

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

723T0567

SENATE AGRICULTURE AND NATURAL RESOURCES

ENGROSSED NO. **SB 83** - 1/26/2012

Introduced by: Senators Tidemann, Brown, Frerichs, Haverly, Novstrup (Al), Peters, Putnam, Rhoden, and Vehle and Representatives White, Brunner, Carson, Dennert, Kirkeby, Kopp, Moser, Munsterman, Perry, Sigdestad, Street, Wink, and Wismer

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to water development
2 districts.

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

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

5 46A-3A-1. In order to attain the objectives and intent of chapters 46A-3A to 46A-3E,
6 inclusive, and chapter 46A-2, the Legislature may establish water development districts ~~to be~~
7 ~~under the general supervisory jurisdiction of the South Dakota Conservancy District.~~ A water
8 development district may be established by an act of the Legislature, signed by the Governor,
9 describing the exact boundaries of the area to be included within the proposed water
10 development district and assigning it an appropriate name. A water development district may
11 also be established pursuant to the procedure set forth in §§ 46A-3A-8 to 46A-3A-15, inclusive.
12 A water development district is a political subdivision of the state. A water development district
13 shall exist as a legal entity beginning on January first immediately following the effective date



1 of an act establishing it as a water development district.

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

3 46A-3A-3. The East Dakota Water Development District is hereby established. The East
4 Dakota Water Development District includes all of Minnehaha, Moody, Lake, Kingsbury,
5 Brookings, Hamlin, Deuel, Codington and Grant counties; Grafton, Belleview, Adams, Henden,
6 Howard, Clearwater, Canova and Vermillion townships in Miner County; ~~Liberty, Nutley,~~
7 ~~Kosciusko, Raritan, Grenville, Webster, Racine, Waubay, Rusk, Morton, Central Point,~~
8 ~~Highland, Wheatland, and Egeland townships in Day County;~~ and all municipalities that are
9 wholly or partially within the included area or that are contiguous to the included area.

10 Section 3. That § 46A-3A-4 be amended to read as follows:

11 46A-3A-4. The James River Water Development District is hereby established. The James
12 River Water Development District includes all of Brown, Spink, Beadle, Sanborn, Davison,
13 ~~Hand,~~ Hanson, Hutchinson, Marshall, and Yankton counties; ~~Farmington, Homer,~~
14 ~~Independence, Andover, Union, Lynn, Bristol, Kidder, Scotland, Valley, Butler, Oak, Troy, and~~
15 ~~York townships in Day County;~~ Redstone, Carthage, Miner, Green Valley, Clinton, Roswell,
16 Beaver, and Rock Creek townships in Miner County; and Pleasant Valley, Bristol, Belford,
17 Cooper, Firesteel, Palatine, Plankinton, Hopper, Pleasant Lake, Dudley, and Aurora townships
18 in Aurora County.

19 Section 4. That § 46A-3E-10 be amended to read as follows:

20 46A-3E-10. The board of directors of a water development district shall at the time of the
21 organization of the board and annually thereafter on a date established by the district, but ~~not~~
22 ~~later than~~ before the first of ~~September~~ October, adopt a budget and prepare an operations and
23 budget report. The report shall present estimates and itemizations of all the expenses and
24 obligations of the water development district, including expenses of directors, expenses of

1 operating the office, debt service and retirement, and obligations and liabilities to the United
2 States ~~for which provisions must be made~~. Before approval of the budget by the district board
3 of directors, a public hearing shall be held. Notice of the hearing shall be published once each
4 week for two successive weeks in the water development district's official newspapers. The
5 notice shall state the time and place of the hearing, its purpose, and that at the hearing all
6 persons interested may appear, either in person or by representative, and be heard and given an
7 opportunity for a full and complete discussion of all items in the budget. With the first notice,
8 the budget shall be published in a form approved by the auditor general. At the conclusion of
9 the hearing, the water development district board may eliminate or amend any portion of the
10 budget before adoption.

11 Section 5. That § 46A-3E-11 be amended to read as follows:

12 46A-3E-11. Upon completion and adoption of a budget, a water development district board
13 of directors shall make a tax levy or special assessment or both in dollars sufficient to fund the
14 budget. ~~The Board of Water and Natural Resources may adopt rules pursuant to chapter 1-26~~
15 ~~specifying standards and requirements for water development district budgets and defining~~
16 ~~allowable amendments to approved budgets~~. Any tax levy made against the property in any
17 given county in a water development district shall be in an amount equal to the total water
18 development district tax levy in dollars multiplied by the county's proportional share. The
19 county's proportional share shall be determined by dividing the equalized assessed valuation of
20 the area within the water development district for that county by the total water development
21 district equalized assessed valuation. The provisions of § 10-12-34.1 may not prohibit
22 apportionment of the tax among the counties as provided in this section. No water development
23 district tax levy may be in excess of the limitation specified in chapters 46A-3A to 46A-3E,
24 inclusive, except as provided in § 46A-3E-1. Any tax levy shall be in the form of a resolution

1 adopted by a majority vote of the members of the board of directors of the water development
2 district.

3 Section 6. That § 46A-3E-14 be amended to read as follows:

4 46A-3E-14. Appropriate tax collecting officials shall collect all water development district
5 taxes and assessments, together with interest and penalty thereon, if any, in the same manner
6 as the general taxes and assessments are collected and shall pay over monthly to the water
7 development district treasurer all taxes so collected during the preceding month, with interest
8 and penalties, ~~and shall immediately notify the secretary of the water development district of~~
9 ~~such payment.~~ The water development district treasurer shall immediately enter these receipts
10 to the credit of the depository accounts designated by the water development district board of
11 directors pursuant to § 46A-3E-10.

12 Section 7. That § 46A-3B-3 be amended to read as follows:

13 46A-3B-3. As soon as possible following each decennial census of population or any
14 adjustment to a water development district boundary, the Board of Water and Natural Resources
15 shall ascertain whether the number of board members should be adjusted, adjust the same, and
16 redistrict water development district director areas to reflect changes in the population of the
17 water development district so as to assure equitable representation of all areas within the water
18 development district. The board may make adjustments to water development district director
19 areas to reflect precinct changes made pursuant to chapter 12-14 if equitable representation of
20 all areas remains assured.