State of South Dakota

NINETY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2016

474X0027

HOUSE BILL NO. #27

Introduced by: _____

FOR AN ACT ENTITLED, An Act to make form and style revisions to certain statutes regarding counties.

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

Section 1. That § 7-2-13 be amended to read as follows:

7-2-13. ~~Whenever~~ If the area of any county in this state has been altered by the changing of the boundaries and the county's commissioners do not run at large, ~~it shall be the duty of~~ the board of county commissioners ~~of such county~~, at the first regular meeting thereafter, ~~to~~ shall establish commissioner districts in ~~such~~ the county ~~and fix the~~. The board shall fix boundaries ~~thereof~~ of each district in the manner provided by law for establishing commissioner districts and changing the boundaries ~~thereof~~ of each district insofar as the same is applicable. ~~Such~~ The commissioner districts ~~so~~ established and the boundaries ~~so~~ fixed shall remain as established and fixed until ~~the same may be~~ changed as provided by law.

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

7-3-7. ~~Whenever~~ If a new county is organized or created out of an organized county in this state or in counties which have ~~heretofore~~ been divided and the liabilities and assets of the county as it existed prior to the division ~~thereof~~ of the county have not been apportioned and

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divided by the board of county commissioners of the original county and the newly organized portion ~~thereof, it shall be the duty of~~, the auditor-general of this state~~, either by himself or his duly authorized assistant, forthwith to~~ shall make an inventory of all of the assets and liabilities of ~~such~~ the original county and ~~such~~ the new county or counties and estimate the value and amount of ~~such~~ the assets and liabilities. After notice to the county commissioners of the counties affected, ~~it shall be the duty of~~ the auditor-general ~~or his assistant to~~ shall apportion the liabilities and assets of ~~such~~ the counties in the manner provided by law for the apportionment of bonded indebtedness.

Section 3. That § 7-3-18 be amended to read as follows:

7-3-18. The board of county commissioners may ~~in its discretion let~~ contract the ~~work of~~ transcribing ~~such~~ of records or any part thereof ~~by contract~~ to the lowest and best bidder~~, but in all events the~~. The person transcribing the records of any particular office shall ~~be required to~~ attach ~~his~~ the transcriber's certificate without extra cost to each ~~and every~~ instrument or matter transcribed ~~by him~~ to the effect that ~~such~~ the transcript is a full, true, and complete copy of the original instrument as it appears of record in the original county, showing book and page thereof~~; provided that on matters~~. However, for any record transcribed from the office of the county treasurer or county auditor it ~~shall only be~~ is only necessary to make one ~~such~~ certificate at the close of each book transcribed.

Section 4. That § 7-7-2.1 be amended to read as follows:

7-7-2.1. The ~~chairman~~ chair of the board of county commissioners ~~at his discretion~~ may close the courthouse in case of emergency or severe weather~~ and each such closing shall be for no more than one business day~~. The public shall be adequately notified. An emergency for the purpose of this section is an unforeseen occurrence or combination of circumstances which calls for immediate action or remedy.

Section 5. That § 7-7-21 be amended to read as follows:

7-7-21. The officer in whose office ~~such deputies or clerks are~~ a deputy or clerk is employed ~~shall have the sole power of appointing the same or removing them~~ may appoint or remove a deputy or clerk at pleasure~~, which~~. The appointment or removal shall be by a certificate in writing, and any deputy or clerk ~~so~~ appointed shall before entering upon the duties of ~~his~~ office, take and subscribe the oath or affirmation required by the Constitution~~, which~~. The oath or affirmation shall be endorsed on the certificate of appointment and filed as ~~otherwise~~ provided by law. The deputy or clerk shall furnish an official bond in ~~such~~ an amount and with ~~such~~ surety ~~or sureties as his~~ as the principal ~~may deem~~ deems proper~~, which~~. The bond shall be attached to the certificate of appointment and oath of office.

Section 6. That § 7-7-23 be amended to read as follows:

7-7-23. Any officer who ~~shall receive and appropriate to his~~ receives or appropriates for the officer's own use and benefit any part of the salary allowed any deputy or clerk employed under the provisions of this title ~~shall be~~ is guilty of theft.

Section 7. That § 7-8-24 be amended to read as follows:

7-8-24. The board of county commissioners ~~shall have power to~~ may appropriate funds for the purpose of ~~defraying necessary expense of proper~~ observance of Memorial Day each year.

Section 8. That § 7-8-26.4 be amended to read as follows:

7-8-26.4. If a county officer or employee can demonstrate to the county commission ~~that he has~~ of a condition which will leave ~~him~~ the officer or employee uninsurable upon termination of employment with the county and ~~he~~ elects not to participate in the group hospital, medical, or health insurance plans authorized by §§ 7-8-26 and 7-8-26.1, the board of county commissioners may enter into individual hospital, medical, or health contracts to provide for the protection and benefit of the officer or employee and ~~his~~ immediate family. The board may

pay all or part of the necessary premiums for the coverage of the officer or employee and ~~his~~ immediate family. However, the monthly premium for an individual contract ~~shall~~ may not exceed the monthly premium for the group plan established in the county pursuant to §§ 7-8-26 and 7-8-26.1.

Section 9. That § 7-8A-4 be amended to read as follows:

7-8A-4. The board of county commissioners may appoint ~~as county manager~~ any county officer or employee ~~deemed to be qualified~~ to be the county manager by reason of ~~his~~ training, experience, and administrative qualifications. If any county officer or employee is appointed county manager, the officer or employee shall resign ~~his~~ the office or position and terminate ~~his~~ office responsibilities before assuming the office of county manager.

