



SDATAT's LEGISLATIVE NEWSLETTER

February 16, 2012

Spring #4

LEGISLATIVE NOTES



87th Legislative Session

By Richard Howard

Both the House and Senate put in long days on Monday and Tuesday as they debated and voted on bills in their respective bodies in order meet the cross-over date of February 14th. Of the 471 bills that were originally introduced, it is expected that about half were killed and half were "crossed-over" to the other House. Therefore, there are only about 235 bills to be considered and acted on by Feb. 28th. The last 3 days: Feb. 29, Mar.1 & Mar.2 are reserved for concurrences and conference committees (to adjust the language of any bill that was amended and passed in different forms in the two Houses to be made exactly the same before final approval) and to approve the FY 2013 Appropriations Bill (State budget for FY 2013).

Following is the status of SDATAT bills and other bills of interest to SDATAT:

SB 95 – An Act to modify distributions from the Wind Energy Tax Fund – In follow-up to the Brookings County draft cost-sharing proposal presented to the Senate Taxation Committee on Feb. 10th and the Committee's deferral of action on the bill until Feb. 13 to allow the County and involved Townships to work on the agreement, officials of Richland and other townships having wind energy development, worked to develop a refinement to the County proposal for the purpose of opening a dialogue and beginning negotiations on an agreement. Time did not allow any real progress to be made on developing an acceptable agreement. Therefore, the Committee took action and approved a "do pass" motion by a vote of 4-3. The bill came to a vote on the Senate Floor late in the evening of Feb 14 and was defeated by a vote of 11-20. The plan now is to continue working with Brookings County to develop an acceptable agreement. Several Legislators in the Brookings County area have shown an interest in

working with the county and townships to work this out locally.

SB 102 – An Act to clarify the procedures for the apportionment of funds among townships. SB 102 has been passed by both the House and Senate and is awaiting the Governor's signature.

SB 116 An Act to revise certain provisions relating to the township road system, has passed the Senate on Feb. 10 by a vote of 30-0. The House Transportation Committee held a hearing on the bill on Feb. 16 and approved a "Do Pass" motion 13-0. It will be on the House Floor on Feb. 21.

SB 22 – An Act to revise certain provisions regarding the vacation or the change of location of county and township highways on school and public lands was amended in Committee to clarify the authority of County Commissioners to vacate or change the location of only county roads, and Township Supervisors to vacate or change the location of only township roads. Passed the Senate 35-0 on Feb. 1st. It is scheduled for a hearing in House Local Government on Feb. 21.

HB 1122 – An Act revise certain provisions relating to the vacation, change, or location of highways(similar to SB 22). Passed the House on Feb. 13 by a vote of 67-3. Scheduled for a Hearing in Senate Transportation Committee on Feb. 22

If you have questions or comments on any legislation, please feel free to contact the SDATAT Office at (605)- 353- 1439 or Dick Howard at (605)- 222-7700.

In addition to contacting your Legislators when they are at home, you may contact them in Pierre by e-mail, telephone, or letter. Addresses and phone numbers are provided on page 4.

BILLS OF INTEREST (Cont.)

HB 1003: An Act to revise the limitation on the increases and decreases that may be made to the total taxable value of cropland and non-cropland.

2/7/12 - Delivered to the Governor H.J. 349
2/14/12 – Signed by the Governor H.J. 454

HB 1094: An Act to require the filing of certain documents relating to the vacation, location, or changing of highways with the register of deeds.

2/8/12 - Signed by Speaker H.J. 366
2/9/12 - Signed by President S.J. 345
2/14/12 – Signed by the Governor H.J. 454

HB 1117 – An Act to provide for the taking of muskrats by shooting under certain conditions.

2/6/12 – Passed House [YEAS 63, NAYS 7](#)
2/7/12 – Referred to Senate Ag & Nat Resources
2/21/12 – Scheduled for hearing

HB 1131: An Act to revise certain provisions relating to the posting of public notice for meetings of public bodies.

2/6/12 – Passed the House, Amended [YEAS 66, NAYS 3](#)
2/15/12 – Local Government Do Pass Amended – Passed, [YEAS 7, NAYS 0](#).
2/21/12 – Scheduled for Senate Floor Action

HB 1154: An Act to revise certain provisions concerning the construction of roads outside the road district.

