

AN ACT

ENTITLED, An Act to revise certain provisions regarding water user districts and water development districts.

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

Section 1. That § 46A-9-11 be amended to read as follows:

46A-9-11. The petition shall be filed with the Department of Environment and Natural Resources together with a list of the petitioners' names, mailing addresses, and lands owned or entered. The petition shall be accompanied by a map or maps showing the location of lands within the proposed district and the proposed system of works, and by other maps, plans, and estimates as may be necessary to describe fully the proposed system.

Section 2. That § 46A-9-12 be amended to read as follows:

46A-9-12. Upon receipt of the petition, the department shall determine whether the petition complies with the requirements set forth in §§ 46A-9-4 to 46A-9-11, inclusive, and dismiss the petition if the requirements have not been complied with, but without prejudice to the right of the petitioners to present a new petition covering the same matter, or the same petition with additional signatures if additional signatures are necessary.

Section 3. That § 46A-9-13 be amended to read as follows:

46A-9-13. If the department determines the petition complies with requirements of this chapter, a notice shall be published in each county in which lands within the proposed water user district lie, in a legal newspaper of general circulation in the county, once each week for at least two successive weeks. The last date of publication shall be at least thirty days prior to the Board of Water and Natural Resources' meeting at which the petition is first considered. The notice shall be published at the petitioners' expense. The notice shall contain the information required in § 46A-9-4, shall state when the petition was filed, shall state a public place in each county affected where the petition may be examined, and shall state the date, time, and place at which

the petition will be considered by the Board of Water and Natural Resources. Any owner or entryman of land within the area to be included, who did not sign the petition may file a written protest with the department as provided in § 46A-9-14.

Section 4. That § 46A-9-21 be amended to read as follows:

46A-9-21. The petition shall be filed with the Department of Environment and Natural Resources, together with a list of the petitioners' names, mailing addresses, and lands owned or entered. The petition shall be accompanied by a map or maps showing the location of the lands to be included, the proposed system of works and by other maps, plans, and estimates as may be necessary to fully describe the proposed expansion.

Section 5. That § 46A-9-22 be amended to read as follows:

46A-9-22. A notice shall be published in each county in which the lands to be included lie, in a legal newspaper of general circulation in the county, once each week for at least two successive weeks. The last date of publication shall be at least thirty days prior to the Board of Water and Natural Resources' meeting at which the petition is first considered. The notice shall be published at the petitioners' expense. The notice shall contain the information required in § 46A-9-20, shall state when the petition was filed, shall state a public place in each county affected where the petition may be examined, and shall state the date, time, and place at which the petition will be considered by the Board of Water and Natural Resources. Any owner or entryman of land within the area to be included, who did not sign the petition may file a written protest with the department as provided in § 46A-9-14.

Section 6. That § 46A-9-24 be amended to read as follows:

46A-9-24. After the qualification of the original board, members to succeed those in the three groups provided for in § 46A-9-8, respectively, and to fill unexpired terms, shall be nominated and elected and shall take office, subject to the provisions of this chapter. Prior to May first of each year, on dates established by the board, an election shall be held to elect directors to

succeed those whose terms are about to expire. Newly elected directors shall assume office at the first board meeting following their election and shall continue for a period of three years thereafter and until a successor is duly elected and qualified. Election of directors shall be conducted as provided by §§ 46A-9-25 to 46A-9-29, inclusive.

Section 7. 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 not later than the first of September, 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, but not limited to, expenses of directors, expenses of operating the office, debt service, and retirement, and obligations and liabilities to the United States for which provisions must be made. Prior to 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.

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I certify that the attached Act
originated in the

SENATE as Bill No. 39

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. 39

File No. _____

Chapter No. _____

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Received at this Executive Office
this ____ day of _____ ,

19__ at ____ M.

By _____
for the Governor

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The attached Act is hereby
approved this _____ day of
_____, A.D., 19__

Governor

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STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____, 19__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State