

# State of South Dakota

## EIGHTY-NINTH SESSION LEGISLATIVE ASSEMBLY, 2014

950V0863

SENATE BILL NO. \_\_\_\_\_

Introduced by: \_\_\_\_\_

1 FOR AN ACT ENTITLED, An Act to establish a technical assistance program for counties in  
2 matters relating to drainage regulation.

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

4 Section 1. That § 46A-10A-7 be amended to read as follows:

5 46A-10A-7. Any unit of state government may offer such technical assistance as it is able  
6 to any board or commission requesting such assistance. However, such technical assistance,  
7 including assistance provided pursuant to section 2 of this Act, may not include granting a  
8 permit, settling a dispute, accepting a plan, establishing a coordinated drainage area, or  
9 performing any other decision function relegated to boards or commissions under the provisions  
10 of this chapter and chapter 46A-11. A unit of state government providing technical assistance  
11 may require reasonable reimbursement for its expenses. The provisions of this section do not  
12 prohibit the Water Management Board from taking action or providing assistance pursuant to  
13 the provisions of this section and §§ 46A-10A-9.1 to 46A-10A-9.5, inclusive.

14 Section 2. That chapter 46A-10A be amended by adding thereto a NEW SECTION to read  
15 as follows:

16 The Department of Environment and Natural Resources shall establish a program to provide



1 technical and scientific assistance to counties and county drainage commissions on matters  
2 relating to the regulation of drainage activity and to the powers and duties assigned to counties  
3 under the provisions of this chapter. The assistance program shall address improved drainage  
4 and water management practices and systems that will enhance crop production, conserve  
5 water, and reduce adverse off-site water quality and quantity impacts or reduce any potential  
6 negative impacts of drainage activity. The department may provide assistance directly or may  
7 refer the county to additional sources of assistance and expertise, including governmental,  
8 private, and academic entities. In establishing and operating the program, the department may  
9 cooperate with South Dakota State University Extension and other appropriate entities. The  
10 program shall provide coordination of technical, educational, and extension materials and shall  
11 inform the counties of program features and the procedures to follow in making use of the  
12 program. The department may require reimbursement by the county for any expenses incident  
13 to advice and assistance provided directly to the county by the department.

14 Section 3. That § 46A-10A-64 be repealed.

15 ~~46A-10A-64. If so requested, the Department of Environment and Natural Resources may~~  
16 ~~render such assistance and advice to the board in regard to the project as the assigned duties of~~  
17 ~~the department will permit. The department shall be reimbursed by the board for any expenses~~  
18 ~~incident to the advice and assistance.~~