

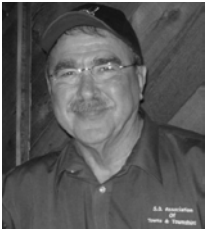


# SDATAT's LEGISLATIVE NEWSLETTER

February 22, 2013

Spring #5

## LEGISLATIVE NOTES



### 88th Legislative Session

By Richard Howard

The Legislature met this week from Tuesday thru Friday, as Monday was the President's Day Holiday. Today (Feb. 22) is Legislative Day No. 28 with 10 days remaining. Both the House and Senate put in long hours on Wednesday (until about 10:15 PM) as it was the last day for bills to pass the House of Origin (Cross-over Day). Both Houses succeeded in getting all of their bills passed (or killed). The next critical date is Legis. Day No. 34 (March 5<sup>th</sup>), at which time bills have to pass both houses. The main run of the Session ends March 8<sup>th</sup> and the final day (Legis. Day No. 38), March 28<sup>th</sup>, is reserved to over-ride gubernatorial vetoes. Now is the time in the session when negotiations are taking place on the big issues, deals are being made, bills are being hog-housed, and tempers are starting to get short. However, during this session, the cooperation between the 2 parties has been excellent with very few partisan issues creating problems. Action on SDATAT bills really slowed this week as Senate Bills continually got deferred as the House was working on getting House Bills completed. As the week ended, SB 156 (front foot assessments) and SB 151 (unimproved section lines) were both scheduled on the House calendar for today, but were carried over until Monday, as the House adjourned early to avoid the winter weather in the eastern part of the state. SB 157 (wind energy tax redistribution) is being held in the House Commerce and Energy Committee to be heard at the same time as SB 195 (wind energy incentive program) – no date for a hearing has been set.

HB 1189, the bill to allow townships to levy up to an additional 50 cents per one thousand dollars of valuation, outside of the property tax cap, is scheduled for a public hearing in the Senate Taxation Committee on Wednesday, February 27<sup>th</sup>.



**REMEMBER TO CONTACT YOUR SENATORS THIS WEEKEND AND ASK THEM TO SUPPORT HB 1189. MAKE SURE THEY UNDERSTAND THAT ALL REGISTERED VOTERS OF THE TOWNSHIP GET TO VOTE AT THE ANNUAL MEETING ON ISSUES LIKE THE TAX LEVY FOR THE COMING YEAR. It is especially important to contact members of the Senate Taxation Committee (Senators Maher, Monroe, Ewing, Kirkeby, Omdahl, Otten and Welke).**

## 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.

(Continued on Page 2)

**SB 122 Continued:**

*“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

**2/19/13** – Signed by Speaker

**2/20/13** – Delivered to the Governor

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**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** - Transportation Do Pass Amended, Passed, YEAS 11, NAYS 2

**2/21/13** – House of Representatives Deferred to another day, Passed

*“Working with the Governor’s staff to develop amendments to meet the last minute concerns raised by the Governor’s Office (after the bill was already on the calendar for floor action). The goal is to work out a “friendly” amendment to be placed on the bill on the House floor on Feb. 25<sup>th</sup>.”*

**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.

**2/21/13** - House of Representatives Deferred to another day, Passed

*“This bill has been deferred on the House floor several times as the House worked to complete*

*their bills before cross-over day. It is expected to be debated on the House floor on Feb. 25<sup>th</sup>.”*

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**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 Committee Chairman plans to hold it and schedule a hearing along with SB 195 – no date has been set at this time.”*

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**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

**2/22/13** – Scheduled for hearing

*“This bill was scheduled for a hearing today. The Committee spent a lot of time on the School “Sentinal” Bill and didn’t get to HB 1112. It will be rescheduled for Feb. 25<sup>th</sup>”*

**Important Upcoming Meeting Dates:**

February 26 – Regular Twp Mtg

March 5 – Annual Twp Mtg & Election

March 18 – Regular Twp Mtg for equalizing the assessment of property in your township

March 26 – Regular township meeting of the “newly” elected township officials.

**\*\*More information and detailed sample agendas available at: [www.sdtownships.com](http://www.sdtownships.com)\*\***

## 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

**2/26/13** – Scheduled for hearing.

**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.

*“SB 155 was amended down to \$1.00 and passed by the Sen. Appropriations Committee on Feb. 19(as were several other appropriations bills) and passed the Senate on Feb. 20<sup>th</sup> to meet the cross-over date. When final budget decisions are made, the bill will be amended up to the amount approved by the Appropriations Committee.”*

**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

*“This bill passed the Senate on Feb. 19<sup>th</sup> and was assigned to the House Commerce and Energy Committee. It has not been scheduled for a hearing as it is included in negotiations on a “mega” large project incentive bill.”*

**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

**(HB 1135 Continued)**

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  
2/20/13 - State Affairs Deferred to the 41st legislative day, Passed, YEAS 9, NAYS 0.

