



2024 South Dakota Legislature

Senate Bill 199

Introduced by: **Senator Johnson**

1 **An Act to revise provisions pertaining to the consolidation or boundary changes of**
 2 **counties.**

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

4 **Section 1. That § 7-2-1 be AMENDED:**

5 **7-2-1.** A petition signed by fifteen percent of the registered voters of each
 6 of two or more adjoining counties of this state, based upon the total number of registered
 7 voters at the last preceding general election, ~~of each of two or more adjoining counties of~~
 8 ~~this state, petition requesting the formation of a committee to study the question of~~
 9 changing the boundary lines or of the consolidation of the petitioners' counties, pursuant
 10 to this chapter, must be filed with the county auditor of each affected county and
 11 presented to the board of county commissioners of their respective counties ~~for an election~~
 12 ~~to determine the question of changing the boundary lines or of the consolidation of two or~~
 13 ~~more counties, stating in such petition the names of the counties to be consolidated or~~
 14 ~~boundary lines to be changed, such boards of county commissioners shall at their regular~~
 15 ~~July meeting succeeding the presentation of such petitions provide that the question of~~
 16 ~~consolidation of the counties or the changing of the boundary lines of such counties shall~~
 17 ~~be submitted to a vote at the next general election succeeding the presentation of such~~
 18 ~~petitions at the regular July meeting.~~

19 Each county auditor shall, within thirty days of receiving the petition, verify that
 20 the signatures on the petition are from registered voters of the county. A signature on a
 21 petition is invalid if signed more than six months before the date the petition is filed. If
 22 the auditor verifies that the petition meets the requirements of this section, the boards of
 23 county commissioners must appoint a study committee.

24 ~~The petitions shall~~ petition must be filed with the county auditors of ~~such~~ the
 25 counties prior to the first day of the regular July meeting of the board of county

1 commissioners and must state the names of the counties to be consolidated or describe
 2 the boundary lines to be changed.

3 ~~The auditor of each county where any such a petition has been~~ is filed shall transmit
 4 ~~to the auditor of the other county or counties affected thereby~~ a certified copy ~~or copies~~
 5 ~~of the petition or petitions filed in his~~ that county to the auditor of each of any other
 6 affected county.

7 **Section 2. That chapter 7-2 be amended with a NEW SECTION:**

8 The board of county commissioners in each of two or more adjoining counties may,
 9 on the boards' own initiative, create a committee to study changing the boundary lines or
 10 the consolidation of two or more counties by a resolution passed by a majority vote of
 11 each of the participating boards of county commissioners.

12 **Section 3. That chapter 7-2 be amended with a NEW SECTION:**

13 The composition of the study committee organized under § 7-2-1 or section 2 of
 14 this Act must be prescribed in the petition or resolution, but the study committee must
 15 include at least one resident from each incorporated city in each of the participating
 16 counties. If a vacancy on the study committee occurs, the board of county commissioners
 17 of the county represented by the person vacating the position must fill the vacancy. The
 18 study committee shall elect a chairman and a secretary from among the study committee's
 19 voting members. A majority of the study committee constitutes a quorum and a majority
 20 of a quorum may act on all matters that pertain to the study committee.

21 The study committee may employ and fix the compensation and duties of
 22 necessary staff; contract and cooperate with other individuals and public or private
 23 agencies considered necessary for assistance; and hold public hearings and community
 24 forums and use other suitable means to disseminate information, receive suggestions and
 25 comments, and encourage public discussion of the study committee's purpose, progress,
 26 conclusions, and recommendations.

27 The county shall reimburse each member for any necessary expenses incurred by
 28 that member in performing the duties of a member of the study committee but members
 29 may not receive a salary or other compensation for services performed.

30 The office of the secretary of state shall reimburse each county for the necessary
 31 costs of a study committee formed pursuant to § 7-2-1 or section 2 of this Act. The
 32 secretary of state shall promulgate rules, pursuant to chapter 1-26, defining the necessary
 33 costs of a study committee and the reimbursement process.

