2016 Election: 2016 Ballot Questions
Meet the Candidates
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If you are able to lift this edition of the magazine, congratulations – it is packed full of information, much of which you can use to decide how to vote on TEN ballot measures.

What a rotten way to make law.

I’ve been very critical of the Legislature and the weakness of the process since the impact of term limits has decimated the time needed to develop leadership and legislative knowledge. But what is even worse is having the public as a whole making laws, without benefit of hearings, presentations of the pros and cons, and the opportunity for public comment from anyone other than those motivated to support or oppose a measure.

And South Dakotans by and large do a pretty good job. I believe they take these issues seriously. Many take the time to read the measures and attempt to understand them. But it isn’t reasonable to expect the average citizen to develop the range of knowledge that will allow them to fully understand all the possible impacts of 10 issues ranging in complexity from who governs our universities and tech schools, to victims’ rights, to “payday loans,” to our election system. Any one of these would take many, many hours to fully understand. In the end, the safe answer for a public busy with work, families, and lives, is to just vote “no.” That might be safe, but it isn’t necessarily good – there are things on the ballot that deserve a “yes.”

Some things have to be on the ballot. If the Legislature studies an issue, and wants to recommend a change to the Constitution, it has to go to a vote of the public. There is one of these on this year. A couple of laws were passed by the legislature which enough people were upset about to refer those laws to a vote. There are a couple of those this year.

But several of the measures this year are using South Dakota as their lab rat – compared to most other states, it is relatively cheap and easy to get a state-wide vote on an issue here. Which draws out of state experimenters here to tinker with our State.

The SDML is taking a position on only one of these measures, asking people to oppose IM 23, which would have the effect of undoing our “right to work” laws by allowing unions to charge their fees to non-union-member employees.

A part-time, citizen legislature, such as ours, is a great thing – people bring their knowledge and experience to Pierre, and yet have to keep one foot back home in the real world. But a “legislature” made up of every citizen, deciding issues on which they cannot possibly have full information, is just a crummy way to govern.

So in addition to the candidate races this year, please go and make at least 10 other wise choices – including a “no” vote on IM 23!!

Until next month, remember we are always available at 1-800-658-3633 or yvonne@sdmunicipalleague.org.

Yvonne Taylor
Executive Director

New Requirements
When Receiving
State Funds

Recent news reports have covered the impact of new state laws regarding conflicts of interest for various state agencies, boards, and commissions. In general, these new laws do not impact municipalities, because the laws for local entities have been in place for years.

One piece of the changes at the state level may impact you, however, if you receive state funding – for example, an SRF loan or mosquito control grant funding.

When you apply for these funds, you may start seeing a form requiring you to have in place a conflict of interest policy and an effective internal control policy. Many of you will have these in place already, but for those who do not, the Municipal League has samples available for you to use as a guide. Please call 1-800-658-3633 or email Lori Martinec at martinec@sdmunicipalleague.org or Yvonne Taylor at yvonne@sdmunicipalleague.org if you would like to see copies of these samples.
Well the time has come for my last article in a very rewarding year as your SDML President. Thank you all so much for making me feel welcome wherever I ventured. This is a truly wonderful organization full of talented and compassionate public servants. From small towns to large cities I’ve met some of the most amazing people this state has to offer. Your staff at the SDML office are highly motivated and are always available to each of us, guiding us through the dramas we deal with each day in our life of public service. As you know leadership comes from the top and you cannot go wrong with an executive director like Yvonne. Thanks for an enlightening year! My Mayor, Council, and city staff could not have been more supportive and helpful in aiding me to serve the SDML this year. They made it a fruitful and productive year, as always…Thanks! Last, but not least, I want to thank my husband of 45 years, my most ardent supporter, my daughter and son-in-law, and their girls, my folks and eleven siblings, all who are with me through my life’s journeys. Thank you all and I mean every one of you who has touched my life with your presence.

Now down to the business at hand this month, the SDML Conference. I hope many of you take part in this annual conference and avail yourself of the wisdom, knowledge, and fun that your fellow public servants have to offer. You will get out of it what you put into it, so try to make yourself attend as many sessions as you can and absorb all the experience of a productive group of people. Selfishly, I am so excited it is in my own stomping grounds. Rapid City has so much to offer so please make it a holiday you will remember in years to come.

Do not forget your key chain. Each of these keys opens a door you will need to be a true public servant. Every person in every department in your city needs these keys to make your city run like a well-oiled machine, each person an important part of you, the city. As you will remember I gave you a key to use each month to be successful in your job. The keys on your chain are: Communication, Diplomacy, Responsibility, Supportiveness, Impartiality, Focus, Strength, Preserver, Teamwork, Listen, and Optimism. All very important keys, but there are so many more, I encourage you to keep adding new ones as the need arises. As I watch and learn from you my ears always hear the jingling of those keys! Again I humbly thank you for allowing me to serve you and this awesome organization. It has been quite a trip!

Respectfully, Meri Jo Anderson
President

Are you looking for a partner in providing housing solutions? South Dakota Housing Development Authority offers Low Interest Rates, Downpayment Assistance, Home Improvement Loans, Homebuyer Education, and Closing Cost Assistance. Visit www.sdhda.org or call 800-540-4241 for more information.

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230 Capitol St. • Yankton, SD • 57078
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arenseng@iw.net
SDML Welcomes New Staff Member

Lisa Nold joined the South Dakota Municipal League as the new Office Manager in August.

Prior to joining the League, she spent the last six years working for the South Dakota Historical Society Press in Pierre.

Lisa and her husband Ervine have lived in the Pierre area all of their adult lives and have four children – three grown and one more left at home as a senior in high school this year. Lisa’s hobbies include camping, hiking, kayaking, and she always enjoys a good read.

You can contact Lisa at 800-658-3633 or by email at lisa@sdmunicipalleague.org.
Publication Order Form

The following publications are available from the SDML office. To order copies, please indicate the specific publication you are ordering, enter the quantity desired and fill in the mailing information at the bottom of this form. Please call 800-658-3633 if you have any questions.

_____ Subscription to South Dakota Municipalities, the official magazine of the South Dakota Municipal League (1-year subscription, published monthly) $30.00

_____ Handbook for South Dakota Municipal Officials* $60.00
(This includes the 2012, 2013, 2014, 2015, 2016 Supplements.)

_____ Handbook for South Dakota Municipal Officials* - Non-Municipal Price $120.00

_____ Supplement to the Handbook for South Dakota Municipal Officials* $10.00/copy
Please indicate which year or years: ☐ 2016 ☐ 2015 ☐ 2014 ☐ 2013 ☐ 2012
*The Handbook for South Dakota Municipal Officials is a copyrighted publication. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise, without the prior express written permission of the South Dakota Municipal League.

_____ Sample Personnel Policies Manual $125.00
(Electronic version)

_____ 2016-2017 Directory of South Dakota Municipal Officials $20.00

_____ Guide to South Dakota’s Open Meetings Law FREE

_____ 2016 Elected Officials Orientation Packet FREE
(A printable version is on our website, www.sdmunicipalleague.org/library)

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☐ Commission ☐ Commission with City Manager ☐ Home Rule

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(No credit cards accepted)
Having a job in South Dakota is never dependent on being a member of a union or being required to pay money to a union. This is known as a “right to work” law and it has been part of the South Dakota’s Constitution’s Bill of Rights since 1946.

Initiated Measure 23 (IM-23) in on the ballot this November and it will change South Dakota’s status as a right to work state. The text of IM-23 is so vague it is almost meaningless. It reads:

Section 1: Notwithstanding any other provisions of law, an organization, corporate or nonprofit, has the right to charge a fee for any service provided by the organization.

Don’t understand it? It’s no wonder. Neither does anyone else. Does it really empower any organization to charge a fee for any service? What organizations or service does that include?

Beginning with the phrase “Notwithstanding any other provision of law”, IM23 would effectively overrule South Dakota law prohibiting non-union employees from being required to pay union fees—SDCL § 60-9A-14.

Where did this come from?
IM-23 is being paid for by the unions, specifically the International Union of Operating Engineers. The President of IUOE local #150 in Chicago told their members:

successfully collected thousands of petition signatures to place a referendum question on the November ballot in South Dakota. This referendum could potentially tear down South Dakota’s “right to work” law. . . . and if successful, put the National Right-to-Work Foundation on its heels and give other states a valuable tool to protect themselves.” [edited].

The IUOE local #49 contributed $158,400; a special fund created by IUOE local #150 contributed $93,077.21 - That’s a total of $251,477.21, so far.

WHAT DOES IM-23 REALLY DO?
• IM-23 will force hard-working South Dakota teachers, police, firefighters, nurses, and factory workers, to pay fees to unions, even if they don’t want to.
• Having a job in South Dakota has never been dependent on belonging to a labor organization or having to pay money to a union. That should not be changed.
• South Dakota’s Right to Work law is in the Bill of Rights of the state Constitution. That right to work should not be undermined by unions.
• This initiated measure is so vaguely worded that no one knows what it actually does.
• IM-23 would allow any organization to bill citizens or customers for services provided, apparently whether the people agreed to those services or not.
• The language of Initiated Measure 23 is so unclear that there will be multiple lawsuits, costing the state millions of dollars in legal fees.

COALITION MEMBERS
AS OF SEPTEMBER 9, 2016
• South Dakota Retailers Association
• South Dakota Chamber of Commerce and Industry
• Associated General Contractors – Highway Heavy Utility Chapter
• Associated General Contractors – Building Chapter
• South Dakota Municipal League
• South Dakota Farm Bureau
• South Dakota Association of Cooperatives
• Music and Vending Association of South Dakota
• South Dakota Grain and Feed Association
• South Dakota Agri-Business Association
• National Federation of Independent Business (NFIB)
• Americans for Prosperity
• South Dakota Hotel and Lodging Association
• South Dakota Land Improvement Contractors
• Dakota Valley Business Council,
  Dakota Dunes/North Sioux City
• Sioux Falls Area Chamber of Commerce
• Yankton Area Chamber of Commerce

Paid for by No on 23, 222 E Capitol, Suite 15, Pierre, SD 57501
The 2016 Ballot Question Pamphlet Compiled by the Office of Secretary of State Shantel Krebs is on pages 9-20.

For immediate election returns on November 8th, call the Secretary of State toll free at 1-888-70-ELECT or browse the results on the Secretary of State’s web page at electionresults.sd.gov. The text of this pamphlet is also available on our website at www.sdsos.gov.

This pamphlet is available in large print, Braille, or on tape by calling the SD State Library at 1-800-423-6665.

SDCL 12-13-23 Distribution of public information - Statements of proponents and opponents. The secretary of state shall distribute public information on any constitutional amendment, initiated, or referred measure submitted to the electors for approval. The secretary of state shall compile the public information by printing a statement in support of the constitutional amendment, initiated, or referred measure written by its proponents, if any can be identified, and a statement against the constitutional amendment, initiated, or referred measure written by its opponents, if any can be identified. The secretary of state is not responsible for the contents, objectivity, or accuracy of the statements written by the proponents and opponents.

The title, explanation and effect of a vote for each ballot question were provided by the Attorney General. No other statements on this pamphlet reflect the opinion of the State or the Attorney General.

The information was compiled by the Secretary of State as supplied by the writers, was not verified by the Secretary of State and does not reflect the position of the State regarding the legality or effect of the amendments or measures. The Secretary of State is not responsible for the contents, objectivity or accuracy of the statements written by the proponent and opponent writers in this brochure.

Please feel free to photocopy and distribute this pamphlet.

Constitutional amendments, initiated and referred measures, after approval by a majority vote, will become effective the day after the State Canvass. The latest effective date, barring any recounts, would be Nov 16, 2016.

Editor’s Note: Poll Hours for all elections are 7:00 a.m. to 7:00 p.m. local time. You can confirm your voter registration at sdsos.gov or you may contact your county auditor.
# 2016 Ballot Question Sponsor Contact Information

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<th>Referred Law 19 - An Act to revise certain provisions regarding elections and election petitions</th>
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<tr>
<td>Cory Heidelberger - 912 N 1st St., Aberdeen, SD 57401</td>
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<th>Referred Law 20 - SB 177 - An Act to establish a youth minimum wage</th>
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<td>Cory Heidelberger - 912 N 1st St., Aberdeen, SD 57401</td>
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<th>Constitutional Amendment S - An initiated amendment to the South Dakota Constitution to expand the rights for crime victims</th>
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<tr>
<td>Jason Glodt - 109 S. Pierre Street, Pierre, SD 57501</td>
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<th>Constitutional Amendment T - An initiated amendment to the South Dakota Constitution to provide for state legislative redistricting by a commission</th>
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<tr>
<td>Doug Sombke - 1102 N Main St, Groton, SD 57445</td>
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<tr>
<td>Karla Hofhenke - 1865 Iowa Ave SE, Huron, SD 57350</td>
</tr>
<tr>
<td>Matt Sibley - 1442 Wisconsin Ave SW, Huron, SD 57350</td>
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<th>Initiated Measure 21 - An initiated measure to set a maximum finance charge for certain licensed money lenders (36%)</th>
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<tr>
<td>Steve Hildebrand - 834 S. Phillips Ave, Sioux Falls, SD 57104</td>
</tr>
<tr>
<td>Steve Hickey - 4501 N. Ellis Road, Sioux Falls, SD 57107</td>
</tr>
<tr>
<td>Reynold Nesiba - 201 S Menlo Ave, Sioux Falls, SD 57104</td>
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<th>Constitutional Amendment U - An initiated amendment to the South Dakota Constitution limiting the ability to set statutory interest rates for loans (18%)</th>
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<tr>
<td>Lisa Furlong - 580 Dexter Drive #101, North Sioux City, SD 57049</td>
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<th>Initiated Measure 22 - An Act to revise certain provisions concerning campaign finance and lobbying, to create a democracy credit program, to establish an ethics commission, and to make an appropriation therefor.</th>
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<tr>
<td>Don Frankenfeld - 1307 38th Street, Rapid City, SD 57702</td>
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<tr>
<td>Rick Weiland - 1109 South Phillips Ave, Sioux Falls, SD 57105</td>
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<th>Constitutional Amendment V - An initiated amendment to the South Dakota Constitution establishing nonpartisan elections</th>
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<tr>
<td>Rick Weiland - 1109 South Phillips Ave, Sioux Falls SD 57105</td>
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<th>Initiated Measure 23 - An initiated measure to give certain organizations the right to charge fees</th>
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<tr>
<td>Scott Niles - PO Box 407, Newell, SD 57760</td>
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<tr>
<td>Will Thomsen - 101 S Fairfax Ave, Sioux Falls, SD 57103</td>
</tr>
</tbody>
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Sponsors are not required to provide email addresses or phone numbers.

