

AN ACT

ENTITLED, An Act to make form and style revisions to certain statutes regarding counties.

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

Section 1. That § 7-2-13 be amended to read:

7-2-13. If the area of any county in this state has been altered by the changing of the boundaries and the county's commissioners do not run at large, the board of county commissioners, at the first regular meeting thereafter, shall establish commissioner districts in the county. The board shall fix boundaries of each district in the manner provided by law for establishing commissioner districts and changing the boundaries of each district insofar as the same is applicable. The commissioner districts established and the boundaries fixed shall remain as established and fixed until changed as provided by law.

Section 2. That § 7-3-7 be amended to read:

7-3-7. If a new county is organized or created out of an organized county in this state or in counties which have been divided and the liabilities and assets of the county as it existed prior to the division of the county have not been apportioned and divided by the board of county commissioners of the original county and the newly organized portion, the auditor-general of this state shall make an inventory of all of the assets and liabilities of the original county and the new county or counties and estimate the value and amount of the assets and liabilities. After notice to the county commissioners of the counties affected, the auditor-general shall apportion the liabilities and assets of the counties in the manner provided by law for the apportionment of bonded indebtedness.

Section 3. That § 7-3-18 be amended to read:

7-3-18. The board of county commissioners may contract the transcribing of records or any part thereof to the lowest and best bidder. The person transcribing the records of any particular office shall attach the transcriber's certificate without extra cost to each instrument or matter transcribed

to the effect that the transcript is a full, true, and complete copy of the original instrument as it appears of record in the original county, showing book and page thereof. However, for any record transcribed from the office of the county treasurer or county auditor it is only necessary to make one certificate at the close of each book transcribed.

Section 4. That § 7-7-21 be amended to read:

7-7-21. The officer in whose office a deputy or clerk is employed may appoint or remove a deputy or clerk at pleasure. The appointment or removal shall be by a certificate in writing, and any deputy or clerk appointed shall before entering upon the duties of office, take and subscribe the oath or affirmation required by the Constitution. The oath or affirmation shall be endorsed on the certificate of appointment and filed as provided by law. The deputy or clerk shall furnish an official bond in an amount and with surety as the principal deems proper. The bond shall be attached to the certificate of appointment and oath of office.

Section 5. That § 7-7-23 be amended to read:

7-7-23. Any officer who receives or appropriates for the officer's own use and benefit any part of the salary allowed any deputy or clerk employed under the provisions of this title is guilty of theft.

Section 6. That § 7-8-26.4 be amended to read:

7-8-26.4. If a county officer or employee can demonstrate to the county commission of a condition which will leave the officer or employee uninsurable upon termination of employment with the county and elects not to participate in the group hospital, medical, or health insurance plans authorized by §§ 7-8-26 and 7-8-26.1, the board of county commissioners may enter into individual hospital, medical, or health contracts to provide for the protection and benefit of the officer or employee and the officer or employee's immediate family. The board may pay all or part of the necessary premiums for the coverage of the officer or employee and the officer or employee's immediate family. However, the monthly premium for an individual contract may not exceed the

monthly premium for the group plan established in the county pursuant to §§ 7-8-26 and 7-8-26.1.

Section 7. That § 7-8A-4 be amended to read:

7-8A-4. The board of county commissioners may appoint any county officer or employee to be the county manager by reason of training, experience, and administrative qualifications. If any county officer or employee is appointed county manager, the officer or employee shall resign the office or position and terminate office responsibilities before assuming the office of county manager.

Section 8. That § 7-9-5 be amended to read:

7-9-5. No register of deeds may accept for record or record any deed, mortgage, or other conveyance of any platted plot of land until the plat has been accepted for record in the register of deed's office.

Section 9. That § 7-10-3 be amended to read:

7-10-3. The county auditor shall at the close of each calendar month list all cash and cash items held by the county treasurer and verify the balances in the depositories. The county auditor shall report to the board of county commissioners at each regular meeting the bank balances, the total amount of actual cash, the total amount of checks and drafts which have been in the treasurer's possession not exceeding three days. The county auditor shall also submit an itemized report of all cash items, checks, and drafts which have been in the treasurer's possession over three days. This report shall be made a part of the county commissioners' proceedings.

