

AN ACT

ENTITLED, An Act to revise provisions related to water project district voter eligibility.

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

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

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

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

46A-18-14. The Board of Water and Natural Resources, within ninety days from the receipt of a petition, or within ninety days from the time funds become available to defray the cost of an investigation, shall determine whether the proposed project is feasible and conforms to public convenience and welfare. If the project is deemed not feasible or not conforming to public convenience and welfare, the board shall dismiss the petition. If the board determines that the project is feasible and conforms to public convenience and welfare, the board shall by resolution approve the petition and call an election of the qualified voters of the proposed water project district on the question of whether the proposed district should be established. The election shall be held as provided in §§ 6-16-4 to 6-16-6, inclusive.

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

46A-18-23. Before May first of each year, on a date established by the directors, an annual meeting of the district shall be held during which the qualified voters of the district shall elect, by

ballot, under the direction of the secretary of the district, directors to replace those whose terms have expired. Newly elected directors shall assume office at the time of their election.

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

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

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

46A-18-47. In the election provided in § 46A-18-45, all qualified voters of the district are eligible to vote. However, if special assessments are proposed, only those qualified voters of the district who are also landowners subject to the proposed assessments may vote. If the financing proposal provides for both general tax levies and special assessments, the votes applicable to the general tax and the votes applicable to the special assessments shall be counted separately and accepted separately for purposes of determining the outcome of the election.

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

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

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I certify that the attached Act originated in the

HOUSE as Bill No. 1226

Chief Clerk

Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1226

File No. _____

Chapter No. _____

Received at this Executive Office this ____ day of _____ ,

20__ at _____ M.

By _____
for the Governor

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