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## Public Services Available to Rural Residents

Cooperative Extension South Dakota State University

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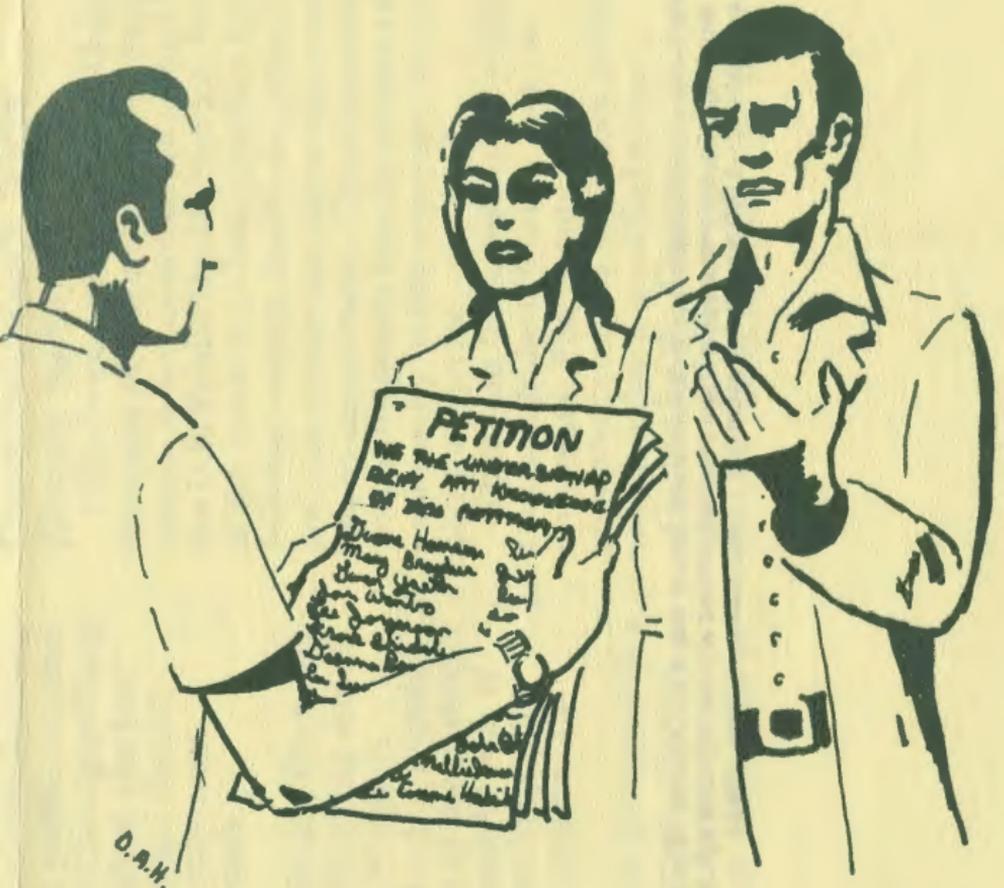
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# public SERVICES AVAILABLE TO RURAL RESIDENTS

Cooperative Extension Service  
South Dakota State University  
U.S. Department of Agriculture

# public SERVICES AVAILABLE TO RURAL RESIDENTS

Galen Kelsey  
Extension Resource development specialist

Although the trend to larger and fewer farms continues, the countryside is no longer losing people. In fact, the rural-to-urban population movement has turned around. Homes are appearing on small acreages in the country as people seek more space for a growing family and outdoor living.

When people move from the city to the country, they bring with them a need or desire for urban services. They want water, sewer, fire protection, and health care. But they may run into opposition from the older residents who have gotten along so far without these services. Because they now are neighbors, both groups will have to overcome their antagonisms, learn many new things, and work together to accomplish things they couldn't as individuals.

This publication is a brief description of the kind of services available under South Dakota law to rural residents. SDSU has additional information on most of the services described. Consult your county Extension staff. They can obtain further information for you and can help you organize neighborhood educational meetings. They can also help form the local organizations sometimes required by law to institute a particular service.

## Rural Fire Protection

Under South Dakota law rural residents may petition their county auditor stating their intent to establish a rural fire protection district. The petitions must be signed by over 10% of the electors (qualified voters) in an area equivalent in size to a township or more. The law allows for districts to cross county lines.