Section 10. That § 7-10-9 be amended to read:

7-10-9. An action may be brought against the county auditor and the sureties upon the official bond, in the name of the state and for its use, or for the use of any county or person injured by the misconduct in office of the auditor, or by the omission of any duty required of the auditor by law.

Section 11. That § 7-11-1 be amended to read:

7-11-1. The county treasurer is the collector of taxes. The treasurer shall maintain an office at

the county seat. The treasurer shall receive all money belonging to the county from whatever source derived and other money which by law is directed to be paid to the treasurer.

Section 12. That § 7-11-2 be amended to read:

7-11-2. If the county treasurer is required to furnish a bond executed by a surety company legally authorized to transact business in this state, upon the approval of the bond by the county commissioners, the county shall pay the premium for the bond.

Section 13. That § 7-11-4 be amended to read:

7-11-4. The county treasurer shall collect and credit the taxes on behalf of the county and maintain the delinquent taxpayer list.

Section 14. That § 7-11-4.1 be amended to read:

7-11-4.1. No county treasurer may be held personally liable for insufficient or no account checks issued to the treasurer for the licensure of snowmobiles, motor vehicles, trailers, motorcycles, or manufactured homes, if the county treasurer has exercised due diligence and has taken the following steps:

- (1) Required positive identification of the person presenting the check; and
- (2) Within a thirty-day period of receiving notice that the check has been dishonored, instituted a collection process on the check.

Section 15. That § 7-11-5 be amended to read:

7-11-5. The county treasurer shall account for and pay into the treasury of the county all money received by the treasurer and interest received on deposits.

Section 16. That § 7-11-6 be amended to read:

7-11-6. All money received by the county treasurer for the use of the county may only be disbursed by the treasurer on the warrant of the county auditor drawn according to law. All money shall be paid over by the treasurer at the time and in the manner provided by law.

Section 17. That § 7-11-9 be amended to read:

7-11-9. If the treasurer receives any money, warrants, or orders on any account other than taxes charged on the tax duplicate, the treasurer shall make out duplicate receipts. One receipt shall be delivered to the person paying the money, warrant, or order and the other receipt shall be filed with the auditor within one week.

Section 18. That § 7-11-17 be amended to read:

7-11-17. The books, accounts, and vouchers of the county treasurer and all money, warrants, or orders remaining in the treasury shall at all times be subject to the inspection and examination of the board of county commissioners, including the regular meetings of the board in January and July of each year and at any other times as the board directs. The treasurer shall settle with the board the accounts kept by the treasurer.

The treasurer shall exhibit for that purpose all books, accounts, and money, and all vouchers relating to the same to be audited. The vouchers shall be retained by the board as evidence of the treasurer's settlement and if found correct, the account shall be so certified. If it is found incorrect, the treasurer is liable on the bond.

Section 19. That § 7-11-18 be amended to read:

7-11-18. If any county treasurer fails to make return or settlement or to pay over all money with which the treasurer may stand charged at the time and in the manner prescribed by law, the county auditor, on receiving instructions from the state auditor or from the county commissioners, shall institute a suit against either the treasurer or the surety, or both, in the circuit court of the county.

Section 20. That § 7-11-19 be amended to read:

7-11-19. The making of profit and converting the profit to private use or benefit, directly or indirectly, by the county treasurer out of any money in the county treasury with the custody of which the treasurer is charged, by using, loaning, or depositing the profit in any manner, is theft. In addition

the treasurer is liable upon the official bond for the profits realized by the unlawful use of the county funds.

Section 21. That § 7-12-1 be amended to read:

7-12-1. The sheriff shall keep and preserve the peace within the county. The sheriff may call to aid any person or power of the county as the sheriff deems necessary. The sheriff shall pursue and apprehend all felons, and shall execute all writs, warrants, and other processes from any court or magistrate for which the sheriff has the legal authority.