Section 10. That § 7-9-5 be amended to read as follows:

7-9-5. No register of deeds ~~shall~~ may accept for record or record any deed, mortgage, or other conveyance of any platted plot of land until the plat thereof ~~shall have~~ has been accepted for record in ~~his~~ the register of deed's office.

Section 11. That § 7-10-3 be amended to read as follows:

7-10-3. The county auditor shall ~~also~~ at the close of each calendar month list all cash and cash items ~~in the hands of~~ held by the county treasurer and ~~at the same time~~ verify the balances in the several bank depositories. ~~He~~ The county auditor shall ~~make a~~ report ~~of the same~~ to the board of county commissioners at each regular meeting~~, showing~~ the bank balances, the total amount of actual cash, the total amount of checks and drafts which have been in the treasurer's possession not exceeding three days~~, and he shall make in detail~~. The county auditor shall also submit an itemized report of all cash items, checks, and drafts which have been in the treasurer's possession over three days~~, which~~. This report shall be made a part of the county commissioners' proceedings.

Section 12. That § 7-10-9 be amended to read as follows:

7-10-9. An action may be brought against the county auditor and the sureties upon ~~his~~ the official bond, in the name of the state and for its use, or for the use of any county or person injured by the misconduct in office of the auditor, or by the omission of any duty required of ~~him~~ the auditor by law.

Section 13. That § 7-11-1 be amended to read as follows:

7-11-1. The county treasurer is the collector of taxes. ~~He~~ The treasurer shall ~~keep his~~ maintain an office at the county seat. ~~It is his duty to~~ The treasurer shall receive all money belonging to the county from whatever source derived and other money which by law is directed to be paid to ~~him~~ the treasurer.

Section 14. That § 7-11-2 be amended to read as follows:

7-11-2. ~~Whenever~~ If the county treasurer ~~in furnishing the bond required of him by law shall~~ is required to furnish a bond executed by a surety company legally authorized to transact business in this state, upon the approval of ~~such~~ the bond by the county commissioners, the county shall pay the premium for ~~such~~ the bond.

Section 15. That § 7-11-4 be amended to read as follows:

7-11-4. The county treasurer shall ~~be charged with the amount of all tax lists in his hands for collection and credited with the amounts collected thereon and~~ collect and credit the taxes on behalf of the county and maintain the delinquent taxpayer list.

Section 16. That § 7-11-4.1 be amended to read as follows:

7-11-4.1. ~~A~~ No county treasurer may ~~not~~ be held personally liable for insufficient or no account checks issued to ~~him~~ the treasurer for the licensure of snowmobiles, ~~cars, trucks~~ motor vehicles, trailers, motorcycles, and manufactured homes, if the county treasurer has exercised due diligence and has taken the following steps:

1 (1) Required positive identification of the ~~individual~~ person presenting the check~~. Such~~
2 ~~identification shall include, but not be limited to, a valid driver's license~~; and
3 (2) Within a thirty-day period of receiving notice that the check has been dishonored,
4 instituted a collection process on the check.
5 Section 17. That § 7-11-5 be amended to read as follows:
6 7-11-5. ~~It shall be the duty of the~~ The county treasurer ~~to~~ shall account for and pay into the
7 treasury of the county all money~~, funds, and sums directly or indirectly~~ received by ~~him by~~
8 ~~virtue of his office and also all sums received by him as interest or compensation for the use,~~
9 ~~deposit, or forbearance of any county money or funds in his hands or under his control~~ the
10 treasurer and interest received on deposits.
11 Section 18. That § 7-11-6 be amended to read as follows:
12 7-11-6. All money received by the county treasurer for the use of the county ~~shall~~ may only
13 be disbursed by ~~him only~~ the treasurer on the warrant of the county auditor drawn according to
14 law~~, and all~~. All money shall be paid over by ~~him~~ the treasurer at the time and in the manner
15 provided by law.
16 Section 19. That § 7-11-9 be amended to read as follows:
17 7-11-9. ~~Whenever~~ If the treasurer receives any money, warrants, or orders on any account
18 other than taxes charged on the tax duplicate, ~~he~~ the treasurer shall make out duplicate receipts
19 ~~for the same, one of which~~. One receipt shall be delivered to the person paying ~~such~~ the money,
20 warrant, or order and the other receipt shall ~~within one week~~ be filed ~~by the treasurer~~ with the
21 auditor ~~in order that the treasurer may be charged with the amount thereof~~ within one week.
22 Section 20. That § 7-11-17 be amended to read as follows:
23 7-11-17. The books, accounts, and vouchers of the county treasurer and all money, warrants,
24 or orders remaining in the treasury shall at all times be subject to the inspection and examination

of the board of county commissioners~~; and at~~, including the regular meetings of the board in January and July of each year and at ~~such~~ any other times as ~~it may direct, he~~ the board directs. The treasurer shall settle with ~~it his~~ the board the accounts ~~as~~ kept by the treasurer.

~~He~~ The treasurer shall exhibit for that purpose all ~~of his~~ books, accounts, and money, and all vouchers relating to the same to be audited and allowed~~, which~~. The vouchers shall be retained by the board as evidence of ~~his~~ the treasurer's settlement and if found correct, the account shall be so certified~~; if not, he shall be~~. If it is found incorrect, the treasurer is liable on ~~his~~ the bond.