For more information on ballot questions and Attorney General explanations, please visit our website.

Constitutional Amendment R

Title: An Amendment to the South Dakota Constitution regarding postsecondary technical education institutes.

Attorney General Explanation

Under the South Dakota Constitution, the Board of Regents is responsible for postsecondary educational institutions funded entirely or in part by the State. Constitutional Amendment R applies to postsecondary technical education institutes that receive state funding and offer career and technical associate of applied science degrees, certificates, or their equivalents. Currently, there are four such institutes: Lake Area Technical Institute, Mitchell Technical Institute, Southeast Technical Institute, and Western Dakota Technical Institute. Under the amendment, postsecondary technical institutes will be governed separately in a manner to be determined by the Legislature.

The amendment also clarifies that the Board of Regents retains control over state-funded postsecondary educational institutions offering associate of arts, associate of sciences, bachelor’s, and postgraduate degrees.

A vote “Yes” is for adding a provision to the Constitution regarding postsecondary technical educational institutes. A vote “No” will leave the Constitution as it is.

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<th>Pro – Constitutional Amendment R</th>
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<td>Please support Constitutional Amendment R:</td>
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<tr>
<td>South Dakota’s four technical institutes play a significant role in training and preparing many South Dakota high school graduates to enter the workforce with important and directly applicable job skills in fields such as computer technology, medical technology and care, mechanics for the car, truck, construction and agricultural equipment, manufacturing, electricity, heating and air conditioning, agriculture, telecommunications, welding and many others. South Dakota’s four post-secondary technical institutes are Lake Area Technical Institute in Watertown, Mitchell Technical Institute, Southeast Technical Institute in Sioux Falls and Western Dakota Technical Institute in Rapid City. Constitutional Amendment R makes clear that our state’s four post-secondary institutes may consider evolving from their existing original 1965 status as part of the state’s kindergarten through twelfth-grade system toward a dedicated and independent system, without being required to report to the Board of Regents which oversees our six state universities. To do this, however, the technical institutes must remain true to their workforce skill training and development intended to lead directly to employment. Constitutional Amendment R makes clear that the technical institutes are not allowed to evolve into the traditional university mission and degrees, reserving this for the Board of Regents and our existing state universities. Constitutional Amendment R passed the legislature overwhelmingly with broad support from a variety of employers, industry representatives, the four post-secondary technical institutes and the Board of Regents. There were no opponents. Please support Constitutional Amendment R to update our constitution to reflect our existing educational institutions and strengthen the ability of the four technical institutes to meet the workforce shortages in a number of critical industries such as medical technology and care, telecommunications, computer technology, manufacturing, mechanics for the car, truck, construction and agricultural equipment, electricity, heating and air conditioning, agriculture, telecommunications, welding and many others.</td>
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<th>Con – Constitutional Amendment R</th>
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<td>Constitutional Amendment R would change the South Dakota Constitution to authorize the Legislature to establish a new, unelected and tax-funded governing board which would help the State shift the cost of technical schools from the State budget to the budgets of already overburdened counties, cities and school boards. Like the SD Board of Regents, this new governing board would oversee every aspect of postsecondary technical institutions. The law exempts the board members from election, so taxpayers would lose direct representation in the oversight of education policies at technical schools. Member selection will be heavily influenced by lobbyists and favored industries according to provisions in a 2015 law (HB1118) that was passed in anticipation of this Constitutional change. That same law will immediately increase the number of Board members from five to nine, further growing the bureaucracy. The taxpayers will pay the nine board members, and they will require a substantial budget. Legislation passed in 2014 (HB1142) allows counties and municipalities to voluntarily contribute money from their general funds, capital outlay funds, or both - to any postsecondary technical institute. The same bill permits local school boards to appropriate funds from their general fund “…for the general operating and financial support of technical institutions”. However, the South Dakota Department of Education and the South Dakota Board of Education retain control over the distribution of any such contributions or appropriations, and they determine how the money is used. Small changes in the wording of laws often result in huge changes in the effect of the law. Lawmakers need only to amend the words “may appropriate funds” to read “shall appropriate funds” in order to transfer the financial burden for technical institutions to struggling local governments. Please help keep the bureaucracy in check. Vote NO on Constitutional Amendment R!!</td>
</tr>
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Rep. Elizabeth May - District 27
Constitutional Amendment S

Title: An initiated amendment to the South Dakota Constitution to expand rights for crime victims

Attorney General Explanation

Currently, state statutes provide certain rights to crime victims. This measure expands these rights and places them in the State Constitution.

Under the amendment, the rights provided to a victim generally include: protection from harassment or abuse; the right to privacy; timely notice of all trial, sentence, and post-judgment proceedings including pardon or parole; the right to confer with the attorney for the government; and the opportunity to provide input during all phases of the criminal justice process. Victims will be given written notification of their rights.

The rights may be enforced by the victim, the victim’s attorney or representative, or the attorney for the government. They may be enforced in any trial court, appeals court, or other proceeding affecting the victim’s rights.

The definition of “victim” includes a person who suffers direct or threatened harm as the result of any crime, attempted crime, or act of juvenile delinquency. It also includes that person’s spouse, children, extended family members, guardians, and others with a substantially similar relationship.

If a victim’s rights provided by this amendment conflict with a criminal defendant’s rights under the South Dakota and United States Constitutions, a court may determine that the defendant’s rights take priority.

A vote “Yes” is for expanding statutory rights of victims and placing the rights in the Constitution.

A vote “No” will leave the Constitution as it is.

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<th>Pro – Constitutional Amendment S</th>
<th>Con – Constitutional Amendment S</th>
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<tr>
<td><strong>A ‘Yes’ vote on Amendment S, known as Marsy’s Law, will establish a Crime Victims’ Bill of Rights in the South Dakota.</strong></td>
<td>The State Bar of South Dakota, through a vote of all its members, has voted to oppose Constitutional Amendment S, labeled “Victim’s Rights” or “Marsy’s Law.” The isolated incident from California that fueled this proposal has been cured since 1991 when South Dakota originally enacted the Victim’s Rights Act, and the other proposed rights are either currently in statute or also included in the Federal Victim’s Rights Act. Violations of current state law are enforceable, and if changes should be made to the Victim’s Rights Act these changes should be made through our state legislature.</td>
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<tr>
<td>South Dakota has some of the weakest crime victim rights in the nation. We are one of the last remaining states that fails to provide an equal level of rights under the constitution to victims of crime. The U.S. and South Dakota constitutions provide those accused of crimes with due process protections, but our state constitution does not give crime victims the right to meaningfully participate in the criminal justice process. Marsy’s Law will give victims basic constitutional rights, including: the right to be notified of hearings, the right to be present and the right to be heard at those hearings. It would give victims the right to confer with the prosecuting attorney in their case and to provide input before a plea agreement is finalized. Marsy’s Law will also give victims the right to privacy and the right to refuse unreasonable requests for discovery or the release of personal information. In addition, it will give victims the right to be notified of any changes in the custodial status of the offender in their case.</td>
<td>The main opposition focuses on how this proposed amendment would prohibit our county state’s attorneys from spending their limited resources on the most serious crimes. For example, this constitutional amendment greatly expands the definition of who is a ‘victim’. This will force state’s attorneys to consult with grocery stores before resolving misdemeanor petty theft cases. Doing so will require the limited resources provided to our counties to be spent on low-level cases and away from the prosecution of more serious cases, such as rape, aggravated assault, or murder. Many counties will see increased costs to comply with this state mandate. As a result, the South Dakota State’s Attorney’s Association also opposes Amendment S. Providing these constitutional rights would create a tool for a person to use the criminal justice system to seek vengeance against a person who allegedly did them wrong. The amendment creates constitutional rights that directly conflict with the constitutional rights afforded to the accused by the Founding Fathers of our country. Resolving these conflicts will delay justice for all, the accused and the victim.</td>
</tr>
<tr>
<td>The opponent arguments have already been proven wrong by the many other states that have already passed Marsy’s Law or similar laws. Other states prove Marsy’s Law does not result in any significant cost increases, burden the court system or violate any rights the accused already have.</td>
<td>In essence, this proposal is duplicative to enforceable rights already in statute and will be extremely costly to the South Dakota taxpayer.</td>
</tr>
<tr>
<td>A ‘Yes’ vote for Amendment S is a vote to ensure that victims of crime are afforded rights on a level equal to those of the accused and convicted. A ‘Yes’ vote is for equal rights.</td>
<td><strong>Ryan Kolbeck, Attorney on behalf of the State Bar of South Dakota</strong></td>
</tr>
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**Jason Glodt, Attorney**
Former Assistant Attorney General
State Director for Marsy’s Law for South Dakota
Constitutional Amendment T

Title: An initiated amendment to the South Dakota Constitution to provide for state legislative redistricting by a commission

Attorney General Explanation

State senators and representatives are elected from within legislative districts. The South Dakota Constitution currently requires the Legislature to establish these legislative districts every ten years. This measure removes that authority from the Legislature and grants it to a redistricting commission.

The commission is made up of nine registered voters selected each redistricting year by the State Board of Elections from a pool of up to 30 applicants. This pool consists of applicants registered with South Dakota’s two largest political parties (ten from each), and ten not registered with either of those parties. A commission member must have the same party registration, or be registered as unaffiliated with a party, for three continuous years immediately prior to appointment.

No more than three commission members may belong to the same political party. For three years immediately prior to and three years immediately after appointment, commission members may not hold office in certain state or local public offices, or in a political party organization.

The commission will redistrict in 2017, in 2021, and every ten years thereafter. The commission must produce a draft map and allow for public comment. The districts must be drawn in compliance with state and federal law.

A vote “Yes” is for changing the Constitution to provide for state legislative redistricting by a commission. A vote “No” will leave the Constitution as it is.

Pro – Constitutional Amendment T

Voting YES on Amendment T will improve the way voting maps are drawn in South Dakota. It puts VOTERS back in charge of our elections because VOTERS should choose their legislators, legislators should not choose their VOTERS.

How voting maps are drawn matters. Currently, the Legislature is responsible for re-drawing voting maps in South Dakota. Politicians choosing voters. Amendment T changes that by putting redistricting in the hands of an impartial committee of registered voters. Voters choosing politicians. Amendment T is not about politicians or political parties, it is about voters’ rights.

Voting YES on Amendment T will:

• Replace the previous committee of 15 LEGISLATORS with a balanced 9 member committee of VOTERS, saving taxpayer dollars.
• Require committee members not hold public office 3 years before or after being selected.
• Establish constitutional guidelines to ban the use of political party identification and incumbency to manipulate voter maps.
• Establish constitutional guidelines to protect counties and neighborhoods by requiring they be kept in the same voting district whenever possible.
• Give South Dakotans a 30 day public comment period to express their concerns and comments on potential voter maps.

Amendment T is more efficient, provides more safeguards, is partisan balanced and encourages voter participation. It curbs corruption and holds politicians accountable by pulling back the curtain of secrecy on the process of drawing voting maps. It creates a fair system so that voters are choosing politicians instead of politicians choosing voters. Amendment T uses South Dakota common sense to establish fair elections for all South Dakotans.

VOTE YES ON T!

Doug Sombke, Chairman of #SDRtThing2Do

Con – Constitutional Amendment T

Amendment T takes the power of creating legislative districts away from the elected 105 members of the Legislature and gives it to nine unelected people appointed to a new board.

Proponents claim the current system is unfair.

But, that’s not true. Both Republican and Democrat legislators have worked very hard to be fair by adhering to state and federal constitutions, laws and court decisions. In the last five redistrictings, Democrats won a total of nine more Senate seats and three more House seats in the next elections after redistricting. In two of those, Democrats won enough additional elections to become the majority party in the State Senate.

SDRtThing2Do, the proponent group, claims Amendment T provides “clarity,” but it doesn’t. It copies much of the current constitutional and SDCL 2-2-41 language without additional details. It also creates confusion by using two different phrases-- “equal population” and “equal population to the extent possible”-- in instructions for creating districts.

SDRtThing2Do claims Amendment T will prevent boundary drawing that might hurt a candidate’s chances for winning. However, the new system could cause more broken up, divided counties. Under the current system in 2011, the number of divided rural counties was reduced from seven to three.

SDRtThing2Do claims Amendment T promotes “bipartisanship” because commission members are from two major parties and everyone else in equal proportion. The Legislature already includes members of different parties, but in proportion to what the people decide with their votes. Amendment T mandates equal membership in three groups. That’s not bipartisan. It’s an imposed quota system. It is certainly not democracy.

SDRtThing2Do, claims Amendment T “empowers voters,” but it doesn’t because it takes redistricting away from 105 legislators elected by the voters and gives it to nine people not elected by the voters.

Please vote “NO” on proposed Amendment T.

Submitted by Representative Jim Bolin, Canton
Constitutional Amendment U

Title: An initiated amendment to the South Dakota Constitution limiting the ability to set statutory interest rates for loans.

Attorney General Explanation

Under this constitutional amendment, there is no limit on the amount of interest a lender may charge for a loan of money if the interest rate is agreed to in writing by the borrower. If there is no written agreement, however, a lender may not charge more than 18% interest per year. A law setting an interest rate for loans is not valid unless the law gives the lender and borrower the ability to agree to a different rate. If an interest rate for loans is established by law, it must apply to every type of lender.

The amendment eliminates the ability to set statutory interest rates that are inconsistent with this amendment.

A vote “Yes” is for adding provisions to the Constitution that limit the ability to set statutory interest rates for loans.

A vote “No” will leave the Constitution as it is.

