



PO Box 549 | Brookings, SD 57006
Tel 605.697.5204 | Fax 605.697.6230

www.dakotarural.org

LEGISLATIVE UPDATE: WEEK 5

February 8 - 12, 2021

96TH LEGISLATIVE
SESSION

COVID Confirmed— Spreading at Capitol

It wasn't hard to see this coming, but as of the end of this legislative week, six House members were confirmed to have the COVID-19 virus. Those members are Taffy Howard, Nancy York, Tom Pischke, Tamara St. John, Chris Karr, and Aaron Aylward. We've seen a few legislators participating in hearings remotely as well; we understand that is because they have had a close exposure but are not necessarily ill at present. The Legislative Research Council is providing rapid-testing for legislators, which has caught some asymptomatic cases among lawmakers who have been going about their daily work in committees and in House chambers.

HB 1028 Passes Final Hurdle

We had a great line-up of testimony this week for the Senate Ag hearing on **HB 1028**, which severely curtails standing for the public to intervene in Water Appropriation Permit proceedings. Unfortunately, it was not enough to stop the bill from proceeding to the Senate floor on a 4-3 vote. Senators heard loudly and clearly that the public should have the right to have a say in issues related to our public water, but

they approved the bill on the Senate floor anyhow.

- **Here's who voted WITH us on 1028 (reach out and thank them!) :**

Senators Julie Frye-Mueller, Jack Kolbeck, Erin Tobin, David Johnson, Troy Heinert, Ryan Maher, Michael Rohl, V.J. Smith, Michael Diedrich, Red Dawn Foster, and Reynold Nesiba

- **Here's who voted AGAINST us on 1028 (hold them accountable!) :**

Senators Jim Bolin, Gary Cammack, Blake Curd, Helene Duhamel, Jean Hunhoff, Al Novstrup, Lee Schoenbeck, Wayne Steinhauer, John Wiik, Bryan Breitling, Jessica Castelberry, Mary Duvall, Timothy Johns, Kyle Schoenfish, Maggie Sutton, Larry Zikmund, Brock Greenfield, Casey Crabtree, Herman Otten, Josh Klumb, Art Rusch, Jim Stalzer, Marsha Symens, David Wheeler

Bills Upcoming To Watch— Contact—Testify

SB 52 would extend the duration of state-regulated CAFO permits from five years to ten. This bill **will be coming up for a final vote on the House floor as early as Monday of next week.** We have sent in numerous comments on this bill, but it has (as they say) “legs.” The main reason for extension of permits, according to the proponents of the bill, is that we simply have too many CAFOs for staff to be able to deal with the re-issuance of permits every five years. By that rationale, when we have even more CAFOs, will we then simply extend the duration to fifteen or twenty years rather than hiring more staff to accomplish the workload?

- **Contact House Members** to let them know how you feel!

SB 147 would revise provisions regarding records that are not open to inspection and copying and stop the SD Department of Agriculture from denying public record requests in legitimate cases of off-label and off-target pesticide drift complaints.

- **This bill will be heard in Senate Ag & Natural Resources Committee on Tuesday, 2/16 at 10am CT / 9am MT**

HB 1100 was a hoghouse vehicle (or carcass bill) that is now being used for the Governor to continue to drag her feet on implementing the provisions of **IM 26**—the medical marijuana initiative. According to the sponsors of that legislation, the provisions as passed are workable and were set up for ease of implementation. **Delaying medical marijuana implementation for another year means that people who need this medicine won't be able to get it, or if they have it, could be arrested for it.**

- This bill will be heard in House State Affairs on **Wednesday, 2/17 at 7:45am CT / 6:45am MT**

Unscheduled, But In The Sausage-Grinder

HB 1121 is the “Food Freedom” bill mentioned in last week’s update. This would **open up sales of homemade foods in the broader marketplace**, including temperature-controlled items. We’ve heard of a number of amendment discussions going on behind the scenes (nothing posted as yet), including the possibility of removing the **local control preemption** pieces that DRA and others have serious concern with. Nothing in the bill would prevent organized farmers markets from creating their own rules about what could and could not be sold at their markets. It is unclear that the bill would have any bearing on raw milk.

HB 1085 in its original form (as well as a couple of subsequent amended forms) would have kicked quite a few small-acreage producers off of ag assessment—and potentially raised their property taxes by nineteen-fold. Work between the sponsor, producers, Department of Revenue and others has created a bill with much less of a negative impact for these producers. This bill has been referred to Senate Taxation for its second hearing, but has not yet been scheduled.

It remains to be seen whether **HB 1149**, which is a companion bill to 1085 above, will be amended in similar ways. The bill in its current form would likely create similar tax increases for small-acreage tree farms and timber producers, as well as carving timber production out of ag classification and putting it into its own assessment category. This bill has yet to be scheduled for its first committee hearing, but it has been referred to House Taxation.

Hold Onto Your Hats!

We may yet see a resolution to block the merging of Dept. of Ag & DENR. We will sure let you know if and when that pops up!

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 or by mail to PO Box 549, Brookings, SD 57006

ⒸⒸⒸⒸⒸⒸⒸⒸⒸⒸⒸⒸ
For updates visit
dakotarural.org/news
ⒸⒸⒸⒸⒸⒸⒸⒸⒸⒸⒸⒸ