Section 21. That § 7-11-18 be amended to read as follows:

7-11-18. If any county treasurer ~~shall fail~~ fails to make return or settlement or to pay over all money with which ~~he~~ may stand charged at the time and in the manner prescribed by law, ~~it shall be the duty of~~ the county auditor, on receiving instructions from the state auditor or from the county commissioners, ~~to cause suit to be instituted~~ shall institute a suit against ~~such~~ either the treasurer ~~and his sureties or any of them~~ or the surety, or both, in the circuit court of ~~his~~ the county.

Section 22. That § 7-11-19 be amended to read as follows:

7-11-19. The making of profit and converting the ~~same to his~~ profit to private use or benefit, directly or indirectly, by the county treasurer out of any money in the county treasury with the custody of which ~~he~~ the treasurer is charged, by using, loaning, or depositing the ~~same~~ profit in any manner, is theft. In addition the treasurer ~~shall also be~~ is liable upon ~~his~~ the official bond for the profits realized by ~~such~~ the unlawful ~~using of such~~ use of the county funds.

Section 23. That § 7-12-1 be amended to read as follows:

7-12-1. The sheriff shall keep and preserve the peace within ~~his~~ the county~~, for which purpose he is empowered to~~. The sheriff may call to ~~his~~ aid ~~such persons~~ any person or power

of ~~his~~ the county as ~~he may deem~~ the sheriff deems necessary. ~~He must~~ The sheriff shall pursue and apprehend all felons, and ~~must~~ shall execute all writs, warrants, and other process from any court or magistrate which ~~shall be directed to him by~~ the sheriff has the legal authority.

Section 24. That § 7-12-2 be amended to read as follows:

7-12-2. The sheriff shall keep ~~his~~ the office at the county seat, serve or post all notices ~~he may receive~~ received from the county auditor or the board of county commissioners, and perform ~~such~~ other duties as ~~are~~ prescribed by ~~the laws of this state~~ law.

Section 25. That § 7-12-4 be amended to read as follows:

7-12-4. ~~It shall be the duty of the~~ The sheriff ~~to~~ shall comply with all orders of the attorney general ~~or his agents~~ and at all times, whether on duty under the call of the attorney general ~~or his agents~~ or not~~, to see to it as far as may be possible that~~. The sheriff shall faithfully execute and enforce all the laws of this state and especially all laws relating to alcoholic beverages ~~are faithfully executed and enforced~~.

Section 26. That § 7-12-5 be amended to read as follows:

7-12-5. The sheriff shall furnish to the attorney general ~~or his agents~~ from time to time any information regarding conditions in ~~his~~ the county that may be required~~, and it shall be his duty to inform himself of~~. The sheriff shall pursue all violations of the criminal laws of this state, ~~to~~ notify the state's attorney ~~thereof, to~~ of violations, collect preliminary information, file criminal complaints ~~or preliminary informations therefor~~, and ~~to~~ arrest and assist in the prosecution of persons charged ~~therewith~~.

Section 27. That § 7-12-6 be amended to read as follows:

7-12-6. ~~When~~ If the sheriff is sued, the coroner shall serve the papers on ~~him, and his~~ the sheriff. The return on all papers served by ~~him shall have~~ the coroner has the same credit as the sheriff's return~~, and he~~. The coroner shall receive the same fees as the sheriff receives for like

1 services.

2 ~~When~~ If the sheriff is disqualified or incapacitated, a deputy sheriff shall exercise the powers
3 and duties of the office of sheriff so far as such disqualification or incapacity of the sheriff
4 ~~involved same~~ is required or needed.

5 Section 28. That § 7-12-11 be amended to read as follows:

6 7-12-11. The sheriff ~~shall be~~ is responsible for the acts of each ~~such~~ deputy, jailer, and clerk
7 in the performance of the duties of ~~his~~ the sheriff's office~~, provided, however, that the~~. The
8 sheriff may summarily relieve any deputy, jailer, or clerk of any or all official responsibilities
9 and duties~~, summarily~~.

10 Section 29. That § 7-12-20 be amended to read as follows:

11 7-12-20. If any sheriff or other officer serves any summons, subpoena, bench warrant,
12 venire, or other process in any action to which the state is a party, the officer shall ~~be required~~
13 ~~to~~ endorse upon the writ or process or upon a paper attached thereto, at the time ~~he makes his~~
14 of the return of service thereon, a statement of ~~his~~ the fees for the service, the number of miles
15 traveled, and the amount of ~~his~~ mileage~~, and in case he shall fail~~. If the sheriff fails to make ~~his~~
16 the return with the statement and file the ~~same~~ return with the clerk of the court from which the
17 process issued~~,~~ before judgment ~~shall be~~ is pronounced in the action to which the process
18 relates, ~~he shall~~ the sheriff may not receive ~~no fees~~ any fee for the service~~, and the~~. The county
19 commissioners of the county where the service is performed are also prohibited from allowing
20 the ~~same~~ reimbursement. No fee may be required of a county, its officers, or board of county
21 commissioners in any action commenced by the county.

