

## Week Three Concluded Thursday

Legislators completed the 12th Legislative Day on Thursday of the 38 day legislative session. A four day weekend is scheduled and Legislators will return to the Capitol on Tuesday, January 30th.

As of today, there have been 236 House bills and 173 Senate bills introduced. There's a rumor floating around that Capitol that the Legislative Research Council (LRC) is working on 800 documents between bills, commemorations and resolutions.

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## How to use your weekly Capitol Connection

Each week that a new bill is introduced and tracked by SDABA it will be described below, after that week the status of those bills will be listed in the 2018 Bill Tracking List. Bills, committee agendas and House or Senate calendars can be found on the LRC website at <http://sdlegislature.gov/>

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## AGRICULTURE

**HB119 revises certain provisions regarding riparian buffer strip by a county commission** so they may also designate any river, stream segment or body of water tributary to a river, lake, or stream as it relates to the requirements to be specifically classified for the purpose of taxation as a riparian buffer strip. The riparian buffer strip shall be assessed at sixty percent of its agricultural income value and will be heard in House Local Government Committee on January 30th.

**SB 34 revises certain provisions regarding registration for pesticide products.** This bill changes the registration fee for pesticides to be paid on an annual basis instead of biennially and has passed the Senate.

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## ENVIRONMENT

**SB25 revises certain fees for entities permitted under the national pollutant discharge elimination system.** This bill increases the fees charged relating to NPDES permits and has passed the Senate.

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## FEED

**HB 1035 updates South Dakota's feed labeling laws.** Current statute and rule give the department the authority to require labeling and conduct inspection of feed with a risk of spreading bovine spongiform encephalopathy (BSE). These requirements were necessary when the department had a cooperative agreement with the Food and Drug Administration (FDA) to do inspections and sampling on FDA's behalf. The department no longer has an agreement or certification from FDA to do BSE-related inspections. If there should be a need for the department to conduct inspection of these products, we would be required to do so with federal credentials and operate under FDA authority. Therefore, these statutes and rules are unnecessary and can be repealed. HB 1035 passed House Ag and Natural Resources 12-0, was placed on consent calendar and passed the House floor 69-0.

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## GRAIN

**SB26 revises certain provisions regarding public grain buyers** and was introduced by the Committee on Agriculture and Natural Resources at the request of the Public Utilities Commission. SB26 had its first hearing in front of the Agriculture and Natural Resources Committee last Tuesday and it passed 9-0. It was then heard on the Senate floor on Wednesday and passed on a 35-0 vote.

The Bill Brief for SB26, as explained by PUC, is as follows:

Section 1: This proposed change to SDCL 49-45-7.1 changes the maximum allowed annual purchase amount for a class B grain buyer from ten million to five million dollars.

Section 2: The proposed change to SDCL 49-45-9 modifies the class B bond requirement table so it is consistent with the changes proposed in section one of this bill. It also adds language to clarify that when projected purchases are greater than the average of the previous purchases, the higher number must be used to calculate the bond requirement.

Section 3: The proposed change to SDCL 49-45-22 adds language to require a class A grain buyer to prepare a quarterly balance sheet and submit it to the commission for inspection within 30 days of the quarter end based on each grain buyers' fiscal year.

**SB166 revises certain provisions relating to moisture and protein content devices and the fee that may be charged for such devices.** This bill says that the Department of Ag may inspect any moisture-measuring device or protein-measuring device used in commerce in this state, except those belonging to the United States. The department may inspect at the convenience of the department any moisture-measuring or protein-measuring device, but shall inspect each device at least once annually, without notice to the owner of the device. It also allows for a fee not to exceed twenty-five dollars may be charged for each device subject and directed the department shall establish the amount of the fee by rule. The bill was introduced late Thursday and was referred to the Senate Ag Committee.

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## SEED LIEN

**HB115 revises certain provisions regarding crop liens.** This bill updates the definition of which seeds for which a lien can be applied to “crop seeds” as the seeds of grass, forage, cereal, oil, fiber, and other kinds of crop seed commonly recognized within this state as agricultural seed and combinations of such seeds. The bill passed the House Ag Committee with an amendment 11-0.

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## RAILROADS

**HB1150 requires a certain number of crew on a train under certain conditions.** The bill says that a train or light engine used in connection with the movement of freight may be operated unless it has a crew consisting of at least two persons. The bill has been referred to House Transportation Committee.

**HB1151 requires persons transporting railroad employees to have certain insurance.** This bill requires any person that transports an operating employee of a railroad on a road or highway of this state in a vehicle designed to carry fifteen or fewer passengers shall obtain and maintain insurance on each vehicle and outline the amount of insurance required. This bill has been referred to the House Transportation Committee.

**HB1152 authorizes certain representatives of railroad workers to investigate the railroad for safety purposes.** This bill allows a union representative to carry out any inspection, examination, and investigation on railroad property necessary to determine compliance with applicable safety laws and regulations.

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## WATER

**HB1081 repeals the sunset clause regarding the recreational use of nonmeandered water.** This bill has passed the House.

**SB24 extend the effective date of certain provisions regarding the recreational use of nonmeandered water.** This bill changed the effective date from June 30, 2018 to July 1, 2021 in the law that was passed last summer during a special session concerning flooded lands in Northeast South Dakota. The bill was amended in Senate Ag committee and passed 7-2.

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## TRANSPORTATION

**HB113: An Act to revise certain provisions regarding the vehicles required to stop at a state weighing station.** This bill changes the requirements for which vehicles have to stop at state

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weighing station when it is open from any towed vehicle, motor truck, truck tractor, or trailer that weighs 8,000 pounds gross vehicle weight to a single or combination vehicle weighing in excess of 10,000 pounds gross vehicle weight. This bill will be heard in House Transportation Committee on January 30th.

