



## 2024 South Dakota Legislature

# Senate Bill 199

SENATE LOCAL GOVERNMENT ENGROSSED

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.** ~~If fifteen~~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 two members of the board of county commissioners from each affected county  
16 and at least one resident from each incorporated first or second class municipality in each  
17 of the participating counties. If a vacancy on the study committee occurs, the board of  
18 county commissioners of the county represented by the person vacating the position must  
19 fill the vacancy. The study committee shall elect a chairman and a secretary from among  
20 the study committee's voting members. A majority of the study committee constitutes a  
21 quorum and a majority of a quorum may act on all matters that pertain to the study  
22 committee.

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

29 The study committee may not expend more than an amount equal to two-fifths of  
30 the South Dakota median household income reported by the United States Census Current  
31 Population Survey, as ascertained and adjusted each year by the State Board of Finance  
32 to take effect on January first of each year, without the consent of the boards of county  
33 commissioners of each of the affected counties.

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

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

5           The study committee must submit a final report to the board of county  
 6           commissioners of each affected county within one hundred and eighty days after the study  
 7           committee is created. The study committee shall consider and include in the report:

- 8           (1) The fiscal impact of the proposed boundary change or county consolidation and the  
 9           economic viability of the proposed county or the counties after the proposed  
 10           boundary change;
- 11           (2) The comparative costs of providing services in the affected counties and the  
 12           proposed consolidated county or the counties after the proposed boundary change;
- 13           (3) The projected revenues available to the affected counties and the proposed county  
 14           or the counties after the proposed boundary change;
- 15           (4) The final boundaries of the proposed county or the proposed boundary change,  
 16           including a map of those boundaries;
- 17           (5) The location of the county seat for the new county;
- 18           (6) The name of the new county;
- 19           (7) The procedure for the orderly and timely transfer of service functions and  
 20           responsibilities after the consolidation or boundary change;
- 21           (8) The plan and procedure for equalizing the assets of the affected counties, and the  
 22           procedure for negotiating and resolving any subsequent disagreement regarding  
 23           the equalization of assets;
- 24           (9) The plan and procedure for repaying the debts of the current counties;
- 25           (10) The estimated taxes, assessments, or other authorized charges necessary to meet  
 26           the liabilities in the first full fiscal year after the consolidation or boundary change;
- 27           (11) The structure or form of county government for the proposed county, and the  
 28           selection, powers, duties, functions, qualifications and training, terms, and  
 29           compensation of officers; and
- 30           (12) The application of the plan, if any, to each school district or other special taxing  
 31           district within the affected counties.

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

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

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

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

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

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

16          **7-2-3.** If at any election held under the provisions of this chapter, a majority of all  
 17          the votes cast at ~~such~~ the election in each of ~~such~~ the affected counties ~~shall be~~ are in  
 18          favor of consolidation of two or more counties or the changing of the boundary lines of  
 19          ~~such~~ named counties, they ~~shall~~ must be declared consolidated or changed as ~~hereinafter~~  
 20          provided per the ballot question and this chapter.

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

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

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

29          **7-2-5.** ~~If the result of such election is in favor of consolidation or change of~~  
 30          ~~boundaries, such~~ The consolidation or change of boundaries shall be in full force and take

1 ~~takes~~ effect on the first day of January ~~next after~~ following the general election ~~held~~  
2 ~~succeeding the proclamation as provided in § 7-2-4 of the county officers for the~~  
3 ~~consolidated county pursuant to § 7-2-10, or as otherwise set forth in the study~~  
4 ~~committee's county consolidation plan.~~

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

6 ~~7-2-7. Any new county formed pursuant to this chapter shall take the name of the~~  
7 ~~senior county and the location receiving the highest number of votes, cast at such election~~  
8 ~~in the two or more counties for the county seat of the consolidated county, shall be the~~  
9 ~~county seat of such new county.~~ The name of a new county formed pursuant to this chapter  
10 must be the name set forth in the study committee's county consolidation plan.

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

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

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

1           **7-2-9.** The county officers in each of the counties that ~~may~~ have been consolidated  
 2 shall continue to act in their respective counties until the officers of the new ~~counties shall~~  
 3 ~~have been~~ county are elected and qualified.

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

5           **7-2-10.** ~~There shall be elected in each new county at~~At the next general election  
 6 ~~succeeding after~~ the proclamation by the Governor, the voters of the consolidated county  
 7 shall elect one set of county officers for ~~such~~ the new county.

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

9           **7-2-11.** ~~Such~~The new county ~~shall be~~ is entitled to the same number of members  
 10 in the Legislature that ~~such~~ the counties had in the aggregate before consolidation, and  
 11 such number ~~shall~~ must be elected at each general election until a new apportionment  
 12 ~~shall have been made.~~

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

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

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

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