

State of South Dakota

SEVENTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 1998

733B0739

SENATE BILL NO. 199

Introduced by: Senators Valandra, Dunn (Rebecca), Hunhoff, Hutmacher, Lange, and Reedy
and Representatives Weber, Chicoine, Davis, Haley, Koetzle, Lee, Lockner,
Lucas, and Volesky

1 FOR AN ACT ENTITLED, An Act to authorize the establishment of a moratorium on certain
2 hog farming operations in response to environmental threats.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. In addition to exercising the authority granted in Title 34A to respond to actual
5 or potential damage to the environment, the secretary of the Department of Environment and
6 Natural Resources may invoke a moratorium on the establishment of any new operation or entity
7 or the expansion of any existing operation or entity for the breeding, farrowing, feeding, or
8 raising of swine on a contract basis in this state as provided in this Act. The secretary may invoke
9 the moratorium if the secretary finds that a pattern of actual or potential damage to the
10 environment has occurred as a result of such operations or if an expansion in the size or number
11 of such operations poses a threat to the environment.

12 Section 2. The secretary of the Department of Environment and Natural Resources shall
13 announce the commencement of any moratorium called pursuant to section 1 of this Act in a
14 manner likely to notify interested parties in the state and shall publish notice in at least three
15 official newspapers of the state of at least one public hearing on the matter, the first of which

1 shall be held within thirty days after the beginning of the moratorium. The announcement shall
2 include a description of the scope and application of the moratorium. If the secretary determines
3 that a continuation of the moratorium is warranted by a threat to the environment, the
4 moratorium shall continue in effect until rescinded by the secretary or until the next Legislative
5 Session, whichever comes first. If any such moratorium is in effect at the beginning of a
6 Legislative Session, the Legislature shall determine whether the moratorium is to continue and
7 the length of time before another moratorium may be called.