



Legislative Update

January 21, 2010

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

Cattlemen's Capitol Connections

As stormy weather threatens to send lawmakers home early, work continues. Legislators and lobbyists continue gathering signatures, filing bills, and testifying in committee. The number of bills continues to increase and a few more are added to the "watch" list.

The week saw activity on several bill of interest to the SDCA membership. On Tuesday, the prime sponsor of **HB 1009**, which dealt with how county directors of equalization would make adjustments to the county average productivity value of ag land, asked that the bill be deferred (the bill is dead for this session) as it was premature to make such changes. Having been heavily involved in the process to move from sales to productivity for the valuation of ag land, this move was welcomed by SDCA lobbyists and members.

As we've been advising for several weeks, one of our biggest concerns was the possibility of a bill to increase animal cruelty from a misdemeanor to a felony. We continue to visit and share our concerns with legislators that have shown an interest in such legislation. While several concepts have been floated, no bills have been introduced and we are hoping it stays that way. Regardless, SDCA has joined with the SD Farm Bureau, SD Pork Producers and SD Association of Cooperatives to form an ad hoc group to review existing animal care statutes over the next year to ensure the needs of all animal owners are appropriately addressed. We will keep you informed as this process moves forward in the coming months, but please view the press release we issued announcing our intentions in our e-mail bulletin.

SB 37 authorizing the State Brand Board to impose administrative fines of up to \$5,000 met with opposition in the Senate Ag Committee on Thursday and was sent to the 41st day on a 9-0 vote. SDCA Executive Director Jodie Hickman testified in favor of the bill that would have provided the Brand Board with more tools to encourage compliance with brand laws.

While receiving support, **SB 38**, which would have allowed a shipper's permit to be used to transport livestock to an in-state open market for the purpose of obtaining an ownership inspection, was amended several times but lost 5-4 as it was sent to the 41st day.

SB 1, which is the proposal to increase fees and taxes to provide additional funding for state and local roads, will be heard next week in transportation committee. While there is general support for more money for roads, it is a tough time to raise taxes and fees. The bill has a tough "road" ahead. SDCA will support the measure as our policy, passed at the 2009 Convention, supports efforts to increase funding for roads.



Just introduced, **SB 75** would attempt to define certain terms for livestock identification within the Animal Industry Board's statutes. Specifically, the bill would define the term "premises" to mean the contact person responsible for the animal (rather than the generally accepted definition that a premise is a physical location). It would also define "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. Again, we believe this is an unnecessary step as voluntary is a well-understood term. Because it's unclear how SB 75 will enhance animal health programs in South Dakota, SDCA will likely oppose the measure.

Some additional bills we will follow, but which SDCA policy does not directly address:

SB 52 increases fees the SD Department of Agriculture may charge for phytosanitary certificates, for shipping plants or plant products into another state or country. SB 52 passed Senate Ag Committee on an 8-1 vote and now moves to the Senate floor for consideration.

HB1056 appropriates \$500,000 from the coordinated soil and water conservation fund to the Conservation Commission.

HB1057 deals with dairy production and inspection administered by the state Ag Department. Among other things, the bill would allow on-farm milk sales directly to a consumer only if the farm has a license or permit from the Ag Department. In addition, the bill would allow the department to assess a civil penalty of up to \$5,000 for violating the statutes.

HB1058 changes the SD Weed and Pest Control Commission from a 12-member board to an 11-member board. Instead of appoint six members, the Governor would appoint five.

HB 1098 would require all state agencies to hold a public hearing prior to the purchase of any real property (or the execution of a purchase agreement). It specifies that notice of such hearings must be published in the official newspaper(s) of the county in which the property to be acquired is located. HB 1098 further specifies the notice must be given at least fifteen days before the hearing and include the date, time, and location of the hearing and instructions for presenting oral and written comments to the state agency. The legislation would not apply to any state agency which receives specific legislative approval to purchase real property.

In addition, **SB 58, SB 59, SB 60, and SB 61** were introduced by the Public Utilities Commission to address property taxes for small renewable energy facilities, the contractors' excise tax refund for small power production facilities, siting of energy facilities, and filing rates for electricity purchased from small renewable power facilities.

SDCA members are encouraged to contact Jodie at the SDCA office at 605.945.2333 or executive@sdcattlemen.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>.