

# State of South Dakota

SEVENTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2003

527I0099

SENATE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **SB 57** - 01/27/2003

Introduced by: Senators Sutton (Dan), Abdallah, Duxbury, Earley, Ham, Jaspers, Kooistra, and Nachtigal and Representatives Nesselhuf, Adelstein, Christensen, Fryslie, Garnos, Gassman, Hargens, Hennies, Lange, Murschel, Pederson (Gordon), Rave, Schafer, Sebert, Van Gerpen, and Williamson

1 FOR AN ACT ENTITLED, An Act to provide for the temporary replacement of certain elected  
2 officials called for active duty in the armed forces and to declare an emergency.

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

4 Section 1. That chapter 3-4 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 If any member of a municipal governing body, who is a member of the South Dakota  
7 National Guard or another reserve component of the armed forces of the United States, is called  
8 into active duty thus rendering such person unable to attend meetings of the governing body, a  
9 temporary vacancy exists on the municipal governing body. The municipal governing body shall  
10 appoint a temporary replacement to serve until the member returns from active duty or until the  
11 expiration of the term, whichever time period is shorter. A majority of the municipal governing  
12 body shall approve the appointment of the temporary replacement before the replacement may  
13 serve. In the aldermanic form of municipal government, the appointment shall be a person from  
14 the same ward.



1 Section 2. That chapter 3-4 be amended by adding thereto a NEW SECTION to read as  
2 follows:

3 If any member of a board of county commissioners, who is a member of the South Dakota  
4 National Guard or another reserve component of the armed forces of the United States, is called  
5 into active duty thus rendering such person unable to attend meetings of the board, a temporary  
6 vacancy exists on the board. The board of county commissioners shall appoint a person as a  
7 temporary replacement to serve until the member returns from active duty or until the expiration  
8 of the term, whichever time period is shorter. A majority of the board shall approve the  
9 appointment of person as the temporary replacement before the person may serve. If the member  
10 is elected from a district, the appointment shall be a person from the same district of the county.

11 Section 3. That chapter 3-4 be amended by adding thereto a NEW SECTION to read as  
12 follows:

13 If any member of a school board, who is a member of the South Dakota National Guard or  
14 another reserve component of the armed forces of the United States, is called into active duty  
15 thus rendering such person unable to attend meetings of the board, a temporary vacancy exists  
16 on the board. The school board shall appoint a person as a temporary replacement to serve until  
17 the member returns from active duty or until the expiration of the term, whichever time period  
18 is shorter. A majority of the board shall approve the appointment of person as the temporary  
19 replacement before the person may serve. If the member is elected from a representation area,  
20 the appointment shall be a person from the same representation area.

21 Section 4. That chapter 3-4 be amended by adding thereto a NEW SECTION to read as  
22 follows:

23 If any member of a township board of supervisors, who is a member of the South Dakota  
24 National Guard or another reserve component of the armed forces of the United States, is called

1 into active duty thus rendering such person unable to attend meetings of the board of  
2 supervisors, a temporary vacancy exists on the board. The township board of supervisors shall  
3 appoint a person as a temporary replacement to serve until the member returns from active duty  
4 or until the expiration of the term, whichever time period is shorter. A majority of the board shall  
5 approve the appointment of person as the temporary replacement before the person may serve.

6 Section 5. That chapter 3-4 be amended by adding thereto a NEW SECTION to read as  
7 follows:

8 If any member of a board of trustees of a special purpose district, who is a member of the  
9 South Dakota National Guard or another reserve component of the armed forces of the United  
10 States, is called into active duty thus rendering such person unable to attend meetings of the  
11 board of trustees, a temporary vacancy exists on the board. The board of trustees shall appoint  
12 a person as a temporary replacement to serve until the member returns from active duty or until  
13 the expiration of the term, whichever time period is shorter. A majority of the board shall  
14 approve the appointment of person as the temporary replacement before the person may serve.

15 Section 6. Whereas, this Act is necessary for the immediate preservation of the public peace,  
16 health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force and  
17 effect from and after its passage and approval.