

The Main Run of the 93rd Session of the South Dakota Legislature was Friday

The main run of the 2018 Legislative Session ended on Friday and legislators will return on March 26 to consider any bills vetoed by the Governor. The legislators spent Wednesday and Thursday concurring on bills and holding conference committees. On Friday the last of bills were concurred upon and the General Appropriations Act for fiscal year 2018 was passed.

Precision Ag Building at SDSU Funded by the Legislature

HB1264 and SB181 passed both House and Senate and await the Governor's signature but we've been told that he will sign both bills. The new Precision Ag Building was funded but the remodel of two floors of Berg Agricultural Hall were not. The funding package is as follows:

Funding

1. Private Funding \$16.6 Million (not acquired yet)
2. SDSU \$11 Million
 - o Research Infrastructure Investment Funds \$7.5 Million
 - o Cooperative Extension/SDSU Existing (\$250,000/year)*
3. Agriculture, Other Sources \$16.4 Million
 - o Expiring Ethanol Fund (\$650,000/year)*
 - o Fertilizer Fee Increase of \$0.25/ton (\$475,000/year)*
 - o FY18 One-Time Funds \$2.0 Million

Those items asterisked will be used to pay back an \$18 million bond of at least \$1,250,000/year*

What Now?

It is unfortunate that the legislature chose to increase the Fertilizer Tonnage Fee to pay a portion of the annual bond for the Precision Ag building on the SDSU campus. It is estimated it could take as long as twenty years for the bond to be paid back.

According to current South Dakota law:

-Each licensed distributor of commercial fertilizer shall file with the secretary of agriculture on forms furnished by the secretary an annual statement for the period ending December thirty-first setting forth the number of net tons of each grade of commercial fertilizer distributed in this state during the reporting period. The report is due on or before the thirty-first of January following the close of the

reporting period and on the basis of the statement each licensed distributor of commercial fertilizer shall pay the inspection fee at the rate pursuant to § 38-19-10.

-If more than one person is involved in the distribution of a commercial fertilizer, the distributor who imports, manufactures, or produces the commercial fertilizer is responsible for the inspection fee on products produced or brought into this state. The distributor shall separately list the inspection fee on the invoice to the licensee. The last licensee shall retain the invoices showing proof of inspection fees paid for three years and **shall pay the inspection fee on commercial fertilizer brought into this state unless the distributor has reported and paid the fees.**

HB1264 contained an emergency clause, **so the bill will go into effect immediately** after the governor signs it. It is important the fertilizer retailers ensure that the total tonnage fee is charged on sales, because the increase will not have been paid by the fertilizer distributor/manufacturer on any fertilizer the retailer has in storage after the bill goes into effect. The retailer will be responsible for paying the entire fee.

The total Fertilizer Tonnage Fee that will need to be paid is:

15 cents – South Dakota Department of Ag Regulatory Fund

50 cents – Nutrient Research and Education Council (Dedicated to nutrient research)

25 cents – Precision Agriculture Fund (Bond payment for SDSU building)

Executive Director, Kathy Zander, suggests that fertilizer invoices include a break-down of these fees. Suggested invoice documentation and signage in dealerships is as follows:

According to South Dakota Law, a fee of 90 cents must be charged for net tons of each grade of commercial fertilizer distributed in this state.

15 cents – South Dakota Department of Ag Regulatory Fund

50 cents – Nutrient Research and Education Council (Dedicated to nutrient research)

25 cents – Precision Agriculture Fund (Bond payment for SDSU building)

If you have any questions, please call Kathy at 605/224-2445 or email her at kathy@sdaba.org.

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/>

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 – 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 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 or kathy@sdqfa.org

BILL NUMBER	TITLE	SENATE COM	SENATE	HOUSE COM	HOUSE	FINAL
<u>HB1014</u>	<i>Revises certain provisions regarding the application of the intrastate exemption for certain commercial vehicles from the federal motor carrier regulations.</i>	Trans Passed 4-2	Passed 24-10	Trans Passed 12-0	Passed 59-0	Signed by Governor
<u>HB1015</u>	<i>Repeals the use of explosives, pyrotechnics, and fireworks for the protection of sunflower crops from depredating birds.</i>	Ag Passed 7-0	Passed 33-0	Ag Passed 13-0	Passed 60-0	Signed by Governor
<u>HB1035</u>	<i>Repeals certain provisions and regulations related to labeling requirements for feed.</i>	Ag Passed 8-0	Passed 33-0	Ag Passed 12-0	Passed 69-0	Signed by Governor
<u>HB1081</u>	<i>Repeals the sunset clause regarding the recreational use of nonmeandered water.</i>	Ag Passed 7-2	Passed 20-15	SA Passed 11-1	Passed Amended 51-12	Delivered to Gov
<u>HB1113</u>	<i>Revises certain provisions regarding the vehicles required to stop at a state weighing station</i>	Trans Passed 6-0	Passed 29-0	Trans Passed 11-0	Passed 68-0	Signed by Governor

