

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

870D0098

HOUSE BILL NO. 1010

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 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. Any 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:

17 6-16-2. The application for organization shall be a petition verified by one or more

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

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 at least one legal newspaper of general circulation in
17 the proposed district.

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

19 6-16-6. ~~A~~ Any person who is a landowner in the proposed district and is registered to vote
20 in the proposed district may vote in the elections provided for in § 6-16-5. However, the
21 qualifications of a voter for irrigation district elections are provided in chapter 46A-4. Absentee
22 voting is allowed pursuant to chapter 12-19 for the election on the question of formation of the
23 special district or any other question to be voted on by the eligible voters of the district. If the
24 district to be formed is a road district that contains no registered voters, voter eligibility is based
25 solely on landowners.

1 Section 5. That § 31-12A-1.1 be amended to read as follows:

2 31-12A-1.1. Notwithstanding any other provision of chapter 31-12A, ~~one, two, or three an~~
3 area with three or fewer landowners may ~~form~~ be formed into a road district pursuant to this
4 chapter. ~~If there are three or less landowners, each~~ Each landowner shall be a trustee at large and
5 no election of trustees is required. After the district is incorporated and the number of
6 landowners within the district is five or more, the district shall conduct an election pursuant to
7 § 31-12A-16. The district shall conduct the election on the ~~next~~ first Tuesday after the
8 anniversary date of the formation of the district.

9 Section 6. That § 34-11A-28 be amended to read as follows:

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

16 Section 7. That § 34A-5-18 be amended to read as follows:

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

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

22 46A-14-8. The initiating petition shall contain the following:

- 23 (1) The name of the proposed district;
- 24 (2) That there is need in the interest of the public health, safety, and welfare for creation
25 of a district to accomplish improvements in the watershed;

- 1 (3) A statement in general terms setting forth the purposes of the contemplated
- 2 improvements, the territory to be included in the district, and all proposed
- 3 subdivisions thereof, if any, of the district;
- 4 (4) The number ~~and names~~ of managers, ~~which~~ shall be three or five members, ~~to be~~
- 5 ~~appointed as first managers of the proposed district, and who shall act for a period of~~
- 6 ~~one year or until the first annual meeting. They.~~ Each manger shall be owners of own
- 7 land located in the proposed district but none shall. However, no manager may be a
- 8 public officer of the state or federal government;
- 9 (5) A list of landowners and the total acreage of land owned by each within the proposed
- 10 district;
- 11 (6) A map of the proposed district and the ownership of all land in the proposed district,
- 12 except the outline only of the jurisdiction of the authorized officials of municipalities
- 13 included need be shown; and
- 14 (7) The location of the official place of business of the proposed district;
- 15 ~~(8) A request for the organization of the district as proposed and appointment of the first~~
- 16 ~~managers.~~

17 Section 9. That § 46A-18-4 be amended to read as follows:

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

- 19 (1) The name of the proposed district;
- 20 (2) The object and purpose of the water project and works proposed to be constructed
- 21 or acquired, together with a general description of the nature, location, and method
- 22 of operation of the proposed works or program of activities;
- 23 (3) A legal description of the lands constituting the proposed district and the ~~names~~ name
- 24 of any ~~municipalities~~ municipality included partly or wholly within the boundaries of
- 25 the proposed district;

- 1 (4) The location of the principal place of business of the proposed district; and
- 2 (5) The number of members of the board of directors of the proposed district, which
- 3 number may not be ~~less~~ fewer than three nor more than seven, and a statement as to
- 4 whether the directors ~~shall~~ are to be elected at large or ~~shall~~ are to be elected by
- 5 director divisions, ~~the names and addresses of the members who shall serve as~~
- 6 ~~directors until their successors are elected and qualified as provided in this chapter,~~
- 7 ~~and, if director divisions are provided for, the respective divisions that the directors~~
- 8 ~~are to represent. The persons named in the petition as directors. Each director shall~~
- 9 ~~be a qualified voters voter of the district and, if director divisions are provided for,~~
- 10 ~~shall be a qualified voters voter of the respective divisions the directors are division~~
- 11 ~~the director is to represent.~~

12 Section 10. That § 46A-18-21 be amended to read as follows:

13 46A-18-21. The initial district directors ~~named in the petition for formation, upon~~

14 ~~establishment of the district by the Board of Water and Natural Resources,~~ shall assume the

15 duties of ~~their offices~~ office and serve until ~~their~~ successors are duly elected and qualified.