

State of South Dakota

EIGHTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2013

174U0537

HOUSE BILL NO. 1107

Introduced by: Representatives Lust and Bartling and Senators Kirkeby and Bradford

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to drainage utility fees
2 in municipalities.

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

4 Section 1. That § 46A-10B-23 be amended to read as follows:

5 46A-10B-23. The governing body shall place all fees collected pursuant to §§ 46A-10B-20,
6 46A-10B-21, and 46A-10B-22 into a storm drainage fund or other fund established pursuant to
7 § 46A-10B-28 to be used only for the purposes provided in this chapter, and reserved for the
8 identified drainage basin for which fees are collected. If a municipality establishes a new
9 drainage utility pursuant to § 9-40-1, it may transfer any funds within its control that were
10 collected pursuant to this chapter into a separate drainage utility fund which may only be used
11 to pay for new drainage improvements, maintenance of existing drainage improvements, and
12 operation of the drainage utility.

13 Section 2. That chapter 9-40 be amended by adding thereto a NEW SECTION to read as
14 follows:

15 A governing body that establishes a flood or drainage control utility may adopt the same fee



1 structure authorized for drainage basin utility districts in §§ 46A-10B-20, 46A-10B-21, and
2 46A-10B-22. Any fees collected pursuant to this section shall be placed in a special fund and
3 may only be used to pay for new drainage improvements, maintenance of existing drainage
4 improvements, and operation of the drainage utility. The provisions of §§ 46A-10B-24, 46A-
5 10B-25, and 46A-10B-28 also apply to any fees collected by a municipality pursuant to this
6 section.