



Legislative Update

February 4, 2010

Your link to what's happening at the state Capitol.

Cattlemen's Capitol Connections

We have passed the deadline for the introduction of any more bills. Barring the "suspension of the rules", the tally for this year is 276 House Bills and 196 Senate Bills. As is usually the case, there was a flurry of activity as that deadline approached, caused by newly emerging issues or procrastination.

SDCA's list of bills continues to change (and shorten) as committee and/or floor action takes place.

In last week's update, **SB75** was highlighted as it was held over in Senate Ag Committee due to a number of amendments. As the Committee reconvened, additional testimony was taken on the pending amendment that would totally re-write the bill adding language mandating voluntary participation in the NAIS system and would allow the State of South Dakota to only use an NAIS program to address specific disease programs in a specific species. The amendment was defeated, and the committee passed an amended version of SB75 that defines voluntary to mean an informed act of free choice that is not compelled by legal obligation, fraud, undue influence, compulsion, coercion, or solicitation by false, misleading, or concealed information. The bill passed the committee 6-2 and awaits action on the Senate floor. SDCA testified against the pending amendment and the bill.

In similar action, **SB1** (road funding) also carried over to allow for additional testimony on Monday with SDCA testifying in support. Even though there are many supporters, the timing and lack of support among legislators to raise funds for roads sent the bill to the 41st day (there are a maximum of 40 days in the session.)

Newly introduced is **HB 1218** which will provide that the state of South Dakota would elect our Secretary of Ag. It has been a number of years since this issue has been brought forth and, while not surprising to see it show-up, it has met with tough opposition before and will likely do so again.

Next week should continue to be busy as more bills that SDCA is watching and working will be scheduled for hearings.

HB 1145 would prohibit the entry of state and federal employees on to property unless there is probable cause and a search warrant unless prior permission has been given when such entry is associated with animal identification systems. Additionally a limitation of property specific access as well as animal specific access would need to be in the contract granting access. As written, it appears the intent of HB 1145 is to place restrictions on the animal industry board's ability to address disease and animal health outbreaks.

Of the two animal care/cruelty legislation that we continue to track, **HB1146** which will provide for the regulation of commercial dog breeding operations has been scheduled for its first hearing February 9th. As currently written, HB 1146 has areas that cause concern for the agricultural community. We also believe that, in light of the review we'll be conducting on existing animal care statutes this summer, the bill is premature and we hope to have the issue and bill placed on hold.



We will continue to monitor **HB 1187** which prohibits the killing, injury, or interference with a law enforcement support animal and establish certain penalties regarding those actions, including a Class 6 felony.

HB 1113 specifies certain animal species for animal damage control. Currently the law refers to "coyotes, feral dogs, fox, and other wild animals in this state that are injurious to livestock, poultry, game land, and the public health." This bill would remove "and other wild animals" and replace it with "prairie dogs, raccoons, skunks, and beavers." Passage of the language would restrict the use of funds to those listed species and would exclude such species as deer, elk and geese.

The following bills are also scheduled for hearings next week:

HB 1121 would require a permit and fee for public access on certain school and public lands and to establish a penalty. As proposed, the bill would not allow any person to enter any land under the control of the commissioner of school and public lands without permission of the lessee of such lands unless the person has obtained a school and public lands access permit. The annual permit would cost \$10 and be administered by the Office of School and Public Lands. Entry on such school and public lands would be a Class 2 misdemeanor. SDCA is concerned this bill might encourage hunters to compete with livestock interests for School and Public Lands leases (to ensure hunting access) and we encourage our members to weigh in with members of the House Ag Committee before the bill is heard Tuesday morning.

HB 1139 seeks to clarify the application of common law civil trespass on agricultural land and to provide for the recovery of liquidated damages against trespassers. Specifically the bill states that any person who, without the permission of another person who has, by freehold or leasehold, a possessory interest in such property, knowingly and without lawful justification, enters any parcel of cropland, pastureland, woodland, or other agricultural land either physically or by projecting any object upon or over the land commits an act of civil trespass. The trespasser who commits any act of civil trespass is liable for nominal damages in the liquidated amount of five hundred dollars. Exemption for minors is included and do not apply to civil trespass within the boundaries of any municipality.

Other bills of interest include:

HB 1013 authorizes the Department of Environment and Natural Resources to accept certain documents submitted with electronic signatures. Passed Senate 33-0.

HB 1056 makes an appropriation from the coordinated natural resources conservation fund to the State Conservation Commission and to declare an emergency. Passed House 67-0.

HB 1057 revises and updates certain provisions relating to dairy production and inspection.

HB 1058 restructures the South Dakota Weed and Pest Control Commission. Passed House 67-0

HB 1098 requires state agencies to conduct a public hearing before acquiring certain real property. Sent to the 41st day.

HB 1113 specifies certain animal species for animal damage control.

HB 1114 broadens the policy review committee for animal damage control.

HB 1115 provide for annual audits of the state predatory animal control fund.

HB 1145 limit certain requirements associated with animal identification systems.

HB 1121 requires a permit and fee for public access on certain school and public lands and to establish a penalty.

HB 1139 clarifies the application of common law civil trespass on agricultural land and to provide for the recovery of liquidated damages against trespassers.

HB 1146 provide for the regulation of certain commercial dog breeding operations.

HB 1187 prohibits the killing, injury, or interference with a law enforcement support animal and to establish certain penalties.

HCR 1002 Requesting federal natural resource agencies to refrain from designating wilderness or roadless areas in South Dakota without Legislative approval. Passed Senate 28-6.

HCR 1003 Supporting the reintroduction of horse slaughter and processing operations in the United States. Passed Senate 33-0.

SDCA members are encouraged to contact Jodie at the SDCA office at 605.945.2333 or executive@sd cattlemen.org if you have any questions regarding SDCA's legislative issues.

Other Useful Contact Information:

- SDCA Office: 605-945-2333
- House Lobby: 605-773-3851 (to leave a message for your Representative)
- Senate Lobby: 605-773-3821 (to leave a message for your Senator)
- *Additional information regarding the bills, legislative committees, etc. can be found on LRC's website at <http://legis.state.sd.us/index.aspx>.*