Section 22. That § 7-12-2 be amended to read:

7-12-2. The sheriff shall keep the office at the county seat, serve or post all notices received from the county auditor or the board of county commissioners, and perform other duties as prescribed by law.

Section 23. That § 7-12-4 be amended to read:

7-12-4. The sheriff shall comply with all orders of the attorney general and at all times, whether on duty under the call of the attorney general or not. The sheriff shall faithfully execute and enforce all the laws of this state and especially all laws relating to alcoholic beverages.

Section 24. That § 7-12-5 be amended to read:

7-12-5. The sheriff shall furnish to the attorney general from time to time any information regarding conditions in the county that may be required. The sheriff shall pursue all violations of the criminal laws of this state, notify the state's attorney of violations, collect preliminary information, file criminal complaints, and arrest and assist in the prosecution of persons charged.

Section 25. That § 7-12-6 be amended to read:

7-12-6. If the sheriff is sued, the coroner shall serve the papers on the sheriff. The return on all papers served by the coroner has the same credit as the sheriff's return. The coroner shall receive the same fees as the sheriff receives for like services.

If the sheriff is disqualified or incapacitated, a deputy sheriff shall exercise the powers and duties of the office of sheriff so far as such disqualification or incapacity of the sheriff is required or needed.

Section 26. That § 7-12-11 be amended to read:

7-12-11. The sheriff is responsible for the acts of each deputy, jailer, and clerk in the performance of the duties of the sheriff's office. The sheriff may summarily relieve any deputy, jailer, or clerk of any or all official responsibilities and duties.

Section 27. That § 7-12-20 be amended to read:

7-12-20. If any sheriff or other officer serves any summons, subpoena, bench warrant, venire, or other process in any action to which the state is a party, the officer shall endorse upon the writ or process or upon a paper attached thereto, at the time of the return of service thereon, a statement of the fees for the service, the number of miles traveled, and the amount of mileage. If the sheriff fails to make the return with the statement and file the return with the clerk of the court from which the process issued before judgment is pronounced in the action to which the process relates, the sheriff may not receive any fee for the service. The county commissioners of the county where the service is performed are also prohibited from allowing the reimbursement. No fee may be required of a county, its officers, or board of county commissioners in any action commenced by the county.

Section 28. That § 7-16-16 be amended to read:

7-16-16. The state's attorney and the state's attorney's deputies and special agents are entitled to receive from the county the necessary traveling and hotel expenses while traveling for the purpose of making investigations and attending to the duties of office either within or without the state. The county treasurer shall pay the expenses upon the presentation of itemized vouchers approved by the state's attorney. If the state's attorney, the deputy, or special agent used a personal motor vehicle, the person is entitled to receive not more than the state rate for each mile necessarily traveled.

Section 29. That § 7-16-17 be amended to read:

7-16-17. If the state's attorney of one county is requested to go to another county or from one part to another part of the county to transact any business as state's attorney, the state's attorney shall be paid by the county the amount of the necessary expenses in transacting the business in addition to the salary fixed by the county board.

Section 30. That § 7-16-19 be amended to read:

7-16-19. In any county of over fifty thousand population and any other county where the board of county commissioners so designates, the state's attorney shall be a full-time position and the state's attorney may not be counsel or attorney in any action, civil or criminal, in the courts of this state except when acting on behalf of the county or the State of South Dakota.

Section 31. That § 7-16-19.1 be amended to read:

7-16-19.1. The state's attorney of a county not employing a full-time state's attorney may maintain the Office of State's Attorney at the state's attorney's regular business address. The board of county commissioners may provide the state's attorney an allowance for fixed office overhead expenses in lieu of furnishing office space at the courthouse.

Section 32. That § 7-16-20 be amended to read:

7-16-20. The state's attorney, whenever any money for fines, forfeitures, recognizances, penalties, or costs is received, shall deliver to the officer or person paying the same, duplicate receipts, one receipt shall be filed by the officer or person in the office of the county treasurer.

