

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

474H0081

HOUSE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **HB 1009** - 01/17/2002

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

1 FOR AN ACT ENTITLED, An Act to revise the election procedures of certain special purpose
2 districts.

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

4 Section 1. That § 31-12A-15 be amended to read as follows:

5 31-12A-15. In ~~every~~ each road district an annual election of officers shall be held on the first
6 Tuesday after the anniversary date of the first election at ~~such a~~ place in the district as the board
7 of trustees shall designate. ~~Such~~ The election shall be conducted according to chapter ~~9-13~~ 8-3,
8 at a meeting of the registered voters who reside in the road district.

9 Section 2. That chapter 31-12A be amended by adding thereto a NEW SECTION to read
10 as follows:

11 Notice of the meeting and election required by § 31-12A-15 shall be given by the secretary-
12 treasurer by one publication in a legal newspaper of general circulation in each county in which
13 the district is situated or notice may be given by posting in a public place within the district and
14 delivering the notice to each registered voter of the district. The notice shall include the time and
15 place of the election and each vacancy to be filled at the election. The meeting shall be held not



1 less than seven days nor more than fourteen days after the date of publication or delivery of the
2 notice.

3 Section 3. That § 34-11A-2 be amended to read as follows:

4 34-11A-2. Any municipality located within the area may be included in the ambulance district
5 if twenty percent of the landowners within the municipality who are also registered voters within
6 the municipality sign a separate petition from that municipality, or if the governing body of the
7 municipality establishes intent by passing a resolution so indicating.

8 Section 4. That § 34-11A-29 be amended to read as follows:

9 34-11A-29. A regular meeting of the registered voters who are residing within the boundaries
10 of a district shall be held in the first quarter of each calendar year and special meetings may be
11 called by the board of directors at any time. The annual election shall be conducted during the
12 regular meeting. Notice ~~thereof~~ of the annual election shall be given by the secretary-treasurer
13 by one publication in a legal newspaper of general circulation in each county in which ~~such~~ the
14 district is situated. The meeting shall be held not less than seven days nor more than fourteen
15 days after the date of publication of ~~such~~ the notice.

16 Section 5. That § 34-31A-3 be amended to read as follows:

17 34-31A-3. Any municipality located within the area, whether the municipality has a fire
18 department or not, may be included in the rural fire district if twenty percent of the landowners
19 within the municipality who are also registered voters within the municipality sign ~~the~~ a separate
20 petition from that municipality, or if the governing body of the municipality establishes intent by
21 passing a resolution so indicating.

22 Section 6. That § 34-31A-43 be amended to read as follows:

23 34-31A-43. A regular meeting of the electors who are owners of any interest in real property
24 assessed for taxation in the district and who are residing within the boundaries of a district shall

1 be held in the first quarter of each calendar year and special meetings may be called by the board
2 of directors at any time. The annual election shall be conducted during the regular meeting.
3 ~~Notice thereof~~ of the annual election shall be given by the secretary-treasurer by one publication
4 in a legal newspaper of general circulation in each county in which ~~such~~ the district is situated.
5 The meeting shall be held not less than seven days nor more than fourteen days after the date of
6 publication of ~~such~~ the notice.

7 Section 7. That § 46A-18-23 be amended to read as follows:

8 46A-18-23. Prior to May first of each year, on ~~dates~~ a date established by the directors, an
9 annual meeting of the district shall be held during which the registered voters shall elect, by
10 ballot, under the direction of the secretary of the district, directors to replace those whose terms
11 have expired. Newly elected directors shall assume office at the time of their election.

12 Section 8. That § 46A-18-47 be amended to read as follows:

13 46A-18-47. In the election provided in § 46A-18-45, ~~eligibility~~ registered voters are eligible
14 ~~to vote as prescribed by § 46A-18-5 shall govern.~~ If special assessments are proposed, only
15 those landowners subject to such assessments may vote. If the financing proposal provides for
16 both general tax levies and special assessments, the votes applicable to the general tax and the
17 votes applicable to the special assessments shall be counted separately and accepted separately
18 for purposes of determining the outcome of the election.

19 Section 9. That § 3-4-3 be amended by adding thereto a NEW SUBDIVISION to read as
20 follows:

21 In special purpose districts, unless otherwise provided, by the remaining board of trustees.

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

780H0154

SENATE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **SB 10** - 01/14/2002

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 township election provisions.

