

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

624T0760

SENATE CONCURRENT RESOLUTION NO. 5

Introduced by: Senators Olson (Russell), Adelstein, Begalka, Brown, Cutler, Fryslie, Haverly, Holien, Hundstad, Hunhoff (Jean), Johnston, Kraus, Lederman, Nelson (Tom), Novstrup (Al), Nygaard, Peters, Putnam, Rave, Sutton, Tidemann, Tieszen, and Vehle and Representatives Hawley, Abdallah, Blake, Boomgard, Brunner, Deelstra, Dennert, Elliott, Feickert, Gibson, Hansen (Jon), Hickey, Hoffman, Hubbel, Hunhoff (Bernie), Hunt, Iron Cloud III, Jones, Kirkeby, Kirschman, Kloucek, Kopp, Liss, Munsterman, Novstrup (David), Olson (Betty), Rausch, Schrempp, Scott, Sigdestad, Solum, Steele, Stricherz, Tornow, Tulson, Van Gerpen, Venner, Verchio, Wick, Willadsen, and Wismer

1 A CONCURRENT RESOLUTION, Supporting and encouraging a 2012 interim study and
2 thorough review of drainage laws in South Dakota.

3 WHEREAS, consecutive years of excessive snowfall and record rainfall in eastern South
4 Dakota have caused severe flooding and have resulted in saturation of ground water levels;
5 overflowing lakes, rivers, and streams; and inundation of homes, farmland, and local roads; and

6 WHEREAS, draining excess water from seasonally and perennially wet areas can markedly
7 improve agricultural productivity, and in doing so can significantly improve the general
8 economy of the state of South Dakota; and

9 WHEREAS, poor management and regulation of drained water can result in damage to a
10 wide range of private and public property and public water resources on which all citizens
11 depend; and



1 WHEREAS, many township and county roads and bridges have been damaged by
2 inundation and flooding, as well as by ditching in public highway rights-of-way to facilitate
3 drainage of private property; and

4 WHEREAS, the State of South Dakota in 1985 adopted SDCL 46A-10A to provide a
5 framework by which county commissioners could establish plans and controls to help manage
6 and regulate drainage; and

7 WHEREAS, a significant number of those counties that opted to adopt drainage plans and
8 controls to undertake such regulation have subsequently concluded that the current system is
9 unworkable and have abandoned their drainage ordinances; and

10 WHEREAS, the East Dakota, Vermillion Basin, Central Plains, South Central, and James
11 River Water Development districts, subdivisions of the State of South Dakota, seek to promote
12 the sound and sustainable use of water resources within the state of South Dakota to benefit all
13 residents, including the management and regulation of drainage activities in a way that fairly
14 balances the benefits gained by those engaged in such efforts with the resulting adverse impacts
15 to others; and

16 WHEREAS, the South Dakota Association of County Commissioners, South Dakota
17 Association of Towns and Townships, and the water development districts have adopted
18 resolutions in support of efforts to improve management and regulation of drainage; and

19 WHEREAS, the water development districts have agreed to provide technical and financial
20 support, as is practical and necessary, for successful completion of the requested study for the
21 benefit of the residents of the districts and the state of South Dakota:

22 NOW, THEREFORE, BE IT RESOLVED, by the Senate of the Eighty-seventh Legislature
23 of the State of South Dakota, the House of Representatives concurring therein, that the
24 Legislature recommends that the Legislative Research Council Executive Board authorize a

1 2012 interim study and thorough review of drainage laws by the South Dakota Legislature to
2 provide for improved management and regulation of the drainage of surface and subsurface
3 water for the benefit of all South Dakotans; and

4 BE IT FURTHER RESOLVED, that the interim committee shall report its findings and
5 proposed statutory changes to the Eighty-Eighth Legislature of the State of South Dakota.