

MINUTES

River Basin Natural Resource District Oversight Advisory Task Force



Kim Vanneman, Chair
Representative John Wiik, Vice Chair

**Fourth Meeting, 2016 Interim
Tuesday, November 22, 2016**

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

The fourth 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 Tuesday, November 22, 2016, in Room 413 in the State Capitol in Pierre, South Dakota.

A quorum was determined with the following members present: Senator Jason Frerichs; Representatives Steven McCleerey and John Wiik; Ms. Kim Vanneman; and Messrs. Paul Casper and Karl Jensen. Senator Arthur Rusch 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

Mr. Karl Jensen moved, seconded by Mr. Paul Casper, that the minutes of the September 20, 2016, meeting be approved. Motion prevailed on a voice vote.

Remarks from the Chair

Ms. Kim Vanneman, Chair, thanked the task force members for serving. It was noted a new task force will be appointed in 2017 to continue the process of better managing our state's natural resources.

Review of District and Subdistrict Boundaries

Mr. Jason Simmons, Senior Fiscal Analyst, stated the proposed River Basin Natural Resource Districts (NRD) maps had been posted on the LRC website ([Document 1](#)). The LRC received no comments regarding the boundaries since the last task force meeting.

Mr. David Ortbahn, Chief Analyst for Research and Legal Services, noted that the legislation that puts the boundaries in statute is Draft 0007 which will be discussed later.

There was no public testimony regarding the boundaries.

Draft Legislation

Ms. Jessica LaMie, Research Analyst, reviewed the following draft legislation.

Mr. Ortbahn noted the language in each section in all of the draft bills would be changed from "the code be amended" to "chapter 48A-19 be amended."

Elections – Draft 0004, "An Act to establish the initial procedures for election to river basin district councils in the 2018 general election." ([Document 2](#)). It was noted the Secretary of State's Office recommended inserting "Central Time" after five p.m. on page 2, lines 8 and 9.

Vacancies – Draft 0005, "An Act to establish procedures for filling a vacancy on a river basin natural resource district council." ([Document 3](#)). No changes were recommended by the task force members.

Boundary Line Adjustments – Draft 0006, "An Act to establish the procedure for boundary line adjustments to the river basin natural resource districts." ([Document 4](#)). No changes were recommended by the task force members.

Boundaries Established – Draft 0007, "An Act to revise the river basin natural resource district boundaries and to establish subdistricts for each district." ([Document 5](#)). No changes were recommended by the task force members.

Public Testimony on Draft Legislation

Mr. Jay Gilbertson, Brookings, East Dakota Water Development District (EDWDD), noted on Draft 0004 (Elections) on page 3, line 2, "may" should be changed to "shall" if it is a requirement to be bonded.

He also noted on Draft 0005 (Vacancies) on page 1, line 15, states "unexpired term". He suggested changing that to the next general election cycle similar to what the water development districts do.

Mr. Lorin Pankratz, Sioux Falls, South Dakota Association of County Commissioners (SDACC), in response to Mr. Gilbertson's suggestion regarding vacancies, voiced concern with the additional cost of an election and asked who would be responsible for the cost. He suggested the vacancy be filled by appointment, similar to a county commissioner vacancy.

Mr. Pankratz, Sioux Falls, South Dakota Soybean Association (SDSA), stated the SDSA would not be supporting the proposed legislation because there has been no pilot project, which was the cornerstone of the original legislation. The SDSA would oppose any legislation if Class 1 municipalities are included.

On behalf of the SDACC, he thanked the task force for working with the auditors on their issues. He stated the SDACC does not support the proposed legislation because of the absence of a pilot project.

Mr. David Steffen, Burke, spoke regarding boundary issues, representation issues in the subdistricts when some of the district is non-taxable tribal land, and watershed issues.

Mr. Jensen commented that these were a lot of the same issues that they were dealing with in the northwestern part of the state. He offered to visit with Mr. Steffen regarding his concerns.

Chair Vanneman stated the intent of River Basin Natural Resource Districts is to have a unified management tool for the natural resources in South Dakota. The main focus is water quality and quantity however all of the state's natural resources need to be under the same umbrella. The goal is to bring everyone together.

Representative Steven McCleerey commented there needs to be communication with the tribes.

