

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

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SENATE BILL NO. 126

Introduced by: Senators Symens, Benson, Brown (Arnold), Duxbury, Flowers, Kloucek, Moore, and Vitter and Representatives Diedrich (Larry), Burg, Crisp, Hanson, Jaspers, Lintz, and Weber

1 FOR AN ACT ENTITLED, An Act to create the Carbon Sequestration Advisory Committee,
2 to prescribe its duties, and to provide for its financing.

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

4 Section 1. The Carbon Sequestration Advisory Committee is hereby created. The committee
5 shall consist of the following members:

- 6 (1) The secretary of agriculture, ex officio, or a designee;
- 7 (2) The secretary of water and natural resources, ex officio, or a designee;
- 8 (3) One member representing the Natural Resources Conservation Service of the United
9 States Department of Agriculture;
- 10 (4) One member representing South Dakota State University;
- 11 (5) One member representing an entity which generates electrical energy;
- 12 (6) Two members who are producers of field crops;
- 13 (7) Two members who are producers of livestock;
- 14 (8) One member with expertise in greenhouse emissions marketing or trading;
- 15 (9) One member representing conservation districts;
- 16 (10) One member representing the transportation industry; and

1 (11) One member representing the ethanol industry.

2 The Governor shall appoint all members other than the ex officio members.

3 Section 2. The members of the committee shall serve without compensation but shall be
4 reimbursed for mileage and expenses as provided by law. For administrative purposes, the
5 committee shall be assigned to the Department of Agriculture, and the department shall assist
6 the committee with administrative and operational support.

7 Section 3. The Carbon Sequestration Advisory Committee shall:

8 (1) Advise the secretary of the Department of Agriculture in conducting the report
9 pursuant to section 4 of this Act and the assessment pursuant to section 5 of this Act;

10 (2) Recommend policies or programs to enhance the ability of agricultural landowners to
11 participate in systems of carbon trading;

12 (3) Encourage the production of educational and advisory materials regarding carbon
13 sequestration on agricultural lands and participation in systems of carbon or
14 greenhouse emissions trading; and

15 (4) Identify and recommend areas of research needed to better understand and quantify
16 the processes of carbon sequestration on agricultural lands.

17 Section 4. On or before December 1, 2001, the secretary of the Department of Agriculture,
18 in consultation with the Carbon Sequestration Advisory Committee, shall prepare a report to the
19 Legislature. The report shall include:

20 (1) The potential for, and potential forms of, greenhouse emissions regulation;

21 (2) The potential for development of a system or systems of carbon emissions trading or
22 markets for carbon sequestered on agricultural land;

23 (3) Agricultural practices, management systems, or land uses which increase stored soil
24 carbon and minimize carbon dioxide or other greenhouse emissions associated with
25 agricultural production;

- 1 (4) Methods for measuring and modeling net carbon sequestration and greenhouse
2 emissions reduction associated with various agricultural practices, management
3 systems, or land uses occurring on agricultural land;
- 4 (5) Methods for assessing and potential legislation to define and protect property rights
5 in and attendant to carbon sequestration and greenhouse emissions; and
- 6 (6) Areas of scientific uncertainty with respect to quantifying and understanding
7 greenhouse emission reductions or soil carbon sequestration associated with
8 agricultural activities.

9 Section 5. The secretary of the Department of Agriculture shall, in consultation with the
10 Carbon Sequestration Advisory Committee, assess agricultural lands in the State of South
11 Dakota for past carbon sequestration and future carbon sequestration potential. The assessment
12 shall seek to quantify carbon sequestration associated with various agricultural practices,
13 management systems, and land uses occurring on agricultural lands in this state. On or before
14 January 1, 2004, the secretary shall publish a report of the findings. The secretary may, from
15 time-to-time, update such findings as advancements in understanding of the processes of carbon
16 sequestration and new data become available.

17 The assessment shall be conducted in a manner that shall provide a means for owners of
18 agricultural land to estimate past and future net carbon sequestration resulting from agricultural
19 practices, conservation measures, management systems, and land uses occurring on their
20 property. The secretary of agriculture may contract and cooperate with the Natural Resources
21 Conservation Service of the United States Department of Agriculture to conduct assessment
22 activities provided for in this section.

23 Section 6. The carbon sequestration assessment fund is hereby created. The fund shall be
24 used to carry out the purposes of this Act. The state treasurer shall credit to the fund any money
25 appropriated to the fund by the Legislature and any money received as gifts, grants, or other

1 contributions from public or private sources obtained for the purposes of this Act. Any money
2 in the fund available for investment shall be invested by the Investment Council.

3 Section 7. The secretary may apply for and accept grants, gifts, or other sources of public
4 and private funds to carry out the purposes of this Act.