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

3 Section 1. That § 8-1-23 be amended to read as follows:

4 8-1-23. Except as provided in § 8-1-28, ~~whenever~~ if fifteen percent of the registered voters
5 of any civil township, based upon the total number of registered voters at the last preceding
6 general election, petition the township clerk ~~therefor, such, the~~ clerk, at the direction of the
7 board of supervisors, shall call an election. The election shall be called in the manner prescribed
8 by law for holding special township meetings, ~~at which election~~ and the question shall be
9 submitted, "Shall the civil township organization of _____ township be abolished?" "Yes." "No."
10 ~~Such~~ The election shall be held within sixty days of the filing of the petition and in the manner
11 ~~and under the regulations~~ provided by law for holding elections for the election of civil township
12 officers. ~~All voters at such election in favor of abolishing such township organization shall erase~~
13 ~~the word "No" from their ballots. All voters at such election who do not favor the abolishing of~~
14 ~~such township organization shall erase the word "Yes" from their ballots. The township clerk~~
15 shall provide a sufficient number of printed ~~or written~~ ballots for the proper conduct of ~~such the~~



1 election.

2 Section 2. That chapter 8-1 be amended by adding thereto a NEW SECTION to read as
3 follows:

4 No petition to abolish a township may be filed within one year following an election on the
5 question of abolishing the township.

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

7 8-3-7. No person may vote at any township meeting unless ~~he~~ the person is registered to vote
8 pursuant to chapter 12-4 and resides in the township. For the purposes of this section, a person
9 resides in the township if the person actually lives in the township for at least thirty consecutive
10 days each year, is a full-time postsecondary education student who resided in the township
11 immediately prior to leaving for the postsecondary education, or is on active duty as a member
12 of the armed forces whose home of record is within the township. A voter's qualification as a
13 resident may be challenged in the manner provided in § 12-18-10. No election may be contested
14 on the grounds that any nonresident was allowed to vote if the nonresident was not challenged
15 in the manner provided in § 12-18-10.

16 Section 4. That § 8-3-17.1 be amended to read as follows:

17 8-3-17.1. If nominating petitions are required pursuant to § 8-3-1.1, then any voter qualified
18 to vote in a township candidate election may vote by absentee ballot as prescribed in chapter
19 12-19. Absentee voting shall be allowed for any township ballot question election and shall be
20 conducted as prescribed in chapter 12-19.

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

400H0230

SENATE HEALTH AND HUMAN SERVICES COMMITTEE ENGROSSED NO. **SB 15** - 01/16/2002

Introduced by: The Committee on Health and Human Services at the request of the
Department of Human Services

1 FOR AN ACT ENTITLED, An Act to repeal and revise certain provisions regarding the
2 composition of the mental health planning and coordination advisory council.

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

4 Section 1. That § 27A-3-1.2 be repealed.

5 ~~— 27A-3-1.2. The council shall consist of the following who shall be appointed by and serve~~
6 ~~at the pleasure of the Governor:~~

7 ~~— (1) — The secretary of the Department of Human Services, or his designee;~~

8 ~~— (2) — The executive director of the South Dakota Advocacy Services;~~

9 ~~— (3) — A director of a Department of Human Services approved community mental health~~
10 ~~center, whose term shall expire July 1, 1992;~~

11 ~~— (4) — A qualified mental health professional who provides direct services in an approved~~
12 ~~community mental health center (not a center director), whose term shall expire~~
13 ~~July 1, 1991;~~

14 ~~— (5) — A representative of the South Dakota Council of Mental Health Centers, whose term~~



- 1 shall expire July 1, 1990;
- 2 — (6) — A representative of the South Dakota Board of Regents;
- 3 — (7) — The executive director of the South Dakota Housing Development Authority, or his
- 4 designee;
- 5 — (8) — The state court administrator, or his designee;
- 6 — (9) — A qualified mental health professional from a private, nonprofit service-providing
- 7 agency other than a community mental health center, whose term shall expire July 1,
- 8 1991;
- 9 — (10) — The administrator of the South Dakota Human Services Center or his designee;
- 10 — (11) — A representative of a statewide mental health consumer organization, whose term
- 11 shall expire July 1, 1991;
- 12 — (12) — A family representative of an adult (eighteen years or over) severely mentally ill
- 13 individual, whose term shall expire July 1, 1991;
- 14 — (13) — A family representative of an adult (eighteen years or over) severely mentally ill
- 15 individual, whose term shall expire July 1, 1991;
- 16 — (14) — A family representative of a child (under eighteen years) severely mentally ill
- 17 individual, whose term shall expire July 1, 1992;
- 18 — (15) — A primary consumer of mental health services, whose term shall expire July 1, 1990;
- 19 — (16) — A primary consumer of mental health services, whose term shall expire July 1, 1991;
- 20 — (17) — A primary consumer of mental health services, whose term shall expire July 1, 1992;
- 21 — (18) — A representative of a statewide family support and advocacy group whose term shall
- 22 expire July 1, 1990;
- 23 — (19) — A public educator in a kindergarten through twelfth grade program (not a provider
- 24 or state employee), whose term shall expire July 1, 1991;

