

# State of South Dakota

NINETY-FIRST SESSION  
LEGISLATIVE ASSEMBLY, 2016

673X0728

HOUSE BILL NO. \_\_\_\_\_

Introduced by: \_\_\_\_\_

1 FOR AN ACT ENTITLED, An Act to establish procedure for election to river basin district  
2 councils and to establish the procedure for petitioning for boundary line adjustments.

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

4 Section 1. That chapter 46A-19 be amended by adding a NEW SECTION to read:

5 Each river basin district shall consist of six council members. Two council members shall  
6 be elected from each subdistrict. Each council member shall be a registered voter in the  
7 subdistrict.

8 Section 2. That chapter 46A-19 be amended by adding a NEW SECTION to read:

9 The initial council members shall be elected at the 2018 general election.

10 A candidate seeking election to a council shall submit a nominating petition to the secretary  
11 of state by five p.m. on July 1, 2018. A petition shall be considered filed if the petition is mailed  
12 by registered mail by five p.m. on July 1, 2018.

13 The initial council members from each subdistrict shall be elected to serve staggered terms.  
14 One member shall be elected to serve a four-year term and the second member shall be elected  
15 to serve a two-year term. A candidate shall declare at the time the candidate files a nominating  
16 petition if the candidate is seeking the two-year term position or the four-year term position.



1 After the initial election a council member will be elected to serve four-year terms.

2 Section 3. That chapter 46A-19 be amended by adding a NEW SECTION to read:

3 A member may be nominated by a petition signed by at least twenty-five registered voters  
4 in the subdistrict area to be represented by the candidate. No candidate may begin circulating  
5 a petition for signatures until January first of the election year.

6 Nominating petitions shall be made available at the Office of the Secretary of State and the  
7 county auditors' offices on forms prescribed by the State Board of Elections and filed with the  
8 secretary of state by five p.m. on July first of the general election year.

9 Section 4. That chapter 46A-19 be amended by adding a NEW SECTION to read:

10 If no candidate receives a majority vote in the general election then the council position  
11 shall be filled by the candidate who receives the most number of votes.

12 Section 5. That chapter 46A-19 be amended by adding a NEW SECTION to read:

13 A council member shall take office on the second Tuesday in January of the year following  
14 election to office.

15 Section 6. That the code be amended by adding a NEW SECTION to read:

16 If any vacancy occurs on the river basin district council by reason of death, disability, failure  
17 to be a registered voter of the subdistrict for which elected, resignation, or other cause pursuant  
18 to § 3-4-1, or upon expiration of term of office and no qualifying petitions have been filed, the  
19 office shall be filled by appointment by elective action of the remaining council members. The  
20 member that created the vacancy may not vote in the appointment to fill the vacancy. The person  
21 appointed to fill the vacancy shall serve for the remainder of the unexpired term.

22 Section 7. That chapter 46A-19 be amended by adding a NEW SECTION to read:

23 A land owner may request a proposed boundary change to remove land from one district and  
24 add to an adjacent district by filing of a written request between January first and June first of

1 an odd numbered year.

2 A written request asking for the boundary line between adjoining river basin districts be  
3 adjusted shall be filed with the council of the district in which inclusion is requested and the  
4 council of the district in which removal is requested. The petition shall include:

- 5 (1) Name of the district from which removal is requested;
- 6 (2) Name of the district to which inclusion is requested;
- 7 (3) The taxable value of all land to be removed and included by the proposal;
- 8 (4) A description of the existing boundary line; and
- 9 (5) A description of the proposed new boundary line.

10 Within thirty days after the petition has been filed, each council shall publish notice of a  
11 joint council public hearing on the petition at least twice, with at least seven days between the  
12 publication dates, in the official newspapers of the district. Each year each river basin district  
13 council shall designate a minimum of two legal newspapers of general circulation published  
14 within the river basin district as official newspapers of the river basin district.

15 Section 8. That chapter 46A-19 be amended by adding a NEW SECTION to read:

16 After a hearing pursuant to section 7 of this Act, each council shall determine whether the  
17 operation of the district within the proposed new boundaries would be administratively  
18 practicable and feasible. A change in boundary may not impair the organization of the district  
19 and shall follow township boundaries. A failure to receive a majority vote of each affected  
20 council shall be deemed a denial of the petition.

21 Section 9. That chapter 46A-19 be amended by adding a NEW SECTION to read:

22 Upon determination in favor of a proposed adjustment of district boundaries, each council  
23 shall present to the secretary of state an application for a certificate evidencing the change of  
24 boundary. The application shall be signed by all members of each council. The application shall

1 be accompanied by a statement by each council certifying that the boundary between the  
2 districts has been changed in accordance with the procedures prescribed in sections 7 and 8 of  
3 this Act, and set forth the approved new boundary line.