

# State of South Dakota

EIGHTY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 2007

408N0208

## HOUSE BILL NO. 1226

Introduced by: Representatives Boomgarden, Dykstra, Jerke, and Nygaard and Senators  
Nesselhuf, Albers, and Olson (Ed)

1 FOR AN ACT ENTITLED, An Act to revise certain provisions related to water project district  
2 voter eligibility and qualification of directors.

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

4 Section 1. That chapter 46A-18 be amended by adding thereto a NEW SECTION to read  
5 as follows:

6 Except as otherwise provided in this chapter, no person may vote in any election held  
7 pursuant to this chapter unless the person is a qualified voter of the water project district. A  
8 qualified voter of the district is a person who is a registered voter and a resident of the district.  
9 If the election is conducted based on director divisions, no person may vote in the election  
10 unless the person is a qualified voter of the person's respective director division. A qualified  
11 voter of a director division is a person who is a registered voter and a resident of the director  
12 division.

13 Section 2. That § 46A-18-14 be amended to read as follows:

14 46A-18-14. The Board of Water and Natural Resources, within ninety days from the receipt  
15 of a petition, or within ninety days from the time funds become available to defray the cost of



1 an investigation, shall determine if whether the proposed project is feasible and conforms to  
2 public convenience and welfare. If the project is deemed not feasible or not conforming to  
3 public convenience and welfare, the board shall dismiss the petition. If the board determines that  
4 the project is feasible and conforms to public convenience and welfare, the board shall by  
5 resolution approve the petition and call an election of the qualified voters of the proposed water  
6 project district on the question of whether the proposed district should be established. The  
7 election shall be held as provided in §§ 6-16-4 to 6-16-6, inclusive.

8 Section 3. That § 46A-18-23 be amended to read as follows:

9 46A-18-23. ~~Prior to~~ Before May first of each year, on a date established by the directors, an  
10 annual meeting of the district shall be held during which the ~~registered voters~~ qualified voters  
11 of the district shall elect, by ballot, under the direction of the secretary of the district, directors  
12 to replace those whose terms have expired. Newly elected directors shall assume office at the  
13 time of their election.

14 Section 4. That § 46A-18-46 be amended to read as follows:

15 46A-18-46. No annual general tax levy, whether for annual district operation and  
16 maintenance expense or for payment of long term obligations, may exceed one dollar per  
17 thousand dollars of taxable valuation. No limitation ~~may apply~~ applies to special assessments,  
18 except that special assessments may not be used to pay an obligation beyond the current  
19 business year of the district unless approved by an election of the affected landowners as  
20 provided in ~~§ 46A-18-45~~ §§ 46A-18-45 and 46A-18-47.

21 Section 5. That § 46A-18-47 be amended to read as follows:

22 46A-18-47. In the election provided in § 46A-18-45, ~~registered voters~~ qualified voters of  
23 the district are eligible to vote, unless special assessments are proposed. If special assessments  
24 are proposed, only those landowners subject to ~~such~~ the assessments may vote. A landowner

1 need not be a registered voter to vote on the proposed special assessments. If the financing  
2 proposal provides for both general tax levies and special assessments, the votes applicable to  
3 the general tax and the votes applicable to the special assessments shall be counted separately  
4 and accepted separately for purposes of determining the outcome of the election.

5 Section 6. That § 46A-18-55 be amended to read as follows:

6 46A-18-55. The directors may at any time call a special election ~~and submit to the qualified~~  
7 ~~voters of the district the question~~ to determine whether additional taxes or special assessments  
8 may be levied for the purpose of raising money for increased costs of district business or for a  
9 supplemental plan of improvements over and above the initial plan of improvements. Eligibility  
10 to vote in the special election is determined in accordance with the provisions of § 46A-18-47.