<table>
<thead>
<tr>
<th>Pro – Constitutional Amendment U</th>
<th>Con – Constitutional Amendment U</th>
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<tbody>
<tr>
<td><strong>VOTE “YES” to Stop Unfair Lending and Protect South Dakotan Families – Constitutional Amendment U</strong></td>
<td>Payday Lenders and Car Title Companies in South Dakota support Constitutional Amendment U because it provides a large loophole that will continue to allow them to charge unlimited interest rates to low-income South Dakotans who walk through their front doors desperate for a short-term loan.</td>
</tr>
<tr>
<td>This measure places a strict 18% cap on interest rates, is far more stringent than that of other measures being proposed, and takes the extra step of amending the South Dakota constitution, which will ensure that the cap placed on interest rates are not undone or weakened by politicians.</td>
<td>While Payday Lenders say this will cap interest rates at 18%, the loophole they wrote into the proposed law allows the lender to force a borrower to sign away their rights to an 18% loan and charge them whatever high interest rate the lender wants.</td>
</tr>
<tr>
<td>This measure takes a balanced approach to protecting poor and middle-class people and families from predatory lending, while also protecting their access to money in cases of emergency. This measure places greater protections for borrowers in South Dakota by putting an 18% cap on interest rates right in the constitution – making it much more difficult for special interest groups and politicians to undermine or weaken it.</td>
<td>We are encouraging South Dakotans to oppose Constitutional Amendment U because of the large loophole that renders the so-called 18% rate cap useless. This amendment is opposed by all major religious denominations, AARP and other organizations that work to protect low-income families and seniors in South Dakota.</td>
</tr>
<tr>
<td>Thanks to the overwhelming support people of South Dakota, as seen by the record number of people that signed the petition to place this measure on the ballot, South Dakotans will have the opportunity to vote on this important issue in November and send a clear message to lobbyists and special interests that in South Dakota, we stand up for those who cannot stand up for themselves.</td>
<td>By Steve Hildebrand, Co-Chair of South Dakotans for Responsible Lending</td>
</tr>
</tbody>
</table>

Lisa Furlong
Chairman
South Dakotans for Fair Lending
Constitutional Amendment V

Title: An initiated amendment to the South Dakota Constitution establishing nonpartisan elections

Attorney General Explanation
Currently, most general election candidates for federal, state, and county offices are selected through a partisan primary or at a state party convention. This Constitutional amendment eliminates those methods by establishing a nonpartisan primary to select candidates for all federal, state, and county elected offices. This amendment does not apply to elections for United States President and Vice President.

Under the amendment, candidates are not identified by party affiliation on the primary or general election ballot. All qualified voters, regardless of party affiliation, may vote for any candidate of their choice.

The two candidates with the most votes advance to the general election. For certain offices where more than one candidate is elected at the general election, the number of candidates advancing to the general election will be double the number of seats to be filled.

If the amendment is approved, a substantial re-write of state election laws will be necessary.
A vote “Yes” is for adding provisions to the Constitution to establish nonpartisan elections.
A vote “No” will leave the Constitution as it is.

Pro – Constitutional Amendment V

Amendment V - Nonpartisan Elections is Supported by:
- South Dakota League of Women Voters
- Republicans, Democrats, and Independents from East & West River

Does Politics Make You Feel FRUSTRATED?? ANGRY??
You’re not alone! Politicians are elected to win for their party, not America. 109,000 South Dakota independent voters can’t fully participate. 90% of Americans lack confidence in our political system. The voters deserve better.

Amendment V Fixes Our Politics:
- A Voice for Every Voter -- including independents.
- Voters can vote for who they want.
- Elects public servants, not party servants.
- Sends a Message to Washington: The Voters are fed up!

How Does It Work? Just Like Our Local Nonpartisan Elections for Mayor or Judge
Have you voted for Mayor, City Council, School Board, or Judge? Then you already know how it works. All the candidates -- regardless of party -- are listed on a single ballot. Every voter - including independents - can just vote for who they want. The top two vote getters move on to a runoff style election in November. That’s it!!

Nebraska’s Nonpartisan Legislative Elections have worked for over 80 years. They have a higher voter turnout than South Dakota, and the most competitive Legislative elections in the country. Doesn’t South Dakota deserve that?

Who Opposes Nonpartisan Elections? The Partisan Establishment.
“Power corrupts, and absolute power corrupts absolutely.” The political establishment wants to scare voters against Amendment V! Do you think they care about the voters? Or keeping their power? But Republican, Democratic and Independent voters agree: let everyone vote for who they want!

Join the League of Women Voters, Republicans like former Reagan/Bush Appointee Chuck Parkinson, Democrats like former US Senator Tim Johnson, and Independents like me who put our country first. Vote Yes on V! For the Voters!

Rick Knobe (Independent)
Chair of the Vote Yes on V Committee
www.VoteYesOnV.org

Con – Constitutional Amendment V

Amendment V gives politicians the constitutional right to hide party information from South Dakotans. The people deserve constitutional rights, not politicians. Amendment V takes party registration information away from voters at the moment they need that information most: when voting. Amendment V makes our ballot less transparent. While proponents call it an “open” primary, they never tell you that it is actually a HIDDEN Primary.

Amendment V puts California’s merged primary system into South Dakota’s constitution. Merging the two primaries into one will not give any South Dakotan an additional election in which to participate. Everyone will be able to vote in June and in November, just as they do today. Independent candidates will be harmed by California’s system. Because only two candidates will be permitted in the general election for most races, voters are denied a third option. We have a great state. California should be taking notes from us, instead of us copying them.

Amendment V is a constitutional overhaul. Because Amendment V works major changes to our South Dakota constitution, it will be almost impossible to fix when we, the voters, realize that we have been robbed of our right to know who we are voting for.

Amendment V is sponsored and promoted by veteran Democrat political operatives. Do not be fooled by claims that this is “non-partisan.” Most of the money raised by Amendment V came from out-of-state. The single biggest donor is an organization from New York City. Do not be fooled by claims that this is a “grassroots” or “South Dakota” effort.

South Dakota voters have a right to know who they are voting for.

The bottom line is: Amendment V makes South Dakota’s elections less transparent.

Vote NO on Amendment V

Faithfully Submitted,
Will Mortenson
Chairman, VoteNoOnV.com
Initiated Measure 21

Title: An initiated measure to set a maximum finance charge for certain licensed money lenders

Attorney General Explanation

The initiated measure prohibits certain State-licensed money lenders from making a loan that imposes total interest, fees and charges at an annual percentage rate greater than 36%. The measure also prohibits these money lenders from evading this rate limitation by indirect means. A violation of this measure is a misdemeanor crime. In addition, a loan made in violation of this measure is void, and any principal, fee, interest, or charge is uncollectable.

The measure’s prohibitions apply to all money lenders licensed under South Dakota Codified Laws chapter 54-4. These licensed lenders make commercial and personal loans, including installment, automobile, short-term consumer, payday, and title loans. The measure does not apply to state and national banks, bank holding companies, other federally insured financial institutions, and state chartered trust companies. The measure also does not apply to businesses that provide financing for goods and services they sell.

A vote “Yes” is for prohibiting certain money lenders from charging more than 36% interest on loans.

A vote “No” is against the measure.

<table>
<thead>
<tr>
<th>Pro – Initiated Measure 21</th>
<th>Con – Initiated Measure 21</th>
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</table>
| We are encouraging South Dakotans who believe we should cap interest rates on payday loans and car-title loans at 36% to vote YES on Initiated Measure 21. Currently, there is NO cap on interest rates. Lenders can and do charge whatever high rates they want to. Today, the average payday loan in South Dakota charges low-income people 574%. | Vote “No” on Initiated Measure 21

If passed, Initiated Measure 21 will:

- allow for more government intrusion into your personal financial decisions.
- end access to short-term loans in South Dakota.
- prohibit hard-working South Dakotans with an unexpected need for cash to obtain these loans in times of need.
- destroy jobs and the benefits South Dakotans need to provide medical care for their families.

This measure claims to cap short-term lending at a 36% interest rate, but do not be fooled. If gas prices were capped at 36 cents per gallon, it would mean you would have no gas. This measure will end short-term lending in South Dakota, preventing hardworking South Dakotans from obtaining emergency loans when they most need them and killing the jobs that so many South Dakotan families need. |

By Steve Hickey, Co-Chair of South Dakotans for Responsible Lending

Brad Thuringer, Chair of Give Us Credit South Dakota
Initiated Measure 22

Title: An initiated measure to revise State campaign finance and lobbying laws, create a publicly funded campaign finance program, create an ethics commission, and appropriate funds

Attorney General Explanation

This measure extensively revises State campaign finance laws. It requires additional disclosures and increased reporting. It lowers contribution amounts to political action committees; political parties; and candidates for statewide, legislative, or county office. It also imposes limits on contributions from candidate campaign committees, political action committees, and political parties.

The measure creates a publicly funded campaign finance program for statewide and legislative candidates who choose to participate and agree to limits on campaign contributions and expenditures. Under the program, two $50 “credits” are issued to each registered voter, who assigns them to participating candidates. The credits are redeemed from the program, which is funded by an annual State general-fund appropriation of $9 per registered voter. The program fund may not exceed $12 million at any time.

The measure creates an appointed ethics commission to administer the credit program and to enforce campaign finance and lobbying laws.

The measure prohibits certain State officials and high-level employees from lobbying until two years after leaving State government. It also places limitations on lobbyists’ gifts to certain state officials and staff members.

If approved, the measure may be challenged in court on constitutional grounds.

Legislative Research Council’s Prison/Jail Population Cost Estimate Statement: The penalties in this Act are administrative misdemeanors, with one class 5 felony. Their purpose is to enforce compliance with the provisions to which they adhere. These crimes are presently in statute, and past violations of these statutes show minimal charges and even fewer convictions. It is the opinion of the Legislative Research Council that the nature of these laws encourages regular compliance. When an offense is prosecuted, it will not likely result in a jail sentence. Hence, the impact on jail populations is likely negligible.

A vote “Yes” is for revising State campaign finance and lobbying laws.

A vote “No” is against the measure.

### Pro – Initiated Measure 22

Vote YES on Initiated Measure 22, the South Dakota Government Accountability and Anti-Corruption Act. South Dakotans pride ourselves on being good, ethical citizens. We expect the same from our government.

Under current law, South Dakota is the only state in America where lobbyists can give unlimited gifts to politicians. IM-22 ends unlimited lobbyist gifts.

A recent study found corruption in government costs every South Dakotan about $1,300 per year. IM-22 eliminates this “corruption tax”:

- IM-22 increases penalties for violations of campaign finance and lobbying laws.
- IM-22 requires more transparency, so we know who’s buying influence in politics.
- IM-22 toughens ethics law enforcement to investigate lobbyists and state officials for violations.

South Dakota needs this Anti-Corruption Act to stop big-money lobbyists from having more control than everyday citizens over our elected officials. IM-22 lets you control $100 of your own tax money, so you can support candidates who best represent your beliefs and values — or tell government not to spend it. It’s that simple. It’s your choice.

Special interest lobbyists oppose IM-22 because they benefit from a rigged political system and don’t want it changed. IM-22 was put on the ballot by more than 20,000 South Dakotans, including South Dakotans for Integrity, a group of conservatives, progressives, small business owners, veterans, retirees, and everyday South Dakotans who believe freedom and self-governance are the foundations of our democracy.

We need to restore a government of, by and for the people, not government for the highest bidder. We can’t fix every problem in politics, but IM-22 is a step in the right direction. While Washington remains gridlocked, South Dakota can lead the nation in government integrity by voting YES on IM-22.

Vote YES on IM-22. South Dakota won’t be bought.

Don Frankenfeld, South Dakota economist and Republican Co-chair, South Dakotans for Integrity

Read the proposal at yes22.org

### Con – Initiated Measure 22

Vote “NO” to defeat public financing of elections and to stop millions of your tax dollars from going into the political slush funds of politicians and those seeking public office.

The 34 page initiative is bad public policy and should be defeated.

Defeat initiated measure 22 because it: (1) forces South Dakota taxpayers to earmark millions of tax dollars to subsidize political campaign activity and causes they may not support; (2) diverts public funds that could be spent on other core priorities such as education, transportation or public safety, or returned to taxpayers in the form of lower taxes or fees; (3) compromises the constitutional rights of SD citizens to support the causes of their choice by stripping away individuals’ right to privacy; and (4) exposes SD residents to harassment and intimidation while imposing a chilling effect on speech and political dialogue.

Vote “NO” to defeat Initiated Measure 22.

Larry Rhoden

Defeat22.com
**Initiated Measure 23**

**Title:** An initiated measure to give certain organizations the right to charge fees

**Attorney General Explanation**

The measure gives corporate organizations and non-profit organizations the right to charge a fee for any service provided. This measure takes effect on July 1, 2017.

A vote “Yes” is for allowing certain organizations the right to charge fees.

A vote “No” is against the measure.

<table>
<thead>
<tr>
<th>Pro – Initiated Measure 23</th>
<th>Con – Initiated Measure 23</th>
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<tbody>
<tr>
<td><strong>Vote “Yes” on IM23 and Close the Free-rider Loophole!</strong></td>
<td>First, read the language of IM-23:</td>
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<tr>
<td>Is it right for government to force anyone—including unions—to provide services for free?</td>
<td>“Notwithstanding any other provisions of law, an organization, corporate or nonprofit, has the right to charge a fee for any service provided by the organization.”</td>
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<tr>
<td>IM23 reaffirms the right of any business or not-for-profit organization to collect fees for services they provide. Under current law, targeted non-profit membership organizations in South Dakota are required to provide services to non-members, but aren’t allowed to charge for those services.</td>
<td>Don’t understand it? It’s no wonder. Neither does anyone else. Does it really empower any organization to charge a fee for any service? What organizations or service does that include? And what impact will “notwithstanding any other provision of law” have on our existing laws that regulate fees or protect workers from being forced to pay fees to unions?</td>
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<td>Can you think of any other situation where government forces people to do anything free? A similar “free-rider” law, comparable to what we have in South Dakota, has recently been ruled unconstitutional in Wisconsin.</td>
<td>IM-23 was brought by unions in Minnesota and Illinois to force hard-working South Dakota teachers, police, firefighters, nurses, linemen, city, and state workers to pay fees to labor unions even if those workers choose not to be union members.</td>
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<td>This law does not inhibit or change in any way a South Dakotan’s right to employment or require membership in any organization in order to hold a job. It merely closes the free-rider loophole, now hurting many employee-sponsored organizations.</td>
<td>Having a job in South Dakota is not dependent on belonging to a labor organization or having to pay money to a union. That freedom is known as your “right to work”. South Dakota’s Right to Work law is in the Bill of Rights of the State Constitution. IM 23 would essentially end that right because it would exist “notwithstanding” any other law, even laws that prohibit forced payments to unions. Your right to work does not, and should not, include being forced to pay fees.</td>
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<tr>
<td>IM23 will stop government interference into relationships between employers and workers to prevent “free-riders” from getting benefits other individuals are paying for without contributing their fair share. These benefits include pension plans, lifetime medical insurance, training and educational programs, and legal assistance.</td>
<td>Organized labor claims they provide services including having to represent non-members in grievances at work. There is nothing that keeps unions from negotiating contracts that apply only to union members, leaving other workers to negotiate their own pay and deal with their own grievances. Historically Unions have had value, but workers should not be forced to pay membership fees if they don’t want to.</td>
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<tr>
<td>Imagine: you and co-workers pool your money to hire a specialist to negotiate a better contract. Several other workers refuse to help pay for maintaining the contract. They get the same raises you paid to negotiate. The same pension and health care benefits. The same legal protection. Without your investments, there wouldn’t be raises, a pension and health benefits.</td>
<td>Workers should decide on union membership. Don’t let your right to work become pay to work.</td>
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<tr>
<td>How would you feel? Would you be comfortable if you were not helping?</td>
<td>VOTE NO on IM-23.</td>
</tr>
<tr>
<td>Companies and employees should work together to create good jobs and improve South Dakota’s economy without government interference. State government should not be allowed to stop businesses and non-profit organizations from collecting fees for services that they provide.</td>
<td><strong>David Owen, Chairman of NO on 23 committee</strong></td>
</tr>
<tr>
<td><strong>Vote Yes on IM23 and close the Free-rider Loophole!</strong></td>
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</table>
Title: An Act to revise State laws regarding elections and election petitions

Attorney General Explanation

Currently, primary election candidates for certain offices must circulate and submit nominating petitions between January 1 and the last Tuesday in March. Referred Law 19 changes that timeframe to between December 1 and the first Tuesday in March. The referred law also changes other election-related submission deadlines, adjusting them from the last Tuesday in March to the first Tuesday in March.