Following the petition, the county commissioners must call a public hearing at which time all persons residing in or owning taxable property within the proposed district may present their views. The commissioners then must determine if the proposed district conforms to the general fire protection plan of the county. If so, they must file a copy of their determination with the county auditor. The county auditor then must call a public meeting of property owners, where the question of

forming a fire protection district may be decided by majority vote of those present.

Rural fire protection districts are governed by an elected board of directors, who serve without pay for a 2-year term. (In the first election half of the board is elected for 1 year.) For purchasing and maintaining fire fighting equipment and for training firemen, they are empowered to budget annually the amount raised from a tax of up to one mill on all the taxable property in the district.

Rural fire fighting districts may incur indebtedness, but the debt cannot exceed 10 times the amount which might be collected in taxes in 1 year. The Farmers Home Administration may make low-interest loans for the purchase of buildings and equipment.

A rural fire fighting district may contract with another district or any federal, state or local government agency to either provide or receive fire protection services (South Dakota Compiled Laws 34-31A).

Rural fire departments depend upon volunteer firemen. Consequently, before taking even the initial step of circulating petitions, the group should first determine the willingness and ability of rural residents to provide their own necessary volunteer manpower. If a large percentage of them commute to a job some distance away, there may not be fire fighters available in the event of a fire during the day. An alternative is to form a district and then contract for fire fighting services with another district or a municipal fire department, if available.

## Rural Water and/or Sanitary Districts

Rural water systems may be established under three separate South Dakota statutes. If the goal of the residents of the area is to provide for a water distribution system only, they may form a water user district under SDCL 46-16 or they may form a private non-profit corporation under SDCL 47-22. If the residents desire both water and sewer service or just sewer service they may form a sanitary district under SDCL 34-17.

## Private Non-Profit Corporation

Three or more people may form a private non-profit corporation. A small cluster of rural residents with an adequate source of water nearby might want to form such a corporation for mutual water service. The corporation would not have the power to tax or the power of eminent domain. The corporation would have the power to borrow money for the purposes stated in its articles of incorporation and bylaws, in this case to secure and deliver water. The Farmers Home Administration is only one of a number of sources from which funds might be obtained.

The services of an attorney should be sought in organizing such a corporation.

As a general rule, private non-profit corporations are governed by a board of directors and the usual officers of any organization (president, vice-president, secretary, and treasurer) elected by the members and serving a term of office as determined by the rules of the corporation.

## Water User District

Water user districts (water conservancy districts) do not have taxing power or the power to levy special assessments. They may issue revenue bonds and exercise the power of eminent domain. The cost of providing water service must be paid from user charges. The area served need not be contiguous and may include small towns.

A water user district is created by petitioning the State Water Resources Commission. The petitions must be signed by 25% or more of the owners of land in the proposed district. If a town or towns is included, each town and the rural area must each indicate their interest by separate petitions signed by 25% of the landowners. (For more detailed information request FS 539, Selecting a Legal Organization to Administer the Affairs of a Community Sewer and/or Water System.)

## Sanitary District

Sanitary districts are formed by petitioning the county commissioners

in the county or counties within which the proposed boundaries of the district lie. A survey and map, verified by a surveyor, must be submitted with the application (petitions) for the incorporation of a sanitary district. The proposed district must contain at least 30 legal residents, including minors, or not less than 10 qualified voters. At least one third of the residents of the area must sign the petition.

After the petitions are filed and verified by the county commissioners, an election is held. If passed by a majority vote of the qualified electors residing in the proposed district, the district is formed.

Sanitary districts have the power to issue bonds, borrow money, levy taxes and special assessments, and to exercise eminent domain. They may contract with adjacent municipalities for services, or they may construct and operate storm and sanitary sewers, sewage and solid waste disposal plants and systems. They also have the authority to require all residences and structures in the district to be connected to the sewers of the district.

### **Drainage Districts**

The county commissioners may establish a drainage district upon petition signed by a majority of the affected landowners owning 10 acres or more and with the approval of the Water Resources Commission. A public hearing must be held after which the commissioners may approve or deny the application. The commissioners have the power to levy assessments on the land benefited. The county is responsible for building and maintaining the necessary structures. The law is complex and the petition form is specific. Legal counsel should be consulted before attempting to circulate petitions.

