

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

546E0132

HOUSE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **HB 1087** - 01/23/2001

Introduced by: Representatives Slaughter, Hennies (Thomas), Jensen, Lange, and Rhoden
and Senator Sutton (Dan)

1 FOR AN ACT ENTITLED, An Act to provide for the consolidation and annexation of road
2 districts.

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

4 Section 1. That chapter 31-12A be amended by adding thereto a NEW SECTION to read
5 as follows:

6 Two or more road districts may form a consolidated road district that comprises their
7 combined area pursuant to this Act. The governing body of each road district shall by resolution
8 propose the formation of the consolidated road district, specifying the road districts proposed
9 to be included within the boundaries of the consolidated road district.

10 Section 2. That chapter 31-12A be amended by adding thereto a NEW SECTION to read
11 as follows:

12 The governing body of each road district described in section 1 of this Act shall submit by
13 resolution the question of consolidation to the voters of each road district at a special election
14 called for that purpose pursuant to chapter 6-16. The proposition shall be submitted to the voters

1 of each road district on a separate ballot and shall be stated as to enable each voter to vote for
2 or against the proposed consolidation.

3 Section 3. That chapter 31-12A be amended by adding thereto a NEW SECTION to read
4 as follows:

5 If the voters of each road district approve the formation of the consolidated road district by
6 a majority of the votes cast on the consolidation question, the governing body of each road
7 district shall so declare by resolution and file a certified copy of each proceeding taken for the
8 consolidation with the road district's clerk, the secretary of state, and the county auditor. After
9 the certified copies are filed, the consolidation is effective and complete, and the consolidated
10 road district has the powers conferred upon a road district by this chapter.

11 Section 4. That chapter 31-12A be amended by adding thereto a NEW SECTION to read
12 as follows:

13 The consolidated board of trustees shall be elected as provided in chapter 6-16 and shall
14 govern the consolidated road district as provided in this chapter.

15 Section 5. That chapter 31-12A be amended by adding thereto a NEW SECTION to read
16 as follows:

17 The consolidated road district does not, by virtue of its incorporation, acquire any of the
18 property or assume any of the debts, obligations, or liabilities of any road district included within
19 its boundaries.

20 Section 6. That chapter 31-12A be amended by adding thereto a NEW SECTION to read
21 as follows:

22 A consolidated road district may contract with any road district for the purchase or use of
23 property that the road district is authorized to construct or acquire and maintain pursuant to this
24 chapter.

1 Section 7. That chapter 31-12A be amended by adding thereto a NEW SECTION to read
2 as follows:

3 After the creation of a road district, minor adjustments to the boundaries of the district may
4 be made by the directors, without referendum. Such adjustments may not delete lands from the
5 district that have been subject to a special assessment during the budget year or the current year
6 and such adjustments may not include additional land in the district without the written approval
7 of the owner of the land.

8 Section 8. That chapter 31-12A be amended by adding thereto a NEW SECTION to read
9 as follows:

10 An additional area may be annexed or an area withdrawn from a road district by:

- 11 (1) Circulation of an initiating petition therefor by the qualified voters in the new area and
12 in the existing district, similar to an initiating petition specified in this chapter; or
13 (2) Circulation of an initiating petition by the qualified voters in the affected area and
14 passage of a resolution therefor by the directors of the road district.

15 Upon receipt of an initiating petition and passage of a resolution by the directors, the area
16 shall be annexed or withdrawn in the same manner as prescribed for creation of a new road
17 project district.