

## 2025 South Dakota Legislature

**House Bill 1072****AMENDMENT 1072A  
FOR THE INTRODUCED BILL**

1 **An Act to modernize provisions relating to water development districts.**

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

3 **Section 1. That § 46A-3A-1 be AMENDED:**

4 **46A-3A-1.** In order to attain the objectives and intent of chapters ~~46A-3A to 46A-~~  
5 ~~3E, inclusive, and chapter 46A-2,~~ the Legislature may establish water development  
6 districts. A water development district may be established by an act of the Legislature,  
7 signed by the Governor, describing the exact boundaries of the area to be included within  
8 the proposed water development district and assigning it an appropriate name. A water  
9 development district is a political subdivision of this state.

10 A water development district may also be established pursuant to:

11 (1) By the Legislature; or

12 (2) In accordance with the procedure set forth in §§ 46A-3A-8 to 46A-3A-15, inclusive.

13 ~~A water development district is a political subdivision of the state this chapter.~~

14 A water development district ~~shall exist~~ is recognized as a legal entity beginning  
15 on the January first immediately following the effective date of an act establishing it as a  
16 water development district its creation.

17 **Section 2. That § 46A-3A-1.1 be AMENDED:**

18 **46A-3A-1.1.** ~~Water~~ Each water development districts district shall promote the  
19 conservation, development, and proper management of district water resources,  
20 according to district priorities ~~and~~. Each water development district shall serve as a  
21 district-wide clearinghouse ~~authority~~ for water quality and supply projects through:

22 (1) The provision of technical, organizational, and financial assistance to prospective  
23 and existing project sponsors ~~and through recommending;~~

24 (2) The recommendation of projects for inclusion in the state water plan, ~~and through~~  
25 other appropriate actions; and

1       (3) Any lawful means, not otherwise provided, to accomplish the purposes of chapters  
 2           34A-2, 34A-3A, 34A-6, and 34A-9, chapters 46A-3A to 46A-3E, inclusive, and

3           chapters 46A-1 and 46A-2.

4       **Section 3. That § 46A-3A-2 be AMENDED:**

5           **46A-3A-2.** The Central Plains Water Development District is ~~hereby~~ established.

6       ~~The Central Plains Water Development District includes all~~ district is comprised of:

7       (1) Faulk, Hughes, Hyde, Potter, and Sully counties; and all

8       (2) All municipalities that lie;

9           (a) Are wholly or partially situated within the included area counties set forth  
 10           in this section; or that are

11          (b) Are contiguous to the included area counties set forth in this section.

12       **Section 4. That § 46A-3A-3 be AMENDED:**

13           **46A-3A-3.** The East Dakota Water Development District is ~~hereby~~ established. The  
 14       ~~district includes~~ is comprised of:

15       (1) All of Minnehaha, Moody, Brookings, Hamlin, Deuel, Codington and, Deuel, Grant,  
 16       Hamlin, Minnehaha, and Moody counties;

17       (2) All of Lake County, with the exception of Clarno, Concord, Orland, Wayne, and  
 18       Winfred townships;

19       (3) Badger township in Kingsbury County; and

20       (4) All municipalities that are;

21           (a) Are wholly or partially situated within the included area counties or  
 22           townships described in this section; or that are

23          (b) Are contiguous to the included area counties or townships described in this  
 24          section.

25       **Section 5. That § 46A-3A-4 be AMENDED:**

26           **46A-3A-4.** The James River Water Development District is ~~hereby~~ established. The  
 27       ~~James River Water Development District includes all~~ district is comprised of:

28       (1) Beadle, Brown, Spink, Beadle, Sanborn, Davison, Hanson, Hutchinson, Sanborn,  
 29       Spink, and Yankton counties;

30       (2) Aurora, Belford, Bristol, Cooper, Dudley, Firesteel, Hopper, Palatine, Plankinton,  
 31       Pleasant Lake, and Pleasant Valley townships in Aurora County;

- 1       (3) ~~Buffalo, Dayton, Dumarce, Eden, Fort, Hamilton, Hickman, Lake, Lowell, Miller,~~  
 2       ~~Newark, Newport, Pleasant Valley, Red Iron Lake, Sisseton, Stena, Waverly,~~  
 3       ~~Weston, and Wismer townships in Marshall County; Pleasant Valley, Bristol,~~  
 4       ~~Belford, Cooper, Firesteel, Palatine, Plankinton, Hopper, Pleasant Lake, Dudley,~~  
 5       ~~and Aurora townships in Aurora County; and all; and~~  
 6       (4) All municipalities that are wholly or partially situated within the included area  
 7       counties or townships described in this section.

8       **Section 6. That § 46A-3A-5 be AMENDED:**

- 9               **46A-3A-5.** The South Central Water Development District is hereby established.  
 10       ~~The South Central Water Development District includes all of Charles Mix, Brule, Buffalo,~~  
 11       ~~district is comprised of:~~  
 12       (1) Bon Homme, Brule, Buffalo, Charles Mix, Douglas, and Gregory counties; Patten,  
 13       ~~Lake, White Lake, Eureka, Gales, Crystal Lake, Washington, Center, and Truro~~  
 14       (2) Center, Crystal Lake, Eureka, Gales, Lake, Patten, Truro, Washington, and White  
 15       Lake townships in Aurora County; and the  
 16       (3) That portion of Lyman County south of the White River.

17       **Section 7. That § 46A-3A-6 be AMENDED:**

- 18               **46A-3A-6.** The West Dakota Water Development District is hereby established.  
 19       ~~The West Dakota Water Development District~~ district includes that portion of Pennington  
 20       County west of the Cheyenne River.

21       **Section 8. That § 46A-3A-7 be AMENDED:**

- 22               **46A-3A-7.** The West River Water Development District is hereby established. The  
 23       ~~West River Water Development District includes all of Jones, Mellette, and~~ district is  
 24       comprised of:  
 25       (1) Haakon, Jones, and Mellette counties, the;  
 26       (2) That portion of Jackson County north of the White River, except Interior township  
 27       and the unorganized Cedar township, the;  
 28       (3) That portion of Pennington County east of the Cheyenne River, ~~except for~~ Castle  
 29       Butte, Conata, Crooked Creek, Flat Butte, Imlay, and Scenic townships, the;  
 30       (4) The unorganized territory of the Badlands and that;

- 1        ~~(5) That~~ portion of the unorganized territory of east central Pennington County east of
- 2                    the Cheyenne River; ~~and the~~
- 3        ~~(6) That~~ portion of Lyman County north of the White River.

4        **Section 9. That § 46A-3A-7.1 be AMENDED:**

- 5                    **46A-3A-7.1.** The Vermillion Basin Water Development District is ~~hereby~~
- 6                    established. The district includes:
- 7                    (1) ~~All of Turner, McCook, and Clay, McCook, and Turner counties;~~
- 8                    (2) ~~All of Kingsbury County, with the exception of~~ except Badger township;
- 9                    (3) Clarno, Concord, Orland, Wayne, and Winfred townships in Lake County;
- 10                    (4) Adams, Belleview, Canova, Clearwater, Grafton, Henden, Howard, and Vermillion
- 11                    townships in Miner County; and
- 12                    (5) All municipalities that are wholly or partially situated within the ~~included area~~
- 13                    counties or townships described in this section.