Certain election-related documents, including nominating petitions, are currently considered timely submitted if sent by registered mail before the deadline. The referred law changes this to require that these documents be received by the submission deadline. It also changes the method for calculating the number of signatures required on nominating petitions for certain elective offices.

The referred law prohibits a person registered with a recognized political party from signing an independent candidate’s nominating petition. The current law does not contain that prohibition.

Under the referred law, an independent governor candidate cannot appear on the ballot if the corresponding lieutenant governor candidate withdraws and a replacement is not certified by the second Tuesday in August. It also restricts the circumstances under which a political party may replace a candidate who has withdrawn from consideration after the primary election.

A vote “Yes” is for revising State laws regarding elections and election petitions.
A vote “No” is against the referred law.

### Pro – Referred Law 19
Passage of Referred Law 19 will mean fair and honest elections, increased transparency, and will prevent abuses of the election process. Republicans drafted this bill, Republican Legislators passed it, and a Republican Governor signed it. Every voter, especially Republicans, should support Referred Law 19.

**House Majority Leader Rep. Brian Gosch**

### Con – Referred Law 19
Referred Law 19 is an attack on democracy. Incumbent legislators hijacked a petition reform law and turned it into this pile of new regulations to help themselves cling to power and discourage us citizens from participating in elections.

Among its several sections, Referred Law 19 makes three harmful changes.

RL 19 moves the deadline for candidate petitions from the end of March to the beginning of March. Candidates for Legislature would have to decide whether to run or not before the Legislative Session ends.

Candidates would lose most of the longer, warmer days of March to circulate petitions. In exchange, RL 19 gives them December, whose short days, cold weather, and holiday busyness make it the worst month for petitioning. These conditions mean fewer candidates will run for office.

RL 19 requires Republican and Democratic candidates to gather more signatures. It’s already hard to recruit neighbors to run for office; making candidates collect more signatures will keep even more candidates off the ballot.

Worst of all, RL 19 takes away the right of Republicans and Democrats to sign petitions for Independent candidates. Right now, Independent candidates can take signatures from any registered voter. RL 19 says Independents could only take signatures from fellow Independents.

Limiting Independent petitions to Independent signers drastically reduces the number of South Dakotans who can sign Independent petitions (from 81% of adults to 17%) and makes it practically impossible for Independents to get on the ballot.

These changes add up to fewer people running for office, fewer choices on our ballots, and fewer incumbents held accountable by challengers.

That’s bad for democracy. If we want to encourage citizens to participate in elections and make their voices heard, let’s vote NO on Referred Law 19 and seek other reforms to improve our petition and election laws.

**Cory Allen Heidelberger**
Independent journalist, Dakota Free Press
Candidate, District 3 Senate
Aberdeen, South Dakota
Refereed Law 20

Title: An Act lowering the State minimum wage for non-tipped employees under age 18

Attorney General Explanation

State law requires employers to pay all non-tipped employees a minimum wage, with limited exceptions. Currently, that amount is $8.55 per hour. State law also requires that the minimum wage be adjusted, effective on January 1 of each year, by any increase in the cost of living as measured by the U. S. Department of Labor’s Consumer Price Index.

Referred Law 20, if approved, would lower the existing State minimum wage to $7.50 per hour for non-tipped employees under age 18. In addition, no annual cost-of-living wage adjustment would be required for the youth minimum wage.

The referred law would also prohibit employers from taking any action to displace an employee or reduce an employee’s hours, wages, or benefits, in order to hire someone at the youth minimum wage.

A vote “Yes” is for lowering the minimum wage to $7.50 per hour for non-tipped employees under age 18. A vote “No” is against the referred law.

<table>
<thead>
<tr>
<th>Pro – Referred Law 20</th>
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<tr>
<td>Young people in South Dakota deserve a fair shot at a first job. That’s why South Dakota residents should vote YES on Referred Law 20 – SB 177, an Act that establishes a youth training wage while respecting the will of voters to raise the minimum wage for adults. When South Dakota approved a minimum wage increase last November, voters might not have realized that the policy could unintentionally price the state’s youngest jobseekers out of the workforce. Sadly, the nonpartisan Congressional Budget Office confirms that this is what happens when the minimum wage goes up. That’s the problem; SB 177 is the solution. A study published by Cornell University found that the creation of a youth training wage can help alleviate the negative effects of a minimum wage increase on young employees. It makes intuitive sense: If the state’s small businesses can pay a training wage to young adults who don’t have extensive workplace experience, they’re less likely to “downsize” that job. That means young people will continue to receive all benefits associated with a first job, like higher pay and greater job security in the future. Economists have shown that just 20 hours of part-time work per week during the senior year of high school results in annual earnings that are 20 percent higher after graduation, relative to young adults who don’t work. Another study shows that young adults who are unemployed today are missing out on more than a paycheck— they’re also at a greater risk of future unemployment. You can’t start climbing the career ladder without a first rung. A youth training wage provision would ensure that, even as the minimum wage in South Dakota rises, this first rung still exists. Michael Saltsman Research Director Employment Policies Institute <a href="mailto:Saltsman@EPIOnline.org">Saltsman@EPIOnline.org</a></td>
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<tr>
<th>Con – Referred Law 20</th>
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<tbody>
<tr>
<td>Voting NO on Referred Law 20 keeps the current minimum wage for all workers. Voting NO on 20 prevents the creation of an unnecessary and undemocratic sub-minimum wage for teenagers. The state legislature attempted to create this “youth minimum wage” in 2015, but thousands of South Dakota voters prevented that pay cut from taking effect by signing a petition to refer it to a statewide vote. Voting NO on 20 stops that pay cut for good. There are two reasons to vote NO on 20. First, Referred Law 20 attacks South Dakota voters. In November 2014, we passed Initiated Measure 18 by a 55% to 45% margin. This statewide vote raised the state minimum wage from $7.25 an hour to $8.50 an hour with an annual inflation adjustment. Thanks to that measure, the state minimum wage is now $8.55 an hour. The state legislature attempted to undermine this measure by creating a lower sub-minimum wage of $7.50 an hour for workers under age 18. This youth minimum wage tries to overturn our majority vote in the 2014 election. Thus, voters who respect South Dakota’s long history of direct democracy should vote NO on Referred Law 20. Second, Referred Law 20 is also entirely unnecessary. Despite dire warnings from legislators backing the youth minimum wage, South Dakota’s labor market has continued to expand and unemployment has decreased. Paying young workers the same minimum wage as adults helps younger workers earn more to support their families and go to college without harming South Dakota’s strong economy. Please, vote NO on Referred Law 20. This legislation attacks the will of South Dakota voters and serves no good purpose in our robust labor market. Reynold F. Nesiba 201 S. Menlo Ave Sioux Falls, SD, 57104</td>
</tr>
</tbody>
</table>

SOUTH DAKOTA MUNICIPALITIES
Meet the Candidates for US Senator

Jay Williams  
Democrat

I am Jay Williams and I am running for the U.S. Senate. I was raised on a farm south of Gettysburg, South Dakota where four generations of my family have lived since my great grandfather walked there in the late 1800’s. I am a veteran of the Navy and the Peace Corps. I have an undergraduate degree in Political Science and a graduate degree in Computer Science. I have operated a high-tech business in Yankton for the last 30 years. My complete resume can be seen at my website: www.jaywilliams2016.com.

I am running against John Thune because he has not served the people of South Dakota well. As the third ranking member of the Republican leadership in the Senate, John Thune bears responsibility for the inability of Congress to govern. When he was elected 12 years ago it was on the claim that Senator Daschle was an “obstructionist.” The current Senate has taken that term to a whole new level. By refusing to confirm judges and filibustering non-judicial nominees, the Senate has been unfaithful to the constitution. The current Congress is in a state of disrepair, unable to even pass emergency legislation to combat the Zika virus. With the failed leadership of the Republican controlled Congress it is unlikely we will see any meaningful legislation passed this year. Because of his leadership position in the Senate, Senator Thune bears responsibility for the current dysfunction.

By endorsing the bigoted, self-professed greedy real estate mogul Donald Trump, Senator Thune has now aligned himself with a candidate who poses a clear and present danger to our country. After spending 18 of the last 20 years in Congress, John Thune has lost touch with his constituents and must be replaced.

I ask for your support and for your vote in the upcoming election.

John Thune  
Republican

More Work To Be Done

If you flip on the television and take in a few minutes of cable news you would assume that Washington, D.C. is broken beyond repair and we are really in for it. I am as frustrated with the lack of progress as anyone on many of the big-ticket items such as tax reform, our debt and runaway entitlement programs. That said, we are making progress on some of the smaller, more South Dakota-specific issues below the cable news headlines. It’s not enough, but it’s progress. And that’s why I’m asking South Dakotans for their vote again this November.

As Chairman of the Commerce, Science and Transportation Committee, I wrote the rail reform bill that was ultimately signed into law as a response to the major railroad backlog that was hurting South Dakota’s economy. And again, as Chairman, I wrote the safety title of the most recent long-term transportation bill that cuts red tape for ag shippers, creates new investments in freight rail and provides a steady funding stream for improvements to our state’s highways and roads where they are needed most. We also expanded the training range that our B-1 Bombers use to make Ellsworth Air Force Base much more valuable over the long term. We have gotten all of these issues over the finish line and signed into law with divided government in Washington. It’s taken a lot of hard work and in some cases years of negotiations, but the result is worth the effort.

Growing up in Murdo, I learned early on that you can’t shy away from things that are difficult. Whether it’s two-a-days during football season, clocking in at the Star Family Restaurant hours before sun up or taking on a political establishment that others say is unbeatable. I’ve never let up just because others point out the difficulty and I’m not about to now. We have had some successes but there is a lot more difficult work to get done. I would be honored to continue fighting for our state in the U.S. Senate and representing you on the issues that face our state and our nation.
Meet the Candidates for US Representative

Paula Hawks
Democrat

Candidate did not respond.

Kristi Noem
Republican

Local and municipal governments are where some of the most innovative public policy is being developed. My goal is to make sure federal policies compliment your work, rather than impede on it.

Unfortunately, that isn’t always the case. It’s something people across South Dakota are frustrated by, which I understand. I’m frustrated too.

Despite the federal challenges, however, some progress is being made. Since the last election, the House has passed more than 600 bills – one-third of which were enacted into law. This includes a fully funded, five-year transportation bill and the first major education overhaul since No Child Left Behind. Both aimed to offer more flexibly to states and localities. A bipartisan anti-trafficking bill I helped champion was also signed into law, as was a tax package that included, among other things, the protection of deductions for state and local sales tax. All of this has been accomplished while reversing previous spending trends and keeping discretionary spending below 2011 levels.

We’ve also produced real results on key South Dakota priorities – an especially challenging venture as the state’s lone Member of Congress in the 435-member House of Representatives. Even so, I’ve been able to grow support for the Lewis & Clark regional water project in southeast South Dakota, turn federal ownership of nine historic Black Hills cemeteries over to the communities that have maintained them for decades, hold the Army Corps of Engineers more accountable, and offer more tools to combat the pine beetle epidemic.

More must still be done. As a member of the House Ways and Means Committee, I am actively engaged in authoring a comprehensive tax reform package that makes the tax code work better for families in your community. Additionally, I continue to push legislation I’ve drafted to reform the Indian Health Service, help eliminate the wetland determinations backlog, and expand the Black Hills National Cemetery. Preserving the Hot Springs VA remains a priority as well.

There’s much to be accomplished, but we have momentum moving in our direction. I’m honored to serve as your congresswoman and I’d be humbled to have your vote this November.
Meet the Candidates for Public Utilities Commissioner

**Henry Red Cloud**  
*Democrat*

*Candidate did not respond.*

**Chris Nelson**  
*Republican*

When I served as Secretary of State (2003-2011) I had frequent contact with municipal finance officers and other municipal officials as we worked together to make sure municipal elections were conducted properly. I enjoyed that interaction.

Since being appointed to the Public Utilities Commission my direct contact with municipal officials is much less but I know the work I am doing on the PUC has just as much effect on municipalities and your citizens.

Today there are tremendous upward pressures on electricity rates primarily from EPA regulations forcing large capital expenditures. The PUC does not have authority to examine those cost drivers for municipal or cooperative utilities but we are the first line of review when rate increases are requested by investor owned utilities. My job is to examine those rate requests in detail and tenaciously eliminate any portion of a rate increase which is not required by state law.

I have focused on expanding the availability of broadband internet access. Parts of our state have world class broadband. Neighbors may have no access to internet because they are served by a different telecommunications company. In 21st century South Dakota that divide must be eliminated. Agriculture is big business and needs the internet to maintain efficient productivity. Students need the internet for homework. Families need broadband to connect to the world and for the world to connect to us. Robust broadband opens tremendous economic opportunities for residents in rural South Dakota.

It is important to know I have developed a track record of making decisions on the commission based on fact and law, not personal whims, political agendas, or emotional responses. My respect for the rule of law serves you well.

As you go to the polls on November 8, I ask for your support and your vote. Thank you!
The Competition and What SDPAA Provides to You

By Kristina Peterson, Director of Underwriting, SDPAA

In today’s world, competition surrounds us in every aspect of business. We recognize that the South Dakota Public Assurance Alliance (SDPAA) isn’t immune from competition and we ask that when reviewing the coverage and risk management needs of your organization, you think SDPAA.

As a local Member-owned risk sharing pool, we pride ourselves in providing broad coverages at reasonable and reliable rates for both property and liability. Our rates are competitive in the market place and we believe the coverages and services offered go above and beyond many of our competitors.

