~ an act of the board ~~shall be~~ is not effective unless assented  
22 to by a majority of the members. Unless a vacancy exists due to removal, resignation,  
23 death, or by operation of law, the quorum consists of the majority of all the trustees  
24 qualified to serve as trustees by election or appointment pursuant to chapter 9-13.

25 **~~Section 18. That a NEW SECTION be added to chapter 9-7:~~**

26 ~~The board of trustees has the authority to summon and compel the attendance of~~  
27 ~~witnesses and the production of books and papers, if necessary for the effective discharge~~  
28 ~~of the board's duties. Any process necessary to enforce the powers conferred by this~~

1 ~~section must be signed by the president of the board, attested by the finance officer, and~~  
2 ~~served by a municipal law enforcement officer or by the sheriff of the county.~~

3 **Section 18. That § 9-8-1.1 be AMENDED:**

4 **9-8-1.1.** ~~A person~~An individual may be nominated, elected, or appointed as a  
5 mayor or as an alderman, if the person is a citizen of the United States, a voter of the  
6 municipality, and a resident of the municipality, ~~and, if an~~ in accordance with § 9-14-2.  
7 An alderman, representing a ward must be a voter of and resident of the ward for which  
8 the person is to hold office. If the mayor or an alderman at large moves to a permanent  
9 residence outside the corporate limits of the municipality, the office is immediately  
10 vacated. If an alderman representing a ward moves to a permanent residence outside the  
11 boundaries of his or her ward, the office is immediately vacated.

12 **Section 19. That § 9-8-2 be AMENDED:**

13 **9-8-2.** If there is a vacancy from any cause in the office of the mayor, the vacancy  
14 ~~shall~~ must be filled by appointment by a majority vote of all the aldermen, as soon as  
15 practicable after the vacancy occurs, to serve until the office is filled by election for the  
16 unexpired term at the next annual municipal election or by special election as provided in  
17 § 9-13-14.2. Until the vacancy is filled ~~or during the time of temporary absence or~~  
18 ~~disability of the mayor, the powers and duties of mayor are executed by the president or~~  
19 ~~vice president of the council~~ mayor pro tempore, as provided in § 9-8-7.

20 A resignation by the mayor must be in writing and must specify the effective date  
21 of the resignation. A temporary absence or temporary incapacitation of the mayor is not  
22 a vacancy in the office of the mayor.

23 **Section 20. That § 9-8-3 be AMENDED:**

24 **9-8-3.** The mayor presides at all meetings of the council ~~but~~. The mayor votes only  
25 ~~votes in the~~ case of a tie, except pursuant to § 9-8-10. The mayor performs other duties  
26 as may be prescribed by the laws and ordinances, and takes care that the laws and  
27 ordinances are faithfully executed. The mayor shall annually, or as may be necessary,  
28 give the council information relative to the affairs of the municipality, and recommend for  
29 the council's consideration the measures the mayor deems ~~expedient~~ prudent. The mayor  
30 may sign or veto any ordinance or resolution passed by the common council, ~~and~~. The  
31 mayor may veto any part or item of an ordinance or resolution appropriating money.

1 **Section 21. That § 9-8-4 be AMENDED:**

2 **9-8-4.** The common council consists of the mayor elected at large and two  
3 aldermen elected from and by the voters of each ward of the municipality. The term of  
4 office is two years, unless a municipality adopts an ordinance establishing the term of  
5 office to be three, four, or five years. ~~The~~ Except as otherwise provided in § 9-8-2, the  
6 mayor and aldermen hold office until their successors are elected and qualified. At the  
7 first election of aldermen, the council shall stagger the initial terms of the alderman in  
8 each ward to provide that the two aldermen from the same ward are not up for reelection  
9 in the same year. A person may hold office for more than one term. The vacancy of an  
10 alderman is filled as provided in § 9-13-14.1 or 9-13-14.2.

11 A resignation by an alderman must be in writing and must specify the effective  
12 date of the resignation.

13 **Section 22. That § 9-8-5 be AMENDED:**

14 **9-8-5.** The council is the judge of the election and qualification of its members.  
15 The council ~~determines~~ may, by ordinance, determine its rules of procedure and code of  
16 conduct, and may punish its members for disorderly conduct while performing the duties  
17 of office, and, with the concurrence of two-thirds of the aldermen, may expel a member.

18 ~~Any alderman who is convicted of bribery shall vacate the position.~~ The office of a  
19 mayor or any alderman convicted of a crime that involves bribery is deemed vacated upon  
20 entry of a judgment of conviction.

21 The council may, by ordinance, establish requirements for attendance at regular  
22 meetings and provide for the expulsion of a member in violation of the attendance  
23 requirements.

