

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

400A0219

SENATE BILL NO. 39

Introduced by: The Committee on Agriculture & Natural Resources at the request of the
Department of Environment and Natural Resources

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding water user districts
2 and water development districts.

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

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

5 46A-9-11. The petition, ~~when~~ shall be filed with the Department of ~~Water~~ Environment and
6 Natural Resources; together with a list of the petitioners' names, mailing addresses, and lands
7 owned or entered. The petition shall be accompanied by a map or maps showing the location of
8 lands within the proposed ~~water user~~ district and the proposed system of works, and by ~~such~~
9 other maps, plans, and estimates as may be necessary to describe fully the proposed system.

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

11 46A-9-12. Upon receipt of ~~such~~ the petition, ~~it shall be the duty of the department of water~~
12 ~~and natural resources to~~ shall determine whether the petition complies with the requirements;
13 ~~hereinbefore~~ set forth in §§ 46A-9-4 to 46A-9-11, inclusive, and ~~to~~ dismiss the petition if ~~such~~
14 the requirements have not been complied with, but without prejudice to the right of the
15 petitioners to present a new petition covering the same matter, or the same petition with

1 additional signatures if additional signatures are necessary.

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

3 46A-9-13. ~~Such~~ If the department determines the petition complies with requirements of this
4 chapter, a notice shall be published in each county in which lands within the proposed water user
5 district lie, in ~~some~~ a legal newspaper of general circulation ~~printed and published in such the~~
6 county, once each week for at least two successive weeks ~~before the time the petition is filed~~
7 ~~with the department of water and natural resources together with a list of names of the~~
8 ~~petitioners within such county and their designated addresses and lands owned or entered. The~~
9 last date of publication shall be at least thirty days prior to the Board of Water and Natural
10 Resources' meeting at which the petition is first considered. The notice shall be published at the
11 petitioners' expense. The notice shall contain the information required in § 46A-9-4, shall state
12 when the petition was filed, shall state a public place in each county affected where the petition
13 may be examined, and shall state the date, time, and place at which the petition will be
14 considered by the Board of Water and Natural Resources. If there is no newspaper of general
15 circulation published in the county, copies of the notice and the petition shall be posted in three
16 of the most public places in the county at least thirty days before the meeting. Any owner or
17 entryman of land within the area to be included, who did not sign the petition may file a written
18 protest with the department as provided in § 46A-9-14.

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

20 46A-9-21. The petition ~~when~~ shall be filed with the Department of ~~Water~~ Environment and
21 Natural Resources, together with a list of the petitioners' names, mailing addresses, and lands
22 owned or entered. The petition shall be accompanied by a map or maps showing the location of
23 the lands to be included, the proposed system of works and ~~such~~ by other maps, plans, and
24 estimates as ~~are~~ may be necessary to fully describe ~~such project~~ the proposed expansion.

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

1 46A-9-22. ~~The petition~~ A notice shall be published in each county in which the lands to be
2 included lie, in a legal newspaper of general circulation ~~printed and published in such the~~ county,
3 once each week for at least two successive weeks ~~before the time such petition is filed with the~~
4 ~~department of water and natural resources together with the list of names of the petitioners and~~
5 ~~their designated addresses and land owned or entered. In case.~~ The last date of publication shall
6 be at least thirty days prior to the Board of Water and Natural Resources' meeting at which the
7 petition is first considered. The notice shall be published at the petitioners' expense. The notice
8 shall contain the information required in § 46A-9-20, shall state when the petition was filed, shall
9 state a public place in each county affected where the petition may be examined, and shall state
10 the date, time, and place at which the petition will be considered by the Board of Water and
11 Natural Resources. If there is no newspaper of general circulation published in such the county,
12 copies of ~~such the notice and the~~ petition shall be posted in three of the most public places in
13 ~~such the~~ county at least ~~two weeks~~ thirty days before the ~~filing of said petition meeting.~~ Any
14 owner or entryman of land within the area to be included, who did not sign ~~such the~~ petition may
15 file a written protest with the department of water and natural resources as provided in
16 § 46A-9-14.

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

18 46A-9-24. After the ~~election~~ qualification of the original board of directors of a water user
19 ~~district as provided in § 46A-9-4, members of the board to succeed those in the three groups~~
20 provided for in § 46A-9-8, respectively, and to fill unexpired terms, shall be nominated and
21 elected and shall take office, subject to the provisions of this chapter, ~~in the following manner:~~
22 ~~upon the first Tuesday in February next following the qualification of the original board of~~
23 ~~directors and upon the first Tuesday in February of each year thereafter.~~ Prior to May first of
24 each year, on dates established by the board, an election shall be held to elect directors to
25 succeed those whose terms are about to expire. ~~The term of each director thus elected shall~~

1 ~~commence upon the third Tuesday in February next ensuing after his~~ Newly elected directors
2 shall assume office at the first board meeting following their election and shall continue for a
3 period of three years thereafter and until ~~his~~ a successor is duly elected and qualified. Election
4 of directors shall be conducted as provided by §§ 46A-9-25 to 46A-9-29, inclusive.

5 Section 7. That § 46A-3E-10 be amended to read as follows:

6 46A-3E-10. The board of directors of a water development district shall at the time of the
7 organization of the board and annually thereafter on a date established by the ~~board of water and~~
8 ~~natural resources~~ district, but not later than the first of September, adopt a budget and prepare
9 an operations and budget report. The report shall present estimates and itemizations of all the
10 expenses and obligations of the water development district, including, but not limited to,
11 expenses of directors, expenses of operating the office, debt service, and retirement, and
12 obligations and liabilities to the United States for which provisions must be made. Prior to
13 approval of the budget by the district board of directors, a public hearing shall be held. Notice
14 of the hearing shall be published once each week for two successive weeks in the water
15 development district's official newspapers. The notice shall state the time and place of the
16 hearing, its purpose, and that at the hearing all persons interested may appear, either in person
17 or by representative, and be heard and given an opportunity for a full and complete discussion
18 of all items in the budget. With the first notice, the budget shall be published in a form approved
19 by the auditor general ~~and the board of water and natural resources~~. At the conclusion of the
20 hearing, the water development district board may eliminate or amend any portion of the budget
21 before adoption.