1 ~~—(20) A representative of consumers at large (not a provider or state employee), whose term~~
2 ~~shall expire July 1, 1992;~~

3 ~~—(21) A representative of consumers at large (not a provider or state employee), whose term~~
4 ~~shall expire July 1, 1990;~~

5 ~~—(22) The secretary of the Department of Social Services, or his designee.~~

6 ~~—Future terms of those members with established terms shall be three years.~~

7 Section 2. That § 27A-3-1.1 be amended to read as follows:

8 27A-3-1.1. There is created the Mental Health Planning and Coordination Advisory Council
9 which shall be appointed by and serve at the pleasure of the Governor. The council shall be
10 assigned to the Department of Human Services. Technical assistance and staff support shall be
11 provided to the council by the Department of Human Services. The secretary of human services
12 shall be responsible for the coordination of activities between the advisory council and the
13 Department of Human Services.

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

400H0182 **SENATE EDUCATION COMMITTEE ENGROSSED NO.**
SB 16 - 01/24/2002

Introduced by: The Committee on Education at the request of the Board of Regents

1 FOR AN ACT ENTITLED, An Act to provide that certain postsecondary school information
2 be given to parents and guardians of students in middle schools and high schools.

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

4 Section 1. That chapter 13-28 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 By November first each year, each school district shall provide a list of students by name in
7 grades seven to twelve, inclusive, together with their mailing addresses, to the executive director
8 of the Board of Regents. The board shall use the information to inform the parents and guardians
9 of any such student in any public middle school and high school about the courses needed to
10 prepare for postsecondary-level work and about the benefits of such preparation. However, no
11 school district may forward the name of any student whose parent has directed that the school
12 district not release directory information about the student. The board shall provide a format
13 through which the information may be submitted.

14 Section 2. That chapter 13-53 be amended by adding thereto a NEW SECTION to read as
15 follows:



1 The Board of Regents shall treat all information disclosed pursuant to this Act as confidential
2 and subject to the same restrictions that apply to personally identifiable information involving any
3 student enrolled in the universities or special schools.

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

400H0198

SENATE ENGROSSED NO. **SB 23** - 01/26/2002

Introduced by: The Committee on Commerce at the request of the Department of Commerce
and Regulation

1 FOR AN ACT ENTITLED, An Act to revise the rule-making authority for group health plans.

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

3 Section 1. That § 58-18-79 be amended to read as follows:

4 58-18-79. If any federal standards are in place which require additional steps to meet those
5 standards beyond what is required by this chapter, the director may promulgate rules, pursuant
6 to chapter 1-26, to require the offering of health insurance plans, the underwriting criteria that
7 may be utilized for such health insurance plans, the type and scope of preexisting waiting periods
8 and creditable coverage, the standards for nonrenewability of coverage, and other requirements
9 related to the availability of health insurance to employers and their employees and dependents
10 in this state in order to minimally meet the federal standards.

11 The director may also promulgate rules, pursuant to chapter 1-26, pertaining to employer
12 health benefit plans in the areas of:

- 13 (1) Definition of terms;
- 14 (2) The issuance of certificates of coverage upon loss of health insurance coverage;
- 15 (3) Determinations relative to the application of waiting periods;



- 1 (4) Special enrollment periods;
- 2 (5) Treatment of late enrollees;
- 3 (6) Preexisting condition and other waiting periods;
- 4 (7) Breaks in coverage;
- 5 (8) Affiliation periods;
- 6 (9) Nondiscrimination standards;
- 7 (10) Notices;
- 8 (11) Renewal rights;
- 9 (12) Dates of enrollment;
- 10 (13) Creditable coverages including methods of crediting coverage;
- 11 (14) Risk spreading mechanisms;
- 12 (15) Requirements pertaining to mental health benefit levels in employer group plans other
- 13 than small employer group plans; ~~and~~
- 14 (16) Continuation and conversion requirements; and
- 15 (17) Claims, provided the rules are consistent with applicable federal requirements for
- 16 claims procedures, administration, and enforcement, including 29 CFR Part 2560.