24 **Section 23. That § 9-8-7 be AMENDED:**

25 **9-8-7.** At the first regular meeting after the annual election in each year and after  
26 the qualification of the newly elected aldermen, the council shall elect from among its  
27 members a president and vice president, who shall hold their respective offices ~~for the~~  
28 ~~municipal year.~~

29 ~~The president of the council in the absence of the mayor acts as the presiding~~  
30 ~~officer of the council. During the absence of the mayor from the municipality or the~~  
31 ~~mayor's temporary disability, the president of the council is acting mayor and has all the~~  
32 ~~powers of the mayor.~~



1           ~~In the absence or disability of the mayor and president of the council, the vice~~  
2 ~~president of the council shall perform the duties of the mayor and president of the council.~~

3           ~~However, the president of the council or vice president of the council acting as the~~  
4 ~~mayor shall only vote as an alderman. No alderman acting as mayor may vote as the~~  
5 ~~mayor to break a tie vote. until a president and vice president are elected the following~~  
6 ~~year. In a year when there is no annual election, the council shall elect from among its~~  
7 ~~members a president and vice president at the first regular meeting that occurs no more~~  
8 ~~than one year after the president and vice president were last elected from among the~~  
9 ~~council's members.~~

10           If an emergency prevents the first regular meeting from occurring, the election  
11 must take place at either the next regular meeting or a special meeting. If there is a  
12 vacancy in the office of the president, the council must elect a president from among its  
13 members at the first regular or special meeting that occurs after the vacancy occurred.

14           If there is a vacancy in the office of the vice president, the council must elect a  
15 vice president from among its members at the first regular or special meeting that occurs  
16 after the vacancy occurred. If the vacancy in the office of the vice president occurs during  
17 a meeting, the council may choose to elect a vice president from among its members  
18 during the same meeting.

19   **Section 24. That § 9-8-8 be AMENDED:**

20           **9-8-8.** The council holds its regular meetings on the first Monday of each month  
21 but may, by ordinance, change the day of its regular monthly meetings. The council may  
22 prescribe by ordinance the manner in which special meetings may be called.

23           ~~A majority of the aldermen constitutes a quorum to do business. When~~Unless a  
24 seat on a council is vacant due to removal, resignation, death, or by operation of law, the  
25 quorum consists of the majority of ~~the remaining~~ all the aldermen who are qualified to  
26 serve as aldermen by election or appointment pursuant to chapter 9-13. The council may  
27 compel the attendance of absentees under ~~such~~ the penalties as may be prescribed by  
28 ordinance.

29           ~~The meetings of the council are open to the public and it shall keep a journal of its~~  
30 ~~proceedings. The council shall keep minutes of its meetings.~~

31   **Section 25. That § 9-8-10 be AMENDED:**

32           **9-8-10.** ~~A roll call vote shall be taken upon the passage of all ordinances and upon~~  
33 ~~any proposal to expend or appropriate money, and in all other cases at the request of any~~

1 ~~member. All votes shall be entered in the minutes of its proceedings.~~ All votes must be  
 2 taken orally or by roll call. A vote may not be taken by secret ballot. If any member of the  
 3 council requests a roll call vote, a roll call vote must be taken. All votes must be entered  
 4 in the minutes of the council's proceedings.

5 The majority vote of all the aldermen ~~shall be~~ is necessary to pass an ordinance or  
 6 proposal ~~which that~~ expends or appropriates money, and the. The mayor may not break  
 7 a tie on an ordinance or proposal to expend or appropriate money. The mayor may break  
 8 a tie on all other ordinances or proposals.

9 A two-thirds vote of the aldermen is required to sell any city property.

10 **Section 26. That a NEW SECTION be added to chapter 9-8:**

11 In the temporary absence or temporary incapacitation of the mayor, the president  
 12 of the council shall serve as the mayor pro tempore until the temporary absence or  
 13 temporary incapacitation ends.

14 In the temporary absence or disability of the mayor and president of the council,  
 15 the vice president of the council shall serve as the mayor pro tempore until the temporary  
 16 absence or temporary incapacitation ends.

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

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

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

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

27 ~~The council has the authority to summon and compel the attendance of witnesses~~  
 28 ~~and the production of books and papers, if it is necessary for the effective discharge of~~  
 29 ~~the council's duties. Any process necessary to enforce the powers conferred by this section~~  
 30 ~~must be signed by the mayor, attested by the finance officer, and served by a municipal~~  
 31 ~~law enforcement officer or the sheriff of the county.~~

32 **Section 27. That § 9-9-2 be AMENDED:**

1           **9-9-2.** ~~A~~In accordance with § 9-14-2, a person may be nominated, elected, or  
 2 appointed as a mayor or as a commissioner if the person is a citizen of the United States  
 3 and voter and resident of the municipality.

