

AN ACT

ENTITLED, An Act to revise certain provisions regarding the State Conservation Commission and conservation districts.

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

Section 1. That § 38-7-2 be amended to read:

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 the provisions of 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;
- (7) "Land occupier" or "occupier of land," any person, firm, or corporation who holds title to,

or is in possession of any agricultural, grazing, or forest lands lying within a conservation district, whether as owner, lessee, renter, tenant, or otherwise;

- (8) "Nominating petition," a petition filed under the provisions of chapter 38-8 to nominate candidates for the office of supervisor of a conservation district;
- (9) "Petition," a petition filed under the provisions of chapter 38-8 for the creation of a conservation district;
- (10) "Supervisor," one of the members of the governing body of a district, elected or appointed in accordance with the provisions of chapter 38-8;
- (11) "United States" or "agencies of the United States," the United States of America, the Natural Resources Conservation Service of the United States Department of Agriculture, and any other agency or instrumentality, corporate or otherwise, of the United States of America.

Section 2. That § 38-7-4 be amended to read:

38-7-4. The State Conservation Commission is composed of nine members appointed by the Governor. Eight members shall be appointed as follows: one member from a list of three names recommended to the Governor from the South Dakota Municipal League, from its membership to represent the urban interests; one member from a list of three names recommended to the Governor from the directors of the water development districts; two members who are engaged in the tree industry; and four members who are or have been conservation district supervisor members as designated in § 38-7-5. No more than five members may be from one political party. Each appointed member shall serve a three-year term. Each conservation district supervisor member shall be, or shall have been a supervisor of a conservation district. A member shall take office on the first day of January of the year following the member's appointment. Each appointment shall be made on or before the first day of December.

The Governor shall appoint the conservation district supervisor members from a list of names of qualified persons submitted to the Governor by the State Association of Conservation Districts. The association shall, at times consistent with the terms of this section and in a manner determined at its annual convention, submit a list of three nominees for each membership on the commission to be filled by appointment of the Governor.

Any vacancy arising from reasons other than the natural expiration of a term shall be filled for the unexpired term as in the case of original appointments.

Section 3. That § 38-7-5 be amended to read:

38-7-5. One conservation district supervisor member shall be at-large and one conservation district supervisor member from each of the three conservation district supervisor member areas shall be appointed to the commission. This state is divided into three conservation district supervisor member areas as follows: all of that area east of the Missouri River and north of the southern boundaries of Hughes, Hyde, Hand, Beadle, Kingsbury, and Brookings counties shall be known and designated as Area I; all of that area east of the Missouri River and south of the northern boundaries of Buffalo, Jerauld, Sanborn, Miner, Lake, and Moody counties shall be known and designated as Area II; and all of that area west of the Missouri River shall be known and designated as Area III.

Section 4. That § 38-8-2 be amended to read:

38-8-2. Within sixty days after a petition under § 38-8-1 has been filed with the commission, the commission shall publish a notice as defined in § 38-7-2 of a hearing upon the question of the:

- (1) Desirability and necessity, in the interest of the public health, safety, and welfare, of the creation of a conservation district;
- (2) Appropriate boundaries to be assigned to the district; and
- (3) Propriety of the petition and other proceedings taken under this chapter.

Any interested party may attend the hearing and be heard. If it appears at the hearing that it may

be desirable to include within the proposed district territory outside of the area within which the notice of the hearing has been given, the hearing shall be adjourned. The commission shall publish a notice pursuant to § 38-7-2 of further hearing that shall be conducted for the entire area considered for inclusion in the district.

Section 5. That § 38-8-31 be amended to read:

38-8-31. Within thirty days after a petition has been filed pursuant to § 38-8-30, the commission shall provide due notice as defined in § 38-7-2 of a public hearing upon the question of the proposed change of boundary. Any interested person may attend the hearing and be heard.

An Act to revise certain provisions regarding the State Conservation Commission and conservation districts.

=====

I certify that the attached Act originated in the

HOUSE as Bill No. 1214

Chief Clerk

=====

Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1214
File No. _____
Chapter No. _____

=====

Received at this Executive Office this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

=====

The attached Act is hereby approved this _____ day of _____ , A.D., 20____

Governor

=====

STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____ , 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State