14        **Section 10. That § 46A-3A-8 be AMENDED:**

15                    **46A-3A-8.** Fifteen percent of the ~~residents and~~ eligible voters residing in a

16                    geographical area may petition the Board of Water and Natural Resources to submit to an

17                    election the question of whether the geographical area shall become a water development

18                    district.

19        **Section 11. That § 46A-3A-9 be AMENDED:**

20                    **46A-3A-9.** A petition ~~arising under the provisions of~~ submitted to the Board of

21                    Water and Natural Resources, in accordance with § 46A-3A-8, shall describe the exact

22                    must:

- 23                    (1) Describe the boundaries of the area to be included within the proposed water
- 24                    development district, ~~and each person signing the petition shall add to the person's~~
- 25                    ~~signature, in the person's own handwriting, the person's place of residence; and~~
- 26                    (2) Include the address of each individual who signed the petition, and the date of
- 27                    signing. The on which the individual signed the petition, in the individual's own
- 28                    handwriting.

29                    ~~If the petition may contain~~ contains more than one page, ~~and each page shall~~ must

30                    have identical headings. Any number of identical petition forms may be circulated and

1 each ~~is deemed to~~ be a part of the petition, ~~but each.~~ Each of the identical petition forms  
2 must be verified by the circulator as follows:

3 "I, the undersigned, being first duly sworn, hereby depose that I circulated the  
4 ~~above and foregoing~~ petition, containing \_\_\_\_\_ signatures; that I personally  
5 witnessed each of the persons named upon the petition ~~place their signatures on~~ named  
6 individual sign the petition and add ~~in their own handwriting the information set forth after~~  
7 ~~their respective signatures~~ the individual's address and the date.

8 \_\_\_\_\_

9 \_\_\_\_\_

10 P.O. Address

11 \_\_\_\_\_

12 \_\_\_\_\_

13 Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

14 \_\_\_\_\_

15 \_\_\_\_\_

16 Notary Public".

17 **Section 12. That § 46A-3A-10 be AMENDED:**

18 **46A-3A-10.** If a petition proposing ~~organization~~ the establishment of a water  
19 development district is presented to the Board of Water and Natural Resources, the board,  
20 ~~after first determining that~~ must determine whether the petition is in compliance with the  
21 ~~required provisions by resolution shall approve~~ requirements of this chapter. ~~If the petition~~  
22 ~~is in compliance, the board must, by resolution, approve~~ the petition ~~for establishment of~~  
23 ~~the proposed water development district and shall and~~ provide a name for the ~~water~~  
24 ~~development~~ proposed district.

25 The board shall, at the next general election ~~shall,~~ refer the question regarding the  
26 establishment of the district to the voters of the proposed ~~water development~~ district ~~the~~  
27 ~~question of whether the water development district shall be established.~~

28 **Section 13. That § 46A-3A-11 be AMENDED:**

29 **46A-3A-11.** The question ~~of forming~~ regarding the establishment of a water  
30 development district ~~shall~~ must be presented upon a separate ballot, ~~which shall be~~  
31 prepared by the Board of Water and Natural Resources, ~~and.~~ The ballot must, insofar as  
32 applicable, ~~shall~~ be in the form prescribed by the general election laws.

Underscores indicate new language.  
Overstrikes indicate deleted language.

1 **Section 14. That § 46A-3A-12 be AMENDED:**

2 **46A-3A-12.** An ~~Except as otherwise provided, an~~ election to form a water  
3 development district ~~shall must~~ be conducted, canvassed, recounted, and contested ~~as~~  
4 elections ~~under, insofar as applicable, in accordance with~~ the general election laws of this  
5 state, ~~except as otherwise herein provided, and except where the general laws are~~  
6 inapplicable. If the details concerning the conduct, canvassing, recounting, or contest of  
7 the election are not set forth within chapters 46A-3A to 46A-3E, inclusive, and the general  
8 election laws are not applicable, then the

9 The Board of Water and Natural Resources shall may, in accordance with chapter  
10 1-26, promulgate rules pursuant to chapter 1-26 reasonably necessary to carry out the  
11 intentions of to address any matter related to the conduct of an election governing the  
12 establishment of a district, as set forth in chapters 46A-3A to 46A-3E, inclusive, ~~with~~  
13 respect to elections and make possible the submission to an election of any matter which  
14 by the terms of chapters 46A-3A to 46A-3E, inclusive, may be submitted to a vote of the  
15 voters of any water development district or proposed water development district or in the  
16 general election laws of this state.

17 **Section 15. That § 46A-3A-13 be AMENDED:**

18 **46A-3A-13.** Any ~~If a~~ municipality is included within the ~~area comprising~~  
19 boundaries of a proposed water development district ~~shall constitute, the municipality~~  
20 constitutes a separate election district. ~~That area~~ The portion of any county that is wholly  
21 or partially included ~~in~~ within the boundaries of a proposed water development district,  
22 and which is outside the corporate limits of a municipality, ~~shall also constitute~~ constitutes  
23 a separate election district.

24 ~~No~~ An election district may not become a part of ~~any a~~ a water development district  
25 unless at least sixty percent ~~or more~~ of the votes cast ~~by the voters of such~~ in the election  
26 district ~~shall be in favor of the proposed water development district~~ are favorable.

27 **Section 16. That § 46A-3A-14 be AMENDED:**

28 **46A-3A-14.** If in some, but not all of the election districts within a proposed water  
29 development district, sixty percent or more of the votes cast are in favor of the formation  
30 of the water development district, ~~the~~ The Board of Water and Natural Resources shall, by  
31 resolution, establish a water development district consisting of ~~only~~ those election districts

1 ~~wherein in which~~ the requisite vote ~~approving the formation of a water development~~  
 2 ~~district of approval~~ was cast.

3 ~~In the event of the creation~~ Any election district included in the establishment of a  
 4 water development district, ~~any of the election districts in accordance with this section,~~  
 5 may withdraw from the water development district by filing a petition with the board ~~within~~  
 6 ~~sixty days thereafter,~~ a. The petition requesting withdrawal, signed must:

7 (1) Be signed by fifteen percent of the residents and voters residing in the election  
 8 district. The petition shall contain;

9 (2) Contain the same information with respect to the signers and be as required for a  
 10 petition to establish a water development district;

11 (3) Be verified in the same manner as in the case of required for a petition to establish  
 12 a water development district; and

13 (4) Be filed with the board on or before the sixtieth day after the election.