4 **Section 28. That § 9-9-3 be AMENDED:**

5           **9-9-3.** The term of office of the mayor and commissioners ~~shall be~~ is not less than  
 6 two or more than five years as determined by ordinance, except that at the first election  
 7 after the adoption of the commission form of government the mayor's term ~~shall~~ must be  
 8 for five years and the commissioners ~~shall~~ must be elected for staggered terms. If the  
 9 number of commissioners is four, one ~~shall~~ must be elected for one year, one for two  
 10 years, one for three years, and one for four years. If the number of commissioners is two,  
 11 one ~~shall~~ must be elected for two years and one for four years. At the annual election  
 12 preceding the expiration of the term of office of the mayor or any commissioner, a  
 13 successor ~~shall~~ must be elected for a term ~~not to exceed~~ of not less than two or more than  
 14 five years, as determined by ordinance.

15 **Section 29. That § 9-9-6 be AMENDED:**

16           **9-9-6.** If the mayor or a commissioner resigns, the resignation ~~shall~~ must be  
 17 submitted in writing to the board of commissioners and must specify the effective date of  
 18 the resignation.

19           If the mayor or a commissioner moves ~~his or her~~ to a permanent residence outside  
 20 the corporate limits of the municipality, the office is immediately vacated.

21           If there is a vacancy in the office of mayor, the vacancy ~~shall~~ must be filled by  
 22 appointment pursuant to § 9-9-8 until the position is filled by election at the next annual  
 23 municipal election or by special election as provided in § 9-13-14.2. A vacancy on the  
 24 board ~~shall~~ must be filled as provided in § 9-13-14.1 or 9-13-14.2.

25           A temporary absence or temporary incapacitation of the mayor is not considered a  
 26 vacancy in the office of the mayor.

27 **Section 30. That § 9-9-8 be AMENDED:**

28           **9-9-8.** If the mayor is unable to perform the duties of office by reason of temporary  
 29 absence or sickness temporary incapacitation, the board ~~shall~~ must, by a majority vote of  
 30 all the commissioners, appoint ~~by a majority vote~~ one of its members to act as mayor  
 31 until the temporary absence or temporary incapacitation ends. The appointed

1 commissioner's official designation ~~shall be acting president of the board of commissioners~~  
 2 is mayor pro tempore. ~~The acting president mayor pro tempore~~ is invested with all the  
 3 powers and shall perform all the duties of the mayor during the mayor's temporary  
 4 ~~absence or sickness or temporary incapacitation~~. ~~The acting president mayor pro tempore~~  
 5 has only one vote as a commissioner and is not entitled to vote as ~~acting president mayor~~  
 6 pro tempore. The temporary absence or temporary incapacitation of the mayor is not a  
 7 vacancy in the office of the mayor.

8 If the office of mayor is vacated, the board of commissioners ~~shall~~ must, by a  
 9 majority vote of all commissioners, ~~appoint by a majority vote~~ one of its commissioners  
 10 as acting mayor. The acting mayor is invested with all the powers and shall perform all  
 11 the duties of the mayor, until the ~~election of a mayor~~ vacancy is filled by election for the  
 12 unexpired term at the next annual election or by special election as provided in § 9-13-  
 13 14.2.

14 The acting mayor has only one vote as a commissioner and is not entitled to vote  
 15 as acting mayor.

16 **Section 31. That § 9-9-14 be AMENDED:**

17 **9-9-14.** ~~A majority of the board constitutes a quorum to do business. If~~ Unless a  
 18 seat on the board of commissioners is vacant due to removal, resignation, death, or by  
 19 operation of law, the quorum consists of the majority of ~~the remaining commissioners~~ all  
 20 the members who are qualified to serve by election or appointment pursuant to chapter  
 21 9-13. The board may compel the attendance of any absentee under penalties as prescribed  
 22 by ordinance.

23 No action of the board is effective unless upon a vote of a majority of all the  
 24 members of the board.

25 **Section 32. That § 9-9-14.1 be AMENDED:**

26 **9-9-14.1.** ~~The board shall determine the board's rules of procedure, and may~~  
 27 ~~punish the board's members for disorderly conduct. The board may, by resolution,~~  
 28 ~~establish requirements for attendance at regular meetings and provide for the expulsion~~  
 29 ~~of a member in violation of the attendance requirements~~ The board of commissioners is  
 30 the judge of the election and qualification of its members. The board may, by ordinance,  
 31 determine its rules of procedure and code of conduct, punish its members for disorderly  
 32 conduct while performing the duties of office, and, with the concurrence of two-thirds of  
 33 the members, expel a member.

1           The board may, by ordinance, establish requirements for attendance at regular  
 2           meetings and provide for the expulsion of a member in violation of the attendance  
 3           requirements.

4           **Section 33. That § 9-9-16 be AMENDED:**

5           ~~9-9-16. The yeas and nays shall be taken upon the passage of each ordinance and~~  
 6           ~~for any proposal to expend or appropriate money and in any other case at the request of~~  
 7           ~~any commissioner. Each vote shall be entered on the journal of the board's proceedings.~~  
 8           ~~A two-thirds vote of the board is required to sell any municipal real property~~Each meeting  
 9           of the board of commissioners is open to the public. All votes must be taken orally or by  
 10           roll call. No votes may be taken by secret ballot. If any member of the board requests a  
 11           roll call vote, a roll call vote must be taken. All votes must be entered in the minutes of  
 12           the council's proceedings.

