

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

429R0720

SENATE TAXATION ENGROSSED NO. **SB 184** - 2/17/2010

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 addition and withdrawal of territory for water
3 development districts.

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

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

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



1 water development district for which boundaries are revised under §§ 46A-3A-2 to ~~46A-3A-5~~
2 46A-3A-7.1, inclusive, is not considered a new taxing district ~~created on the date specified~~
3 ~~pursuant to § 46A-3A-1. If any water development district levied a tax pursuant to chapter 10-13~~
4 in a manner used by a new taxing district for taxes payable in 2010, such water development
5 district shall revert to the amount of revenue payable to the district for taxes payable in 2009
6 including any excess levy approved pursuant to § 10-13-36 before July 1, 2002. The water
7 development district may adjust the maximum amount of revenue payable for property taxes
8 based on the growth and index factor for each year thereafter. Any excess levy approved by the
9 water development district pursuant to § 10-13-36 before July 1, 2002, is null and void.

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

11 46A-3A-16. After a water development district has been established pursuant to the
12 provisions of chapters 46A-3A to 46A-3E, inclusive, any county, township, or group of
13 townships contiguous to the external boundary of the water development district may be added
14 to and become a part of that water development district by an affirmative vote of ~~at least sixty~~
15 ~~percent~~ a majority of the votes cast on the question in the area proposed for addition, if the board
16 of directors of the water development district to which any addition is to be made by resolution
17 advises the Board of Water and Natural Resources that the water development district board
18 favors the addition. Any county or that entire portion of a county included within a water
19 development district may be withdrawn from a water development district by an affirmative
20 vote of ~~at least sixty percent~~ a majority of the votes cast on the question in the county proposed
21 for withdrawal. Proposals for additions or withdrawals shall be in the form of a written
22 resolution or petition to the Board of Water and Natural Resources ~~and~~.

23 The resolution shall be approved with an affirmative four-fifths vote of the governing body
24 of a county.

1 The petition shall be signed by a number of qualified voters in the area proposed for the
2 addition or withdrawal equal to at least ~~fifteen~~ five percent of the number of votes cast within
3 the area in the most recent gubernatorial election. The county auditor in each county where a
4 petition is circulated shall verify the signatures on the petition.

5 The resolution or petition shall include a statement whether the election is for the purpose
6 of becoming a part of an existing water development district or withdrawing from an existing
7 water development district and a statement describing the purpose of the action. The resolution
8 or petition shall be presented to the Board of Water and Natural Resources not more than one
9 hundred twenty days nor less than ninety days before a regularly scheduled general election.
10 Upon receipt of the resolution or petition, the Board of Water and Natural Resources shall call
11 an election on the question of whether the addition or withdrawal should be made. The election
12 shall be held in conjunction with the next regularly scheduled general election.