

# State of South Dakota

EIGHTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2008

660P0130

## HOUSE BILL NO. 1245

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-1.1 be amended to read as follows:

7 46A-3A-1.1. Water development districts shall promote the conservation, development, and  
8 proper management of district water resources according to district priorities and shall serve as  
9 ~~a district-wide clearinghouse authority for water quality and supply projects~~ authorities for the  
10 development and implementation of multiobjective watershed plans and for water quality, water  
11 supply, drainage, flood control, and project implementation activities through technical,  
12 organizational and financial assistance to prospective and existing project sponsors and through  
13 recommending projects for inclusion in the state water plan, and through other appropriate



1 actions accomplish the purposes of chapters 34A-2, 34A-3A, 34A-6, 34A-9, chapters 46A-3A  
2 to 46A-3E, inclusive, and chapters 46A-1 and 46A-2.

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

4 46A-3A-2. The Central Plains Water Development District is hereby established. The  
5 Central Plains Water Development District includes all of ~~Faulk, Hand, Hughes, Hyde, Potter,~~  
6 ~~and Sully counties and all municipalities that lie wholly or partially within the included area or~~  
7 ~~that are contiguous to the included area~~ Campbell, Walworth, Potter, Sully, Hughes, and Hyde  
8 counties.

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

10 46A-3A-3. The East Dakota Water Development District is hereby established. The East  
11 Dakota Water Development District includes all of ~~Minnehaha, Moody, Lake, Kingsbury,~~  
12 ~~Brookings, Hamlin, Deuel, Codington and Grant counties; Grafton, Belleview, Adams, Henden,~~  
13 ~~Howard, Clearwater, Canova and Vermillion townships in Miner County; and all municipalities~~  
14 ~~that are wholly or partially within the included area or that are contiguous to the included area~~  
15 Brookings, Codington, Deuel, Grant, Hamlin, Moody, Minnehaha, Roberts, and Union counties;  
16 Cottonwood, Blaine, Thorp, Maydell, Mount Pleasant, Eden, Day, Elrod, Merton, Foxton, Lake,  
17 and Pleasant townships in Clark County; Liberty, Nutley, Kosciusko, Raritan, Grenville,  
18 Webster, Racine, Waubay, Rusk, Morton, Central Point, Highland, Wheatland, and Egeland  
19 townships in Day County; Badger township in Kingsbury County; all of Lake County except for  
20 Wayne, Concord, Winfred, Clarno, and Orland townships; and Delapre, Springdale, La Valley,  
21 Dayton, Canton, Highland, Fairview, Norway, and Eden townships in Lincoln County.

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

23 46A-3A-4. The James River Water Development District is hereby established. The James  
24 River Water Development District includes all of Brown, Spink, Beadle, Sanborn, Davison,

1 Hanson, Hutchinson, Marshall, ~~and Yankton~~ Faulk, Hand, Edmunds, and McPherson counties;  
2 Farmington, Homer, Independence, Andover, Union, Lynn, Bristol, Kidder, Scotland, Valley,  
3 Butler, Oak, Troy, and York townships in Day County; Warren, Spring Valley, Ash, Woodland,  
4 Raymond, Garfield, Logan, Lincoln, Fordham, Darlington, Richland, Hague, and Rosedale  
5 townships in Clark County; LeSueur, Iroquois, Manchester, and Esmond townships in  
6 Kingsbury County; Redstone, Carthage, Miner, Green Valley, Clinton, Roswell, Beaver, and  
7 Rock Creek townships in Miner County; Pearl, Benton, Jefferson, and Bridgewater townships  
8 in McCook County; all of Yankton County except Mayfield, Turkey Valley, Marindahl, Volin,  
9 and Gayville townships; Pleasant Valley, Bristol, Belford, Cooper, Firesteel, Palatine,  
10 Plankinton, Hopper, Pleasant Lake, Dudley, and Aurora townships in Aurora County; and all  
11 of Jerauld County except Marlar, Harmony, Crow, Pleasant, Logan, and Crow Lake townships.

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

13 46A-3A-5. The South Central Water Development District is hereby established. The South  
14 Central Water Development District includes all of Charles Mix, Brule, Buffalo, Bon Homme,  
15 Douglas, and Gregory counties; Patten, Lake, White Lake, Eureka, Gales, Crystal Lake,  
16 Washington, Center, and Truro townships in Aurora County; Marlar, Harmony, Crow, Pleasant,  
17 Logan, and Crow Lake townships in Jerauld county; and the portion of Lyman County south of  
18 the White River.

19 Section 6. That § 46A-3A-7.1 be amended to read as follows:

20 46A-3A-7.1. The Vermillion Basin Water Development District is hereby established. The  
21 Vermillion Basin Water Development District includes all of Turner and Clay counties; Collins  
22 and Washington townships in Clark County; all of Kingsbury County except Badger, Le Sueur,  
23 Iroquois, Manchester, and Esmond townships; Grafton, Belleview, Adams, Henden, Howard,  
24 Clearwater, Canova, and Vermillion townships in Miner County; Wayne, Concord, Winfred,

1 Clarno, and Orland townships in Lake County; all of McCook County except Pearl, Benton,  
2 Jefferson, and Bridgewater townships; Perry, Grant, Lynn, Delaware, Lincoln, Brooklyn, and  
3 Pleasant townships in Lincoln County; and Mayfield, Turkey Valley, Marindahl, Volin, and  
4 Gayville townships in Yankton County.

5 Section 7. That chapter 46A-3B be amended by adding thereto a NEW SECTION to read  
6 as follows:

7 For any water development district with boundaries affected by this Act, any director of the  
8 district who is in office on the effective date of this Act shall continue to serve as a director if  
9 the director remains a resident of the district. At the first general election after the effective date  
10 of this Act, for any water development district with boundaries affected by this Act, directors  
11 shall be elected for all director positions in the district, regardless of whether or not any  
12 director's term has expired. The directors elected for the district at the general election shall be  
13 elected to serve for staggered terms. Thereafter, directors shall be elected to four-year terms at  
14 each subsequent general election to succeed those directors whose terms expire at the end of the  
15 year in which the election is held.

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

17 46A-3E-1. A water development district board of directors may levy taxes, not to exceed  
18 thirty cents per thousand dollars of taxable valuation in the district, for accomplishment of the  
19 purposes of chapters 46A-3A to 46A-3E, inclusive, and chapters 46A-1 and 46A-2. If an area  
20 is included in more than one water development district, that area's tax levy payable to each of  
21 the water development districts shall be determined by multiplying the greater of the  
22 overlapping water development districts' levies by each water development district's taxing  
23 fraction. Each water development district's taxing fraction is determined by dividing that water  
24 development district's proposed tax levy for the overlapped area by the sum of all water

1 development districts' levies for the overlapped area. For purposes of chapter 10-13, any water  
2 development district for which boundaries are revised under this Act is considered a new taxing  
3 district created on the date specified pursuant to § 46A-3A-1.

4 Section 9. This Act is effective on January 1, 2009.