13           A two-thirds vote of the board is required to sell any municipal real property.

14           **Section 34. That § 9-9-18 be AMENDED:**

15           **9-9-18.** In a municipality governed by a board of five commissioners, the  
 16           commissioners shall designate, by a majority vote of all the commissioners, one  
 17           commissioner to be the commissioner of public safety, one commissioner to be the  
 18           commissioner of public works, one commissioner to be the commissioner of utilities, and  
 19           one commissioner to be the commissioner of finance and revenue.

20           **Section 35. That § 9-9-19 be AMENDED:**

21           **9-9-19.** In any municipality governed by a board consisting of five commissioners,  
 22           the mayor and the commissioners have the powers and duties described in §§ 9-9-20 to  
 23           9-9-24, inclusive. In addition, each commissioner shall supervise any other department  
 24           assigned or apportioned by resolution of the governing board, adopted by a majority vote  
 25           of all the commissioners at the first meeting of the board in the month following the  
 26           election year. Each commissioner is in charge of the apparatus, personnel, and personal  
 27           property used by departments under that commissioner's supervision.

28           **Section 36. That § 9-9-20 be AMENDED:**

29           **9-9-20.** If any municipality is governed by a board consisting of five  
 30           commissioners, the mayor may exercise all the powers and perform all the duties provided

1 by the laws of this state or the ordinances of the municipality not in conflict with the laws  
2 of the state. The mayor is the chief executive officer of the municipality, presides at all  
3 meetings of the board, and has general supervision over all departments and officers. In  
4 the ~~absence or inability~~ temporary absence or temporary incapacitation of a commissioner,  
5 the mayor shall temporarily take charge of the department of that commissioner. The  
6 mayor shall enforce all the laws of the municipality and require that the conditions of the  
7 grant of any franchise or privilege are faithfully complied with and performed. The mayor  
8 shall grant all licenses or permits, except as are required by ordinance to be granted by  
9 the board or by some other department or officer. The mayor shall supervise each public  
10 building of the municipality and each city park except in any municipality that has a park  
11 board, and the lighting of the streets, alleys, and public buildings of the municipality. The  
12 mayor shall annually and from time to time give the board information relative to the  
13 affairs of the municipality and shall recommend for the board's consideration any measure  
14 the mayor deems ~~expedient~~ prudent.

15 **Section 37. That § 9-9-26 be AMENDED:**

16 **9-9-26.** If a municipality is governed by a board consisting of three commissioners,  
17 the mayor ~~shall~~ must exercise all the powers and perform all the duties provided by the  
18 laws of this state or the ordinances of the municipality not in conflict with state law. The  
19 mayor ~~shall be~~ is the chief executive officer of the municipality, shall preside at all  
20 meetings of the board, and has general supervision over all departments and officers. In  
21 the ~~temporary absence or inability~~ temporary incapacitation of a commissioner, the mayor  
22 shall temporarily take charge of the department of the commissioner. The mayor shall see  
23 that all the laws of the municipality are enforced and that the conditions of the grant of  
24 any franchise or privilege are faithfully complied with and performed. The mayor shall  
25 grant all licenses or permits, except as required by ordinance to be granted by the board  
26 or by some other department or officer.

27 **Section 38. That § 9-9-27 be AMENDED:**

28 **9-9-27.** If a municipality is governed by a board consisting of three commissioners,  
29 all matters not designated to the mayor ~~shall~~ must be assigned or apportioned as equally  
30 as may be between the commissioners by resolution of the board adopted by a majority  
31 vote of all the commissioners at the first meeting of the board in the month following the  
32 election each year.

1 **Section 39. That § 9-10-1 be AMENDED:**

2 **9-10-1.** If a petition signed by fifteen percent of the registered voters of any ~~first~~  
3 ~~or second class~~ municipality, as determined by the total number of registered voters at  
4 the last preceding general election, is presented requesting that an election be called to  
5 vote ~~upon the proposition~~ on the question of employing a city manager, the governing  
6 body ~~shall must~~ call an election ~~for that purpose~~. ~~Upon receipt of a valid petition, the~~  
7 ~~question shall be presented at the next annual municipal election or the next general~~  
8 ~~election, whichever is earlier. However, the governing body may expedite the date of the~~  
9 ~~election by ordering, within ten days of receiving the petition, a special election to be held~~  
10 ~~on a Tuesday not less than thirty days from the date of the order of the governing body~~  
11 ~~to be held within fifty days from the date of the filing of the petition with the municipal~~  
12 ~~finance officer. At that election, the question must be submitted to the voters. No petition~~  
13 ~~is valid if filed more than six months after the circulation start date declared on the petition~~  
14 ~~forms. If the petition is filed on or after January first prior to the annual municipal election~~  
15 ~~and within sufficient time to comply with the provisions of chapter 9-13, the question may~~  
16 ~~be submitted at that annual municipal election.~~

17 The election ~~shall must~~ be held upon the same notice and conducted in the same  
18 manner as other municipal elections. The vote ~~upon the question of employing a city~~  
19 ~~manager shall must~~ be by ballot which conforms to a ballot for statewide question except  
20 that the statement required to be printed on the ballot shall be prepared by the municipal  
21 attorney, in the form and cast in the manner provided by chapter 9-13.

