



LEGISLATIVE UPDATE

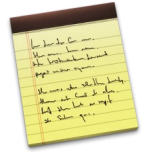
March 7, 2014

Spring #6



2014 LEGISLATIVE NOTES

By Richard Howard, SDATAT Lobbyist/Transportation Consultant



As this week winds down, 32 Legislative Days have been completed. Many of the Standing Committees held their last meetings of the Session this week. Others will hold their final meeting on Monday, at which time all bills must be approved by the Committee. All bills must pass the second House by Tuesday (L.D. 34).

The rest of next week will be devoted to Conference Committees reconciling the language in bills which have passed the Senate and the House in different forms. However, the main activity for the week will be the work of the Joint Appropriations Committee in setting revenue projections and finalizing the General Appropriations Bill which will fund the operation of State government in Fiscal Year 2015 (July 1, 2014 – June 30, 2015).

Final action was taken on SDATAT bills during the week. On Monday, the Senate concurred in the amendment that the House had placed on SB 103; thereby giving the final approval to the bill. Also on Monday, the Senate Local Government Committee unanimously approved HB 1133 and on Tuesday the Senate passed the bill 35-0.

Unfortunately, also on Monday, the Senate Taxation Committee killed HB 1140 by a vote of 5-2. This bill was strongly opposed by the Governor's Office and the Department of Revenue as it proposed to allow the voters at the Annual Meeting to set a levy of up to 50 cents per \$1000 valuation outside of the property tax freeze. The opponents failed to accept the argument that Township government is unique in that the voters at the Annual Meeting vote to set the Township levy,

and that this vote would take the place of an opt out. They were concerned that allowing this levy outside of the tax freeze limitation would open the flood gates for all taxing districts to request levies outside of the tax freeze. They also argued that Townships do have the ability to opt out, and that Townships are very successful with opt outs. No one argued about the need for additional Township funding or that Townships were not the most efficient form of government.

Another important meeting occurred in the Senate Transportation Committee on Wed. Early in the session, Senator Vehle conducted meetings involving various groups interested in transportation in the State, including local governments. In addition to me, Board members Jim Puffer, Darwin Bettman, and Rodney Stormo testified on transportation needs and issues in Townships. In follow-up to those meetings, the meeting this week was to identify potential legislative issues for the 2015 legislature. A number of witnesses testified and identified several issues related to the State and local government systems.

In accordance with SDATAT policies, I identified the following as issues to be considered:

- 1) A thorough review of the existing tax methods and distribution of highway funds and consideration of increased funding by a combination of increases in motor fuel tax and vehicle excise tax.
- 2) A review of the impacts of the property tax freeze on townships' ability to provide emergency access for residents and to maintain roads and bridges, and to authorize a levy of up to 50 cents per \$1000 valuation outside of the property tax

freeze.

- 3) Require that civil penalties for overweight vehicles be deposited in a fund for use by local governments for road and bridge repair and maintenance.

The intent is to request a formal Legislative Interim

Study or to establish an ad hoc task force to recommend legislation to be introduced in the 2015 legislative session.

As the Session winds down, I would like to thank all of you for your assistance in making this another successful Session for SDATAT in getting legislation passed that was important to Townships and in getting harmful legislation killed.

SDATAT BILLS UPDATE

SB 103 – An Act to establish certain civil penalties for tampering or removing any highway marker, sign, or control device and to distribute the revenue from such civil penalties.

2/6/14 Senate Do Pass, Passed, YEAS 31, NAYS 2.

2/26/14 House of Representatives Do Pass Amended, Passed, YEAS 64, NAYS 4.

3/3/14 Senate Concurred in amendments, Passed, YEAS 33, NAYS 2

HB 1133 - An Act to repeal or revise certain provisions concerning townships.

2/10/14 House of Representatives Do Pass, Passed, YEAS 67, NAYS 1.

3/4/14 Senate Do Pass, Passed, YEAS 35, NAYS 0

HB 1140 – An Act to permit townships to levy a capital improvement property tax for secondary roads, bridges, and culverts.

2/18/14 House of Representatives Do Pass Amended, Passed, YEAS 48, NAYS 20

3/3/14 Taxation Deferred to the 41st legislative day, Passed, YEAS 5, NAYS 2

**BILLS
OF
INTEREST**

OTHER BILLS OF INTEREST

**BILLS
OF
INTEREST**

HB 1173 - An Act to provide authority to establish special purpose districts for county roads.

2/19/14 House of Representatives Do Pass, Failed, YEAS 26, NAYS 44

HB 1230 - An act to revise certain provisions concerning the county tax levy for highways and bridges and to permit counties to levy the existing highway and bridge reserve fund tax to make necessary road and bridge improvements.