HB1115	Revise certain provisions regarding crop liens.	Ag Passed 8-0	Passed 35-0	Ag Passed Amended 11-0	Passed 68-0	Signed By Governor
HB1119	Revises certain provisions regarding riparian buffer strips.	Ag Passed 8-0	Passed 34-0	LGov Passed Amended 11-0	Passed 68-0	Signed by Governor
HB1140	Revise certain provisions regarding access to public water.	Ag Passed Amended 6-3	Passed 23-10	SA Passed Amended 13-0	Passed Amended 57-9	Delivered to Governor
HB1150	Require a certain number of crew on a train under certain conditions.	--	--	Trans Passed 7-3	Failed 12-53	--
HB1151	Requires persons transporting railroad employees to have certain insurance.	--	--	Trans Deferred to 41st Leg Day	--	--
HB1152	Authorizes certain representatives of railroad workers to investigate the railroad for safety purposes.	--	--	Trans Deferred to 41st Leg Day	--	--
HB1264	Authorizes the Board of Regents to contract for the construction of a precision agriculture classroom and laboratory building and renovation of the first and second floors of Berg Agriculture Hall at South Dakota State University and to make an appropriation therefor.	App Passed 7-0	Passed 31-3	SA Amended 13-0	Passed 66-1	Delivered to Governor
HB1270	Authorizes the period of time requiring the use of lighted front and rear lamps on motor vehicles.	Trans Passed 4-0	Passed Amended 34-0	Trans Passed 7-5	Passed 44-19	Delivered to Governor
SB22	Allows commercial driver license applicants three attempts to pass the commercial driver license examination.	Trans Passed 7-0	Passed 35-0	Trans Passed 11-0	Passed 58-9	Signed by Governor

<u>SB24</u>	<i>Extend the effective date of certain provisions regarding the recreational use of nonmeandered water.</i>	Ag Passed Amended 7-2	Passed 26-9	SA Passed 11-1	Passed 54-4	Delivered to Governor
<u>SB25</u>	<i>Revises certain fees for entities permitted under the national pollutant discharge elimination system.</i>	Ag Passed 8-0	Passed 30-5	Ag Passed 10-3	Passed 51-14	Signed by Governor
<u>SB26</u>	<i>Revises certain provisions regarding public grain buyers.</i>	Ag Passed 9-0	Passed 35-0	Ag Passed 11-0	Passed 63-0	Signed by Governor
<u>SB34</u>	<i>Revises certain provisions regarding registration for pesticide products.</i>	Ag Passed 8-0	Passed 35-0	Ag Passed 12-0	Passed 66-0	Delivered to Governor
<u>SB157</u>	<i>Establishes a bid process for the haying of certain interstate and highway medians.</i>	Ag Deferred to 41st Leg Day	--	--	--	--
<u>SB166</u>	<i>Revises certain provisions relating to moisture and protein content devices and the fee that may be charged for such devices.</i>	Ag Passed Amended 8-0	Passed 35-0	Passed Amended 11-0	Passed 65-0	Delivered to Governor
<u>SB170</u>	<i>Directs the implementation of the requirements of certain provisions regarding nonmeandered waters.</i>	Ag Tabled 8-0	--	--	--	--
<u>SB179</u>	<i>Provides certain provisions regarding aerial applicators.</i>	Ag Deferred to 41st Leg Day	--	--	--	--
<u>SB183</u>	<i>Authorizes the Board of Regents to contract for the construction of a precision agriculture classroom and laboratory building and renovation of the first and second floors of Berg Agriculture Hall at South Dakota State University and to make an appropriation therefor.</i>	Ag Passed Amended 8-0	Passed Amended 27-8	Joint App Hoghouse 16-0	Passed 53-3	Delivered to Governor

<u>SB194</u>	<i>Revises certain provisions regarding registration fees of pesticide products and create the precision agriculture building fund</i>	<i>Joint App Tabled</i>	--	--	--	--
<u>SB199</u>	<i>Revises certain provisions regarding nonmeandered waters.</i>	<i>Ag Passed without Rec 8-1</i>	<i>Failed JR 6F-56 16-19</i>	--	--	--
<u>SB209</u>	<i>Revises certain provisions regarding the Nutrient Research and Education Council</i>	<i>Ag Passed 8-0</i>	<i>Passed 35-0</i>	<i>Ag Passed 12-0</i>	<i>Passed 58-0</i>	<i>Signed by Governor</i>
<u>SB211</u>	<i>Creates a Legislative Water Management Committee</i>	<i>Ag Passed w/o Rec 5-3</i>	<i>Failed JR6F-6 7-28</i>	--	--	--

Contact Us

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