14 ~~The question of whether regarding the withdrawal of an election district shall~~  
 15 ~~withdraw shall from the water development district must~~ be referred to the voters of the  
 16 election district at the next general election, ~~the procedure is the same as required to~~  
 17 ~~establish a water development district.~~

18 **Section 17. That § 46A-3A-15 be AMENDED:**

19 **46A-3A-15.** If all or some of the election districts within a proposed water  
 20 development district cast sufficient votes to become a ~~part of the~~ water development  
 21 district, as provided for in this chapter on approval of the proposed district by sixty percent  
 22 or more of the votes cast in the election districts, or if, the Board of Water and Natural  
 23 Resources ~~establishes a water development district pursuant to the provisions of § 46A-~~  
 24 ~~3A-14 for which not all of the election districts become a part of the water development~~  
 25 ~~district, the board shall must,~~ by resolution create and, establish the water development  
 26 district, give it a name and, upon filing and file a true copy of the resolution with the  
 27 secretary of state, the. Upon filing of the resolution, the water development district ~~shall~~  
 28 become becomes a political subdivision of the state ~~with the authority, powers, and duties~~  
 29 ~~prescribed by this chapter.~~

30 **Section 18. That § 46A-3A-16 be AMENDED:**

31 **46A-3A-16.** After a water development district has been established pursuant to  
 32 ~~the provisions of chapters 46A-3A to 46A-3E, inclusive, any~~ contiguous county, township,  
 33 ~~or group of townships contiguous to the external boundary of the water development~~

1 ~~district may be added to and become a part of that water development~~ the district by an  
2 ~~affirmative vote of a~~ if:

3 (1) The board of the water development district submits to the Board of Water and  
4 Natural Resources a resolution supporting the addition; and

5 (2) A majority of the votes cast on the question in the area proposed for addition,  
6 ~~the board of directors of the water development district to which any addition is to~~  
7 ~~be made by resolution advises the Board of Water and Natural Resources that the~~  
8 ~~water development district board favors~~ support the addition.

9 Any county or that entire portion of a county included within a water development  
10 district may ~~be withdrawn~~ withdraw from a water development district by an affirmative  
11 ~~vote of the district~~ if a majority of the votes cast on the question in the county area  
12 proposed for withdrawal. ~~Proposals for additions or withdrawals shall support the~~  
13 ~~withdrawal.~~ withdrawal.

14 Any proposal for an addition or withdrawal, as provided for in this section, must be  
15 in the form of a written resolution or petition to the Board of Water and Natural Resources.

16 ~~The~~ A resolution shall proposing an addition or withdrawal, as provided for in this  
17 section, must be approved with an affirmative by a four-fifths vote of the governing body  
18 of a board of county commissioners.

19 ~~The petition shall proposing an addition or withdrawal must be signed by a number~~  
20 ~~of qualified voters in the area proposed for the addition or withdrawal~~ voters at least equal  
21 in number to at least five percent of the number of votes cast within the area in the most  
22 recent gubernatorial election. The county auditor in each county where a petition is  
23 circulated shall verify the signatures on the petition.

24 ~~The resolution or petition shall include a statement~~ must state whether the election  
25 is for the purpose of becoming a part of ~~an existing water development district~~ or  
26 withdrawing from an existing ~~water development district~~ and a statement describing the  
27 ~~purpose of the action.~~ The resolution or petition shall must be presented to the Board of  
28 Water and Natural Resources not more than one hundred twenty days nor less than ninety  
29 days before a regularly scheduled general election.

30 Upon receipt of the resolution or petition, the Board of Water and Natural Resources  
31 ~~shall call an election on~~ must place the question of ~~whether~~ the addition or withdrawal  
32 ~~should be made. The election shall be held in conjunction with~~ on the ballot at the next  
33 regularly scheduled general election.

34 **Section 19. That § 46A-3A-17 be AMENDED:**



1           **46A-3A-17.** ~~The Any~~ costs associated with an election ~~for withdrawal or addition~~  
 2           ~~shall be assigned to the involved~~ in accordance with § 46A-3A-16 are the responsibility of  
 3           ~~the county in which the area is located.~~

4           **Section 20. That § 46A-3B-1 be AMENDED:**

5           **46A-3B-1.** ~~The~~ Except as otherwise provided in this section, a water development  
 6           ~~district's~~ initial board of directors ~~shall~~ must be elected at the ~~next~~ general election  
 7           following the effective date of ~~an act establishing a water development district~~ the district's  
 8           establishment. If a general election ~~will~~ is not scheduled to occur within one year during  
 9           the twelve month period after the act goes into effect ~~district is established,~~ the Board of  
 10          Water and Natural Resources ~~may~~ shall call a special election for ~~the initial board of~~  
 11          directors, ~~the costs of such.~~ The cost of a special election to be borne by the water  
 12          development is the responsibility of the district.

13           The initial directors ~~shall be~~ are elected to ~~serve for~~ staggered terms, until the  
 14          January first following the first general election ~~that occurs~~ occurring at least twelve  
 15          months after the initial election or the next succeeding general election respectively to  
 16          represent areas of the water development district. ~~Directors shall thereafter be elected to~~  
 17          ~~four year terms at each subsequent general election to succeed those directors whose~~  
 18          ~~terms expire at the end of the year in which the election is held.~~ Thereafter, the term of  
 19          each director is four years.

20          **Section 21. That § 46A-3B-2 be AMENDED:**

21          **46A-3B-2.** ~~The board of directors of a~~ A water development district ~~shall consist~~  
 22          ~~of five, seven, or nine members. Those districts which have~~ having a population ~~up to of~~  
 23          twenty-five thousand ~~shall~~ or fewer must have five directors.

24           ~~Those districts which have~~ A district having a population ~~of~~ greater than twenty-five  
 25          thousand ~~and one to~~ but not greater than seventy-five thousand ~~shall~~ must have seven  
 26          directors.

27           ~~Districts with~~ A district having a population greater than seventy-five thousand ~~shall~~  
 28          must have nine directors.

29           Each director ~~shall be a resident and~~ must be an eligible voter and reside in the  
 30          director area represented. The Board of Water and Natural Resources shall divide the  
 31          ~~water development district into director areas. A director shall~~ must be elected from each  
 32          director area.

1 **Section 22. That § 46A-3B-2.1 be AMENDED:**

2 **46A-3B-2.1.** ~~For any~~If a water development district ~~having~~has a realignment of  
3 director areas ~~that will be realigned,~~ as a result of § 46A-3B-2, any director ~~of the district~~  
4 ~~who is in office on January 1, 2024,~~ shall serving at the time of the realignment may  
5 continue to serve ~~as a director if~~ until the expiration of the director's term, provided the  
6 director remains a resident of the district.

7 **Section 23. That § 46A-3B-3 be AMENDED:**

8 **46A-3B-3.** As soon as possible following each decennial census of population and  
9 housing, or any adjustment to a water development district boundary, the Board of Water  
10 and Natural Resources shall ascertain whether the number of board members ~~should~~ must  
11 be adjusted, adjust the same, and redistrict ~~water development district~~ the director areas  
12 to reflect changes in the population of the ~~water development district,~~ so as to assure and  
13 ensure equitable representation of all areas within the ~~water development~~ district.

14 ~~The board~~ Board of Water and Natural Resources may make adjustments to ~~water~~  
15 ~~development district~~ director areas to reflect precinct changes made pursuant to chapter  
16 12-14, if ~~equitable representation of all areas remains assured~~ remain equitably  
17 represented.

18 If an adjustment under this section results in an increased number of board  
19 members, each additional position must be filled by elective action of the remaining  
20 directors, from candidates proposed by nominating petitions signed by at least twenty-  
21 five eligible voters residing in the director area to be represented by the additional  
22 position. The individual chosen by the remaining directors to fill the additional position  
23 shall serve until a director is elected at the next general election and takes office, as  
24 provided for in § 46A-3B-9.