1/31/12 - House of Representatives Do Pass Amended, Passed, [YEAS 68, NAYS 1](#).
2/8/12 - Senate Do Pass Amended, Passed, [YEAS 34, NAYS 0](#).
2/10/12 - House of Rep. Concurred in amendments, Passed, [YEAS 67, NAYS 1](#).
2/15/12 – Delivered to the Governor.

HB 1163: An Act to allow subdivisions of government to operate as organizations formed under §58-18-52.

2/8/12 – House of Rep. Do Pass Amended, Passed [YEAS 64, NAYS 3](#)
2/16/12 – Senate Do Pass Amended, Passed, [YEAS 32, NAYS 0](#)

SB 101 – An Act to authorize counties to borrow money using promissory notes.

1/30/12 – Amended to remove Townships
2/1/12 – Passed Senate Amended [YEAS 35, NAYS 0](#)
2/21/12 – Scheduled for hearing.

SB 160 – An Act to create the North Central Water Development District, to provide for the appointment of the board of directors, to establish certain property tax levy limitations, and to revise the boundaries of the James River Water Development District.

2/7/12 – Ag & Nat. Res. Deferred to the 41st Leg. Day, Passed [YEAS 6, NAYS 3](#)
2/9/12 - Agriculture and Natural Resources Reconsidered, Passed
2/9/12 Agriculture and Natural Resources Do Pass Amended, Passed, [YEAS 7, NAYS 1](#). S.J. 331
2/13/12 – Senate Motion to amend, Passed. Amendment 160xa
2/13/12 – Senate Do Pass Amended, Passed, [YEAS 24, NAYS 10](#)
2/14/12 – First Read in House and Referred to House Ag. & Nat. Res.
2/16/12 – Scheduled for hearing.

SB 161 - An Act to revise certain provisions concerning public meetings held by teleconference or video conference.

2/8/12 – Passed Senate Amended [YEAS 34, NAYS 0](#)
2/9/12 - First read in House and referred to House State Affairs H.J. 391
2/22/12 – Scheduled for hearing.

SB 169 – An Act to create certain watershed districts.

2/13/12 – Senate Do Pass Amended, Passed, [YEAS 23, NAYS 11](#)
2/13/12 – Senate Title amended, Passed. Amendment 169ttb
2/14/12 – First read in House and referred to House Ag & Nat. Resources.

SCR 5 – Supporting and encouraging a 2012 interim study and thorough review of drainage laws in South Dakota. 2/10/12- Senate Adopt Resolution, Passed, [YEAS 27, NAYS 3](#). 2/14/12 - House of Representatives Concurred in Resolution, Passed, [YEAS 66, NAYS 4](#).

SDATAT BILLS OF INTEREST THAT HAVE BEEN KILLED

HOUSE BILLS

HB 1074: An Act to exempt certain counties from restrictions relating to the taking of muskrat.

2/2/12 - Agriculture and Natural Resources Tabled, Passed, [YEAS 10, NAYS 0](#). H.J. 292)

HB 1087: An Act to limit the terms of certain conservation easements.

2/7/12 - Agriculture and Natural Resources Do Pass, Passed, [YEAS 9, NAYS 4](#). H.J. 332

2/8/12 - House of Representatives Do Pass, Failed, [YEAS 22, NAYS 45](#). H.J. 363

HB 1104: An Act to define the responsibility of the Department of Transportation regarding portions of certain intersecting county and township highways located within the right-of-way of the state highway system.

1/26/12 – Transportation deferred to the 41st legislative day.

HB 1184: An Act to permit public bodies to keep minutes of executive session and to restrict who may review the minutes.

2/7/12 - Local Government Do Pass, Failed, [YEAS 4, NAYS 8](#).

HB 1237: An Act to assess agricultural land based on its actual use.

2/7/12 - Taxation Deferred to the 41st legislative day, Passed, [YEAS 9, NAYS 6](#). H.J. 352

HB 1240: An Act to separately classify, assess, and tax agricultural land that is leased for certain purposes that restrict the use of the land.