2/4/14 First read in House and referred to House Transportation.

2/18/14 Transportation Do Pass, Failed, YEAS 5, NAYS 8

2/18/14 Transportation Deferred to the 41st Legislative day, Passed YEAS 8, NAYS 5.

HB 1242 - An act to revise certain provisions concerning the township snow removal reserve fund.

2/4/14 First read in House and referred to House

SB 134 - An act to authorize a winter load increase of certain motor vehicle weight restrictions.

2/10/14 Transportation Deferred to the 41st legislative day, Passed, YEAS 6, NAYS 1

SB 146 - An act to revise certain provisions regarding the closure of county and township roads due to high water.

2/19/14 Withdrawn at the Request of the Prime Sponsor

SB 169 - An act to provide for access to and use of public waters on public and private property and to protect private property rights for the citizens of South Dakota.

2/10 State Affairs Do Pass, Passed, YEAS 6, NAYS 3.

2/12/14 Deferred with pending amendment (Rule 5-17), Passed S.J. 316

2/18/14 Senate Tabled, Passed, YEAS 31, NAYS 3.

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Taxation.

2/20/14 Taxation Tabled, Passed, YEAS 13, NAYS 0

HB 1261 - An act to authorize the Transportation Commission to award grants to replace, repair, and renovate county & township bridges and to make an appropriation therefor.

2/11/14 Transportation Motion to amend, Passed Amendment 1261fa

2/11/14 Referred to House Appropriations, Passed, YEAS 13, NAYS 0.

2/21/14 Appropriations Deferred to the 41st legislative day, Passed, YEAS 9, NAYS 0.

SB 111 - An act to revise certain property tax limitations.

2/19/14 Appropriations Tabled, Passed, YEAS 8,

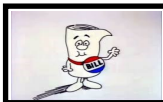
Answers to Last Week's Puzzle:

Across

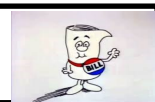
3 - concurrence 5 - code 7 - draft 8 - impeachment 10 - speaker 12 - floor 13 - introduce 14 - recess 15 - committees

Down

1 - adoption 2 - procedure 3 - confirmation 4 - rescind 6 - district 9 - confirmation 11 - act 14 - reconsideration



OTHER POTENTIAL BILLS OF INTEREST:



House Bills:

HB 1006 - An Act to provide for the assessment and taxation of agricultural land based on its actual use.

2/4/14 Agriculture and Natural Resources Tabled, Passed, YEAS 12, NAYS 0.

HB 1083 - An Act to restrict the term of conservation easements.

2/10/14 House of Representatives Do Pass Amended, Failed, YEAS 17, NAYS 51.

HB 1097 - An act to revise the criteria for classifying property as agricultural land.

2/19/14 House of Representatives Do Pass Amended, Passed YEAS 37, NAYS 33.

2/27/14 Agriculture and Natural Resources Tabled, Passed, YEAS 9, NAYS 0

HB 1190 - An Act to revise the gross receipts tax imposed on wind farms.

2/20/14 - Taxation Tabled, Passed, YEAS 14, NAYS 0.

HB 1204 - An Act to include certain court fines in a school district's local effort for purposes of the state aid to general education formula, and to establish the per student allocation for school fiscal

(Continued on following page)

Senate Bills:

SB 8 - An Act to revise certain provisions concerning the assessment and taxation of real property.

1/30/14 Agriculture and Natural Resources Tabled, Passed, YEAS 9, NAYS 0.

SB 46 - An Act to revise certain provisions regarding animal welfare and to provide a felony penalty for cruelty to animals.

2/13/14 Senate Do Pass Amended, Passed, YEAS 33, NAYS 0

3/10/14 Scheduled for hearing.

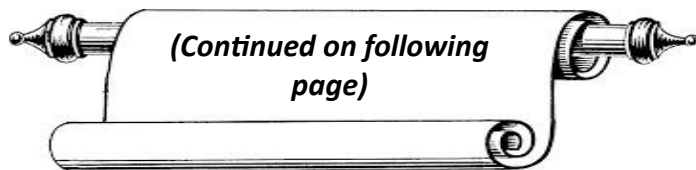
SB 58 - An Act to provide for permits to be issued for certain harvest vehicles.

1/30/14 Senate Do Pass, Passed, YEAS 34, NAYS 0

2/7/14 House of Representatives Do Pass, Passed, YEAS 64, NAYS 0.

SB 83 - An Act to authorize townships and counties to impose real estate transfer fees.

