



## 2024 South Dakota Legislature

# House Bill 1031

*Introduced by: The Chair of the Committee on Agriculture and Natural Resources at the request of the Department of Agriculture and Natural Resources*

1 **An Act to update the development and implementation of conservation district**  
 2 **standards.**

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

4 **Section 1. That § 38-8A-3 be AMENDED:**

5 **38-8A-3.** ~~The State Conservation Commission~~ commission shall develop  
 6 comprehensive state erosion and sediment control guidelines ~~before July 1, 1977~~. These  
 7 guidelines are to be developed with full opportunity for citizen participation in accordance  
 8 with chapter 1-26.

9 **Section 2. That § 38-8A-6 be AMENDED:**

10 **38-8A-6.** ~~The conservation district~~ supervisors of each district in the state, in  
 11 cooperation and consultation with counties, municipalities, and other affected units of local  
 12 government shall, within twelve months after the adoption of the state guidelines, develop  
 13 proposed district conservation standards. These standards may designate, as "fragile  
 14 land" fragile land, any area of the district ~~which is that:~~

15 (1) Is Class IVe, VI, VII, or VIII, according to the United States Department of  
 16 Agriculture classification system, as described in "~~Land Capability Classification~~",  
 17 ~~Agricultural Handbook 210, Soil Conservation Service, United States Department~~  
 18 ~~of Agriculture, issued September, 1961, and in effect on January 1, 1984;~~ Title  
 19 430, National Soil Survey Handbook, Part 622 Interpretive Groups, Land Capability  
 20 Classification, (June 2020); and is;

21 (2) Is so erosive as to cause a public hazard when converted to cropland use.

22 **Section 3. That § 38-8A-23 be AMENDED:**

1           **38-8A-23.** If the board of supervisors of any ~~conservation~~ district is advised, in  
2     ~~writing~~ a written or electronic form, that soil is blowing from any land, or if any land in the  
3     county, roads, or public property, is being damaged, as the result of blowing soil, the  
4     board ~~shall~~ must inspect the land. If the board finds soil is blowing from the land, in excess  
5     of local conservation district standards, to the point that it is injurious to other land, roads,  
6     or public property, the board ~~shall~~ must determine what can be done to prevent or lessen  
7     the blowing of soil from the land. If the board finds, after consulting with the ~~State~~  
8     ~~Conservation Commission~~ commission, if appropriate, that the blowing can be prevented  
9     or lessened by treatment of the soil, the board ~~shall~~ must issue an order to the owner of  
10    record, and to the operator, if known to the board, stating the treatment required, and  
11    the date the treatment is to be started and completed.