Section 33. That § 7-16-21 be amended to read:

7-16-21. The state's attorney shall pay over to the county treasurer all money received as the state's attorney within ten days after it is received. The state's attorney shall file with the county auditor a complete list of the amount so paid showing all fees and costs received in civil actions in which the county is the successful party, as well as all fines, recognizances, forfeitures, penalties,

or costs received by the state's attorney. The state's attorney shall specify the name of each person from whom money was received, the particular amount paid by each person, and the cause for which each payment was made. A state's attorney who neglects to account for or pay over the money received as required by this section is guilty of theft.

Section 34. That § 7-16-22 be amended to read:

7-16-22. The county treasurer, in the treasurer's official name and capacity, shall cause an action to be instituted upon the bond of the state's attorney for the recovery of the money so received and unpaid by the state's attorney.

Section 35. That § 7-16A-9 be amended to read:

7-16A-9. A public defender shall represent any indigent person who is:

- (1) Detained by a law enforcement officer without charge or judicial process;
- (2) Arrested or charged with having committed a crime or of being a juvenile delinquent;
- (3) Detained under a conviction of a crime, juvenile delinquency, or mental illness; or
- (4) Otherwise an indigent person entitled to representation by law, to the same extent as a person having his or her own counsel, and with the necessary services and facilities of representation, including investigation and other preparation, authorized or approved by a court.

Section 36. That § 7-16A-12 be amended to read:

7-16A-12. If at any stage of proceedings, including appeal or other post-judgment proceedings, a public defender is unable to represent an indigent person, because of a conflict of interest or other good cause, the court concerned may assign a substitute private attorney to represent the indigent person.

A substitute attorney has the same duty to the indigent person as the public defender for whom the attorney is substituted. The court shall prescribe reasonable compensation for the substitute

attorney and approve the expenses necessarily made by the attorney for the defense of the indigent person in the manner pursuant to § 23A-40-8.

Section 37. That § 7-16A-18 be amended to read:

7-16A-18. A public defender shall keep appropriate records for each indigent person represented by the public defender's office. A public defender shall submit an annual report to the advisory committee showing the number of indigent persons represented by the public defender's office, the crimes involved, the outcome of each case, and the expenditures made in carrying out the public defender's responsibilities.

Section 38. That § 7-16B-13 be amended to read:

7-16B-13. There is established at the association of county commissioners a county legal expense relief fund administered by the county legal expense relief board created pursuant to § 7-16B-22. Expenditures from the fund shall be approved by the board.

Section 39. That § 7-16B-15 be amended to read:

7-16B-15. The county legal expense relief board shall promulgate rules, pursuant to chapter 1-26, regarding the procedure and requirements for allowing additional counties to participate in the fund, the procedure and requirements for allowing participating counties to withdraw from the fund, and other policies to facilitate the administration, distributions, and assessments associated with the fund.

Section 40. That § 7-16B-16 be amended to read:

7-16B-16. Any participating county may apply to the board for funds from the county legal expense relief fund if that county has incurred expenses related to any one criminal prosecution resulting in a court trial that are in excess of twenty-five thousand dollars.

The application shall include such information as the board may prescribe.

Section 41. That § 7-18-2 be amended to read:

7-18-2. The board of county commissioners shall procure and keep a seal with emblems and

devices as the board deems proper. This shall be the seal of the county and the county auditor may not use any other seal.

Section 42. That § 7-18-3 be amended to read:

7-18-3. At its regular meeting in January of each year the board of county commissioners shall designate three legal newspapers printed in the county as official newspapers. If there are not three legal newspapers within the county, then as many newspapers that are legal newspapers. No more than two newspapers within the same municipality may be designated as official newspapers by the county, if there are other legal newspapers published elsewhere within the county.

The board shall publish a full and complete report of all its official proceedings at all regular and special meetings and shall publish proceedings as soon after any meeting as practicable. The board shall pay for publishing the proceedings at a rate not to exceed ninety percent of the legal line rates for weekly newspapers and not to exceed the legal line rate for daily newspapers, as provided in chapter 17-2.

All notices required by law to be published by the county auditor shall also be published in the official newspapers. If any notice includes a legal description of property outside the incorporated limits of a municipality, the notice may include a physical description of the property from the nearest incorporated municipality.

