

State of South Dakota

SEVENTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 1998

367B0358

HOUSE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **HB1082** - 2/5/98

Introduced by: Representatives Napoli, Apa, Brown (Richard), Hassard, Madden, McNenny, Richter, Waltman, Weber, Wetz, and Wick and Senators Aker, Brown (Arnold), Drake, Hainje, Staggers, Vitter, and Whiting

1 FOR AN ACT ENTITLED, An Act to revise the permissible number of county commissioners.

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

3 Section 1. That § 7-8-1 be amended to read as follows:

4 7-8-1. Each organized county shall have a board of commissioners consisting of not less than
5 three nor more than ~~five~~ seven members, each of whom shall be elected at a general election only
6 and whose term of office shall be four years commencing on the first Tuesday of January
7 following his election. ~~In order that the regular term of all county commissioners shall not expire~~
8 ~~at the same time, in 1972 and every four years thereafter a commissioner shall be elected in each~~
9 ~~even-numbered district and in 1970 and every four years thereafter a commissioner shall be~~
10 ~~elected in each of the other districts. Any commissioner who represents an even-numbered~~
11 district shall run for election at the general election at which the President is elected; any
12 commissioner who represents an odd-numbered or unnumbered district shall run for election at
13 the general election at which the Governor is elected.

14 Section 2. That § 7-8-3 be amended to read as follows:

1 7-8-3. The number of county commissioners of any county may be increased to five or seven
2 or reduced to five or three. If fifteen percent of the registered voters of the county, based upon
3 the total number of registered voters at the last preceding general election, petition the board of
4 county commissioners for an increase or decrease in the number of county commissioners, the
5 board shall submit the question to a vote of the voters of the county at the next primary election.
6 Notice of the submission of such question shall be given in the notice of such primary election.

7 Section 3. That § 7-8-6 be amended to read as follows:

8 7-8-6. ~~When~~ If at such election a majority of all votes cast is for an increase ~~from three to~~
9 ~~five commissioners, it shall be the duty of such,~~ the board within ten days after the votes have
10 been canvassed ~~to~~ shall redistrict the county into ~~five districts numbered from one to five~~
11 districts. As to any ~~member or~~ members of such board whose ~~term or~~ terms of office extend for
12 an additional two years beyond the commencement of the next calendar year, the tenure of office
13 ~~shall~~ is not be affected, and in redistricting the county ~~such~~ the board shall designate the ~~district~~
14 ~~or~~ districts to be represented by such ~~member or~~ members, the ~~district or~~ districts so designated
15 to be a ~~district or~~ districts which would elect a commissioner at the next general election
16 following that to be held in the current year. Such commissioner ~~may or may not~~ shall be a
17 resident of the district ~~he~~ that the commissioner is designated to represent. Each district for
18 which representation is not provided by such ~~designation or~~ designations shall, at the next
19 ensuing general election, elect a commissioner, the term of office to be determined as provided
20 in § 7-8-1.

21 Section 4. That § 7-8-7 be amended to read as follows:

22 7-8-7. ~~When~~ If the election results in a majority for a decrease ~~from five to three~~
23 ~~commissioners, the five~~ or seven districts are thereby abolished and ~~it shall be the duty of such~~
24 the board, within ten days after the votes have been canvassed, ~~to~~ shall redistrict the county into
25 three or five numbered districts ~~numbered from one to three~~ from each of which districts a

- 1 commissioner shall be elected at the next general election, the term of office to be determined
- 2 as provided in § 7-8-1.

1 **BILL HISTORY**

2 1/16/98 First read in House and referred to Local Government. H.J. 54

3 1/29/98 Scheduled for Committee hearing on this date.

4 1/29/98 Local Government Deferred to another day.

5 1/29/98 Local Government Reconsidered, AYES 11, NAYS 0.

6 1/29/98 Local Government Deferred to another day.

7 2/3/98 Scheduled for Committee hearing on this date.

8 2/3/98 Local Government Do Pass Amended, Passed, AYES 7, NAYS 5. H.J. 374