We strive to tailor our coverages to our Members’ needs and we keep up-to-date on trending issues, challenges, and exposures. While not an exhaustive list, below are some coverages included in our standard coverage lines which may not be included in competing policies:

General Liability:
- Liquor liability
- Pesticide and herbicide spraying
- Public Officials Liability
- Cyber Liability
- No aggregate limits so no umbrella coverage is necessary
- Ambulance and EMT services
- Fire departments and volunteer fire fighters
- Skateboard parks
- Fireworks displays

Property:
- Buildings covered on a blanket limit basis
- High sub-limits including earnings, extra expense, money and securities, newly constructed buildings, trees and fabric, and valuable papers and records
- Terrorism Coverage

Unlike many of our competitors, the SDPAA does not require co-insurance payments, all coverages are provided on a per occurrence basis with no individual aggregates, and the SDPAA provides Members the opportunity to be involved in claims settlements.

Additional services Members have access to include an Employee Hotline for advice on employment law related issues, online loss control and safety training classes, a loss control training video and document library, and local claims handling services. The SDPAA offers sample documents including Contracts and Agreements, Facilities’ Use Agreements, Insurance and Hold Harmless Clauses, and Waivers to utilize as necessary. Comprehensive Sample Personnel Policies are available free of charge to SDPAA Members through the South Dakota Municipal League.

Composite rate changes for coverage through the SDPAA average only a 0.438% increase over the past five years. We are proud of this, and we recognize that risk management and loss control are a joint effort. While the audit services provided by the SDPAA help support stable rates, we commend our Members for their efforts in keeping these rates low with their risk management skills and loss control measures. By collaborating on these efforts, Members are eligible for credits in loss control, loss ratio, and law enforcement liability coverage. Members also receive a credit upon renewal of coverage. As a result of Member’s loss control efforts, in 2015, Members received a total of $1,060,940 in credits on invoices for SDPAA coverage.

The SDPAA also offers an optional Enhanced Crime program which includes $1,000,000 per occurrence coverage for every full-time employee, part-time employee, and all elected/appointed officials. This program meets statutory bond requirements for government officials and employees. With contributions for this coverage ranging from $25-$750, it is much less expensive than individual bonds and the coverage is considerably more broad.

Overall, the SDPAA is a Member-owned, local governmental risk sharing pool focusing on South Dakota public entities’ needs. Staff at the SDPAA challenge ourselves every day to provide exceptional coverage and service to our Members. We know there are options. We believe we provide the best option. We thank our current 421 Members for choosing to participate in the SDPAA and we look forward to visiting with those who aren’t currently Members.

For additional information on what SDPAA can do for you, please contact our office at 800-658-3633.
WE ARE PLEASED TO ANNOUNCE

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Lessons I’ve Learned in a Dozen Years as Mayor

Mike Levensen, Mayor, City of Aberdeen

When speaking at leadership seminars and classes I start by saying this:

“Avoid doing things that lead you to make mistakes and bad decisions or you won’t last long enough to accomplish what you want to get done.”

Sure, I still make some mistakes, but we give ourselves the best chance to get things right if we avoid bad habits that get in the way.

These concepts may not all fit your style or personality, but I see the validity of them for me reinforced every day.

Here are ten lessons I’ve learned:

1. Don’t take anything personally, even if it is.
We all get insulting, ignorant, and profane calls and e-mails. Who hasn’t heard this: “What the **** is wrong with you idiots?” It would be natural to lash back aggressively, but that just puts the game in their court. Often the caller wants to get into a fight; so, if you don’t take the bait, you take charge of the situation. An even-tempered and businesslike response either calms the caller or frustrates their effort to get a reaction. Either way, you win.

Also, don’t read self-generated social media comments. It’s a distorted opinion sample that gets in the way of uncluttered thinking.

2. Every day is a new day.
Make it a point to start every day without carrying over resentments from yesterday’s events and without trying to impose an emotional penalty based on a previous issue. An effort to recall me from office failed and I’ve never mentioned it to those who wanted to throw me out. That’s not saintly, it’s self-interest. Vindictiveness feels good, but hurts your efforts to get things done going forward. Those people and I quickly moved on to working together.

3. When we hurry up and violate process, it’s usually trouble.
In my first months in office, a rush to get landscaping ordinance into place resulted in a commission meeting overflowing with justifiably angry contractors. It taught me...
to respect proper procedures which can be cumbersome, but are there for a reason.

4. Deal with people based on what they actually say or do, not on what their motives might be.

This is hard to do. It’s so easy to assume (often correctly) that contrary opinions are held by people with hidden agendas, political strategies, or personal issues. We say “He’s just trying to do this because…” That take may be accurate, but if we reflexively question people’s motives as a first reaction, it leaves their actual stated arguments unchallenged. Don’t forget, President Obama found that he had to actually produce a birth certificate no matter how much he saw the issue as corruptly motivated.

All people don’t automatically deserve respect, but what they say - no matter how ignorant - demands attention and pushback. Otherwise, it takes on a life of its own.

5. Some people don’t want their problems solved.

What elected official hasn’t encountered these individuals?

If they have nothing to complain about, they have nothing to live for. Try to identify this situation and limit time spent with them.

6. Even if it puts you in an uncomfortable situation, return all calls and e-mails as soon as possible, immediately if you can.

This helps avoid waiting and dreading the call, but is also sometimes disarming. Your quick and enthusiastic reaction puts an adversary on the defensive and feeling a need to justify their position.

You’ll get very few calls at home if you always clear your list of call-backs and e-mails before you leave the office. Also never forget, there’s almost nothing more counterproductive to your community relations than failing to return a call.

7. Difficult decisions? Be decisive but don’t act until you have to.

Leaders short on self-confidence sometimes try to hide their insecurity by making snap decisions and appearing to be firmly in charge. Instead, determine when you definitely have to make the decision, get smarter every day about it, and get as much additional input as you can. Lots of times, the decisions almost make themselves. This also has the advantage of giving opponents the opportunity to make mistakes while you wait…wait…wait… and you control the process.
8. **There’s somebody in our city government that knows more than I do about just about anything that comes up. Most questions demand answers that should lead you to respond with more than just your own thoughts.** People we supervise who are working with things day after day are likely to have a more informed reaction to questions about their work than we do. If you don’t think that, you are at fault for putting them in that position. Make your decision with them, not for them.

9. **It’s almost always better for people to know more about what you are thinking and doing, not less.** Secrets are poison in city government.

You can’t always be completely transparent, but if it’s possible to involve everyone in the process as you incrementally work toward a change, they will take some ownership. Also, you won’t have some who are “in on things” and some who are not. As a Mayor, this approach relates to council members, employees and the public.

10. **Make more decisions and fewer policies.** As government leaders we have limited flexibility as we deal with citizens. Everyone has the right to know what we will do and to know what they can do. However, good leaders aspire to have some freedom to make decisions based on the situation at hand and not have a policy make the decision for them.

Rigid policies often get in the way of a sympathetic and reasonable human reaction and it’s lazy for elected officials to just say the policy prevents them from doing what is right. So, to the extent that you can, avoid piling policy on top of policy as a mechanism for self-justification. It makes things more risky for the decision maker, but it serves the public better. (Your City Attorney will not agree with this!)

Effective leadership requires example setting, fairness, empathy, big-picture thinking, and some humility. But, in the final analysis, your success or failure depends on being right a lot more times than wrong. Identifying your own ways to eliminate distracting and emotional things that get in the way will help you do your job – and keep your job.

One final bit of advice I keep in mind. Pennsylvania Bishop Paul Marshall admonishes us this thought that also serves any leader well:

“There is nothing more damaging to the soul than a too intense concern with other people’s sins.”
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Supreme Court Review for Local Governments

By Lisa Soronen, State and Local Legal Center (SLLC), Washington D.C.

*Indicates a case where the SLLC filed an amicus brief.

Last term the Supreme Court decided six—arguably seven—“big” cases. Five of those big cases impacted local governments in some way. In some of these cases being down a Justice made all the difference—in at least two cases it made no difference at all. Beyond the big cases, the Court decided a number of “bread and butter” issues—qualified immunity, public employment, and Fourth Amendment searches—affecting local governments.

The Big Cases
In Friedrichs v. California Teachers Association, the Supreme Court issued a 4-4 opinion affirming the lower court’s decision to not overrule Abood v. Detroit Board of Education (1977).

In Abood, the Supreme Court held that the First Amendment does not prevent “agency shop” arrangements—where public employees who do not join the union are still required to pay their “fair share” of union dues for collective-bargaining, contract administration, and grievance-adjustment.

In two recent cases in 5-4 opinions written by Justice Alito and joined by the other conservative Justices (including Justice Scalia and Justice Kennedy), the Court was very critical of Abood. The Court heard oral argument in Friedrichs in January before Justice Scalia died, and the five more conservative Justices seemed poised to overrule Abood. Justice Scalia, who ultimately didn’t participate in this case, likely would have voted to overrule Abood.

In Reynolds v. Sims (1964), the Supreme Court established the principle of “one-person, one-vote” requiring state legislative districts to be apportioned equally.

The question in Evenwel v. Abbott was what population is relevant—total population or voter-eligible population.

The maximum total-population deviation between Texas Senate districts was about 8 percent; the maximum voter-eligible population deviation between districts exceeded 40 percent.

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The Court’s unanimous opinion concluded Texas may redistrict using total population “based on constitutional history, this Court’s decisions, and longstanding practice.”

Over the last 25 years the Supreme Court refused to decide this issue at least three times (all the previous cases involved local governments).

The Supreme Court split 4-4 in United States v. Texas on whether the President’s deferred action immigration program violates federal law.

As a result, the Fifth Circuit’s nationwide temporary stay of the program remains in effect.

The Deferred Action for Parents of Americans (DAPA) program allows certain undocumented immigrants who have lived in the United States for five years, and either came here as children or already have children who are U.S. citizens or permanent residents, to lawfully stay and work temporarily in the United States.

The National League of Cities and the U.S. Conference of Mayors joined an amicus brief in this case supporting the United States.

In Fisher v. University of Texas at Austin, the Court ruled 4-3 that the University of Texas at Austin’s race-conscious admissions program is constitutional.

Per Texas’s Top Ten Percent Plan, the top ten percent of Texas high school graduates are automatically admitted to UT Austin, filling up to 75 percent of the class. Other students are admitted based on a combination of their grades, test scores, and “personal achievement index.” Race is considered as one factor in one of the two components of an applicant’s “personal achievement index.”

The Court rejected Abigail Fisher’s argument that the university’s use of race is unnecessary. This is the first time an education institution has won an affirmative action case since Grutter v. Bollinger (2003).

In McDonnell v. United States, the Court unanimously reversed former Virginia Governor Robert McDonnell’s federal bribery conviction.

While in office McDonnell accepted more than $175,000 in loans, gifts, and other benefits from Jonnie Williams. Williams wanted a Virginia state university to test a dietary supplement, Anatabloc, his company had developed.

The federal government claimed McDonnell committed at least five “official acts” of bribery, including arranging for Williams to meet with Virginia government officials and hosting and attending events at the Governor’s mansion designed to encourage Virginia university researchers to study Anatabloc.
The Court held that setting up meetings, calling other public officials, and hosting events do not alone qualify as “official acts.”

The lower court will decide whether charges against McDonnell should be dismissed based on its new definition of “official acts” or whether McDonnell should receive a new trial.

**Bread and Butter Cases**

Local government officials can be sued for money damages in their individual capacity if they violate a person’s constitutional rights. Qualified immunity protects government officials from such lawsuits where the law they violated isn’t “clearly established.”

In *Mullenix v. Luna*, Israel Leija Jr. led officers on an 18-minute chase at speeds between 85 and 110 miles an hour after officers tried to arrest him. Leija called police twice saying he had a gun and would shoot police officers if they did not abandon their pursuit. While officers set up spike strips under an overpass, Officer Mullenix decided to shoot at Leija’s car to disable it.

Officer Mullenix killed Leija but not disabling his vehicle. Leija’s estate sued Officer Mullenix claiming that he violated the Fourth Amendment by using excessive force.

The Court concluded Officer Mullenix should be granted qualified immunity, stating: “Given Leija’s conduct, we cannot say that only someone ‘plainly incompetent’ or who ‘knowingly violate[s] the law’ would have perceived a sufficient threat and acted as Mullenix did.”

In *Heffernan v. City of Paterson, New Jersey*, the Court held 6-2 that a public employer violates the First Amendment when it acts on a mistaken belief that an employee engaged in First Amendment protected political activity.

Police officer Jeffery Heffernan worked in the office of the police chief. The mayor was running for reelection against a friend of Heffernan’s, Lawrence Spagnola. Heffernan was demoted after another member of the police force saw Heffernan picking up a Spagnola yard sign and talking to the Spagnola campaign manager and staff. Heffernan was picking up the sign for his bedridden mother.

The Court agreed that Heffernan has a First Amendment claim even though he engaged in no political activity.
protected by the First Amendment, because the City’s motive was to retaliate against him for political activity.

A police officer stopped Edward Strieff after he left a suspected drug house. The officer discovered Strieff had an outstanding warrant, searched him (legally), and discovered he was carrying illegal drugs.

The Court held 5-3 in Utah v. Strieff that even though the initial stop was illegal, the drug evidence could be admissible against Strieff in a trial.

The Court first concluded that the discovery of a valid, pre-existing, untainted arrest warrant triggered the attenuation doctrine, which is an exception to the exclusionary rule. The Court then concluded that the discovery of the warrant “was [a] sufficient intervening [attenuating] event to break the causal chain” between the unlawful stop and the discovery of drugs.

In Birchfield v. North Dakota, the Court held 5-3 that states may criminalize an arrestee’s refusal to take a warrantless breath test. If states criminalize the refusal to take a blood test, police must obtain a warrant.

Per the search-incident-to-arrest exception to the Fourth Amendment, police officers are allowed to search an arrestee’s person, without first obtaining a warrant, to protect officer safety or evidence. To determine if this exception applies, the Court weighed the degree to which the search “intrudes upon an individual’s privacy” with the need to promote “legitimate government interests.”

The Court concluded the privacy intrusion of breath tests was minimal but the privacy intrusion of blood tests was not.

