

# State of South Dakota

NINETY-FIRST SESSION  
LEGISLATIVE ASSEMBLY, 2016

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## HOUSE BILL NO. 1239

Introduced by: Representatives Campbell, Marty, May, Otten (Herman), Qualm, Verchio, Wiik, and Zikmund and Senators Monroe, Jensen (Phil), and Olson

1 FOR AN ACT ENTITLED, An Act to provide for the election of the county directors of  
2 equalization.

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

4 Section 1. That § 7-7-1.1 be amended to read:

5 7-7-1.1. Unless otherwise provided by county charter, at primary and general elections there  
6 shall be nominated and elected in each organized county of this state county officers as follows:

7 (1) In 1974 and each fourth year thereafter, a sheriff, county auditor, and register of  
8 deeds;

9 (2) In 1976 and each fourth year thereafter, a treasurer, state's attorney, and coroner; and

10 (3) In 2018 and each fourth year thereafter, a director of equalization.

11 The terms of all such officers shall be four years, or until their successors have been duly  
12 elected and qualified. Nevertheless, the term of any county office, combined with another  
13 pursuant to § 7-7-1.2 or 7-7-1.3, shall expire on the first Monday of January following the  
14 ordinance authorizing the combination.

15 Section 2. That § 7-7-8 be amended to read:



1 7-7-8. The annual salaries of the county auditor, the county treasurer, the director of  
 2 equalization, and the register of deeds of the several counties of this state shall be regulated and  
 3 fixed by the population of the several counties as shown by the last federal census.

4 Section 3. That § 7-7-9.1 be amended to read:

5 7-7-9.1. The board of county commissioners shall establish, by resolution, the salary payable  
 6 to the county treasurer, county auditor, director of equalization, and county register of deeds.  
 7 The salary payable may not be less than the following schedule as based upon the most recent  
 8 decennial federal census of population for counties:

9 County Population	Salary Schedule
10 Below 10,000	\$33,825
11 10,000-14,999	\$34,543
12 15,000-24,999	\$35,952
13 25,000-69,999	\$39,479
14 70,000 and over	\$42,561

15 The board of county commissioners may not decrease the salary of the county treasurer,  
 16 county auditor, director of equalization, or county register of deeds during consecutive terms  
 17 of office of the county treasurer, county auditor, director of equalization, or county register of  
 18 deeds.

19 Section 4. That § 7-7-29 be amended to read:

20 7-7-29. The county may create a local government records destruction board to develop  
 21 record management plans for the consideration of the state records destruction board.

22 The local board shall consist of a county commissioner, the auditor, the treasurer, the  
 23 director of equalization, and the register of deeds.

24 Section 5. That § 10-3-3 be amended to read:

25 10-3-3. The county director of equalization shall be ~~appointed by the board of county~~

1 ~~commissioners at either a special or regular meeting of the commissioners. If a single~~  
 2 ~~municipality contains fifty percent or more of the population of a county, the mayor of the~~  
 3 ~~municipality and the board of county commissioners shall make the appointment, and the mayor~~  
 4 ~~is entitled to sit and vote with the board elected pursuant to chapter 7-7.~~

5 Section 6. That § 10-3-12 be amended to read:

6 10-3-12. The county director of equalization, within ten days of election, and each of the  
 7 director's deputies shall, within ten days of appointment, file with the county auditor the oath  
 8 of office and a bond, payable to the county, with one or more sufficient sureties, in a penal sum  
 9 fixed by the board of county commissioners, to be approved by the board of county  
 10 commissioners, and conditioned that the director or deputy will diligently, faithfully, and  
 11 impartially perform the duties of the office. The director and each deputy shall take and  
 12 subscribe on such bond the following oath:

13 State of South Dakota,

14 County of \_\_\_\_\_, ss.

15 I, \_\_\_\_\_, do solemnly swear that I will support the Constitution of the United  
 16 States and the Constitution of the State of South Dakota, that I will faithfully, impartially, and  
 17 honestly discharge the duties of my office as (director of equalization)(assessor)(deputy),  
 18 particularly that I will assess all property assessed by me at its true cash value according to my  
 19 best knowledge and judgment, so help me God.

20 \_\_\_\_\_

21 Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

22 \_\_\_\_\_

23 If any person so appointed fails to give the bond, or fails to take the required oath within the  
 24 time prescribed, such failure constitutes a refusal to serve.

1 Section 7. That § 10-3-2 be repealed.

2 ~~—10-3-2. The county director of equalization shall possess knowledge and training in the field~~  
3 ~~of property taxation.~~

4 Section 8. That § 10-3-5 be repealed.

5 ~~—10-3-5. The term of office of the director of equalization shall commence upon appointment~~  
6 ~~and may be terminated for cause as provided in § 3-17-6 upon recommendation of the~~  
7 ~~appointing governing body after hearing upon not less than ten days' notice. However, the board~~  
8 ~~of county commissioners may dismiss the director of equalization without cause during the first~~  
9 ~~year of such appointment. After the first year of such appointment, no person is qualified to~~  
10 ~~serve unless such person holds an appropriate certificate issued by the Department of Revenue.~~  
11 ~~Vacancies in office shall be filled in the same manner as the original appointment is made.~~

12 Section 9. That § 10-3-6 be repealed.

13 ~~—10-3-6. The board of county commissioners shall fix the salary of the director and in fixing~~  
14 ~~the salary shall take into consideration the number of deputies, the number of first, second, and~~  
15 ~~third class municipalities within the county, the number of real property assessments made~~  
16 ~~during the previous year, the character of the services, amount of labor to be performed, and~~  
17 ~~such surrounding circumstances as affect the cost of living and supporting oneself at the county~~  
18 ~~seat, compatible with the dignity of the office.~~

19 ~~—The salary of a county director of equalization shall be paid on a monthly basis.~~

20 Section 10. That § 10-3-7 be repealed.

21 ~~—10-3-7. The county director of equalization shall receive necessary traveling expenses as~~  
22 ~~fixed for county officials by § 7-7-24. The director shall receive necessary traveling expenses~~  
23 ~~as provided by § 7-7-24 if attending meetings called by the secretary of revenue.~~

24 Section 11. That § 10-3-11 be repealed.

1 ~~10-3-11. The county commissioners may appoint deputies to the county director of~~  
2 ~~equalization. Such deputies shall hold office at the pleasure of the county commissioners and~~  
3 ~~are subject to the recommendations of the director of equalization and have the same powers~~  
4 ~~and duties as the director of equalization.~~

5 Section 12. That § 10-3-14 be repealed.

6 ~~10-3-14. The director of equalization shall meet the county commissioners at the office of~~  
7 ~~the county commissioners on the first Tuesday of April for conference in reference to the~~  
8 ~~performance of the director's duties.~~