



Legislative Research Council

River Basin Natural Resource District Oversight Advisory Task Force Minutes

**Third Meeting
2015 Interim
December 11, 2015**

**Room 413
State Capitol
Pierre, South Dakota**

The third meeting of the River Basin Natural Resource District Oversight Advisory Task Force was called to order by Ms. Kim Vanneman (Chair) at 10:00 a.m. (CDT), on Friday, December 11, 2015, in Room 413 in the State Capitol in Pierre, South Dakota.

A quorum was determined with the following members present: Senators Jason Frerichs and Arthur Rusch; Representatives Steven McCleerey and John Wiik (Vice Chair); Ms. Kim Vanneman (Chair); and Messrs. Paul Casper, Karl Jensen and Dennis Kiner. Staff members present included David Ortbahn, Chief Analyst for Research and Legal Services; Amanda Jacobs, Research Analyst; Jason Simmons, Senior Fiscal Analyst; and Paul Giovanetti, Senior Legislative Secretary.

All material distributed at the meeting is attached to the original minutes on file in the Legislative Research Council (LRC). This meeting was recorded by South Dakota Public Broadcasting. The committee documents and archived recording are available at the LRC website at <http://legis.sd.gov> under "Interim – Agendas, Minutes and Committee Documents." For the purpose of continuity, these minutes are not necessarily in chronological order.

Approval of Minutes

Senator Art Rusch moved, seconded by Representative Steven McCleerey, that the minutes of the October 16, 2015, meeting be approved. Motion prevailed on a voice vote.

Remarks from the Chair

Ms. Kim Vanneman, Chair, requested a change in agenda items. She recommended the task force review the draft legislation first then discuss the district maps and boundaries. She thanked everyone for being flexible with the change in the date of the meeting due to the technical difficulties that were experienced.

Election of Council Members Review Draft Legislation

Mr. David Ortbahn, Chief Analyst for Research and Legal Services, provided an explanation of the draft legislation entitled *An Act to provide for the election of members to river basin natural resource district councils.* (**Document 1**). The bill draft set the number of council members for each river basin natural resource district at six members with each subdistrict

having two council members. The initial terms would be staggered – one term being a two-year term and the other term being a four-year term.

Mr. Dennis Kiner asked if the individuals running for the council seats have to be rural citizens living in the district or if metropolitan citizens can run for the council seat.

Mr. Ortbahn stated that the law excludes Class 1 Municipalities. These municipalities will not be considered a part of the districts.

There was a discussion on the language in the draft legislation with recommendation to change the language to make it clear that a person serving on a council had to be a resident of the subdistrict from which the member was elected. Mr. Ortbahn stated that a revised draft will be available later.

Review of District and Subdistrict Boundaries and Task Force Recommendations

Mr. Ortbahn referenced the state wide map entitled “Draft State” (**Document 2**) showing the nine River Basin Natural Resource Districts and discussed the population summary for each district and subdistrict referencing the document entitled “River Basin Natural Resource District Population Summary” (**Document 3**). These maps were taken to Secretary of State’s Office and they shared with all county auditors in the state.

Mr. Jason Simmons, Senior Fiscal Analyst, reviewed the nine districts and subdistrict boundaries identifying areas of concern for the task force’s consideration.

Red River and Minnesota River Basin Natural Resource District – Draft Red and Minnesota River Map (**Document 4**)

The boundaries of the district were reviewed.

The major concern was with regards to the town of Britton and the two townships to the north of the town which are a part of the James River District. After discussion the consensus was to include the two townships north of Britton into the Red River and Minnesota River District.

Big Sioux River Basin Natural Resource District – Draft Big Sioux River Map (**Document 5**)

The boundaries of the district were reviewed.

The boundary line currently splits the city of Clark and the town of Toronto in half. The consensus was to include the whole city of Clark in the Big Sioux River Basin and add the town of Toronto to the Red River and Minnesota River Basin District.

Vermillion River Basin Natural Resource District – Draft Vermillion River Map (**Document 6**)

The boundaries of the district were reviewed.

There was a discussion on one township in Minnehaha County that is not part of the Big Sioux River Basin District and a recommendation to move it into that district. This change was not made because the township is part of the Vermillion River Basin.

There was a decision made to change the one township in the lower southeast corner of Clark County to the district.

The task force discussed the boundaries between subdistricts. The discussion pointed out that at the council meeting all members will meet together as a district.

James River Basin Natural Resource District – Draft James River Map (Document 7)

The boundaries of the district were reviewed.

Due to the change made with the movement of the two townships north of Britton to the Red River and Minnesota River District this district will lose the two townships in Marshall County.

There was discussion on the four townships in Day County on the eastern side of the district boundary are a part of the Big Sioux District. The consensus was to add these four townships in Day County to the James River Basin.

Upper Missouri River Trench Natural Resource District – Draft Upper Missouri River Map (Document 8)

The boundaries of the district were reviewed.

There was discussion that all of McPherson County be a part of the James River Basin and not split into two districts. This change was not made. It was recommended and approved that the two townships on the North Dakota border in McPherson County be moved from the James River Basin District to the Upper Missouri River Trench.

The task force discussed the three townships in western Edmunds County. The decision was made to include these three townships in the Upper Missouri River Trench. Subsequently, two townships in northeast Potter County were moved to the James River Basin.

