



SDATAT's LEGISLATIVE NEWSLETTER

March 2, 2012

Spring #6

LEGISLATIVE NOTES



87th Legislative Session

By Richard Howard

As this article is being written, action is being taken on the last bill of the session: SB 197 – the Appropriations Bill for operation of State Government in Fiscal Year 2013. Additional funding is being made available for education, health care providers, State employee salaries and other special programs. SDATAT had a successful session with positive final action being taken on most of SDATAT's bills and other bills of interest as shown below:

SB 95 – An Act to modify distributions from the Wind Energy Tax Fund.

2/13/12 – Passed Sen. Taxation Committee 4-3

2/14/12 - Senate Do Pass, Failed 11-20

SB 102 – An Act to clarify the procedures for the apportionment of funds among townships.

2/1/12 – Passed Senate 35-0

2/10/12 – Passed House 69-1

2/22/12 – Signed by the Governor

SB 116 An Act to revise certain provisions relating to the township road system.

2/10/12 – Passed Senate 30-0

2/21/12 – Passed House 67-0

2/24/12 – Delivered to the Governor

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.

2/1/12 – Passed Senate 35-0

2/22/12 – Passed House 67-0

2/27/12 – Delivered to the Governor

AMENDED BILL:

SB 170 – An act to repeal the large project development fund and the appropriation therefore, to provide tax rebates for certain energy projects, to establish and provide for the administration of the business incentive grant fund, and to make an appropriation for the business incentive grant fund.

Amended in committee to repeal HB 1230 from the 2011 session (the large project development fund). This action eliminates the need for the referendum election on Referred Law No. 14 and establishes new tax rebates & incentives for large project development in the state.

2/24/12 – Passed House Commerce and Energy

Committee 10-3

2/28/12 – House of Representatives Tabled 65-1

HB 1228 – An Act to provide refunds for certain energy projects.

Amended (hog-housed) in Senate State Affairs to provide refunds of 50% of the sales/use tax and contractor's excise tax on large wind projects and the environmental upgrades on the Big Stone Power Plant.

2/27/12 – Amended in Senate State Affairs

2/28/12 – Passed Senate, amended 18-15

2/29/12 – House concurred in Senate Amendments 52-16

It should be noted that SB 102, SB 116, and SB 22 passed the Senate and the House, as well as the Standing Committee in each House with a total of only 1 negative vote.

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](#)
2/23/12 - Senate Do Pass, Passed, [YEAS 21, NAYS 11](#). S.J. 538
2/28/12 – Delivered to the Governor.

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
2/27/12 –Transportation Deferred to the 41st legislative day, Passed, [YEAS 5, NAYS 0](#).

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](#)
2/22/12 - Senate Do Pass Amended, Passed, [YEAS 32, NAYS 0](#). S.J. 507
2/24/12 – House of Representatives Concurred in amendments. Passed [YEAS 67, NAYS 1](#)
2/29/12 – Delivered to the Governor

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](#).

2/22/12 – Signed by the Governor. H.J. 542

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](#)
3/1/12 – Signed by the Governor

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](#)
2/27/12 – Passed House 46-23
2/29/12 – Delivered to Governor

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.

2/9/12 Agriculture and Natural Resources Do Pass Amended, Passed, [YEAS 7, NAY 1](#).
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.
2/23/12 – Tabled by committee 12-0

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](#)
2/28/12 – House of Representatives Do Pass Amended, Passed [YEAS 70, NAYS 0](#)
2/29/12 – Senate Concurred in amendments, Passed, [YEAS 30, NAYS 0](#).
3/1/12 – Delivered to the Governor

SB 169 – An Act to establish the Regional Watershed Advisory Task Force.

2/13/12 – Senate Do Pass Amended, Passed, [YEAS 23, NAYS 11](#)

2/27/12 – House of Representatives Do Pass Amended, Passed [YEAS 65, NAYS 4](#).

2/29/12 – Delivered to the Governor

The bill as amended establishes a regional watershed task force which is to study and make recommendations on water management in SD, including drainage and flooding. This concept

may be more effective than an interim legislative study which is proposed in SCR 5.

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

All of us at SDATAT would like to thank Dick Howard for the endless hours put in this Legislative Session and the great job that he has done for all the towns and townships!

2012 CALENDAR

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

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

MARCH 20TH – Brown Co Township Meeting – Courthouse – 1:00 p.m.
Kingsbury Co. Township Meeting - Am. Legion Hall – Oyster Stew Lunch – Noon with meeting to follow.

Kingsbury Co. Township Meeting- Am. Legion Hall – Oyster Stew Lunch – noon with meeting to follow.

MARCH 21 – Day/Marshall/Roberts Co. Township Meeting 9:30 a.m. – Webster

MARCH 26 – Lincoln Co Township Meeting – Pizza Ranch– 6:30 p.m. – Canton, SD

Brought to you by: South Dakota Association of Towns & Townships, PO Box 903, Huron, SD 57350, 605-353-1439, Website: <http://www.sdtownships.com>