

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

385I0595

SENATE ENGROSSED NO. **HB 1190** - 03/03/2003

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Representatives Pederson (Gordon), Adelstein, Haverly, Hennies, Kraus, McCoy, McLaughlin, and Van Etten and Senators Vitter, Ham, and Napoli

1 FOR AN ACT ENTITLED, An Act to limit the ability of certain municipalities to annex territory
2 in the vicinity of certain airports and to authorize noncontiguous annexation of certain
3 municipal airport property and the exercise of certain extraterritorial jurisdiction.

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

5 Section 1. That chapter 9-4 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 No other municipality may annex any territory within one and one-quarter miles of any parcel
8 of land operated as a municipal airport by an airport board organized pursuant to chapter 50-6.
9 However, if the governing body of the airport-operating municipality consents, by resolution,
10 to such a proposed annexation by another municipality, the provisions of this section do not
11 apply to the extent of the waiver provided in the consent resolution of the airport-operating
12 municipality.

13 Section 2. That chapter 9-4 be amended by adding thereto a NEW SECTION to read as
14 follows:

15 If any municipality other than a municipality that operates a municipal airport by an airport



1 board organized pursuant to chapter 50-6 has annexed between March 15, 2003, and July 1,
2 2003, any territory within one and one-quarter miles of any exterior boundary of such a
3 municipal airport, the governing body of the airport-operating municipality may, by resolution,
4 within sixty days of the date of such annexation, void all or any portion of such annexation within
5 one and one-quarter miles of the exterior boundary of such municipal airport.

6 Section 3. That chapter 9-4 be amended by adding thereto a NEW SECTION to read as
7 follows:

8 If a municipality operates an airport organized pursuant to Title 50 outside the corporate
9 limits of the municipality, the restrictions of § 9-4-1 against annexation of noncontiguous
10 territory do not apply to the annexation of the airport by such municipality. If the municipality
11 annexes such airport, the municipality may exercise extraterritorial jurisdiction pursuant to
12 chapter 11-6, but only to the extent of one and one-quarter miles of the exterior boundary of the
13 airport property. Such one and one-quarter mile extraterritorial jurisdiction supercedes the three-
14 mile extraterritorial jurisdiction of any other municipality or jurisdiction of any other
15 governmental entity, except as provided in Title 50.

16 Such one and one-quarter mile extraterritorial jurisdiction does not include property located
17 within the corporate limits of another municipality. However, the latter municipality may not
18 allow any airport hazards as defined in Title 50 in its corporate limits within the one and one-
19 quarter mile extraterritorial jurisdiction around the airport property.