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LEGISLATIVE UPDATE: WEEK 7

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96TH LEGISLATIVE
SESSION

Merger-Blocking Resolution Filed for DENR & Dept of Ag

Senate Resolution of Disapproval 901 is a resolution filed this week that would block the Governor's proposed merger of the SD Department of Agriculture (SDDA) and the Department of Environment and Natural Resources (DENR).

The wording of the resolution largely focuses on the merger's potential negative impacts to our agricultural industry: "WHEREAS, agriculture is South Dakota's number one industry and economic driver and deserves a state department whose resources and expertise are devoted to the promotion of the agriculture industry; and WHEREAS, forty-eight states, including South Dakota, have recognized the necessity of having a stand-alone Department of Agriculture[.]" But, the merger also dilutes the DENR's mission—which goes well beyond agriculture. DENR is largely responsible for protecting water in this state—including the water you drink, and the waters that support recreational pursuits like fishing, swimming, and boating.

This resolution will be heard in Senate Ag & Natural Resources Committee next week.

Contact members of that committee and ask them to SUPPORT SRD 901!

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Medical Marijuana Amendment Fails to Protect Patients

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.

Three further amendments to this bill were posted on the LRC website prior to the House Floor vote yesterday—1100G was the "compromise" that delayed implementation somewhat, but protected medical marijuana patients from facing criminal charges in the interim. Unfortunately, Speaker Gosch's less-friendly amendment was adopted, and the measure passed on a 40-28 vote. This bill will head next to a Senate Committee (as yet unassigned), so we still have time to defeat or amend the bill.

Larger Fonts on Petitions—Does It Really Make Them More Accessible?

DRA staff testified in opposition to **SB 77** this week, which mandates that the full text of an initiated measure or constitutional amendment printed on petitions must be in 14-point font. Proponent testimony included Koni Sims, President of the SD Association for the Blind, who said that at present, the text of many initiatives is unreadable for persons with visual impairment. Ms. Sims further testified that she has not ever asked a petitioner to look at an initiative because she knows she won't be able to read it.

DRA does not disagree with the testimony of Ms Sims. We testified that we think it's important to increase accessibility to ALL documents related to our state government processes.

However, we do not believe increasing the font size on initiative petitions creates greater accessibility. Here's why: a few years ago, the legislature passed a bill to require petitions to be "self-contained"—that is, each signature-gathering sheet must contain the full text of the initiated measure or amendment as well as space for signatures—and ALL on a single sheet of paper.



This idea of "self-containment" was considered during the 2017 Summer Task Force on Initiative & Referendum, and then-Secretary of State Shantel Krebs illustrated to the task force why it was a problematic idea: beach-towel-sized petition sheets that would be expensive to print, must be folded numerous times to fit on a clipboard, and that were impossible to read in the typical signature-

gathering scenario of a street corner or park on a breezy South Dakota day. But the legislature took up the idea and passed it anyhow, and with **SB 77**, legislators would increase the font size on those self-contained petitions—making the "beach towel" even more unwieldy, and ultimately less accessible to everyone.

We contend that if the legislature truly wants to increase readability and accessibility, they should amend this bill to remove the requirement for the full text of initiatives to appear on petition sheets. Instead, they could require each signature-gatherer to have available a copy of the measure on regular-sized (8.5 x 11") paper in 16 or 18 point font (large print, which Ms. Sims testified was preferable) for anyone to read.

SB 77 moves to the House Floor on Monday—please reach out to Representatives to ask them to find a solution that truly increases accessibility in the initiative process.

Still In Play: HB 1085 Problematic For Beginning Farmers, Timber Producers

Much work has been done on **HB 1085** 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. However, there are still some serious concerns from small-acreage timber producers and potentially for beginning farmers, too, because of changes to the revenue formula in order to qualify for ag assessment. This bill is up for its FINAL VOTE on the Senate floor on MONDAY, so Senators need to hear from you this weekend at Cracker Barrels and via email before they take that vote.

Local Control-Busting Cottage Food Bill Dies in House Local Government

We worked hard to convince sponsors to remove **HB 1121**'s bad language preempting local control, but they were resistant even to the point of allowing the bill to be killed rather than part with it. At the same time, a number of the food "freedoms" promised in the original version were amended out, and proponents were unable to line up testimony from actual producers. The bill was defeated on a 10-3 vote—with the local control issue being a major factor in the decision.

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