

State of South Dakota

EIGHTY-SECOND SESSION LEGISLATIVE ASSEMBLY, 2007

444N0612

SENATE BILL NO. 113

Introduced by: Senators Katus, Jerstad, Kloucek, Koetzle, Maher, and Two Bulls and
Representatives Gassman, Elliott, Feinstein, Gillespie, Lucas, Nygaard, and
Van Norman

1 FOR AN ACT ENTITLED, An Act to require that certain local government decisions are
2 subject to referendum.

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

4 Section 1. That § 7-18A-15.1 be amended to read as follows:

5 7-18A-15.1. Any legislative decision of a board of county commissioners or of any person
6 or group appointed by the board is subject to the referendum process. A legislative decision is
7 one that enacts a permanent law or lays down a rule of conduct or course of policy for the
8 guidance of citizens or their officers. Any matter of a permanent or general character is a
9 legislative decision.

10 No administrative decision of a governing body is subject to the referendum process, unless
11 specifically authorized by this code. An administrative decision is one that merely puts into
12 execution a plan already adopted by the governing body itself or by the Legislature. Supervision
13 of a program is an administrative decision. Hiring, disciplining, and setting the salaries of
14 employees are administrative decisions.

15 Section 2. That § 9-20-19 be amended to read as follows:



1 9-20-19. Any legislative decision of a governing body or of any person or group appointed
2 by the governing body is subject to the referendum process. A legislative decision is one that
3 enacts a permanent law or lays down a rule of conduct or course of policy for the guidance of
4 citizens or their officers. Any matter of a permanent or general character is a legislative
5 decision.

6 No administrative decision of a governing body is subject to the referendum process, unless
7 specifically authorized by this code. An administrative decision is one that merely puts into
8 execution a plan already adopted by the governing body itself or by the Legislature. Supervision
9 of a program is an administrative decision. Hiring, disciplining, and setting the salaries of
10 employees are administrative decisions.

11 Section 3. That chapter 11-2 be amended by adding thereto a NEW SECTION to read as
12 follows:

13 Any decision to grant or deny a conditional use or conditional use permit or a variance is a
14 legislative decision.

15 Section 4. That chapter 11-4 be amended by adding thereto a NEW SECTION to read as
16 follows:

17 Any decision to grant or deny a conditional use or conditional use permit or a variance is a
18 legislative decision.