25 **Section 24. That § 46A-3B-4 be AMENDED:**

26 **46A-3B-4.** A director candidate may be nominated by a petition signed by at least  
27 twenty-five registered voters residing in the director area to be represented by the  
28 candidate. Nominating petitions ~~shall~~ must be made available at the water development  
29 district office, the secretary of state's office, and the respective county auditors' offices ~~on~~  
30 ~~forms.~~ Nominating petitions must be prescribed by the state election board and filed with  
31 the secretary of state ~~not prior to~~ between eight a.m., on January first, ~~and not later than~~  
32 five p.m., on the last Tuesday of March, ~~z~~ prior to the date of the primary election. If a

1 petition is mailed to the secretary of state's office, by registered mail ~~by~~, before five p.m.,  
 2 on the last Tuesday of March, prior to the primary election, it is considered filed.

3 For the initial election, director nominating petitions ~~shall~~ must be made available  
 4 by the Department of Agriculture and Natural Resources and ~~shall~~ must be filed with the  
 5 department ~~not~~ no later than five p.m., on the first Tuesday of August, before the general  
 6 election, or in the case of a special election under § 46A-3B-1, ~~not~~ no later than thirty  
 7 days before the date ~~set for~~ of the special election.

8 **Section 25. That § 46A-3B-5 be AMENDED:**

9 **46A-3B-5.** If three or more nominating petitions are filed for ~~a~~ the position of  
 10 director ~~office~~, the secretary of state ~~shall~~ must certify the nomination of ~~director~~  
 11 candidates to the respective county auditors and the water development district office.  
 12 The ~~water development~~ district office shall furnish nonpolitical sample and official ballots  
 13 in adequate numbers and with adequate time to permit distribution of ~~such~~ the ballots, by  
 14 the respective county auditors, together with other primary election ballots.

15 Following a primary election, ~~the names of~~ the two candidates receiving the most  
 16 votes cast in the primary election ~~(or if only two nominating petitions are filed, the names~~  
 17 ~~of the two candidates)~~ shall must be certified and ballots must be furnished in the same  
 18 manner as for the primary election, but in time to permit distribution of the ballots by the  
 19 respective county auditors, together with other general election ballots.

20 If only two nominating petitions are filed, the names of both candidates must be  
 21 certified and ballots must be furnished as provided in this section.

22 If only one nominating petition is filed ~~for a director office~~, ~~no election may be held~~  
 23 ~~and~~, a certificate of election ~~shall~~ must be issued to the nominee in the same manner as  
 24 to a successful candidate after an election.

25 In the case of an initial election, ~~no primary election may be held~~ and the Board of  
 26 Water and Natural Resources shall certify the names of the candidates and furnish ballots  
 27 in time to permit distribution of the ballots by the county auditors prior to the general or  
 28 special election.

29 **Section 26. That § 46A-3B-6 be AMENDED:**

30 **46A-3B-6.** ~~Not later than~~ Within thirty days after a general or special election for  
 31 the initial directors of a water development district, the Board of Water and Natural  
 32 Resources shall hold a run-off election ~~in~~ for each director area in which ~~no~~ director  
 33 candidate received a majority of the votes cast ~~for that area's director office~~. The run-off

1 election ~~in each affected director area shall~~ must be between the two director candidates  
2 receiving the most votes during the general or special election. The ~~water development~~  
3 ~~district shall pay~~ is responsible for the costs of the run-off election.

4 **Section 27. That § 46A-3B-7 be AMENDED:**

5 **46A-3B-7.** A water development district, or the Board of Water and Natural  
6 Resources in the case of an initial election, shall ~~publish once each week for two~~  
7 ~~consecutive weeks in the official newspapers of the water development district~~ a notice  
8 setting forth vacancies that will occur ~~by~~ upon the completion of board member terms ~~of~~  
9 ~~the water development district board members.~~ The last publication ~~may not be.~~ The  
10 notice must:

- 11 (1) Be published once per week for two consecutive weeks;  
12 (2) Be published in the official newspaper of the district;  
13 (3) Be published no less than ten nor more than twenty days before the final deadline  
14 for the filing of director petitions. The notice shall also state; and  
15 (4) State the time and place where director nominating petitions may be filed for such  
16 director vacancies.

17 **Section 28. That § 46A-3B-8 be AMENDED:**

18 **46A-3B-8.** The respective county auditors shall transmit the results of the election  
19 for water development district directors to the secretary of state. If only one nominating  
20 petition for a water development district director office has been filed, the secretary of  
21 state shall issue a certificate of election ~~shall be issued to the nominee by the secretary~~  
22 ~~of state.~~ In the case of an initial election, the Board of Water and Natural Resources shall  
23 certify the names of all nominees to the secretary of state. ~~The~~ and the secretary of state  
24 shall issue a certificate of election to each successful candidate.

25 **Section 29. That § 46A-3B-9 be AMENDED:**

26 **46A-3B-9.** Each director shall take office ~~on the first day of~~ January first of the  
27 year following the election, or not later than sixty days after ~~election in the case of a~~  
28 special election.

29 ~~A vacancy that may occur on the water development district board of directors by~~  
30 ~~reason of death, failure to be a resident and voter, resignation, or other cause pursuant~~  
31 ~~to § 3-4-1, or upon~~ An office becomes vacant:

- 1       (1) Upon the occurrence of any event listed in § 3-4-1; or
- 2       (2) Upon the expiration of a term of office, if no qualifying petitions have been filed or
- 3             if no successor has qualified for the office, unless otherwise provided in chapters
- 4             46A-3A to 46A-3E, inclusive, ~~shall be declared to exist and shall be filled by elective~~
- 5             ~~action of the.~~

6             If an office becomes vacant, the remaining directors ~~from candidates proposed by~~

7             ~~nominating petitions signed by at least twenty five eligible voters in~~ must fill the position

8             by appointing a qualified candidate from the director area for which a vacancy exists. The

9             ~~person~~ individual appointed to fill the vacancy shall serve for the remainder of the

10            unexpired term.

11       **Section 30. That § 46A-3B-10 be AMENDED:**

12            **46A-3B-10.** ~~Each director of a water development district board of directors shall~~

13            ~~establish amounts to reimburse board members~~ is entitled to receive compensation in an

14            amount established by the board, plus reimbursement for expenses ~~for lodging, meals,~~

15            and mileage and to provide compensation for each day of actual service for traveling to,

16            ~~attending, and returning from~~ incurred if the director is attending meetings, hearings, or

17            ~~investigations of the water development district or performing duties directed by the~~

18            board. ~~Such reimbursement and compensation shall be paid on~~ The compensation and

19            reimbursement provided for in this section is payable upon vouchers ~~duly verified and~~

20            ~~approved according to procedures determined~~ approved by the board.

21       **Section 31. That § 46A-3B-11 be AMENDED:**

22            **46A-3B-11.** ~~At the first~~ Each water development district board of directors shall

23            hold an annual meeting in January ~~of each year, designated as the annual meeting of the~~

24            ~~water development district, the.~~ At the annual meeting, the directors shall elect from

25            among themselves a chair, a vice chair, and a secretary ~~from among their membership.~~

26            ~~The officers.~~ Each officer elected in accordance with this section shall hold office until the

27            next annual meeting ~~of the water development district or until their successors have~~ a

28            successor has been elected.