Mr. Matt McCaulley, Sioux Falls, South Dakota Corn Growers Association and South Dakota Farm Bureau, (appearing telephonically) provided a position statement ([Document 6](#)) and a brief overview of the water management legislation dating back to 2012. He stated that both organizations oppose moving forward with any draft legislation as it was too much, too fast, without the benefit of the experience and knowledge from a pilot project. They recommend SB 2 be repealed.

Mr. Reuben Parks, Webster, provided written testimony in opposition to the proposed legislation ([Document 7](#)).

Task Force Action on Draft Legislation

Mr. Jensen moved, seconded by Representative John Wiik, that Drafts 0006 and 0007 (Boundary Line Adjustments and Boundaries Established) be combined into one piece of legislation and introduced in the 2017 legislative session. Motion prevailed on a roll call vote with 6 ayes, 2 excused. Members voting aye: Casper, Frerichs, Jensen, McCleerey, Vanneman, and Wiik. Members excused: Kiner and Rusch.

Senator Jason Frerichs moved, seconded by Mr. Casper, that Drafts 0004 and 0005 (Elections and Vacancies) be combined into one piece of legislation and that Draft 0004, on page 2, delete line 10, and insert "The initial council members for the Red River and Minnesota River Basin Resource Natural District shall be elected at the 2018 general election. The initial council members for the remainder of the river basin natural resource districts shall be elected at the 2020 general election." Motion prevailed on a roll call vote with 6 ayes, 2 excused. Members voting aye: Casper, Frerichs, Jensen, McCleerey, Vanneman, and Wiik. Members excused: Kiner and Rusch.

Senator Frerichs moved, seconded by Representative McCleerey, that beginning January 1, 2019, the townships in Brookings, Codington, Deuel, and Grant counties that are currently part of the EDWDD and are in the Red River and Minnesota River Basin Natural Resource District be removed from the EDWDD.

Public Testimony on Motion

Mr. Gilbertson, EDWDD, stated he understands the theory that duplicate services are not needed; however, until the river basin natural resource districts are up and running, he prefers that a large part of the EDWDD not be removed until it is necessary. He was concerned that these townships will be losing services.

Following Mr. Gilbertson's testimony, *Senator Frerichs' motion prevailed on a roll call vote with 6 ayes, 2 excused. Members voting aye: Casper, Frerichs, Jensen, McCleerey, Vanneman, and Wiik. Members excused: Kiner and Rusch.*

Senator Frerichs moved, seconded by Representative McCleerey, that the previous motion regarding the EDWDD be included in Draft 0004. Motion prevailed on a roll call vote with 6 ayes, 2 excused. Members voting aye: Casper, Frerichs, Jensen, McCleerey, Vanneman, and Wiik. Members excused: Kiner and Rusch.

Representative McCleerey moved, seconded by Senator Frerichs, to amend Draft 0004 on page 2, lines 8 and 9, after "five p.m." insert "Central Time". Motion prevailed on a roll call vote with 6 ayes, 2 excused. Members voting aye: Casper, Frerichs, Jensen, McCleerey, Vanneman, and Wiik. Members excused: Kiner and Rusch.

Mr. Casper moved, seconded by Representative Wiik, to amend Draft 004 on page 3, line 2, delete "may" and insert "shall". Motion prevailed on roll call vote with 6 ayes, 2 excused. Members voting aye: Casper, Frerichs, Jensen, McCleerey, Vanneman, and Wiik. Members excused: Kiner and Rusch.

Mr. Jensen moved, seconded by Representative Wiik, to leave Draft 0005 as written on page 1, line 15 regarding "unexpired term". Motion prevailed on roll call vote with 6 ayes, 2 excused. Members voting aye: Casper, Frerichs, Jensen, McCleerey, Vanneman, and Wiik. Members excused: Kiner and Rusch.

General Discussion regarding Natural Resource Districts

It was the consensus of the task force that there is still a lot of work to be done. Relationships need to be built with federal agencies, the tribes, Ducks Unlimited and other entities. It was suggested to have informational meetings with the Agriculture and Natural Resources committees to provide background on what has been done and where the task force plans on going. Water is important and everyone needs to work together on this.

LRC staff will make the updates to the draft legislation and will post them on the LRC website.

Adjournment

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

The Chair adjourned the meeting at 1:54 p.m.