1 **Section 4. That chapter 7-2 be amended with a NEW SECTION:**

2 The study committee must submit a final report to the board of county
3 commissioners of each affected county within one hundred and twenty days after the
4 study committee is created. The study committee shall consider and include in the report:

5 (1) The fiscal impact of the proposed boundary change or county consolidation and the
6 economic viability of the proposed county or the counties after the proposed
7 boundary change;

8 (2) The comparative costs of providing services in the affected counties and the
9 proposed consolidated county or the counties after the proposed boundary change;

10 (3) The projected revenues available to the affected counties and the proposed county
11 or the counties after the proposed boundary change;

12 (4) The final boundaries of the proposed county or the proposed boundary change,
13 including a map of those boundaries;

14 (5) The procedure for the orderly and timely transfer of service functions and
15 responsibilities after the consolidation or boundary change;

16 (6) The plan and procedure for equalizing the assets of the affected counties, and the
17 procedure for negotiating and resolving any subsequent disagreement regarding
18 the equalization of assets;

19 (7) The plan and procedure for repaying the debts of the current counties;

20 (8) The estimated taxes, assessments, or other authorized charges necessary to meet
21 the liabilities in the first full fiscal year after the consolidation or boundary change;

22 (9) The structure or form of county government for the proposed county, and the
23 selection, powers, duties, functions, qualifications and training, terms, and
24 compensation of officers; and

25 (10) The application of the plan, if any, to each school district or other special taxing
26 district within the affected counties.

27 The report must be made available to any interested person.

28 **Section 5. That chapter 7-2 be amended with a NEW SECTION:**

29 When the report and the map have been received by the board of county
30 commissioners for each of the affected counties, each board must, at their regular July
31 meeting following the presentation of the report, provide that the study committee's
32 county consolidation plan be submitted to a vote at the next general election following the
33 presentation of the report.

1 **Section 6. That § 7-2-2 be AMENDED:**

2 **7-2-2.** The auditor of each of ~~such~~ the affected counties shall give thirty days'
3 notice of ~~such~~ the election by ~~publication and publishing the notice once each week for at~~
4 least two consecutive weeks prior to the election in the official newspapers of the county.
5 The notice must provide the election date, the hours when the polls are opened, and the
6 question to be voted upon. The county auditor shall prepare official ballots ~~therefor~~
7 according to the provisions of this chapter and this code relating to elections and the
8 submission of questions to the voters. The laws governing the holding of general elections
9 in this state ~~shall~~ govern the holding of such election so far as applicable.

10 **Section 7. That § 7-2-3 be AMENDED:**

11 **7-2-3.** If at any election held under the provisions of this chapter, a majority of all
12 the votes cast at ~~such~~ the election in each of ~~such~~ the affected counties ~~shall be~~ are in
13 favor of consolidation of two or more counties or the changing of the boundary lines of
14 ~~such~~ named counties, they ~~shall~~ must be declared consolidated or changed as ~~hereinafter~~
15 provided per the ballot question and this chapter.

16 **Section 8. That § 7-2-4 be AMENDED:**

17 **7-2-4.** ~~After~~ Within thirty days after the canvassing of the returns of ~~such~~ the
18 election ~~it shall be the duty of~~ , the county auditor of each of ~~such~~ the affected counties
19 ~~to~~ shall transmit ~~within thirty days~~ a certified report of ~~such~~ the canvass to the Governor
20 who shall, within twenty days after ~~the receipt of~~ receiving the report of ~~the canvass,~~
21 proclaim the result of ~~such~~ the election and officially notify the county auditor of the
22 respective counties of ~~such~~ the proclamation.

