



SDATAT's LEGISLATIVE NEWSLETTER

March 11, 2011

Spring #8

Legislative Notes

86th Legislative Session

By Richard Howard



IT'S OVER – WE DID IT!!!!

First of all, I want to THANK everyone who assisted in this endeavor - the efforts of Township Supervisors coming to Pierre to testify and showing support for the bill, as well as those contacting their Legislators at home or by e-mail or phone, has never been higher. This was noted by Legislators and was important in the success.

Things happened very RAPIDLY on Thursday. HB 1192 had been delivered to the Governor's desk at 11:29 AM on Thursday, March 3rd. He had 5 days from the time of delivery (not counting weekends) to take action. The way the days are counted, he had until 1:28 AM on Thursday, March 10th to sign it, veto it, or let it become law without his signature. The Governor opted to veto it at about 9:30 AM – it was delivered to the House and read into the record at 10:00 AM. The House then recessed and came back into Session at 1:00 PM. The over-ride of the veto was one of the first actions taken after coming back to order. Several Representatives gave good testimony in support of the bill and a couple opposed it. When the vote was taken, the result was 53 for and 16 against. It takes a positive vote of 2/3 of the House members or 47 votes to pass – so it passed and the House had over-ridden the Governor's veto.

The bill was then delivered to the Senate and when the Senate came back into Session at 3:00 PM, the veto was the first action considered. The vote to over-ride in the Senate was 30 for and 4 against (24 positive votes were needed) so the bill had been

approved by both the House and Senate, with “the veto of the Governor notwithstanding”. All of this happened in about 5 hours – which was pretty amazing. He had vetoed one other bill at the same time as HB 1192, and it was deferred until March 28, when the Legislature comes back to do last minute business and consider Gubernatorial vetoes.

HB 1192, which is the largest local government road and bridge funding bill ever passed in South Dakota will become effective July 1, 2011. The first phase of the bill will provide an increase in road and bridge funding of \$18 million per year of which counties will receive \$12 million (67%), cities will receive \$2.9 million (16%) and Townships will receive \$3.1 million (17%). The second phase of the increase which will be effective July 1, 2013 will provide an additional \$13 million per year, bringing the total increase to \$31 million per year, of which the counties will receive a total of \$20.8 million, cities will receive \$5.0 million and Townships will receive \$5.3 million.

This increased funding should be very BENEFICIAL in repairing and maintaining local government roads, and I know it will be used WISELY. It has been a pleasure working for you again this year, and while it was a lot of hard work, it is very rewarding to be SUCCESSFUL. Thank you again for your TEAMWORK. I also want to give special THANKS to Rep. Steve Street from Revillo and Sen. Tom Hansen from Huron, the prime sponsors in the House and Senate, respectively for their dedication and hard work on this bill.



BILLS OF INTEREST

Final Results

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 and signed by the governor on 3/7/11

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.) Passed Senate 34-0. Signed by the governor 3/8/11.

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. Delivered to the Governor on 3/8/11

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. Failed in the House – 3/7/11

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 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 – 6:30 - Courthouse

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

March 28 – Lincoln Co Annual Mtg – Pizza Ranch, Lennox – 6:30 - Supper

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

APRIL

April 5 – Codrington Co. Annual Mtg – 7:30 – Extension Complex – North Door

Brown Co Annual Mtg – Courthouse – 1 p.m.

April 12 – Day Co Annual Mtg – Courthouse in Webster – 4 p.m.

Roberts Co Annual Mtg – 4-H Bldg – Sisseton – 1 p.m.

Marshall Co Annual Mtg – Club Eden Café' – 7:00 p.m.

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