**SB22 allows allow commercial driver license applicants three attempts to pass the commercial driver license examination.** This bill allows that after payment of the fee, the applicant to not more than three attempts to pass the commercial driver license examination within a period of six months from the date of application. SB 22 passed the Senate and will be heard January 30th in the House Transportation Committee.

**SB157 establishes a bid process for the haying of certain interstate and highway medians.** This bill directs the Department of Transportation to establish a bid process for the mowing and haying of the medians on the state trunk highway system.

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## Bill Tracking List

### COMMITTEES

Ag and Natural Resources – Ag  
Appropriations – App  
Commerce and Energy – Comm  
Education – Ed  
Government Operations and Audit – GOAC  
Health and Human Services – Health  
Judiciary – Jud  
Local Government – LGov  
State Affairs – SAffairs  
Taxation – Tax  
Transportation – Trans

### DISPOSTION OF BILLS

Amend  
Pass  
Fail  
Table  
Deffer to 41st Legislative Day (killed)  
Signed by the Govenor  
Veto

To review the complete bill and its status, click on the bill number on the tracking list. For a complete list of bills please check out the LRC website online at <http://sdlegislature.gov/>.

If you need to contact either Kathy Zander during Session, you may leave a message with the lobbyist phone attendant at the Capitol at 605/224-5030 or call her cell phone at 605/222-0664. Or you may e-mail her at [kathy@sdaba.org](mailto:kathy@sdaba.org) or [kathy@sdgfa.org](mailto:kathy@sdgfa.org)

| <b>BILL NUMBER</b>            | <b>TITLE</b>  | <b>SENATE COM</b> | <b>SENATE</b> | <b>HOUSE COM</b>       | <b>HOUSE</b>         | <b>FINAL</b> |
|-------------------------------|---|-------------------|---------------|------------------------|----------------------|--------------|
| <a href="#"><u>HB1014</u></a> | <i>Revises certain provisions regarding the application of the intrastate exemption for certain commercial vehicles from the federal motor carrier regulations.</i> | Referred to Trans |               | Trans Passed 12-0      | Passed 59-0          |              |
| <a href="#"><u>HB1015</u></a> | <i>Repeals the use of explosives, pyrotechnics, and fireworks for the protection of sunflower crops from depredating birds.</i>                                     | Ag Passed 7-0     |               | Ag Passed 13-0         | Passed 60-0          |              |
| <a href="#"><u>HB1035</u></a> | <i>Repeals certain provisions and regulations related to labeling requirements for feed.</i>  | Ag Passed 8-0     |               | Ag Passed 12-0         | Passed 69-0          |              |
| <a href="#"><u>HB1081</u></a> | <i>Repeals the sunset clause regarding the recreational use of nonmeandered water.</i>  |                   |               | SA Passed 11-1         | Passed Amended 51-12 |              |
| <a href="#"><u>HB1113</u></a> | <i>Revises certain provisions regarding the vehicles required to stop at a state weighing station</i>   |                   |               | Hearing Trans 01/22/18 |                      |              |
| <a href="#"><u>HB1115</u></a> | <i>Revise certain provisions regarding crop liens.</i>  |                   |               | Ag Passed Amended 11-0 |                      |              |
| <a href="#"><u>HB1119</u></a> | <i>Revises certain provisions regarding riparian buffer strips.</i>   |                   |               | Hearing LGov 01/22/18  |                      |              |
| <a href="#"><u>HB1150</u></a> | <i>Require a certain number of crew on a train under certain conditions.</i>  |                   |               | Referred to Trans      |                      |              |
| <a href="#"><u>HB1151</u></a> | <i>Requires persons transporting railroad employees to have certain insurance.</i>  |                   |               | Referred to Trans      |                      |              |

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|------------------------|--|------------------------------|--------------------|-------------------------------|--|--|
| <a href="#">HB1152</a> | <i>Authorizes certain representatives of railroad workers to investigate the railroad for safety purposes.</i>                       |                              |                    | <i>Referred to Trans</i>      |  |  |
| <a href="#">SB22</a>   | <i>Allows commercial driver license applicants three attempts to pass the commercial driver license examination.</i>                 | <i>Trans Passed 7-0</i>      | <i>Passed 35-0</i> | <i>Hearing Trans 01/30/18</i> |  |  |
| <a href="#">SB24</a>   | <i>Extend the effective date of certain provisions regarding the recreational use of nonmeandered water.</i>                         | <i>Ag Passed Amended 7-2</i> | <i>Deferred</i>    |                               |  |  |
| <a href="#">SB25</a>   | <i>Revises certain fees for entities permitted under the national pollutant discharge elimination system.</i>                        | <i>Ag Passed 8-0</i>         | <i>Passed 30-5</i> | <i>Referred to Ag</i>         |  |  |
| <a href="#">SB26</a>   | <i>Revises certain provisions regarding public grain buyers.</i>   | <i>Ag Passed 9-0</i>         | <i>Passed 35-0</i> | <i>Ag Passed 11-0</i>         |  |  |
| <a href="#">SB34</a>   | <i>Revises certain provisions regarding registration for pesticide products.</i>   | <i>Ag Passed 8-0</i>         | <i>Passed 35-0</i> | <i>Referred to Ag</i>         |  |  |
| <a href="#">SB157</a>  | <i>Establishes a bid process for the haying of certain interstate and highway medians.</i>   | <i>Referred to Ag</i>        |                    |                               |  |  |
| <a href="#">SB166</a>  | <i>Revises certain provisions relating to moisture and protein content devices and the fee that may be charged for such devices.</i> | <i>Referred to Ag</i>        |                    |                               |  |  |

### Contact Us

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