

AN ACT

ENTITLED, An Act to repeal or revise certain provisions concerning townships.

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

Section 1. That § 8-2-4 be repealed.

Section 2. That § 8-2-16 be amended to read as follows:

8-2-16. A township may enroll in any group health insurance plan, group life insurance plan, or group disability income insurance plan permitted by law to be offered in this state for township officers and any employee of the township who is employed for a minimum of one thousand forty hours per year by the township. A township may only pay the premiums or any portion thereof for the insurance programs allowed by this section for such employee.

Section 3. That § 8-3-1 be amended to read as follows:

8-3-1. The citizens of each organized civil township qualified to vote at general elections shall annually assemble and hold a township meeting on the first Tuesday of March. The township board of supervisors shall by resolution establish the location where the annual township meeting shall be held. The location of the annual meeting shall be in the county where the township is located. Notice of the time and place of such township meeting shall be given by the publication thereof for three consecutive days in a daily, or for two consecutive weeks in a weekly newspaper of general circulation in the township beginning not less than twelve calendar days prior to such meeting. In case of inclement weather, any required township meeting may be rescheduled for the following Tuesday at the same place and location without additional publication in the newspaper and meeting requirements provided in § 1-25-1.1. If the board of supervisors requires nominating petitions pursuant to § 8-3-1.1, the notice required by this section shall include the names and the office they seek of those who have filed nominating petitions pursuant to § 8-3-1.2.

Section 4. That § 8-3-2 be amended to read as follows:

8-3-2. The voters of each organized civil township have power at their annual meeting:

- (1) To select such township officers as are required by law to be chosen;
- (2) To vote to levy a tax for authorized township purposes, but the levy may not exceed the limit authorized by law.

Section 5. That § 8-4-3 be amended to read as follows:

8-4-3. Each person elected or appointed to any township office, shall, within ten days after receiving notice of election or appointment and before entering upon the discharge of the officer's duties, take and subscribe an oath or affirmation as required by § 3-1-5. All such official oaths shall be immediately filed in the office of the county auditor. No fee may be charged or received by any officer for administering or filing the official oath, or for filing or recording any township officer's official bond.

Section 6. That § 8-4-8 be amended to read as follows:

8-4-8. Except as otherwise provided in this section and § 1-27-35, the clerk, treasurer, and supervisors may each receive an annual salary, plus compensation for each day necessarily devoted to the discharge of their official duties when attending to business in the township. The voters of each township shall establish the annual salary and the hourly or daily rate of compensation at the annual township meeting. In addition, the clerk, treasurer, and supervisors may also receive mileage compensation at the rate established for state employees by the State Board of Finance when attending to the business of the township. The township board of supervisors shall limit the total amount of salary and compensation that the clerk, treasurer, and any one supervisor may receive in a year. Any salary and compensation limit established by the township board of supervisors does not apply to compensation received for road work.

Section 7. That § 8-4-9 be repealed.

Section 8. That § 8-5-1 be amended to read as follows:

8-5-1. The township board of supervisors shall hold regular meetings on the last Tuesday of February, the last Tuesday of March, and the last Tuesday of October, of each year. The meetings shall be held at the office of the township clerk or the location established in § 8-3-1 at a time determined by the board. If any two supervisors submit a written statement signed by them not less than twelve days before the meeting requesting that the next regular meeting be held at a different time, the township clerk shall give notice of the time and place of the meeting as provided by § 8-3-1. In case of inclement weather, any required township meeting may be rescheduled for the following Tuesday at the same place and location without additional publication in the newspaper and meeting requirements provided in § 1-25-1.1.

Section 9. That § 8-6-1 be amended to read as follows:

8-6-1. Any person elected or appointed to the office of township clerk shall, before the person enters the office and within the time prescribed by law for filing the oath of office, execute a bond, conditioned upon the faithful discharge of the duties of the office, paid for by the township, and with a surety company authorized to conduct business in this state or through a pool arrangement as provided in §§ 1-24-11 to 1-24-17, inclusive. The bond shall be for an amount set by and approved by the board of township supervisors and filed in the office of the county auditor. The bond shall be set for an amount approximately equal to the sum of money that the township is expected to receive in any one fiscal year or two hundred thousand dollars, whichever is less.

Section 10. That § 8-6-7 be amended to read as follows:

8-6-7. The township clerk shall file the annual fiscal report of the township with the county auditor pursuant to § 6-9-1 by the last day of March of the year immediately following the close of the township's fiscal year.

Section 11. That § 8-7-1 be amended to read as follows:

8-7-1. Any person elected or appointed to the office of township treasurer, before the person

enters the office, shall give to the county a bond, conditioned upon the faithful discharge of the duties of the office, paid for by the township, and with a surety company authorized to conduct business in this state or through a pool arrangement as provided in §§ 1-24-11 to 1-24-17, inclusive. The bond shall be for an amount set by and approved by the board of township supervisors and filed in the office of the county auditor. The bond shall be set for an amount approximately equal to the sum of money that the township is expected to receive in any one fiscal year or two hundred thousand dollars, whichever is less.

Section 12. That § 8-7-3 be amended to read as follows:

8-7-3. Each township treasurer, who refuses or neglects to comply with the provisions of § 8-7-2, shall forfeit not more than the amount the township was required to expend in costs and expenses due to the failure of the treasurer to comply with the law to be recovered by a civil action in the name of the township, for its use and benefit, in any court of competent jurisdiction; the amount to be fixed by the jury trying the cause or by the court if no jury be impaneled.