**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  
2/22/13 – Senate Local Government, Passed, YEAS

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

***FEBRUARY 27<sup>TH</sup>*** – 10:00 a.m. – Charles Mix Co. Township Meeting – 4-H Bldg  
Lake Andes

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

***MARCH 5<sup>TH</sup>*** - Annual Township Meeting as Required by SDCL 8-3-1

***MARCH 7<sup>TH</sup>*** – 1:00 p.m. – Brookings Co. Township Meeting – Swiftel Bldg -  
Brookings

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

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

***MARCH 12<sup>TH</sup>*** – 12:00 p.m. – Kingsbury Co. Township Meeting – 4-H Bldg -  
DeSmet

***MARCH 12<sup>TH</sup>*** – 6:00 p.m. – Lake Co. Township Meeting – Nikki’s Restaurant -  
Madison

***MARCH 14<sup>TH</sup>*** – 7:00 p.m. - Clay Co. Township Meeting – Courthouse, Vermillion

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

***APRIL 1<sup>ST</sup>*** – 7:00 p.m. – Minnehaha Co. Township Meeting – Co. Admin. Bldg –  
Sioux Falls

## ***Effective Ways to Contact Your Legislator***

To make the best impression, use these tips:

- **Do Your Homework.** Understand your issue and make sure it's a legitimate state concern. Don't contact a state legislator about federal or local issues, but instead, focus on issues where a legislator actually has influence and impact. Whenever possible, cite a specific bill or law as the focus of your communication. The more specific you are, the more impact you will have.
- **Use Personal Experience.** To address a problem with state government or a possible solution, describe in your own words how this problem affects you and how the solution might help resolve your concerns. If there are possible negative ramifications to your approach, it's best to tell the legislator of those potential problems before the legislator is asked to help resolve the issue. Don't surprise your legislator by giving him or her only half the story.
- **As Much as Possible, Be Timely.** Follow the news media and check the LRC website at: <http://legis.state.sd.us/> often so you understand when the Legislature is in session and when it is likely that issues will be addressed. The most effective communication is one which arrives early in the legislative process, preferably at the committee level where most of the work is done on legislation.
- **Never Threaten.** There is no quicker way to ensure your opinion will not count than to threaten legislators with reprisal if they do not vote the way you wish them to vote.
- **Choose the Best Way to Reach a Legislator.** Use common sense as to which method is most appropriate:
- **Write a letter or email.** This is generally the preferred means of communication. When you write a letter, you provide a written documentation to which the legislator can refer as he or she tries to address your problem. Generally, people are more complete and thorough in writing down their thoughts, views or questions. Letters reach legislators when they have time to carefully review them and reflect on their content. A letter to your own district legislator is more effective than contacting legislators from other parts of the state.
- **Visit your legislator at the Capitol.** "Township Legislative Day" is the best time to make an impact, but if you are not able to come on that day, most legislators are at the Capitol a portion of the week, typically Tuesday through Friday. Contact a legislator's office directly to set up an appointment in the Capitol. Or, it's possible the legislator has office hours locally where you can contact him or her face-to-face, in most cases, legislators will be willing to meet with constituents, provided you have flexibility to a time and meeting place.
- **Visit your legislator at home!** It's fine to travel to Pierre to meet at the Capitol, but you can also – and probably more easily – schedule a meeting in their district office, at a local coffee shop, or at a restaurant.
- **Use the telephone.** Generally, there are three ways to contact your legislator by phone: calling directly to the legislator's office, or contacting the legislator's home or home office. Except in cases of extreme urgency, calls should be directed to the legislator's office. Direct communication with the office is probably the quickest way to get attention to an issue. Home phone calls are discouraged, because of time constraints on a legislator as well as the likelihood that the legislator will not be home when you call.

- **Use e-mail.** Email is useful for scheduling and providing information, but don't use it as a substitute for a real conversation.
- **Ask the Legislator for a Response.** If it is appropriate, ask for a specific action as well. For example, if a bill is coming up for a hearing, ask a legislator to try to attend the hearing and share his or her thoughts concerning the topic. If you know the bill will be voted on by the full Legislature, ask the legislator to drop you a line telling you how he or she voted. If the legislator fails to respond, follow up with another communication.
- **Reward Good Work.** Say, "thank you." If the legislator really makes a special effort on your behalf, try to recognize that by attending a campaign fundraiser, writing a letter to the local newspaper editor praising the legislator for his or her good work, sending a thank you note or giving a legislator appropriate recognition before a group.
- **Use the Legislator's Staff.** Every state legislator has staff. These are full-time or part-time state employees who generally work on constituent questions with state agencies and who also work on legislation. In most cases, a contact with a staff member is as effective as a direct contact with a legislator.
- **Maintain a Relationship.** The best way to get a legislator's attention is to be a friend. It's especially helpful if you contact your legislator from time-to-time with a good word or some update on your township or personal ventures, rather than just contacting your legislator when you have troubles.
- **Remember, Legislators are human.** Each legislator is one out of dozens of decision makers. You should not expect a legislator to perform miracles. Also, remember that legislators have many demands on their time and attention. Be considerate of the legislator's family and personal time. Most of all, treat your own legislator as you would like to be treated.

As Winston Churchill said during World War II – **never, never, never, never give up.** Real change takes time.

### 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**

<b>Senate Lobby</b>	<b>605 773 3821</b>
<b>House Lobby</b>	<b>605 773 3851</b>

**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,  
605-353-1439, Website: <http://www.sdtownships.com>