22 **Section 40. That § 9-10-3 be AMENDED:**

23 **9-10-3.** When authorized by a majority vote of all voters voting at a special  
24 election ~~to be called for that purpose, pursuant to § 9-10-1,~~ the governing body of any  
25 ~~first or second class~~ municipality ~~shall must~~ employ a city manager and fix ~~his the~~  
26 manager's compensation.

27 **Section 41. That § 9-10-4 be AMENDED:**

28 **9-10-4.** In ~~first or second class~~ municipalities under the aldermanic form  
29 employing a city manager, ~~a the~~ mayor, and aldermen ~~shall must~~ be elected ~~as for such~~  
30 in the same manner as municipalities not employing a city manager.

31 **Section 42. That § 9-10-5 be AMENDED:**

1           **9-10-5.** In all commission-governed municipalities employing a city manager, the  
 2 number of at-large commissioners ~~shall be~~ is nine, ~~whose terms each with a three-year~~  
 3 ~~term of office shall be three years.~~ At the first election ~~thereof there shall be elected,~~ nine  
 4 commissioners must be elected, three to serve until the next annual election, three to  
 5 serve until the second annual election thereafter, and three to serve until the third annual  
 6 election thereafter, ~~and thereafter at.~~ At each annual municipal election ~~there shall be~~  
 7 ~~elected thereafter,~~ three at-large commissioners must be elected for a term of three years  
 8 each.

9           **Section 43. That § 9-10-6 be AMENDED:**

10           **9-10-6.** Within sixty days after an election directing the employment of a city  
 11 manager in any commission-governed municipality, a special election ~~shall~~ must be called  
 12 and held to elect the nine at-large commissioners. A plurality vote in the election of  
 13 commissioners is sufficient to elect the commissioners.

14           The commissioners shall qualify as provided by law and organize by electing a  
 15 commissioner to act as mayor until the first regular meeting of the board of commissioners  
 16 in the month following the first annual election of commissioners. At the first regular  
 17 meeting in the month following the annual election, the commissioners shall elect a  
 18 commissioner to act as mayor for a term of one year.

19           ~~The board has the same powers conferred upon the board of commissioners in a~~  
 20 ~~commission-governed municipality pursuant to chapter 9-9. Except as otherwise provided~~  
 21 ~~in this chapter, the board shall be governed by the provisions of the law relating to a~~  
 22 ~~commission-governed municipality.~~

23           **Section 44. That § 9-10-7 be AMENDED:**

24           **9-10-7.** ~~The duties and power of the mayor of any first or second-class municipality~~  
 25 ~~employing a city manager shall be as follows:~~

- 26           (1) ~~He shall be~~ Is the presiding officer of the council or commission, and in  
 27 municipalities having the aldermanic form of government ~~he shall have,~~ has the  
 28 powers and duties of an alderman at large;
- 29           (2) ~~He shall be~~ Is the recognized head of the municipality for service of civil process  
 30 and for military and ceremonial purposes;
- 31           (3) ~~He may~~ May take command of the police of the municipality, appoint special police,  
 32 and govern the municipality by proclamation during times of public danger or  
 33 emergency, ~~and during such~~ during which times ~~he shall have such~~ the mayor has



1 ~~the~~ powers and authority to call for assistance, ~~as are given to the mayor by~~ as  
 2 provided in § 9-29-17; and  
 3 (4) ~~He shall~~Shall have ~~such further~~ other authority and perform ~~such further~~ other  
 4 duties as may be prescribed by ordinance or resolution not inconsistent with the  
 5 provisions of this chapter, but in no case ~~shall he~~ may the mayor have the right of  
 6 veto.

7 **Section 45. That § 9-10-8 be AMENDED:**

8 **9-10-8.** The governing body of any ~~first or second class~~ municipality employing a  
 9 manager shall hold ~~its~~ regular meetings on the ~~first Monday of each month at such hour~~  
 10 ~~as may be fixed by it. It may prescribe by ordinance the manner in which special meetings~~  
 11 ~~may be called and may also so change the date of its regular monthly meetings and so~~  
 12 ~~provide for regular meetings oftener than once a month~~ day and time adopted by  
 13 ordinance, with at least one regular meeting per calendar month. The governing body  
 14 may, by ordinance, determine the manner in which special meetings may be called.