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

400H0207

SENATE COMMERCE COMMITTEE ENGROSSED NO.

SB 26 - 01/15/2002

Introduced by: The Committee on Commerce at the request of the Department of Commerce
and Regulation

1 FOR AN ACT ENTITLED, An Act to authorize a civil penalty for securities violations by
2 registered or unregistered persons or entities.

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

4 Section 1. That subsection (M) of § 47-31A-204(a) be repealed.

5 ~~—————(M) A civil penalty levied under subsection (a) shall not exceed ten thousand dollars~~
6 ~~per violation per person. All administrative fines received shall be deposited in~~
7 ~~the state general fund.~~

8 Section 2. That § 47-31A-408 be amended to read as follows:

9 47-31A-408. Whenever it appears to the director that any person has engaged or is about to
10 engage in any act or practice constituting a violation of any provision of this chapter, or any rule
11 or order hereunder, ~~he may in his discretion bring either or both of the following remedies~~ the
12 director may do one or more of the following:

13 (1) Issue a cease and desist order, with or without prior hearing, against the person or
14 persons engaged in the prohibited activities, directing them to cease and desist from



1 further illegal activities; ~~or~~

2 (2) Bring an action in the circuit court to enjoin the acts or practices to enforce
3 compliance with this chapter, or any rule or order hereunder; or

4 (3) Impose by order and collect a civil penalty against any person found in an
5 administrative action to have violated any provision of this chapter, or any rule or
6 order issued under this chapter, in an amount not to exceed ten thousand dollars per
7 violation per person. The director may bring actions to recover penalties pursuant to
8 this subdivision in circuit court. All civil penalties received shall be deposited in the
9 state general fund.

10 Upon a proper showing a permanent or temporary injunction, restraining order or writ of
11 mandamus shall be granted and a receiver or conservator may be appointed for the defendant or
12 defendant's assets. In addition, upon a proper showing by the director, the court may enter an
13 order of rescission, restitution or disgorgement directed to any person who has engaged in any
14 act constituting a violation of any provision of this chapter, or any rule or order hereunder. The
15 court may not require the director to post a bond.

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

400H0196

SENATE COMMERCE COMMITTEE ENGROSSED NO.

SB 37 - 01/17/2002

Introduced by: The Committee on Commerce at the request of the Department of Commerce
and Regulation

1 FOR AN ACT ENTITLED, An Act to modify the permissible exclusions for life insurance
2 policies.

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

4 Section 1. That § 58-15-45 be amended to read as follows:

5 58-15-45. No policy of life insurance may be delivered or issued for delivery in this state if
6 it contains any provision which excludes or restricts liability for death caused in a certain
7 specified manner or occurring while the insured has a specified status. However, a policy may
8 contain provisions excluding or restricting coverage as specified in the policy in the event of
9 death under any one or more of the following circumstances:

10 (1) Death as a result, directly or indirectly, of war, declared or undeclared, or of action
11 by military forces, or of any act or hazard of such war or action, or of service in the
12 military, naval, or air forces or in civilian forces auxiliary thereto, or from any cause
13 while a member of such military, naval, or air forces of any country at war, declared
14 or undeclared, or of any country engaged in such military action. However, this



1 exclusion is not enforceable unless the applicant is affirmatively advised at the time
2 of delivery of the policy that the policy in question contains war clause exclusions;

3 (2) Death as a result of aviation or any air travel or flight;

4 (3) Death as a result of a specified hazardous occupation or occupations;

5 (4) ~~Death while the insured is a resident outside continental United States and Canada;~~

6 or

7 ~~(5) Death within two years from the date of issue of the policy as a result of suicide, while~~
8 ~~sane or insane;~~

9 (5) Any other exclusion or restriction the director may adopt, by rule promulgated
10 pursuant to chapter 1-26, if the exclusion or restriction is in the best interest of the
11 insurance buying public.

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

400H0246

HOUSE JUDICIARY COMMITTEE ENGROSSED NO. **SB 42 - 01/28/2002**

Introduced by: The Committee on Judiciary at the request of the Attorney General

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the registration of sex
2 offenders.

