

# State of South Dakota

SEVENTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2000

870D0098

## HOUSE LOCAL GOVERNMENT COMMITTEE

### ENGROSSED NO. **HB1010** - 2/9/00

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

1 FOR AN ACT ENTITLED, An Act to revise certain procedures for the formation and  
2 adjustment of boundaries of certain special districts.

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

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

5 6-16-2. The application for organization shall be a petition verified by one or more  
6 circulators by affidavit stating that each affiant personally witnessed the signatures on the petition  
7 and believe the signatures to be genuine. The petition shall be signed by at least twenty-five  
8 percent of the ~~landowners within the proposed district who are also~~ registered voters within the  
9 proposed district. If the proposed district is in two or more counties, a petition shall be filed in  
10 each county and each petition shall be signed by at least ~~twenty~~ twenty-five percent of the  
11 ~~landowners within the proposed district who are also~~ registered voters within the proposed  
12 district in that county. The petition shall be accompanied by a deposit covering the estimated  
13 costs as determined by the county auditor of the public notices and the conduct of the election  
14 for the formation of the district. If the district to be formed is a road district that contains no  
15 registered voters, the petition ~~requirements are based solely on~~ shall be signed by at least twenty-  
16 five percent of the landowners.

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

2 6-16-4. The county auditor shall publish the notice of the voter registration deadline at least  
3 once each week for two consecutive weeks, the last publication to be not less than twenty-five  
4 nor more than thirty days prior to the election. The auditor shall publish notices of election at  
5 least once each week for two consecutive weeks, the last publication to be not less than four nor  
6 more than ten days before the election in at least one legal newspaper of general circulation in  
7 the proposed district.

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

9 6-16-6. ~~A Any person who is a landowner in the proposed district and is registered to vote~~  
10 and resides in the proposed district may vote in the elections provided for in § 6-16-5. However,  
11 the qualifications of a voter for irrigation district elections are provided in chapter 46A-4.  
12 Absentee voting is allowed pursuant to chapter 12-19 for the election on the question of  
13 formation of the special district or any other question to be voted on by the eligible voters of the  
14 district. If the district to be formed is a road district that contains no registered voters, voter  
15 eligibility is based solely on landowners. For the purpose of this section, a person resides in a  
16 proposed district if the person actually lives in the proposed district for at least thirty days in the  
17 last year.

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

19 31-12A-1.1. Notwithstanding any other provision of chapter 31-12A, ~~one, two, or three an~~  
20 area with three or fewer landowners may form be formed into a road district pursuant to this  
21 chapter. ~~If there are three or less landowners, each~~ Each landowner shall be a trustee at large and  
22 no election of trustees is required. After the district is incorporated and the number of  
23 landowners within the district is five or more, the district shall conduct an election pursuant to  
24 § 31-12A-16. The district shall conduct the election on the ~~next~~ first Tuesday after the  
25 anniversary date of the formation of the district.

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

2 34-11A-28. The boundaries of any ambulance district organized under the provisions of this  
3 chapter may be changed in the manner prescribed by §§ 34-11A-4 to ~~34-11A-10~~ 34-11A-8,  
4 inclusive, ~~but. However,~~ the ~~changes~~ change of boundaries of ~~any such a~~ district ~~may~~ does not  
5 impair or affect ~~its~~ the district's organization or ~~its~~ right in or to property; nor ~~may it~~ does the  
6 change of boundaries impair, affect, or discharge any contract, obligation, lien, or change for or  
7 upon which it ~~might~~ the district may be liable had ~~such~~ the change of boundaries not been made.

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

9 34A-5-18. The board of trustees shall give notice pursuant to § 6-16-4 of the election  
10 provided for in § 34A-5-17 ~~pursuant to § 34A-5-8, and the.~~ The question shall be submitted to  
11 the voters on a separate ballot and ~~be so stated as to~~ shall enable each voter to vote for or against  
12 the proposed question.

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

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

- 15 (1) The name of the proposed district;
- 16 (2) That there is need in the interest of the public health, safety, and welfare for creation  
17 of a district to accomplish improvements in the watershed;
- 18 (3) A statement in general terms setting forth the purposes of the contemplated  
19 improvements, the territory to be included in the district, and all proposed  
20 subdivisions thereof, if any, of the district;
- 21 (4) The number ~~and names~~ of managers, ~~which~~ shall be three or five members, ~~to be~~  
22 ~~appointed as first managers of the proposed district, and who shall act for a period of~~  
23 ~~one year or until the first annual meeting. They.~~ Each manger shall be owners of own  
24 land located in the proposed district ~~but none shall~~ and be a registered voter in the  
25 proposed district. However, no manager may be a public officer of the state or federal

1 government;

2 (5) A list of landowners and the total acreage of land owned by each within the proposed  
3 district;

4 (6) A map of the proposed district and the ownership of all land in the proposed district,  
5 except the outline only of the jurisdiction of the authorized officials of municipalities  
6 included need be shown; and

7 (7) The location of the official place of business of the proposed district;

8 ~~(8) A request for the organization of the district as proposed and appointment of the first  
9 managers.~~

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

11 46A-18-4. The petition established pursuant to § 46A-18-2 shall contain:

12 (1) The name of the proposed district;

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

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

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

20 (5) The number of members of the board of directors of the proposed district, which  
21 number may not be less fewer than three nor more than seven, and a statement as to  
22 whether the directors ~~shall~~ are to be elected at large or ~~shall~~ are to be elected by  
23 director divisions; ~~the names and addresses of the members who shall serve as~~  
24 ~~directors until their successors are elected and qualified as provided in this chapter,~~  
25 ~~and, if director divisions are provided for, the respective divisions that the directors~~

1           are to represent. ~~The persons named in the petition as directors.~~ Each director shall  
2           be a qualified voters voter of the district and, if director divisions are provided for,  
3           shall be a qualified voters voter of the respective ~~divisions the directors are~~ division  
4           the director is to represent.

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

6           46A-18-21. The initial district directors ~~named in the petition for formation, upon~~  
7           ~~establishment of the district by the Board of Water and Natural Resources,~~ shall assume the  
8           duties of ~~their offices~~ office and serve until ~~their~~ successors are duly elected and qualified.

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

10          6-16-7. If there is a conflict regarding who has a right to vote in the election pursuant to  
11          §§ 6-16-4 to 6-16-6, the judges of election shall settle the conflict by referring to the official  
12          records of the ~~register of deeds and~~ county auditor in each county where these official records  
13          are held.

1 **BILL HISTORY**

- 2 1/11/00 First read in House and referred to Local Government. H.J. 13
- 3 1/17/00 Scheduled for Committee hearing on this date.
- 4 1/18/00 Scheduled for Committee hearing on this date.
- 5 1/18/00 Deferred by Chair.
- 6 1/20/00 Scheduled for Committee hearing on this date.
- 7 1/25/00 Scheduled for Committee hearing on this date.
- 8 1/27/00 Scheduled for Committee hearing on this date.
- 9 2/1/00 Scheduled for Committee hearing on this date.
- 10 2/3/00 Scheduled for Committee hearing on this date.
- 11 2/8/00 Scheduled for Committee hearing on this date.
- 12 2/8/00 Local Government Do Pass Amended, Passed, AYES 11, NAYS 0. H.J. 501