What’s Next?
The Supreme Court has accepted three cases of interest to local governments to be decided in its 2016-2017 term. The issue in Wells Fargo v. City of Miami and Bank of America v. City of Miami is whether cities have standing to sue banks under the Fair Housing Act over loses cities have experienced caused by discriminatory lending practices. In Manuel v. City of Joliet the Court will decide whether it is possible to bring malicious prosecution claims under the Fourth Amendment possible. The question in Murr v. Wisconsin is whether merger provisions in state law and local ordinances, where nonconforming, adjacent lots under common ownership are combined for zoning purposes, may result in the unconstitutional taking of property.
It's Time to Think About Smoke Testing

By Jerry Hemeyer, Circuit Rider, South Dakota Association of Rural Water Systems

Now is the perfect time of year to start thinking about smoke testing your wastewater collection system. The past twelve months have been extremely dry for most of our state and these conditions allow the ground to crack or open up. This allows the smoke testing procedure to pinpoint any leaks in collection lines as the smoke will easily find its way to the surface. If the sewer is in good condition then the forced smoke will emerge from manhole lids along the line and house vents on the roof. If the line has defects, the smoke will find the break and try to escape through the break.

Several towns that we have already smoke tested found several issues within their system. Most of the problems were cleanouts, cracked service lines, or vacant lots where a house had been removed but the sewer had not been properly plugged.

Smoke testing is generally intended to find:
- buildings that have illegal downspout, cellar, yard or foundation drain connections to the sanitary sewer
- illegal sump pump discharges into a sanitary sewer
- points of groundwater or surface water intrusion into sanitary sewers
- any cross connections between sanitary and storm sewers

There are certain requirements that the utility must do to prepare to smoke test:
1. A Public Notice must be sent out to the residents in the area to be smoked.
2. The Fire Department, Police Department and 911 must be contacted.
3. A map of the system should be with the smoke crew for reference.

Sewer mains flooding during rains? Time to schedule some smoke testing!
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The Importance of Valve Exercising

By Mike Moeller, Circuit Rider, South Dakota Association of Rural Water Systems

Everyone has heard the old saying, “out of sight out of mind,” but there are some things that are out of sight and should not be out of mind. One of those items is the valves in your water system; they are found in every system no matter how big or small, and seem to be overlooked until the time they are needed. Valve exercising is a very important part of preventative maintenance to your system and should be done on a regular basis to ensure easy operation and also to make sure that the valves shut off completely when an emergency occurs.

South Dakota Rural Water (SDARWS) has helped many systems throughout the state with valve exercising, and has come across some communities who were in dire straits when it came to proper valve operation. One of these systems was a small town in the northeast corner of the state. Rosholt, SD has 27 water main valves in town. When SDARWS stopped by to discuss how things were going and to let them know what we had to offer for help, the city operator informed us that of the 27 valves in town, only one of them was operational. The valve at the base of the water tower was the only valve in town that would even move. This was a good thing for the fact that if they had a water break in town they could isolate it, but was a bad thing due to the fact that the whole town had to be shut down to repair a leak. SDARWS told the city operator and the finance officer that they could have the valves exercised and possibly get most of them working again. The finance officer said that they were in the process of putting a specification together to have all the valves in town replaced. SDARWS told the finance officer why not give it a shot – they would not be out anything if the valves still could not be operated after being exercised, and they agreed to have them done.

SDARWS returned a couple weeks later with the Spin Doctor valve exerciser and got to work exercising the valves. We were able to get 26 of the 27 valves operating again. The only one that SDARWS could not get exercised was because the operating nut on the top of the valve was corroding away.

The finance officer and city operator were very happy with the outcome and were thankful that SDARWS saved the city a huge sum of money.

SDARWS also has helped a larger town in central South Dakota by performing some valve exercising. In June, 2011 the city of Fort Pierre learned a valuable lesson on the importance of valves that operate freely. Fort Pierre, like many other cities along the Missouri River in 2011, had to deal with some major flooding. One would think, “why would free valve operation be an issue with flooding?” The city operators in Fort Pierre came up with a plan to isolate portions of the flooded area by shutting off one valve instead of six or more in the event one of the water mains would get damaged from the possible ground shifting due to saturation. The city operators found that many of the valves turned very hard – and sometimes it would take two people with cheater bars on the valve wrench to turn the valve closed. This was not an easy task considering most of the time they were standing in water with a thin layer of mud and sand under their feet.

Fort Pierre decided at this point that they would put a valve exercising program in place to make sure their valves turn freely and shut down completely. SDARWS assisted in

Valve with the corroded operating nut.

Exercising valves on hydrant legs.
this process by exercising almost 700 valves throughout the city. Most of the valves in the city were able to be exercised and operated freely afterwards. Some of the valves had to be replaced due to the fact that the valves were in “hot” soil and the bonnet bolts would break when the valve was turned. Vern Thorson, Utilities Manager, said, “it’s not such a bad thing when the valve breaks cause then you know where your weak spots are and can repair them before an emergency situation occurs.”

Valves are a very important part to any water system and proper operation of the valves is a must. The valves in your water system should be at the least exercised every two years if not more. SDARWS understands that most city operators are very busy and may not have the time to do it as often as they should be and that is why we are here to help you with valve exercising, and maybe to even set up a program where we come and do it for you. If you are interested, please contact SDARWS at 605-556-7219.
Community Savings Accounts Success: Philip

Community Savings Accounts (CSA) are enhancing the quality of life in 72 communities across South Dakota. The endowment funds are part of the South Dakota Community Foundation but are led by a local board of directors who raise and distribute funds. The CSA concept has taken root and grown very quickly in the community of Philip. And it all started with a conversation over coffee between Beth Massa, SDCF’s West River Development and Program Director, and DeMaris Nesheim.

It’s been years since Nesheim had a Philip address, but her connection to her hometown remained strong since she moved away in 1963. She followed Philip news for years and appreciated the improvements and investment residents have made to keep the community thriving. Recently, Nesheim decided to put into practice something she learned in a Philip Sunday School room years ago – everything I have is a gift from God, and it is my job to share that gift with others.

As a result, Nesheim committed $100,000 to start a Community Savings Account in Philip if the community could match her donation. A board assembled and the

DeMaris Paulson Nesheim (left) is pictured with SDCF West River Development and Program Director Beth Massa. Nesheim issued a $100,000 matching challenge to kickstart the Philip Area Community Foundation.

Philip Area Community Foundation began. The board started fundraising in the community, and only a few weeks later, the goal was met. The South Dakota Community Foundation contributed $50,000 as part of a matching challenge grant. On March 5, a group of 150
Pictured receiving the $100,000 challenge grant check to start the Philip Area Foundation are (left to right): Ray Smith, President, First National Bank Philip (FNB Philip); Jerry Kroetch, Owner, Scotchman Industries; Brittany Smith, Deputy Finance Officer, City of Philip; Dillon Kjerstad, Loan Officer, FNB Philip; Britni Ross, Business Manager, Philip Schools; DeMaris Paulson Nesheim; Roger Porch, Vice President, FNB Philip; and Jerry Rislov, Scotchman Industries.

community members celebrated exceeding their goal at the American Legion Hall in Philip. The Philip Area Community Foundation has existed for nine months and 23 donors have answered Nesheim’s call to support Philip with $324,680.

“It is truly astonishing what a community can accomplish when one person steps forward with a vision, puts skin in the game and encourages others to join,” says Massa. “DeMaris is a caring and motivated individual who wants her hometown to thrive for years to come. Less than a year ago this CSA didn’t even exist, and now, it’s on the way to distributing approximately $13,000 to area nonprofits annually going forward.”

Funds from the Philip Area Community Foundation are being invested and managed by the SDCF. A percentage of the fund’s earnings will be available for distribution to local nonprofits starting in 2017. The group decided to keep $10,000 aside from the endowment funds to start giving back right away. The Lake Waggoner campground will receive $7,400 for eight additional campsites with electrical hook-ups, doubling the campground’s size. The Bad River Sportmen’s Club will receive $1,550 to go toward metal targets to improve its public ranges.

There is no sign of Philip slowing down its fundraising efforts. Ray Smith, president elect of the Philip Area Community Foundation, encouraged supporters at the celebration dinner to keep giving back.

“‘There is always next year, and the advantage with this fund is there will always be a next year,’ said Smith. ‘This is not about the end of a fundraiser, but continuing to grow this foundation. If you know someone who has the same feelings as you about helping your community, tell them, and donate.’

We look forward to witnessing Philip’s bright future.

Reprinted with permission from the South Dakota Community Foundation.
On the Trail, Time Slows Down and History Comes Alive

By Brenda Kleinjan, South Dakota Rural Electric Association

For a few days each summer, participants in area wagon trains slow it down a notch as they roll across the prairie, often times retracing portions of the state’s history.

Large wagon trains have been organized for the past several years, one in 2014 commemorated South Dakota’s 125th year of statehood, tracing a route from the former Territorial Capitol of Yankton, SD, to the State Capitol in Pierre, SD, during a 17-day ride.

Others have wound through the state connecting communities via horse- and oxen-drawn conveyances.

“It’s our heritage; if we don’t pass it on down, it will get lost,” said Willie Cowan of Pierre who has participated in several wagon trains and is an organizer of the one-day event for the Dakota Western Heritage Festival September 16 in Fort Pierre.

When Cowan and his wife, Loretta, started participating in wagon trains about 10 years ago, it took him a bit to recall all the steps involved in relying on horsepower.

“The skills I had learned as a boy took a while to remember,” said Cowan.

But those skills came back as did the realization that when on the ride, one is focused on the task at hand – caring for the horses, looking for obstacles and moving toward one’s destination at a speed that allows one to really observe and enjoy the surroundings.

For the Cowans, who are no strangers to rodeo and western life (Willie himself was a state high school saddle bronc champion in the mid-1950s), the wagon trains are a family affair. Their children and grandchildren also participate, either with one of the family’s various wagons or as outriders with the train.

“The most enjoyable part is the kids and observing what they get out of the experience,” said Willie.

As one rolls along the prairie behind the team of horses, Cowan says one ponders things.

“The first thing you wonder is how they got across the prairies with water. They had to follow creeks and rivers,” noted Cowan.

“It gives you a greater appreciation for what those people went through,” said Loretta.

Willie says he has nothing to prove with his wagons and favors modern improvements over authenticity on his wagons.

“The ride on our big wagon is like a Cadillac, not bone jarring,” said Willie. Nylon ropes rather than leather are less likely to break and cause problems, rubber tires smooth out the ride compared to the jarring of wooden wheels.

For the Cowans’ daughter, Colleen McCurrin, the entire process of the wagon train builds a better understanding of western history.
“It’s part of the heritage; it’s how we got here. The people who settled the area arrived in wagons of many shapes and doctor buggies – everyone hitched up a team to do their jobs,” said McCurrin.

The variety of wagons that show up for a wagon train ride bring that heritage to life, and help participants envision days gone by.

For Loretta, the wagon trains helped realize a life-long dream.

“It was always a dream of mine to stand in the wagon ruts of the freight trains that ran from Fort Pierre to Deadwood,” said Loretta. In the Fort Pierre to Deadwood ride a few years back, she achieved that dream.

Her daughter is quick to expand on the comment.

“It’s a tangible thing – you can touch the history,” said Colleen.

And one connects.

“It takes a bit to getting away from needing to get from point A to point B in three hours; on the rides, you might have 10 days,” said McCurrin. “You have to gear down and change mentality.”

The Cowans note that another feature of wagon trains is the camaraderie amongst the participants.

“Everyone helps everybody. If your outfit breaks down, they’re all there to help,” said Willie.

In 2015, the Dakota Western Heritage Festival took participants through a buffalo farm near Fort Pierre and over to the Scotty Phillips Cemetery, named for the Scottish-born rancher and state politician who is credited as “the man who saved the buffalo.”

The 2016 train will take a different trek exploring history to the southwest of town.

The public is welcomed to attend the Dakota Western Heritage Festival. There are limited opportunities for individuals to ride with a wagon.

Reprinted with permission from the South Dakota Rural Electric Association.
Navigating the Ups and Downs of the Council-Manager Relationship

By L. Dennis Michael

Most California cities use the council-manager form of government. In this model, the city council sets policy, passes ordinances, approves new projects and programs and ratifies the annual budget. The city manager implements the policies, advises the council, makes recommendations on council decisions, formulates the budget and oversees the administration and management of staff and resources.

Having the city manager oversee the agency’s day-to-day operations allows the council members to focus on big-picture policy issues without the distraction of administrative tasks, such as managing personnel. It also enables the council to hold one individual accountable for the city’s administration.

First and foremost, the relationship between the city council and the city manager is a partnership that serves the community. This partnership benefits immensely from a council that sees itself as a team. While council members can and do disagree on various issues, they can nevertheless function as a team if all members can agree that their shared goal is to make the best decisions possible for the community they serve. It can be helpful to frame this as a collaborative effort in which all members bring something of value to the task at hand.

Building a Positive, Constructive Relationship
Civility and communication are key elements of an effective council-manager partnership. Respectful discussions that incorporate civility set a positive tone for council meetings and council-manager interactions and help foster a welcoming environment for community members who attend council meetings.

Communicating clearly is essential to a positive, productive relationship between the council and the city manager. When dealing with a controversial or emotionally charged issue, it’s critically important to listen carefully and, in many cases, repeat or paraphrase what
you just heard to ensure that you fully comprehend and acknowledge what has been said.

A respectful exchange also involves giving your complete attention to the discussion. This means eliminating distractions to the extent possible, which may include turning off cellphones as a courtesy until the discussion or meeting has concluded.

Separating the people from the problems is another helpful strategy. Emotions can make problem-solving more difficult when people feel passionately about an issue. But attacking the problem — instead of each other — offers a more effective approach and a better way to preserve an important working relationship. It’s OK to disagree, but it’s not OK to be disagreeable.

When communication falters, problems occur. Avoiding conflict, which is human nature, can be a barrier to progress on tough issues. Address issues directly as they arise by communicating clearly and respectfully. Bear in mind that conflict can play a constructive role in problem solving. Complacency can be a red flag. A complacent council and city manager may be avoiding dealing with controversial or thorny problems. Such avoidance can ultimately make the problem much harder to address.

Complaining is another red flag. When one team member complains to another about the performance or approach of a third team member, this generally indicates significant frustration. If a fellow council member complains to you about the city manager or another council member, gently redirect the focus and explore possible ways to address the problem. It may be helpful to say, “I hear you are frustrated. What might we do differently to address this issue? What positive steps can we take to change this dynamic?”

Dealing With Challenges
Difficulties can arise in numerous situations related to the council-manager relationship. One challenge involves council members who don’t see themselves as part of a team — first, as part of the council team, and second, as

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Council-Manager Relations: How We Work Together

By Debra Figone

What your city manager wants from the council to be optimally effective:

- Respect that we have a council-manager form of government;
- Allow me to assist in translating your policy interests and priorities to the organization to achieve action;
- Give clear direction as a council;
- Feel free to interact directly with department heads on city matters. They are instructed to keep me informed of such contacts, and I ask that you do the same. Please do not direct them. Department heads are agents of the city manager, not free agents;
- Fix the problem, not the blame. Help create a no-blame culture. If you acknowledge disappointment in public, do so constructively. Scolding should be done privately;
- Be sensitive about the need to pace the organization and to manage priorities, workload and expectations. Use city processes and protocols to add issues and interests to the workload; and
- Help me understand how best to communicate with you both as a team and as individuals. These methods must be compatible.

