

State of South Dakota

EIGHTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2009

390Q0308

SENATE BILL NO. 113

Introduced by: Senators Kloucek, Ahlers, and Miles and Representatives Feickert, Nygaard,
and Schrempp

1 FOR AN ACT ENTITLED, An Act to clarify certain provisions related to the provision of
2 water services by municipalities or rural water systems in areas located within three miles
3 of a municipality.

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

5 Section 1. That § 9-47-22 be amended to read as follows:

6 9-47-22. If a rural water system that is organized as a water user district under chapter 46A-
7 9, as a sanitary district under chapter 34A-5, as a water project district under chapter 46A-18,
8 or as a nonprofit corporation is requested after July 1, 1989, to provide water service to any
9 person who resides outside the territorial boundaries of the rural water system and within three
10 miles of a municipality owning and operating a water supply system, the rural water system shall
11 promptly notify such municipality of such request in writing. Within sixty days from the receipt
12 of such notice, the municipality may elect to provide water service to such person. If the
13 municipality does not so elect, the rural water system may provide such service. However, if the
14 rural water system is protected by the provisions of 7 U.S.C. § 1926(b), as amended to
15 January 1, 2009, the municipality may not provide service under this section without the



1 permission of the rural water system.