22 Section 30. That § 7-12-23 be amended to read as follows:

23 7-12-23. ~~Whenever~~ If any person accused of a public offense is taken before a judge in
24 chambers for the purpose of entering a plea of guilty, and ~~shall receive~~ receives a penitentiary

1 sentence, the sheriff shall be ~~allowed the same fees and expenses as are provided for in~~
2 reimbursed pursuant to §§ 7-12-21 and 7-12-22~~, to be paid as therein provided~~.
3 ~~In all such cases when~~ If a penitentiary sentence is not imposed, ~~he shall be allowed his~~ the
4 sheriff shall be reimbursed for the actual expenses ~~and four dollars per day for the time~~
5 ~~necessarily employed in~~ for conveying ~~such~~ the person to and from the judge by the nearest
6 traveled route~~, to be paid~~. This payment shall be made by the county ~~wherein~~ where the alleged
7 offense was committed.
8 Section 31. That § 7-16-16 be amended to read as follows:
9 7-16-16. The state's attorney and ~~his~~ the state's attorney's deputy and special agents are
10 entitled to receive from the county ~~their~~ the necessary traveling and hotel expenses~~, including~~
11 ~~necessary telephone and telegraph bills,~~ while traveling for the purpose of making investigations
12 and attending to the duties of ~~their~~ office either within or without the state. The county treasurer
13 shall pay the expenses upon the presentation of itemized vouchers approved by the state's
14 attorney. ~~When~~ If the state's attorney ~~or his~~, the deputy, or special agent ~~uses his own automobile~~
15 ~~or conveyance, he~~ used a personal motor vehicle, the person is entitled to receive not more than
16 the state rate for each mile necessarily traveled.
17 Section 32. That § 7-16-17 be amended to read as follows:
18 7-16-17. If the state's attorney of one county ~~shall be~~ is requested to go to another county or
19 from one part to another part of ~~his~~ the county to transact any business as state's attorney, ~~he~~ the
20 state's attorney shall be paid by ~~his~~ the county the amount of ~~his~~ the necessary expenses in
21 transacting ~~such~~ the business in addition to the salary fixed by the county board.
22 Section 33. That § 7-16-19 be amended to read as follows:
23 7-16-19. In ~~counties~~ any county of over fifty thousand population and any other county
24 where the board of county commissioners so designates, the state's attorney shall be a full-time

position and the state's attorney may not be counsel or attorney in any action, civil or criminal, in the courts of this state except when acting on behalf of ~~his~~ the county or the State of South Dakota.

Section 34. That § 7-16-19.1 be amended to read as follows:

7-16-19.1. The state's attorney of a county not employing a full-time state's attorney may maintain the Office of State's Attorney at ~~his~~ the state's attorney regular business address. The board of county commissioners may provide ~~him~~ the state's attorney an allowance for fixed office overhead expenses in lieu of furnishing office space at the courthouse.

Section 35. That § 7-16-20 be amended to read as follows:

7-16-20. ~~It shall be the~~ The state's ~~attorney's duty~~ attorney, whenever ~~he shall receive~~ any money for fines, forfeitures, recognizances, penalties, or costs~~, to~~ is received, shall deliver to the officer or person paying the same, duplicate receipts, one ~~of which~~ receipt shall be filed by ~~such~~ the officer or person in the office of the county treasurer.

Section 36. That § 7-16-21 be amended to read as follows:

7-16-21. The state's attorney shall pay over to the county treasurer all money ~~he may receive as such~~ received as the state's attorney within ten days after ~~he receives it and~~ it is received. The state's attorney shall file with the county auditor a complete list of the amount so paid showing all fees and costs received in civil actions in which the county is the successful party, as well as all fines, recognizances, forfeitures, penalties, or costs received by ~~him, specifying in each instance~~ the state's attorney. The state's attorney shall specify the name of each person from whom ~~he may have received such~~ money was received, the particular amount paid by each person, and the cause for which each payment was made. A state's attorney who neglects to account for or pay over the money received ~~by him~~ as required by this section is guilty of theft.

Section 37. That § 7-16-22 be amended to read as follows:

1 7-16-22. ~~It shall be the duty of the~~ The county treasurer, in ~~his~~ the treasurer's official name
2 and capacity, ~~to~~ shall cause an action to be instituted upon the bond of ~~such~~ the state's attorney
3 for the recovery of the money so received and unpaid by ~~him~~ the state's attorney.
4 Section 38. That § 7-16A-9 be amended to read as follows:
5 7-16A-9. A public defender ~~and his assistants~~ shall represent any indigent person who is:
6 (1) Detained by a law enforcement officer without charge or judicial process;
7 (2) Arrested or charged with having committed a crime or of being a juvenile delinquent;
8 (3) Detained under a conviction of a crime, juvenile delinquency, or mental illness; or
9 (4) Otherwise an indigent person entitled to representation by law, to the same extent as
10 a person having his or her own counsel, and with the necessary services and facilities
11 of representation, including investigation and other preparation, authorized or
12 approved by a court.
13 Section 39. That § 7-16A-12 be amended to read as follows:
14 7-16A-12. If at any stage of proceedings, including appeal or other post-judgment
15 proceedings, a public defender is unable to represent an indigent person, because of a conflict
16 of interest or other good cause, the court concerned may assign a substitute private attorney to
17 represent ~~him~~ the indigent person.
18 A substitute attorney has the same duty to the indigent person as the public defender for
19 whom ~~he~~ the attorney is substituted. The court shall prescribe reasonable compensation for the
20 substitute attorney and approve the expenses necessarily made by ~~him~~ the attorney for the
21 defense of the indigent person in the manner ~~prescribed in~~ pursuant to § 23A-40-8.
22 Section 40. That § 7-16A-18 be amended to read as follows:
23 7-16A-18. A public defender shall keep appropriate records for each indigent represented
24 by ~~his~~ the public defender's office. A public defender shall submit an annual report to ~~his~~ the

