

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

429R0720

SENATE BILL NO. 184

Introduced by: Senators Novstrup (Al), Brown, Fryslie, Gant, Hansen (Tom), Howie, Hundstad, Jerstad, and Schmidt and Representatives Peters, Cronin, Cutler, Deadrick, Dennert, Fargen, Feickert, Rausch, and Steele

1 FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the taxes imposed
2 by water development districts and the formation of water development districts.

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

4 Section 1. That § 46A-3E-1 be amended to read as follows:

5 46A-3E-1. A water development district board of directors may levy taxes, not to exceed
6 thirty cents per thousand dollars of taxable valuation in the district, for accomplishment of the
7 purposes of chapters 46A-3A to 46A-3E, inclusive, and chapters 46A-1 and 46A-2. If an area
8 is included in more than one water development district, that area's tax levy payable to each of
9 the water development districts shall be determined by multiplying the greater of the
10 overlapping water development districts' levies by each water development district's taxing
11 fraction. Each water development district's taxing fraction is determined by dividing that water
12 development district's proposed tax levy for the overlapped area by the sum of all water
13 development districts' levies for the overlapped area. ~~For purposes of chapter 10-13, any~~ Any
14 water development district for which boundaries are revised under §§ 46A-3A-2 to ~~46A-3A-5~~



1 ~~46A-3A-7.1, inclusive, is not considered a new taxing district created on the date specified~~
2 ~~pursuant to § 46A-3A-1. If any water development district levied a tax pursuant to chapter 10-13~~
3 ~~in a manner used by a new taxing district, such water development district shall revert back to~~
4 ~~the maximum amount of revenue payable to the district for taxes payable in 2008. The water~~
5 ~~development district may adjust the maximum amount of revenue payable based on the growth~~
6 ~~and index factor for each year thereafter. Any excess levy approved by the water development~~
7 ~~district pursuant to § 10-13-36 before July 1, 2002, is null and void.~~

8 Section 2. That § 46A-3A-16 be amended to read as follows:

9 46A-3A-16. After a water development district has been established pursuant to the
10 provisions of chapters 46A-3A to 46A-3E, inclusive, any county, township, or group of
11 townships contiguous to the external boundary of the water development district may be added
12 to and become a part of that water development district by an affirmative ~~vote of at least sixty~~
13 ~~percent of the votes cast on the question in the area proposed for addition, if the board of~~
14 ~~directors of the water development district to which any addition is to be made by resolution~~
15 ~~advises the Board of Water and Natural Resources that the water development district board~~
16 ~~favors the addition~~ two-thirds vote of the board of the county commissioners. Any county or that
17 entire portion of a county included within a water development district may be withdrawn from
18 a water development district by an affirmative ~~vote of at least sixty percent of the votes cast on~~
19 ~~the question in the county proposed for withdrawal. Proposals for additions or withdrawals shall~~
20 ~~be in the form of a written petition to the Board of Water and Natural Resources and shall be~~
21 ~~signed by a number of qualified voters in the area proposed for the addition or withdrawal equal~~
22 ~~to at least fifteen percent of the number of votes cast within the area in the most recent~~
23 ~~gubernatorial election. The county auditor in each county where a petition is circulated shall~~
24 ~~verify the signatures on the petition. The petition shall include a statement whether the election~~

1 is for the purpose of becoming a part of an existing water development district or withdrawing
2 from an existing water development district and a statement describing the purpose of the
3 action. The petition shall be presented to the Board of Water and Natural Resources not more
4 than one hundred twenty days nor less than ninety days before a regularly scheduled general
5 election. Upon receipt of the petition, the Board of Water and Natural Resources shall call an
6 election on the question of whether the addition or withdrawal should be made. The election
7 shall be held in conjunction with the next regularly scheduled general election two-thirds vote
8 of the board of the county commissioners.

9 Section 3. That § 46A-3A-17 be repealed.

10 ~~46A-3A-17. The costs associated with an election for withdrawal or addition shall be~~
11 ~~assigned to the involved county.~~