15 Unless a seat on the governing body is vacant due to removal, resignation, death,  
 16 or by operation of law, a quorum consists of the majority of all the members who are  
 17 qualified to serve by election or appointment pursuant to chapter 9-13. The council may  
 18 compel the attendance of absentees under such penalties as may be prescribed by  
 19 ordinance.

20 The meetings of the governing body are open to the public. The governing body  
 21 shall keep minutes of its meetings.

22 **Section 46. That § 9-10-9 be AMENDED:**

23 **9-10-9.** ~~The auditor~~ finance officer, attorney, ~~and~~ library board of trustees, ~~and~~  
 24 ~~the treasurer shall~~ must be appointed by the governing body and may be removed at any  
 25 time by ~~such~~ the governing body.

26 ~~The auditor and the treasurer~~ finance officer shall ~~each~~ appoint all deputies and  
 27 employees in ~~his~~ the finance office.

28 All other officers and employees, including all members of boards and commissions,  
 29 except as otherwise provided by law, ~~shall~~ must be appointed ~~by the manager,~~ and may  
 30 be removed, ~~by him~~ the city manager.

31 **Section 47. That § 9-10-10 be AMENDED:**

1           **9-10-10.** The city manager ~~shall~~ must be chosen by the governing body on the  
 2 basis of ~~his~~ executive and administrative qualifications, with special reference to ~~his~~ actual  
 3 experience in, or ~~his~~ knowledge of, accepted practices in respect to the duties of ~~his~~ office.  
 4 ~~At the time of his appointment he need not be a resident of the city or state, but during~~  
 5 ~~his tenure of office he shall reside within the city.~~ The governing body may establish  
 6 residency requirements for the manager.

7           ~~No~~ A person elected to membership on the governing body ~~shall~~ may not be eligible  
 8 for appointment as manager until one year has elapsed following the expiration of the  
 9 term for which ~~he~~ the member was elected.

10 **Section 48. That § 9-10-11 be AMENDED:**

11           **9-10-11.** The governing body shall appoint the city manager for an indefinite term,  
 12 but may suspend the manager by resolution of intent to remove the manager approved  
 13 by a majority vote of all the members of the governing body. The resolution of intent to  
 14 remove the manager must set forth the reasons for the suspension and proposed removal,  
 15 and a copy of the resolution must be served immediately upon the manager. The manager  
 16 may reply in writing to the resolution and may request a public hearing within fifteen days  
 17 of being served the resolution. If a public hearing is requested by the manager, the  
 18 governing body ~~must set a time for the,~~ within fifteen days, hold a public hearing upon  
 19 the question of the manager's removal, and the final resolution removing the manager  
 20 may not be adopted until the public hearing has occurred.

21           The manager's pay must continue until the manager's removal is effective as  
 22 provided by this section. The action of the governing body in removing the manager is  
 23 final.

24 **Section 49. That § 9-10-12 be AMENDED:**

25           **9-10-12.** In case of the absence or disability of the manager or in case of ~~his~~  
 26 suspension as provided in § 9-10-11, the governing body may designate a qualified  
 27 administrative officer of the ~~first or second class~~ municipality to perform the duties of the  
 28 manager during ~~such~~ the absence, disability, or suspension.

29 **Section 50. That § 9-10-13 be AMENDED:**

30           **9-10-13.** The city manager ~~shall~~ be is responsible to the governing body for the  
 31 proper administration of all affairs of the ~~first or second class~~ municipality ~~placed in his~~

1 charge. ~~To that end, except.~~ Except as otherwise provided by law, ~~he shall have the~~  
 2 manager has power to appoint and remove all officers and employees in the administrative  
 3 service of the municipality and may authorize the head of any department or office  
 4 responsible ~~to him~~ to the manager to appoint and remove subordinates in ~~such the~~  
 5 department or office. Appointments made by or under the authority of the manager ~~shall~~  
 6 must be made without definite term, on the basis of executive and administrative ability,  
 7 and on the basis of the training and experience of such the appointees in the work which  
 8 they are to perform assigned work.

9 **Section 51. That § 9-10-14 be AMENDED:**

10 **9-10-14.** ~~The~~ Except as otherwise provided in this section, the city manager and  
 11 every officer of the first or second class municipality, whether appointed by the manager  
 12 or the governing body, shall furnish a bond to the municipality in such the form and in  
 13 ~~such~~ such amount as may be required by the governing body. ~~Such The~~ bond shall must  
 14 be approved by the governing body and be filed with the auditor finance officer. An individual  
 15 bond is not required, provided the municipality has blanket coverage pursuant to § 3-5-  
 16 14.