Lower Missouri River Trench Natural Resource District – Draft Lower Missouri River Map (Document 9)

The boundaries of the district were reviewed. The task force discussed moving the three townships in Northern Hughes County moved into the Lower Missouri River Trench; however this change was not made. The task force decided to move the area in two townships in Jerauld County from the James River Basin to the Lower Missouri River Basin with the city of Wessington Springs remaining in the James River Basin. There was discussion on the subdistrict boundaries especially in Charles Mix and Aurora Counties and subdistrict lines will be reexamined.

Little Missouri River, Cannonball River, Moreau River, and Grand River Basin Natural Resource District – Draft Moreau and Grand River Map (**Document 10**)

The boundaries of the district were reviewed and the consensus was that the established boundaries will work.

Belle Fourche River and Cheyenne River Basin Natural Resource District – Draft Belle Fourche and Cheyenne River Map (**Document 11**)

The boundaries of the district were reviewed and the consensus was that the established boundaries will work.

White River and Niobrara River Basin Natural Resource District – Draft White and Niobrara River Map (**Document 12**)

The boundaries of the district were reviewed. There were some adjustments made on boundaries in Tripp and Gregory Counties.

Mr. Paul Casper asked if the Secretary of States office has informed the tribal governments about the district boundaries and Mr. Ortbahn responded that the packet of maps went only to the county auditors.

Senator Art Rusch asked if there were any issues with neighboring states. The overall comments were that everything mostly flows into the Missouri River. Nebraska has a similar system however; there might be a need to look into what is coming out of Wyoming on the Western side of the state.

Public Testimony

Ms. Yvonne Taylor, Fort Pierre, South Dakota Municipal League (SDML), stated that SDML is happy that the Legislature was able to get Class 1 municipalities removed; however, SDML will become interested in the issue, when it comes to taxation and proper representation when residents of the municipalities start being taxed.

Mr. Dave Bartel, Huron, Manager, James River Basin Water Development District, stated that his main concern were the two townships in Marshall County. Mr. Bartel asked if the population is more important than the way the water flows.

The task force discussed that populations only matter when dividing the district into the three subdistricts.

Ms. Angela Ehlers, Presho, South Dakota Association of Conservation Districts, pointed out SDCL, § 7-8-2 should be referenced when dealing with vacancies of council members. She stated that moving half of McPherson County from the Missouri River Trench is not recommended because you will be losing the largest population in the county and the land flows directly into the Missouri River. She also stated that there will be concern with McPherson County.

Chair Vanneman asked about moving the two northern townships of McPherson County from the James into the Missouri River. Ms. Ehlers stated that this should not affect the population and the land should go to the Missouri River Trench.

Mr. Brad Preheim, Centerville, Manager, Vermillion Basin Water Development District and TLC Water Project District, commented about SDCL, § 46A-3B-9 which is used to govern the water basin development districts regarding vacancies. He asked if the council members should have to be a registered voter and land owners.

Mr. Karl Jensen replied that you run into issues regarding land ownership requirements, however, the registered voter requirement should be okay.

Mr. Preheim pointed out that there could be a huge tax levy difference for the one township in southwest Minnehaha County depending if the township was in the Big Sioux or Vermillion River Basin District.

Mr. Preheim asked if the two townships in the southeast corner of Clark County should be in the Vermillion River Basin. He presented the map for House Bill No. 1245 (**Document 13**) to the task force.

Mr. Preheim noted that in Day County there are townships that should be in the James River Basin that are in the Big Sioux Basin.

Following Mr. Preheim's testimony the task force had a discussion on the district boundaries following the river basin line.

Mr. Paul Fuller, Clark, South Dakota, stated that water does not follow political districts. He recommended that if two-thirds of township is in one basin and one-third is in another basin then the township needs to go with the majority. He recommended the task force try to follow the river basin district boundary lines as much as possible.

The task force recessed for lunch at 11:57 a.m. and reconvened 1:18 p.m.

Mr. Jay Gilbertson, Brookings, East River Water Development District (ERWDD), testifying via telephone recommended when defining the boundaries to follow closely the watershed boundaries. He gave recommendations to the task force for townships located in Marshall, McPherson, and Minnehaha Counties and which district they should be in.

Mr. Paul Lepisto, Pierre, South Dakota Division Izaak Walton League of America, stated that he commends the task force. The league was a conflicted supporter of SB2 because this proposal excludes large populations and should be inclusive not exclusive and all residence of South Dakota should be included. The district boundaries need to follow the river basin boundaries as much as possible. Water does not recognize the manmade boundaries.

Action on Draft Legislation

Mr. Ortbahn presented the revised bill draft (**Document 14**) and there was discussion if the committee should submit one bill or two. The overall consensus was to submit one bill.

Mr. Karl Jensen moved, seconded by Senator Jason Frerichs, the revised draft legislation including district and subdistrict boundaries as discussed by the task force to be sent to the 2016 Legislature as a task force recommended bill. Motion prevailed unanimously on a voice vote.

Next Meeting Date

Chair Vanneman set the next meeting for Tuesday, June 21, 2016 at 10:00 a.m. in Pierre.

Adjournment

Mr. Jensen moved, seconded by Representative McCleerey, that the meeting be adjourned. The motion prevailed on a voice vote.

The Chair adjourned the meeting at 2:48 p.m.