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

4 Section 1. That § 22-22-30 be amended to read as follows:

5 22-22-30. For the purposes of §§ 22-22-31 to 22-22-39, inclusive, a sex crime is any of the
6 following crimes regardless of the date of the commission of the offense or the date of
7 conviction:

8 (1) Rape as set forth in § 22-22-1;

9 (2) Sexual contact with a minor under sixteen as set forth in § 22-22-7 if committed by
10 an adult and the adult is convicted of a felony;

11 (3) Sexual contact with a person incapable of consenting as set forth in § 22-22-7.2 if
12 committed by an adult;

13 (4) Incest as set forth in § 22-22-19.1 if committed by an adult;

14 (5) Photographing a child in an obscene act as set forth in § 22-22-23;

15 (6) Possession of child pornography as set forth in § 22-22-23.1;



- 1 (7) Sale of obscene pictures of a child as set forth in § 22-22-24;
- 2 (8) Kidnapping, as set forth in § 22-19-1, if the victim of the criminal act is a minor;
- 3 (9) Promotion of prostitution of a minor as set forth in subdivision 22-23-2(2);
- 4 (10) Criminal pedophilia as set forth in § 22-22-30.1;
- 5 (11) Felony indecent exposure as set forth in former § 22-24-1 or indecent exposure as set
- 6 forth in § 22-24-1.2;
- 7 (12) An attempt to commit any of the crimes listed in this section; ~~or~~
- 8 (13) Any crime committed in a place other than this state which would constitute a sex
- 9 crime under this section if committed in this state;
- 10 (14) Any federal crime or court martial that would constitute a sex crime under federal
- 11 law; or
- 12 (15) Any crime committed in another state if that state also requires that anyone convicted
- 13 of that crime register as a sex offender in that state.

14 Section 2. That § 22-22-31 be amended to read as follows:

15 22-22-31. Any person ~~residing in this state~~ who has been convicted whether upon a verdict

16 or plea of guilty or a plea of nolo contendere, or who has received a suspended imposition of

17 sentence which has not been discharged pursuant to § 23A-27-14 prior to July 1, 1995, for

18 commission of a sex crime, as defined in § 22-22-30, or any person who is a juvenile fifteen years

19 of age or older adjudicated of a sex crime, as defined in subdivision 22-22-30(1) or (9), or of

20 felony sexual contact, as defined in § 22-22-7.2, shall, within ten days of coming into any county

21 to reside ~~or, temporarily domicile for more than thirty days,~~ attend school, attend postsecondary

22 education classes, or work, register with the chief of police of the municipality in which the

23 person resides, domiciles, attends school, attends classes, or works, or, if no chief of police

24 exists, then with the sheriff of the county ~~in which the person resides~~. A violation of this section

1 is a Class 1 misdemeanor. However, any subsequent violation is a Class 6 felony. Any person
2 whose sentence is discharged under § 23A-27-14 after July 1, 1995, shall forward a certified
3 copy of such formal discharge by certified mail to the Division of Criminal Investigation and to
4 local law enforcement where the person is then registered under this section. Upon receipt of
5 such notice, the person shall be removed from the sex offender registry open to public inspection
6 and shall be relieved of further registration requirements under this section.

7 Section 3. That § 22-22-31.1 be amended to read as follows:

8 22-22-31.1. The Division of Criminal Investigation shall mail a nonforwardable verification
9 form at least once annually to the last reported address of each person registered under
10 § 22-22-31. The person shall return the verification form to the Division of Criminal
11 Investigation within ten days after receipt of any such form. The verification form shall be signed
12 by the person required to register and shall state that the person still resides at the address last
13 reported to the Division of Criminal Investigation. If the person fails to return the verification
14 form to the Division of Criminal Investigation within ten days after receipt of the form, the
15 person is in violation of the registration provisions of § 22-22-31 and is subject to the penalties
16 ~~prescribed in § 22-22-31~~ this section. Nonreceipt of a registration verification does not constitute
17 a defense to failure to comply with § ~~22-22-37~~ this section. A violation of this section is a Class
18 1 misdemeanor. Any subsequent violation is a Class 6 felony.

19 Section 4. That § 22-22-36 be amended to read as follows:

20 22-22-36. Any person required to register pursuant to §§ 22-22-30 to 22-22-39, inclusive,
21 who moves to a different residence address shall inform the law enforcement agency with whom
22 the person last registered of the new address, in writing, within ten days. The law enforcement
23 agency shall, within three days of receipt, forward the information to the Division of Criminal
24 Investigation and to the law enforcement agency having jurisdiction of the new residence. A

1 failure to register pursuant to this section is a Class 1 misdemeanor. Any second or subsequent
2 failure to register pursuant to this section is a Class 6 felony.