1 advisory committee showing the number of persons represented by ~~his~~ the public defender's
2 office, the crimes involved, the outcome of each case, and the expenditures made in carrying
3 out ~~his~~ the public defender's responsibilities.
4 Section 41. That § 7-16B-13 be amended to read as follows:
5 7-16B-13. There is established at the association of county commissioners a county legal
6 expense relief fund administered by the county legal expense relief board created pursuant to
7 § 7-16B-22. Expenditures from the fund shall be approved by the board.
8 Section 42. That § 7-16B-15 be amended to read as follows:
9 7-16B-15. ~~If thirty-five or more counties elect to participate in the county legal expense~~
10 ~~relief fund prior to November 1, 1993, the~~ The county legal expense relief board ~~established in~~
11 ~~§ 7-16B-22 shall establish administrative~~ shall promulgate rules, pursuant to chapter 1-26,
12 regarding the procedure and requirements for allowing additional counties to participate in the
13 fund, the procedure and requirements for allowing participating counties to withdraw from the
14 fund, and other policies to facilitate the administration, distributions, and assessments associated
15 with the fund.
16 Section 43. That § 7-16B-16 be amended to read as follows:
17 7-16B-16. Any participating county may apply to the board for funds from the county legal
18 expense relief fund if that county has incurred expenses related to any one criminal prosecution
19 resulting in a court trial that are in excess of twenty-five thousand dollars.
20 The application shall include such information as the board may prescribe. ~~No claim may~~
21 ~~be paid for any legal expenses related to a criminal prosecution resulting in a court trial which~~
22 ~~were incurred before July 1, 1994.~~
23 Section 44. That § 7-18-2 be amended to read as follows:
24 7-18-2. The board of county commissioners shall procure and keep a seal with ~~such~~

1 emblems and devices as ~~it may think proper, which~~ the board deems proper. This shall be the
2 seal of the county~~, and no other seal shall be used by~~ and the county auditor may not use any
3 other seal.

4 Section 45. That § 7-18-3 be amended to read as follows:

5 7-18-3. At its regular meeting in January of each year the board of county commissioners
6 shall designate three legal newspapers printed in the county as official newspapers. If there are
7 not three legal newspapers within the county, then as many newspapers that are legal
8 newspapers. No more than two newspapers within the same municipality may be designated as
9 official newspapers by the county, if there are other legal newspapers published elsewhere
10 within the county.

11 The board shall publish a full and complete report of all its official proceedings at all regular
12 and special meetings and shall publish proceedings as soon after any meeting as practicable. The
13 board shall pay for publishing the proceedings at a rate not to exceed ninety percent of the legal
14 line rates for weekly newspapers and not to exceed the legal line rate for daily newspapers, as
15 provided in chapter 17-2.

16 All notices required by law to be published by the county auditor shall also be published in
17 the official newspapers. If any notice includes a legal description of property outside the
18 incorporated limits of a municipality, the notice may include a physical description of the
19 property from the nearest incorporated municipality.

20 Section 46. That § 7-18-3.1 be amended to read as follows:

21 7-18-3.1. The name of any person receiving or who is entitled to poor relief as provided in
22 chapter 28-13 ~~shall~~ may not be published as a part of the minutes of county commissioners
23 meetings as provided in § 7-18-3.

24 Section 47. That § 7-18-4 be amended to read as follows:

7-18-4. ~~The editor, publisher, or foreman of each~~ Each official newspaper~~,~~ shall file ~~or cause to be filed with the county auditor~~ an affidavit of publication with the county auditor, executed in due form, of all legal official publications ~~so made; provided, however, that not more than two newspapers within the same municipality shall be so designated, if there are other legal newspapers published elsewhere within~~ made by the county.

Section 48. That § 7-18-5 be amended to read as follows:

7-18-5. ~~It shall be the duty of the~~ The county auditor ~~to~~ shall make a full and complete report of the proceedings of each regular and special meeting of the board~~, and to transmit the same to the publishers of~~ and send a copy to the official newspapers. ~~Such~~ The report shall be ~~made out and transmitted~~ sent within one week from the time ~~such~~ each meeting is held.

Section 49. That § 7-18-9 be amended to read as follows:

7-18-9. The board of county commissioners ~~is authorized to~~ may condemn private property for public purposes in the manner and to the extent ~~hereinafter~~ provided by law.

~~Whenever~~ If the board of county commissioners ~~shall deem~~ deems it necessary to condemn private property for the purpose of opening, constructing, changing, relocating, maintaining, repairing, or extending any highway or bridge within its county, or for the purpose of erecting, repairing, or extending any courthouse, jail, or other public building, and of acquiring other or additional ground therefor, or for the purpose of providing cut slopes, borrow pits, or channel changes, or to afford unobstructed vision on said highways in said county at any point of danger to public travel, for right-of-way and borrow pit, or for the purpose of making any other public improvement or to acquire private property for any public use authorized by law~~, such~~. The board shall by resolution ~~and order~~ declare ~~such~~ an appropriation necessary to be made~~, stating~~ and state the purpose ~~thereof~~ and ~~the~~ extent of ~~such~~ the appropriation~~, and thereupon proceedings for such condemnation and appropriation shall be had as provided by law~~.

