



2020 South Dakota Legislature

House Bill 1166

SENATE LOCAL GOVERNMENT ENGROSSED

Introduced by: **Representative Anderson**

1 **An Act to revise provisions regarding the appointment of inactive watershed**
 2 **district boards and the reactivation of watershed districts and to declare an**
 3 **emergency.**

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

5 **Section 1.** That § 46A-14-39 be AMENDED:

6 **46A-14-39. Vacancies on board--Appointments--Terms of office.**

7 Any vacancy in an unexpired term shall be filled by appointment within thirty days
 8 of the vacancy by the remaining managers. Any vacancy in an expired term for which no
 9 candidate's application has been filed pursuant to § 46A-14-38 shall be filled by
 10 appointment within thirty days of the election by the remaining managers. If there are no
 11 remaining managers on a board, upon request, the supervisors of the conservation district
 12 that contains the majority of the land of the watershed district shall fill the vacancies by
 13 appointment. An appointed manager shall hold office for the remainder of the term for
 14 which he or she has been appointed.

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

16 **46A-14-39.1. Watershed district--Reactivation--Hearing.**

17 If the conservation district supervisors receive a request to reactivate a watershed
 18 district, the conservation district supervisors shall, within ten days thereafter, by their
 19 order, fix a time and place for a hearing on the request. Notice of the hearing shall be
 20 given by the conservation district supervisors by publication once each week for at least
 21 two consecutive weeks in a newspaper of general circulation in the area covered by the
 22 watershed district. The last notice shall occur within ten days before the hearing and shall
 23 contain the following:

24 (1) A statement that a request has been filed with the conservation district
 25 supervisors;

- 1 (2) A general description of the territory included in the watershed district;
2 (3) The date, time, and place of the hearing; and
3 (4) A statement that all persons affected by the request or interested in the request
4 may appear and be heard.

5 **Section 3.** That a NEW SECTION be added:

6 **46A-14-39.2. Reactivated watershed district--Implementation of new tax**
7 **levy.**

8 If a watershed district is reactivated in accordance with § 49A-14-39.1, the
9 reactivated watershed district shall comply with the provisions and procedures established
10 in §§ 46A-14-47 through 46A-14-58 to implement any new tax levy authorized under this
11 chapter. Once the new tax levy is implemented, the reactivated watershed district is no
12 longer required to comply with the provisions of this section and will have met the
13 requirements of §§ 10-13-35.12 and 10-13-35.13.

14 **Section 4.** Whereas, this Act is necessary for the support of the state government and its
15 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in
16 full force and effect from and after its passage and approval.