Week seven marked a key point in legislative session: Crossover Day. Wednesday was Crossover Day, which is when all bills must be out of their chamber of origin. In other words, it is when all the House bills must be out of the House and all the Senate bills must be out of the Senate. The House had three House bills and the Senate had four Senate bills to act upon on the final day in the body of origin.

Foreign Ownership of Agricultural Land
The Senate Agriculture and Natural Resources Committee took up HB 1231 for consideration. HB 1231 attempts to restrict foreign entities from purchasing agricultural land by accomplishing the following.

- Establishes a prohibited entity list that restricts countries such as China, Russia, Iran, North Korea, Venezuela, and Cuba from buying any agricultural land. Existing South Dakota law allows foreign persons and governments to purchase up to 160 acres. The 160-acre limit will still exist for non-prohibited entity countries (e.g. Canada, United Kingdom, etc.).
- Increases reporting to the Department of Ag and Natural Resources and the Secretary of State.
- Updates existing statute to deal with violations.

South Dakota Farm Bureau, along with every agricultural organization in the state, continues to watch the legislation for any unintended consequences. We will keep you informed on any developments as the bill now travels to the Senate floor for consideration.

Grain Purchasing Legislation Clears the Senate
House Bill 1135 passed the Senate on consent calendar. The consent calendar is reserved for bills that come out of committee without having “no” votes. The bill is a result of collaboration between industry stakeholders to clarify our existing laws and to protect farmers. HB 1135 specifically accomplishes the following:

- Updates definitions pertaining to grain buyers to ensure the law reflects today’s complex business of grain buying.
- Protects South Dakota farmers. Currently, grain that is delivered outside state boundaries is not subject to our grain buyer laws. This leaves farmers exposed and at risk if their grain was ultimately delivered out-of-state and that buyer becomes insolvent. This bill is a proactive measure to ensure that farmers are protected, no matter where their grain is delivered.
- Clarifies that an offer to buy grain, once accepted, is a contract, regardless of the contract’s timeline, method of pricing and place of delivery. It also clarifies that anyone who contracts to take title to grain is subject to South Dakota’s grain buyer laws, which includes the associated bonding requirements that protects farmers should the grain buyer become insolvent.

HB 1135 was supported by South Dakota Farm Bureau, SD Agri-Business Association, SD Association of Cooperatives and the SD Soybean Association. The bill will now travel to the Governor’s desk for her signature.

Thank you to Representative Drew Peterson and Senator Josh Klumb for carrying this piece of legislation.
Property Rights Discussions Continue
Major discussions surrounding the future of the carbon dioxide pipeline and private property rights occurred this week. In an effort to address the issues surrounding landowners’ rights and project certainty, three bills were introduced by House and Senate leadership: HB 1185, HB 1186, and SB 201.

HB 1185 is an update to South Dakota’s existing surveying statute. The bill, as amended, reflects SDFB policy by supporting the ability of a utility to survey with a list of required criteria. For example, the bill enhances applicant/landowner communication, clarifies landowner compensation, specifies when and where a survey may be conducted, and the amount of time the survey will require.

HB 1186 is designed to protect property rights by establishing minimum terms for carbon pipeline easements. The structure of the bill is comparable to what the Legislature established when wind and solar easement minimum terms were codified in the late 1990s.

Both HB 1185 and HB 1186 passed the House of Representatives a few weeks ago and will be heard in the Senate Commerce and Energy committee soon.

SB 201 was heard on the Senate floor this past week. The bill would establish requirements for a linear transmission facility and would allow counties to impose a surcharge on pipeline companies. Specifically, the bill accomplishes the following:
- Limits the ability of local governments to establish ordinances for linear multi-county projects.
- Adds landowner protections such as minimum tile depth and repair, indemnification, liability for damages to property, agricultural mitigation impact plan, release of plume modeling, and registration of land agents.

SB 201 did contain an emergency clause which requires two-thirds or 24 votes for passage. However, the bill, in order to pass the Senate dropped the emergency clause due to being one vote short of the required two-thirds. If signed into law, the bill would be effective July 1, 2024 instead of immediately. SB 201 ultimately passed the Senate on a 23-11 vote.

SB 201 will travel over to the House of Representatives for a committee hearing. SDFB will keep you posted on any developments.

State Fair Sheep Building
Joint Appropriations heard House Bill 1065 as an effort to replace the Open Class Sheep Barn at the South Dakota State Fair. The Sheep Barn was demolished during the construction of The DEX. To replace the barn, there are efforts to build The SHED, a 40,000 square foot facility that will be used for open class sheep shows during the fair and serve as a multi-purpose facility during the off season. Specifically, the bill will provide $8 million to the Department of Agriculture and Natural Resources to build The SHED – $4 million will be general funds and $4 million will be in other funds.

South Dakota Farm Bureau will continue to support this bill as it makes it way through the budgeting process.

SDFB Bill Tracker
The SDFB bill tracking list is up and running. Check it out on the SDFB website. As in past years, it gives you a quick look at the bills we are supporting, opposing, or just watching.
Below is a list of bills that SDFB is supporting, watching, and opposing.

**Supporting:**

**SJR 501:** Proposing and submitting to the voters at the next general election, an amendment to the Constitution of the State of South Dakota, authorizing the state to impose work requirements on certain individuals who are eligible for expanded Medicaid.  
**Purpose:** This joint resolution would allow the State of South Dakota to impose a work requirement on any person for able-bodied individuals who have not been diagnosed as being physically or mentally disabled.

**SB 131:** Include shelterbelts as a factor affecting productivity in determining assessed value of agricultural land.  
**Purpose:** This bill would allow shelterbelts to be considered as a surface obstruction when making valuation adjustments.

**Watching:**

**SB 173:** Provide a landowner-on-own-land license for antlerless elk.  
**Purpose:** This bill would for a South Dakota resident landowner to receive an antlerless elk tag.

**SB 173:** Make an appropriation to establish a local government cybersecurity services initiative and to declare an emergency.  
**Purpose:** This bill would grant $7 million to counties and municipalities to help expand and improve cybersecurity.

If you have any questions or comments, please contact the South Dakota Farm Bureau policy team.

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**Helpful Links:**

View the SDFB bill-tracker list [here](#).

View the details on any bill by clicking this link and typing in the bill number:  
[2024 South Dakota Bills](#)

Find contact information for the Legislators here:
**2024 South Dakota Legislators**

**Legislative Cracker Barrels and Coffee:**

**Aberdeen Area**
February 24, **10:00 am – Noon** | Kessler’s Champion’s Club in the Barnett Center @NSU

**Huron**
February 24, **9:00 am CT** | Huron City Hall

**Rapid City**
March 2, **9:00 am MT** | Western Dakota Tech Event Center