

AN ACT

ENTITLED, An Act to revise the voting authority of an alderman.

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

Section 1. That § 9-8-1 be amended to read:

9-8-1. The chief executive officer of a municipality under the aldermanic form is the mayor. The mayor holds office for a term of not less than two nor more than five years as determined by ordinance. A mayor may hold office for more than one term.

Section 2. That § 9-8-1.1 be amended to read:

9-8-1.1. A person may be nominated, elected, or appointed as a mayor or as an alderman if the person is a citizen of the United States, a voter of and resident of the municipality, and, if an alderman, a voter of and resident of the ward for which the person is to hold office.

Section 3. That § 9-8-2 be amended to read:

9-8-2. If there is a vacancy from any cause in the office of the mayor, the vacancy is filled by appointment by a majority vote of the aldermen, as soon as practicable after the vacancy occurs, to serve until the office is filled by election for the unexpired term at the next annual municipal election or by special election as provided in § 9-13-14.2. Until the vacancy is filled or during the time of temporary absence or disability of the mayor, the powers and duties of mayor are executed by the president or vice president of the council as provided in § 9-8-7.

Section 4. That § 9-8-3 be amended to read:

9-8-3. The mayor presides at all meetings of the council but only votes in case of a tie. The mayor performs the other duties as may be prescribed by the laws and ordinances, and takes care that the laws and ordinances are faithfully executed. The mayor shall annually, or as may be necessary, give the council information relative to the affairs of the municipality, and recommend for the council's consideration the measures the mayor deems expedient. The mayor may sign or veto any

ordinance or resolution passed by the common council, and may veto any part or item of an ordinance or resolution appropriating money.

Section 5. That § 9-8-4 be amended to read:

9-8-4. The common council consists of the mayor elected at large and two aldermen elected from and by the voters of each ward of the municipality. The term of office is two years, unless a municipality adopts an ordinance establishing the term of office to be three, four, or five years. The mayor and aldermen hold office until their successors are elected and qualified. At the first election of aldermen, the council shall stagger the initial terms of the alderman in each ward to provide that the two aldermen are not up for reelection in the same year. A person may hold office for more than one term. The vacancy of an alderman is filled as provided in § 9-13-14.1 or 9-13-14.2

Section 6. That § 9-8-5 be amended to read:

9-8-5. The council is the judge of the election and qualification of its members. The council determines its rules of procedure, and may punish its members for disorderly conduct, and, with the concurrence of two-thirds of all the aldermen, may expel a member.

Any alderman who is convicted of bribery shall vacate the position.

Section 7. That § 9-8-7 be amended to read:

9-8-7. At the first regular meeting after the annual election in each year and after the qualification of the newly elected aldermen, the council shall elect from among its members a president and vice president, who shall hold their respective offices for the municipal year.

The president of the council in the absence of the mayor acts as the presiding officer of the council. During the absence of the mayor from the municipality or the mayor's temporary disability the president of the council is acting mayor and has all the powers of the mayor.

In the absence or disability of the mayor and president of the council the vice president of the council shall perform the duties of the mayor and president of the council.

However, the president of the council or vice president of the council acting as the mayor shall only vote as an alderman. No alderman may vote as the mayor to break a tie vote.

Section 8. That § 9-8-8 be amended to read:

9-8-8. The council holds its regular meetings on the first Monday of each month. The council may prescribe by ordinance the manner in which special meetings may be called and may by ordinance change the day of its regular monthly meetings.

A majority of all the aldermen constitutes a quorum to do business. When a seat on a council is vacant due to removal, resignation, death, or by operation of law, the quorum consists of the majority of the aldermen who remain qualified. The council may compel the attendance of absentees under the penalties as may be prescribed by ordinance.

The meetings of the council are open to the public and it shall keep a journal of its proceedings.

Section 9. That § 9-8-10 be amended to read:

9-8-10. The yeas and nays shall be taken upon the passage of all ordinances and upon any proposal to expend or appropriate money, and in all other cases at the request of any member, which shall be entered on the journal of its proceedings.

The majority vote of the aldermen shall be necessary to pass an ordinance or proposal, or to expend or appropriate money, and the mayor may not break a tie on such ordinance or proposal.

A two-thirds vote of all the aldermen is required to sell any city property.

Section 10. That § 9-8-11 be amended to read:

9-8-11. A vote of the council may be reconsidered or rescinded at a special meeting if a quorum is present and a majority vote to reconsider or rescind the action.

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I certify that the attached Act
originated in the

SENATE as Bill No. 64

Secretary of the Senate

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President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 64

File No. _____

Chapter No. _____

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Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor

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STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State