Section 13. That § 8-8-2 be repealed.

Section 14. That § 8-8-3 be repealed.

Section 15. That § 8-9-4 be amended to read as follows:

8-9-4. Every civil township in this state shall, through its board of supervisors, enter into a contract for fire-fighting equipment and protection with a political subdivision or subdivisions of this state or with a nonprofit fire protection corporation or association legally organized and certified in this state. No contract may have a term that exceeds ten years in length. The amount of money each township pays shall be determined through negotiation and shall be specified in the contract. Any political subdivision or nonprofit fire protection corporation or association providing fire protection services shall, as part of any negotiation conducted pursuant to this section, provide full disclosure of the fire department's total assets and expenses and estimate the cost of fire protection, including

equipment, buildings, material, and personnel. A contract entered into pursuant to this section shall be for an amount equal to the estimated cost of fire protection as agreed to by the parties. The contract may be for an amount other than the estimated cost of fire protection if agreed to by the parties to such contract. The provisions of this section do not apply to any township or portion thereof that lies within a rural fire protection district established pursuant to chapter 34-31A or an emergency services district established pursuant to chapter 34-47. However, nothing in this section prevents any township and rural fire district from entering into a contract to coordinate and cooperate for mutual fire protection and prevention purposes within any area which they might logically serve.

Section 16. That § 8-9-5 be repealed.

Section 17. That § 8-9-6 be amended to read as follows:

8-9-6. The term, nonprofit fire protection corporation or association, as used in § 8-9-4 shall include any corporation or association legally organized within this state for the primary purpose of providing fire-fighting equipment and protection for a particular political subdivision or subdivisions within this state and operating on a nonprofit basis.

Section 18. That § 31-3-14 be amended to read as follows:

31-3-14. Six or more voters of the township, aggrieved by the action of the board of supervisors in vacating, changing, or locating a highway may file with the township clerk a notice in writing within thirty days from the date of the first publication pursuant to § 31-3-9, that they appeal the decision on whether the highway shall be vacated, changed, or located to be submitted to a vote of the voters of the township.

Section 19. That § 31-13-1.5 be amended to read as follows:

31-13-1.5. The board of township supervisors shall post signs on a no maintenance section line to notify the motoring public that it is a no maintenance section line and that no travel is advised. The signs shall be posted at each entry point and at regular intervals along a no maintenance section

line. A properly posted sign is prima facie evidence that adequate notice of a no maintenance section line has been given to the motoring public.

Section 20. That § 32-14-14 be amended to read as follows:

32-14-14. Any municipality or township with an unincorporated town may adopt, by ordinance, traffic regulations permitting the use of golf carts on a highway under its jurisdiction. The ordinance shall require that the golf cart is insured and the person operating the golf cart in the municipality or unincorporated town to hold a driver license and to obtain a permit from the authority having jurisdiction. The municipality or township may charge a fee for the permit. The ordinance may also require the golf cart to display a slow-moving vehicle emblem in accordance with § 32-15-20 or a white or amber warning light in accordance § 32-17-46.

Section 21. That § 34-35-1 be amended to read as follows:

34-35-1. The electors at the annual meeting of an organized civil township may authorize the township board of supervisors to construct, or to have constructed, fireguards around all or a portion of the township or each way across the center of the township, as deemed necessary for fire protection.

Section 22. That § 34-35-2 be amended to read as follows:

34-35-2. The electors at the annual meeting may vote a tax, in addition to the amount levied for other purposes, upon the real property, including railroads within the area, embraced by the fireguards, for the purpose of defraying the necessary expenses of the fireguards.

Section 23. That § 34-35-3 be amended to read as follows:

34-35-3. For the purpose of constructing fireguards the township supervisors or the persons employed by them for that purpose may, with the consent of the owner, enter upon land adjacent to the right of way and construct fireguards upon the real estate of a private person.

Section 24. That § 34-35-4 be repealed.

Section 25. That § 34-35-5 be repealed.

Section 26. That § 34-35-6 be amended to read as follows:

34-35-6. In counties containing areas not embraced in any civil township, fireguards as described in § 34-35-1 may be constructed under the supervision of the board of county commissioners and the cost of the fireguards met by special levy upon the real property, including railroads, within the area embraced by the fireguards.

Section 27. That § 34-35-7 be amended to read as follows:

34-35-7. The expense of making any fireguard running upon or adjacent to the township line shall be borne equally by the two townships between which the fireguard is made.

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I certify that the attached Act  
originated in the

HOUSE as Bill No. 1133

\_\_\_\_\_  
Chief Clerk

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\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

House Bill No. 1133

File No. \_\_\_\_\_

Chapter No. \_\_\_\_\_

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Received at this Executive Office  
this \_\_\_\_\_ day of \_\_\_\_\_ ,

20\_\_\_\_ at \_\_\_\_\_ M.

By \_\_\_\_\_  
for the Governor

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The attached Act is hereby  
approved this \_\_\_\_\_ day of  
\_\_\_\_\_, A.D., 20\_\_\_\_

\_\_\_\_\_  
Governor

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STATE OF SOUTH DAKOTA,  
ss.

Office of the Secretary of State

Filed \_\_\_\_\_, 20\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of State

By \_\_\_\_\_  
Asst. Secretary of State