

AN ACT

ENTITLED, An Act to revise certain provisions relating to water development districts.

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

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

46A-3A-1. In order to attain the objectives and intent of chapters 46A-3A to 46A-3E, inclusive, and chapter 46A-2, the Legislature may establish water development districts. A water development district may be established by an act of the Legislature, signed by the Governor, describing the exact boundaries of the area to be included within the proposed water development district and assigning it an appropriate name. A water development district may also be established pursuant to the procedure set forth in §§ 46A-3A-8 to 46A-3A-15, inclusive. A water development district is a political subdivision of the state. A water development district shall exist as a legal entity beginning on January first immediately following the effective date of an act establishing it as a water development district.

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

46A-3A-3. The East Dakota Water Development District is hereby established. The East Dakota Water Development District includes all of Minnehaha, Moody, Lake, Kingsbury, Brookings, Hamlin, Deuel, Codington and Grant counties; Grafton, Belleview, Adams, Henden, Howard, Clearwater, Canova and Vermillion townships in Miner County; and all municipalities that are wholly or partially within the included area or that are contiguous to the included area.

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

46A-3A-4. The James River Water Development District is hereby established. The James River Water Development District includes all of Brown, Spink, Beadle, Sanborn, Davison, Hanson, Hutchinson, Marshall, and Yankton counties; Redstone, Carthage, Miner, Green Valley, Clinton, Roswell, Beaver, and Rock Creek townships in Miner County; and Pleasant Valley, Bristol, Belford,

Cooper, Firesteel, Palatine, Plankinton, Hopper, Pleasant Lake, Dudley, and Aurora townships in Aurora County.

Section 4. That § 46A-3E-10 be amended to read as follows:

46A-3E-10. The board of directors of a water development district shall at the time of the organization of the board and annually thereafter on a date established by the district, but before the first of October, adopt a budget and prepare an operations and budget report. The report shall present estimates and itemizations of all the expenses and obligations of the water development district, including expenses of directors, expenses of operating the office, debt service and retirement, and obligations and liabilities to the United States. Before approval of the budget by the district board of directors, a public hearing shall be held. Notice of the hearing shall be published once each week for two successive weeks in the water development district's official newspapers. The notice shall state the time and place of the hearing, its purpose, and that at the hearing all persons interested may appear, either in person or by representative, and be heard and given an opportunity for a full and complete discussion of all items in the budget. With the first notice, the budget shall be published in a form approved by the auditor general. At the conclusion of the hearing, the water development district board may eliminate or amend any portion of the budget before adoption.

Section 5. That § 46A-3E-11 be amended to read as follows:

46A-3E-11. Upon completion and adoption of a budget, a water development district board of directors shall make a tax levy or special assessment or both in dollars sufficient to fund the budget. Any tax levy made against the property in any given county in a water development district shall be in an amount equal to the total water development district tax levy in dollars multiplied by the county's proportional share. The county's proportional share shall be determined by dividing the equalized assessed valuation of the area within the water development district for that county by the total water development district equalized assessed valuation. The provisions of § 10-12-34.1 may

not prohibit apportionment of the tax among the counties as provided in this section. No water development district tax levy may be in excess of the limitation specified in chapters 46A-3A to 46A-3E, inclusive, except as provided in § 46A-3E-1. Any tax levy shall be in the form of a resolution adopted by a majority vote of the members of the board of directors of the water development district.

Section 6. That § 46A-3E-14 be amended to read as follows:

46A-3E-14. Appropriate tax collecting officials shall collect all water development district taxes and assessments, together with interest and penalty thereon, if any, in the same manner as the general taxes and assessments are collected and shall pay over monthly to the water development district treasurer all taxes so collected during the preceding month, with interest and penalties. The water development district treasurer shall immediately enter these receipts to the credit of the depository accounts designated by the water development district board of directors pursuant to § 46A-3E-10.

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

46A-3B-3. As soon as possible following each decennial census of population or any adjustment to a water development district boundary, the Board of Water and Natural Resources shall ascertain whether the number of board members should be adjusted, adjust the same, and redistrict water development district director areas to reflect changes in the population of the water development district so as to assure equitable representation of all areas within the water development district. The board may make adjustments to water development district director areas to reflect precinct changes made pursuant to chapter 12-14 if equitable representation of all areas remains assured.

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I certify that the attached Act
originated in the
SENATE as Bill No. 83

Secretary of the Senate
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President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 83
File No. _____
Chapter No. _____

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Received at this Executive Office
this ____ day of _____ ,
20__ at _____ M.

By _____
for the Governor
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The attached Act is hereby
approved this _____ day of
_____, A.D., 20__

Governor

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STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 20__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State