

# State of South Dakota

SEVENTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2002

474H0081

## HOUSE LOCAL GOVERNMENT COMMITTEE ENGROSSED NO. **HB 1009** - 01/17/2002

Introduced by: The Committee on Local Government at the request of the Secretary of State

1 FOR AN ACT ENTITLED, An Act to revise the election procedures of certain special purpose  
2 districts.

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

4 Section 1. That § 31-12A-15 be amended to read as follows:

5 31-12A-15. In ~~every~~ each road district an annual election of officers shall be held on the first  
6 Tuesday after the anniversary date of the first election at ~~such a~~ place in the district as the board  
7 of trustees shall designate. ~~Such~~ The election shall be conducted according to chapter ~~9-13~~ 8-3,  
8 at a meeting of the registered voters who reside in the road district.

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

11 Notice of the meeting and election required by § 31-12A-15 shall be given by the secretary-  
12 treasurer by one publication in a legal newspaper of general circulation in each county in which  
13 the district is situated or notice may be given by posting in a public place within the district and  
14 delivering the notice to each registered voter of the district. The notice shall include the time and  
15 place of the election and each vacancy to be filled at the election. The meeting shall be held not



1 less than seven days nor more than fourteen days after the date of publication or delivery of the  
2 notice.

3 Section 3. That § 34-11A-2 be amended to read as follows:

4 34-11A-2. Any municipality located within the area may be included in the ambulance district  
5 if twenty percent of the landowners within the municipality who are also registered voters within  
6 the municipality sign a separate petition from that municipality, or if the governing body of the  
7 municipality establishes intent by passing a resolution so indicating.

8 Section 4. That § 34-11A-29 be amended to read as follows:

9 34-11A-29. A regular meeting of the registered voters who are residing within the boundaries  
10 of a district shall be held in the first quarter of each calendar year and special meetings may be  
11 called by the board of directors at any time. The annual election shall be conducted during the  
12 regular meeting. Notice ~~thereof~~ of the annual election shall be given by the secretary-treasurer  
13 by one publication in a legal newspaper of general circulation in each county in which ~~such~~ the  
14 district is situated. The meeting shall be held not less than seven days nor more than fourteen  
15 days after the date of publication of ~~such~~ the notice.

16 Section 5. That § 34-31A-3 be amended to read as follows:

17 34-31A-3. Any municipality located within the area, whether the municipality has a fire  
18 department or not, may be included in the rural fire district if twenty percent of the landowners  
19 within the municipality who are also registered voters within the municipality sign ~~the~~ a separate  
20 petition from that municipality, or if the governing body of the municipality establishes intent by  
21 passing a resolution so indicating.

22 Section 6. That § 34-31A-43 be amended to read as follows:

23 34-31A-43. A regular meeting of the electors who are owners of any interest in real property  
24 assessed for taxation in the district and who are residing within the boundaries of a district shall

1 be held in the first quarter of each calendar year and special meetings may be called by the board  
2 of directors at any time. The annual election shall be conducted during the regular meeting.  
3 ~~Notice thereof~~ of the annual election shall be given by the secretary-treasurer by one publication  
4 in a legal newspaper of general circulation in each county in which ~~such~~ the district is situated.  
5 The meeting shall be held not less than seven days nor more than fourteen days after the date of  
6 publication of ~~such~~ the notice.

7 Section 7. That § 46A-18-23 be amended to read as follows:

8 46A-18-23. Prior to May first of each year, on ~~dates~~ a date established by the directors, an  
9 annual meeting of the district shall be held during which the registered voters shall elect, by  
10 ballot, under the direction of the secretary of the district, directors to replace those whose terms  
11 have expired. Newly elected directors shall assume office at the time of their election.

12 Section 8. That § 46A-18-47 be amended to read as follows:

13 46A-18-47. In the election provided in § 46A-18-45, ~~eligibility~~ registered voters are eligible  
14 ~~to vote as prescribed by § 46A-18-5 shall govern.~~ If special assessments are proposed, only  
15 those landowners subject to such assessments may vote. If the financing proposal provides for  
16 both general tax levies and special assessments, the votes applicable to the general tax and the  
17 votes applicable to the special assessments shall be counted separately and accepted separately  
18 for purposes of determining the outcome of the election.

19 Section 9. That § 3-4-3 be amended by adding thereto a NEW SUBDIVISION to read as  
20 follows:

21 In special purpose districts, unless otherwise provided, by the remaining board of trustees.