



# SDATAT's LEGISLATIVE NEWSLETTER

February 15, 2013

Spring #4

## LEGISLATIVE NOTES



### 88th Legislative Session

By Richard Howard

The week got off to a slow start as the blizzard caused the cancellation of Monday's Session, which was made up on Friday. Today is Legislative Day #24, and all bills have to pass the House of Origin by Legis. Day #26, which is Wednesday, February 20th (Cross-Over Day). Therefore, Committees were having extra meetings this week in order to get all of the bills out of the Committee of origin by next Tuesday. It was a great week for SDATAT Legislation, and Wednesday was one of the better days of my career. We had 5 bills scheduled for floor action that day - 2 in the Senate and 3 in the House. When the day ended 4 (SB 126, SB 151, SB 157 and HB 1189) had passed and 1(SB 156) was deferred by the House along with several other Senate bills as the House worked on their own bills to meet cross-over day.



Alert

HB 1189 was introduced by a group of Representatives that wanted to get more funding for counties and townships to maintain and improve their roads and bridges. Rep. Tulson, from Lake Norden, was the prime sponsor and did a great job. With the approval of the Board I worked on the bill with him. The amended bill that passed the House with 47 votes (the number needed to get a 2/3 majority) gives townships the discretionary authority to levy up to an additional 50 cents per \$1000 of valuation annually for road maintenance and repair. The additional levy would be outside the property tax cap. The authority for counties to add an additional levy was amended out of the bill for a number of reasons. It is expected that the Governor's Office will oppose this bill in the Senate. The Senate Taxation Committee Chairman plans to schedule a hearing during the week of 2/25/13. **If you support this bill, contact your Senators over the next 2 weekends and ask them to support it. Please make sure the Senators understand how Township decisions are made at the Annual Meeting - that all registered voters of the Township get to vote on issues like the tax levy for the coming year.** This fact, and the fact that the increased levy is discretionary, were very important in getting House members to support the bill.

## SDATAT BILLS UPDATE:

**SB 122 – An Act to revise the dates for holding township board meetings.**

**01/28/13** - Local Government Do Pass,  
Passed, YEAS 6, NAYS 0.

**1/29/13** - Senate Do Pass, Passed, YEAS 35,  
NAYS 0

**2/7/13** – Local Government Tabled, Passed,  
YEAS 12, NAYS 0.

This bill was tabled in Committee on Feb. 7<sup>th</sup>, at the request of the sponsor. The Board discussed it on 2/6/13, and agreed that we need to work on it more before it is passed and felt it would be better to kill it this year and resubmit another version next year.

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**SB 126 – An Act to revise the provisions that authorize townships to combine the offices of the clerk and the treasurer.**

**1/31/13** - Senate Do Pass, Passed, YEAS 33, NAYS 0

**2/12/13** - Local Government Do Pass, Passed, YEAS 12, NAYS 0.

**2/13/13** - House of Representatives Do Pass, Passed YEAS 70, NAYS 0

**2/14/13** - Signed by President

**SB 151 – An Act to clarify the maintenance responsibilities on unimproved section lines.**

**2/12/13** – Senate Deferred to another day, Passed

**2/13/13** – Senate Do Pass Amended, Passed, YEAS 35, NAYS 0

**2/19/13** – Scheduled for hearing in House Transportation

**SB 156 - An Act to authorize township boards to increase the front foot assessment for road maintenance and repairs.**

**1/30/13** - Senate Do Pass Amended, Passed, YEAS 32, NAYS 3.

**2/7/13** - Local Government Do Pass Amended, Passed, YEAS 11, NAYS 2.

**2/14/13** - House of Representatives Deferred to another day, Passed

“The House is mainly acting on House Bills to meet the crossover deadline of 2/20/13, so Senate Bills are being deferred.”