29            ~~In addition, the~~ Each board of directors shall appoint a treasurer who may ~~or may~~

30            ~~not~~ be a director and who shall serve at the pleasure of the board ~~of directors or until a~~

31            ~~successor is appointed.~~ The treasurer shall must be bonded in ~~such amounts and with~~

32            ~~such sureties as the directors may specify, conditioned on faithful performance of the~~

33            ~~treasurer's duties~~ an amount determined by the board.

Underscores indicate new language.  
Overstrikes indicate deleted language.

1           The chair, vice chair, secretary, and treasurer constitute the officers of the board  
2 of directors. The treasurer, ~~if not a director, has no~~ has voting privileges only if the  
3 treasurer is a director.

4 **Section 32. That § 46A-3B-12 be AMENDED:**

5           **46A-3B-12.** A majority of the ~~members of the water development district board~~  
6 ~~of directors~~ board's voting members constitutes a quorum for the transaction of ~~water~~  
7 ~~development district~~ business.

8 **Section 33. That § 46A-3C-1 be AMENDED:**

9           **46A-3C-1.** ~~A~~ In order to dissolve a water development district ~~may be dissolved~~  
10 ~~by affirmative vote of at least fifty percent of the votes cast on the question at a general~~  
11 ~~election. The question shall be referred to district voters by the Board of Water and Natural~~  
12 ~~Resources after receipt of a petition in writing signed by a number of qualified voters of~~  
13 ~~the water development district equal to at least fifteen percent of the votes cast within~~  
14 ~~the water development district in the most recent gubernatorial election. The petition shall~~  
15 ~~be filed with the board by the first Tuesday in July of the year in which the general election~~  
16 ~~is to occur, a petition of dissolution must be filed with the Board of Water and Natural~~  
17 Resources.

18           The petition must be:

- 19           (1) Signed by eligible voters of the district, equal in number to at least fifteen percent  
20 of the votes cast in the district during the most recent gubernatorial election; and  
21           (2) Filed with the Board of Water and Natural Resources on or before the first Tuesday  
22 of July, immediately preceding the general election.

23           Upon receipt of a petition in accordance with this section, the Board of Water and  
24 Natural Resources must refer the question to the voters of the district, at the next general  
25 election.

26 **Section 34. That § 46A-3C-2 be AMENDED:**

27           **46A-3C-2.** ~~The~~ A petition of dissolution pursuant to § 46A-3C-1 ~~shall request~~ must:  
28           (1) State the legal name of the water development district;  
29           (2) Request that the ~~water development district be dissolved and shall include the legal~~  
30 ~~name of the water development district. Each person signing the petition shall add~~  
31 ~~to the person's signature;~~ and

1 (3) Include the address of each individual who signed the petition and the date on  
 2 which the individual signed the petition, in the ~~person's~~ individual's own  
 3 ~~handwriting, the person's place of residence and the date of signing. The petition~~  
 4 ~~may contain.~~

5 If the petition contains more than one page, and each page shall must have an  
 6 identical headings. Any number of identical petition forms may be circulated and each be  
 7 a part of the petition. Every heading.

8 ~~Each page of the petition containing signatures shall have upon it and below the~~  
 9 ~~signatures must contain an affidavit by the circulator in substantially the following form:~~

10 STATE OF SOUTH )  
 11 DAKOTA ) SS  
 12 COUNTY OF \_\_\_\_\_ )

13 I, the undersigned \_\_\_\_\_, being first duly sworn, depose and say, that  
 14 I am the circulator of the foregoing petition containing \_\_\_\_\_ signatures; ~~that each~~  
 15 ~~person~~ individual whose name appears on the petition sheet personally signed the petition  
 16 in my presence; ~~that~~ I believe that each of the signers is a resident at the address written  
 17 opposite the signer's name; and ~~that~~ I stated to every petitioner before the signer affixed  
 18 ~~his or her signature~~ the legal effect and nature of the petition to each individual, prior to  
 19 the individual signing the petition.

20 \_\_\_\_\_  
 21 Circulator

22 Subscribed and sworn to before me this \_\_\_\_\_ day of  
 23 \_\_\_\_\_, 20\_\_\_\_.

24 \_\_\_\_\_  
 25 Notary Public

26 **Section 35. That § 46A-3C-3 be AMENDED:**

27 **46A-3C-3.** Upon presentation of a petition to the Board of Water and Natural  
 28 Resources, proposing that a water development district be dissolved ~~to the Board of Water~~  
 29 ~~and Natural Resources,~~ the board, ~~after first determining that~~ must determine whether  
 30 the petition is in compliance with all legal requirements, shall. If the board determines  
 31 that the petition is in compliance, the board must, by resolution, approve the petition and,  
 32 ~~at the next general election,~~ shall refer the question to the voters of the water  
 33 development district at the next general election.

1 **Section 36. That § 46A-3C-4 be AMENDED:**

2 **46A-3C-4.** If at least fifty percent of the votes cast are in favor of ~~the dissolution~~  
 3 ~~proposition~~ dissolving the water development district, the Board of Water and Natural  
 4 Resources must, by resolution ~~shall~~, dissolve the ~~water development~~ district and ~~shall~~ file  
 5 a ~~true~~ copy of the resolution with the secretary of state.

6 If the vote is against dissolving the ~~water development~~ district, another vote may  
 7 not be held on the question of dissolution for four years. A new election may not be held  
 8 unless a new petition has been submitted to the Board of Water and Natural Resources.  
 9 The costs associated with an election to dissolve a ~~water development~~ district are the  
 10 responsibility of the affected ~~water development~~ district.

11 **Section 37. That § 46A-3C-5 be AMENDED:**

12 **46A-3C-5.** If a water development district has been dissolved, the Board of Water  
 13 and Natural Resources shall exercise all necessary power and authority of the water  
 14 development district board of directors, until all financial responsibilities, obligations, and  
 15 other contractual commitments of the dissolved ~~water development~~ district are satisfied.

16 **Section 38. That § 46A-3C-6 be AMENDED:**

17 **46A-3C-6.** Any election held to carry out the purposes of chapters 46A-3A to 46A-  
 18 3E, inclusive, ~~shall must~~ be conducted, canvassed, recounted, and contested ~~as are~~ in  
 19 the same manner as other elections under ~~the general laws of this state law~~, except as  
 20 otherwise herein provided in this section.

21 If ~~the~~ details concerning the conduct, canvassing, recounting, or contest of ~~the~~ an  
 22 election are not set forth within chapters 46A-3A to 46A-3E, inclusive, and the general  
 23 election laws are not applicable, the Board of Water and Natural Resources ~~shall must~~  
 24 promulgate rules, pursuant to chapter 1-26, to ~~carry~~:

25 (1) Carry out the intent of chapters 46A-3A to 46A-3E, inclusive, with respect to  
 26 elections; ~~and make possible~~

27 (2) Provide for the submission to an election of any matter ~~which by the provisions of~~  
 28 that is subject to a vote, in accordance with chapters 46A-3A to 46A-3E, inclusive;  
 29 ~~is subject to a vote.~~

30 **Section 39. That § 46A-3D-1 be AMENDED:**



1           **46A-3D-1.** A water development district board of directors may equip, maintain,  
2 and operate an office, within the ~~water development district,~~ as its principal place of  
3 business and establish other offices as necessary.

