



## 2021 South Dakota Legislature

# House Bill 1191

SENATE JUDICIARY ENGROSSED

Introduced by: **Representative** Odenbach

1 **An Act to allow an expedited process for local intergovernmental legal disputes.**

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

3 **Section 1.** That a NEW SECTION be added:

4 **15-6-72.1. Local intergovernmental actions--Expedited action--Alternative**  
 5 **dispute resolution.**

6 In order to facilitate the quick and efficient resolution of disputes, whenever two or  
 7 more local governmental bodies are engaged in a legal dispute, on motion of any party  
 8 or on its own, the court may order the parties to proceed:

- 9 (1) Under the expedited civil action process set out in §§ 15-6-73 to 15-6-76.1,  
 10 inclusive, regardless of any amount in controversy; or  
 11 (2) To alternative dispute resolution, other than binding arbitration, on such terms as  
 12 the court may order.

13 **Section 2.** That a NEW SECTION be added:

14 **15-6-72.2. Definition--Local government body.**

15 For the purposes of § 15-6-72.1, the term, local government body, shall mean:

- 16 (1) Any county, municipality, township, or unincorporated territory;  
 17 (2) Any school district;  
 18 (3) Any organization that offers a public service, organized or authorized by a county,  
 19 municipality, or township, including law enforcement, fire protection services, or  
 20 emergency medical services; and  
 21 (4) Any special district including ambulance districts under chapter 34-11A,  
 22 conservation districts under chapter 38-8, consumer power districts under chapters  
 23 49-35 through 49-40, drainage basis utility districts under chapter 46A-10B,  
 24 improvement districts under chapter 7-25A, irrigation districts under chapters 46A-  
 25 4 through 46A-7, predator control districts under chapter 40-37, public hospital

1 districts under chapter 34-10, regional railroad authorities under chapter 49-17A,  
2 regional recycling and waste management districts under chapter 34A-16, road  
3 districts under chapter 31-12A, rural fire protection districts under chapter 34-31A,  
4 sanitary districts under chapter 34A-5, water development districts under chapters  
5 46A-3A through 46A-3E, water project districts under chapter 46A-18, water user  
6 districts under chapter 46A-9, or watershed districts under chapter 46A-14.