

Committee: House Agriculture and Natural Resources Tuesday, February 16, 2021 7:45 AM

Roll Call

Present: Rep. Blare, Rep. Chase, Rep. Finck, Rep. Goodwin, Rep. Marty, Rep. Overweg, Rep. Schneider, Rep. Vasgaard, Rep. Wink, Rep. Hoffman, and Rep. Ladner

Present (Remote): Rep. Lesmeister and Rep. York

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Overweg

HB 1140 : restrict the entry of conservation officers onto certain private land without permission.

Presented by: Lieutenant Governor Larry Rhoden

Proponents: Kevin Robling, Department of Game, Fish and Parks
Doug Abraham, South Dakota Landowner and Outfitter Alliance, Pierre
Robert Johnson, Self, Buffalo, South Dakota
Michael Held, South Dakota Farm Bureau Federation, Huron
Sal Roseland, self, Faulkton, South Dakota
Brenda Forman, South Dakota Cattlemen's Association, Pierre
Brenda Forman, South Dakota Association of Cooperatives, Pierre
James Halverson, South Dakota Stockgrowers Association, Rapid City
Opponents: John Cooper, Self, Pierre, SD (Handout(s) 1)
Paul Lepisto, South Dakota Division of the Izaak Walton League of America, Pierre
George Morey Vandell, South Dakota Waterfowl Association, Pierre
Cody Warner, Self, Webster, SD
John Simpson, self, Pierre
Zach Hunke, South Dakota Wildlife Federation, Watertown

MOTION: DO PASS HB 1140

Moved by: Finck

Second by: Wink

Action: Prevailed by roll call vote (10-2-1-0)

Voting Yes: Blare, Finck, Goodwin, Lesmeister, Overweg, Schneider, Vasgaard, Wink, Hoffman, and Ladner

Voting No: Chase and York

Excused: Marty

SCR 604 : Supporting trade negotiations to remove barriers to country of origin labelling.

Presented by: Gary Cammack, South Dakota Senator District 26

Proponents: James Halverson, South Dakota Stockgrowers Association, Rapid City
Dean Wink, Representative (Handout(s) 2)

MOTION: DO PASS SCR 604

Moved by: Finck
Second by: Ladner
Action: Prevailed by roll call vote (12-0-1-0)

Voting Yes: Blare, Chase, Finck, Goodwin, Lesmeister, Overweg, York, Schneider, Vasgaard, Wink, Hoffman, and Ladner

Excused: Marty

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SCR 604 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

HB 1240 : make an appropriation for the redesign and renovation of the Berg Agricultural Hall on the campus of South Dakota State University, and to declare an emergency.

Presented by: Representative Tim Reed

Proponents: Barry Dunn, President, South Dakota State University
Barry Wilfahrt, Professional Appraisers Association of South Dakota, Rapid City
James Halverson, South Dakota Stockgrowers Association, Rapid City
Matt McCaulley, self, Harrisburg, South Dakota
Lorin D. Pankratz, South Dakota Soybean Association, Sioux Falls
Brenda Forman, South Dakota Association of Cooperatives, Pierre

Opponents: Derek Johnson, Bureau of Finance and Management

MOTION: REFER HB 1240 TO HOUSE COMMITTEE ON APPROPRIATIONS

Moved by: Finck
Second by: Vasgaard
Action: Prevailed by roll call vote (12-0-1-0)

Voting Yes: Blare, Chase, Finck, Goodwin, Lesmeister, Overweg, York, Schneider, Vasgaard, Wink, Hoffman, and Ladner

Excused: Marty

HB 1219 : provide for the betterment of agriculture in South Dakota.

Presented by: Representative Spencer Gosch

MOTION: AMEND HB 1219

1219A

On page 1, line 1, of the Introduced bill, delete "provide for the betterment of agriculture in South Dakota" and insert "join the Interstate Cooperative Meatpacking Compact"

On page 1, line 3, of the Introduced bill, after "Dakota:" delete "Section 1. This Act provides provisions for the betterment of agriculture in South Dakota. "

On page 1, after line 4, of the Introduced bill, insert "

Section 1. That a NEW SECTION be added:

39-5-55. Interstate Cooperative Meatpacking Compact.