23 **Section 9. That § 7-2-5 be AMENDED:**

24 **7-2-5.** ~~If the result of such election is in favor of consolidation or change of~~
25 ~~boundaries, such~~ The consolidation or change of boundaries ~~shall be in full force and take~~
26 takes effect on the first day of January ~~next after~~ following the general election ~~held~~
27 ~~succeeding the proclamation as provided in § 7-2-4, of the county officers for the~~
28 consolidated county pursuant to § 7-2-10.

29 **Section 10. That § 7-2-7 be AMENDED:**

1 **7-2-7.** Any new county formed pursuant to this chapter shall take the name of the
2 ~~senior county that had the largest population before consolidation and the location~~
3 ~~receiving the highest number of votes, cast at such election in the two or more counties~~
4 ~~for the county seat of the consolidated county, shall be the county seat of such new~~
5 ~~county.~~

6 **Section 11. That § 7-2-8 be AMENDED:**

7 **7-2-8.** The board of county commissioners of each of ~~such~~ the counties comprising
8 ~~the newly consolidated county~~ shall, after the proclamation of consolidation by the
9 Governor, meet in joint session at the ~~office of the county auditor of the county seat of~~
10 ~~one of such counties~~ the county that had the largest population before consolidation on
11 the first Monday in July ~~succeeding such~~ following the proclamation and ~~proceed to.~~ The
12 commissioners shall designate the location of the county seat for the new county and shall
13 ~~divide each~~ the new county into five commissioner districts, numbering them
14 consecutively, complying as nearly as possible with the provisions of the law regulating
15 the districting of counties into commissioner districts. ~~Such commissioner districts so~~
16 ~~established and the boundaries so fixed shall remain as established and fixed until the~~
17 ~~same may be changed as provided by law. At the next general election there shall be~~
18 ~~elected a commissioner for each district, each of whom shall be so chosen for two or four~~
19 ~~years as that the regular term of his successor shall thereafter conform to the~~
20 ~~requirements of law.~~ The commissioners shall set the length of the initial term for each of
21 the new commissioner districts to be either two or four years, so that all succeeding
22 regular elections have, insofar as practicable, the same number of vacancies to be filled.
23 The commissioner districts established pursuant to this section must remain the same
24 unless changed pursuant to § 7-8-3 or 7-8-10.

25 **Section 12. That § 7-2-9 be AMENDED:**

26 **7-2-9.** The county officers in each of the counties that ~~may~~ have been consolidated
27 shall continue to act in their respective counties until the officers of the new ~~counties shall~~
28 ~~have been~~ county are elected and qualified.

29 **Section 13. That § 7-2-10 be AMENDED:**

1 ~~7-2-10. There shall be elected in each new county at~~ At the next general election
2 ~~succeeding after~~ the proclamation by the Governor, the voters of the consolidated county
3 ~~shall elect~~ one set of county officers for ~~such the~~ new county.

4 **Section 14. That § 7-2-11 be AMENDED:**

5 ~~7-2-11. Such~~ The new county shall be ~~is~~ entitled to the same number of members
6 in the Legislature that ~~such the~~ counties had in the aggregate before consolidation, and
7 such number ~~shall must~~ be elected at each general election until a new apportionment
8 ~~shall have been made.~~

9 **Section 15. That § 7-2-12 be AMENDED:**

10 ~~7-2-12. The~~ After consolidation, the property of each of ~~such the~~ consolidated
11 counties ~~shall after consolidation become~~ is the property of the new county. ~~The~~
12 indebtedness, if any, of each of ~~such counties~~ shall ~~after consolidation be paid out of the~~
13 taxes levied on the property in the respective territory of the county having contracted
14 the same.

15 **Section 16. That chapter 7-2 be amended with a NEW SECTION:**

16 Any debt contracted by the former counties that comprise the new county may
17 only be paid from taxes levied on property that was part of the territory of the former
18 county as it was when it contracted the debt. The board of county commissioners of the
19 new county may, by ordinance or resolution, assume the debt of each of the former
20 counties as the debt of the new county and pay for the debt from taxes levied on the
21 property of the whole county.