Section 43. That § 7-18-3.1 be amended to read:

7-18-3.1. The name of any person receiving or who is entitled to poor relief as provided in chapter 28-13 may not be published as a part of the minutes of county commissioners meetings as provided in § 7-18-3.

Section 44. That § 7-18-4 be amended to read:

7-18-4. Each official newspaper shall file an affidavit of publication with the county auditor, executed in due form, of all legal official publications made by the county.

Section 45. That § 7-18-5 be amended to read:

7-18-5. The county auditor shall make a full and complete report of the proceedings of each regular and special meeting of the board and send a copy to the official newspapers. The report shall be sent within one week from the time each meeting is held.

Section 46. That § 7-18-9 be amended to read:

7-18-9. The board of county commissioners may condemn private property for public purposes in the manner and to the extent provided by law.

If the board of county commissioners deems it necessary to condemn private property for the purpose of opening, constructing, changing, relocating, maintaining, repairing, or extending any highway or bridge within its county, or for the purpose of erecting, repairing, or extending any courthouse, jail, or other public building, and of acquiring other or additional ground therefor, or for the purpose of providing cut slopes, borrow pits, or channel changes, or to afford unobstructed vision on the highways in the county at any point of danger to public travel, for right-of-way and borrow pit, or for the purpose of making any other public improvement or to acquire private property for any public use authorized by law, the board shall by resolution declare an appropriation necessary to be made and state the purpose and extent of the appropriation.

Nothing in this section may be construed as authorizing county commissioners to condemn property for county courthouse or jail site until a majority of the voters of a county have voted in favor of the erection of a courthouse or jail.

Section 47. That § 7-18-10 be amended to read:

7-18-10. Any county of this state may, through its board of commissioners, enter into agreements with and receive grants from federal agencies.

Section 48. That § 7-18A-12 be amended to read:

7-18A-12. Each person who has circulated a petition shall, before filing the petition, sign an

affidavit, under oath, verifying that he or she circulated the petition and that either the circulator or the signer added the signer's place of residence and date of signing. If multiple sheets of paper are necessary to obtain the required number of signatures, each sheet shall be self-contained and separately verified by the circulator.

Section 49. That § 7-18A-13 be amended to read:

7-18A-13. If a petition to initiate is filed with the auditor, the auditor shall present it to the board of county commissioners at its next regular or special meeting. The board shall enact the proposed ordinance or resolution and shall submit it to a vote of the voters in the manner prescribed for a referendum within sixty days after the final enactment. However, if the petition is filed within three months prior to the primary or general election, the ordinance or resolution may be submitted at the primary or general election.

Section 50. That § 7-18A-14 be amended to read:

7-18A-14. No initiated ordinance or resolution is effective unless approved by a majority of the votes cast for and against the ordinance or resolution. If approved, the ordinance or resolution takes effect upon the completion of the canvass of the election returns.

Section 51. That § 7-18A-26 be repealed.

Section 52. That § 7-19-1 be amended to read:

7-19-1. The state's attorney may commence and prosecute actions in the name of and on behalf of the county as provided in this chapter.

If in the opinion of the state's attorney the commencement and prosecution of any action is necessary to protect the interests of the county in any matter or to recover any money due the county from any person, the state's attorney may present to the judge of the circuit court of the circuit in which the county is situated a summons and complaint in such matter and ask leave of the judge to commence such action. If it appears to the judge that the interests of the county presumably require

the prosecution of the action, the judge shall endorse the summons. Then the state's attorney may commence and prosecute the action.

Section 53. That § 7-19-2 be amended to read:

7-19-2. If any real estate is advertised to be sold at execution sale, held pursuant to any judgment in an action to which any county shall be a party, the board of county commissioners of the county may instruct the county auditor to bid on the real estate in the name of the county. The commissioners shall fix the maximum price for the auditor to bid for the real estate. The county auditor upon the receipt of the instructions shall attend the sale. The county auditor shall bid on the real estate, but may not exceed the maximum amount fixed by the board. The county auditor shall purchase the real estate at the lowest price at which the real estate can be procured. Any county may hold in its own name and for its own benefit all real estate acquired under the provisions of this section.

