

# State of South Dakota

## EIGHTY-THIRD SESSION LEGISLATIVE ASSEMBLY, 2008

921P0548

### HOUSE ENGROSSED NO. **HB 1174** - 1/28/2008

Introduced by: Representatives Rausch, Gillespie, Heineman, Nelson, Olson (Russell), Pitts, and Street and Senators Hansen (Tom), Albers, Bartling, Gant, Katus, Nesselhuf, Smidt (Orville), and Turbak Berry

1 FOR AN ACT ENTITLED, An Act to revise certain provisions related to the composition of  
2 water development district boards of directors.

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

4 Section 1. That § 46A-3A-18 be repealed.

5 ~~46A-3A-18. Whenever the provisions of chapters 46A-3A to 46A-3E, inclusive, provide for~~  
6 ~~an election requiring an affirmative vote of at least sixty percent of the votes cast, the~~  
7 ~~requirement shall be construed to mean sixty percent of the combined rural director areas and~~  
8 ~~sixty percent of the combined urban director areas in the election.~~

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

10 46A-3B-2. The board of directors of a water development district shall consist of five,  
11 seven, or nine members. Those districts which have a population up to twenty-five thousand  
12 shall have five directors. Those districts which have a population of twenty-five thousand and  
13 one to seventy-five thousand shall have seven directors. Districts with a population greater than  
14 seventy-five thousand shall have nine directors. Each director shall be a resident and ~~real~~



1 ~~property owner voter~~ in the director area ~~he represents~~ represented. The Board of Water and  
2 Natural Resources shall divide the ~~portion of the~~ water development district ~~lying outside the~~  
3 ~~boundaries of incorporated municipalities and outside the extraterritorial jurisdiction of~~  
4 ~~municipalities of the first class~~ into rural director areas. A rural director shall be elected from  
5 each rural director area. ~~Five-member boards shall have three rural directors; seven-member~~  
6 ~~boards shall have four rural directors; and nine-member boards shall have five rural directors.~~  
7 ~~The Board of Water and Natural Resources shall divide the portion of the water development~~  
8 ~~district lying within the boundaries of incorporated municipalities and within the extraterritorial~~  
9 ~~jurisdiction of municipalities of the first class into municipal director areas. A municipal~~  
10 ~~director shall be elected from each municipal director area. Five-member boards will have two~~  
11 ~~municipal directors; seven-member boards will have three municipal directors; and~~  
12 ~~nine-member boards will have four municipal directors.~~

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

15 For any water development district having director areas that will be realigned as a result  
16 of the provisions of this Act, any director of the district who is in office on the effective date of  
17 this Act shall continue to serve as a director if the director remains a resident of the district. At  
18 the first general election after the effective date of this Act, for any such water development  
19 district, directors shall be elected for all director positions in the district, regardless of whether  
20 or not any director's term has expired. The directors elected for the district at the general election  
21 shall be elected to serve for staggered terms. Thereafter, directors shall be elected to four-year  
22 terms at each subsequent general election to succeed those directors whose terms expire at the  
23 end of the year in which the election is held.

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

1        46A-3B-3. As soon as possible following each decennial census of population or any  
2        adjustment to a water development district boundary, the Board of Water and Natural Resources  
3        shall ascertain whether the number of board members should be adjusted, adjust the same, and  
4        redistrict water development district director areas to reflect changes in the population of the  
5        water development district so as to assure equitable representation of all areas within the water  
6        development district. ~~Such adjusting and redistricting notwithstanding, the water development~~  
7        ~~district board shall consist of the appropriate ratio of rural and municipal directors.~~

8        Section 5. This Act is effective on January 1, 2009.