1 Nothing ~~herein shall~~ in this section may be construed as authorizing county commissioners
2 to condemn property for county courthouse or jail site until a majority of the voters of a county
3 ~~shall~~ have voted in favor of the erection of a courthouse or jail.
4 Section 50. That § 7-18-10 be amended to read as follows:
5 7-18-10. Any county of this state may, through its board of commissioners, enter into
6 agreements with and receive grants from ~~the United States Bureau of Outdoor Recreation or its~~
7 ~~successor~~ federal agencies.
8 Section 51. That § 7-18A-12 be amended to read as follows:
9 7-18A-12. Each person who has circulated a petition shall, before filing the petition, sign
10 an affidavit, under oath, verifying that he or she circulated the petition and that either ~~he~~ the
11 circulator or the signer added the signer's place of residence and date of signing. If multiple
12 sheets of paper are necessary to obtain the required number of signatures, each sheet shall be
13 self-contained and separately verified by the circulator.
14 Section 52. That § 7-18A-13 be amended to read as follows:
15 7-18A-13. ~~When~~ If a petition to initiate is filed with the auditor, ~~he~~ the auditor shall present
16 it to the board of county commissioners at its next regular or special meeting. The board shall
17 enact the proposed ordinance or resolution and shall submit it to a vote of the voters in the
18 manner prescribed for a referendum within sixty days after the final enactment. However, if the
19 petition is filed within three months prior to the primary or general election, the ordinance or
20 resolution may be submitted at the primary or general election.
21 Section 53. That § 7-18A-14 be amended to read as follows:
22 7-18A-14. No initiated ordinance or resolution ~~shall become operative~~ is effective unless
23 approved by a majority of the votes cast for and against the ~~same~~ ordinance or resolution. If ~~so~~
24 approved, ~~it shall take~~ the ordinance or resolution takes effect upon the completion of the

canvass of the election returns~~ relating thereto~~.

Section 54. That § 7-18A-26 be repealed.

~~7-18A-26. All county ordinances in effect on July 1, 1975, shall become void unless, prior to July 1, 1978, they have been compiled and published in book form as provided in § 7-18A-27.~~

Section 55. That § 7-19-1 be amended to read as follows:

7-19-1. The state's attorney ~~is authorized to~~ may commence and prosecute actions in the name of and on behalf of the county~~, as hereinafter~~ as provided in this chapter.

~~Whenever~~ If in the opinion of the state's attorney the commencement and prosecution of any action is necessary to protect the interests of the county in any matter or to recover any money due the county from any person, ~~he~~ the state's attorney may present to the judge of the circuit court of the circuit in which the county is situated a summons and complaint in such matter and ask leave of the judge to commence such action. If it ~~shall appear to such~~ appears to the judge that the interests of the county presumably require the prosecution of ~~such~~ the action, ~~he shall make an endorsement to that effect on~~ the judge shall endorse the summons~~ and thereupon~~. Then the state's attorney ~~shall have power to~~ may commence and prosecute ~~such~~ the action.

Section 56. That § 7-19-2 be amended to read as follows:

7-19-2. ~~Whenever~~ If any real estate ~~shall be~~ is advertised to be sold at execution sale, held pursuant to any judgment in an action to which any county shall be a party, the board of county commissioners of ~~such~~ the county may instruct the county auditor to bid ~~in such~~ on the real estate in the name of the county~~ and~~. The commissioners shall fix the maximum price ~~to be by him~~ for the auditor to bid for ~~such~~ the real estate. ~~It shall be the duty of the~~ The county auditor upon the receipt of ~~such~~ the instructions ~~to~~ shall attend ~~such~~ the sale~~ and, in case no more~~. The county auditor shall ~~be~~ bid ~~for such~~ on the real estate~~ than~~, but may not exceed the maximum

1 amount fixed by ~~such~~ the board~~, to~~. The county auditor shall purchase ~~such~~ the real estate at the
2 lowest price at which the ~~same~~ real estate can be procured. Any county ~~is authorized to~~ may
3 hold in its own name and for its own benefit all real estate acquired under the provisions of this
4 section.

5 Section 57. That § 7-20-1 be amended to read as follows:

6 7-20-1. The county treasurer shall deposit and at all times keep on deposit the money ~~in his~~
7 ~~possession as county treasurer~~ in state or national banks within the county. ~~In the event that such~~
8 If the deposits exceed the limit prescribed in § 7-20-10 or if there is but one bank located within
9 the county then ~~such~~ the deposits may be made in other banks or branch banks within an
10 adjacent county of this state having an approved and responsible financial standing. ~~Any such~~
11 A bank may apply for the privilege of keeping ~~such~~ the county funds ~~upon the conditions herein~~
12 ~~prescribed and~~ shall state in the application the amount of money desired. If bond or securities
13 are segregated as provided in § 4-6A-3, ~~it shall be the duty of~~ the board of county
14 commissioners ~~to~~ shall approve ~~such~~ the application.

15 Section 58. That § 7-20-12 be amended to read as follows:

16 7-20-12. Any county officer neglecting or refusing to comply with the provisions of §§ 7-20-
17 1 to 7-20-11, inclusive, ~~shall be~~ is subject to removal from office. ~~The~~ No county treasurer ~~shall~~
18 ~~not be~~ is liable on ~~his~~ the county treasurer's official bond for any loss of money deposited in
19 compliance with the provisions of ~~said~~ these sections.

20 Section 59. That § 7-20-14 be amended to read as follows:

21 7-20-14. The limit of deposit which may be carried or deposited in any ~~such~~ bank by the
22 county treasurer, as provided in § 7-20-10, ~~shall~~ does not apply to ~~banks~~ any bank designated
23 as active depositories~~; provided however, that in no event shall the~~. However, no county
24 treasurer may deposit in ~~such banks~~ a bank more than the limit provided for by § 7-20-10 unless

~~he shall first receive~~ the county treasurer receives express authority from the board of county commissioners evidenced by a resolution of such board~~, duly entered,~~ authorizing the deposit of a greater amount.

Section 60. That § 7-21-17 be amended to read as follows:

7-21-17. ~~Every~~ Each contract made in violation of the provisions of § 7-21-16 ~~shall be~~ is null and void in regard to any obligation thereby purported to be imposed on the county~~, but every such~~. However, any officer who ~~makes or participates in making or authorizes the making of any such~~ made or authorized the contract ~~shall be~~ is individually liable for its performance.