4           The board of directors may appoint and fix compensation of any employees ~~deemed~~  
5 necessary ~~by the board of directors~~ to conduct the business ~~and affairs~~ of the ~~water~~  
6 ~~development~~ district and ~~to~~ carry out the intent of chapters 46A-3A to 46A-3E, inclusive.

7           ~~No~~An employee of the ~~water development district may hold office as a water~~  
8 ~~development district director while so employed~~ not serve as a director.

9           **Section 40. That § 46A-3D-2 be AMENDED:**

10           **46A-3D-2.** A water development district board of directors may enter into group  
11 hospital and medical insurance contracts for the protection and benefit of their district  
12 employees and the immediate families of ~~such~~ the employees. The board may pay all or  
13 part of the necessary premiums for its employees.

14           **Section 41. That § 46A-3D-3 be AMENDED:**

15           **46A-3D-3.** A water development district board of directors shall keep ~~accurate~~  
16 board meeting minutes ~~of its meetings~~ and ~~accurate~~ records and books of ~~account~~ clearly  
17 ~~setting forth and reflecting~~ the operations, management, and business of the district. The  
18 minutes, records, and books ~~shall~~ must be kept at the principal place of business ~~of the~~  
19 ~~water development district and shall~~ and be open to public inspection during reasonable  
20 business hours. The minutes ~~shall~~ must be distributed to the official ~~newspapers~~  
21 newspaper of the ~~water development district.~~

22           **Section 42. That § 46A-3D-4 be AMENDED:**

23           **46A-3D-4.** The fiscal year of the water development district coincides with the  
24 calendar year.

25           At the conclusion of each fiscal year in which the district's revenues exceeded three  
26 hundred fifty thousand dollars, the board shall obtain an audit of the books and records,  
27 from the Department of Legislative Audit or an auditor approved by the department, ~~an~~  
28 ~~audit of the books, records, and financial affairs of the district.~~ The district shall retain a  
29 written report of the audit ~~in~~ at its principal place of business and shall file a copy ~~in the~~  
30 ~~Office of the Secretary of State~~ with the secretary of state. The district shall publish a

1 notice regarding availability of the audit report in the official ~~newspapers designated in~~  
2 ~~accordance with § 46A-3D-11 newspaper of the district.~~

3 A district having three hundred fifty thousand dollars or less in annual revenue may  
4 submit an annual report in lieu of an audit. The district shall submit the report to the  
5 auditor-general, on forms prescribed by the department.

6 The auditor-general may audit the books and records ~~of any office or officer of a~~  
7 ~~district upon a determination of cause, or~~ if requested by the board ~~or if the auditor-~~  
8 ~~general finds that cause exists.~~

9 **Section 43. That § 46A-3D-5 be AMENDED:**

10 **46A-3D-5.** The water development district board of directors may sue and be sued  
11 in the name of the ~~water development~~ district.

12 **Section 44. That § 46A-3D-6 be AMENDED:**

13 **46A-3D-6.** The water development district board of directors may cooperate or  
14 contract with any individual, ~~state, or subdivision thereof or federal agency or private or~~  
15 ~~public corporation to carry out the intent and~~ person for the purposes of chapters 46A-3A  
16 to 46A-3E, inclusive.

17 **Section 45. That § 46A-3D-7 be AMENDED:**

18 **46A-3D-7.** A water development district board of directors may carry public  
19 liability insurance ~~protecting the directors and employees against liability suits brought~~  
20 ~~against them for any acts or omissions while performing their that occur in the~~  
21 performance of official duties as by the directors or by employees. The board may carry  
22 other insurance ~~as deemed necessary by the board to protect the water development~~  
23 district and its property.

24 **Section 46. That § 46A-3D-8 be AMENDED:**

25 **46A-3D-8.** A water development district board of directors may acquire, by  
26 purchase or lease, all real and other property, ~~as may be necessary to carry out the~~  
27 purposes ~~and intent~~ of chapters 46A-3A to 46A-3E, inclusive. The board may hold and use  
28 the property, lease the property, sell the property, or otherwise dispose of ~~any the~~  
29 property in whole or in part or parcel thereof, ~~or sell the property if it is no longer needed.~~

1       The ~~water development district~~ board shall follow the procedures in ~~chapters~~ chapter 6-  
2       13 ~~and 7-30~~ for the sale, exchange, leasing, and disposal of property.

3       **Section 47. That § 46A-3D-9 be AMENDED:**

4               **46A-3D-9.** A water development district board of directors may exercise the power  
5       of eminent domain ~~for acquiring and securing~~ to acquire any right, title, interest, estate,  
6       or easement necessary to carry out the purposes ~~and intent~~ of chapters 46A-3A to 46A-  
7       3E, inclusive, if the district is unable to acquire it by negotiation.

8       **Section 48. That § 46A-3D-10 be AMENDED:**

9               **46A-3D-10.** A water development district board of directors may accept ~~funds,~~  
10       ~~property, and services~~ gifts, grants, and donations, or other assistance, ~~financial or~~  
11       ~~otherwise,~~ from federal, state, and other public or private sources to carry out ~~for the~~  
12       purposes ~~and intent~~ of chapters 46A-3A to 46A-3E, inclusive.

13       **Section 49. That § 46A-3D-11 be AMENDED:**

14               **46A-3D-11.** Each year ~~each~~ a water development district board of directors shall  
15       annually designate ~~legal newspapers~~ a newspaper of general circulation ~~published~~ within  
16       the ~~water development~~ district as the official ~~newspapers~~ newspaper of the ~~water~~  
17       development district.

18       **Section 50. That § 46A-3D-12 be AMENDED:**

19               **46A-3D-12.** ~~To carry out the purposes and intent of chapters 46A-3A to 46A-3E,~~  
20       ~~inclusive,~~ a water development district board of directors may ~~accumulate funds in~~  
21       establish a capital reserve fund ~~established by resolution by the directors. The~~  
22       ~~accumulated funds.~~ Dollars in the fund may not revert at the end of a fiscal year ~~and the~~  
23       ~~water development district directors may make expenditures from the capital reserve. The~~  
24       board may expend dollars from the fund, ~~as they deem necessary, consistent with~~ for the  
25       purposes ~~and intent~~ of chapters 46A-3A to 46A-3E, inclusive.

26       **Section 51. That § 46A-3D-13 be AMENDED:**

27               **46A-3D-13.** ~~It is the intent of chapters 46A-3A to 46A-3E, inclusive, that any~~ Any  
28       land used to satisfy federal wildlife mitigation requirements for a project ~~shall~~ must be  
29       within the water development district benefiting from that project.

