AN ACT

ENTITLED, An Act to revise the criteria for incorporation of a new municipality.

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

Section 1. That § 9-3-1 be amended to read:

9-3-1. A municipality may not be incorporated unless it contains as least one hundred legal residents and at least forty-five registered voters. For the purposes of this section, a person is a legal resident in the proposed municipality if the person actually lives in the proposed municipality for at least ninety days of the three hundred sixty-five days immediately preceding the filing of the petition or is an active duty member of the armed forces whose home of record is within the proposed municipality.

Section 2. That § 9-3-1.1 be amended to read:

9-3-1.1. A municipality may not be incorporated if any part of such proposed municipality lies within three miles of any point on the perimeter of the corporate limits of any incorporated municipality, unless the incorporated municipality refuses or fails to annex a territory which is contiguous to said incorporated municipality, and said contiguous territory has properly petitioned said municipality to be annexed thereto, as provided by § 9-4-1. However, a proposed municipality may be incorporated that is within three miles of an incorporated municipality if the territory to be incorporated is in a different county and has a post office prior to incorporation.

Section 3. That § 9-3-2 be amended to read:

9-3-2. Persons making application for the organization of a proposed municipality shall first cause an accurate survey and map to be made of the territory intended to be embraced within the limits of the proposed municipality showing the boundaries and area thereof and the accuracy of which shall be verified by the affidavit of the surveyor.

Section 4. That § 9-3-3 be amended to read:

9-3-3. Any person making application for the organization of a proposed municipality shall cause an accurate census to be taken of the landowners and the legal resident population of the proposed municipality not more than thirty days previous to the time of presenting the application to the board of county commissioners. The census shall exhibit the name of each landowner and legal resident residing in the proposed municipality and the number of persons belonging to each family as of a certain date. The census shall be verified by the affidavit of the person taking the census.

Section 5. That § 9-3-4 be amended to read:

9-3-4. Such survey, map, and census when completed and verified shall be left at some convenient place within the proposed municipality for a period of not less than thirty days for examination by those having an interest in such application.

Section 6. That § 9-3-5 be amended to read:

9-3-5. The application for incorporation of a proposed municipality shall be by a petition verified by the circulator and signed by not less than twenty-five percent of the qualified voters who are either registered voters in the proposed municipality or landowners in the proposed municipality who are also registered voters of this state. The application shall identify the type of government to be formed, the number of trustees, commissioners, or wards in the proposed municipality, the boundaries and area according to the survey, and the legal resident population according to the census taken. The application shall be presented at the time indicated in the notice of the application or as soon thereafter as the board of county commissioners can receive and consider the application.

An Act to revise the criteria for incorporation of a new municipality.

I certify that the attached Act originated in the

HOUSE as Bill No. 1119

_____
Chief Clerk

_____
Speaker of the House

Attest:

_____
Chief Clerk

_____
President of the Senate

Attest:

_____
Secretary of the Senate

House Bill No. 1119
File No. ____
Chapter No. _____

Received at this Executive Office this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

The attached Act is hereby approved this _____ day of _____ , A.D., 20___

_____
Governor

STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____ , 20___
at _____ o'clock __ M.

_____
Secretary of State

By _____
Asst. Secretary of State