

Legislative Week Four is in the Books

The deadline for all bills to be introduced has passed and there are a total of 479 bills introduced, with 293 House bills and 186 Senate bills.

There are several “vehicle bills” introduced which are bills with a simple title and with little or nothing in the bill. This type of bill is used later to be amended or gutted (hog housed) for another purpose. An example of a “vehicle bill” is SB 158 that is an act accommodate legislation regarding refined agricultural products. The gist of the bill is: Section 1. In case a title affecting refined agricultural products is needed to accommodate the legislative process, this bill is being introduced to accomplish that purpose.

BILLS OF INTEREST as of February 7, 2020:

PESTICIDES

WE NEED YOUR HELP! Committee members need to hear from constituents on HB 1171!

HB 1171 – An act to require commercial pesticide applicators to maintain proof of financial responsibility.

This bill will require that each commercial pesticide applicator must maintain proof of financial responsibility on demand of the Secretary of Ag or one of its inspectors consisting of ONE the following:

- surety bond of at least \$100,000
- certificate of insurance for liability insurance at least \$100,000 bodily injury or death, for each person and of at least \$100,000 for each aggregate occurrence; and at least \$100,000 for property damage for each occurrence
- notarized letter from a financial institution
- certified public accountant attesting to net assets of at least one hundred thousand dollars.

This is the message that the [opponents to production agriculture](#) are sending out:

“Good morning our newest bill goes before the House Agriculture and Natural Resources Committee Tuesday morning 07:45 am. Pesticide applicators are not currently required to carry liability insurance in South Dakota. I believe this puts the State, Counties, Municipalities and individuals at a disadvantage to recover damages from pesticide drift and off label uses. My

research over the last three years has identified several applicators operating without liability coverage.

I really need emails and phone call to go out to Committee members urging them to vote for this bill.

Points to consider-

1- this common sense requirement gives the State, Counties, local Municipalities and individuals tools to recover loses caused by drift. It also protects an applicator who otherwise would not have the ability to respond and settle damages caused by his employment.

2-Drift incidents are increasing year after year evidenced by SDDA's numbers and industry publications. It should be noted that only a small percentage of drift cases are ever reported to SDDA.

3- Many drift cases are settled outside of civil actions and without SDDA involvement because SOME applicator choose to protect themselves by carrying insurance for these events. Applicators who choose not to carry insurance are unduly comprising themselves and others”

We oppose this bill, and we need your help! If you have any of the following members of the House Ag and Natural Resources Committee in your district, please contact them ASAP! HB 1171 is scheduled for hearing on Tuesday, February 11 at 7:45 AM.

Members of the House Ag Committee:

Tom Brunner—District: 29, Counties: Butte, Meade, Pennington
(Thomas.Brunner@sdlegislature.gov)

Roger Chase – District: 22, Counties: Beadle, Kingsbury (Roger.Chase@sdlegislature.gov)

Caleb Fink – District: 21, Counties: Bon Homme, Charles Mix, Gregory, Tripp
(Caleb.Finck@sdlegislature.gov)

Bob Glanzer – District: 22 , Counties: Beadle, Kingsbury (Bob.Glanzer@sdlegislature.gov)

Oren Lesmeister -- District: 28A, Counties: Corson, Dewey, Ziebach
(Oren.Lesmeister@sdlegislature.gov)

Steve Livermont – District: 27 , Counties: Bennett, Haakon, Jackson, Pennington, Oglala
(Steve.Livermont@sdlegislature.gov)

Sam Marty – District: 28B, Counties: Butte, Harding, Perkins (Sam.Marty@sdlegislature.gov)

Tina Mulally – District: 35, Counties: Pennington (Tina.Mulally@sdlegislature.gov)

Herman Otten – District: 06, Counties: Lincoln (Herman.Otten@sdlegislature.gov)

Marty Overweg – District 19, Counties: Bon Homme, Douglas, Hanson, Hutchinson, McCook
(Marty.Overweg@sdlegislature.gov)

Kent Peterson – District 9, Counties: Bon Homme, Douglas, Hanson, Hutchinson, McCook.
(Kent.Peterson@sdlegislature.gov)

Peri Pourier – District 27, Counties: Bennett, Haakon, Jackson, Pennington, Oglala, Lakota
(Peri.Pourier@sdlegislature.gov)

Jim Wangsness – District 23 , Counties: Campbell, Edmunds, Faulk, Hand, McPherson, Potter, Spink, Walworth (James.Wangsness@sdlegislature.gov)

All you need to do is send a quick email:

- Subject Line - Please oppose House Bill 1171
- Tell them who you are, along with your company name, and that you are a constituent
- Keep the email simple:
 - State that your company has always had insurance to cover drift claims and all of your applicators are covered by insurance.
 - You work with your farmer customers to resolve any claims – share examples, how few claims you have, how many acres you spray, etc. You want to keep them as your customer.
 - ONLY commercial applicators are addressed in this bill and that covers only 40 to 50% of all pesticides applied within South Dakota.
 - If House Bill 1171 is passed, it needs to be amended to include all applicators of agricultural pesticides.

YOUR LEGISLATORS NEED TO HEAR FROM YOU!

GRAIN

HB 1197 is an act require testing of moisture meters and protein-measuring devices.

