

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

555D0494

SENATE BILL NO. 103

Introduced by: Senators Bogue and Dunn (Rebecca) and Representatives Heineman and Chicoine

1 FOR AN ACT ENTITLED, An Act to revise the process and requirements for changing the
2 form of municipal government.

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

4 Section 1. That § 9-2-3 be amended to read as follows:

5 9-2-3. ~~Third class municipalities~~ Each municipality shall be governed by a board of trustees:
6 ~~—First and second class municipalities shall be governed either by,~~ a mayor and common
7 council, or by a board of commissioners, ~~in each case with or without a.~~ A city manager may
8 serve with any of the forms of government.

9 Section 2. That § 9-11-1 be repealed.

10 ~~—9-11-1. When by reason of an increase of population a third class municipality shall pass to~~
11 ~~a municipality of the second class, at the next annual municipal election it shall elect a mayor and~~
12 ~~common council, and continue under that form of government until it is changed as provided by~~
13 ~~this title.~~

14 Section 3. That § 9-11-5 be amended to read as follows:

15 9-11-5. The voters of any ~~first or second class~~ municipality may change its form of
16 government ~~from the aldermanic to the commission or from the commission to the aldermanic,~~

1 ~~or may change the number of its commission, or change its form of government from the city~~
2 ~~manager plan to the aldermanic or commission plan, or from any form of the aldermanic or~~
3 ~~aldermanic-manager plan to any form of the commission or commission-manager plan and vice~~
4 ~~versa~~ or change the number of its commissioners, wards, or trustees by a majority vote of all
5 electors voting at an election called and held as hereinafter provided. ~~Municipalities~~ Any
6 municipality under special charter may ~~in like manner~~ adopt any ~~of the forms~~ form of government
7 as hereinabove provided in this title.

8 Section 4. That § 9-11-6 be amended to read as follows:

9 9-11-6. If a petition signed by fifteen percent of the registered voters of any ~~first or second~~
10 ~~class~~ 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 for the
12 purpose of voting upon a question of change of form of government or upon a question of the
13 number of wards, commissioners or trustees, the governing body shall call an election to be held
14 within fifty days from the date of the filing of the petition with the auditor. At that election the
15 question of the change of form of government or the number of wards, commissioners or
16 trustees, or both, shall be submitted to the voters ~~thereof~~. No signature on the petition is valid
17 if signed more than six months prior to the filing of the petitions. If the petition is filed on or after
18 January first prior to the annual municipal election and within sufficient time to comply with the
19 provisions of § 9-13-14, the question shall be submitted at that annual municipal election.

20 The election shall be held upon the same notice and conducted in the same manner as other
21 city elections.

22 Section 5. That § 9-11-9 be amended to read as follows:

23 9-11-9. If ~~at such an~~ an election a ~~change of~~ changes the form of government or number of
24 commissioners, wards, or trustees is ~~decided upon~~ approved, at the next annual municipal
25 election or at a special election called by the governing board and held pursuant to § 9-13-14,

1 officers shall be chosen under the changed form of government.

2 Section 6. That § 9-11-10 be amended to read as follows:

3 9-11-10. Any ordinance, resolution, contract, obligation, right, or liability of the ~~first or~~
4 ~~second class~~ municipality shall continue in force and effect the same as though no change of
5 government ~~had~~ has occurred.