

MINUTES

River Basin Natural Resource District Oversight Advisory Task Force



Kim Vanneman, Chair
Representative John Wiik, Vice Chair

**Second Meeting, 2016 Interim
Tuesday, August 16, 2016**

**LRC 1 – State Capitol
Pierre, South Dakota**

The second meeting of the River Basin Natural Resource District Oversight Advisory Task Force was called to order by Ms. Kim Vanneman (Chair) at 10:05 a.m. (CDT), on Tuesday, August 16, 2016, in LCR 1 in the State Capitol in Pierre, South Dakota.

A quorum was determined with the following members present: Senators Jason Frerichs and Arthur Rusch; Representative John Wiik; Ms. Kim Vanneman; and Messrs. Paul Casper and Karl Jensen. Representative Steven McCleerey and Mr. Dennis Kiner were excused. Staff members present included David Ortbahn, Chief Analyst for Research and Legal Services; Amanda Jacobs, Research Analyst; Jessica LaMie, Research Analyst; Jason Simmons, Senior Fiscal Analyst; and Kris Schneider, 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://sdlegislature.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 Jason Frerichs moved, seconded by Mr. Karl Jensen, that the minutes of the June 20, 2016, meeting be approved. Motion prevailed on a voice vote.

Remarks from the Chair

Ms. Kim Vanneman, Chair, provided a brief overview of the agenda and her expectations for the remaining meetings.

Review of District and Subdistrict Boundaries

Mr. David Ortbahn, Chief Analyst for Research and Legal Services, and **Mr. Jason Simmons**, Senior Fiscal Analyst, reviewed the proposed River Basin Natural Resource Districts maps that had been updated and posted on the LRC website ([Document 1](#)). It was noted that some Natural Resource District (NRD) subdistrict boundaries were changed to equalize the populations in the subdistricts for election purposes.

Each of the NRD maps were discussed and revised based on comments of the task force members and testimony of the following interested parties:

Mr. Jay Gilbertson, Brookings, East Dakota Water Development District;

Mr. Brad Preheim, Centerville, Manager, Vermillion Basin Water Development District and TLC Water Project District; and

Ms. Angela Ehlers, Presho, Self.

Red River and Minnesota River Basin NRD – Based on public comment, it was suggested that Oak Lake and Lake Hendricks townships in Brookings County (100 and 189 populations, respectively) be moved from the Big Sioux River Basin NRD to the Red River and Minnesota River Basin NRD.

Senator Art Rusch moved, seconded by Representative John Wiik, that the two townships located in northeast Brookings County, Oak Lake and Lake Hendricks, be moved to the Red River and Minnesota River Basin NRD. The motion prevailed on a roll call vote with 6 ayes, 2 excused. Members voting aye: Casper, Frerichs, Jensen, Rusch, Vanneman, and Wiik. Members excused: Kiner and McCleerey.

James River Basin NRD – It was suggested that all of Davison County be included in Subdistrict 3. The townships of Blendon, Union, and Baker (92, 84, and 103 populations, respectively).

Mr. Jensen moved, seconded by Senator Frerichs, that the three townships of Blendon, Union, and Baker in Davison County be moved from Subdistrict 2 to Subdistrict 3. The motion prevailed on a voice vote.

Lower Missouri River Trench Basin NRD – Based on public comment and concerns with the cost of elections, it was suggested that portions of Lyman County be changed from Subdistrict 1 to Subdistrict 2, based on voting centers and not unorganized townships.

Senator Rusch moved, seconded by Mr. Paul Casper, to include all of East Lyman Township in Lyman County in Subdistrict 2 of the Lower Missouri River Trench Basin NRD. The motion prevailed on a voice vote.

White River and Niobrara River Basin NRD – It was noted that Oglala Lakota County, formerly known as Shannon County, needed to be updated on the map. LRC staff will make this change.

LRC staff will make the changes and will post updated maps on the LRC website at http://www.sdlegislature.gov/Reference_Materials/Maps/Default.aspx.

