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## LEGISLATIVE UPDATE: WEEK 8

March 1 - 5 , 2021

96TH LEGISLATIVE  
SESSION

*Dakota Rural Action members and staff have been working to stop the Governor's proposed merger of the Department of Agriculture and the Department of Environment & Natural Resources for many months. **This week, the merger-blocking resolution passed out of committee and will go to the Senate floor on Monday morning, March 8th.***

*Accordingly, we're devoting the majority of this week's update to the merger, and **we encourage you to reach out to Senators this weekend to SUPPORT SRD 901 (contacts in your DRA Legislative Guide).***

### Merger-Blocking Resolution PASSES Senate Ag—Heads to Full Senate

**Senate Resolution of Disapproval 901** would stop the Governor's proposed merger of the SD Department of Agriculture (SDDA) and the Department of Environment and Natural Resources (DENR). After a lengthy hearing in Senate Ag & Natural Resources Committee on Thursday morning, the resolution passed out of committee on a 4-3 vote.

- **Voting FOR the resolution** to STOP the merger were Senators Troy Heinert (prime sponsor), Herman Otten, Julie Frye-Mueller, and V.J. Smith.

- **Voting AGAINST the resolution** were Senators Josh Klumb, Gary Cammack, and Mary Duvall.

Senators who voted “yes” to move the resolution forward remarked that the merger of these two departments is a dramatic change that needs to be debated, and ultimately decided, by the full Senate rather than a seven-member committee.

- **Proponents** of the resolution to block the merger included the SD Farmers Union, SD Division of Izaak Walton League, SD Wildlife Federation/Camo Coalition, Friends of the Big Sioux River, Prairie Hills Audubon Society, SD Chapter of the Sierra Club, and Dakota Rural Action.
- **Opponents** included Lt Governor Larry Rhoden, DENR Secretary & Interim Ag Secretary Hunter Roberts, SD Farm Bureau, SD Agribusiness Association, SD Association of Cooperatives, and the SD Association of Conservation Districts.

Merger backers see the SD Department of Agriculture (SDDA) as merely a regulatory agency rather than an agency whose mission is to strengthen and expand agricultural enterprise in the state. That's at least partially true in current practice, because Governor Noem has stripped the SDDA of its development arm, pulling it into her Governor's Office of Economic Development (GOED). This has politicized ag

development, and made it less responsive to long-term needs of the breadth of ag enterprise in this state.

In fact, due to the proposed merger, the Dept of Ag is planning to drop a long-anticipated, USDA-funded statewide Farm to School program that would have built markets for local and regional producers, provided support for schools to integrate local food, and helped teach kids where their food comes from. The GOED does not have the capacity or expertise to build and sustain the kinds of programs that develop new ag markets and enterprises over time. That's why we should work to strengthen our Department of Ag rather than diminishing it, as the merger would do.

Big agribusiness backers of the merger are already getting what they need from government agencies, and they have the political clout to ensure they continue to do so, no matter how those agencies are composed. But this merger is not just about agriculture—it also stands to dilute the capacity and mission of our Department of Environment & Natural Resources, which is responsible for so much more.

DENR stewards the water resources of the state for all the people of the state. DENR ensures the safety of our drinking water. They oversee the quality of our surface and subsurface waters to maintain their beneficial uses. They're responsible for the cleanup of hazardous spills on land or water, and they permit and regulate mining operations. They monitor industrial wastewater discharge, manure management practices, and so much more. Department of Ag does have some regulatory and oversight responsibilities (pesticide education and compliance, for example) that could be shifted to the DENR, but cramming the entire SDDA into the DENR is pounding a square peg into a round hole.

Arguments in favor of the merger are conflicted and don't make sense: you might believe that farmers are "the best environmentalists" (an oft-repeated phrase in testimony), but does that mean

we should put farmers in charge of testing public pools or permitting mining operations? "The merger won't change anything"—then why are we doing it? What if we want things to change—like instituting new programs to enhance our public waters for recreation or to expand our agricultural markets? "The merger will save money"—apparently less than a half a million dollars, which is piddling compared to South Dakota's multi-billion dollar ag and tourism industries. "The merger of these two departments is ground-breaking"—that's because no other state with an ag economy nearly the size of ours thinks it's a good idea.

**The final vote on SRD 901, to STOP the merger of SDDA and DENR, is up on the Senate floor Monday morning. ALL Senators need to hear loudly and clearly that this merger is bad for ALL South Dakotans. Contact them this weekend to SUPPORT SRD 901—and don't let up! This is a fight we can win.**

## **Medical Marijuana Amendment— Still Not There**

**HB 1100** changes key provisions of **IM 26**—the medical marijuana initiative that passed with nearly 70% of the vote. A new amendment in Senate Health and Human Services Committee would grant an "affirmative defense" for patients ahead of full implementation, but they still could be arrested and charged for possession should this bill pass. Additionally, despite some improvements, this bill still looks like it could end up being a repeal-and-replace strategy that violates the spirit of what voters approved.

Key messages as this bill heads to the Senate floor next week: **RETAIN the HHS amendment (1100L)**. But ideally, it would be best to **KILL HB 1100 altogether and uphold the will of the people on implementing our state's medical marijuana program.**

**Thank YOU for Taking ACTION!**

**DAKOTA RURAL ACTION'S WORK DURING  
SESSION IS FUNDED 100% BY MEMBERS.**

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