17 **Section 52. That § 9-10-15 be AMENDED:**

18 **9-10-15.** ~~The city manager shall have the following further powers and duties:~~  
 19 (1) ~~He shall see~~ See that the municipal laws and, ordinances, and resolutions are  
 20 enforced;  
 21 (2) ~~He shall supervise~~ Supervise the administration of the affairs of the ~~first or second~~  
 22 ~~class~~ municipality;  
 23 (3) ~~He shall make such~~ Make recommendations to the governing body concerning the  
 24 affairs of the ~~first or second class~~ municipality as may seem ~~to him desirable~~  
 25 prudent;  
 26 (4) ~~He shall keep~~ Keep the governing body advised of the financial condition and future  
 27 needs of the ~~first or second class~~ municipality;  
 28 (5) ~~He shall prepare~~ Prepare and submit to the governing body an annual budget ~~not~~  
 29 later than August first of each year on a date determined by the governing body  
 30 pursuant to §§ 9-21-34 and 9-21-34.1;  
 31 (6) ~~He shall see~~ See that all terms and conditions imposed in favor of the ~~first or second~~  
 32 ~~class~~ municipality or its inhabitants in any contract or franchise to which the  
 33 municipality is a party are faithfully kept and performed;

Underscores indicate new language.  
Overstrikes indicate deleted language.

- 1       (7) ~~Except when the governing body may be considering his removal the manager shall~~  
 2       ~~be~~Be entitled to be present and take part in discussions at all meetings of ~~such the~~  
 3       governing body and its committees, ~~and to take part in their discussions~~ except  
 4       when the governing body is considering removal of the manager;
- 5       (8) ~~He shall sign~~Sign all warrants for the payment of money, ~~and the same shall which~~  
 6       warrants:
- 7       (a) ~~Must~~ Must be countersigned by the ~~auditor~~ finance officer, ~~but no warrant shall;~~  
 8       and
- 9       (b) ~~May not~~ May not be issued until the claim ~~therefor~~ has been approved by the  
 10       governing body, except as ~~may be~~ otherwise provided by ordinance or  
 11       resolution;
- 12       (9) ~~He shall have~~Have the right to prepare and introduce ordinances and resolutions  
 13       and take part in the discussions on all matters coming before the governing body,  
 14       ~~but shall have no~~ the manager may not vote; and
- 15       (10) ~~The manager shall have such further~~Have other powers and duties as may be  
 16       prescribed by ordinance or resolution.
- 17       ~~No contract of the manager for the payment of money in excess of two hundred~~  
 18       ~~dollars, except for current necessities, shall be binding upon the first or second class~~  
 19       ~~municipality unless the payment shall be approved by the governing body.~~

20       **Section 53. That § 9-10-17 be AMENDED:**

21       **9-10-17.** It is a Class 2 misdemeanor for the city manager, or an officer or  
 22       employee appointed by ~~him~~ the manager, to solicit any person to vote for or against any  
 23       candidate for alderman or commissioner of the ~~first or second class~~ municipality by which  
 24       he the manager is employed at any municipal election.

25       **Section 54. That § 9-10-18 be AMENDED:**

26       **9-10-18.** Provisions of the statutes governing ~~first or second class~~ municipalities  
 27       inconsistent with this chapter ~~shall be~~ are inapplicable to municipalities employing a city  
 28       manager.

29       **Section 55. That a NEW SECTION be added to chapter 9-10:**

30       Except as otherwise provided in this section, a contract of the municipality is not  
 31       valid unless the contract has been authorized by a vote of the governing body at an official

1 meeting, is executed in the name of the municipality by the mayor, is countersigned by  
2 the finance officer, and has the corporate seal attached.

3 Pursuant to § 9-1-5, the governing body of a municipality may, by ordinance or  
4 resolution, delegate to the manager the authority to enter into a contract on behalf of the  
5 municipality and to execute the contract and any other instrument necessary or  
6 convenient for the performance of the contract, subject to the limitations established by  
7 the governing body.

8 **Section 56. That § 9-11-6 be AMENDED:**

9 **9-11-6.** If a petition signed by fifteen percent of the registered voters of any  
10 municipality, as determined by the total number of registered voters at the last preceding  
11 general election, is presented to the governing body, requesting that an election be called  
12 for the purpose of voting upon a question of change of form of government or upon a  
13 question of the number of wards, commissioners, or trustees, the governing body must  
14 call an election that must be held within fifty days from the date of the filing of the petition  
15 with the municipal finance officer. At that election, the question of the change of form of  
16 government or the number of wards, commissioners, or trustees, or both, must be  
17 submitted to the voters. No petition is valid if filed more than six months after the  
18 circulation start date declared on the petition forms. If the petition is filed on or after  
19 January first prior to the annual municipal election and within sufficient time to comply  
20 with the provisions of ~~§ 9-13-14~~ chapter 9-13, the question may be submitted at that  
21 annual municipal election.

