FOR AN ACT ENTITLED, An Act to specifically classify certain agricultural land as riparian buffer strips, to establish the criteria for the riparian buffer strip classification, and to provide for the taxation thereof.

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

Section 1. That chapter 10-6 be amended by adding a NEW SECTION to read:

Any agricultural land within 120 feet of:

(1) a lake assigned immersion recreation or limited contact recreational beneficial uses in ARSD 74:51:02:02 and listed in ARSD 74:51:02:04; or

(2) a river or stream assigned any of the warmwater or coldwater fish life propagation beneficial uses in ARSD 74:51:03:02 and listed in ARSD 74:51:03:04 to 74:51:03:27, inclusive,

that meets the requirements of section 2 of this Act is specifically classified for the purpose of taxation as a riparian buffer strip, and shall be assessed at sixty percent of its agricultural income value as determined by §§ 10-6-33.28 to § 10-6-33.34, inclusive.

Section 2. That chapter 10-6 be amended by adding a NEW SECTION to read:

To be classified as a riparian buffer strip pursuant to section 1 of this Act, agricultural land must meet the following criteria:

(1) The agricultural land must consist of existing or planted perennial vegetation;

(2) The riparian buffer strip must be a minimum of fifty feet in width along an eligible river, stream, or lake, and may be up to a maximum of one hundred twenty feet in width along an eligible river, stream, or lake. For the purposes of this section, the measurement along a river or stream begins at the top of the bank and the measurement along a lake begins where upland or terrestrial vegetation begins;

(3) The perennial vegetation may be harvested or mowed on or after July 10, but a minimum of six inches of vegetative cover must be maintained at all times;

(4) The perennial vegetation may not be grazed during the months of May through September, inclusive; and

(5) The landowner must file a verified application with the director of equalization of the county where the agricultural property is located, verifying that the criteria of this section have been met.

The application shall include a legal description of the property, all necessary documentation including maps and acre totals, and any other information as may be required by the director of equalization to determine eligibility. The application shall be filed with the director of equalization on a yearly basis on or before October 15. If the director of equalization determines that the agricultural land meets the criteria provided by this section, the land shall be assessed pursuant to section 1 of this Act on November first. The application shall be in a form as prescribed by the secretary of revenue.

Section 3. That chapter 10-6 be amended by adding a NEW SECTION to read:

Any person who requested that agricultural land be categorized as a riparian buffer strip pursuant to section 1 of this Act, and intentionally misrepresents any fact as to the qualification of the land as a riparian buffer strip, shall be assessed a penalty equal to two dollars per thousand dollars of taxable valuation on the land, which assessment shall become a lien on the property pursuant to § 10-21-33. When assessing the penalty imposed by this section, the taxable valuation of the land shall be based on the agricultural income value of the land.