

Minutes: House Agriculture and Natural Resources Thursday, February 20, 2025 7:30 AM

Roll Call

Present: Rep. Auch, Rep. Goodwin, Rep. Hunt, Rep. Ismay, Rep. Nolz, Rep. Peterson (Drew), Rep. Rice, Rep. Vasgaard, Rep. Van Diepen, Rep. Wittman, Rep. Gosch, and Rep. Overweg
Excused: Rep. Ladner

The meeting was called to order by Representative Overweg

MOTION: TO APPROVE THE MINUTES OF TUESDAY, FEBRUARY 18TH

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

HB 1268 : prohibit processing of industrial hemp by extraction.

Presented by: Representative Travis Ismay

MOTION: TO TABLE HB 1268

Moved by: Ismay
Second by: Gosch
Action: Prevailed by Majority Members Elect (13-0-0-0)

Voting Yes: Auch, Goodwin, Hunt, Ismay, Ladner, Nolz, Peterson (Drew), Rice, Vasgaard, Van Diepen, Wittman, Gosch, and Overweg

MOTION: REMOVE HB 1083 FROM THE TABLE

Moved by: Gosch
Second by: Rice
Action: Prevailed by Majority Members Elect (13-0-0-0)

Voting Yes: Auch, Goodwin, Hunt, Ismay, Ladner, Nolz, Peterson (Drew), Rice, Vasgaard, Van Diepen, Wittman, Gosch, and Overweg

MOTION: AMEND HB 1083

1083A

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

Section 1. That § 38-17-14 be AMENDED:

38-17-14. Any person owning and operating farm machinery to process a crop has a lien from the date of operation on all grain threshed or combined, corn shelled, husked

or shredded, silage cut, seeds hulled, or agricultural products baled, mowed, ground, raked, or pulverized by the person with the machine for the value of the these services so rendered in operation.

Section 2. That § 38-17-15 be AMENDED:

38-17-15. Any person entitled to a lien under § 38-17-14 shall ~~provide a written account stating the kind of grain, and the quantity harvested, threshed, shelled, or otherwise processed, the price agreed upon for such work, which may not exceed the price usually charged for the service, the name of the person for whom the work was done, and a description of the land on which the crop was grown~~ perfect the lien as provided in chapter 57A-9. Any financing statement filed to perfect the lien must contain or have attached to it the following information:

- (1) The name and address of the owner or operator claiming the lien;
- (2) The name and address of the person for whom a service specified in § 38-17-14 was performed;
- (3) The amount due for the service of threshing, combining, shelling, husking, shredding, cutting, hulling, baling, mowing, grinding, raking, pulverizing, or other processing;
- (4) The amount of grain, seed, hay, silage, or other agricultural product covered by the lien;
- (5) The place where the grain, seed, hay, silage, or other agricultural product is located; and
- (6) The date on which the service was performed.

After making oath to the correctness of the ~~account statement~~, the person shall file the ~~account in the office of the register of deeds in the county in which the land producing the crop is located, and also in the county of the residence of the person who produced the crop, if the person is a resident of this state. The office of the register of deeds shall file and enter the account in the manner required by law in the personal property index statement electronically with the secretary of state.~~ The filing serves as notice to all purchasers and encumbrancers subsequent to the date of the filing.

To perfect the lien, the financing statement must be filed within thirty days of the date the threshing or other processing was finished. At the time the lien is filed, the lienholder shall provide a copy to the person for whom the work was done.

Section 3. That a NEW SECTION be added to chapter 38-17:

If the person for whom the processing pursuant to § 38-17-14 was done desires to sell or deliver the grain, seed, hay, silage, or other agricultural product, the person must notify the consignee or purchaser that the bill for the threshing, combining, shelling, husking, shredding, cutting, hulling, baling, mowing, grinding, raking, pulverizing, or other processing has not been paid, and the lien created under § 38-17-14 applies to the purchase price paid by the purchaser or consignee.

If the grain or other agricultural product covered by the lien pursuant to § 38-17-14 is sold or consigned with the consent or knowledge of the person entitled to a lien, within thirty days after the date of the harvesting or other processing, the lien does not attach to the grain or other agricultural product covered by the lien pursuant to § 38-17-14, or to the purchase price, unless the person entitled to the lien notifies the purchaser in writing of the lien.

Section 4. That § 38-17-16 be AMENDED:

38-17-16. Any lien under § 38-17-14 has priority over all other liens and encumbrances upon the grain threshed or combined, corn shelled, husked or shredded, silage cut, seeds hulled, or agricultural products baled, mowed, ground, raked, or pulverized, if filed within thirty days from the day on which the harvesting, threshing, shelling, or other processing was completed.

A lien created under this Act must be treated as an agricultural lien as provided in chapter 57A-9 and may be enforced in the manner and form provided for enforcement of secured transactions.

The fee for filing, amending, or releasing the lien is as set forth in § 57A-9-525.

Section 5. That § 38-17-19 be AMENDED:

38-17-19. Any person having a lien under the provisions of §§ 38-17-3 to 38-17-18, inclusive, may foreclose the same under the provisions of chapter ~~21-53~~ or under the provisions of chapter ~~21-54~~, subject to the right of any person adversely interested to require foreclosure under the provisions of chapter ~~21-53~~ 57A-9.