### **County Parks**

A 1920 law provides that counties may use county funds or borrow money to purchase land for a county park and also to create bodies of water on such land (SDCL 41-18).

County commissioners may institute condemnation proceedings to acquire the land or accept land as a gift to the county or purchase by agreement. They may levy up to one mill on all property in the county for the purchase of land. If the county issues bonds for the purchase of the land it may exceed the one-mill levy limitation to retire the bonds.

The law also provides a means for landowners to institute action toward the establishment of a county park upon petition filed with the county

auditor and signed by 300 or more "freehold electors" (landowners). The county commissioners are required to hold a public hearing at which time those for and against the proposal would be heard. The final decision rests with the board of county commissioners.

If a county park is established, the county may subdivide the acreage and sell lots to private owners.

### **Ambulance Services**

Both counties and municipalities are authorized by law to provide ambulance services within their boundaries and within a radius of 50 miles. They may enter into agreements with private suppliers of such services or other units of government and agencies of government. They may not set up a special taxing district to provide and pay for exclusive service within that district.

The United States Department of Transportation provides matching funds to purchase and equip approved ambulance vehicles. Information on this program may be obtained from the Emergency Medical Services Division, State Department of Health, Pierre, 57501.

Ambulance services must be licensed by the State Health Department. One of the licensure requirements is that all drivers and attendants, full time or volunteer, must have completed an approved course in emergency medical practices.

The decision whether to provide such service is the responsibility of the city or county governing body. The law does not require petitions, elections, or public hearings for approval.

### **Public Hospital Districts (Including nursing homes and homes for the aged)**

The petition process is the first step in the formation of a public hospital district. Petitions must be signed by at least 10% of the resident electors residing in the proposed district. District boundaries may cross county lines and include municipalities.

Completed petitions are filed with the county auditor following which the board or boards of county commissioners must call a popular vote on the question of the district's formation. A 60% majority vote of qualified electors residing in the proposed district is required for passage.

Hospital districts are governed by a board consisting of seven elected trustees who serve a 4-year term without pay. They are authorized to

issue bonds (bond issue elections must be held) and levy taxes not to exceed one mill on all property in the district for the purpose of providing such services as hospital, nursing home, or home for the aged.

Before any health facility is constructed with the use of public money, a Certificate of Need must be obtained from the State Health Department. Before issuing such a certificate, the department must hold a hearing in the district and determine that there is a need for such services and that there are sufficient resources in the district to support the service.

Note: Another statute authorizes the establishment of county hospitals, nursing homes, and homes for the aged. The process is nearly identical except that the petitions must be signed by at least 15% of the electors in each of the precincts, and the county comprises the district. The board of trustees consists of five members, one of which must be a physician or nurse, and a term is 5 years.

### **County and Municipal Loans and Grants for Medical Services**

A 1973 law (SDCL 34-8A) provides that the governing board of a city or county, by unanimous vote, may enter into agreement or agreements with an individual or individuals for the purpose of providing professional medical services. It may make grants, loans or payments from "any source of funds available." The governing body may also enter into agreements with other contiguous units of government for the joint sponsorship of professional medical services. The Attorney General has ruled under this law that counties and municipalities may donate to or make loans for the construction of privately owned clinic and nursing home facilities.

### **Community Health Nurse (County nurse)**

Fifty-five counties in South Dakota have one or more community health nurses. A few counties are served by the U.S. Public Health Service. Some of the more populous counties have full-time county health departments and one county has a joint city-county health department. This discussion will be limited to how the services of a community health nurse are obtained and the services provided.

There are three means by which a community health nurse may be employed. The county commissioners by their own action may employ a qualified nurse selected by the Director of Nurses, State Health Department. The County board of health may file a

written request with the county auditor for the employment of a nurse. The commissioners are required to meet in special session to consider the application. If the county does not have a board of health or if the board, for any reason, fails to act, a petition signed by 25 or more freeholders (landowners) may be filed with the county auditor. Such a petition has the same power as if it were a request from the county board of health. In every case the county commissioners or city council makes the decision.