~~Every such~~ Each officer present when ~~such~~ the unlawful contract is made, or authorized to be made ~~shall be~~ is deemed to have participated in the making or authorization ~~thereof, as the case may be~~ of the contract, unless ~~he~~ the officer dissents therefrom and enters, or causes to be entered, such dissent on the records of ~~such~~ the county.

Section 61. That § 7-22-1 be amended to read as follows:

7-22-1. Before any account, claim, or demand against any county for any obligation, property, or services for which ~~such~~ the county is liable may be allowed, the person ~~having such~~ who has the account, claim, or demand~~, either by himself or agent,~~ shall:

(1) ~~Reduce the same to writing, and shall~~ Submit in writing and verify ~~the same to the effect that such~~ that the account is just and true, that the money ~~therein~~ charged was actually paid for the purposes ~~therein~~ stated; that the property ~~therein~~ charged for was actually delivered or used for the purposes ~~therein~~ stated, and was of the value ~~therein~~ charged; and that the services ~~therein~~ charged were actually rendered and of the value as charged~~, or in case such~~. If the services were official, for which fees are prescribed by law, that the fees and amounts charged ~~therefore are such as~~ for the services are allowed by law; and that no part of ~~such~~ the account, claim, or demand has been paid;

or

(2) Present an invoice or verification which shall be attached to a county voucher, the latter being signed or verified by the county official who purchased the property or had the services rendered to the effect that ~~such~~ the account is just and true; that the money ~~therein~~ charged was actually paid for the purposes ~~therein~~ stated; that the property ~~therein~~ charged for was actually delivered or used for the purposes ~~therein~~ stated, and was of the value ~~therein~~ charged; and that the services ~~therein~~ charged for were actually rendered and of the value as charged~~, or in case such~~. If the services were official, for which fees are prescribed by law, that the fees and amounts charged ~~therefore are such as~~ for the service are allowed by law; and that no part of ~~such~~ the account, claim or demand has been paid.

The provisions of this section do not apply to any claim or demand for the per diem of jurors or witnesses fixed by law.

Section 62. That § 7-22-8 be amended to read as follows:

7-22-8. The treasurer of each organized county shall ~~provide himself with and~~ keep a warrant register which register shall show in a column arranged for that purpose the number, date, and amount of each warrant presented, the particular fund upon which the ~~same~~ warrant is drawn, the date of presentation, the name and address of the person in whose name the ~~same~~ warrant is registered, the date of payment when made, the amount of interest, and the total amount paid ~~thereon~~, with the date when notice to the person in whose name ~~such~~ the warrant is registered is mailed~~, as hereinafter provided~~.

Section 63. That § 7-22-9 be amended to read as follows:

7-22-9. ~~Whenever~~ If any warrant ~~shall be~~ is presented to the treasurer for payment and ~~there shall be~~ no funds in the treasury have been appropriated for that purpose, the treasurer shall

1 enter ~~such~~ the warrant in ~~his~~ the warrant register for payment in the order of presentation~~; and,~~
2 ~~upon such warrant so registered, he~~. The treasurer shall endorse on the warrant the registry
3 number, date of registration, and the words "Not paid for want of funds," and sign ~~such~~ the
4 endorsement~~; provided however, that nothing in this chapter shall be construed to require the~~
5 ~~holder of any warrant to register the same~~.
6 Section 64. That § 7-22-13 be amended to read as follows:
7 7-22-13. Any warrant holder who ~~shall fail~~ fails to present ~~his~~ a warrant to the treasurer
8 within thirty days after the treasurer ~~shall have mailed him written notice to present the same~~
9 has mailed written notice to the holder, addressed to ~~such~~ the holder's last known address, ~~shall~~
10 ~~lose his~~ loses the right to payment ~~in order provided in~~ pursuant to § 7-22-12. No holder of a
11 registered warrant ~~shall be~~ is entitled to payment in the order provided in § 7-22-12 unless ~~he~~
12 ~~shall first have~~ the holder has filed with the treasurer a description of the warrant or warrants
13 held by ~~him~~ the holder, and ~~his~~ the holder's name and post office address.
14 Section 65. That § 7-22-15 be amended to read as follows:
15 7-22-15. All ~~such~~ registered warrants shall be paid in the order of ~~their~~ registration and ~~it~~
16 ~~shall be the duty of every such~~ the treasurer, as soon as money sufficient for the payment of ~~such~~
17 the warrants is received to the credit of the particular fund upon which the ~~same~~ warrants are
18 drawn, to immediately notify by mail the persons in whose names the ~~same~~ warrants are drawn
19 ~~or, if he shall receive~~. If the treasurer receives written notice from some other person that ~~he~~
20 such person is the holder of ~~any such~~ the warrant, then the treasurer shall notify ~~such~~ the other
21 person and ~~thereupon~~ interest upon ~~such~~ the warrants shall cease ~~and the~~. The treasurer shall pay
22 and cancel ~~such~~ the warrants upon presentation ~~thereof~~ of the written notice.
23 Section 66. That § 7-22-16 be amended to read as follows:
24 7-22-16. No county treasurer ~~shall~~ may either directly or indirectly contract for or purchase

1 any warrant issued by the county ~~of which he is~~ for which the treasurer ~~at~~ receives any discount
2 whatever upon the sum due on ~~such~~ the warrant~~; and if any county~~. If the treasurer ~~shall so~~
3 ~~contract~~ contracts for or purchase any ~~such~~ warrant, ~~he shall not be~~ the treasurer is not allowed
4 in settlement the amount of ~~such~~ the warrant or any part ~~thereof and~~ of the warrant. The
5 treasurer shall forfeit the whole amount due on ~~such~~ the warrant to be recovered by civil action
6 at the suit of the state for the use of the county.