The Interstate Cooperative Meatpacking Compact is enacted into law with all other participating states in the following form:

Article I. Purpose

- (1) The compacting states to this interstate compact recognize the importance of providing the public with a safe, wholesome, and unadulterated meat supply.
- (2) The purpose of this compact, through joint and cooperative action among the compacting states is to:
 - (a) Expand opportunities for the livestock and meatpacking economy throughout the western United States; and
 - (b) Promote commerce between the compacting states.
- (3) It is the policy of the compacting states to cooperate and to observe their individual and collective duties and responsibilities for the appropriate inspection, sanitation, recordkeeping, sampling, labeling, public health, and humane methods of slaughtering for those establishments subject to this compact.
- (4) The intent of the compacting states is to maintain and enhance a state-based meat inspection process that is at least equal to applicable federal laws and rules, including the authorities under the:
 - (a) Federal Meat Inspection Act, 21 U.S.C. 501 through 695;
 - (b) Federal Poultry Products Inspection Act, 21 U.S.C 451 through 470, as those acts read on March 27, 2013;
 - (c) Federal Humane Methods of Slaughter Act of 1978, 7 U.S.C. 1901, 1902, 1904, 1906, and 1907, as that act read on March 27, 2007;
 - (d) The labelling requirements of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 301 through 392, as that law read on October 1, 1987; and
 - (e) Federal regulations promulgated under these federal acts.

Article II. Definitions

- (1) "Compacting state" means any state that has enacted the enabling legislation for this compact.
- (2) "Livestock" means cattle, buffalo, sheep, swine, goats, rabbits, horses, mules, or other equines, whether alive or dead.
- (3) "Livestock product" or "poultry product" means a product capable of use as human food that is wholly or partially made from meat.
- (4) "Meat" means the edible flesh of livestock or poultry and includes livestock and poultry products. This term does not include cell-cultured edible products.
- (5) "Meat establishment" means an establishment licensed by a state at which inspection of the slaughter of livestock or poultry or the preparation of meat food products is maintained under applicable meat and poultry inspection laws, including those listed in Article I. The term includes a mobile slaughter facility.
- (6) "Retail food establishment" means an operation, whether mobile or at a temporary or stationary facility or location, that meets one or more of the conditions in subsections (6)(a)(i) and (6)(a)(ii) and that may include a central processing facility that supplies a transportation vehicle or a vending location or satellite feeding location. A retail food establishment:
 - (a)
 - (i) Stores, processes, packages, serves, or vends food directly to the consumer or otherwise provides food for human consumption at a venue that may include:
 - (A) A restaurant;
 - (B) A market;
 - (C) A satellite or catered feeding location;
 - (D) A catering operation if the catering operation provides food directly to a consumer or to a conveyance used to transport people;

- (E) A vending location;
(F) A conveyance used to transport people;
(G) An institution; or
(H) A food bank; and
(ii) Relinquishes possession of food to a consumer directly or indirectly by using either a delivery service, as is done for grocery or restaurant orders, or a common carrier that provides deliveries.
- (b) The term is not dependent on whether consumption is on or off the premises or whether there is a charge for food served to the public.
- (c) The term does not include:
- (i) Milk producers' facilities, milk pasteurization facilities, or milk product manufacturing plants;
(ii) Slaughterhouses, meat packing plants, or meat depots;
(iii) Growers or harvesters of raw agricultural commodities;
(iv) A cottage food operation;
(v) a person that sells or serves only commercially prepackaged foods that are not potentially hazardous;
(vi) A food stand that offers raw agricultural commodities;
(vii) A wholesale food establishment, including those wholesale food establishments that are located on the same premises as a retail food establishment;
(viii) A kitchen in a domestic residence used for preparing food to sell or serve at a function by a nonprofit organization as provided in subsection (6)(c)(xiii);
(ix) Custom meat and game animal processors that receive from an owner the remains of a carcass and process those remains for delivery to the owner for the exclusive use in the owner's household by the owner or members of the owner's household, including the owner's family pets, or of the owner's nonpaying guests or employees. For this exemption to apply, the carcass must be kept separate from other meat food products and parts that are to be prepared for sale.
(x) Private, religious, fraternal, youth, patriotic, or civic organizations that serve or sell food to the public over no more than four days in a twelve-month period;
(xi) A private organization that serves food only to its members and their guests;
(xii) A bed and breakfast, a hotel, a motel, a roominghouse, a guest ranch, an outfitting and guide facility, a boardinghouse, or a tourist home that serves food only to registered guests and day visitors;
(xiii) A nonprofit organization that operates a temporary food establishment under a permit as provided in § 34-18-17;
(xiv) Persons who sell or serve at a farmer's market or a food stand whole shell eggs, hot coffee, hot tea, or other food not meeting the definition of potentially hazardous, as authorized by the appropriate municipal or county authority;
(xv) A day-care center or day-care providers who are not subject to licensure, as provided under chapter 26-6;
(xvi) A private domestic residence that receives catered or home-delivered food;
(xvii) A contract cook; or
(xviii) A provider of free samples to the public as a marketing activity if the provider is a licensed wholesale food establishment, a cottage food operation, or a seller at a farmer's market.
- (7) "Retail meat establishment" means a commercial establishment at which meat or meat products are displayed for sale or provision to the public, with or without charge.
- (8) "State" means a state withing the United States, the District of Columbia or its designee, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Northern Marianas Islands.