22 The election must be held upon the same notice and conducted in the same manner  
23 as other municipal elections.

24 **Section 57. That § 9-11-9 be AMENDED:**

25 **9-11-9.** ~~If an election changes the question of whether to change~~ the form of  
26 government or number of commissioners, wards, or trustees is approved in an election  
27 pursuant to § 9-11-6, at the next annual municipal election or at a special election called  
28 by the governing board and held pursuant to § 9-13-14, ~~officers shall~~ elected officials  
29 must be chosen under the changed form of government.

30 **Section 58. That § 9-11-11 be AMENDED:**

1           **9-11-11.** Each first or second class municipality must be governed by a mayor and  
 2 common council, a mayor and a common council with a city manager, a board of  
 3 commissioners, or a board of commissioners with a city manager. Each third class  
 4 municipality must be governed by a board of trustees, with or without a city manager.

5           The present form of government of existing municipalities must continue until  
 6 changed as provided by this title.

7           **Section 59. That § 9-12-1 be AMENDED:**

8           **9-12-1.** Every municipality ~~shall have~~ has the power:

- 9           (1) To sue and be sued and to contract in its corporate name;
- 10          (2) To acquire by lease, purchase, gift, condemnation, or other lawful means and hold  
 11 in its corporate name, or use and control as provided by law, both real and personal  
 12 property and easements and rights of way within or without the corporate limits  
 13 for all purposes authorized by law or necessary to the exercise of any power  
 14 granted;
- 15          (3) To provide that supplies needed for the use of the municipality ~~shall be~~ are  
 16 furnished by contract let to the lowest responsible bidder, except as otherwise  
 17 provided by law;
- 18          (4) To construct, operate, and maintain an auditorium and all public buildings  
 19 necessary for the use of the municipality;
- 20          (5) To insure the public property of the municipality;
- 21          (6) To convey, sell, give, dispose of, or lease ~~both~~ the personal and real property of  
 22 the municipality as provided by ~~this title~~ the laws of this state; and
- 23          (7) To perform all administrative and financial functions for all purposes authorized by  
 24 law or necessary to the exercise of any power granted.

25           **Section 60. That § 9-12-3 be AMENDED:**

26           **9-12-3.** Every municipality may appropriate funds to pay the necessary expenses  
 27 of its officers or employees in conducting ~~such~~ business or attending ~~such~~ meetings within  
 28 or without the state as the governing body ~~shall determine~~ determines necessary to carry  
 29 out ~~its~~ authorized municipal activities.

30           **Section 61. That § 9-12-5.1 be AMENDED:**

1           **9-12-5.1.** Every municipality may lease its ~~municipally owned~~ municipally owned  
 2           property. ~~Any such~~ The lease shall must be for a term and upon the conditions provided  
 3           by ~~resolution~~ of the governing body.

4           **Section 62. That § 9-12-5.2 be AMENDED:**

5           **9-12-5.2.** If the governing body decides to lease any municipally owned property  
 6           to any private person for a term exceeding one hundred twenty days and for an amount  
 7           exceeding two thousand five hundred dollars annual value ~~it shall,~~ the municipality must  
 8           adopt a resolution of intent to enter into ~~such~~ the lease, and the resolution must fix a time  
 9           and place for public hearing on the adoption of the lease resolution. Notice of the hearing  
 10          ~~shall~~ on the adoption of the lease resolution must be published in the official newspaper  
 11          once, at least ten days prior to the hearing. Following the hearing, the governing body  
 12          may proceed to authorize the lease upon the terms and conditions it determines.

13          **Section 63. That § 9-12-10 be AMENDED:**

14          **9-12-10.** Every ~~first or second class~~ municipality ~~shall have~~ has power to provide  
 15          for the taking of the census of the municipality ~~not oftener than once in three years.~~

16          **Section 64. That § 9-12-14.1 be AMENDED:**

17          **9-12-14.1.** A municipality may pay compensation to a regularly scheduled  
 18          commercial air carrier to provide basic or enhanced air service ~~as provided in the Airport~~  
 19          ~~and Airway Safety and Capacity Expansion Act of 1987 and may provide compensation to~~  
 20          ~~a regularly scheduled air carrier under contract with the South Dakota Airline Authority.~~  
 21          ~~Funds provided by a municipality to pay compensation for such air service shall be~~  
 22          ~~budgeted pursuant to chapter 9-21.~~

23          **Section 65. That § 9-9-13 be REPEALED.**

24          ~~Each meeting of the board is open to the public and the board shall keep a journal~~  
 25          ~~of its proceedings.~~

26          **Section 66. That § 9-10-2 be REPEALED.**

27          ~~When there has been an election as provided in § 9-10-1 and when the proposition~~  
 28          ~~to employ a city manager has failed to receive a majority vote, such proposition shall not~~  
 29          ~~be again submitted for the period of one year.~~

1 **Section 67. That § 9-12-9 be REPEALED.**

2           Every municipality shall have power to appropriate funds for the proper observance  
3 of Memorial Day and Veterans' Day.

AMENDED