

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

660P0130

HOUSE STATE AFFAIRS

ENGROSSED NO. **HB 1245** - 2/4/2008

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~~ Campbell, Walworth, Potter, Sully, Hughes, and Hyde
11 counties.

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



1 46A-3A-3. The East Dakota Water Development District is hereby established. The East
2 Dakota Water Development District includes all of ~~Minnehaha, Moody, Lake, Kingsbury,~~
3 ~~Brookings, Hamlin, Deuel, Codington and Grant counties; Grafton, Belleview, Adams, Henden,~~
4 ~~Howard, Clearwater, Canova and Vermillion townships in Miner County; and all municipalities~~
5 ~~that are wholly or partially within the included area or that are contiguous to the included area~~
6 Brookings, Codington, Deuel, Grant, Hamlin, Moody, Minnehaha, and Roberts counties;
7 Cottonwood, Blaine, Thorp, Maydell, Mount Pleasant, Eden, Day, Elrod, Merton, Foxton, Lake,
8 and Pleasant townships in Clark County; Liberty, Nutley, Kosciusko, Raritan, Grenville,
9 Webster, Racine, Waubay, Rusk, Morton, Central Point, Highland, Wheatland, and Egeland
10 townships in Day County; Badger township in Kingsbury County; all of Lake County except for
11 Wayne, Concord, Winfred, Clarno, and Orland townships; and all municipalities that are wholly
12 or partially within the included area or that are contiguous to the included area.

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

14 46A-3A-4. The James River Water Development District is hereby established. The James
15 River Water Development District includes all of Brown, Spink, Beadle, Sanborn, Davison,
16 Hanson, Hutchinson, Marshall, ~~and Yankton~~ Faulk, Hand, Edmunds, and McPherson counties;
17 Farmington, Homer, Independence, Andover, Union, Lynn, Bristol, Kidder, Scotland, Valley,
18 Butler, Oak, Troy, and York townships in Day County; Warren, Spring Valley, Ash, Woodland,
19 Raymond, Garfield, Logan, Lincoln, Fordham, Darlington, Richland, Hague, and Rosedale
20 townships in Clark County; LeSueur, Iroquois, Manchester, and Esmond townships in
21 Kingsbury County; Redstone, Carthage, Miner, Green Valley, Clinton, Roswell, Beaver, and
22 Rock Creek townships in Miner County; Pearl, Benton, Jefferson, and Bridgewater townships
23 in McCook County; all of Yankton County except Mayfield, Turkey Valley, Marindahl, Volin,
24 and Gayville townships; Pleasant Valley, Bristol, Belford, Cooper, Firesteel, Palatine,

1 Plankinton, Hopper, Pleasant Lake, Dudley, and Aurora townships in Aurora County; and all
2 of Jerauld County except Marljar, Harmony, Crow, Pleasant, Logan, and Crow Lake townships.

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

4 46A-3A-5. The South Central Water Development District is hereby established. The South
5 Central Water Development District includes all of Charles Mix, Brule, Buffalo, Bon Homme,
6 Douglas, and Gregory counties; Patten, Lake, White Lake, Eureka, Gales, Crystal Lake,
7 Washington, Center, and Truro townships in Aurora County; Marljar, Harmony, Crow, Pleasant,
8 Logan, and Crow Lake townships in Jerauld county; and the portion of Lyman County south of
9 the White River.

10 Section 5. That § 46A-3A-7.1 be amended to read as follows:

11 46A-3A-7.1. The Vermillion Basin Water Development District is hereby established. The
12 Vermillion Basin Water Development District includes all of Turner and Clay counties; Collins
13 and Washington townships in Clark County; all of Kingsbury County except Badger, Le Sueur,
14 Iroquois, Manchester, and Esmond townships; Grafton, Belleview, Adams, Henden, Howard,
15 Clearwater, Canova, and Vermillion townships in Miner County; Wayne, Concord, Winfred,
16 Clarno, and Orland townships in Lake County; all of McCook County except Pearl, Benton,
17 Jefferson, and Bridgewater townships; and Mayfield, Turkey Valley, Marindahl, Volin, and
18 Gayville townships in Yankton County.

19 Section 6. That chapter 46A-3B be amended by adding thereto a NEW SECTION to read
20 as follows:

21 For any water development district with boundaries affected by this Act, any director of the
22 district who is in office on the effective date of this Act shall continue to serve as a director if
23 the director remains a resident of the district. At the first general election after the effective date
24 of this Act, for any water development district with boundaries affected by this Act, directors

1 shall be elected for all director positions in the district, regardless of whether or not any
2 director's term has expired. The directors elected for the district at the general election shall be
3 elected to serve for staggered terms. Thereafter, directors shall be elected to four-year terms at
4 each subsequent general election to succeed those directors whose terms expire at the end of the
5 year in which the election is held.

6 Section 7. That § 46A-3E-1 be amended to read as follows:

7 46A-3E-1. A water development district board of directors may levy taxes, not to exceed
8 thirty cents per thousand dollars of taxable valuation in the district, for accomplishment of the
9 purposes of chapters 46A-3A to 46A-3E, inclusive, and chapters 46A-1 and 46A-2. If an area
10 is included in more than one water development district, that area's tax levy payable to each of
11 the water development districts shall be determined by multiplying the greater of the
12 overlapping water development districts' levies by each water development district's taxing
13 fraction. Each water development district's taxing fraction is determined by dividing that water
14 development district's proposed tax levy for the overlapped area by the sum of all water
15 development districts' levies for the overlapped area. For purposes of chapter 10-13, any water
16 development district for which boundaries are revised under this Act is considered a new taxing
17 district created on the date specified pursuant to § 46A-3A-1.

18 Section 8. This Act is effective on January 1, 2009.