

# State of South Dakota

EIGHTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2013

408U0055

## SENATE BILL NO. 179

Introduced by: Senators Vehle, Jones, and Olson (Russell) and Representatives Gosch and Hawley

1 FOR AN ACT ENTITLED, An Act to provide for a uniform county drainage permit application  
2 form and to remove the maximum limit for drainage permit fees.

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

4 Section 1. That § 46A-10A-30 be amended to read as follows:

5 46A-10A-30. Any board or commission under the provisions of this chapter and chapter  
6 46A-11 may adopt a permit system for drainage. The permit system shall be prospective in  
7 nature and shall consider information required in a drainage permit application as provided in  
8 section 2 of this Act. Permits shall be granted consistent with the principles outlined in § 46A-  
9 10A-20. The fee for a permit shall be established by the permitting authority, based on the  
10 administrative costs of regulating drainage activities, ~~may not exceed one hundred dollars~~, and  
11 shall be paid only once. However, permitted drainage that is enlarged, rerouted, or otherwise  
12 modified requires a new permit. Any vested drainage right not recorded under the provisions  
13 of § 46A-10A-31 requires a permit for its use if a permit system has been established in the  
14 county where it exists. Any person or the person's contractor draining water without a permit,  
15 if a permit is required under the provisions of this section, is guilty of a Class 1 misdemeanor.



1 In addition to or in lieu of any criminal penalty, a court may assess against any person violating  
2 the provisions of this section a civil penalty not to exceed one thousand dollars per each day of  
3 violation. A permit system is an official control.

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

6 Any application for a drainage permit submitted to a county pursuant to § 46A-10A-30 shall  
7 include a detailed drawing or analysis showing both the elevation and profile of the proposed  
8 construction as well as a description of the impact to other property owners of the proposed  
9 drainage and requirements for notification of affected property owners. The application shall  
10 also include the following information as determined by a professional engineer registered in  
11 the State of South Dakota:

- 12 (1) General description of the proposed drainage project and whether it involves new  
13 drain or tile or the repair of existing drain or tile;
- 14 (2) Name, address, and telephone numbers of primary applicant; owner of the land to be  
15 drained or tiled; and owner of land where system outlets are located;
- 16 (3) Detailed map or drawing showing the site plan and location of facilities;
- 17 (4) Legal description of land to be drained or tiled;
- 18 (5) Legal description or location of outlet;
- 19 (6) Description of outlet (gravity, pump, other) and whether the outlet is gated;
- 20 (7) Design capacity of the drainage or tile system and outlet flow capacity;
- 21 (8) Acres of land to be drained or tiled;
- 22 (9) Description of area where the drainage or tile system will discharge (road ditch,  
23 private drain, assessment drain, natural waterway, other);
- 24 (10) Name and address of drainage contractor who will construct the project;

- 1 (11) Estimated construction start and completion dates;
- 2 (12) Public property that could be affected by the proposed project and notification or  
3 approval by affected state, federal, or local government agencies;
- 4 (13) Whether a wetlands determination by the federal Natural Resources Conservation  
5 Service has been completed for the property to be drained; and
- 6 (14) Other information required by the county.