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## LEGISLATIVE UPDATE: WEEK 2

January 18 - 22, 2021

96TH LEGISLATIVE  
SESSION

### The Show is (Sort of) On The Road

Week two of the session saw more movement on bills, and the combined tally of those filed at this writing is seventy-eight in the House and ninety-five in the Senate (plus two resolutions apiece).

Remote testimony protocols were finally published this week via a press release on the Legislative Research Council (LRC) website—after committees had already begun to meet. However, when staff followed those protocols to testify on a bill in Senate Ag & Natural Resources Committee that would extend the duration of CAFO permits from five to ten years, we received no response and no link to join the hearing.

Conversations with the committee chair and LRC staff revealed that the persons responsible for legislative committee email accounts and processing requests for testimony are legislative interns (students), and that there have been a number of problems reported. Interns are fulfilling a number of duties this year that they have not previously covered, and staffing of committees by the LRC is being done remotely.

That said, **I am recommending to our members that ALL emailed requests for remote testimony be copied to the chair of the committee and/or the LRC staff member who serves that committee.** Those requests to testify must be made at least 24 hours in advance of the bill hearing. The full list of committee-specific email addresses is located on the webpage for each committee, as well as in a separate press release on the LRC website. If you don't use email,

please call/contact the committee chair directly using the numbers printed in your DRA Legislative Guide.

And PLEASE, if you are feeling confused about the process to testify remotely (and I sure wouldn't blame you!), **contact DRA's lobbyist Rebecca Terk at (605) 697-5204 x260 or email [rebeccat@dakotarural.org](mailto:rebeccat@dakotarural.org)** and I will assist you. Just remember that those testimony requests have to be made at least 24 hours in advance—get in touch with me RIGHT AWAY if you're having trouble.

### Bill to Restrict Standing On Water Permits Up Tuesday

By state law, South Dakota's water belongs to the public. **HB 1028** would impose strict criteria for standing to contest a Water Appropriation Permit to specific, personal injury “unique from any injury suffered by the public in general” and requiring that the specific personal injury concerns a matter outlined in specific sections of code, AND that the format for petition be a form provided by the Chief Engineer. Additionally, the bill seeks to limit the scope of “public interest” when it comes to approving or denying water permits.

These criteria are clearly meant to shut out citizens who have serious concerns about threats to our public water as well as potentially diminishing standing of organizational, Tribal, and government entities whose members will be adversely impacted. We STRONGLY oppose this bill.

**Sign Up To Testify At Least 24 Hours in Advance: Email [houseagnaturalresources@sdlegislature.gov](mailto:houseagnaturalresources@sdlegislature.gov) (and copy committee chair Marty Overweg at**

[marty.overweg@sdlegislature.gov](mailto:marty.overweg@sdlegislature.gov)). The email request should include the testifier's full name, whom they are representing ("self" unless you are registered as a lobbyist), city of residence, meeting date, the bill number (**HB 1028**), and whether you are a proponent or opponent of the bill. Proposed handouts and reference materials can also be attached to the email as Word documents or PDF's. **If you don't use email, contact the Committee Chair at (605) 773-3851 and ask to testify by phone.**

#### Contact Committee Members to Oppose the Bill:

The bill has been assigned to the House Ag & Natural Resources Committee. You can find the names of those committee members and their contact information in the LRC website or in your DRA Legislative Guide.

Over the past several years, DRA and its members, as well as other organizations, individuals, and Tribal governments, have petitioned to intervene in water permit proceedings where the projects under consideration stand to have severe negative impacts on our land, water, and communities. Those projects have included the Keystone XL pipeline, Powertech's proposed Dewey-Burdock in-situ leach uranium mine, and (currently) Mineral Mountain Resources proposed gold mining operation near Rochford and the Lakota sacred site of PeSla in the Black Hills. This bill is a shot over the bow of all those who would stand up against corporate greed and fight for clean and abundant water.

#### SDDA + DENR: The Proposed Merger

Your state legislators need to hear from YOU on opposition to the proposed Department of Agriculture & DENR merger. Many organizations are stepping up to join the fight to block this bad policy on the ag, conservation, sportsmen's and environmental fronts. However, we have yet to see a resolution filed in either chamber, and the session only lasts a few brief weeks.

Last week's weekly legislative update provided some good talking points on problems with the merger—we'll provide more in coming updates and alerts as the session continues.

#### Other Bills We're Watching:

**HB 1046**, a bill to **limit liability for employers, churches, healthcare providers, and schools on COVID-19-related lawsuits** passed out of House State Affairs Committee Friday morning. Proponents expressed the need to shield businesses and organizations from "frivolous" lawsuits, but opponents expressed concerns about protections for teachers, long-

term care residents, and workers in large, corporate-owned facilities (such as the Smithfield meatpacking plant) if businesses and institutions use the bill to shield themselves from responsibility for lack of necessary safety protocols.

**HB 1058** would authorize the **recall of county commissioners** through a petition and special election process on the grounds of misconduct, malfeasance, nonfeasance, crimes in office, drunkenness, gross incompetency, corruption, theft, oppression, or gross partiality. This bill is scheduled for a hearing in **House Local Government Committee on Tuesday, January 26th at 10am CT/9am MT.**

**SB 89** would designate the nineteenth of June, or "**Juneteenth**" as a **state holiday**. According to Wikipedia, Juneteenth commemorates "the anniversary date of the June 19, 1865 announcement by Union Army general Gordon Granger, proclaiming freedom from slavery in Texas. President Abraham Lincoln's Emancipation Proclamation had officially outlawed slavery in Texas and the other states in rebellion against the Union almost two and a half years earlier. Enforcement of the Proclamation generally relied on the advance of Union troops. Texas being the most remote of the slave states had a low presence of Union troops as the American Civil War ended; thus enforcement there had been slow and inconsistent before Granger's announcement." This bill has not yet been assigned a hearing date.

#### Various bills tinkering with the initiative & referendum process:

Surprise! With the passage of the marijuana initiatives (IM 26 and Amendment A) by the people of South Dakota, the legislature is once again taking up measures to curtail that process of direct democracy. These bills include allowing the LRC and Secretary of State to make a legal determination as to whether an initiated amendment to the constitution follows the single subject rule; a bill to require a certain font size for initiated measure petitions, and a bill to require a copy of an initiated measure to be provided to voters.

DRA members interested in serving on the Legislative Committee should contact Rebecca at

- [605 697-5204 x260](tel:6056975204)
- OR email [rebeccat@dakotarural.org](mailto:rebeccat@dakotarural.org).

**Thank YOU for Taking Action!**

**DAKOTA RURAL ACTION'S WORK DURING SESSION IS FUNDED 100% BY MEMBERS.** Please consider an investment in our legislative fund.

Donations can be made online at [dakotarural.org](http://dakotarural.org) or by mail to PO Box 549, Brookings, SD 57006

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