

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

291A0472

SENATE BILL NO. 240

Introduced by: Senators Lange, Hunhoff, and Hutmacher and Representatives Weber,
Chicoine, and Lee

1 FOR AN ACT ENTITLED, An Act to revise certain provisions related to the permitting of
2 certain concentrated animal feeding operations.

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

4 Section 1. That chapter 34A-2 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Any application to the Board of Minerals and Environment, the Water Management Board,
7 or any other permitting entity of the state of South Dakota for authorization to operate under
8 a general permit, or for an amendment to a general permit authorization for any activity related
9 to the breeding, farrowing, feeding, or raising of livestock in this state by any concentrated
10 animal feeding operation shall include a resolution by the governing body of the county in which
11 the activity is to occur approving the proposed activity. Approval by the county within no more
12 than twenty-four months before the issuance of the authorization by the permitting entity is a
13 condition for the issuance of the authorization. Approval granted under this section may only be
14 rescinded by the county before the authorization is issued and only if a significant change in the
15 size, purpose, or location of the proposed activity has occurred. Any action or decision by the

1 county pursuant to this Act, whether legislative or administrative in nature, is referable pursuant
2 to §§ 7-18A-15 to 7-18A-24, inclusive.

3 Section 2. That chapter 34A-2 be amended by adding thereto a NEW SECTION to read as
4 follows:

5 The county may not grant approval for any activity under section 2 of this Act unless at least
6 two meetings of the county board of commissioners have been held to consider the question of
7 county approval. The first meeting shall include an explanation of the state permitting process
8 and the requirement for county approval pursuant to section 2 of this Act. The county may, at
9 the first meeting, issue a preliminary approval of the activity. If the county board of
10 commissioners grants preliminary approval at the first meeting, a second meeting shall be held
11 at least one hundred twenty days after the preliminary approval was granted. The county shall
12 publish notice of the second meeting in the official newspapers of the county at least twice in
13 each of the two consecutive thirty-day periods immediately preceding the second meeting. The
14 county board of commissioners may grant official approval for purposes of section 2 of this Act
15 at the second meeting. At the first meeting, the applicant shall present the following information
16 with respect to the proposed facility:

- 17 (1) Size and capacity;
- 18 (2) Location and legal description;
- 19 (3) Description of facilities;
- 20 (4) Description of organizational and financial arrangements, including existing or
21 proposed contractual agreements;
- 22 (5) Types of state or federal permits to be secured;
- 23 (6) Description of potential environmental damage, including potential damage to the
24 waters of the state, and proposed methods of preventing such damage; and
- 25 (7) Expected lifespan of the facility.

1 The applicant shall reimburse the county for the cost of publishing the notice required by this
2 section.