



2024 South Dakota Legislature
House Bill 1033
ENROLLED

AN ACT

ENTITLED An Act to address the administration of State Conservation Commission functions by the Department of Agriculture and Natural Resources.

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

Section 1. That § 1-32-6 be AMENDED:

1-32-6. Unless otherwise provided by chapters 1-32 to 1-47, inclusive, division directors must be appointed by the head of the department or bureau of which the division is a part, and shall serve at the pleasure of the department or bureau head. The appointment and removal of division directors is subject to approval by the Governor. Departments and bureaus shall submit, for approval to the commissioner of personnel, minimum qualifications for the division director positions within their departments or bureaus.

Section 2. That § 1-41-6.1 be AMENDED:

1-41-6.1. The State Conservation Commission, created by § 38-7-3, shall continue within the Department of Agriculture and Natural Resources.

Section 3. That § 38-7-1 be AMENDED:

38-7-1. It is declared to be the policy of this state, and within the scope of this chapter and chapter 38-8, to:

- (1) Provide for conservation of the natural resources of this state;
- (2) Provide for the control and prevention of soil erosion;
- (3) Provide for the prevention of floodwater and sediment damages; and
- (4) Provide for furthering the conservation, development, utilization, and disposal of water to:
 - (a) Preserve natural resources;
 - (b) Control floods;

- (c) Prevent the impairment of dams and reservoirs;
- (d) Assist in maintaining the navigability of rivers and harbors;
- (e) Preserve wildlife habitat;
- (f) Promote soil health principles and practices;
- (g) Protect the tax base;
- (h) Protect public lands; and
- (i) Protect and promote the health, safety, and general welfare of the people of this state.

Section 4. That § 38-7-2 be AMENDED:

38-7-2. Terms used in this chapter or chapter 38-8 mean:

- (1) "Agency of this state," the government of this state and any subdivision, agency, or instrumentality, corporate or otherwise, of the government of this state;
- (2) "Commission," the State Conservation Commission;
- (3) "District" or "conservation district," a governmental subdivision of this state, and a public body, corporate and politic, organized in accordance with chapter 38-8, for the purpose, with the powers, and subject to the restrictions set forth in chapter 38-8;
- (4) "Division," the Division of Resource Conservation and Forestry;
- (5) "Due notice," a notice published at least twice, with an interval of at least seven days between the publication dates, in a legal newspaper within the district or by posting copies of the notice in three of the most public places within the district for a period of at least ten days immediately preceding the date specified in the notice. At any hearing held pursuant to the notice, at the time and place designated in the notice, the adjournment may be made from time to time without the necessity of renewing the notice for adjourned dates;
- (6) "Government" or "governmental," the government of this state, the government of the United States, and any subdivision, agency, or instrumentality, corporate or otherwise, of either of them; and
- (7) "Supervisor," one of the members of the governing body of a district, elected or appointed in accordance with chapter 38-8.

Section 5. That § 38-7-2.3 be AMENDED:

38-7-2.3. Subject to § 38-7-3.1, the Department of Agriculture and Natural Resources shall perform the functions of the commission, as provided for in this chapter and chapter 38-8, relative to conservation districts.

Section 6. That § 38-7-3 be AMENDED:

38-7-3. There is hereby established the State Conservation Commission.

Section 7. That § 38-7-3.1 be AMENDED:

38-7-3.1. The commission is administered by the Department of Agriculture and Natural Resources. The commission shall retain the quasi-judicial, quasi-legislative, advisory, other nonadministrative, and special budgetary functions, as defined in § 1-32-1, otherwise vested in it, and shall exercise those functions independently of the department.

Section 8. That § 38-7-17 be AMENDED:

38-7-17. The Department of Agriculture and Natural Resources may coordinate the programs of conservation districts, so far as this may be done by advice and consultation.

Section 9. That § 38-7-20 be AMENDED:

38-7-20. The Department of Agriculture and Natural Resources may represent the conservation districts and develop and implement policy for natural resources conservation and development. The department may cooperate at all levels of government, with all agencies, public and private, in the conservation and development of all renewable natural resources.

Section 10. That § 38-7-29 be AMENDED:

38-7-29. The South Dakota natural resources conservation award program is hereby established. Under the program, each conservation district may annually select no more than five residents of the district to receive a natural resources conservation award.

To be eligible for an award, a person must be directly and actively engaged in agricultural production in this state.

In selecting award recipients, the district may consult with the commission and other relevant entities.

Awards must be based upon the recipient's contribution to the preservation and conservation of natural resources in this state, in conjunction with the recipient's agricultural operations.

Section 11. That § 38-7-30 be AMENDED:

38-7-30. Each recipient shall receive a sign displaying the words "South Dakota Natural Resources Conservation Award" and "Award Winning Soil Conservation Farm," and the year of the award. The commission shall promulgate rules, pursuant to chapter 1-26, governing the natural resources conservation award program. The rules must include:

- (1) Criteria for selecting award recipients in accordance with the requirements of § 38-7-29 and this section, which must include efforts to maintain grass waterways and eliminate the cultivation of waterways; terracing; crop rotation; leaving crop residue after harvesting; and utilizing no-till farming;
- (2) Procedures for nominating and selecting award recipients;
- (3) Procedures to publicize and raise awareness of the need for natural resources conservation practices, as outlined in subdivision (1) of this section; and
- (4) Other procedures necessary for the administration of the award program.

Section 12. That § 38-7-2.2 be REPEALED.

An Act to address the administration of State Conservation Commission functions by the Department of Agriculture and Natural Resources.

I certify that the attached Act originated in
the:
House as Bill No. 1033

Received at this Executive Office
this ____ day of _____,
2024 at _____ M.

Chief Clerk

By _____
for the Governor

Speaker of the House

The attached Act is hereby
approved this _____ day of
_____, A.D., 2024

Attest:

Chief Clerk

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

President of the Senate

Attest:

Filed _____, 2024
at _____ o'clock __ M.

Secretary of the Senate

Secretary of State

House Bill No. 1033
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State