**SB 157 - An Act to revise the distribution from the wind energy tax fund.**

**1/28/13** - Taxation Do Pass Amended, Passed, YEAS 5, NAYS 2.

**1/30/13** - Fiscal Note Requested, Passed

**2/13/13** – Senate Do Pass Amended, Passed, YEAS 27, NAYS 8.

**2/14/13** – First read in House and referred to House Commerce and Energy

“The Chairman plans to schedule a hearing on 2/27/13.”

**HB 1112 - An Act to clarify the application of certain open meetings provisions to certain three-member public boards.**

**1/23/13** – State Affairs Do Pass, Passed, YEAS 9, NAYS 4.

**1/24/13** - House of Representatives Do Pass, Passed, YEAS 56, NAYS 14.

**1/25/13** – First read in Senate and referred to Senate State Affairs S.J. 225

## **OTHER BILLS OF INTEREST**

**SB 6 – An act to determine whether factors affecting productivity should be applied if the actual use of agricultural land does not correspond to the soil classification standards.**

**1/29/13** - Agriculture and Natural Resources Do Pass, Passed, YEAS 9, NAYS 0.

**1/30/13** - Senate Do Pass, Passed, YEAS 24, NAYS 11.

**1/31/13** - First read in House and referred to House Agriculture and Natural Resources

**SB 124 - An Act to increase the real estate transfer fees and to revise the distribution of the fees.**

**1/31/13** - Appropriations Tabled, Passed, YEAS 9, NAYS 0.

**SB 240 – An act to provide townships the authority to impose real estate transfer fees.**

**2/15/13** - Local Government Deferred to the 41st legislative day, Passed, YEAS 7, NAYS 0.

**SB 154 – An act to revise the maximum weight allowed on certain wide-based super single tires.**

**1/28/13** – Scheduled for hearing - Deferred by Chair

**2/15/13** - Transportation Do Pass Amended, Passed, YEAS 7, NAYS 0.

**SB 155: An Act to establish a local government road improvement grant fund for the purpose of serving new agricultural facilities and to make an appropriation therefore.**

2/5/13 - Referred to Senate Appropriations, Passed, YEAS 9, NAYS 0.

2/14/13 – A hearing was held and action was deferred along with action on several other bills requesting an appropriation of one-time State general funds for next year.”

**SB 179 – An act to provide for a uniform county drainage permit application form and to remove the maximum limit for drainage permit fees.**

2/6/13 – Deferred by Chair

2/13/13 - Local Government Deferred to the 41st legislative day, Passed, YEAS 6, NAYS 1.

**SB 195 – An act to establish certain incentives for wind energy facilities, to revise the amount that may be rebated for the gross receipts tax on electricity produced on wind farms, and to declare an emergency.**

1/25/13 - First read in Senate and referred to Senate Commerce and Energy

2/14/13 - Commerce and Energy Do Pass Amended, Passed, YEAS 6, NAYS 1. Commerce and Energy Title amended, Passed

“The amendment that was approved was a total "hoghouse" so the amended bill is substantially different than the original bill. It is very good for townships that currently have wind farms, as well as those that will have future wind farms. The apportionment of the tax is modified so townships will receive 15% of the total wind energy tax rather 4-5% from the existing apportionment method.”

**HB 1007 - An act to restrict the term of conservation easements. Proposed to limit the length of easements to 30 years.**

1/24/13 - Agriculture and Natural Resources Motion to amend, Passed

1/24/13 - Agriculture and Natural Resources Deferred to the 41st legislative day, Passed, YEAS 7, NAYS 6.