Section 54. That § 7-20-1 be amended to read:

7-20-1. The county treasurer shall deposit and at all times keep on deposit the money in state or national banks within the county. If the deposits exceed the limit prescribed in § 7-20-10 or if there is but one bank located within the county then the deposits may be made in other banks or branch banks within an adjacent county of this state having an approved and responsible financial standing. A bank may apply for the privilege of keeping the county funds and shall state in the application the amount of money desired. If bond or securities are segregated as provided in § 4-6A-3, the board of county commissioners shall approve the application.

Section 55. That § 7-20-12 be amended to read:

7-20-12. Any county officer neglecting or refusing to comply with the provisions of §§ 7-20-1 to 7-20-11, inclusive, is subject to removal from office. No county treasurer is liable on the county treasurer's official bond for any loss of money deposited in compliance with the provisions of these

sections.

Section 56. That § 7-20-14 be amended to read:

7-20-14. The limit of deposit which may be carried or deposited in any bank by the county treasurer, as provided in § 7-20-10, does not apply to any bank designated as active depositories. However, no county treasurer may deposit in a bank more than the limit provided for by § 7-20-10 unless the county treasurer receives express authority from the board of county commissioners evidenced by a resolution of such board authorizing the deposit of a greater amount.

Section 57. That § 7-21-17 be amended to read:

7-21-17. Each contract made in violation of the provisions of § 7-21-16 is null and void in regard to any obligation thereby purported to be imposed on the county. However, any officer who made or authorized the contract is individually liable for its performance.

Each officer present when the unlawful contract is made, or authorized to be made is deemed to have participated in the making or authorization of the contract, unless the officer dissents therefrom and enters, or causes to be entered, such dissent on the records of the county.

Section 58. That § 7-22-1 be amended to read:

7-22-1. Before any account, claim, or demand against any county for any obligation, property, or services for which the county is liable may be allowed, the person who has the account, claim, or demand shall:

- (1) Submit in writing and verify that the account is just and true, the money charged was actually paid for the purposes stated; the property charged for was actually delivered or used for the purposes stated, and was of the value charged; and the services charged were actually rendered and of the value as charged. If the services were official, for which fees are prescribed by law, that the fees and amounts charged for the services are allowed by law and no part of the account, claim, or demand has been paid; or

- (2) Present an invoice or verification which shall be attached to a county voucher, the latter being signed or verified by the county official who purchased the property or had the services rendered to the effect that the account is just and true; the money charged was actually paid for the purposes stated; the property charged for was actually delivered or used for the purposes stated, and was of the value charged; and the services charged for were actually rendered and of the value as charged. If the services were official, for which fees are prescribed by law, that the fees and amounts charged for the services are allowed by law and no part of the account, claim, or demand has been paid.

The provisions of this section do not apply to any claim or demand for the per diem of jurors or witnesses fixed by law.

Section 59. That § 7-22-8 be amended to read:

7-22-8. The treasurer of each organized county shall keep a warrant register which register shall show in a column arranged for that purpose the number, date, and amount of each warrant presented, the particular fund upon which the warrant is drawn, the date of presentation, the name and address of the person in whose name the warrant is registered, the date of payment when made, the amount of interest, and the total amount paid, with the date when notice to the person in whose name the warrant is registered is mailed.

Section 60. That § 7-22-9 be amended to read:

7-22-9. If any warrant is presented to the treasurer for payment and no funds in the treasury have been appropriated for that purpose, the treasurer shall enter the warrant in the warrant register for payment in the order of presentation. The treasurer shall endorse on the warrant the registry number, date of registration, and the words "Not paid for want of funds," and sign the endorsement.

Section 61. That § 7-22-13 be amended to read:

7-22-13. Any warrant holder who fails to present a warrant to the treasurer within thirty days

after the treasurer has mailed written notice to the holder, addressed to the holder's last known address, loses the right to payment pursuant to § 7-22-12. No holder of a registered warrant is entitled to payment in the order provided in § 7-22-12 unless the holder has filed with the treasurer a description of the warrant or warrants held by the holder, and the holder's name and post office address.