What you, the council, can count on me to do as your city manager:

- Treat you with respect;
- Tell you the unvarnished truth;
- Treat you as partners as well as my employers;
- Establish individual relationships with you to help each of you be effective council members;
- Help you to be effective collectively as a city council;
- Act within my comfort zone on council requests and advise you when a request should go to the entire council;
- Communicate with you to keep you as equally informed as possible;
- Listen to you and seek to understand you, your role and your needs;
- Do my personal and professional best;
- Respect your council-to-council and council-to-constituent relationships; and
- Be politically astute but not political.

Remember, I am human. If you don’t see these actions, please give me the benefit of the doubt, and then talk to me about it.

*Debra Figone is former city manager of San José. This information was presented at the League of California Cities’ 2011 City Managers’ Department Meeting.*
part of the larger team comprising the council, the entire city organization and the community, including both residents and local businesses. It may be helpful to have a skilled, neutral, third-party facilitator lead the council and manager in discussions and team-building exercises to help nurture a culture of teamwork. Another useful tool is to “think greatness.” Former City Manager Gary O’Connell described this in a 2007 article titled “Council-Manager Relations: Finding Respectable Ground” in Public Management magazine:

If you have [a] theme to help emphasize excellence and high performance (such as building a world-class community), it goes a long way to help staff and employees understand that goal. This kind of thinking appeals to many councils and helps them think about the larger, difficult and more strategic issues in the community.

Another pitfall occurs when a council member doesn’t have a clear understanding of the council’s role. For example, when a council member bypasses the city manager and gives direction to city staff, it puts the staff in an awkward position and can undermine the city manager’s position. In my city, the city manager welcomes council members talking to city department heads but not front-line staff — and only in the context of having a discussion, not giving direction, which is the city manager’s responsibility.

The council member who treats council meetings as an opportunity to grandstand creates yet another type of challenge. A 2002 Western City “Everyday Ethics” article titled “Dealing With a Grandstander” explores this issue in-depth:

The dictionary defines “grandstanding” as “playing or acting so as to impress onlookers.” Public meetings were not created as opportunities for elected officials (or wannabe elected officials) to impress each other, the media or the public. The purpose of a public meeting is to accomplish the public’s business in the most productive, efficient and professional manner possible.

The article explains that grandstanding wastes the time of the public, staff and council.

… There are likely to be individuals in the audience who are waiting for an opportunity to speak or for later items on the agenda. They will be frustrated and resentful of an elected official who is prolonging the meeting in a self-serving and unproductive manner — particularly when the audience members have taken
the time to come and participate in the agency’s business. … The sense that public meetings are unnecessarily long may ultimately discourage the public from attending the meetings in the long run and alienate them from civic affairs.

… some agencies have adopted codes of ethics and values that address these kinds of issues. For example, the City of Sunnyvale’s code of conduct specifically says that city council members should “[b]e respectful of other people’s time. Stay focused and act efficiently during public meetings.” It also says council members should “[f]ully participate in city council meetings and other public forums while demonstrating respect, kindness, consideration, and courtesy to others.” In a similar vein, the City of Santa Clara’s Ethics and Values Statement emphasizes the importance of communication, particularly effective two-way communication that involves listening carefully and adding value to conversation.

In its Attributes of Effective Councils publication, the Institute for Local Government offers these best practice tips:

Build capacity to create a more effective team. The governance team (mayor, council members and city manager) should get to know each other — how each person approaches issues, decision-making and so on. This can be accomplished at annual meetings or workshops throughout the year. In the event that council members disagree, clear ground rules (norms of behavior and practice) can help quell acrimony before it becomes a problem. It’s important to remember that trust is built around understanding and respect, not necessarily agreement.

Supporting the City Manager’s Role
The council can support the city manager in many ways, such as giving him or her permission to take risks and act in an entrepreneurial manner, and providing clear directions with a unified voice. See “Council-Manager Relations: How We Work Together” on page 43 for additional tips.

Accepting Responsibility
Everyone makes mistakes. It’s part of the human condition. If you have mistakenly asserted something that you subsequently discover was inaccurate or wrong, share that information and take responsibility for your error. If you have contributed to difficulties in communication, apologize and agree to move on. Don’t allow your mistakes to cast a long shadow — address them promptly. Doing so also helps to build bridges with your colleagues on the council and your community and ultimately improves your ability to serve the public.

L. Dennis Michael is mayor of the City of Rancho Cucamonga and president of the League of California Cities.

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It is truly amazing how much information is available to someone with a simple internet connection. Some of it is actually useful! Here at Claims Associates, we use various on-line resources every day to look up statutes, check the status of various cases in litigation, find city or county ordinances, and review recent judicial decisions. There was a time when a person needed access to a law library and specialized training to sift through the dusty, calf-skinned volumes. Now, all a person really needs is an internet connection, or a smart phone.

What follows is a description of various resources we use very often, and some tips for using them. You might find some of them handy.

South Dakota statutes, the South Dakota Codified Laws, are available at the South Dakota Legislative Research Council’s website: sdlegislature.gov. Navigate to the spot that says “Laws” and a dropdown box will appear showing a link to the S.D. Constitution, the Codified Laws, and Session Laws. If you click on Codified Laws, you will see a listing by Title, the most general subject headings. There are other search options available. The nice part about the statutes on this site is that they are completely up-to-date, and you can easily cut and paste, or print from the site.

Administrative rules, promulgated by South Dakota’s various Departments and administrative agencies, the Administrative Rules of South Dakota, or ARSD, are also available on the LRC website. Like the SDCL, the rules on this site are always up-to-date.

The LRC website is also the go-to place for looking at proposed legislation and tracking the bills through the legislative process. In fact, it is exactly the same tool legislators themselves use during session. About 20 years of full legislative history, including bills, committee minutes, and the House and Senate Journals are on the site.

South Dakota’s courts also maintain a very useful website at ujs.sd.gov. If you visit that page, you can get detailed information on the South Dakota Supreme and Circuit Courts. If you navigate specifically to the Supreme Court section of the website, you can access the official decisions of the Court, which are stored chronologically. You can also access information on what cases are coming up for consideration by looking at the Court’s calendar. Unfortunately, finding individual orders or opinions issued by the Circuit Courts is not quite as easy for members of the general public. Even attorneys who are members of the South Dakota Bar, don’t have unfettered access to filings in the Circuit Court database.

Access to federal court information, by comparison, is wide open through the PACER system (Public Access to Court Electronic Records) at pacer.gov. PACER requires a user to have an account, which includes entering means of payment. However, some of the searches are free, and even if they aren’t, a user is not charged unless the usage exceeds some minimum amount. The best part of PACER is that it gives access to any filing in a U.S. court the public would have access to, meaning a person can access every pleading, transcript, brief, order, and decision unless for
some reason it was sealed by court order or is unavailable under law. U.S. Supreme Court decisions are readily available from several on-line sources, all of which are easily accessed by a Google search.

**Federal statutes and regulations** are easily located using Google searches. There are various sources that make the United States Code (USC) and Code of Federal Regulations (CFR) available free on-line.

Some of the **federal agencies**, such as the U.S. Department of Labor maintain excellent resources on their websites. Say, you are looking for some background information on an overtime pay question, try visiting dol.gov/whd and check out the information available there for employers.

South Dakota’s state agencies and departments also maintain useful websites. The **Department of Revenue** website, dor.sd.gov, contains useful information on sales and use and contractor’s excise taxes, and how the Department interprets various exemptions. The **South Dakota Secretary of State** website, sdsos.gov, has a wealth of information available on upcoming elections, past elections, and voter registration information, as well as information on South Dakota corporate filings. The **South Dakota Department of Labor** site, dlr.sd.gov/workerscomp, contains a lot of useful information regarding workers’ compensation, including recent decisions in contested cases.

Claims Associates has re-vamped our company website. Feel free to check it out at claimsassoc.com. You’ll find general information about the company, our team members, locations, recent company news, and even the ability to assign claims to us. We’ve also included several of the handy links outlined above, and a few others.

**Chris Madsen** is General Counsel and Director of Operations for Claims Associates, Inc. Chris is a graduate of the University of South Dakota and the USD School of Law and has 23 years experience as an attorney practicing in the state and federal courts, and before the various administrative agencies of South Dakota.
Washington Report:

By Senator John Thune

One of the worst-kept secrets in Washington is that federal regulators rarely encounter an issue to which more red tape can’t be applied. While anecdotally it’s duct tape that can fix anything that’s broken, Washington bureaucrats seem to believe red tape can fix anything — whether it’s broken or not. I often wonder if the people who make these rules and regulations have ever traveled outside the beltway to see exactly how their actions impact hard-working people in states across the country, because if they did, it’s hard to imagine how they’d reach the same conclusions.

According to a study by the American Action Forum (AAF), federal agencies in the Obama administration have issued 600 major regulations — with a negative impact of $100 million or more per regulation to the economy — since the president took office. AAF has determined these major regulations have burdened the U.S. economy by $743 billion, or roughly $2,300 per American. For perspective, if you stacked 743 billion $1 bills on top of one another, they would reach more than 50,000 miles into the air, the equivalent of two full trips around the Earth.

In addition to $1.7 trillion in tax increases on President Obama’s watch, this dramatic expansion of government has resulted in stagnant wages, record low participation in the workforce, and the worst economic recovery in 60 years. In fact, the Obama presidency will be the first ever not to achieve at least 3 percent economic growth for a full year.

Regulations aren’t metaphorical. They aren’t written and then shoved in the back of a book for someone to read about years later. Heavy-handed federal rules and regulations can have a real impact on the American people and make it more difficult and more expensive to create jobs and earn a living. In an economy where wages are flat and the cost for just about everything else in our daily lives has gone up, we should avoid squeezing families any more than they already have been.

Not all regulations are bad regulations. For example, I think most people in South Dakota would agree that individuals or businesses shouldn’t be allowed to dump toxic substances in our lakes or rivers. Doing so would threaten our water supply, and it would put the health and safety of our communities at risk. I would venture to guess most of those same common-sense people would also agree that the federal government shouldn’t be regulating common activities of private property owners who happen to have small ponds or ditches in their backyards, which is what the EPA has tried to do with its Waters of the United States Rule.

One of the most effective ways to create change is by having a president — the leader of the executive branch and its agencies — who is opposed to an over-regulated America. The best part about this option is that South Dakotans and the rest of the American people get a direct say in its outcome, and there’s no greater or more powerful voice than that.
Your duties may not change much over the years, but the machines you use to get the job done are continually evolving. The new Cat® M Series wheel loaders set the standard for productivity, fuel efficiency and operator comfort. With a wide range of wheel loaders and attachments, Butler Machinery has the equipment to meet your operation’s needs.

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  - 7910 Hwy 2 W
  - 701.665.3800
- **GRAND FORKS**
  - 1201 S 46th St
  - 701.775.4238
- **DICKINSON**
  - 2803 1-94 Business Loop E
  - 701.456.1400

**SOUTH DAKOTA**
- **HOOPLE**
  - 7695 Hwy 18 S
  - 701.894.5863
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  - 1910 27th Ave SE
  - 701.251.4400
- **HURON**
  - 1715 US Hwy 14 W
  - 605.353.1200
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  - 29571 Truck Stop Ave
  - 605.224.7400
- **SIOUX FALLS**
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  - 605.336.3010
- **ABERDEEN**
  - 4950 E Hwy 12
  - 605.245.6240
- **SIOUX FALLS**
  - 3201 N Louise Ave
  - 605.336.3010
- **RAPID CITY**
  - 3901 Deadwood Ave N
  - 605.342.4850

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NOVEMBER
Community Events

October 15 - January 1
2016 Pheasant Hunting Season

November 5
Summit's 77th Annual Lutefisk Feed
Summit

November 11
Veterans Day at Crazy Horse Memorial
Crazy Horse

November 18 - January 8
Winter Wonderland
Sioux Falls

November 22 - December 26
Christmas at the Capitol
Pierre

November 25 - December 23
1880 Train Holiday Express
Hill City

November 26
Holiday Celebration and Winter Market
Rapid City

I Love the 90s
Sioux Falls

For details on each event visit

SDML
Directory Changes

Bowdle  Delete: CM Wade Eisenbeisz
          Add:  CM Ashley Haar

Fulton  Delete: fultontown@santel.net
          Add:  fultontown@triotel.net

Leola    Add:  CM Jon Mardian
          CM Karl Moser

Marion  Delete: CM Jeremy Thomas
          Add:  CM Bryan Luke

Spearfish  Delete: FC Rick Heser
           Add:  FC Mark Sachara

Springfield Delete: CM Kent Heimstra
                Add:  CM Merlin Tolsma

Vermillion Delete: FC Richard Draper

Wasta  Delete: T Norman Current
          Add:  PR Norman Current

Watertown Add: ATT Justin Goetz

Email Directory changes to lisa@sdmunicipalleague.org. Visit
www.sdmunicipalleague.org for a cumulative listing of
changes to the 2016-2017 Directory of Municipal Officials.

Submit your event!

Want to submit an in-state event for the
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www.travelsouthdakota.com? Visit sdvisit.com/
programs/coop/events/index.asp for details.

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• Dedicated field Program Managers focused exclusively on public
  agency support

Visit us at www.uscommunities.org
Drug Control Fund Awards Distributed to Law Enforcement Agencies

Attorney General Marty Jackley announced that several law enforcement agencies throughout the state have been given awards from the Attorney General’s Drug Control Fund. The Drug Control Fund is funded by drug forfeiture monies to be used for enforcement in drug control and apprehension purposes. The award money distributed for this most recent cycle totaled $213,654.73.

“The Drug Control Fund helps law enforcement to better protect communities by funding local programs with monies seized from drug arrests. We are funding a number of requests including several for body worn cameras to assist agencies throughout the state to improve their levels of public trust and improve public safety,” said Jackley.

