

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

159C0269

HOUSE ENGROSSED NO. **HB1015** - 2/5/99

Introduced by: The Committee on Local Government at the request of the State Board of Elections

1 FOR AN ACT ENTITLED, An Act to revise certain election procedures for the formation of
2 certain special districts and the election of directors, managers, or trustees.

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

4 Section 1. That chapter 6-16 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 A landowner for the purposes of chapter 6-16 means any person who owns property, as
7 defined pursuant to § 10-4-2 or 10-9-1, within the special district and is listed as an owner of the
8 property by the register of deeds. A partnership, association, cooperative, trust, limited liability
9 company, or corporation may by resolution appoint one person to vote in a special district
10 election on behalf of the partnership, association, cooperative, trust, limited liability company,
11 or corporation. A person who has purchased property under a contract for deed which is of
12 record in the office of the register of deeds in the county where the real property is situated is
13 entitled to vote in the special district election and the seller of the property under a recorded
14 contract for deed may not vote. No person, partnership, association, cooperative, trust, limited
15 liability company, or corporation may vote more than once in any special district election.

16 Section 2. That § 6-16-2 be amended to read as follows:

1 6-16-2. The application for organization shall be a petition verified by one or more
2 circulators by affidavit stating that each affiant personally witnessed the signatures on the petition
3 and believe the signatures to be genuine. The petition shall be signed by at least twenty-five
4 percent of the landowners within the proposed district who are also registered voters within the
5 district. If the proposed district is in two or more counties, a petition shall be filed in each county
6 and each petition shall be signed by at least ~~twenty~~ twenty-five percent of the landowners within
7 the proposed district who are also registered voters within the proposed district in that county.
8 The petition shall be accompanied by a deposit covering the estimated costs as determined by
9 the county auditor of the public notices and the conduct of the election for the formation of the
10 district.

11 Section 3. That § 6-16-4 be amended to read as follows:

12 6-16-4. The county auditor shall publish the notice of the voter registration deadline at least
13 once each week for two consecutive weeks, the last publication to be not less than twenty- five
14 nor more than thirty days prior to the election. The auditor shall publish notices of election at
15 least once each week for two consecutive weeks, the last publication to be not less than four nor
16 more than ten days before the election in a legal newspaper or newspapers of general circulation
17 in the proposed district.

18 Section 4. That § 34-11A-28 be amended to read as follows:

19 34-11A-28. The boundaries of any ambulance district organized under the provisions of this
20 chapter may be changed in the manner prescribed by §§ 34-11A-4 to ~~34-11A-10~~ 34-11A-8,
21 inclusive, ~~but.~~ However, the ~~changes~~ change of boundaries of ~~any such a~~ district may not impair
22 or affect ~~its~~ the district's organization or ~~its~~ right in or to property; nor may ~~it~~ the change of
23 boundaries impair, affect, or discharge any contract, obligation, lien, or change for or upon which
24 ~~it might~~ the district may be liable had ~~such~~ the change of boundaries not been made.

25 Section 5. That § 34A-5-18 be amended to read as follows:

1 34A-5-18. The board of trustees shall give notice of the election provided for in § 34A-5-17
2 pursuant to ~~§ 34A-5-8~~ § 6-16-4, and the question shall be submitted to the voters on a separate
3 ballot and be so stated as to enable each voter to vote for or against the proposed question.

4 Section 6. That § 46A-14-8 be amended to read as follows:

5 46A-14-8. The initiating petition shall contain the following:

- 6 (1) The name of the proposed district;
- 7 (2) That there is need in the interest of the public health, safety, and welfare for creation
8 of a district to accomplish improvements in the watershed;
- 9 (3) A statement in general terms setting forth the purposes of the contemplated
10 improvements, the territory to be included in the district; and all proposed
11 subdivisions thereof, if any, of the district;
- 12 (4) The number ~~and names~~ of managers, ~~which~~ shall be three or five members, ~~to be~~
13 ~~appointed as first managers of the proposed district, and who shall act for a period of~~
14 ~~one year or until the first annual meeting. They.~~ Each manager shall be owners of own
15 land located in the proposed district but ~~none shall~~ may not be a public officer of the
16 state or federal government;
- 17 (5) A list of landowners and the total acreage of land owned by each within the proposed
18 district;
- 19 (6) A map of the proposed district and the ownership of all land in the proposed district,
20 except the outline only of the jurisdiction of the authorized officials of municipalities
21 included need be shown; and
- 22 (7) The location of the official place of business of the proposed district;
- 23 ~~(8) A request for the organization of the district as proposed and appointment of the first~~
24 ~~managers.~~

25 Section 7. That § 46A-18-4 be amended to read as follows:

1 46A-18-4. The petition established pursuant to § 46A-18-2 shall contain:

2 (1) The name of the proposed district;

3 (2) The object and purpose of the water project and works proposed to be constructed
4 or acquired, together with a general description of the nature, location, and method
5 of operation of the proposed works or program of activities;

6 (3) A legal description of the lands constituting the proposed district and the ~~names~~ name
7 of any ~~municipalities~~ municipality included partly or wholly within the boundaries of
8 the proposed district;

9 (4) The location of the principal place of business of the proposed district; and

10 (5) The number of members of the board of directors of the proposed district, which
11 number may not be less than three nor more than seven, and a statement as to ~~whether~~
12 if the directors shall be elected at large or shall be elected by director divisions, ~~the~~
13 ~~names and addresses of the members who shall serve as directors until their~~
14 ~~successors are elected and qualified as provided in this chapter, and, if director~~
15 ~~divisions are provided for, the respective divisions that the directors are to represent.~~
16 The persons named in the petition as directors. Each director shall be a qualified
17 ~~voters~~ voter of the district and, if director divisions are provided for, shall be a
18 qualified ~~voters~~ voter of the respective ~~divisions~~ division ~~the directors are~~ director is
19 to represent.

20 Section 8. That § 46A-18-21 be amended to read as follows:

21 46A-18-21. The initial district directors ~~named in the petition for formation, upon~~
22 ~~establishment of the district by the Board of Water and Natural Resources,~~ shall assume the
23 duties of ~~their offices~~ office and serve until ~~their~~ successors are duly elected and qualified.

1 **BILL HISTORY**

2 1/12/99 First read in House and referred to Local Government. H.J. 34

3 1/19/99 Scheduled for Committee hearing on this date.

4 1/19/99 Local Government Do Pass Amended, Passed, AYES 12, NAYS 1. H.J. 80

5 1/21/99 House of Representatives Deferred to another day. H.J. 116

6 1/28/99 Intent to reconsider. H.J. 250

7 1/29/99 House of Representatives Deferred to another day. H.J. 265

8 1/29/99 House of Representatives Reconsidered, AYES 62, NAYS 3. H.J. 264

9 2/3/99 Motion to Amend, Passed. H.J. 350

10 2/3/99 House of Representatives Deferred to another day. H.J. 351

11 2/4/99 House of Representatives Do Pass Amended, Passed, AYES 61, NAYS 4. H.J. 373