

Mr. Chairman and Members of the Senate Local Government Committee:

My name is Mike Jaspers and I am writing you today to offer written testimony and perspective strictly on my own behalf as a 5th generation South Dakota farmer.

As a livestock farmer who has a livestock feeding facility that was approved by my local county, I would like to see HB1261 enacted to have the clarifications in this bill put into law for a few reasons: This bill ensures proper notice is given to all governmental entities that could be affected by the approval of a project permit and ensures communication between all parties, and that they are all at the table, before any decisions are made or any investment is made.

I'd like to share my personal experience and story with you as an example of one type of project that may be in question with this discussion.

-I voluntarily engaged my township, and county, ahead of my request. I wanted my project to be a benefit (property tax-wise and local economic activity) and not a burden (increased costs due to road maintenance, etc.) for both of my local governments. I made a request to my neighbors who serve on our township board to do a haul-road agreement with me to ensure I was paying my fair share. In return, as long as I hold up my end of the agreement and operate in a manner that complies with the conditions of that agreement, I now also get the protection of that haul-road agreement, and the township has decreased, instead of increased costs. The agreement made was a mutual one between myself and my local township to benefit both of us. Although I believe most do, I understand that not every prospective project owner and not every county approaches local government approval as I did. This bill requires mandatory notification to the affected township or municipality for those cases where the township or municipality is not voluntarily informed and involved as I did.

-The concern I'm seeing in some other townships is that, AFTER the fact, after a producer has made a very significant investment, the township is stepping in and denying the producer the ability to operate their facility by putting right-of-way restrictions on the project. I am not able to tell you in those cases if it was due to a lack of communication and understanding between the project and the township or a disagreement on the treatment of a road or road right-of-way, or if it was for another reason. What I can tell you is that if, after spending \$1 million on a hog finishing barn, if this happened to me and I was left with a facility I couldn't use and with no way to service the debt on that investment, it would be a financial-ruining situation for me.

-This bill brings all three parties (county, township, project owner) together AHEAD of time to work through the request. Local control still prevails regarding approval or denial of a project, but it is a 'palms up' process BEFORE a project moves forward, versus a change in rules and expectations AFTER the project is in existence. In addition to any conditions the county wishes to make a part of the conditions of the permit, the township (in working with the county) can have their conditions included as well, so all levels of local government are protected, as is the project. The county has enforcement authority should the project not hold up their end of the conditions, as is the case today.

-This is not a landowner rights issue bill, as I am well aware the claim is being made. This only affects the areas that were designated, before statehood, as permanent public use right-of-ways. This bill IS ensuring everyone is at the table of discussion BEFORE approval, or denial, and BEFORE families have invested money. It gives protections and accountability to all parties. It is permissive language for local control of local projects.

Thanks for your time.

-Mike Jaspers
Farm owner/operator near Bridgewater, SD