

State of South Dakota

NINETY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2019

535B0490

SENATE BILL NO. 82

Introduced by: Senators Schoenbeck and Youngberg and Representatives Reed, Bartels, and York

1 FOR AN ACT ENTITLED, An Act to revise provisions regarding election of officers for rural
2 electric cooperatives

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

4 Section 1. That § 47-21-13 be amended to read:

5 47-21-13. Directors shall be elected at the annual meeting of the cooperative ~~unless the~~
6 ~~bylaws of the cooperative provide for the election of directors by district~~ in accordance with
7 notice requirements under chapter 1-25 and § 47-21-55. ~~In case of a failure to hold the~~ For any
8 cooperative that does not hold an annual meeting, as specified in the bylaws, the directors shall
9 be elected at a special meeting called for that purpose following notice provided to members of
10 the cooperative in accordance with chapter 1-25 and § 47-21-55. ~~Directors~~ A director elected
11 under this section shall hold office for ~~such~~ the term as prescribed by the bylaws ~~prescribe,~~
12 ~~which provided the term may~~ does not exceed three years, or until ~~their successors are a~~
13 successor is elected, ~~are~~ is qualified, and ~~have entered~~ enters upon the discharge of ~~their~~ the
14 successor's duties.

15 Section 2. That § 47-21-20 be amended to read:



1 47-21-20. The bylaws may provide for the division of the territory served or to be served by
2 a cooperative into two or more districts for any purpose, including, ~~without limitation,~~ the
3 nomination and election of directors and the election and functioning of district delegates. ~~In~~
4 ~~such case the~~ For purposes of this section, the bylaws shall prescribe the boundaries of the
5 district, or the manner of establishing ~~such the~~ the boundaries, ~~and~~ the manner of changing ~~such the~~
6 boundaries, and the manner in which ~~such districts~~ the district shall function. ~~No~~ A member not
7 present at any district meeting and ~~no~~ a district delegate not present at any meeting ~~shall~~ may
8 vote by proxy or by mail. The bylaws may provide that directors may be elected at district
9 director election meetings held for ~~said~~ that purpose. For any bylaws that do not provide for four
10 or more voting districts, the bylaws shall be amended in accordance with this section and
11 submitted to be approved by the members of the cooperative by January 1, 2020.

12 Section 3. That § 47-21-21 be amended to read:

13 47-21-21. The officers of a cooperative shall consist of a president, vice-president, secretary,
14 and treasurer, who shall be elected annually by and from the board of directors. ~~When~~ If a
15 person ~~holding any such offices~~ who is an officer ceases to be a director ~~he shall cease to hold~~
16 ~~such office, the person is no longer an officer.~~ The same person may hold the offices of secretary
17 and ~~of treasurer may be held by the same person.~~ The board of directors may ~~also~~ elect or
18 appoint ~~such~~ any other officers, agents, or employees as it deems necessary or advisable, and
19 shall prescribe ~~their~~ the powers and duties of those officers, agents, or employees. Any officer
20 may be removed ~~from office and his~~ and the successor in office elected in the manner prescribed
21 in the bylaws.