

# State of South Dakota

SEVENTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2003

385I0595

SENATE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **HB 1190** - 02/26/2003

**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.

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

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

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

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

14 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 11-6 be amended by adding thereto a NEW SECTION to read as  
7 follows:

8 If a municipality operates an airport outside the corporate limits of the municipality, the  
9 municipality may exercise extraterritorial jurisdiction pursuant to §§ 11-6-11 and 11-6-26, but  
10 only within the boundaries of the municipally operated airport property and also within one and  
11 one-quarter miles of the exterior boundaries of the municipally operated airport property to the  
12 extent that such property is outside of the corporate limits of any other municipality. Such one  
13 and one-quarter miles extraterritorial jurisdiction supercedes the three-mile extraterritorial  
14 jurisdiction of any other municipality and also supercedes the jurisdiction of any other  
15 governmental entity, except as provided in Title 50.