

State of South Dakota

SEVENTY-THIRD SESSION LEGISLATIVE ASSEMBLY, 1998

367B0358

HOUSE BILL NO. 1082

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:

15 7-8-3. The number of county commissioners of any county may be increased to five or seven

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

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

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

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

21 7-8-7. ~~When~~ If the election results in a majority for a decrease ~~from five to three~~
22 ~~commissioners, the five~~ or seven districts are thereby abolished and ~~it shall be the duty of such~~
23 the board, within ten days after the votes have been canvassed, ~~to~~ shall redistrict the county into
24 three or five numbered districts ~~numbered from one to three~~ from each of which districts a
25 commissioner shall be elected at the next general election, the term of office to be determined

1 as provided in § 7-8-1.