

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

273D0460

SENATE BILL NO. 127

Introduced by: Senators Symens, Benson, Brown (Arnold), Duxbury, Flowers, Kloucek, Moore, and Vitter and Representatives Weber, Burg, Crisp, Cutler, Diedrich (Larry), Hanson, Jaspers, and Lintz

1 FOR AN ACT ENTITLED, An Act to establish the South Dakota Agriculture Commission.

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

3 Section 1. The South Dakota Agriculture Commission is hereby established. The commission
4 shall retain the quasi-judicial, quasi-legislative, advisory, other nonadministrative, and special
5 budgetary functions (as defined in § 1-32-1) otherwise vested in it and shall exercise those
6 functions independently of the secretary of agriculture.

7 Section 2. The Agriculture Commission consists of nine members appointed by the
8 Governor. Not more than five of the agriculture commissioners may be members of the same
9 political party, and, at the time of their appointment, at least six shall be farmers actually residing
10 on a farm, engaged in agriculture, deriving at least two-thirds of their gross annual incomes from
11 crop or livestock production or both. The commission shall include at least one member with
12 expertise in soil and water conservation, at least one member with expertise in wildlife
13 conservation, and at least one member with expertise in agricultural financing issues. At the time
14 of their appointment at least three commissioners shall reside west of the Missouri River and at
15 least five shall reside east of the Missouri River.

16 Section 3. The term of office of the members of the Agriculture Commission is four years.

1 In appointing members to the commission, the Governor shall preserve:

2 (1) An arrangement of length of terms whereby at least two, but no more than three,
3 members have terms expiring each year; and

4 (2) A rotation of terms between the Republican and Democratic parties.

5 The expiration of terms shall occur on the tenth day of January of each year. All required
6 appointments may be made by the first day of March of the year, and shall be so made as to fill
7 all vacancies on the commission arising either by expiration of term or from any other cause. No
8 person may serve on the commission for more than eight years, except that if the person's first
9 appointment is for two years, the person may be reappointed for an additional two four-year
10 terms.

11 Section 4. Each agriculture commissioner shall qualify by taking the oath of office prescribed
12 by Article XXI, section 3 of the Constitution and give bond to the state in the penal sum of five
13 thousand dollars conditioned upon the faithful discharge of the duties of the office. The bond
14 shall be filed with the secretary of state.

15 Section 5. The Governor may remove a member of the Agriculture Commission for
16 inefficiency, neglect of duty, or misconduct in office after giving the commissioner a copy of the
17 charges against the member and opportunity to be heard publicly in person or by counsel in the
18 member's own defense, upon not less than ten days' notice. If the commissioner is removed, the
19 Governor shall file in the Office of the Secretary of State a complete statement of all charges
20 made against the commissioner and the Governor's findings concerning the charges, together
21 with a complete record of the proceedings.

22 Section 6. Any vacancy on the Agriculture Commission occurring from any cause shall be
23 filled by the Governor for the unexpired term, subject to confirmation by the Senate at the
24 succeeding regular legislative session.

25 Section 7. The Agriculture Commission shall meet and hold its annual meeting at the Capitol

1 to elect a chair and vice-chair for the ensuing year, and to transact such other business as may
2 properly come before the meeting, and additional meetings may be held from time to time at such
3 time and places as may be determined by the commission.

4 Section 8. Any authority to promulgate rules delegated by the Legislature to the Department
5 of Agriculture or the secretary of agriculture before the effective date of this Act is hereby
6 transferred to the Agriculture Commission. The Code Counsel shall adjust any statute containing
7 any such delegation of rulemaking authority to reflect the provisions of this section.

8 Section 9. The Agriculture Commission shall:

- 9 (1) Exercise oversight of the activities of the Department of Agriculture;
- 10 (2) Provide direction to the Department of Agriculture and to the secretary of agriculture
11 in implementing their duties and responsibilities;
- 12 (3) Serve as a primary spokesperson and point of contact for the public and the news
13 media for issues that affect South Dakota's agricultural community and the general
14 public; and
- 15 (4) Promote the preservation and development of the agricultural sector of South
16 Dakota's economy.