1 **Section 52. That § 46A-3E-1 be AMENDED:**

2 **46A-3E-1.** A water development district board of directors may levy taxes, not to  
3 exceed thirty cents per thousand dollars of taxable valuation in the district, for  
4 ~~accomplishment of~~ the purposes of chapters 46A-1, 46A-2, and 46A-3A to 46A-3E,  
5 ~~inclusive, and chapters 46A-1 and 46A-2.~~ If an area is included in more than one ~~water~~  
6 ~~development~~ district, ~~that area's~~ the tax levy payable to each of the water development  
7 districts is determined by multiplying the greater of the overlapping water development  
8 districts' levies by each water development district's taxing fraction. Each ~~water~~  
9 ~~development~~ district's taxing fraction is determined by dividing that ~~water development~~  
10 district's proposed tax levy for the overlapped area by the sum of all water development  
11 districts' levies for the overlapped area.

12 **Section 53. That § 46A-3E-2 be AMENDED:**

13 **46A-3E-2.** A water development district board of directors may make special  
14 assessments against real property specially benefited by a project, provided that the  
15 persons seeking the assessment ~~or an entity authorized to act on their behalf have~~  
16 ~~contractually agreed to the special assessments as a means of providing local funding.~~  
17 ~~There shall be filed with the water development district board of directors~~ present to the  
18 board a petition, in a form approved by the Board of Water and Natural Resources, and  
19 signed by sixty-six and two-thirds percent of the owners of real property to be assessed.

20 **Section 54. That § 46A-3E-3 be AMENDED:**

21 **46A-3E-3.** Only those ~~landowners~~ persons who contractually agree ~~for special~~  
22 ~~assessments to finance to a special assessment for~~ a water delivery project may be  
23 specially assessed. ~~The provisions of~~ Notwithstanding § 46A-3E-4 ~~notwithstanding,~~ any  
24 person who wishes to join a water delivery project after a petition has been filed with the  
25 water development district board of directors, pursuant to § 46A-3E-4, may contractually  
26 agree to join the project. ~~However, a~~ A person ~~contractually~~ joining a ~~water delivery~~  
27 ~~project late after the petition has been filed~~ may be required to make special payments,  
28 in addition to the special assessments ~~in order to bear the person's fair share of project~~  
29 ~~costs.~~

30 **Section 55. That § 46A-3E-4 be AMENDED:**

1           **46A-3E-4.** Upon receipt of a petition requesting a special assessment, a water  
 2 development district board of directors ~~shall~~ must hold a hearing on the question. ~~Notice~~  
 3 ~~of the time and place~~ The board must publish notice of the hearing ~~shall be published in~~  
 4 the official newspaper of the district, at least once each week, for two consecutive weeks,  
 5 before the hearing ~~in the official newspapers of the water development district~~. The last  
 6 publication ~~shall be~~ must occur at least ten days prior to the hearing. If the board, after  
 7 the hearing, ~~the board of directors~~ determines that the project is consistent with the best  
 8 ~~interests~~ interest of the ~~water development~~ district, ~~it may~~ the board must adopt a  
 9 resolution of intent to specially assess.

10 **Section 56. That § 46A-3E-5 be AMENDED:**

11           **46A-3E-5.** Within twenty days after adoption of a resolution of intent to specially  
 12 assess, a water development district board of directors shall give written notice to the  
 13 owners of real property described in the resolution. ~~Owners~~ Persons who are entitled to  
 14 notice in accordance with this section are those listed as the owners ~~of the real property~~  
 15 ~~to be assessed~~ in the records in the office of the register of deeds ~~of~~ for the county ~~where~~  
 16 in which the real property is located.

17           If real property is sold under a contract for deed ~~which is of record~~ that is recorded  
 18 in the office of the register of deeds, both the landowner and the purchaser of the land,  
 19 as named in the contract for deed, ~~shall be treated as owners~~ are entitled to notice.

20           Notice ~~shall~~ must be by registered or certified mail, ~~shall be~~ effective upon the date  
 21 mailed, and ~~shall~~ must contain the following:

- 22 (1) A description of the contract under which the assessment is to be made;
- 23 (2) A legal description of the owner's real property ~~of the affected owner~~ to be specially  
 24 assessed;
- 25 (3) A description of the ~~nature of the~~ benefit to be returned to the property; and
- 26 (4) ~~Notice of~~ Information regarding the right to protest by petition.

27 **Section 57. That § 46A-3E-6 be AMENDED:**

28           **46A-3E-6.** ~~Special assessments by~~ A special assessment by a water development  
 29 ~~districts are~~ district is effective thirty days after adoption of the resolution of intent to  
 30 specially assess, unless a written protest is filed with the ~~office of the water development~~  
 31 district within thirty days ~~of~~ after adoption of the resolution, excluding the date of  
 32 adoption. The written protest ~~shall~~ must be in the form of a petition, signed by ~~not less~~

1 ~~than at least~~ sixty percent of the owners of real property described in the resolution of  
 2 intent to specially assess.

3 **Section 58. That § 46A-3E-7 be AMENDED:**

4 **46A-3E-7.** A water development district may assist, sponsor, or construct a water  
 5 resources project. ~~Each project shall conform to the provisions of § 46A-2-3, which~~  
 6 ~~provides that specific provided:~~

7 (1) Specific areas shall finance those phases of water resources development that  
 8 provide general benefits to the people in ~~such the~~ areas, ~~that direct;~~

9 (2) Direct beneficiaries shall finance those phases of water resources development that  
 10 provide water for their use or that protect or enhance the value of their property, ~~;~~  
 11 and ~~that administrative~~

12 (3) Administrative jurisdiction and responsibility for the various phases of water  
 13 resources development are related to ~~such the~~ variable degrees of benefits.

14 **Section 59. That § 46A-3E-8 be AMENDED:**

15 **46A-3E-8.** A water development district board of directors may levy taxes and  
 16 special assessments, as provided ~~and limited~~ in chapters 46A-3A to 46A-3E, inclusive, to  
 17 cover obligations contained in contracts with ~~the United States, or any agency thereof,~~  
 18 ~~with agencies of the State of South Dakota,;~~

19 (1) The federal government;

20 (2) This state; ~~or with any other entity,~~

21 (3) Any other public or private, to accomplish the purposes of chapters 46A-3A to 46A-  
 22 3E, inclusive entity.

23 ~~Except for~~ With the exception of special assessments, ~~however,~~ ~~a water~~  
 24 ~~development district the board~~ may not obligate any ~~funds or revenues~~ monies that are  
 25 not to be collected or on hand during the fiscal year in which the obligation is to be  
 26 incurred.

27 **Section 60. That § 46A-3E-9 be AMENDED:**

28 **46A-3E-9.** Pursuant to ~~the provisions of~~ chapters 46A-3A to 46A-3E, inclusive, a  
 29 water development district board of directors may levy a tax ~~or, a special assessments~~  
 30 assessment, or both, against taxable property within the ~~boundaries of the water~~

1 development district, to be collected by the appropriate tax listing entities in accordance  
2 with the procedures outlined in chapters 46A-3A to 46A-3E, inclusive.

