

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

660P0130

HOUSE ENGROSSED NO. **HB 1245** - 2/11/2008

Introduced by: Representatives Hargens, Burg, Cutler, Deadrick, Dykstra, Faehn, Feinstein, Gillespie, Gilson, Hackl, Halverson, Heineman, Jerke, Juhnke, Krebs, Moore, Noem, Novstrup (Al), Olson (Russell), Peters, Pitts, Rave, Tidemann, Vanneman, and Willadsen and Senators Hansen (Tom), Albers, Bartling, Dempster, Greenfield, Heidepriem, Hoerth, Hundstad, Hunhoff, Nesselhuf, Olson (Ed), Peterson (Jim), Sutton, and Turbak Berry

1 FOR AN ACT ENTITLED, An Act to clarify certain purposes and characteristics of water
2 development districts, to revise the boundaries of the Central Plains, East Dakota,
3 Vermillion Basin, James River, and South Central water development districts, and to revise
4 provisions related to the board of directors in the affected districts.

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

6 Section 1. That § 46A-3A-2 be amended to read as follows:

7 46A-3A-2. The Central Plains Water Development District is hereby established. The
8 Central Plains Water Development District includes all of Faulk, ~~Hand~~, Hughes, Hyde, Potter,
9 and Sully counties and all municipalities that lie wholly or partially within the included area or
10 that are contiguous to the included area.

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

12 46A-3A-3. The East Dakota Water Development District is hereby established. The East
13 Dakota Water Development District includes all of Minnehaha, Moody, Lake, Kingsbury,



1 Brookings, Hamlin, Deuel, Codington and Grant counties; Grafton, Belleview, Adams, Henden,
2 Howard, Clearwater, Canova and Vermillion townships in Miner County; Liberty, Nutley,
3 Kosciusko, Raritan, Grenville, Webster, Racine, Waubay, Rusk, Morton, Central Point,
4 Highland, Wheatland, and Egeland townships in Day County; and all municipalities that are
5 wholly or partially within the included area or that are contiguous to the included area.

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

7 46A-3A-4. The James River Water Development District is hereby established. The James
8 River Water Development District includes all of Brown, Spink, Beadle, Sanborn, Davison,
9 Edmunds, Hand, Hanson, Hutchinson, Marshall, and Yankton counties; Farmington, Homer,
10 Independence, Andover, Union, Lynn, Bristol, Kidder, Scotland, Valley, Butler, Oak, Troy, and
11 York townships in Day County; Redstone, Carthage, Miner, Green Valley, Clinton, Roswell,
12 Beaver, and Rock Creek townships in Miner County; and Pleasant Valley, Bristol, Belford,
13 Cooper, Firesteel, Palatine, Plankinton, Hopper, Pleasant Lake, Dudley, and Aurora townships
14 in Aurora County.

15 Section 4. That § 46A-3A-5 be amended to read as follows:

16 46A-3A-5. The South Central Water Development District is hereby established. The South
17 Central Water Development District includes all of Charles Mix, Brule, Buffalo, Bon Homme,
18 Douglas, and Gregory counties; Patten, Lake, White Lake, Eureka, Gales, Crystal Lake,
19 Washington, Center, and Truro townships in Aurora County; and the portion of Lyman County
20 south of the White River.

21 Section 5. That chapter 46A-3B be amended by adding thereto a NEW SECTION to read
22 as follows:

23 For any water development district with boundaries affected by this Act, any director of the
24 district who is in office on the effective date of this Act shall continue to serve as a director if

1 the director remains a resident of the district. At the first general election after the effective date
2 of this Act, for any water development district with boundaries affected by this Act, directors
3 shall be elected for all director positions in the district, regardless of whether or not any
4 director's term has expired. The directors elected for the district at the general election shall be
5 elected to serve for staggered terms. Thereafter, directors shall be elected to four-year terms at
6 each subsequent general election to succeed those directors whose terms expire at the end of the
7 year in which the election is held.

8 Section 6. That § 46A-3E-1 be amended to read as follows:

9 46A-3E-1. A water development district board of directors may levy taxes, not to exceed
10 thirty cents per thousand dollars of taxable valuation in the district, for accomplishment of the
11 purposes of chapters 46A-3A to 46A-3E, inclusive, and chapters 46A-1 and 46A-2. If an area
12 is included in more than one water development district, that area's tax levy payable to each of
13 the water development districts shall be determined by multiplying the greater of the
14 overlapping water development districts' levies by each water development district's taxing
15 fraction. Each water development district's taxing fraction is determined by dividing that water
16 development district's proposed tax levy for the overlapped area by the sum of all water
17 development districts' levies for the overlapped area. For purposes of chapter 10-13, any water
18 development district for which boundaries are revised under this Act is considered a new taxing
19 district created on the date specified pursuant to § 46A-3A-1.

20 Section 7. This Act is effective on January 1, 2009.