

Committee: House Agriculture and Natural Resources Thursday, February 15, 2024 7:45 AM

Roll Call

Present: Rep. Auch, Rep. Gross, Rep. Ladner, Rep. Lems, Rep. Peterson (Drew), Rep. Sauder, Rep. Schneider, Rep. Sjaarda, Rep. St. John, Rep. Wangsness, Rep. Wittman, Rep. Overweg, and Rep. Chase

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Chase

MOTION: TO APPROVE THE MINUTES OF TUESDAY, FEBRUARY 13TH

Moved by: Wittman
Second by: Wangsness
Action: Prevailed by voice vote

HB 1235 : make an appropriation of State Fiscal Recovery Fund moneys for eligible water quality projects.

Presented by: Representative Scott Odenbach
Proponents: Guy W. Larson, South Dakota Chapter of Sierra Club, Vermillion
Deb Mortenson, The Nature Conservancy, Minneapolis, MN
Jay Gilbertson, Self, East Dakota Water Development District, Brookings

MOTION: AMEND HB 1235

1235A

On page 1, line 4, of the Introduced bill, delete "\$130,631,071" and insert
On page 1, line 4, of the Introduced bill, after "\$130,631,071" delete "in "
On page 1, line 4, of the Introduced bill, delete "federal fund expenditure authority, for the expenditure of State Fiscal Recovery Fund moneys authorized by the American Rescue Plan Act," and insert " from the general fund the sum of \$1"

Moved by: Overweg
Second by: Gross
Action: Prevailed by voice vote

MOTION: REFER HB 1235 TO JOINT COMMITTEE ON APPROPRIATIONS AS AMENDED WITHOUT RECOMMENDATION

Moved by: Overweg
Second by: Wittman
Action: Prevailed by Majority Members Elect (13-0-0-0)

Voting Yes: Auch, Gross, Ladner, Lems, Peterson (Drew), Sauder, Schneider, Sjaarda, St. John, Wangsness, Wittman, Overweg, and Chase

HB 1252 : address South Dakota State Brand Board administration and operations.

Presented by: Representative Liz May

Proponents: Jeremiah M. Murphy, South Dakota Stockgrowers Association, Rapid City
 Doris Lauing, South Dakota Stockgrowers Association, Rapid City (Handout(s) 1,2)
 Loren Meyer, Self, Reva, SD
 Raydelle, Sparle, Self, SD
 Mitch Richter, South Dakota Farmers Union, Huron
 Thomas Costello, Self, Newall, SD
 Chuck Willard, Self, Belvidere, SD
 Florence K. Thompson, SD Citizens for Liberty, Rapid City

Opponents: Hunter Roberts, Department of Agriculture and Natural Resources
 Scott Vance, South Dakota Brand Board
 Taya Runyan, South Dakota Cattlemen's Association, Pierre (Handout(s) 3)
 Matthew M Bogue, South Dakota Farm Bureau Federation, Huron

Others: Debbie Trapp, South Dakota Brand Board

MOTION: AMEND HB 1252

1252B

On page 1, line 1, of the Introduced bill, delete "address" and insert " provide for an increase in the size of the"

On page 1, line 1, after "Board" delete " administration and operations"

On the Introduced bill, delete everything after the enacting clause and insert:

"

Section 1. That a NEW SECTION be added to chapter 40-18:

The South Dakota State Brand Board consists of five members until December 31, 2024, at which time the term of each such member expires.

Beginning January 1, 2025, the board consists of seven members. Each member shall, in accordance with this Act, be appointed from and represent one of the following districts :

- (1) Harding and Perkins counties;
- (2) Butte, Lawrence, and Meade counties;
- (3) Haakon county, except as otherwise provided for in subdivision (7), and Stanley county;
- (4) Custer, Fall River, and Pennington counties;
- (5) Gregory, Jones, Mellette, and Tripp counties, and those portions of Jackson and Lyman counties that do not lie within the boundaries of an Indian reservation;
- (6) All counties east of the Missouri River; and
- (7) Bennett, Corson, Dewey, Ogalala Lakota, Todd, and Ziebach counties, and those portions of Haakon, Jackson, and Lyman counties that lie within the boundaries of an Indian reservation.

Section 2. That a NEW SECTION be added to chapter 40-18:

No later than October first, prior to the expiration of a South Dakota State Brand Board member's term of office, the board shall call for qualified candidates to fill the office. The board shall disseminate information regarding the office and the appointment process by, at a minimum, posting the information on its website and social media, in livestock publications, and at livestock auction markets.

Section 3. That a NEW SECTION be added to chapter 40-18:

An individual is eligible to be considered for an appointment to the South Dakota State Brand Board if the individual, certifies to the board that the individual:

- (1) Is at least eighteen years of age;
- (2) Resides in the district that the person seeks to represent;
- (3) Holds at least one brand registered with the board; and
- (4) Derives the major portion of the person's income from the livestock business.