Section 62. That § 7-22-15 be amended to read:

7-22-15. All registered warrants shall be paid in the order of registration and the treasurer, as soon as money sufficient for the payment of the warrants is received to the credit of the particular fund upon which the warrants are drawn, shall immediately notify by mail the persons in whose names the warrants are drawn. If the treasurer receives written notice from some other person that such person is the holder of the warrant, then the treasurer shall notify the other person and interest upon the warrants shall cease. The treasurer shall pay and cancel the warrants upon presentation of the written notice.

Section 63. That § 7-22-16 be amended to read:

7-22-16. No county treasurer may either directly or indirectly contract for or purchase any warrant issued by the county for which the treasurer receives any discount whatever upon the sum due on the warrant. If the treasurer contracts for or purchase any warrant, the treasurer is not allowed in settlement the amount of the warrant or any part of the warrant. The treasurer shall forfeit the whole amount due on the warrant to be recovered by civil action at the suit of the state for the use of the county.

Section 64. That § 7-25-8 be amended to read:

7-25-8. One copy of the plans and specifications for any building to be erected shall be on file in the office of the county auditor at all times from the beginning of the publication of the advertisement for bids until the completion of the building. Any county auditor who allows or

permits the original of any building plans or specifications filed in the office to be removed from the office commits a petty offense.

Section 65. That § 7-25-12 be amended to read:

7-25-12. The board shall require a bond from the contractor in a sum equal to the contract price, conditioned that the contractor executes the contract and completes the building according to the plans and specifications and to the full satisfaction of the board. The contractor shall account for all moneys paid to the contractor and pay all bills and claims on account of labor or materials furnished in and about the performance of the contract including all demands of subcontractors. The bond shall stand as security for the bills, claims, and demands and be a surety bond issued by a surety company authorized to do a surety bonding business in the state or a personal bond with sufficient sureties, to be approved by the board of county commissioners.

Section 66. That § 7-25A-17 be amended to read:

7-25A-17. Each member of the board of supervisors shall receive an amount not to exceed one hundred dollars per month or an amount established by the electors at referendum. In addition, each supervisor shall receive travel and per diem expenses as set by the board.

Section 67. That § 7-25A-21 be amended to read:

7-25A-21. The board shall designate a person as treasurer of the district, who is in charge of the funds of the district. The funds may only be disbursed upon the order, or pursuant to the resolution, of the board by warrant or check countersigned by the treasurer and by such other person as may be authorized by the board. The board may give the treasurer other or additional powers and duties as the board deems appropriate and may fix the compensation for the treasurer. The board may require the treasurer to give a bond in such amount, on such terms, and with such sureties as is deemed satisfactory to the board to secure the performance by the treasurer of the powers and duties.

Section 68. That § 7-27-19 be repealed.

Section 69. That § 7-28-1 be repealed.

Section 70. That § 7-30-5 be amended to read:

7-30-5. If the highest offer for any tract of land payable in cash is satisfactory, the bidder shall immediately pay to the county treasurer the amount specified as the annual rental for the tract. The treasurer shall give the bidder a receipt and shall keep a copy on file in the office. The county auditor shall prepare a lease for the tract in duplicate to be signed by the county auditor and the lessee. The county auditor shall give the lessee a copy and shall keep a copy on file in the office.

Section 71. That § 7-30-16 be amended to read:

7-30-16. Any lessee who constructs a dam pursuant to the permit described in § 7-30-15 and has received a certificate executed by the federal district range program inspector is entitled to payment as provided in § 7-30-17, unless the lessee defaults in the terms of the lease, abandons the lease, or fails to bid at the next letting of the lease. The inspector shall state in the certificate the measurements of the dam, including the number of cubic yards of earth and whether the dam was approved by the inspector.

An Act to make form and style revisions to certain statutes regarding counties.

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I certify that the attached Act
originated in the

HOUSE as Bill No. 1004

Chief Clerk

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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1004

File No. _____

Chapter No. _____

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Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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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