

State of South Dakota

EIGHTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2014

400V0289

SENATE TRANSPORTATION

ENGROSSED NO. **SB 36** - 02/21/2014

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: The Committee on Transportation at the request of the Department of Transportation

1 FOR AN ACT ENTITLED, An Act to transfer the functions of the South Dakota Railroad
2 Authority to the South Dakota Railroad Board.

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

4 Section 1. That § 49-16B-3 be amended to read as follows:

5 49-16B-3. There is created the South Dakota Railroad Authority, a body corporate and
6 politic, to consist of seven members appointed by the Governor. No person may be appointed
7 to the authority who is an elected official of the State of South Dakota or any subdivision
8 thereof. The authority shall annually choose a chairperson from its membership. The governing
9 board of the South Dakota Railroad Authority shall be comprised of the members of the South
10 Dakota State Railroad Board, as provided by § 1-44-25.

11 Section 2. That § 49-16B-5 be repealed.

12 ~~49-16B-5. All appointments to the authority shall be made for a four-year term. Each~~
13 ~~member's term of office shall expire on the appropriate third Monday in January, but the~~
14 ~~member shall continue to hold office until a successor is appointed and qualified. Any vacancy~~



1 ~~in the authority shall be filled by appointment in the manner prescribed for appointments for full~~
2 ~~terms. A majority of the authority is required to take official action.~~

3 Section 3. That § 1-44-25 be amended to read as follows:

4 1-44-25. The South Dakota State Railroad Board consists of seven members to be appointed
5 by the Governor. Members shall serve a three-year term. No more than five members may be
6 of the same political party. No person may be appointed to the board who is an elected official
7 of the State of South Dakota or any subdivision thereof. Any member appointed to fill a vacancy
8 arising from other than the natural expiration of a term shall serve only for the unexpired term,
9 but may be reappointed to a full term. The board shall annually choose from its membership a
10 chair, a vice chair, and a secretary-treasurer. No member may be removed from office except
11 for cause.

12 The terms of members begin on October thirty-first of the calendar year. The appointee's
13 term expires on October thirtieth in the third year of appointment.

14 Any member's term ending June 30, 2013, or thereafter is extended to October thirtieth in
15 the year the term is to expire.