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## LEGISLATIVE UPDATE: WEEK 3

January 25 - 29 , 2021

96TH LEGISLATIVE  
SESSION

### The Big Bill Dump

Yesterday, January 28th, was the deadline for unlimited bill and resolution introductions, and we saw a massive increase in the number of bills filed on the Legislative Research Council website. There are currently one hundred ninety-two bills, nine resolutions, and one commemoration on the House side and one hundred sixty-four bills, six resolutions, and two commemorations on the Senate side.

Next Wednesday is the final deadline for bill and resolution introductions, so we'll see a few more trickling in over the next several days. We'll also have to be on the lookout for amendments to hoghouse vehicles (or carcass bills), which are bills introduced with little but a title that will get language inserted somewhere in the process.

There are something like twenty-six of them this year—and unsurprisingly many are appropriations-related because all that COVID relief money is getting some legislators pretty excited. There are also a lot of the usual, “enhance South Dakota” hoghouse vehicles (which I don't usually worry too much about), but I do raise my eyebrows at the “enhance the public safety” because we've seen some turn into anti-protest bills in the past.

There are also a number of marijuana-related vehicle bills that look like they'll be attempts to tweak the initiatives that voters passed in the last election. A self-described

“Cannabis Caucus” has formed in the legislature, but some have joked they more rightly ought to be called “Can't-abis” for the work they're doing to undermine the will of voters.

**What We Haven't Seen (YET) is a Resolution Blocking the DENR/Ag Merger.** We've heard there are a few legislators with drafts in the works (deadline next Wednesday), and we will let you know when that pops up, so you can let your legislators know they ought to be supporting it.

### Movement on Bills We're Watching:

**HB1028**, which radically undermines the ability of citizens to participate in Water Permit proceedings has passed the House floor on a 49-21 vote. Joining the House Democrat vote against the bill were several West River Republicans who are highly aware of the threats to public water from mining and other extractive industries and that the waters of this state belong to the people of this state—and as “owners” we ought to have a right to say how that water gets used. This bill is now assigned to Senate Ag Committee, and we'll need a dedicated group of folks who care about the water both East and West River to kill this bill.

**HB1040**, which would **provide grants to small meat processors** in the state for equipment and facility

upgrades is on its way to Appropriations Committee after receiving a unanimous vote of approval in House Ag on Thursday morning. We testified in favor of this bill (and so did nearly everyone else in Ag) and brought a critical question to the committee regarding start-ups and their ability to access the funds (short answer—get your plans moving because this money will be spent quickly). Testimony revealed that some hard lessons have been learned from the pandemic about the weaknesses in Big Agribusiness supply chains, and that building a stronger and more resilient local food system is becoming a much greater priority in the state.

**HB1029** would set up a **regulatory process for stand-alone ore milling facilities**, which are currently only recognized and regulated as part of the mining permit process. Industry has been making inquiries, so we saw this as good policy, and a “heads up” to counties to consider their own regulations as well (and perhaps even beyond those counties where gold mining—and cyanide leaching—is part of their history). The bill was placed on consent and sent to the House floor.

**HB1054** in its original form would have **required sponsors of initiated measures to provide a full copy to every voter in the state**—adding tens or thousands of dollars to their tight budgets. An amended version would have instead required sponsors to pay for copies for every voting booth at every polling place in the state, to be billed to the sponsors by the Secretary of State. That’s the version we prepared testimony against, but a final amendment simply said the copies had to be provided by the state. At that point, we withdrew our opposition and watched the bill by House State Affairs.

## And Soooooo Much More

There’s simply not enough space to discuss all the bills on our watch list right now, but here’s a few more we have eyes on:

**SB104** would reduce the tax on food. DRA has long supported these measures, which either repeal or reduce what is a high-impact bill for lower-income communities in our state.

**SB147** would require Dept of Ag investigations into spray drift/chemical trespass cases to be made public.

We’ve had a number of members who’ve had difficulty getting real answers/results to complaints they’ve filed—this measure helps.

**HB1085** redefines the criteria for classifying land as agricultural for tax purposes. We’ve reached out to producers and have serious concerns about how this would impact smaller-scale ag enterprises and those closer to municipalities. It may also serve to force land out of ag production in places where development pressure is high.

**HB1121** is essentially a “Food Freedom” act, which allows unlicensed sales of home-processed foods (except for low-acid canned goods and meat products) up to \$150K of income. It also preempts counties, townships, and municipalities from passing more stringent ordinances relating to food safety regarding these products. This bill is getting a LOT of discussion among producers, market managers and farm stand operators, and consumers.

**HB1155** removes certain restrictions on gifts of agricultural land. This is basically an end-run around our corporate farming laws, which say that corporations can’t own farmland in this state (with a number of exceptions). This one allows non-profits registered in the state to be gifted ag land. That might be nice for an organization like DRA (which is also registered federally), but the bar is extremely low to register as a non-profit on the state level and could lead to all kinds of investor groups and organizations snatching up farmland in the state.

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

- **(605) 697-5204 x260**
- **OR rebeccat@dakotarural.org**

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