Community health nurses perform such functions as immunizing both children and adults. They can hold well-baby clinics, teach classes in first aid, examine children in the schools for communicable diseases and hearing and sight impairments. They might hold classes on recognizing the symptoms of such conditions as

cancer, diabetes, heart problems and human parasites. They are on call to respond to any type of health related emergencies such as injuries, accidents and epidemics, and they counsel families on health related problems.

To the limit of funds available, community health nurse services are supported, in part, from federal funds administered by the State Health Department. Counties provide office space, equipment and supplies, secretarial services, telephone, and 50% of the salary and travel costs. For further information contact Community Health Nursing, State Department of Health, Joe Foss Bldg., Pierre 57501.

#### **Day Care Centers**

SDCL 26-6-18.1-18.4 authorizes both counties and municipalities to

levy a tax of up to 1/5 mill to establish and maintain day care centers. They may also assist in the support of day care centers operated by private non-profit organizations. The decision whether to levy a tax or in any manner support day care centers is the prerogative of the governing bodies, county or municipal. The law does not require a petition or hearing.

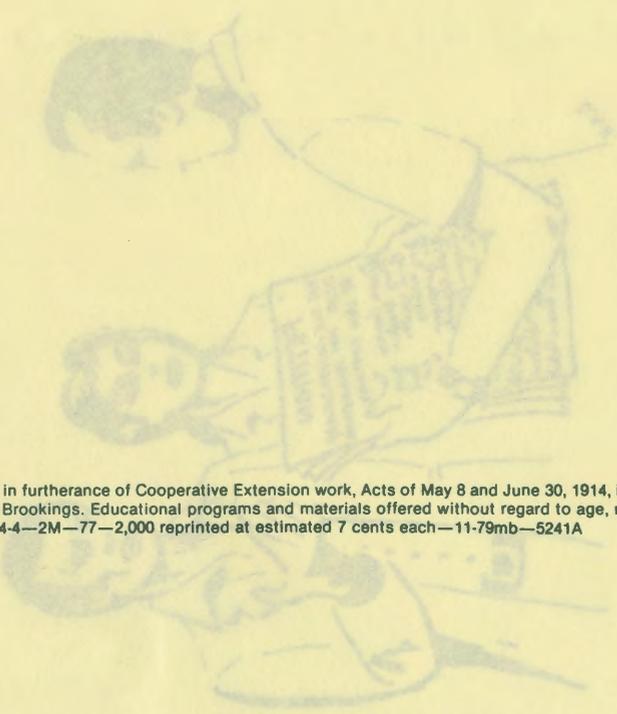
The state provides an information service designed to channel requests for services to the proper agency. If you have a need for a public service and do not know where to apply, the toll free number: 1-800-592-1865.



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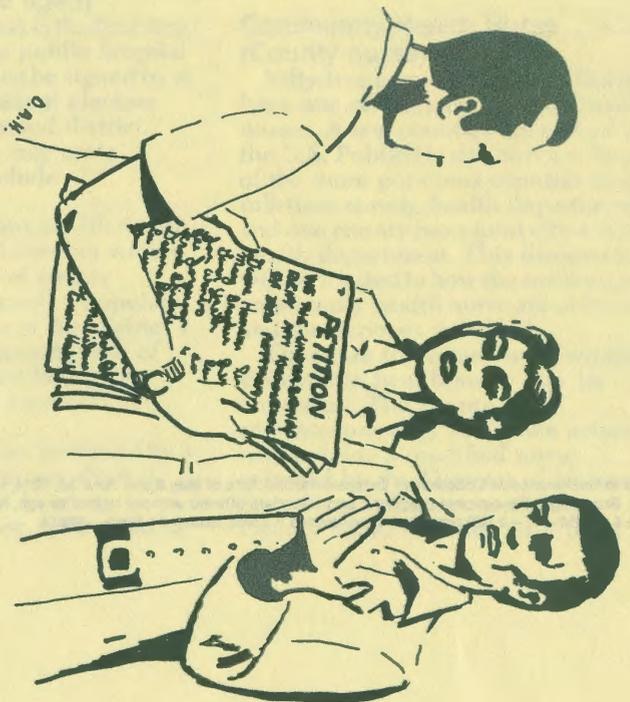
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