



SDATAT's LEGISLATIVE NEWSLETTER

February 25, 2011

Spring #6

Legislative Notes

86th Legislative Session

By Richard Howard

The seventh week of the 2011 Session ended today, completing the 28TH Legislative Day with only 9 working days remaining. The House and Senate both worked long days with large calendars this week as they approached "crossover day" (the last day for a bill to pass the House of origin) on February 23rd.

Status of SDATAT bills

HB 1192 – License Plate Fee Bill – SDATAT achieved another major milestone today with the unanimous approval of HB 1192 in the Senate Transportation Committee. It is now scheduled for floor action on Monday, February 28th at 2:00 PM. It will take a positive vote of at least 24 of the 35 Senators – we believe we have the necessary votes to pass the bill. However, we also received word at about noon on February 24th that the Governor was now opposed to the bill and would likely veto it after it passes the Senate. It takes a 2/3 majority vote to pass the bill in each House and it takes the same 2/3 majority to over-ride the Governor's veto, if it occurs. He is apparently considering a veto to fulfill his campaign pledge to veto any "tax" increase bill that arrives at his desk, although we consider it to be a "user fee". The Governor's position, notwithstanding, we plan to proceed with getting the bill passed in the Senate, and then if we have to work to override a veto, we will do that. We are also working with the Governor's staff to try to avoid a veto.

It seems nothing is easy, but we are very close to getting the bill passed which would provide an increase of \$5.1 million per year to Townships for road and bridge repair. Our first remaining hurdle is to get the bill passed in the Senate - then to override a veto, if necessary. After a bill reaches the Governor's desk, he has 5 days (not counting

Saturdays, Sundays or holidays) to veto or approve a bill, so he will have until about March 9th to make his decision, if the bill passes the Senate on February 28th.



ALERT

So, I am now asking for your help again in getting the bill passed in the Senate by contacting your Senator when they are home this weekend and asking them to support the passage of HB 1192, and a possible veto by the Governor. This is our last weekend to seek Senate support for passage of HB 1192 so LET' WORK TOGETHER to accomplish this goal. Also we WOULD LIKE TO SEE as many Township Supervisors as possible to come to Pierre and be in the Senate Gallery when the vote is being taken at **about 2:00 PM on Monday, February 28th**. A strong showing of support before the vote will enhance our chances of gaining approval of the bill. So, **PACK UP YOUR CARPOOL** and head for Pierre Monday morning and try to visit your Senator and pack the gallery before the vote. We hope to **HAVE 20 OR MORE** Supervisors present. Once again **THANK YOU** for your assistance to date, and please **GIVE IT YOUR BEST SHOT** this weekend and next Monday.

BILLS OF INTEREST

HB 1002: (An act to revise certain provisions regarding the documentation of data used to make adjustments during the assessment process for factors that affect the capacity of the land to produce agricultural products.) The bill was passed as amended on 2/24/11.

HB 1060: (An act to revise certain provisions concerning how motor vehicle license fees are distributed in the unorganized territories of a county.) Passed. Signed by the Governor on 2/16.

HB 1097: (An act to provide for the assessment of certain agricultural land as non-cropland.) Deferred to the 41st day on 2/1.

HB 1098: (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.) Passed the House on 1/31. Senate deferred to the 41st day on 2/22.

HB 1109 – Definition of township roads - This bill was killed in House Local Government Committee on Feb. 8 at SDATAT request. We requested the bill be killed due to opposition from Minnehaha County and concerns of our Attorney on initial and proposed language in the bill. Based on recommendation of our Attorney we agreed to delay action until next session.

HB 1114: (An act to revise the conditions under which contracts with local officials are permitted.) Unanimously passed Local Government Committee and placed on consent. 2/25

HB 1128 – Wind energy tax distribution - was killed in House Taxation Committee on

February 15th at SDATAT's request. The major problem the bill was attempting to resolve, involved the wind farm project in Brookings County. Richland Township met with the Brookings County Commissioners on February 8th and were assured that Brookings County would assist the Township in road maintenance and plowing snow in the project area. Richland Township felt they made sufficient progress with the County to warrant withdrawing the bill at this time.

HB 1132: (An act to exempt certain seasonal employees from obtaining a applicator license to apply pesticides.) Deferred to the 41st day on 2/17.

HB 1176: (An act to prohibit county commissioners from providing health insurance for themselves or other part-time county employees.) Deferred to the 41st day on 2/8.

HB 1193 – (An Act to clarify certain statutes prohibiting political subdivisions from restricting firearms.) I testified against this bill along with SDACC and the Municipal League. The bill was killed in House Local Government Committee.

HB 1212 –Increase wheel tax up to 18 wheels. - I prepared an amendment to this bill which would have required counties to allocate 15% of any new wheel tax to townships and 5% to cities. The bill was killed in Committee because of concerns on raising the wheel tax payments on 18 wheelers.

Bills of Interest Continued -

HB 1215 – Repeals refunds for gas tax for non-highway agricultural use. - This bill was amended in the House Transportation Committee so \$700,000 of this fund would go to counties and townships for road maintenance with 40% going to townships and 60% to counties. The bill also provides funding for a number of agriculture programs, including the value-added agriculture development program, the conservation commission erosion control program, and the Northern Crops Institute. I testified in favor of the bill since it provides funding for township roads. Passed the House on 2/17 by a vote of 50 – 16. First read in Senate and referred to Senate Transportation on 2/22. Scheduled for hearing on 2/28.

HB 1226: (An act to impose additional real estate transfer fees on certain agricultural land and apportion the revenue to local taxing districts.) Taxation deferred to the 41st legislative day.

SB 99 - This bill would extend the age of vehicles from 5 years to 10 years to receive the 30% reduction in vehicle registration fees. I testified in favor of this bill as it will increase funding for local government roads by \$4.8 million dollars per year. It passed the Senate on Feb. 10 by a vote of 32-3. Pass House Transportation Committee 2/17 by a vote of 11 – 1. It is deferred to another day at present.

SB 177 - to increase motor vehicle registration fees, as well as gas tax and vehicle excise tax was killed in Senate Transportation Committee on Feb. 9 at the request of the prime sponsor, Sen. Vehle, as he didn't feel there was sufficient support in the Senate to pass it. Cindy Foster, Rodney

Stormo, Dan Thyen, Jim Puffer and Dick Howard testified in favor of the bill.

CALENDAR OF EVENTS

MARCH

March 1 – 1st Tues in March – Required Annual Twp Meetings (SDCL 3-1-11)

March 3 – Brookings Co Annual Mtg - 1 p.m. – Swiftel Center

March 7 – Lake Co Annual Mtg – Meal at 6 p.m. – Meeting at 6:30 p.m. at Nicky's in Madison

March 8 – Kingsbury Co Annual Mtg – noon meal with meeting to follow.

March 10 – Union Co Annual Mtg - 1:30 p.m. - Elk Point

March 11 – Spink Co Annual Mtg – 1 p.m. – Courthouse, Redfield

March 14 – Clay Co Annual Mtg – 7 p.m. – Courthouse basement – Use east door.

March 17 – **Deadline for property assessment appeals - Appeals must be in writing. (SDCL 10-11-16)**

March 18 – Miner Co Annual Mtg

March 21 – **Local Board of Equalization Meet (SDCL 10-11-13)**

March 29 – **Required Twp Meetings (SDCL 8-5-1)**

IMPORTANT CONTACT INFORMATION

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