



2024 South Dakota Legislature

House Bill 1140

SENATE ENGROSSED

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: **Representative** Mortenson

1 **An Act to revise certain provisions relating to petitions containing illegal actions and**
2 **to declare an emergency.**

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

4 **Section 1. That § 7-18A-13 be AMENDED:**

5 **7-18A-13.** If a petition to initiate is filed with the auditor, the auditor shall present
6 it to the board of county commissioners at its next regular or special meeting. ~~The~~ Unless
7 the board determines the petition's proposed measure is in contravention of state or
8 federal law, which determination may be appealed to circuit court in accordance with § 7-
9 8-27, the board shall enact the proposed ordinance or resolution and shall submit it to a
10 vote of the voters in the manner prescribed for a referendum within sixty days after the
11 final enactment. However, if the petition is filed within three months prior to the primary
12 or general election, the ordinance or resolution may be submitted at the primary or general
13 election.

14 **Section 2. That § 9-20-4 be AMENDED:**

15 **9-20-4.** When a petition to initiate is filed with the finance officer, the finance
16 officer shall present the petition to the governing body at its first ensuing regular or special
17 meeting. ~~The~~ Unless the governing body determines the petition's proposed measure is in
18 contravention of state or federal law, which determination may be appealed to circuit court
19 in accordance with chapter 21-29 or 21-30, the governing body shall submit the petition
20 to a vote of the voters in the manner prescribed for a referendum.

21 **Section 3.** Whereas, this Act is necessary for the support of the state government and its
22 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in
23 full force and effect from and after its passage and approval.