



## 2020 South Dakota Legislature

# House Bill 1199

*Introduced by: **Representative** Reed at the request of the Electric Services in an Annexed Area*

1 **An Act to require certain annexation information be provided to electric utilities.**

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

3 **Section 1.** That § 9-4-1 be AMENDED:

4 **9-4-1. Annexation of territory--Petition--Notice to electric utility.**

5 The governing body of a municipality, upon receipt of a written petition describing  
6 the boundaries of any territory contiguous to that municipality sought to be annexed to  
7 that municipality, may by resolution include such territory or any part thereof within ~~such~~  
8 the municipality if the petition is signed by not less than three-fourths of the registered  
9 voters and by the owners of not less than three-fourths of the value of the territory sought  
10 to be annexed to the municipality. In the case of an annexation in a municipality with a  
11 municipally-owned electric utility, the governing body of the municipality shall mail, by  
12 certified mail, a copy of the petition for annexation with a notice of time and place of the  
13 public hearing to any electric utility providing electric service in the area considered for  
14 annexation.

15 For purposes of this section, the term, contiguous, includes territory separated from  
16 the municipality by reason of intervening ownership of land used as a golf course, railroad,  
17 or any land owned by ~~the State of South Dakota~~ this state or any subdivisions thereof a  
18 political subdivision.

19 **Section 2.** That § 9-4-4.3 be AMENDED:

20 **9-4-4.3. Notice of public hearing--Notice to electric utility.**

21 Prior to adoption, the governing body of the municipality shall mail, by certified  
22 mail, copies of the resolution of intent with a notice of time and place of the public hearing  
23 ~~shall be forwarded by certified mail~~ to the affected landowners and the county auditor,  
24 who shall then forward the resolution of intent and notice of public hearing regarding the  
25 resolution of intent to the county commissioners. In the case of an annexation in a

1 municipality with a municipally-owned electric utility, the governing body of the  
 2 municipality shall mail, by certified mail, copies of the resolution of intent with a notice of  
 3 time and place of the public hearing to any electric utility providing electric service in the  
 4 area considered for annexation. The notice shall be postmarked not less than ten days  
 5 and not more than twenty days before the date of the public hearing. The resolution of  
 6 intent may be adopted, pursuant to chapter 9-19, with or without amendments after the  
 7 public hearing. The governing body shall utilize and rely upon the records of the county  
 8 director of equalization for the purposes of determining the affected landowners.

9 **Section 3.** That § 9-4-4.4 be AMENDED:

10 **9-4-4.4. Public hearing--Notice to be mailed--Adoption of resolution--**  
 11 **Contents.**

12 The governing body shall hold a public hearing to consider extension of its  
 13 boundaries within sixty days of the adoption of the resolution of intent provided for in  
 14 §§ 9-4-4.2 and 9-4-4.11. Prior to adoption of the resolution of annexation, the governing  
 15 body of the municipality shall mail, by certified mail, a copy of the adopted resolution of  
 16 intent and a notice of the time and place of the public hearing on the resolution of  
 17 annexation shall be forwarded by certified mail to the affected landowners and the county  
 18 auditor, who shall then forward the adopted resolution of intent and notice of public  
 19 hearing regarding the resolution of annexation to the county commissioners.—~~The notice~~  
 20 In the case of an annexation in a municipality with a municipally-owned electric utility,  
 21 the governing body of the municipality shall mail, by certified mail, copies of the resolution  
 22 of intent with a notice of time and place of the public hearing to any electric utility  
 23 providing electric service in the area considered for annexation. All notices in this section  
 24 shall be postmarked not less than ten days and not more than twenty days before the  
 25 date of the public hearing. The governing body shall utilize and rely upon the records of  
 26 the county director of equalization for the purposes of determining the affected  
 27 landowners. The governing body may adopt an annexation resolution, containing the  
 28 description and boundaries of the territory to be annexed, pursuant to chapter 9-19, within  
 29 one hundred and twenty days of the public hearing. The governing body shall consider  
 30 any objections to the resolution of annexation and the adopted resolution of intent, and  
 31 may adopt the resolution of annexation with or without amendments, ~~and~~. The governing  
 32 body may also add to the resolution of annexation any amendments to the resolution of  
 33 intent. No amendment may be made affecting any property not described in the original  
 34 resolution.