

State of South Dakota

NINETIETH SESSION
LEGISLATIVE ASSEMBLY, 2015

653W0066 SENATE AGRICULTURE AND NATURAL RESOURCES
ENGROSSED NO. **SB 2** - 02/17/2015

Introduced by: Senators Frerichs, Vehle, and White and Representatives Gosch, Feickert, Hawley, and Heinemann (Leslie) at the request of the Regional Watershed Advisory Task Force

1 FOR AN ACT ENTITLED, An Act to provide for the establishment of river basin natural
2 resource districts.

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

4 Section 1. Pursuant to sections 3 to 11, inclusive, of this Act, the state is divided into nine
5 river basin natural resource districts. Each district is a political subdivision of the state.

6 Section 2. As used in this Act, the term, district, means one of the river basin natural
7 resource districts created by this Act.

8 Section 3. The Red River and Minnesota River Basin Natural Resource District is hereby
9 established. The district shall include the portions of Brookings, Codington, Day, Deuel, Grant,
10 Marshall, and Roberts counties located in the Red River hydrologic basin and the Minnesota
11 River hydrologic basin.

12 Section 4. The Big Sioux River Basin Natural Resource District is hereby established. The
13 district shall include the portions of Brookings, Clark, Clay, Codington, Day, Deuel, Grant,
14 Hamlin, Kingsbury, Lake, Lincoln, Marshall, McCook, Minnehaha, Moody, Roberts, Turner,



1 and Union counties located in the Big Sioux River hydrologic basin.

2 Section 5. The Vermillion River Basin Natural Resource District is hereby established. The
3 district shall include the portions of Brookings, Clark, Clay, Hamlin, Hutchinson, Kingsbury,
4 Lake, Lincoln, McCook, Miner, Minnehaha, Turner, Union, and Yankton counties located in
5 the Vermillion River hydrologic basin.

6 Section 6. The James River Basin Natural Resource District is hereby established. The
7 district shall include the portions of Aurora, Beadle, Bon Homme, Brown, Clark, Davison, Day,
8 Douglas, Edmunds, Faulk, Hand, Hanson, Hutchinson, Hyde, Jerauld, Kingsbury, Marshall,
9 McCook, McPherson, Miner, Potter, Roberts, Sanborn, Spink, Turner, and Yankton counties
10 located in the James River hydrologic basin.

11 Section 7. The Upper Missouri River Trench Basin Natural Resource District is hereby
12 established. The district shall include the portions of Campbell, Corson, Dewey, Edmunds,
13 Faulk, Haakon, Hughes, Hyde, McPherson, Potter, Stanley, Sully, Walworth, and Ziebach
14 counties located in the Upper Missouri River Trench hydrologic basin.

15 Section 8. The Lower Missouri River Trench Basin Natural Resource District is hereby
16 established. The district shall include the portions of Aurora, Beadle, Bon Homme, Brule,
17 Buffalo, Charles Mix, Clay, Davison, Douglas, Faulk, Gregory, Haakon, Hand, Hughes,
18 Hutchinson, Hyde, Jackson, Jones, Jerauld, Lyman, Pennington, Potter, Stanley, Sully, Tripp,
19 Union, and Yankton counties located in the Lower Missouri River Trench hydrologic basin.

20 Section 9. The Little Missouri River, Cannonball River, Moreau River, and Grand River
21 Basin Natural Resource District is hereby established. The district shall include the portions of
22 Butte, Corson, Dewey, Harding, Meade, Perkins, and Ziebach counties located in the Little
23 Missouri River hydrologic basin, the Cannonball River hydrologic basin, the Moreau River
24 hydrologic basin, and the Grand River hydrologic basin.

1 Section 10. The Belle Fourche River and the Cheyenne River Basin Natural Resource
2 District is hereby established. The district shall include the portions of Butte, Custer, Fall River,
3 Haakon, Lawrence, Meade, Oglala Lakota, Pennington, and Ziebach and counties located in the
4 Belle Fourche River hydrologic basin and the Cheyenne River hydrologic basin.