2/5/14 Taxation Deferred to the 41st legislative day, Passed, YEAS 6, NAYS 0.



year 2016.

2/20/14 House of Representatives Do Pass Amended, Failed, YEAS 32, NAYS 38.

HB 1208 - An Act to restrict access to certain waters that inundate private property.

2/25/14 House of Representatives Do Pass Amended, Passed YEAS 63, NAYS 6

3/4/14 Agriculture and Natural Resources Deferred to the 41st legislative day, Passed, YEAS 9, NAYS 0.

HB 1223 - An Act to revise certain provisions relating to appeals to county boards of adjustment.

2/18/14 Local Government Deferred to the 41st legislative day, Passed, YEAS 8, NAYS 4.

SB 93 - An Act to define liquid natural gas, to revise certain provisions regarding the collection of the motor fuel tax, and to apply motor fuel tax to all fuels used to propel a motor vehicle.

2/4/14 Senate Do Pass, Passed, YEAS 31, NAYS 4.

2/26/14 House of Representatives Do Pass, Passed YEAS 57, NAYS 11

SB 117 - An Act to establish a county highway capital improvement fund and to levy a capital improvement property tax for county highways, secondary roads, bridges, and culverts.

2/19/14 Local Government Deferred to the 41st legislative day, Passed, YEAS 6, NAYS 1.

89th Legislative Session Calendar

MARCH



10 - Last day to move required delivery of bills or resolutions in the second house

11 - Last day for a bill or joint resolution to pass both houses

12 - Last day to introduce commemorations - Reserved for concurrences or conference committees.

13 - Reserved for concurrences of conference committees

14 - Reserved for concurrences or conference committees

17-28 RECESS

31 - Reserved for consideration of gubernatorial vetoes

LEGISLATIVE WORD SEARCH

L R A K L L A I I L L N T C M
A E C Q L O N C A Y O X N O I
S C T I S T B R T I A R E N N
E E B C E E E B T I E Q M S O
G S T R O M E A Y K O C D T R
A S I U A N M T A I H N N I I
S M D C N R C E T A S G E T T
S Q I H I I P U I I C T M U Y
A B Q F V S M R R S M V A E T
P G N S A D J O U R N M E N T
F O D I S T R I C T E D O T R
C O T N E M S S O R G N E C O
L A N R U O J T F A R D C J O
S U C U A C M O T I O N T E L
C O D E S E S S I O N M X L F

ACT

ACTION

ADJOURNMENT

AMENDMENT

BICAMERAL

BILL

CAUCUS

CHAIR

CODE

COMMITTEES

CONCURRENCE

CONFIRMATION

CONSTITUENT

DISTRICT

DRAFT

ENGROSSMENT

FLOOR

INTERIM

JOURNAL

LOBBYIST

MINORITY

MINUTES

MOTION

PASSAGE

RECESS

SESSION

SPEAKER

VETO

How Do You Become a Page?

Each session the Legislature utilizes high school seniors as pages. Pages are appointed to serve in the House of Representatives or the Senate. Application is made through a sponsoring legislator or legislator-elect. Talk to your sponsor to get your application.

The President Pro Tempore of the Senate selects the pages who will serve in the Senate and the Speaker of the House of Representatives selects the pages who will serve in the House.



IMPORTANT CONTACT INFORMATION

To Track Legislation

<http://legis.sd.gov/>

To Listen To Committees Live:

http://legis.sd.gov/Legislative_Session/Committees/default.aspx?Session=2014

Address: Legislative Research Council

Capitol Building, 3rd Floor - 500 East Capitol Avenue
Pierre, SD 57501-5070

Phone: (605) 773-3251 **Staff Fax:** (605) 773-4576

Legislator Fax (Session Only): (605) 773-6806

Fax a Message (to a specific legislator) - 605 773 6806



SDATAT CALENDAR OF EVENTS

March 7 - Spink Co Township Meeting - 1:00 p.m.

March 10 - Lake Co Township Meeting - 6:00 p.m. (meal) - 6:30 p.m. (meeting)

March 12 - Day/Roberts/Marshall Co Twp Meeting - 9:30 a.m. - Roslyn H.S.

March 14 - Deuel Co Township Meeting - Noon - Clear Lake 4 H Center

March 18 - Kingsbury Co Twp Meeting - Noon - 4H Bldg - DeSmet

March 26 - Brown Co Township Meeting - 7:00 p.m.

April 1 - Lincoln Co Township Meeting - 6:30 p.m. - Lennox Pizza Ranch

April 7 - Minnehaha Co Twp Meeting - 7:00 p.m. - Minnehaha Co. Comm. Rm.