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## LEGISLATIVE UPDATE: WEEK 9

March 8 - 12, 2021

96TH LEGISLATIVE  
SESSION

*The 2021 Legislative Session has come to a close. Due to the pandemic relief funds flowing into our state, this was a big budget year, and a lot of haggling over projects and one-time expenditures. The legislature declined to look into the Governor's controversial travel and security expenditures, but also denied the Governor's request of five million dollars for a new state airplane. They did provide funding for small meat processor upgrades, a new bio-processing facility at SDSU, and many, many other expenditures.*

### Merger-Blocking Resolution Fails in the Senate

**Senate Resolution of Disapproval 901** would have stopped the Governor's proposed merger of the SD Department of Agriculture (SDDA) and the Department of Environment and Natural Resources (DENR). This form of resolution by the legislature is the sole mechanism outlined in the state constitution for denying a governor's plan to reorganize state agencies. There is no path for appeal or referendum of a failed resolution of disapproval.

The resolution came to the Senate floor last Monday afternoon, and failed by a single vote (17-18). Prime sponsor Senator Troy Heinert moved for reconsideration, but when the matter came up the following day, Heinert withdrew the motion, stating that he'd been told that leadership of the supermajority would not support a re-vote on the measure.

The merger creates a single super-agency called the Department of Agriculture and Natural Resources which is primarily regulatory in nature, and puts us in a category with only two other states—Alaska and Rhode Island—who have merged these agencies into one. Proponents called this “ground-breaking,” and it certainly is. No other state with an ag economy nearly our size has entertained the idea of getting rid of the agency whose mission it is to promote that industry. The Governor's Office of Economic Development (GOED) is now solely in charge of agricultural development—and all sorts of other kinds of economic development as well. Proponents called this a positive, since the current Governor & Lt. Governor have agricultural backgrounds.

The DANR will now take on some of the regulatory and inspection pieces that the former Department of Ag oversaw, and as citizens we will have to be vigilant and LOUD about any lapses in their inspection and compliance programs that are handed down from the Environmental Protection Agency.

## **IM 26 Stands! HB 1100 Dies in Conference Committee**

**HB 1100** would have changed key provisions of **IM 26**—the medical marijuana initiative that voters approved by nearly 70% last November. An amendment in Senate Health and Human Services Committee would have granted an “affirmative defense” for patients ahead of full implementation, but they still could have been arrested and charged for possession. Proponents of the medical cannabis initiative thought this amendment was an improvement, but still felt the bill was an attack on the will of the voters and that delays in implementation were unnecessary.

In a surprise end-of-session twist, the bill was even further amended on the Senate floor to provide for decriminalization of small amounts of marijuana for all adults, regardless of medical condition. The bill then passed the full Senate 29-6. This move outraged House opponents of medical marijuana—including Speaker Spencer Gosch, who crafted **HB 1100** with the Governor’s support as a way to delay, control, and change the medical marijuana measure passed by voters. With the last-minute Senate amendments, the House was forced to either concur with the Senate’s changes and send the bill to the Governor, or to appoint a conference committee to try to hash out a compromise with a Senate that was in a very different place on the issue.

Had the House concurred, the bill that would have headed to the Governor’s desk represented a double-bind for cannabis opponents—a signature could have effectively legalized possession of marijuana for all adults, but a veto meant that **IM 26** would stand.

In the end, the House refused to concur with the Senate’s changes, appointed a conference committee, and brought yet another “compromise” amendment crafted with the Governor. The committee could not come to agreement, and **HB 1100**—fought over for so many weeks—died before it reached the Governor’s desk. **Initiated Measure 26**—the measure WE the people voted for, will now be the law of the land.  
a good idea.

## **Watch Your Mailbox for the Full Legislative Review!**

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