3 Collections from the tax shall be deposited monthly with the water development  
4 district treasurer by the appropriate tax collecting officials. The water development district  
5 treasurer shall deposit the funds received from the appropriate tax collecting officials in  
6 depositories. The amount collected must be forwarded monthly to the treasurer of the  
7 district for deposit in an institutional account designated by the water development district  
8 board of directors. Disbursements from the designated depository account shall may be  
9 made only upon orders duly vouchers drawn by the water development district treasurer,  
10 pursuant to procedures adopted by the board of directors and are to. Disbursements may  
11 be used in performing the duties prescribed for the water development district board of  
12 directors by the provisions of by chapters 46A-3A to 46A-3E, inclusive. ~~However, any~~  
13 ~~agreement or contract~~

14 Any contract entered into by the water development district board of directors  
15 board on behalf of ~~any an~~ irrigation district, a drainage district, a watershed district, a  
16 municipality, a county, a township, or other entity of any state government shall agency  
17 must be secured by the taxing or assessment power of such ~~public the~~ entity and such  
18 agreement or.

19 Any contract, entered into by the district board of directors, with or on behalf of a  
20 soil conservation district, a water user district, or any other nontaxing public entity shall  
21 must provide for ~~other an~~ assurance of payment that is satisfactory to the water  
22 development district board of directors.

23 **Section 61. That § 46A-3E-10 be AMENDED:**

24 **46A-3E-10.** The board of directors of a water development district shall, at the  
25 time of the organization of the board and annually thereafter on a date established by the  
26 district, but before the first of and on or before October first of each year thereafter,  
27 adopt a budget and prepare an operations and budget report. The report shall present  
28 must include estimates and itemizations of ~~all the~~ district's expenses and obligations of  
29 the water development district, including expenses of directors, expenses of operating the  
30 office, debt service and retirement, and obligations and liabilities to the United States.

31 Before approval of the board approves the budget by the district board of directors,  
32 the board shall hold a public hearing shall be held. Notice. The board shall publish notice  
33 of the hearing shall be published once each week, for two successive weeks, in the water  
34 development district's official newspapers official newspaper of the district.

1           The notice ~~shall~~must state the time and place of the hearing, ~~its~~the purpose for  
 2 the hearing, and that ~~at the hearing all persons interested may appear, either in person~~  
 3 ~~or by representative, and be heard and given an opportunity for a full and complete~~  
 4 ~~discussion of all items in the budget. With the first notice, the budget shall be published~~  
 5 ~~in a form approved by the auditor general~~the hearing will include an opportunity for public  
 6 comment.

7           At the conclusion of the hearing, the ~~water development district board may~~  
 8 ~~eliminate or amend any portion of~~modify the budget ~~before adoption.~~

9       **Section 62. That § 46A-3E-11 be AMENDED:**

10           **46A-3E-11.** ~~Upon completion and adoption of a budget, a water development~~  
 11 ~~district board of directors shall make a tax levy or, special assessment, or both, in dollars~~  
 12 ~~sufficient to fund the budget. Any tax levy made against the property in any a given county~~  
 13 ~~in a water development district shall~~must be in an amount equal to the total ~~water~~  
 14 ~~development district tax levy in dollars, multiplied by the county's proportional share.~~

15           The county's proportional share ~~shall be~~is determined by dividing the equalized  
 16 assessed valuation of the area within the ~~water development district for that county by~~  
 17 the total ~~water development district equalized assessed valuation.~~

18           The provisions of § 10-12-34.1 may not prohibit apportionment of the tax among  
 19 the counties, as provided for in this section. ~~No water development~~

20           A ~~district tax levy may be in excess of~~not exceed the limitation specified in chapters  
 21 46A-3A to 46A-3E, inclusive, except as provided in § 46A-3E-1. Any tax levy ~~shall~~must  
 22 be in the form of a resolution adopted by a ~~majority vote of the members of the board of~~  
 23 ~~directors of the water development district.~~

24       **Section 63. That § 46A-3E-12 be AMENDED:**

25           **46A-3E-12.** ~~Immediately after completion~~Upon the adoption of a budget and  
 26 ~~adoption of the levying of taxes, special assessments and a tax levy by a water~~  
 27 ~~development district, or both, the board of directors, but not later than the first of~~shall,  
 28 on or before October, ~~the secretary of the water development district shall send one first,~~  
 29 forward a certified copy of the levy ~~as adopted and one a~~a certified copy of ~~such the~~  
 30 to the appropriate tax collecting officials ~~of in~~ the affected counties and to the ~~state~~  
 31 secretary of revenue Department of Revenue.

32       **Section 64. That § 46A-3E-13 be AMENDED:**



1           **46A-3E-13.** ~~Appropriate~~ The tax collecting officials shall extend the levy or special  
 2 assessments upon the tax list of the county, municipality, or other appropriate tax paying  
 3 entity for the tax year against each description of taxable property or, in the case of special  
 4 assessments, against each description of taxable property to be specially assessed within  
 5 the water development district, in the same manner and with the same effect as other  
 6 taxes and assessments are extended, including the authority, requirements, and  
 7 procedures contained in chapter 9-43.

8 **Section 65. That § 46A-3E-14 be AMENDED:**

9           **46A-3E-14.** ~~The appropriate tax collecting officials shall collect all water~~  
 10 development district taxes and assessments, together with any interest and ~~penalty~~  
 11 ~~thereon, if any penalties,~~ in the same manner as the general taxes and assessments are  
 12 collected and shall ~~pay over on a monthly to the water development basis, forward the~~  
 13 amounts collected during the preceding month to the district treasurer all taxes so  
 14 ~~collected during the preceding month, with interest and penalties. The water development~~  
 15 ~~. The district treasurer shall immediately enter these receipts to the credit of the~~  
 16 ~~depository accounts designated by the water development district board of directors~~  
 17 ~~pursuant to § 46A-3E-9 deposit the amounts in the institutional account designated by~~  
 18 the board.

19 **Section 66. That § 46A-3B-13 be REPEALED.**

20           ~~For any water development district with boundaries affected by §§ 46A-3A-2 to~~  
 21 ~~46A-3A-5, inclusive, any director of the district who is in office on January 1, 2009 shall~~  
 22 ~~continue to serve as a director if the director remains a resident of the district. At the first~~  
 23 ~~general election after January 1, 2009, for any water development district with boundaries~~  
 24 ~~affected by §§ 46A-3A-2 to 46A-3A-5, inclusive, directors shall be elected for all director~~  
 25 ~~positions in the district, regardless of whether or not any director's term has expired. The~~  
 26 ~~directors elected for the district at the general election shall be elected to serve for~~  
 27 ~~staggered terms. Thereafter, directors shall be elected to four year terms at each~~  
 28 ~~subsequent general election to succeed those directors whose terms expire at the end of~~  
 29 ~~the year in which the election is held.~~

30

31 **Section 67. That § 46A-3D-13 be REPEALED.**

1 ~~It is the intent of chapters 46A-3A to 46A-3E, inclusive, that any land used to satisfy federal~~  
2 ~~wildlife mitigation requirements for a project shall be within the water development district~~  
3 ~~benefiting from that project.~~

4 **Section 67. That § 46A-3E-15 be REPEALED.**

5 All moneys collected pursuant to the tax levies, special assessments and other  
6 funds authorized by this chapter accruing to the district shall be deposited either in the  
7 accounts of the state treasurer to the credit of the "(name) district fund" to be disbursed  
8 only as herein provided, or by the district treasurer in any depository designated and  
9 approved by the board of directors of the district at a regular meeting and from which all  
10 valid claims against the district shall be paid by order duly drawn by the district treasurer  
11 pursuant to procedures adopted by the board of directors.