

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

709E0512

HOUSE JOINT RESOLUTION NO. 1002

Introduced by: Representatives Peterson (Bill) and Adelstein and Senators McCracken and Ham

1 A JOINT RESOLUTION, Proposing and submitting to the electors at the next general election
2 two new sections to Article IX and amendments to Article IX, section 1 and 2 of the
3 Constitution of the State of South Dakota, consolidating counties and providing for charter
4 governments.

5 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF
6 SOUTH DAKOTA, THE SENATE CONCURRING THEREIN:

7 Section 1. That at the next general election held in the state, the following new sections to
8 Article IX and amendments to Article IX, sections 1 and 2 of the Constitution of the State of
9 South Dakota, as set forth in sections 2, 3, 4, and 5 of this Joint Resolution, which are hereby
10 agreed to, shall be submitted to the electors of the state for approval.

11 Section 2. That Article IX, section 1 of the Constitution, of the State of South Dakota, be
12 amended to read as follows:

13 § 1. The Legislature shall have plenary powers to organize and classify units of local
14 government, ~~except that any proposed change in county boundaries shall be submitted to the~~
15 ~~voters of each affected county at an election and be approved by a majority of those voting~~

1 ~~thereon in each county. No township heretofore organized may be abolished unless the question~~
2 ~~is submitted to the voters of the township and approved by a majority of those voting thereon~~
3 ~~in each township. After each decennial census, the Legislature shall apportion the state into not~~
4 ~~less than ten nor more than twelve counties and assign to each a county seat which the voter of~~
5 ~~the county may subsequently move by means of a special election called pursuant to a petition~~
6 ~~signed by fifteen percent of the voters of the county who voted in the last gubernatorial election.~~
7 ~~The counties based on Sioux Falls and Rapid City shall be as large as need be to encompass each~~
8 ~~conurbation. Each of the other counties shall be of relatively similar population, but in no case~~
9 ~~less than forty thousand.~~

10 Section 3. That Article IX, section 2 of the Constitution, of the State of South Dakota, be
11 amended to read as follows:

12 § 2. ~~Any county or city or combinations thereof may provide for the adoption or amendment~~
13 ~~of a charter. Such charter shall be adopted or amended if approved at an election by a majority~~
14 ~~of the votes cast thereon. Not less than ten percent of those voting in the last preceding~~
15 ~~gubernatorial election in the affected jurisdiction may by petition initiate the question of whether~~
16 ~~to adopt or amend a charter.~~

17 A chartered governmental unit may exercise any legislative power or perform any function
18 not denied by its charter, the Constitution, or the general laws of the state. ~~The charter may~~
19 ~~provide for any form of executive, legislative, and administrative structure which shall be of~~
20 ~~superior authority to statute, provided that the legislative body so established be chosen by~~
21 ~~popular election and that the administrative proceedings be subject to judicial review.~~

22 Powers and functions of home rule units shall be construed liberally.

23 Section 4. That Article IX of the Constitution, of the State of South Dakota, be amended by
24 adding a NEW SECTION to read as follows:

1 § 8. The Legislature shall provide, by statute, for a system of charter government for all
2 counties. Each county shall be governed by a council of not less than five nor more than fifteen
3 council members, who shall be elected by districts. The term of a council member shall be four
4 years; but the Legislature shall provide for approximately half of the initial terms to be two years
5 to effectuate subsequent staggered elections. Each county shall also elect a chief executive
6 officer to a four-year term. No county chief executive may serve more than two consecutive
7 terms as a county chief executive officer even if the county has been substantially reapportioned.

8 Section 5. That Article IX of the Constitution, of the State of South Dakota, be amended by
9 adding a NEW SECTION to read as follows:

10 § 9. Any city may provide for the adoption or amendment of a charter. Such charter shall be
11 adopted or amended if approved at an election by a majority of the votes cast thereon. Not less
12 than ten percent of those voting in the last preceding gubernatorial election in the affected
13 jurisdiction may by petition initiate the question of whether to adopt or amend a charter. The
14 charter may provide for any form of executive, legislative, and administrative structure which
15 shall be of superior authority to statute, provided that the legislative body so established be
16 chosen by popular election and that the administrative proceedings be subject to judicial review.