Section 6. This Act is effective beginning January 1, 2027.

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Moved by: Hunt
Second by: Nolz
Action: Prevailed by voice vote

MOTION: DO PASS HB 1083 AS AMENDED

Moved by: Auch
Second by: Van Diepen
Action: Prevailed by Majority Members Elect (13-0-0-0)

Voting Yes: Auch, Goodwin, Hunt, Ismay, Ladner, Nolz, Peterson (Drew), Rice, Vasgaard, Van Diepen, Wittman, Gosch, and Overweg

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED HB 1083 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

HCR 6010 : Encouraging the Executive Board of the Legislative Research Council to establish an interim legislative committee on preserving and protecting the Black Hills of South Dakota.

Presented by: Representative Scott Odenbach (Handout(s) 1)
Opponents: Eric Jennings, Self, Spearfish
Garth Wadsworth, Elevate Rapid City, Rapid City
Kwinn Neff, SD Mineral Industries Association, Rapid City

MOTION: ADOPT RESOLUTION HCR 6010

Moved by: Auch
Second by: Hunt

Action: Prevailed by Majority Members Elect (9-3-1-0)

Voting Yes: Auch, Hunt, Ismay, Nolz, Rice, Vasgaard, Wittman, Gosch, and Overweg

Voting No: Goodwin, Peterson (Drew), and Van Diepen

Excused: Ladner

HB 1266 : attach the South Dakota State Brand Board to the Office of School and Public Lands.

Presented by: Representative Jana Hunt

Proponents: Doris Lauing, South Dakota Stockgrowers Association, Rapid City
 Raydelle Sperle, South Dakota Stockgrowers Association, Rapid City
 Amber Haskew, Self, Mobridge
 Fred Lamphere, Belle Fourche Sheriff, Self, Belle Fourche, South Dakota
 Chuck J. Willard, South Dakota Stockgrowers Association, Rapid City
 Mitch Richter, South Dakota Farmers Union, Huron
 Tom Costello, Self, Newell, SD
 Ray Oday, Self, Blunt, SD

Opponents: Cheyenne Tant, Department of Agriculture and Natural Resources
 Megan Goltz, Governor's Office
 Taya Runyan, South Dakota Cattlemen's Association, Pierre
 Debbie Trapp, South Dakota Brand Board
 Kory Bierle, Self, Midland, SD
 Scott Vance, South Dakota Brand Board

MOTION: DO PASS HB 1266

Moved by: Gosch
 Second by: Nolz
 Action: Was not acted on.

MOTION: SUBSTITUTE MOTION: DEFER HB 1266 TO THE 41ST LEGISLATIVE DAY

Moved by: Peterson (Drew)
 Second by: Goodwin
 Action: Failed by Majority Members Elect (4-8-1-0)

Voting Yes: Goodwin, Peterson (Drew), Vasgaard, and Van Diepen

Voting No: Auch, Hunt, Ismay, Nolz, Rice, Wittman, Gosch, and Overweg

Excused: Ladner

Revert to previous motion

MOTION: DO PASS HB 1266

Moved by: Gosch
 Second by: Nolz
 Action: Prevailed by Majority Members Elect (8-4-1-0)

Voting Yes: Auch, Hunt, Ismay, Nolz, Rice, Wittman, Gosch, and Overweg

Voting No: Goodwin, Peterson (Drew), Vasgaard, and Van Diepen

Excused: Ladner

HB 1213 : increase the maximum amount allowable for the livestock ownership inspection fee and to declare an emergency.

Presented by: Representative Marty Overweg

Proponents: Cheyenne Tant, Department of Agriculture and Natural Resources
Debbie Trapp, South Dakota Brand Board
Raydelle Sperle, South Dakota Stockgrowers Association, Rapid City
Doris Lauing, South Dakota Stockgrowers Association, Rapid City
Taya Runyan, South Dakota Cattlemen's Association, Pierre
Matthew M. Bogue, South Dakota Farm Bureau Federation, Huron
Kory Bierle, Self, Midland, SD
Mitch Richter, South Dakota Farmers Union, Huron
Chuck J. Willard, South Dakota Stockgrowers Association, Rapid City
Amber Haskew, Self, Mobridge

Opponents: Bryce Dibberg, South Dakota Livestock Auction Markets, Interior, SD
Justin Tupper, Self, St Onge

MOTION: AMEND HB 1213

1213A

On page 1, line 13, of the Introduced bill, delete " seventy" and insert " thirty-five"
On page 1, line 22, of the Introduced bill, delete " seventy" and insert " thirty-five"

Moved by: Auch
Second by: Hunt
Action: Prevailed by voice vote

MOTION: DO PASS HB 1213 AS AMENDED

Moved by: Overweg
Second by: Nolz
Action: Prevailed by Majority Members Elect (10-2-1-0)

Voting Yes: Auch, Goodwin, Nolz, Peterson (Drew), Rice, Vasgaard, Van Diepen, Wittman, Gosch, and Overweg

Voting No: Hunt and Ismay

Excused: Ladner

MOTION: ADJOURN

Moved by: Gosch
Second by: Rice
Action: Prevailed by voice vote

Mary Kirk, Committee Secretary

/s/ MARTY OVERWEG
Marty Overweg, Chair