

AN ACT

ENTITLED, An Act to revise certain procedures for the formation and adjustment of boundaries of certain special districts.

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

Section 1. That § 6-16-2 be amended to read as follows:

6-16-2. The application for organization shall be a petition verified by one or more circulators by affidavit stating that each affiant personally witnessed the signatures on the petition and believe the signatures to be genuine. The petition shall be signed by at least twenty-five percent of the registered voters within the proposed district. If the proposed district is in two or more counties, a petition shall be filed in each county and each petition shall be signed by at least twenty-five percent of the registered voters within the proposed district in that county. The petition shall be accompanied by a deposit covering the estimated costs as determined by the county auditor of the public notices and the conduct of the election for the formation of the district. If the district to be formed is a road district that contains no registered voters, the petition shall be signed by at least twenty-five percent of the landowners.

Section 2. That § 6-16-4 be amended to read as follows:

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

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

6-16-6. Any person who is registered to vote and resides in the proposed district may vote in the elections provided for in § 6-16-5. However, the qualifications of a voter for irrigation district elections are provided in chapter 46A-4. Absentee voting is allowed pursuant to chapter 12-19 for

the election on the question of formation of the special district or any other question to be voted on by the eligible voters of the district. If the district to be formed is a road district that contains no registered voters, voter eligibility is based solely on landowners. For the purpose of this section, a person resides in a proposed district if the person actually lives in the proposed district for at least thirty days in the last year.

Section 4. That § 31-12A-1.1 be amended to read as follows:

31-12A-1.1. Notwithstanding any other provision of chapter 31-12A, an area with three or fewer landowners may be formed into a road district pursuant to this chapter. Each landowner shall be a trustee at large and no election of trustees is required. After the district is incorporated and the number of landowners within the district is five or more, the district shall conduct an election pursuant to § 31-12A-16. The district shall conduct the election on the first Tuesday after the anniversary date of the formation of the district.

Section 5. That § 34-11A-28 be amended to read as follows:

34-11A-28. The boundaries of any ambulance district organized under the provisions of this chapter may be changed in the manner prescribed by §§ 34-11A-4 to 34-11A-8, inclusive. However, the change of boundaries of a district does not impair or affect the district's organization or right in or to property; nor does the change of boundaries impair, affect, or discharge any contract, obligation, lien, or change for or upon which the district may be liable had the change of boundaries not been made.

Section 6. That § 34A-5-18 be amended to read as follows:

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

Section 7. That § 46A-14-8 be amended to read as follows:

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

- (1) The name of the proposed district;
- (2) That there is need in the interest of the public health, safety, and welfare for creation of a district to accomplish improvements in the watershed;
- (3) A statement in general terms setting forth the purposes of the contemplated improvements, the territory to be included in the district, and all proposed subdivisions thereof, if any, of the district;
- (4) The number of managers shall be three or five members. Each manger shall own land located in the proposed district and be a registered voter in the proposed district. However, no manager may be a public officer of the state or federal government;
- (5) A list of landowners and the total acreage of land owned by each within the proposed district;
- (6) A map of the proposed district and the ownership of all land in the proposed district, except the outline only of the jurisdiction of the authorized officials of municipalities included need be shown; and
- (7) The location of the official place of business of the proposed district.

Section 8. That § 46A-18-4 be amended to read as follows:

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

- (1) The name of the proposed district;
- (2) The object and purpose of the water project and works proposed to be constructed or acquired, together with a general description of the nature, location, and method of operation of the proposed works or program of activities;
- (3) A legal description of the lands constituting the proposed district and the name of any municipality included partly or wholly within the boundaries of the proposed district;
- (4) The location of the principal place of business of the proposed district; and
- (5) The number of members of the board of directors of the proposed district, which number

may not be fewer than three nor more than seven, and a statement as to whether the directors are to be elected at large or are to be elected by director divisions. Each director shall be a qualified voter of the district and, if director divisions are provided for, shall be a qualified voter of the respective division the director is to represent.

Section 9. That § 46A-18-21 be amended to read as follows:

46A-18-21. The initial district directors shall assume the duties of office and serve until successors are duly elected and qualified.

Section 10. That § 6-16-7 be amended to read as follows:

6-16-7. If there is a conflict regarding who has a right to vote in the election pursuant to §§ 6-16-4 to 6-16-6, the judges of election shall settle the conflict by referring to the official records of the county auditor in each county where these official records are held.

An Act to revise certain procedures for the formation and adjustment of boundaries of certain special districts.

=====

I certify that the attached Act originated in the

HOUSE as Bill No. 1010

Chief Clerk

=====

Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1010
File No. _____
Chapter No. _____

=====

Received at this Executive Office this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

=====

The attached Act is hereby approved this _____ day of _____ , A.D., 20____

Governor

=====

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