

State of South Dakota

NINETY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2018

345Z0187

HOUSE BILL NO. 1092

Introduced by: Representatives Ahlers, Jamison, McCleerey, and Reed and Senators Langer, Cronin, Kennedy, and Peters

1 FOR AN ACT ENTITLED, An Act to revise certain requirements regarding municipal
2 annexation resolutions.

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

4 Section 1. That § 9-4-4.1 be amended to read:

5 9-4-4.1. Except as provided by § 9-4-1, before a municipality may extend its boundaries to
6 include contiguous territory, the governing body shall conduct a study to determine the need for
7 the contiguous territory and to identify the resources necessary to extend the municipal
8 boundaries. At least thirty days before commencement of the study, the municipality shall send
9 written notice of the commencement of the study and the study's purpose to each landowner of
10 the contiguous territory via certified mail with return receipt requested.

11 If it is impossible to determine with reasonable certainty the identity and address of a
12 landowner, the notice shall be published once in a newspaper of general circulation in the area
13 to be annexed.

14 Section 2. That § 9-4-4.6 be amended to read:

15 9-4-4.6. The petition shall contain the title of the resolution or the subject of the resolution



1 and the date of its passage. The petition shall be signed by ~~at least five percent~~ or two hundred
2 fifty, whichever is less, of the registered voters residing in the combined area of the municipality
3 and the special annexation precinct established pursuant to § 9-4-4.8. The ~~percentage required~~
4 number of signatures shall be based on the number of voters in the municipality at the last
5 preceding general election. Each voter shall add to the voter's signature the voter's place of
6 residence, including street and house number, if any, and the date of signing. The referendum
7 petition shall be verified in the same manner as a petition to initiate a law except that the person
8 verifying shall state that each person signing the petition is a resident and registered voter of the
9 municipality or special annexation precinct. No signature on the petition is valid if signed more
10 than six months prior to the filing of the petition.

11 Section 3. That § 9-4-4.9 be amended to read:

12 9-4-4.9. The referred resolution ~~so submitted shall become~~ becomes operative if approved
13 by a majority of the votes cast, in the combined area of the municipality and special annexation
14 precinct. If approved, it ~~shall take~~ the resolution takes effect upon completion of the canvass of
15 the special election returns. If rejected, the municipality is prohibited from adopting another
16 resolution of intent to extend the municipality's boundaries pursuant to § 9-4-4.2 for a period
17 of one year.