This bill is would require the Department of Public Safety to inspect meters, and charge \$30. Both Public Safety and the PUC know that implementation of a new inspection program would be cost prohibitive.

This is the third protein/moisture meter testing bill in the last five years and the complaints were particularly high this year do to the cold and light corn. We are currently working with PUC on an amendment that will allow the PUC inspector to ensure that you have had your meters verified for accuracy twice per year by an approved company. The amended bill will not be onerous or anything new, it will just ask you to prove to the PUC of what elevators are already doing. PUC will work with us for a list of testing companies that grain elevators in South Dakota are already using. The bill has not been scheduled for a hearing.

ZONING

SB 157 is an act to revise certain provisions regarding the county zoning and appeals process.

Last Friday, Governor Noem announced that “Rural development projects are vital to the long-term success of our small towns, communities, and the families that keep them strong. Too often, though, rural development projects are delayed or even killed by cumbersome and unnecessary permitting processes. The bill I am introducing sets up a fair process that will give developers certainty and predictability for processes. It allows them to cut through red tape and invest in our communities and families for generations to come.”

Noem's legislation creates vitality and success for rural development by:

- Providing clarity around existing permitting law;
- Simplifying the voting process for conditional use permits;
- Improving the appeals process, including allowing the court to award attorney's fees and damages; and
- Keeping zoning decisions in the hands of those who know the community best.

How to use your weekly Capitol Connection

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

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 – SA
Taxation – Tax
Transportation – Trans

DISPOSITION OF BILLS

Amend
Pass
Fail
Table
Defer to 41st Legislative Day (killed)
Signed by the Governor
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 Kathy Zander during Session, please email her at kathy@sdaba.org or kathy@sdgfa.org, contact the office at 605/224-2445, or call her cell phone at 605/222-0664.

BILL NUMBER	TITLE	SENATE CMTE	SENATE	HOUSE CMTE	HOUSE	FINAL
SB 22	Revise certain provisions regarding pesticide registration, pesticide application, and enforcement of pesticide laws.	Ag Passed Amend 9-0	Passed 31-2	Ref to Ag		
SB 24	Revise the fees for pesticide registration, private applicator licenses, commercial applicator licenses, and pesticide dealer licenses.	App Hearing 02/11				
SB 68	Authorize a county gross receipts tax.	Tax Def to 41 st Leg Day	X	X	X	X
SB 90	Revise the distribution of motor fuel tax revenue, create a small structure and large culvert fund, provide for the use and administration of the fund, and to make an appropriation thereof.	LGov Passed Amend 4-3				
SB 125	Revise provisions regarding the exemption from taxation of certain substances used for agricultural purposes.	Ref to Tax				
SB 157	Revise certain provisions regarding the county zoning and appeals process.	Ref to SA				
SB 158	Accommodate legislation regarding refined agricultural products.	Ref to Ag				
SB 163	Establish certain restrictions on the foreign ownership of agricultural land.	Ref to Ag				
HB 1007	Require certain adjustments to the assessed value of agricultural land if factors impact the land's productivity and to require those adjustments to be documented.	Ref to Tax		Tax Passed Amend 12-0	Passed 66-0	
HB 1008	Legalize the growth and production of industrial hemp and derivative			Ag Passed Amend 11-0		

	products in the state, and to declare an emergency.					
HB 1020	Revise certain provisions regarding the use of exemption certificates.	Ref to Tax		Tax Passed 12-1	Passed 68-0	
HB 1028	Revise certain provisions regarding pesticide registration and application.	Ag Passed 8-0 Consent		Ag Passed Amend 11-0	Passed 67-1	
HB 1065	Revise drone surveillance protections.			Jud Passed Amend 8-4		
HB 1080	Revise certain provisions regarding grain buyers.	Ref to Ag		Ag Passed 11-0 Consent	Passed 66-0	
HB 1083	Rename the postsecondary technical institutes as technical colleges.	Ref to Ed		Ed Passed Amend 15-0	Passed 41-25	
HB 1084	Increase the maximum allowable height of certain vehicles carrying baled feed and to declare an emergency.	Ref to Ag		Trans Passed Amend 13-0	Passed 66-0	
HB 1085	Provide for permanent daylight savings time.	X	X	SA Passed Amend 8-5	Failed 33-33	X
HB 1099	Authorize counties to impose a temporary sales and use tax and to issue revenue bonds to fund certain county infrastructure construction.			Tax Passed Amend 8-5		
HB 1100	Make an appropriation to begin the research and development of a new bioprocessing facility and to declare an emergency.			Ref to App		
HB 1150	Increase the annual assessment limits for certain road maintenance and repairs.			Trans Hearing 02/11		
HB 1169	Prohibit the use of certain electronic devices while driving.			Ref to Trans		
HB 1171	Require commercial pesticide applicators to maintain proof of financial responsibility.			Ag Hearing 2/11		
HB 1197	Require testing of moisture meters and protein-measuring devices.			Ref to Ag		

<u>HB 1200</u>	Establish dates for the mowing of ditches on the state trunk highway system.			Ref to Trans		
<u>HB 1202</u>	Revise provisions regarding certain sales and use tax rates.			Read		
<u>HB 1270</u>	To revise provisions regarding agricultural land classifications for tax purposes.			Read		

Contact Us

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