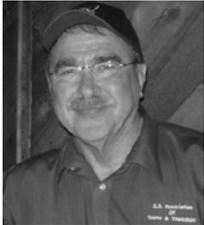




SDATAT's LEGISLATIVE NEWSLETTER

March 8, 2013

Spring #7



LEGISLATIVE NOTES

88th Legislative Session

By Richard Howard

The main run of the 2013 Legislature ended with adjournment of the House at 11:58 p.m. on the 37th Legislative day (March 8, 2013). The Senate adjourned at 11:56 p.m. The extra long day on Friday was almost totally consumed by the Joint Committee on Appropriations (9 House members and 9 Senate members) considering over 70 amendments and preparing the final version of HB 1185 (the \$4.1 billion FY 2014 Budget for State Government operations). While some other business was conducted, the other 87 Legislative members spent a majority of the day waiting for the budget bill which was presented to the House at 9:30 p.m. and was approved and delivered to the Senate at about 10:30 p.m. As required by the Constitution, the Appropriations Committee submitted a balanced budget to the House and Senate for approval.

SDATAT remained actively involved on the 37th day, as SB 195, a substituted, amended version of SB 157 (An Act to redistribute the wind energy tax) was the third to last bill approved by the Senate during the afternoon. Overall, as shown below, SDATAT had an extremely successful Legislative Session with only one SDATAT - sponsored bill (SB 122 – An Act to revise the dates for holding township board meetings) not passing, as it was withdrawn by the SDATAT Board because it needed additional work and significant changes before being passed. Other bills which SDATAT actively supported also had success.

As I have said before, it takes a **TOTAL TEAM EFFORT** to get legislation approved, and I want to thank the **BOARD MEMBERS** and all of you for your **SUPPORT AND ASSISTANCE** throughout the Session.

SDATAT BILLS UPDATE:

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

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

2/26/13 - Senate Do Pass, Passed 35-0

3/5/13 – Delivered to the Governor

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

1/29/13 – Senate Do Pass, Passed 35-0

2/7/13 – House Local Government Tabled*,
Passed 12- 0.

“This bill was tabled in Committee on Feb. 7th, 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.”

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, 33-0

2/13/13 - House Do Pass, Passed 70-0

2/27/13 – Signed by the Governor

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

2/13/13 – Senate Do Pass Amended, Passed 35-0

2/25/13 - House Do Pass Amended, Passed 66-3.

3/7/13 – Delivered to the Governor

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, 32-3.

2/25/13 - House Do Pass Amended, Passed 61-7.

3/5/13 – Delivered to the Governor

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

1/28/13 – Senate Taxation Do Pass Amended, Passed 5-2.

1/30/13 - Fiscal Note Requested, Passed

2/13/13 – Senate Do Pass Amended, Passed 27-8

3/4/13 – House Commerce and Energy Tabled*, Passed, 13-0.

**Tabled based on a commitment from Senate Leadership to pass SB 195 with a revised distribution of the wind energy tax (which was substantially better for townships than SB 157). SB 195 apportions 15% of the total wind energy tax to*

townships – SB 157 would have apportioned 2.5% of the State’s share of the wind energy tax to townships. The Governor’s Office also supported SB 195 and opposed SB 157.

SB 195 – An Act to revise the distribution of the wind energy tax.

(The original bill was proposed to establish incentives for development of wind energy facilities and to revise the amount of the gross receipts tax to be rebated to the operators of the wind farms).

2/19/13 - Senate Do Pass Amended, Passed 26-7

3/4/13 – Commerce and Energy Do Pass Amended, Passed 13-0.

3/4/13 - Commerce and Energy Title amended, Passed

3/5/13 - House of Representatives Do Pass Amended, Passed 62-5

3/7/13 - Senate Failed to concur, appoint Conference Committee, Passed

3/7/13 - House of Representatives Conference Committee Report adopted, Passed 58-8

3/7/13 - Senate Conference Committee Report Adopted 25-2

3/8/13 – Delivered to Governor

“The House amendment deleted all sections of the bill except the section that revised the distribution of the wind energy tax, as the incentives for wind energy facility development was included in SB 235. The amendment also changed the title of the bill to its current title.”

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.

1/30/13 - Senate Do Pass, Passed 24-11

2/27/13 - House Do Pass, Passed, 59-8.

3/5/13 – Delivered to the Governor

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 9-0

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

2/20/13 - Senate Do Pass Amended, Passed 32-1

3/4/13 - House Do Pass Amended, Passed 58-0.

3/7/13 – Delivered to the Governor

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.

2/20/13 – Senate Do Pass Amended, Passed 32-1

3/5/13 - House Do Pass Amended, Passed 62-7

3/7/13 - Senate Failed to concur, appoint Conference Committee, Passed

3/8/13 - House Conference Committee report not adopted, no committee appointed, Passed 67-0

3/8/13 - Senate Conference Committee report not adopted, no committee appointed, Passed 27-0

“The concept of SB 155 was included in SB 235 which creates a local infrastructure improvement grant fund to improve roads, water, sewer, etc. related to large project development. SB 155 was kept alive until there was assurance that SB 235 would pass.”

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

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

SB 235 – An act to create the building South Dakota fund and certain other funds and programs to enhance economic development and education, to make certain deposits and transfers, to make continuous appropriations, to revise certain education funding to support economic development, to make an appropriation therefor, and to declare an emergency.

2/19/13 - Senate Do Pass, Passed 30 – 3

3/4/13 – State Affairs Do Pass Amended, 12-0

3/5/13 - House Do Pass Amended, Passed 56-13

3/7/13 - House Conference Committee Report adopted, Passed 60-6

3/7/13 - Senate Conference Committee Report adopted, Passed 31-2

3/8/13 – Delivered to the Governor

“SB 235 is a bipartisan, omnibus funding bill, referred to as the “Building South Dakota” bill. It provides incentives for large (greater than \$20 million) economic development projects. It also creates funds for infrastructure improvement (roads, water, sewer, etc.); for educational programs (limited English proficiency, work force training, technical institutes, etc.); affordable housing programs; and other funding related to economic development. A major source of program funding is the Unclaimed Property Fund administered by the State Treasurer.”

.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 7-0.

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 7-6

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.

2/13/13 - House Do Pass Amended, Passed 37-32

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 9-0.

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

2/7/13 - House Do Pass Amended, Passed 70-0

2/25/13 – Senate Do Pass Amended, Passed 35-0

3/6/13 – Signed by the Governor

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

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

2/7/13 – Taxation Do Pass Amended, Passed 11-3. Taxation Title amended (The amendment removed counties from the bill.)

2/13/13 - House Do Pass Amended, Passed 47-22

2/27/13 – Senate Taxation Do Pass, Passed 5-2

3/5/13 - Senate Do Pass Amended, Failed 19-15

“It received a majority of the votes, but needed two thirds or 24 votes to pass.

This shows the support that Townships had in the Legislature during this Session as the Governor’s Office and Department of Revenue strongly opposed this bill.”

Important Upcoming Meeting Dates:

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.

December 4th & 5th – SDATAT Annual Mtg – Crossroads Event Center – Huron, SD – 605-352-3204 *(There are 50 rooms blocked at the state rate of only \$50. Once those rooms are gone the rate will go up to \$76.99 – so reserve your room now!)*