

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

375C0098

SENATE ENGROSSED NO. **SB103** - 2/9/99

Introduced by: Senators Brosz, Brown (Arnold), Frederick, Reedy, and Shoener and
Representatives Konold, Duniphan, Fryslie, Haley, Munson (Donald), and
Solum

1 FOR AN ACT ENTITLED, An Act to revise the election procedure for forming a municipality.

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

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

4 9-3-3. ~~Such persons~~ Any person making application for the organization of a municipality

5 shall cause an accurate census to be taken of the landowners and the resident population of the

6 ~~territory included in said map as of a day~~ proposed municipality not more than thirty days

7 previous to the time of presenting ~~such~~ the application to the board of county commissioners ~~as~~

8 ~~hereinafter provided. Such.~~ The census shall exhibit the name of ~~every head of a family~~ each

9 landowner and person residing ~~within such territory on such day~~ in the proposed municipality and

10 the number of persons belonging to ~~every such~~ each family and ~~shall also state the names of all~~

11 ~~persons residing within such territory at such time. It~~ as of a certain date. The census shall be

12 verified by the affidavit of the person taking the ~~same~~ census.

13 Section 2. That § 9-3-5 be amended to read as follows:

14 9-3-5. The application for incorporation shall be by a petition ~~subscribed and~~ verified by the

15 ~~applicants and subscribed~~ circulator and signed by not less than ~~fifteen~~ twenty-five percent of the

16 ~~registered voters residing within such territory, based upon the total number of registered voters~~

1 ~~at the last preceding general election. It qualified voters who are either registered voters in the~~
2 ~~proposed municipality or landowners in the proposed municipality who are also registered voters~~
3 ~~of this state. The application shall set forth identify the type of government to be formed, the~~
4 ~~number of trustees, commissioners, or wards in the municipality, the boundaries and area thereof~~
5 ~~according to the survey, and the resident population thereof according to the census taken. It~~
6 ~~The application shall be presented at the time indicated in the notice of such the application or~~
7 ~~as soon thereafter as the board of county commissioners can receive and consider the same~~
8 ~~application.~~

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

10 9-3-6. If the board, after proof by affidavit or oral examination of witnesses, ~~shall be is~~
11 satisfied that the requirements of this chapter have been fully complied with, ~~it~~ the board shall
12 make an order declaring that ~~such territory~~ the proposed municipality shall, with the assent of
13 the qualified voters who are either registered voters in the proposed municipality or landowners
14 in the proposed municipality who are also registered voters thereof as hereinafter provided of
15 this state, be an incorporated municipality by the name specified in the application. ~~Such~~ The
16 name shall be different from that of any other municipality in this state. ~~It~~ The board shall also
17 include in ~~such the~~ order a notice for a meeting ~~of the voters resident in the proposed~~
18 ~~municipality, at a convenient place therein, on some day within one month therefrom, to~~
19 ~~determine whether such territory shall become an incorporated municipality and election to be~~
20 held as provided in §§ 6-16-3 to 6-16-5, inclusive.

21 Section 4. That § 9-3-17 be amended to read as follows:

22 9-3-17. ~~There shall be~~ Each official elected at the first election ~~three trustees at large, who~~
23 shall hold ~~their offices~~ office until the first Monday in May next following or until ~~their~~
24 ~~successors are elected and qualified. The trustees shall appoint a finance officer and a treasurer~~
25 a successor is elected and qualified.

1 Section 5. That § 9-3-7 be repealed.

2 ~~—9-3-7. The board shall give ten days' notice of such meeting by publication and by posting~~
3 ~~a copy of such notice at ten of the most public places in the proposed municipality.~~

4 Section 6. That § 9-3-8 be repealed.

5 ~~—9-3-8. At such meeting the polls shall be kept open from nine o'clock in the forenoon until~~
6 ~~four o'clock in the afternoon.~~

7 Section 7. That § 9-3-9 be repealed.

8 ~~—9-3-9. The voters at such meeting shall first elect three inspectors, who shall elect one of~~
9 ~~their number as clerk and shall without delay open the polls to receive the ballots of the voters.~~

1 **BILL HISTORY**

2 1/22/99 First read in Senate and referred to Local Government. S.J. 161

3 1/27/99 Scheduled for Committee hearing on this date.

4 2/1/99 Scheduled for Committee hearing on this date.

5 2/1/99 Local Government Do Pass, Passed, AYES 4, NAYS 1. S.J. 271

6 2/2/99 Senate Deferred to another day. S.J. 304

7 2/4/99 Senate Deferred to another day. S.J. 337

8 2/8/99 Motion to Amend, Passed. S.J. 370

9 2/8/99 Senate Do Pass Amended, Passed, AYES 26, NAYS 8. S.J. 370