(9) "Western cooperative program" means the participating, compacting states that promise to adhere to this compact.

Article III. Cooperative commerce

(1) A meat establishment in a compacting state may participate in the western cooperative program.

(2) A meat establishment participating in the western cooperative program may sell and transport meat, livestock products, or poultry products to a retail food establishment, retail meat establishment, or meat depot in another compacting state.

Article IV. Applicability of other laws

(1) This compact does not prohibit compacting states from participating in the United States department of agriculture food safety inspection services' cooperative interstate shipment program.

Article V. Compact administrator and interchange of information.

(1) The head of the licensing authority of each party state shall be the administrator of this compact for the administrator's state. The administrators, acting jointly, shall have the power to formulate all necessary and proper procedures for the exchange of information under this compact.

(2) The administrator of each party state shall furnish to the administrator of each other party state any information or documents reasonably necessary to facilitate the administration of this compact.

Article VI. Defaulting and resolution of disputes

(1) The administrator of each party state shall resolve disputes among the compacting states by simple majority vote.

(2) If the administrators determines that any compacting state has defaulted in the performance of any of its obligations or responsibilities under this compact, the administrators may suspend or revoke membership in the compact. The administrators may suspend a participating state only after all other reasonable means of securing compliance under the terms of this compact have been exhausted and the administrators have determined that the offending state is in default

(3) Upon determining default, the administrators shall:

(a) Immediately notify the defaulting state in writing of the penalty imposed by the administrators and a cure for the default; and

(b) Stipulate the conditions and the time period within which the defaulting state shall cure its default.

(4)

(a) If the defaulting state fails to cure the default within the time period specified by the interstate commission, the defaulting state must be terminated from the compact upon an affirmative vote of a majority of the compacting states. All rights, privileges, and benefits conferred by this compact must be terminated from the effective date of the termination.

(b) The administrators shall give immediate notice of suspension or termination to the governors of each state.

(5) The administrators may, by a simple majority vote, initiate legal action in the United States district court for the District of Columbia or other court of competent jurisdiction to to enforce compliance with the provisions of the compact. In the event that judicial enforcement is necessary, the prevailing party must be awarded all costs of the litigation, including reasonable attorney fees.

Article VII. Effective date and amendment

(1) The compact becomes effective and binding upon legislative enactment of the compact into law by the participating states. The initial effective date is July 1, 2021.

Thereafter, it becomes effective and binding as to any other compacting state upon enactment of the compact into law by that state.

- (2) The administrators may propose amendments to the compact for enactment by the compacting states. An amendment is effecting and binding upon the interstate commission and the compacting states when it is enacted into law by the consent of the compacting states.

Article VIII. Severability

- (1) The provisions of this compact are severable, and if any phrase, clause, sentence, or provision is unenforceable, the remaining provisions of the compact remain enforceable.
- (2) The provisions of this compact must be liberally constructed to effectuate its purposes.

Article IX. Withdrawal and termination

- (1) When effective, the compact must continue in force and remain binding upon each compacting state. However, a compacting state may withdraw from the compact by specifically repealing the statute that enacted the compact into law.
- (2) The effective date of withdrawal is the effective date of the repeal.
- (3) The withdrawing state shall immediately notify the compact administrators in each participating state upon the introduction of legislation repealing this compact in the withdrawing state.
- (4) Reinstatement following withdrawal of any compacting state must occur upon the withdrawing state reenacting the compact or upon a later date as determined by the compact administrators.
- (5) The compact dissolves effective upon the date of the withdrawal or default of the compacting state, which reduced membership in the compact to one compacting state.

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Moved by: Finck
 Second by: Hoffman
 Action: Prevailed by roll call vote (12-0-1-0)

Voting Yes: Blare, Chase, Finck, Goodwin, Lesmeister, Overweg, York, Schneider, Vasgaard, Wink, Hoffman, and Ladner

Excused: Marty

MOTION: DEFER HB 1219 UNTIL TUESDAY, FEBRUARY 23RD, 2021

Moved by: Finck
 Second by: Wink
 Action: Prevailed by voice vote

MOTION: ADJOURN

Moved by: Finck
 Second by: Hoffman
 Action: Prevailed by voice vote

Mary Kirk, Committee Secretary

 /s/ MARTY OVERWEG
 Marty Overweg, Chair