3 Section 5. That § 22-22-37 be amended to read as follows:

4 22-22-37. Any person required to register pursuant to §§ 22-22-30 to 22-22-39, inclusive,
5 shall annually register with the local law enforcement agency having jurisdiction of the person's
6 residence verifying the information given pursuant to § 22-22-32. A violation of this section is
7 a Class 1 misdemeanor. Any ~~third~~ second or subsequent violation of this section is a Class 6
8 felony.

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

772H0496

SENATE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **SB 114** - 01/30/2002

Introduced by: Senators Greenfield, Apa, de Hueck, and Kleven and Representatives Van Gerpen and Klautt

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to township meetings.

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

3 Section 1. That § 8-3-1.4 be amended to read as follows:

4 8-3-1.4. No township with a population of ~~six~~ twenty or ~~less~~ fewer resident voters is required
5 to publish a notice of the time and place of an annual meeting more than once in any publication.

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

7 8-3-3. Special meetings of the township electors may be held for the purpose of electing
8 township officers to fill vacancies that occur, or for the purpose of transacting any lawful
9 business ~~whenever the supervisors, township clerk, or any two of them~~ if the entire board of
10 supervisors files or if two members of the board of supervisors, together with at least twelve
11 other ~~freeholders~~ resident voters of the township, file in the office of the township clerk a written
12 statement that a special meeting is necessary for the interests of the township. However, special
13 meetings may be called in a township with a population of twenty or less resident voters by the
14 entire board of supervisors or by two members of the board of supervisors and four resident



1 voters of the township.

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

3 8-3-4. Every township clerk with whom such statement is filed as required in § 8-3-3 shall
4 record the same and immediately cause notice to be published in the same manner as provided
5 for the publication of notice of the annual township meeting. However, in a township with a
6 population of twenty or fewer resident voters, the notice of the time and place of any special
7 meeting need not be published more than once in any publication, shall be provided not less than
8 three days before the special meeting, and may be provided by first class mail in lieu of
9 publication.

10 Section 4. That § 8-3-19 be amended to read as follows:

11 8-3-19. ~~In case~~ If any township refuses or neglects to organize and elect officers at the time
12 fixed by law for holding the annual meeting, twelve ~~freeholders~~ resident voters of the township
13 may call a meeting for such purpose by notice published in the same manner as provided for the
14 publication of notice of the annual township meeting, ~~which.~~ The notice shall set forth the time,
15 place, and object of ~~such the~~ the meeting; and the voters, when assembled by virtue of such notice,
16 shall possess all the powers conferred upon them at the annual township meeting.

17 Section 5. That § 8-3-20 be amended to read as follows:

18 8-3-20. ~~In case~~ If no such notice is given as provided in § 8-3-19 within thirty days after the
19 time for holding the annual meeting, the board of county commissioners shall, on the affidavit
20 of any ~~freeholder~~ resident voter of ~~such the~~ the township, filed in the office of the county auditor
21 setting forth the facts, proceed at any regular or special meeting of the board to appoint the
22 necessary township officers, ~~and the.~~ The persons so appointed shall hold their respective offices
23 until others are elected and qualified in their places, and shall have the powers and be subject to
24 the same duties as if they had been duly elected.

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

447H0385

SENATE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **SB 129** - 01/28/2002

Introduced by: Senators Vitter and Reedy and Representatives Murschel and Gillespie

1 FOR AN ACT ENTITLED, An Act to revise the provisions related to the sale of surplus
2 property.

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

4 Section 1. That § 6-13-5 be amended to read as follows:

5 6-13-5. Sealed bids received on the surplus property shall be filed with the fiscal officer of
6 the political subdivision and shall be opened at a governing board meeting at the time specified
7 in the notice required by § 6-13-4, or the governing board may designate an official of the
8 political subdivision and a witness to open all bids before the meeting of the governing board as
9 specified in the notice required by § 6-13-4. The governing board may reject any and all bids.
10 However, if the governing board accepts a bid, it must be the bid of the highest bidder. If no bids
11 are received, the governing board may have the surplus property reappraised pursuant to § 6-13-
12 2, or may, within twelve months thereafter, sell the property at private sale for not less than
13 ninety percent of the appraised value without further publication or appraisal. If the property to
14 be sold was created as a result of an educational program in a school, the school board may
15 accept the highest bid or it may reject all bids and may ~~within twelve months thereafter~~ sell the



1 property at private sale without further publication.