Section 4. That a NEW SECTION be added to chapter 40-18:

The certification required by section 3 of this Act must be completed using a form prepared by the South Dakota State Brand Board, in consultation with the secretary of state. The board shall make the form available on its website and in printed form upon request.

The certification form must be:

- (1) Signed by the individual seeking appointment to the board;
- (2) Signed by five other individuals who meet the qualifications set forth in section 3 of this Act; and
- (3) Submitted to the board before 5:00 p.m. on October twentieth.

Section 5. That a NEW SECTION be added to chapter 40-18:

The South Dakota State Brand Board shall review all certification forms submitted, in accordance with section 4 of this Act, prior to the deadline and, on or before December first, forward to the Governor the names of individuals seeking appointment to each seat on the board. The Governor shall make each appointment from the list of names forwarded in accordance with this section.

Section 6. That § 40-18-3 be AMENDED:

~~40-18-3. Appointments to the board shall be made for terms of~~ The term of office for each member of the South Dakota State Brand Board is three years-expiring and begins on the first-Monday in day of January-in each year. In case of vacancy prior to expiration of a term, appointment shall be made. The term of office for the seven members taking office as of January 1, 2025, must be staggered by lot, so that no more than three terms expire in any one year.

If at any time during a member's term the member ceases to possess any of the qualifications set forth in section 3 of this Act, or if the office becomes vacant for any other reason, the board, by majority vote, must appoint another qualified individual to serve for the balance of the unexpired term-only. However, the initial appointments to be made pursuant to SL 2004, ch 259 shall be made for staggered terms of one, two, two, three, and three years.

An individual may be reappointed to the board, but may not serve more than two consecutive terms.

Section 7. That § 40-18-5 be AMENDED:

~~40-18-5. Three~~ Four members of the board shall constitute a quorum for the transaction of business, ~~but the.~~ An affirmative vote of three four members of the board is required to adopt any substantive motion or resolution.

Section 8. That § 40-18-6 be AMENDED:

~~40-18-6. The South Dakota State Brand Board is attached to the Department of Agriculture and Natural Resources for reporting purposes. The board retains all of its prescribed functions, including administrative functions. The board shall maintain an office in Pierre.~~

Section 9. That § 40-18-8 be AMENDED:

~~40-18-8. The South Dakota State Brand Board shall appoint a staff director, who serves at the pleasure of the board.~~

The staff director shall-keep:

- (1) Keep a record of all proceedings, transactions, communications, and official acts of the board, shall be;
- (2) Serve as the custodian of all records of the board and shall perform such other duties as the board may require. The staff director shall call a meeting;
- (3) Call meetings of the board at the direction of the president, or upon the written request of three or more members of the board through December 31, 2024, and upon the written request of four members of the board, thereafter; and
- (4) Perform other duties as assigned.

Section 10. That § 40-18-1 be REPEALED.

~~The State Brand Board shall consist of five members appointed by the Governor and confirmed by the Senate. Statewide nonprofit agricultural organizations or other interested persons, may submit nominations to the Governor.~~

Section 11. That § 40-18-1.1 be REPEALED.

~~The board is attached to the Department of Agriculture and Natural Resources for reporting purposes. It shall retain all its prescribed functions including administrative functions. The board shall appoint a staff director to serve at its pleasure.~~

Section 12. That § 40-18-2 be REPEALED.

~~At least three of the five members of the board shall be persons who derive the major portion of their income from the livestock business and who are owners of brands duly recorded with the board. At least three of the five members of the board shall reside in the livestock ownership inspection areas. No appointed member may act as a member of the board while holding an elective or appointive state or federal office. No more than three of the members shall be of any one political party.~~

Section 13. Sections 7, 10, and 12 of this Act are effective on January 1, 2025.

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Moved by: Overweg
Second by: Wittman
Action: Prevailed by voice vote

MOTION: DEFER HB 1252 TO THE 41ST LEGISLATIVE DAY

Moved by: Wangsness
Second by: Gross
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION: DO PASS HB 1252 AS AMENDED

Moved by: Overweg
Second by: Ladner
Action: Failed by Majority Members Elect (5-8-0-0)

Voting Yes: Auch, Ladner, Lems, Sjaarda, and Overweg

Voting No: Gross, Peterson (Drew), Sauder, Schneider, St. John, Wangsness, Wittman, and Chase

Revert to previous motion

MOTION: DEFER HB 1252 TO THE 41ST LEGISLATIVE DAY

Moved by: Wangsness
Second by: Gross
Action: Prevailed by Majority Members Elect (8-5-0-0)

Voting Yes: Gross, Peterson (Drew), Sauder, Schneider, St. John, Wangsness, Wittman, and Chase

Voting No: Auch, Ladner, Lems, Sjaarda, and Overweg

MOTION: ADJOURN

Moved by: Gross
Second by: Ladner
Action: Prevailed by voice vote

Mary Kirk, Committee Secretary

/s/ ROGER CHASE
Roger Chase, Chair