Below are the list of agencies and their awards:

- Murdo PD – $1,395 – In-Car Camera System
- Webster PD – $2,721 – Body Worn Camera Systems
- DCI – $2,334 – Fencing Project/Vehicle Storage
- Groton PD – $3,373.27 – Tasers
- Flandreau PD – $4,015 – Surveillance Equipment
- Jackson County SO – $4,147 – Tasers and Firearm Accessories
- Jerauld County SO – $4,500 – K9 Equipment
- Union County SO – $5,537 – Body Worn Camera Systems
- SDSU PD – $6,164.70 – Body Worn Camera Systems
- Vermillion PD/Clay County SO – $6,338.91 – Video Recording System
- Hot Springs PD – $6,360 – Body Worn Camera Systems
- Lake Norden PD – $5,500 – In-Car Camera and Radar System
- SD Highway Patrol – $13,000 – K9 Vehicle Equipment
- Walworth County SO – $17,235 – Rifles
- James Valley Drug Task Force – $22,394.15 – Objective Gunner Protection Kit
- Watertown PD – $23,639 – Body Worn Camera Systems
- Spearfish PD – $25,000 – Towards purchase of vehicle
- Yankton PD – $25,000 – Towards purchase of vehicle
- Aberdeen PD – $35,000 – Towards purchase of Canine Unit
- Jerauld County SO – $4,500 – K9 Equipment
- Union County SO – $5,537 – Body Worn Camera Systems
- SDSU PD – $6,164.70 – Body Worn Camera Systems
- Vermillion PD/Clay County SO – $6,338.91 – Video Recording System
CLASSIFIEDS

CLASSIFIED ADS POLICY: Member municipalities receive free insertions and free postings on the League website. Non-member advertisers are billed $50 per insertion. All ads are subject to editing if necessary. The next deadline is October 14 for the November 2016 issue. Email ads to carrie@sdmunicipalleague.org or fax to 605-224-8655. Visit www.sdmunicipalleague.org for more classifieds.

CITY ENGINEER: Belle Fourche, SD. We are a thriving and progressive community seeking the best individual to join our workforce. This position is appointed by the Mayor and confirmed by City Council. Wage depends on training and experience. Excellent benefits package. Bachelor’s degree from a four-year college or university and two years related experience or combination equivalent of training/experience as deemed acceptable by Mayor and Council. Plans, designs, and directs engineering projects such as roads, airports, bridges, irrigation systems, pipelines, landfill, parks and buildings and water/waste water treatment plants and responsible for the bidding for these projects. A full job description, application form and benefits listing are located at www.bellefourche.org or at Belle Fourche City Hall, 511 6th Avenue, Belle Fourche, SD, 57717. Applications accepted until position is filled. EOE.

FINANCE OFFICER: The City of Clear Lake is seeking a professional candidate for the full-time position of Finance Officer. Candidates for this position must have at least two years college or vocational school and three years of job experience; or an equivalent combination of experience, education and training which provides the desired knowledge, skills and abilities. Must be bondable and have a valid driver’s license. Salary depending on experience and benefits package. The position will remain open until filled. Interested applicants can obtain an application and full job description at the Clear Lake City Finance Office at 125 3rd Ave S or by calling 605-874-2121 during regular business hours. Applications are also available on the city’s website: www.clearlakesd.com – City Information/Employment. EOE.

FINANCE OFFICER: McLaughlin, SD is accepting applications for the position of City Finance Officer. The Finance Officer’s responsibilities are set forth in SDCL Chpt 9-14. The Finance Officer’s primary job is as chief accounting and financial officer providing accounting advice and counsel to the Mayor, Departmental heads and...

FINANCE OFFICER: The City of Montrose is taking applications for the position of Finance Officer. This position requires knowledge of basic office procedures and bookkeeping experience. Banyon billing system, Quickbooks, MS Word and Excel skills required. Flexible hours. Resumes will be received until the position is filled. Applications are available online at: cityofmontrosesd.com. Information can be sent to City of Montrose, PO Box 97, Montrose, SD 57048. 605-363-5065. EOE.

FINANCE OFFICER: The City of Summerset is accepting applications for a full time Finance Officer. This is an appointed position that works closely with the Mayor, City Administrator and Commissioners. The Finance Officer is the chief financial officer of the City and directs all financial activities of the City including accounting and financial reporting, preparation and implementation of the City budget, and providing guidance to ensure financial stability. Additional duties include attending all official meetings of the City Commission as recording officer, performing duties necessary as Human Resource Manager and overseeing City elections. A Bachelor’s degree in Accounting, Finance or related field is required with course work in governmental accounting preferred. Five years of experience performing or supervising accounting functions with preference given to experience in governmental accounting. Please see announcement and job description at www.summerset.us or call 605-718-9858 Ext. 4 for information.

JOURNEYMAN: Full time Journeyman needed for the City of Wessington Springs with line worker certification required or willing to obtain. Applicants will be required to obtain a CDL and will be subject to DOT testing. Excellent benefit package. To apply submit a cover letter, resume, work history, and three work related references to Linda Willman, Finance Officer. Electronic: wessprsd@venturecomm.net or mail to City Hall PO Box 443, Wessington Springs, SD 57382. For questions please call 605-539-1691. Position is open until filled. EOE.
MAINTENANCE TECHNICIAN: Pierre, SD. Responsible for the installation repair and maintenance of all water and sewer mains. Minimum Qualifications: State of SD Board of Operator Certification in water distribution after 18 months of employment. SD CDL within 90 days of hire. Skill in the installation, maintenance, and repair of water and sewer lines and mains would be beneficial. Salary: $15.96 minimum plus comprehensive benefit package. Open until filled. City of Pierre Human Resources Director, PO Box 1253, Pierre SD 57501, 605-773-7429, www.cityofpierre.org. EOE.

MAINTENANCE WORKER: Hoven, SD. Work areas include but are not limited to water, sewer, streets, snow removal, landfill, swimming pool and airport. The following certifications/licenses must be possessed or be able to obtain: Commercial Applicators License, Class I Water Distribution, Class I Wastewater Treatment and Collection. Knowledge with all types of equipment is desired. Wage DOE. Please contact the City of Hoven, PO Box 157, Hoven, SD 57450. Call 605-948-2257. Open until filled.

PATROL OFFICER: City of Brookings, SD. Full-time hourly position. Responsible for providing law enforcement services to citizens. Must exercise independent judgment and use discretion acting decisively during times of crisis and emergency. Must be 21 years of age with no convictions of any crime by any state or federal government punishable by imprisonment in a federal or state penitentiary. Valid driver’s license required with acceptable driving record. Law Enforcement Standards and Training Commission certification must be obtained within one year of hire date. Will work rotation of various shifts. Hourly pay range $21.79 - $26.51/hr. Full benefit package with shift differential. To apply: Visit www.cityofbrookings.org for job application and position description. Positions are open until filled. Submit application with resume to Attn: HR Dept., City of Brookings, PO Box 270, 520 Third St., Suite 230, Brookings, SD 57006, 605-697-8668 phone. 605-697-8661 fax. Email: dlangland@cityofbrookings.org. AA/EOE.

POLICE OFFICER: The City of Gettysburg is accepting applications for a Full Time Police Officer. Certified Law Enforcement Officer preferred but not necessary. Please call the City Finance Officer at 605-765-2264 or mail a completed South Dakota Law Enforcement Officers Standards and Training Commission Application and Personal History Statement along with a resume to Gettysburg Police Department, 109 E Commercial Ave, Gettysburg, SD 57442 Closing Date: Monday, October 3, 2016. Wage DOE, EOE.
POLICE OFFICER: City of Lennox, (population 2111) is accepting applications for a full-time certified police officer. Qualifications: a high school diploma/GED certificate and state law enforcement academy certification. Benefits include SD Retirement System, health and life insurance, dental insurance, AFLAC, flex plan, vacation and sick leave. Applications can be picked up at the City Finance Office at 107 S Main St., requested at 605-647-2286 or downloaded at www.cityoflennoxsd.com. Open until filled. EOE.

RECREATION MANAGER: The City of Brookings is seeking a full-time management exempt staff member for coordinating and supervising activities of paid and volunteer recreation service personnel, administration of broad program of recreational activities, and directing programs. Will design and implement recreational programs in specified facilities to include both summer and winter recreation programs and coordinate daily operation of recreation programs and facilities with emphasis on aquatics, nature, seniors, ice skating, baseball/softball, volleyball, basketball, and soccer; promote recreation programs including sports, lifetime leisure skills, health and fitness, music, dance, arts and crafts, cultural arts, nature study, swimming, social recreation and games and camping; and develop advertising, marketing and promotional materials for recreation programs and facilities; and hiring, train and schedule temporary and seasonal employees. In addition, will assist in completing and maintaining recreation budgets specific to assigned facilities; establish rules and regulations for recreation programs, recommend program fees, and research and inform Park and Recreation Board of these; work cooperatively with youth and adult sport organizations; coordinate scheduling and oversee facilities of the department; and supervise, schedule and direct the activities of part-time, temporary, seasonal employees and volunteers who staff programs and facilities with responsibility for overall direction, coordination, and evaluation of specified units and carries out supervisory responsibilities in accordance with the organization’s policies and applicable laws. Position requires a Bachelor’s degree in recreation or related field with minimum of three (3) years of full-time, year-round municipal professional recreation experience to include two (2) years of supervisory experience preferred. A combination of education, experience and training may be considered in lieu of degree requirement. Must have knowledge and ability to lead and instruct children, youth and adults in a variety of recreational activities. Must be willing to work flexible hours including evenings and weekends. Visit www.cityofbrookings.org for detailed job description and position profile. 2016 Salary Range - $47,944 - $64,724 DOE. Excellent benefit package. Position is open until filled. Submit City of Brookings application with resume to Attn: Human Resources Dept., City of Brookings, PO Box 270, Brookings, SD 57006-0270, PHONE 605.697.8668. FAX 605.697.8661. dlangland@cityofbrookings.org. EOE.

FOR SALE: City of Bristol has a 500 gallon propane tank for $350.00 and a Tennant Model 255 Series II Parking Lot Sweeper for $2750.00 for sale. Please contact Bristol City at 605-492-3225 or Maintenance Manager at 605-216-2212.

FOR SALE: John Deere 503 Rotary Mower, 3 pt., 540 PTO. Very good condition. Make an offer. Winpower 50/30 KW Generator. 3 phase, 540 PTO, Trailer and Cable. Like new condition. Make an offer. Town of Langford, SD. Call Blair at 605-228-6691 or Joe at 605-381-4139.

FOR SALE: Onan 30 GenSet-30 kw generator, 3 phase, with Ford six-cylinder gasoline engine. Mounted on single axle trailer. Snow-Ex sander: Model V-Maxx 8500, poly-vinyl hopper with hydraulic hoses. On steel frame for truck bed mounting. All sold as is. Some items partially disassembled. Contact the City of Eureka at 605-284-2441.

FOR SALE: John Deere 503 Rotary Mower, 3 pt., 540 PTO. Very good condition. Make an offer. Winpower 50/30 KW Generator. 3 phase, 540 PTO, Trailer and Cable. Like new condition. Make an offer. Town of Langford, SD. Call Blair at 605-228-6691 or Joe at 605-381-4139.

FOR SALE: Sensus RadioRead Water Meter Equipment – The City of Piedmont, SD has seventy-eight (78) new “Sensus Radio Readers” Model # M510P-F1-3W-X-P for sale. Asking price is $75.00 each. Sensus RadioRead features the most robust, high-powered radio frequency transmitter available for use with walk-by or drive-by automatic meter reading systems. A handheld unit can be used for reading RadioRead equipped meters. If interested, contact the City of Piedmont at 605-716-5495.

SURPLUS PROPERTY: City of Hoven, SD. 17 Fire Hydrants that are complete and work - $300.00 a piece. 12 man hole covers with rings - $150.00. 138 3/4” plastic water meters and 19 1” plastic water meters. Contact Wendy Rausch at 605-948-2257 or hovencity@venturecomm.net. Visit www.sdmunicipalleague.org for more classifieds.
October

On or before October 1 – The tax levies for the ensuing year must be certified to the county auditor. (SDCL 10-12-7; See Hdbk. Sec. 12.066)

In October – The State Department of Revenue mails out liquor license application forms to all licensees to be completed and submitted to the local authorities for initial action at the first regular meeting of the governing body in November. (NOTE: This is an administrative determination so no statutory citation is possible.)

Second Monday of October – Native Americans’ Day – State holiday (SDCL 1-5-1)

By October 15 – The secretary of revenue shall apportion the money in the local government highway and bridge fund. (SDCL 32-11-35; See Hdbk., sec. 12.255(6))

No later than November 1 – The special assessment roll for all assessments payable under the Plan One option must be delivered to the county auditor. (SDCL 9-43-105; See Hdbk., sec. 12.160)

No later than November 1 – Delinquent special assessment installments which are payable under the Plan Two option must be certified to the county auditor. (SDCL 9-43-106; See Hdbk., sec. 12.160)

No later than second Tuesday in November – Governing boards wishing to consolidate boards of equalization must approve a resolution outlining consolidated board membership no later than the second Tuesday in November. (SDCL 10-11-66; See Hdbk., sec. 12.120)

Boundary changes – Municipalities must notify the Department of Revenue of any resolution or amendment enacted which changes the boundaries of the municipality. Notification shall be in written form, shall contain a copy of the resolution or amendment, and may be sent by electronic means or registered mail. Municipalities shall also provide any changes and additions to streets and addresses. (SDCL 10-52-13; See Hdbk., sec. 14.172)

November

No later than November 1 – The liquor tax reversion must be made. (SDCL 35-5-22; See Hdbk., sec. 11.600)

No later than November 1 – The special assessment roll for all assessments payable under the Plan One option must be delivered to the county auditor. (SDCL 9-43-105; See Hdbk., sec. 12.160)

No later than November 1 – Delinquent special assessment installments which are payable under the Plan Two option must be certified to the county auditor. (SDCL 9-43-106; See Hdbk., sec. 12.160)

November 1 – All property subject to taxation shall be listed and assessed annually, but the value of such property is to be determined according to its value on the first day of November preceding the assessment. (SDCL 10-6-2; See Hdbk., sec. 12.105)

First Tuesday after the first Monday in November – The general election is held each even numbered year. (SDCL 12-2-2)

November 11 – Veterans’ Day – State holiday (SDCL 1-5-1)

No later than second Tuesday in November – Governing boards wishing to consolidate boards of equalization must approve a resolution outlining consolidated board membership. (SDCL 10-11-66; See Hdbk., sec. 12.120)

Fourth Thursday of November – Thanksgiving Day – State holiday (SDCL 1-5-1)

Boundary changes – Municipalities must notify the Department of Revenue of any resolution or amendment enacted which changes the boundaries of the municipality. Notification shall be in written form, shall contain a copy of the resolution or amendment, and may be sent by electronic means or registered mail. Municipalities shall also provide any changes and additions to streets and addresses. (SDCL 10-52-13; See Hdbk., sec. 14.172)
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