7 Section 67. That § 7-25-8 be amended to read as follows:

8 7-25-8. One copy of the plans and specifications for any building ~~or buildings~~ to be erected
9 shall be ~~and remain~~ on file in the office of the county auditor at all times from the beginning of
10 the publication of the advertisement for bids until the completion of the building~~ or buildings~~.
11 Any county auditor who ~~shall allow or permit~~ allows or permits the original of any building
12 plans or specifications filed in ~~his~~ the office~~, as in this section provided,~~ to be ~~taken away~~
13 removed from ~~his~~ the office ~~after the same shall have been filed~~ commits a petty offense.

14 Section 68. That § 7-25-12 be amended to read as follows:

15 7-25-12. The board ~~must further~~ shall require a bond from the contractor in a sum equal to
16 the contract price, conditioned that the contractor ~~will execute his~~ executes the contract and
17 ~~complete~~ completes the building ~~or buildings~~ according to the plans and specifications and to
18 the full satisfaction of the board~~, and~~. The contractor shall account for all moneys paid to ~~him~~
19 the contractor and pay all bills and claims on account of labor or materials furnished in and
20 about the performance of the contract including all demands of subcontractors~~, such~~. The bond
21 ~~to~~ shall stand as security for ~~all such~~ the bills, claims, and demands and ~~to~~ be a surety bond
22 issued by ~~some~~ a surety company authorized to do a surety bonding business in the state or a
23 personal bond with sufficient sureties, to be approved by the board of county commissioners.

24 Section 69. That § 7-25A-17 be amended to read as follows:

1 7-25A-17. Each member of the board of supervisors shall receive ~~for his services~~ an amount
2 not to exceed one hundred dollars per month or an amount established by the electors at
3 referendum. In addition, each supervisor shall receive travel and per diem expenses as set by the
4 board.

5 Section 70. That § 7-25A-21 be amended to read as follows:

6 7-25A-21. The board shall designate a person as treasurer of the district, who ~~shall have~~ is
7 in charge of the funds of the district. The funds ~~shall~~ may only be disbursed ~~only~~ upon the order,
8 or pursuant to the resolution, of the board by warrant or check countersigned by the treasurer
9 and by such other person as may be authorized by the board. The board may give the treasurer
10 other or additional powers and duties as the board ~~may deem~~ deems appropriate and may fix ~~his~~
11 the compensation for the treasurer. The board may require the treasurer to give a bond in such
12 amount, on such terms, and with such sureties as ~~may be~~ is deemed satisfactory to the board to
13 secure the performance by the treasurer of ~~his~~ the powers and duties.

14 Section 71. That § 7-27-19 be repealed.

15 ~~7-27-19. The board of county commissioners in each county may appoint some suitable~~
16 ~~person to collect and send to the annual state or any county fair or other like agricultural~~
17 ~~exhibition, agricultural, horticultural, mineral, and livestock exhibits, and may expend each year~~
18 ~~for such purposes a sum not exceeding six hundred dollars. All prizes awarded for such county~~
19 ~~exhibit shall be paid into the county general fund and become the property of the county.~~

20 Section 72. That § 7-28-1 be repealed.

21 ~~7-28-1. The board of county commissioners of any county of the State of South Dakota may~~
22 ~~appoint one of its members to act with the county auditor and the county treasurer as a~~
23 ~~purchasing committee for all supplies required for the offices of county auditor, county~~
24 ~~treasurer, register of deeds, state's attorney, and sheriff. After a purchasing committee has been~~

~~established in any county, no supplies for any of such offices shall be purchased except by such purchasing committee. The members of the committee shall receive no compensation for the performance of their duties as such purchasing committee other than or in addition to their regular compensation as county officers.~~

Section 73. That § 7-30-5 be amended to read as follows:

7-30-5. ~~Whenever~~ If the highest offer for any tract of land payable in cash is satisfactory, ~~such~~ the bidder shall immediately pay to the county treasurer the amount specified as the annual rental for the tract~~, and take the treasurer's~~. The treasurer shall give the bidder a receipt ~~therefor,~~ and shall keep a copy ~~of which shall be retained by the treasurer in his~~ on file in the office. The ~~bidder shall exhibit such receipt to the~~ county auditor~~, who~~ shall ~~thereupon~~ prepare a lease ~~of such~~ for the tract in duplicate to be signed by the county auditor and the lessee~~, one copy to be given to the lessee and one copy to be retained by the~~. The county auditor ~~in his~~ shall give the lessee a copy and shall keep a copy on file in the office.

Section 74. That § 7-30-16 be amended to read as follows:

7-30-16. Any lessee~~,~~ who ~~shall complete~~ constructs a dam pursuant to the permit described in § 7-30-15 and ~~cause~~ has received a certificate~~,~~ executed by the federal district range program inspector~~ that he has measured the dam and approved it and that the dam contains a certain number of cubic yards of earth, to be filed in the office of the county auditor, shall thereafter be~~ is entitled to payment as provided in § 7-30-17, unless ~~he sooner~~ the lessee defaults in the terms of the lease, abandons ~~same~~ the lease, or fails to bid at the next letting ~~thereof~~ of the lease. The inspector shall state in the certificate the measurements of the dam, including the number of cubic yards of earth and whether the dam was approved by the inspector.