Additional Public Testimony

Mr. Preheim asked if there will be a mechanism to allow for future growth, i.e. when a community becomes a Class 1 municipality. It was the view of the task force that there should be language in the initial legislation to provide for redistricting of subdistricts following every federal census.

Election of Council Members

Mr. Ortbahn and **Ms. Jessica LaMie**, Research Analyst, reviewed draft legislation entitled "An Act to establish procedure for election to river basin district councils and to establish the procedure for petitioning for boundary line adjustments." ([Document 2](#)). It was noted that the process for petitioning to change the district boundaries was based on Nebraska's statutes. The draft was tweaked based on comments of the task force members. Areas discussed included language cleanup, deadlines, qualifications, and the process to change boundaries.

Ms. Kea Warne, Deputy Secretary of State, Election Services, commented in response to questions raised regarding the draft legislation. Because the election is nonpartisan, there is no need for a reference to nonpartisan. Any person being appointed to a vacancy should have to meet the same qualifications as the council members did when they were elected. The Office of the Secretary of State could issue certificates evidencing a change of boundary, if required.

In response to questions regarding residency, oaths, and bonding requirements, Ms. Warne stated that city and school districts have different qualifications. All qualifications and requirements for council members should be set in statute. If the person is not handling money, they usually are not bonded.

LRC staff will check to see if bonding is required by other states and will research the landowner and resident qualification requirement for the council members.

Following a brief discussion on changing boundaries, *Senator Frerichs moved, seconded by Representative Wiik, to include language and clarify in other parts of the draft that only whole townships can be moved from one district to another. Motion prevailed on a voice vote.*

LRC staff will make the changes discussed, share them with the Secretary of State's office, and the task force. A new draft will be posted on the LRC website prior to the September meeting.

Additional Public Testimony

Ms. Angela Ehlers, Presho, South Dakota Association of Conservation Districts, spoke in support of language that a registered voter also be a resident in the district. She also supported requiring the council members to be bonded.

Mr. Preheim commented the discussion regarding the qualification of land ownership will be important to ag groups.

Mr. Paul Lepisto, Pierre, South Dakota Izaak Walton League of America, suggested that the same residency requirement for purchasing a hunting or fishing license in South Dakota could be used. He is still concerned that Class 1 municipalities are not included in the solution as they are part of the problem.

Mr. Lorin Pankratz, Sioux Falls, South Dakota Soybean Association, stated that landowner issue and the municipality issue will be concerns from the ag perspective. He also noted, on behalf of the County Commissioner Association, that the auditors do appreciate the task force considering their comments.

Pilot Water Management Plan

Chair Vanneman stated the Pilot Water Management Plan in the Red River and Minnesota NRD was part of the initial legislation. She gave a brief overview of the subcommittee meeting held in Milbank last year. There is a planning process document from the October 16, 2015, meeting that sets forth a recommended planning process. A discussion was held regarding whether it was feasible to do a pilot plan as there needs to be money appropriated.

Public Testimony

Mr. Matt McCaulley, Sioux Falls, Attorney for the South Dakota Corn Growers Association (SDCGA), spoke about handouts he had previously distributed over the years regarding SB 2 ([Document 3](#)). He noted that the 2018 election deadline had been eliminated in 2015. Concerns about the governance without defined duties was expressed. It was suggested the pilot be in 2020 or later. Mr. McCaulley reiterated the SDCGA position that the boundaries should be based on hydrology.

Mr. Preheim stated that the task force should move forward and establish a pilot plan. Each NRD will be unique. He suggested moving forward with the current schedule, obtain funding, and let the councils do their job.

It was the consensus of the task force to work on detailing the vision for all the NRD's and refine the list and types of activities that each of the NRD's will have managing water.

Next Meeting Date

The next meeting is set for Tuesday, September 20th.

Adjournment

Senator Frerichs moved, seconded by Senator Rusch, that the meeting be adjourned. The motion prevailed on a voice vote.

The Chair adjourned the meeting at 3:11 p.m.