



SOUTH DAKOTA ASSOCIATION OF TOWNS AND TOWNSHIPS

LEGISLATIVE UPDATE

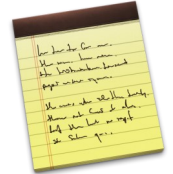
April 10, 2014

Spring #7



**By Richard Howard,
SDATAT Lobbyist/Transportation Consultant**

2014 LEGISLATIVE WRAP-UP



The 2014 Legislature completed their work on March 14, 2014, (the 37th Legislative Day) and recessed until March 31, 2014, when they were scheduled to come back for the final day of the 2014 Session to consider Gubernatorial vetoes and any other unfinished business. The main accomplishment during the final week was passage of a \$4.3 billion budget for State Government operations starting July 1, 2014. The budgeted funds include \$1.4 billion of State General funds, \$1.7 billion of Federal funds and \$1.2 billion of Other funds (consisting of motor fuel taxes, hunting and fishing licenses etc.) The efforts of the Governor and Legislature in developing the budget were eased by the availability of \$121 million of one-time revenue from unclaimed property received by the State Treasury, which was used to pay down existing debt and costs of new projects.

When the Legislators returned for the final day of the Session, they had little to do as the Governor had not vetoed any bills during the 2-week period following the recess on March 14th. A quorum was present in each chamber (24 of 35 Senators and 38 of 70 Representatives) to finish the formalities of the 2014 Session. Both the House and Senate spent less than 15 minutes meeting before they adjourned “sine die” (which means “without

day” and establishes an indefinite adjournment).

During the Session, the Governor vetoed only one bill, SB 98, which would have allowed the city of Deadwood to increase their lodging occupancy tax from \$2 to \$3 per night. In his veto message, the Governor stated “The property tax opt-out already allows local officials to raise additional tax revenues. I do not support expanding the ability of local governments to raise taxes, especially when such a raise cannot be referred to a public vote.” He further stated “South Dakota has recovered from the recession, but I continue to believe that it is a mistake to increase State taxes, or make it easier to raise local taxes.” The Senate sustained the Governor’s veto.

The same arguments were used by representatives of the Governor’s Office in testimony opposing all six bills that were considered in the 2014 Legislative Session to make it easier for counties and townships to raise additional revenue for fixing roads and bridges. The Governor’s representative was the only opponent to each of the funding bills, all of which eventually failed. HB 1140, to allow the voters of the township by 2/3 vote at their annual meeting, to add a levy of up to 50 cents per \$1,000 of taxable value, was introduced by Rep. Burt Tulson and strongly supported by SDATAT. This bill passed the House by a vote of 48-20, but was killed in the Sen-

(Continued from page 1)

ate Taxation Committee by a vote of 5-2. The other local highway funding bills that were considered are: HB1173, HB 1230, HB 1242, HB 1261, & SB 117.

Overall, SDATAT had a successful Session with passage of the bills proposed by the SDATAT Board and membership, as well as, other bills of interest to SDATAT.

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.
2/13/14 House Transportation Motion to amend, Passed Amendment 103oa
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
3/12/14 Signed by Governor

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
3/14/14 Signed by Governor

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

2/11/14 Taxation Motion to amend, Passed Amendment 1140fa
2/18/14 House of Representatives Do Pass Amended, Passed, YEAS 48, NAYS 20
3/3/14 Senate 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.

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

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.

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

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

2/19/14 Appropriations Tabled, Passed, YEAS 8, NAYS 1.

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.

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

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

2/20/14 House 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 146 - An act to revise certain provisions regarding the closure of county and township roads due to high water.

1/31/14 First read in Senate and referred to Senate Transportation.

2/5/14 Referred to Senate State Affairs, Passed

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.



South Dakota Legislature
Legislative Research Council
Fred Schoenfeld, Interim Director



SOUTH DAKOTA LEGISLATURE WEBSITE WEALTH OF INFORMATION

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

Has a bill been signed?

How does a bill become law?

When does Session begin?

What law was that?

How many Senators do we have?

Who represents our District?

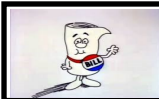
What's going on in the Interim?

How do I contact our Legislators?

What does "Hoghouse" mean?!

These questions answered and much more, including a downloadable contact list, statistical comparisons, terms glossary, up-to-date laws, session updates, meeting schedules, etc.

Check out the Legislative Research Council's website today and get informed!



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 1041 - An Act to make an appropriation for the railroad trust fund and to declare an emergency. (Appropriates \$7.2 million dollars to upgrade the state-owned rail line from Chamberlain to Lyman.)

1/29/14 House of Representatives Do Pass, Passed, YEAS 61, NAYS 2.

3/11/14 Senate Do Pass Amended, Passed, YEAS 34, NAYS 1.

3/12/14 House of Representatives Concurred in amendments, Passed, YEAS 65, NAYS 4

3/31/14 Signed by Governor

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

2/6/14 - Agriculture and Natural Resources Do Pass Amended, Passed, YEAS 8, NAYS 5.

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 Senate 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 year 2016.

