

Maneuvering on 1/2-cent sales tax raises questions

Resident claims procedure used by city not in compliance with state law

By Dan Page

An initiative that would maintain the 1/2-cent sales tax is scheduled to be voted on in November. The tax, which is currently being collected to pay for the bond issued in 1984 for the Rushmore Plaza Civic Center expansion project, is scheduled to be lifted in 1995. Much of the focus of keeping the 1/2-cent sales tax has centered around the Vision 2012 plan, in which selected projects would be funded by the tax revenue. However, one subject that has not received much attention is the method being employed by elected offi-

cials to retain the tax.

The initiative has been touted as an indication that the public wants to vote on the merits of Vision 2012. In fact, those who support keeping the tax in effect point to the previous 18 months of public meetings—in which the Vision 2012 plan was discussed—as evidence that voters want this measure on the ballot. Yet the initiative could hardly be described as the product of a grass-roots movement.

Throughout the discussions concerning the tax, Mayor Ed McLaughlin has been in favor of keeping the 1/2-cent for use by the city. The

majority of the city's aldermen have also spoken in favor of keeping the tax. When such strong feelings about an issue take shape within the Common Council, an ordinance is usually drafted by an alderman and presented to the city clerk. Later, a first and second reading of the ordinance takes place, often at consecutive council meetings. Finally, the council votes on the ordinance and it is either passed or rejected. No such measures were followed concerning legislation on the 1/2-cent tax. This is what has some citizens concerned.

SALES TAX, Page 2

Initiative scheduled for November vote

■ SALES TAX

Continued from Page 1

One such citizen is Bob Troth. He discovered that the procedure used by the city in enacting the 1/2-cent initiative was antiquated and did not follow state law. A change in 1988 rendered Rapid City's municipal code obsolete, yet that code was followed in the special meeting held Wednesday, Oct. 6, at the City/School Administration Center.

The law proposed by the initiative was enacted, with a vote scheduled to follow in November. According to Troth, "The reason the state made the

change in the law concerning initiatives is that it doesn't make sense to enact the law before it is voted on."

Such changes in state law apply to the municipalities within the state as well. The concern is the method by which the initiative was originated.

The concept of an initiative exists as an avenue for citizens to propose legislation. In this case, members of the Common Council were involved in the effort to collect signatures on petitions. In fact, both Mayor McLaughlin and Alderman Delores Coffing personally circulated petitions.

Once the required signatures were

accumulated, the city enacted the initiative at a special meeting. In doing so, not only was state law ignored, as it is written, but the first and second readings were bypassed. Also, the wording on the initiative contained extensive reference to Vision 2012. Since the initiative focuses on how to use the 1/2-cent tax revenue, discussion tends to shift away from whether to keep or to discard the tax.

Troth sees this maneuver as dangerous. "The initiative process is meant for the people," he said. "When members of the government use it, it bypasses the normal process by which laws are created, such as the first and second readings. It also disguises the issue as an idea put forth by the people. What scares me is that once that tax is put on, it will be put on to stay. There is no wording about the tax ever being removed."

The November election will determine if Rapid City voters back McLaughlin and the council in promoting the Vision 2012 plan, or if Rapid City voters want the tax removed.