

# State of South Dakota

SEVENTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2003

547I0640

## HOUSE LOCAL GOVERNMENT COMMITTEE

### ENGROSSED NO. **HB 1202** - 02/13/2003

Introduced by: Representatives Adelstein, Buckingham, Hennies, Kraus, McLaughlin, Pederson (Gordon), and Van Etten and Senators McCracken, Duniphan, and Ham

1 FOR AN ACT ENTITLED, An Act to provide for the annexation of certain municipal airports  
2 and to regulate certain extraterritorial jurisdiction conflicts.

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

4 Section 1. That § 9-4-1 be amended to read as follows:

5 9-4-1. The governing body of a municipality, upon receipt of a written petition describing  
6 the boundaries of any territory contiguous to that municipality sought to be annexed to that  
7 municipality, may by resolution include such territory or any part thereof within such municipality  
8 if the petition is signed by not less than three-fourths of the registered voters and by the owners  
9 of not less than three-fourths of the value of the territory sought to be annexed to the  
10 municipality.

11 For purposes of this section, "~~contiguous~~" includes territory is deemed contiguous even  
12 though separated from the municipality by reason of intervening ownership of land used as a golf  
13 course or any land owned by the State of South Dakota or any subdivisions thereof. Also for  
14 purposes of this section, territory is deemed contiguous if the separated parcel is used as an



1 airport, is operated by an airport board organized pursuant to chapter 50-6, and is within ten  
2 miles of a municipality of more than fifty thousand population which created the airport board  
3 for the purpose of operating the airport as the municipality's principal public airport. If a  
4 municipality annexes such a separate parcel which is used as an airport, the municipality may  
5 exercise the municipality's extraterritorial jurisdiction pursuant to § 11-6-26 but only within one  
6 and one-quarter miles of the separate parcel. If such one and one-quarter mile extraterritorial  
7 jurisdiction overlaps the three-mile extraterritorial jurisdiction of any other municipality, the  
8 jurisdiction of the former prevails over the jurisdiction of the latter.