(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

3/11/14 House of Representatives Do Pass Amended, Passed, YEAS 54, NAYS 15

3/14/14 Signed by Governor

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.

2/18/14 Signed by Governor

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.

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

3/10/14 Signed Governor



2/13/14 - Appropriations Do Pass Amended, Passed, YEAS 6, NAYS 3.

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 Senate 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.

Impacts of SDATAT Legislation

The following is a summary of the effects of SDATAT legislation on township operation.

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

Sections 1. The repeal of this section clarifies the responsibility of the Board of Supervisors in handling legal proceedings against the township.

Section 2. Authorizes townships to pay premiums (or a portion thereof) for insurance benefits for employees who work at least 1040 hours per year.

Section 3. Establishes a reschedule date for holding annual township meetings that are postponed due to inclement weather for one week later without additional publication in newspapers or reprinting the agenda. The initial publication and agenda for the meeting shall include a statement specifying the re-schedule date.

Section 4. Amends the list of items to be voted on at the Annual Meeting - deletes the obsolete items; retains election of officers and approval of the tax levy for the year for township purposes.

Section 5. Eliminates the position of poundmaster as an appointed township official.

Section 6. Authorizes the voters of the township

to establish an hourly or daily rate of compensation for the officers of the township.

Section 7. Repeals the obsolete fees for the clerk for performing services for copying, filing and recording documents, serving and posting notices, etc. Establishing the fees for these services are included in Section 6.

Section 8. Same as Section 3 for regular and required meetings.

Section 9. Specifies the bonding requirements for the Office of Town Clerk.

Section 10. Changes the date for the Township Clerk to file the annual fiscal report of the township to the County Auditor to correspond with the date that the Township Treasurer is required to submit a report on cash balance, receipts and disbursements to the County Auditor and Department of Legislative Audit.

Section 11. Specifies the bonding requirements for the Office of Township Treasurer.

Section 12. Revises the amount to be forfeited by the Township Treasurer who refuses or neglects to perform required duties.



(Continued on page 6)



Impacts of Legislation (Continued)



Section 13. Repeals duties and authority of the position of Township Constable.

Section 14. Repeals the amount of fees allowed for the Constable.

Section 15. Requires a non-profit fire protection corporation or association to provide full disclosure of assets, expenses, and estimates of the cost of providing fire protection during the negotiations on a contract for fire-fighting protection with a township.

Section 16. Repeals an outdated validation of contracts for fire-fighting protection prior to March 3, 1961.

Section 17. Removes reference to SDCL 8-9-5, which would be repealed by Section 16.

Section 18. Clarifies that the official date of action for filing a petition for referral of a board action is 30 days from the date of publication of the resolution.

Section 19. Amends the language to be contained on signs posted on “no maintenance” roads to read, “no travel advised” to differentiate from the signage on a “minimum maintenance” road and to further reduce the liability risk to townships on “no maintenance” roads.

Section 20. Allows townships to develop traffic regulations to allow usage of golf carts on roads within the boundaries of an unincorporated town.

Section 21 thru 27. Repeals or amends obsolete laws dealing with the construction of fireguards within the township. The initial intent was to repeal these statutes entirely, but it was discovered that a few townships still construct fireguards within their boundaries.



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.

Road sign vandalism can be a safety issue and repair is costly for taxpayers. SB 103 is a highway safety bill that is also intended to reduce taxpayer cost in maintaining and replacing highway signs, markers, guide boards, traffic control devices, warning devices, railroad signs and signals, and barriers and signs erected in highway maintenance or construction activities.

It is a Class 1 misdemeanor for anyone to alter, deface, injure, knock down or, in any manner, molest or interfere with such highway safety signs or devices. The person who violates current law is also responsible for the cost of repairing or replacing damaged or removed signs or devices. (SDCL 31-28-23) SB 103 will add a civil penalty of up to \$2000, to be set by the court, in addition to existing damages and penalties. The civil penalty would be distributed to the public agency responsible for maintenance of the involved road. (State, municipality, county or township).

The maximum penalty for a Class 1 misdemeanor is \$1000 and/or 1 year in jail. Judges do not generally give more than a fine (usually much less than the maximum) for a first offense unless really aggravated. The major rationale for a larger penalty is as a deterrent and as a tool for educating the public on the purpose and need for appropriate signing and the hazards of damaging or removing such devices.

Few individuals are caught damaging signs. Hope-

(Continued on page 7)

(Continued from page 6)

fully, the knowledge of a large penalty will make some pause and think as to the risk before acting.

Indirectly, obtaining a large penalty would help cover the costs of all those replacements when no one was caught.

THANK YOU!!

All of Us at SDATAT Would like to Thank Richard Howard for All the Hard Work Put in This Session, Once Again.

Legislative Wrap Up

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

Words For Legislative Wrap Up Word Search

- | | | |
|-----------|----------|-----------------|
| BILLS | BUDGET | CHAMBER |
| COMMITTEE | GOVERNOR | GUBERNATORIAL |
| HOUSE | LOBBYIST | OPPONENT |
| PROPONENT | QUORUM | REPRESENTATIVES |
| REVENUE | SENATE | SESSION |
| SUCCESS | SUPPORT | TAX |