2/7/12 - Taxation Motion to amend, Passed [Amendment 1240fb](#) - Taxation Do Pass Amended, Failed, [YEAS 5, NAYS 10](#). - Taxation Deferred to the 41st legislative day, Passed, [YEAS 9, NAYS 6](#). H.J. 352

HB 1241: An Act to require township board approval for certain utility facilities located near township roads.

2/7/12 - Local Government Motion to amend, Passed [Amendment 1241ta](#) - Local Government Deferred to the 41st legislative day, Passed, [YEAS 9, NAYS 3](#). H.J. 349

HB 1243: An Act to require that notice be provided before certain drainage activities are undertaken.

2/7/2012 - Local Government Tabled, Passed, [YEAS 12, NAYS 0](#). H.J. 349

HB 1250: An Act to permit counties and townships to levy a capital improvement property tax for highways, secondary roads, bridges, and culverts.

2/9/2012 - Local Government Do Pass, Failed, [YEAS 6, NAYS 5](#). - Local Government Do Not Pass, Passed, [YEAS 8, NAYS 3](#). H.J. 397

2/10/12 – Motion to strike the “not” from the Committee recommendation and debate the bill on House Floor failed, YEAS 27, NAYS 43.

SENATE BILLS:

SB 40: An Act to permit a county to authorize temporary fencing within rights-of-way subject to its jurisdiction.

1/20/12 – Local Government deferred to the 41st legislative day. S.J. 91

SB 150 – An Act to authorize counties and townships to permit fencing within the rights-of-way of certain minimum maintenance roads.

2/2/12 Agriculture and Natural Resources Tabled, Passed, [YEAS 5, NAYS 4](#). S.J. 256

2012 CALENDAR

FEBRUARY 21ST - Hamlin Co. Township Meeting - 1:30 p.m. - 4-H Grounds, Hayti
Sanborn Co. Township Meeting – 1:30 p.m. – 4-H Building, Forestburg, SD

FEBRUARY 23RD – Charles Mix Co. Township Meeting – 10:00 a.m.- 4-H Bldg – Lake Andes, SD

FEBRUARY 28TH - Regular Township Meeting as Required by SDCL 8-5-1
Perkins Co. Twp. Meeting – 1:00 p.m. – Bently Bldg – Bison, SD

FEBRUARY 29TH – Pennington Co Township Meeting – noon – Wall Drug

MARCH 6TH - Annual Township Meeting as Required by SDCL 8-3-1

MARCH 7TH - Union Co. Township Meeting - 1:30 p.m. – Elkpoint

MARCH 8TH - Brookings Co. Township Meeting - 11 a.m. Equalization Mtg
1 p.m. County Mtg. – Swiftel

MARCH 9TH - Spink Co. Township Meeting - 1:00 p.m.

MARCH 12TH – Jerauld Co Township Meeting – Wessington Spgs – 1:30 p.m. - Courthouse
Davison Co. Township Meeting – Mitchell Courthouse – 4 p.m.

MARCH 13TH - Lake Co. Township Meeting - Eat @ 6 p.m. - Mtg at 6:30 - Nikki's in Madison
Kingsbury Co. Township Meeting- Am. Legion Hall – Oyster Stew Lunch – noon with meeting to follow.

MARCH 15TH - Clay Co. Township Meeting - 7 p.m. – Vermillion

MARCH 20TH – Brown Co Township Meeting – Courthouse – 1:00 p.m.

MARCH 21 – Day/Marshall/Roberts Co. Township Meeting –10 a.m. - Webster

IMPORTANT CONTACT INFORMATION

To Track Legislation

<http://legis.state.sd.us>

To Listen To Committees Live:

<http://legis.state.sd.us/sessions/2011/CommitteeMenu.aspx>

Contact legislators:

Email:

<http://legis.state.sd.us/email/legislatoremail.aspx> (Select legislator's name from drop down box)

Write

500 E Capitol Ave

Pierre, SD 57501

Call

Senate Lobby

605 773 3821

House Lobby

605 773 3851

Fax a Message (to a specific legislator)

605 773 6806