The fifth week of the 2024 South Dakota Legislative session is complete. It was an eventful week as South Dakota Farm Bureau held our Day at the Capitol on Tuesday. It was a great opportunity to meet and greet legislators as well as highlight Farm Bureau as an organization.

The Legislature continues to push bills through their respective committees. Twenty-one days have been completed and 17 days remain over the next four weeks. Six legislative days are left until Crossover Day, when all bills need to be acted on in their body of origin.

**Property Rights Bills Move Forward**

This week allowed for major discussions surrounding the future of the carbon dioxide pipeline and private property rights. SDFB, along with other agricultural organizations supported HB 1185 and HB 1186. Both bills were introduced by the House majority leader, and they work to strike a balance between property rights and project certainty. Below is information highlighting each bill.

**HB 1185** is an update to South Dakota’s existing surveying statute. Over the course of 2023, it became evident that survey reform was necessary and SDFB delegates passed policy to address the issue. In accordance with policy, SDFB testified in support of the bill and will continue to lobby for its favorable consideration. 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. Additionally, the bill requires applicants of a project to provide landowners with the contact information of the person or agent responsible for the entry.

**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. SDFB supported the bill for the following reasons:

1. The bill caps carbon dioxide pipeline easements to 50 years.
2. The bill requires any carbon pipeline easement to become void if no permit has been granted by the Public Utilities Commission pertaining to the transportation of carbon dioxide associated with the easement within five years after the effective date of the easement. In simple terms, SDFB believes that any lands taken for a specific purpose and not promptly used for that purpose, should be returned to the landowner.
3. Requires the pipeline company to pay, in addition to an initial payment for the easement, an annual payment of $1 per linear foot to the landowner.

SDFB views both bills as common-sense reform that allows for the protection of private property rights while still accommodating the needs of linear projects. Both HB 1185 and HB 1186 passed the House of Representatives and will move over to the Senate.
Foreign Ownership of Agricultural Land
On Thursday, the House Agriculture and Natural Resources committee passed HB 1231. 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 agricultural land.
- 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.

Ag Land Property Tax Adjustment Bill
SDFB, along with Department of Revenue, SD Corn Growers, SD Association of Conservation Districts, and SD Association of Cooperatives recently opposed House Bill 1208. House Bill 1208 mandates the county director of equalization to adjust (regardless of validity) a parcel of agricultural land based upon eight statutory criteria. Below are 8 adjustments that can occur to alleviate disagreements in the agricultural land productivity system.

(1) Location; (5) Topographical condition;
(2) Size; (6) Climate;
(3) Soil survey statistics; (7) Accessibility; or
(4) Terrain; (8) Surface obstructions

State law allows a county director of equalization to adjust the taxable value of ag land based upon productivity. For example, an agricultural landowner can request the director of equalization to adjust his or her land from cropland to noncropland if the land cannot be farmed for one of the reasons above. Proponents of the bill argue HB 1208 forces assessors to do their job; however, state law already requires an assessor to make a determination of the request. Below are the three main reasons why SDFB is opposed to HB 1208.

- HB 1208 is unnecessary. If a landowner has a dispute over an adjustment, he or she may appeal the decision. The director of equalization is also currently required to document all the reasons for granting or denying an adjustment.
- The bill makes it unclear who is determining the validity of the adjustment and what criteria it is based upon.
- The existing law is meant to be discretionary. Mandating adjustments creates inequities in a system and already provides the tools for the assessor to make fair and equitable adjustments under the productivity system.

Please contact your local representative over the weekend and tell them to VOTE NO on HB 1208.

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:
HB 1135: Expand definitions pertaining to the purchasing of grain.
Purpose: This bill updates language related to the purchasing of grain and passed House Ag and Natural Resources unanimously.

HB 1065: Make an appropriation for the design and construction of a multi-use building on the grounds of the State Fair and to declare an emergency.
Purpose: This bill would allocate $8 million in other funds for The Shed building at the State Fair.

SJR 502: Providing legislative approval for a future use water permit application by the Lewis and Clark Regional Water System.
Purpose: This joint resolution will allow for the approval of the Lewis and Clark Regional Water System to apply for an application for an appropriation of water in excess of ten thousand acre-feet annually.

Watching:
SB 14: Expand authorization for the conditional taking of coyotes from snowmobiles.
Purpose: This bill would allow for a landowner, lessee, or guest to hunt coyotes from a snowmobile.

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.

HB 1231: Place restrictions on the ownership of agricultural land.
Purpose: This bill would add restrictions to South Dakota’s existing foreign ownership of agricultural land laws.

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

Matthew Bogue
SDFB State Public Policy Director
(605) 377-8833
matthew@sdfbf.org

Krystil Smit
SDFB Executive Director
(605) 261-2960
k.smit@sdfbf.org

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 10, **10:00 am – Noon** | Kessler’s Champion’s Club in the Barnett Center @NSU
February 14, **10:00 am – Noon** | Kessler’s Champion’s Club in the Barnett Center @NSU

**Selby**
February 10, **2:30 pm CT** | Selby Community Golf Course, 201 S Railway St, Selby, SD 57472

**Huron**
February 10, **9:00 am CT** | Huron City Hall
February 24, **9:00 am CT** | Huron City Hall

**Rapid City**
February 17, **9:00 am MT** | Western Dakota Tech Event Center
March 2, **9:00 am MT** | Western Dakota Tech Event Center

**Sioux Falls**
February 10, Districts 6, 12 and 13, **9:30 am CT** | Hamre Recital Hall (in the Humanities Building) on the Augustana University Campus.

February 17, Districts 9, 11 and 15, **9:30 am CT** | Hamre Recital Hall (in the Humanities Building) on the Augustana University Campus.