



## 2021 South Dakota Legislature

# House Bill 1027

*Introduced by: The Committee on Agriculture and Natural Resources at the request of the Department of Environment and Natural Resources*

1 **An Act to identify Water Management Board officers, authorize appointment of a**  
 2 **prehearing officer, and define the duties of the prehearing officer.**

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

4 **Section 1.** That § 1-40-18 be AMENDED.

5 **1-40-18. Officers of Water Management Board--Meetings.**

6 The Water Management Board shall annually elect a ~~chairman and other necessary~~  
 7 ~~officers~~ chair, vice chair, and secretary. A prehearing officer may be appointed by the  
 8 board as needed to conduct prehearing matters. The board shall meet at least four times  
 9 a year upon the call of the ~~chairman~~ chair or the secretary of the Department of  
 10 Environment and Natural Resources.

11 **Section 2.** That a NEW SECTION be added:

12 **46-2-24. Prehearing officer--Duties--Rulings.**

13 The Water Management Board member appointed as prehearing officer pursuant  
 14 to § 1-40-18 may act on behalf of the board concerning prehearing motions, scheduling  
 15 orders, and subpoenas. Any ruling of the prehearing officer may be appealed by the  
 16 affected party to the board for a board ruling. The appeal to the board shall be filed with  
 17 the prehearing officer within ten days of the date of the prehearing officer's ruling or prior  
 18 to the next board meeting if the meeting is less than ten days from the date of the  
 19 prehearing officer's ruling. The prehearing officer may defer a ruling directly to the board.