

CHAPTER 46A-3C

WATER DEVELOPMENT DISTRICTS--DISSOLUTION

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46A-3C-1. Election of dissolution of district--Vote required--Petition. A water development district may be dissolved by affirmative vote of at least fifty percent of the votes cast on the question at a general election. The question shall be referred to district voters by the Board of Water and Natural Resources after receipt of a petition in writing signed by a number of qualified voters of the water development district equal to at least fifteen percent of the votes cast within the water development district in the most recent gubernatorial election. The petition shall be filed with the board by the first Tuesday in July of the year in which the general election is to occur.

**Source:** SL 1984 (SS), ch 1, § 24; SL 1990, ch 362, § 3; SL 1991, ch 17 (Ex. Ord. 91-4), § 17.

46A-3C-2. Form of petition for dissolution. The petition of dissolution pursuant to § 46A-3C-1 shall request that the water development district be dissolved and shall include the legal name of the water development district. Each person signing the petition shall add to the person's signature, in the person's own handwriting, the person's place of residence and the date of signing. The petition may contain more than one page, and each page shall have identical headings. Any number of identical petition forms may be circulated and each be a part of the petition. Every page of the petition containing signatures shall have upon it and below the signatures an affidavit by the circulator in substantially the following form:

STATE OF SOUTH    )  
 DAKOTA        ) SS  
 COUNTY OF \_\_\_\_\_ )

I, the undersigned \_\_\_\_\_, being first duly sworn, depose and say, that I am the circulator of the foregoing petition containing \_\_\_\_\_ signatures; that each person whose name appears on the petition sheet personally signed the petition in my presence; that I believe that each of the signers is a resident at the address written opposite the signer's name; and that I stated to every petitioner before the signer affixed his or her signature the legal effect and nature of the petition.

\_\_\_\_\_  
 Circulator

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
 Notary Public

**Source:** SL 1984 (SS), ch 1, § 25; SL 2011, ch 165, § 328.

46A-3C-3. Approval of petition--Referral to election. Upon presentation of a petition proposing that a water development district be dissolved to the Board of Water and Natural Resources, the board, after first determining

that the petition is in compliance with all legal requirements, shall by resolution approve the petition and, at the next general election, shall refer the question to the voters of the water development district.

**Source:** SL 1984 (SS), ch 1, § 26.

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46A-3C-4. Vote required for dissolution--Period in which another election prohibited--Costs. If at least fifty percent of the votes cast are in favor of the dissolution proposition, the Board of Water and Natural Resources by resolution shall dissolve the water development district and shall file a true copy of the resolution with the secretary of state. If the vote is against dissolving the water development district, another vote may not be held on the question of dissolution for four years. A new election may not be held unless a new petition has been submitted to the Board of Water and Natural Resources. The costs associated with an election to dissolve a water development district are the responsibility of the affected water development district.

**Source:** SL 1984 (SS), ch 1, § 27; SL 1990, ch 362, § 4; SL 1991, ch 17 (Ex. Ord. 91-4), § 17.

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46A-3C-5. Exercising powers of dissolved district to satisfy obligations. If a water development district has been dissolved, the Board of Water and Natural Resources shall exercise necessary power and authority of the water development district board of directors until all financial responsibilities, obligations, and other contractual commitments of the dissolved water development district are satisfied.

**Source:** SL 1984 (SS), ch 1, § 28.

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46A-3C-6. Elections--Conduct. Any election held to carry out the purposes of chapters 46A-3A to 46A-3E, inclusive, shall be conducted, canvassed, recounted, and contested as are other elections under the general laws of this state, except as otherwise herein provided. If the details concerning the conduct, canvassing, recounting, or contest of the election are not set forth within chapters 46A-3A to 46A-3E, inclusive, and general election laws are not applicable, the Board of Water and Natural Resources shall promulgate rules pursuant to chapter 1-26 to carry out the intent of chapters 46A-3A to 46A-3E, inclusive, with respect to elections and make possible the submission to election of any matter which by the provisions of chapters 46A-3A to 46A-3E, inclusive, is subject to a vote.

**Source:** SL 1984 (SS), ch 1, § 29; SL 1987, ch 328, § 3; SL 1993, ch 256, § 68.

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