

# State of South Dakota

SEVENTY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 1997

660A0724

SENATE AGRICULTURE & NATURAL RESOURCES

COMMITTEE ENGROSSED NO. **HB1199** -

2/26/97

Introduced by: Representatives Weber, Apa, Chicoine, Duenwald, Kazmerzak, Lee, Monroe, Roe, Schrempp, and Van Gerpen and Senators Hunhoff, Dennert, Hutmacher, Kleven, Kloucek, and Lawler

1 FOR AN ACT ENTITLED, An Act to prohibit the location of certain livestock feeding  
2 operations over shallow aquifers.

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

4 Section 1. No concentrated animal feeding operation that includes a number of animals equal  
5 to or greater than one thousand animal units may be located over a shallow aquifer unless a  
6 groundwater discharge permit has been approved in accordance with chapter 34A-2. For  
7 purposes of this section, a shallow aquifer is any aquifer having the following characteristics:

8 (1) The aquifer is within fifty feet or less below the land surface with fifteen feet or less  
9 of continuous, overlying, extremely low permeability geologic material, such as clayey  
10 till or shale. Weathered till or highly fractured weathered shale is not an extremely low  
11 permeability material for purposes of this section; or

12 (2) The aquifer is greater than fifty feet but less than one hundred feet below the land  
13 surface with thirty feet or less of continuous overlying low to extremely low  
14 permeability geologic material that may be a combination of weathered and

1 unweathered till, shale, or till and shale.

2 This section does not apply to any concentrated animal feeding operation that was operating  
3 on or before the effective date of this Act. This section does not limit or prohibit the expansion  
4 of any concentrated animal feeding operation that was operating on or before the effective date  
5 of this Act.

6 Section 2. The provisions of this Act do not apply to any county which has officially adopted  
7 a comprehensive plan and zoning ordinances pursuant to chapter 11-2 and wellhead protection  
8 ordinances pursuant to § 7-18-20.

1 **BILL HISTORY**

2 1/30/97 First read in House and referred to Agriculture & Natural Resources. H.J. 219

3 2/11/97 Scheduled for Committee hearing on this date.

4 2/13/97 Scheduled for Committee hearing on this date.

5 2/13/97 Scheduled for Committee hearing on this date.

6 2/13/97 Agriculture & Natural Resources Do Pass Amended, Passed, AYES 10, NAYS 3.

7 H.J. 461

8 2/15/97 Deferred to another day. H.J. 522

9 2/18/97 Motion to Amend, Passed, AYES 38, NAYS 30. H.J. 549

10 2/18/97 Motion to Amend, Passed. H.J. 550

11 2/18/97 Motion to Amend, Passed. H.J. 550

12 2/18/97 House of Representatives Do Pass Amended, Passed, AYES 59, NAYS 9. H.J. 551

13 2/18/97 Intent to reconsider. H.J. 551

14 2/19/97 House of Representatives Reconsidered, AYES 68, NAYS 0. H.J. 572

15 2/19/97 Motion to Amend, Passed. H.J. 573

16 2/19/97 House of Representatives Do Pass Amended, Passed, AYES 63, NAYS 6. H.J. 573

17 2/20/97 First read in Senate and referred to Agriculture & Natural Resources. S.J. 572

18 2/25/97 Scheduled for Committee hearing on this date.

19 2/25/97 Agriculture & Natural Resources Do Pass Amended, Passed, AYES 6, NAYS 2.

20 S.J. 625