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## LEGISLATIVE UPDATE: WEEK 6

February 15 - 19, 2021

96TH LEGISLATIVE  
SESSION

### Ravnsborg Faces Misdemeanor Charges for Killing of Joe Boever

Yesterday, in a press conference at the Capitol, Hyde County State's Attorney Emily Sovell, assisted by Beadle County State's Attorney Michael Moore, announced that Attorney General Jason Ravnsborg will face three misdemeanor charges for the killing of Joseph Boever over five months ago alongside Highway 14 outside Highmore. Those charges are: operating a vehicle while using a mobile or electronic device, a violation for driving outside of his lane, and careless driving. Each charge carries a maximum penalty of 30 days in jail and a maximum penalty of \$500.

In his Feb. 19th article for the South Dakota Standard, Boever's cousin Nick Nemec, a farmer, former legislator, and longtime DRA member, said "I have researched South Dakota law and have been telling people for months that I suspected Ravnsborg would escape with a misdemeanor charge of 'crossing the white line,' and he did. State law does not allow higher charges unless the driver is intoxicated."

Nemec continued, "I am told South Dakota has some of the weakest laws in the nation in this regard. I have little faith in the South Dakota system providing justice for those citizens without the right connections. I am willing to do what I can on this issue. I will help any legislator

or organization that wants to change state law and am willing to devote considerable time and effort to that cause."

Our sincere condolences go out to Nick, his family, and all those who knew Joe Boever.

### **HB 1100 Delay/Replace on Medical Marijuana Initiative Goes to House**

**HB 1100** was a vehicle bill that has been amended to allow the Governor to drag her feet on implementing the provisions of **Initiated Measure 26**—the medical marijuana initiative approved by voters in last November's election. It also changes key provisions of **IM 26**, in what could end up being a repeal-and-replace strategy that violates the spirit of what voters approved.

Voters gave the measure a nearly 70% landslide—in fact, **IM 26** got more votes in several districts than many of our current legislators. It was exhaustively-researched and well-crafted with years of stakeholder input. The changes and delays in **HB 1100** are coming from a Governor who has repeatedly indicated she does not support cannabis legalization in any form.

**Delaying medical marijuana implementation means that people who need this medicine won't be able to get it, or if they have it, could be arrested and**

jailed for it. Opponent testimony went into the afternoon hours in Wednesday's House State Affairs Committee hearing, but in the end, only three legislators voted against: Reps. Jamie Smith, Oren Lesmeister, and Arch Beal. Now, we need to ramp up opposition in the full House. Contact House members this weekend (or talk to them at your local cracker barrel or legislative coffee) to let them know that **HB 1100** isn't just a delay, it changes key provisions of the measure approved by voters, and could undermine the process altogether.

## Food "Freedom" Isn't So Free

**HB 1121** is the "Food Freedom" bill mentioned in previous updates. It is being pushed in our state by a national organization called Institute for Justice that is also attempting to pass some version of it in other states, but without having asked local producers, consumers, and organizations for input on what changes in existing law would be most helpful. As a result, we believe the bill has some serious flaws.

The idea behind these types of bills is that they would open up sales of homemade foods in the broader marketplace. However, **this bill has a proposed amendment that drops a number of the so-called "freedoms" the original bill had promised, but still keeps the "poison pill" of local control-busting language** that says no county, township, and municipality can pass stricter laws. We have repeatedly questioned the necessity of this language because we have not seen local governments aggressively undermining cottage food laws (including raw milk) crafted by DRA members in the past. However, the legislative sponsors (and this bill has also gone through the Governor's office) are dead-set on retaining language to undermine local control, while changing language to lessen the bill's potential positive impacts for local producers.

Because of these issues (and having had numerous conversations with our producer-members), DRA will likely oppose this bill. At the same time, it provides us with a good starting point to re-open conversations on the current home-processed foods law and bring forward well-thought-out changes in next year's legislative session that reflect the real needs of cottage food producers. **HB 1121 will be heard in House Local Government on Tuesday, 2/23 at 10am CT/9am MT.**

## Ag Assessment Still Problematic For Beginning Farmers, Timber Producers

**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. Much work has been done between sponsors, producers, Department of Revenue, county employees and elected officials, and lobbyists to try to get this bill to a place where it won't harm small-acreage producers. We thought we'd gotten there, but there are still some serious concerns from small-acreage tree farmers and potentially for beginning farmers, too. **This bill is up for its second hearing in Senate Taxation on Wednesday, Feb. 24th at 10am CT/9am MT.**

## Good Stuff That's Gettin' Through!

It does happen in the South Dakota Legislature! This week we saw a few more good bills move through the process, including:

- **Senate Concurrent Resolution 604**—Supporting trade negotiations to remove barriers to country of origin labelling (aka COOL).
- **House Bill 1029**—requiring a permit for stand-alone ore-milling facilities. These are currently only contemplated as part of a larger mining operation, but need to be regulated in case we have applications for them. This also gives us an opportunity to give counties a heads up on their own permitting processes, should they contemplate a heavy industrial facility such as this.
- **House Bill 1042**—revising the riparian buffer strip program to make it more attractive and accessible for landowners to enroll in—and stay in—to protect our waterways from agricultural run-off and erosion.

## Watch For It!

A merger-blocking resolution for Dept. of Environment & Natural Resources and SD Department of Agriculture is coming next week. We'll let you know when it pops up—but in the meantime, **keep letting your legislators know they should OPPOSE the merger and SUPPORT a resolution to block it.**

**Thank YOU for Taking ACTI**

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