

Legislative Update

South Dakota Stockgrowers Association

February 17, 2024

Stockgrowers' Legislative Issues

Our Brand Board bill, HB 1252 was killed by the House Ag. Committee last week. Despite terrific testimony from Stockgrowers which demonstrated the many problems and the lack of accountability that are the status quo for the Brand Board, the majority of the committee was unmoved.

We've added SB 195 to our watch list below. SB 195 modifies the process to change or vacate a section-line highway. The bill requires the commissioner of school and public lands to review any petitions to vacate, change, or relocate a highway to ensure compliance with the requirements of § 31-3-6.1 which bars counties and townships from vacating a highway which provides access to public lands or public waters embracing an area of not less than forty acres. If the commissioner finds the petition violates the terms of § 31-3-6.1 then the petition is void. Any adverse decision by the commissioner may be appealed to the circuit court.

Rep. Trish Ladner's bill, HB 1208, to require the director of equalization to adjust certain agricultural land values died on the House floor Monday.

Rep. Liz May's landowner rights bill, HB 1251, to modify provisions related to the annexation of unplatted territory or agricultural land was also killed Monday by the full House.

On the property rights/pipeline/eminent domain front SB 201 passed the Senate Commerce committee this week. That bill strips all local control over any gas or liquid transmission line or electric transmission line which requires or holds a permit under chapter 49-41B. Counties, municipalities, and townships would be barred from imposing any requirement or restrictions as to routing, setback, construction, operation, maintenance, and zoning permits. The bill would void any existing local requirements in those areas. SB 201 will be heard by the full Senate on Wednesday the 21st.

If you have any questions or comments about this week's report or about activities in Pierre, please feel free to contact me at murphy@rushmore.com

Best regards,
Jeremiah

Legislation of Interest

Following are the bills that have been introduced that may impact Stockgrowers. You can read the bill text and actions by clicking on the blue bill number. Bill status is noted in the status column. DP

Status	Bill	Title
DP House	SB 14	expand authorization for the conditional taking of coyotes from snowmobiles.
2/1 DP Sen.	SB 58	revise provisions regarding money transmission.
2/20 S. Ag.	SB 173	provide a landowner-on-own-land license for antlerless elk.
DNP S. Tax	SJR 505	Proposing and submitting to the voters at the next general election an amendment to the Constitution of the State of South Dakota, limiting the assessed value of real property and the amount of tax on real property.
DP Senate	HB 1145	modify brand registration and use laws.
Tabled	HB 1180	require legislative approval for the purchase of real property by the Department of Game, Fish and Parks.
DNP H.	HB 1208	require the director of equalization to adjust certain agricultural land values.
DP H. Ag.	HB 1231	place restrictions on the ownership of agricultural land.
DNP House	HB 1251	modify provisions related to the annexation of unplatted territory or agricultural land.
DNP H. Ag.	HB 1252	address South Dakota State Brand Board administration and operations.
Landowner Rights / C02 Pipeline Bills		
DP House	HB 1185	amend provisions regarding entry on private property for examination and survey of a project requiring a siting permit.
DP House	HB 1186	define the requirements for granting a carbon pipeline easement.
DP House	HB 1203	clarify references to the court in a condemnation proceeding.
2/20 Smokeout	HB 1219	prohibit the exercise of eminent domain for the construction of pipelines carrying carbon oxide.
DNP H. Commerce	HB 1243	extend deadlines for action by the Public Utilities Commission upon the request of any party.
DNP H. Commerce	HB 1246	establish a pre-condemnation process and to require reclamation and restoration of property damaged by condemnation.
DNP H. Commerce	HB 1256	establish percentage requirements for voluntary agreements governing pipeline construction prior to the filing of a petition for condemnation

Status	Bill	Title
DP Senate	SB 177	permit the appointment of a circuit court judge or Supreme Court justice as a member of the Public Utilities Commission in place of a disqualified or incapacitated commissioner.
2/20 Senate	SB 195	modify provisions regarding the process to vacate certain highways.
DP Sen. Commerce	SB 201	provide new statutory requirements for regulating linear transmission facilities and to declare an emergency.

= "Do Pass" DNP = "Do Not Pass" "41st day" means a bill has been killed.