5 Section 11. The White River and Niobrara River Basin Natural Resource District is hereby
6 established. The district shall include the portions of Bennett, Fall River, Gregory, Jackson,
7 Jones, Lyman, Mellette, Oglala Lakota, Pennington, Todd, and Tripp counties located in the
8 White River hydrologic basin and the Niobrara River hydrologic basin.

9 Section 12. There is hereby established the River Basin Natural Resource District Oversight
10 Advisory Task Force. The task force consists of the following eight members:

- 11 (1) The speaker of the House of Representatives shall appoint two members of the House
12 of Representatives, one from each political party;
- 13 (2) The president pro tempore of the Senate shall appoint two members of the Senate,
14 one from each political party;
- 15 (3) The speaker of the House of Representatives shall appoint two members of the
16 general public, one member to be an agricultural producer and one member to
17 represent conservation districts; and
- 18 (4) The president pro tempore of the Senate shall appoint two members of the general
19 public, one member to be an agricultural producer and one member to represent
20 county government.

21 The task force shall select a chair and vice chair from its members.

22 The initial appointments shall be made no later than July 1, 2015, and serve until January 1,
23 2017. The speaker of the House of Representatives and the president pro tempore of the Senate
24 shall, before the close of the regular session of the Legislature in 2017, appoint members to the

1 task force for a term to end January 1, 2019. If there is a vacancy on the task force, the vacancy
2 shall be filled in the same manner as the original appointment.

3 Section 13. The task force shall meet between July 1, 2015, and December 31, 2015, to
4 recommend to the 2016 Legislature the specific boundaries of the river basin natural resource
5 districts established by this Act. The recommended boundaries of the districts shall follow as
6 closely as possible the hydrologic patterns of the river basins. However, the task force
7 recommendations may follow existing boundaries of political subdivisions or voting precincts,
8 wherever feasible. Municipalities of the first class may not be included in a district. The specific
9 boundaries shall be established by the Legislature in statute. The task force shall also
10 recommend to the Legislature a procedure by which the initial terms of council members shall
11 be staggered.

12 The task force shall work with the local governments in the Vermillion River Basin Natural
13 Resource District to establish a pilot water management plan for the district that could be used
14 as a guide for a water management plan in each of the remaining river basin natural resource
15 districts.

16 Section 14. The task force shall also establish recommendations for the 2016 Legislature that
17 divide each district into three subdistricts of nearly equal size of population based on the last
18 preceding federal census and not including the population of any municipality of the first class.
19 In creating these subdistricts, the task force may follow existing boundaries of political
20 subdivisions, voting precincts, and sections lines wherever feasible.

21 Section 15. The task force shall continue to meet until January 1, 2019. The task force shall
22 advise the Legislature and districts regarding the implementation of this Act, including the
23 establishment of guidelines to be used by the districts to establish a water management plan
24 pursuant to this Act. The task force shall review the provisions of chapter 46A-10A and

1 determine which provisions need to be incorporated in legislation to assist in the
2 implementation of this Act. The task force may present draft legislation and policy
3 recommendations to the Legislative Research Council Executive Board to facilitate the
4 implementation of this Act.

5 Section 16. Each district is governed by a council. The size of each district council is
6 determined by the task force based on the population and the geography of the district.

7 Section 17. The initial members to a district council shall be elected at the 2018 general
8 election. The initial district council members, as provided pursuant to section 13 of this Act,
9 shall be elected to serve for staggered terms at the next succeeding general election. District
10 council members shall thereafter be elected to four-year terms at each subsequent general
11 election to succeed those council members whose terms expire at the end of the year in which
12 the election is held.

13 Section 18. Five percent of the electors of a district may petition the district council to
14 submit to an election the question of whether the district should become dormant. The election
15 shall be conducted, canvassed, recounted, and contested as elections under the general laws of
16 this state. No district may become dormant unless sixty percent or more of the votes cast are in
17 favor of the district becoming dormant.