1/24/2013 – It was amended in the House Agriculture Committee to 99 years and then defeated by a vote of 7-6

**HB 1135 – An act to regulate access to and use of public waters on public and private property.**

1/22/13 - First read in House and referred to House Agriculture and Natural Resources

2/7/13 – Ag. & Natural Resources Do Pass Amended, Passed, YEAS 12, NAYS 1

2/13/13 - House of Representatives Do Pass Amended, Passed, YEAS 37, NAYS 32

2/14/13 – First read in Senate and referred to Senate State Affairs

**HB 1158 – An act to revise certain provisions relating to the posting of public notice for meetings of public bodies.**

2/5/13 - Local Government Motion to amend, Passed YEAS 70, NAYS 0

2/7/13 - House of Representatives Do Pass Amended, Passed, YEAS 70, NAYS 0

2/12/13 - First read in Senate and referred to Senate Local Government

**HB 1189 – An act to permit counties and townships to levy a capital improvement property tax for highways, secondary roads, bridges, and culverts. This bill authorizes counties to levy up to \$1.00 per \$1000 of property value for capital improvements and authorizes townships to levy up to \$.50 per \$1000.**

2/5/13 - Taxation Do Pass Amended, Failed, YEAS 7, NAYS 7.

2/7/13 – Taxation Do Pass Amended, Passed, YEAS 11, NAYS 3. Taxation Title amended, Passed

2/13/13 - House of Representatives Do Pass Amended, Passed, YEAS 47, NAYS 22.

2/14/13 - First read in Senate and referred to Senate Taxation



# **SDATAT CALENDAR**

**(Please Check Our Website as Times/Days May Change)**

***FEBRUARY 19TH*** –Hamlin Co. Township Meeting - 1:30 p.m. – 4-H Bldg

***FEBRUARY 20<sup>TH</sup>*** - 1:30 - Sanborn Co. Township Mtg – 4-H Bldg

***FEBRUARY 26TH*** - Regular Township Meeting as Required by SDCL 8-5-1

***MARCH 5<sup>TH</sup>*** – 10:00 a.m. - Douglas Co. Township Meeting –Courthouse -  
Armour

***MARCH 5TH*** - Annual Township Meeting as Required by SDCL 8-3-1

***MARCH 7<sup>TH</sup>*** – 1:00 p.m. - Union Co. Township Meeting - Elkton

***MARCH 8TH*** – 1:00 p.m. - Spink Co. Township Meeting - Redfield

***MARCH 14TH*** – 7:00 p.m. Clay Co. Township Meeting –Courthouse, Vermillion

***MARCH 28TH*** –9:00 a.m. - Day/Marshall/Roberts Co. Township Meeting

Looking for a way to stay current on legislative issues? Sign up for a “MyLRC” account at: <http://legis.state.sd.us/mylrc/index.aspx> . With “MyLRC” you can create customized lists of Bills, Statutes, Rules, and other information, and sign up for email notifications based on the lists you have created.

# 2013 LEGISLATIVE CALENDAR

*(Legislative Sessions will convene Monday-Thursday except for the week of February 18<sup>th</sup> due to President's Day and the 1<sup>st</sup> week of March will be a full week)*

***FEBRUARY 19 – Last day to move required delivery of bills or resolutions to the house of origin (Chapter 17)L.D. 25***

***FEBRUARY 20 – Last day for a bill or joint resolution to pass the house of origin (Ch. 17)***

***FEBRUARY 22 – Last day to introduce concurrent resolutions L.D.28***

***FEBRUARY 28 – J.R. 5-13 in effect (Chapter 17) L.D. 32***

***MARCH 4 – Last day to move required delivery of bills or resolutions to the second house. (Chapter 17) L.D. 33***

***MARCH 5 – Last day for a bill or joint resolution to pass both houses. (Chapter17) L.D. 34***

***MARCH 6 – Last day to introduce commemorations (JR 6H-1) Reserved for concurrences or conference committees (Chapter 17) L.D. 35***

***MARCH 7 – Reserved for concurrences or conference committees (Chapter 17) L.D. 36***

***MARCH 8 – Reserved for concurrences or conference committees (Chapter 17) L.D. 37***

***MARCH 11-22 – RECESS***

***MARCH 25 – Reserved for consideration of gubernatorial vetoes (Chapter 17) L.D. 38***

## 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>

### 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

**Brought to you by:** South Dakota Association of Towns & Townships, PO Box 903, Huron, SD 57350,  
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