

2010-2011 SDATAT Adopted Policies

(Adopted at the Annual Mtg. on Dec. 7, 2011)

Adopted policies 1-4 have potential legislation for 2012 session

1. DEFINING TOWNSHIP ROADS

Whereas it traditionally has been understood township governments are responsible for section line roads and whereas in South Dakota Codified Law, township roads are often referred to as secondary roads, and whereas there has been confusion as to what a secondary road is, therefore, be it resolved the South Dakota Association of Towns and Townships supports defining township roads as only those section line roads and other roads designated by the township board of supervisors as being on the township road system.

2 COUNTY DRAINAGE LAW REVIEW

WHEREAS, while the drainage of excess water from seasonally and perennially wet areas can markedly improve agricultural productivity, the poor management and regulation of drained water can result in damage to township road and bridge infrastructure; and WHEREAS these adverse impacts to infrastructure create a financial burden for the townships, THEREFORE BE IT RESOLVED the SDATAT supports a thorough review of drainage laws by the South Dakota Legislature to provide for improved management and regulation of the drainage of surface and sub-surface water for the benefit of all South Dakotans.

3. CLARIFICATION OF TOWNSHIP ROAD MILES FOR APPORTIONMENT OF HIGHWAY FUNDS

WHEREAS, Townships are responsible for maintenance of roads and bridges within the township; and WHEREAS, the Townships Board of Supervisors have the authority to designate township roads as full maintenance or minimum maintenance; and WHEREAS, a minimum maintenance road may be maintained at a level less the minimum standards for full maintenance roads, but shall be maintained at the level required to serve the occasional or intermittent traffic; and WHEREAS, the designation of a minimum maintenance roadway will allow for the reduction in maintenance, it is definitely not an elimination of all maintenance responsibilities, such as repair of washouts and washed out pipe, occasional blading, and installation and maintenance of appropriate safety signs and markers; and WHEREAS, some roads are designated minimum maintenance solely due to inadequate funding to provide full maintenance; and WHEREAS, the amount of license plate fees set aside to the various civil townships are apportioned among the townships based on the number of miles of maintained township roads within the county; and WHEREAS, there are inconsistencies among the counties on handling minimum maintenance road miles; THEREFORE BE IT RESOLVED that SDATAT supports legislation to clarify that the miles of maintained township roads include both full maintenance and minimum maintenance roads within the township for apportioning funds set aside for township roads.

4. WIND TAXATION DISTRIBUTION

WHEREAS SDATAT supports the growth of the wind industry in SD and recognizes that most wind development and construction is primarily within the townships, therefore be it resolved that SDATAT supports a modification of distribution from the wind energy tax fund by allocating more money to townships when wind farms are built along township roads due to the increased road maintenance that occurs for the townships.

Adopted Policies 1- 29 with no pending legislation noted...

1. EQUALIZATION BOARD

WHEREAS, township boards are more familiar with real estate and buildings within the local township, therefore, BE IT RESOLVED the South Dakota Association of Towns and Townships go on record as being in favor of maintaining the local equalization process involving township boards.

2. TAX REFORM

BE IT RESOLVED, SDATAT support more efforts in the South Dakota Legislature to continue to work toward a fairer and equitable tax system.

3. ESTABLISHING AGRICULTURE LAND VALUATIONS-

The South Dakota Association of Towns and Townships supports establishing equitable valuation of agriculture land. To achieve fairness and equality, the assessments on agriculture land should be based on the capability to produce, land use, terrain, climate, location and soil type.

4. TAX INCREMENT FINANCE DISTRICTS

WHEREAS, residents of a county, township, school district have no input when a municipality grants a Tax Increment Financing district; therefore be it resolved SDATT supports legislation which states a municipality cannot commit the tax dollars that would be received by other units of government when permitting the creation of a TIF district.

5. TAX REVENUE AFFECTED BY EASEMENTS

WHEREAS the sale of perpetual and long term easements, including but not exclusive of the Wetlands Reserve Program have a substantial effect on the market value of property, **BE IT RESOLVED**, SDATAT support efforts to ensure there is no loss of tax dollars due to the purchase of easements on property.

6. COOPERATIVE AGREEMENTS BETWEEN LOCAL GOVERNMENTS AND UTILITIES

BE IT RESOLVED SDATAT explore the feasibility of mutual agreements between towns and townships and utility providers that would benefit the local officials by regular or annual notice of system improvements made by any utility within any such town or township.

7. ELECTRIC DEREGULATION

WHEREAS deregulation within the electric utility industry would result in escalating costs for electrical energy for the rural areas in South Dakota, **THEREFORE BE IT RESOLVED** SDATAT opposes deregulation for the electric utility industry.

8. PRIVATE PROPERTY RIGHTS LEGISLATION

BE IT RESOLVED SDATAT supports state legislation that would preserve and maintain private property rights.

9. WORKER'S COMPENSATION IN SOUTH DAKOTA

BE IT RESOLVED SDATAT supports state legislation to raise the Worker's Compensation exemption for part time workers in townships to facilitate employee coverage and to make it feasible for townships to provide for hired help.

10. TOWNSHIP AND COUNTY COMMUNICATION

WHEREAS citizens are not always aware of which government entity is responsible, there fore be it resolved SDATAT encourages township boards and county governments to communicate and establish policy to designate financial responsibility if an emergency occurs.

11. COUNTY CONSOLIDATION

WHEREAS access to county government in South Dakota is extremely important to most citizens in the state, be it resolved SDATAT opposes county consolidation unless it is implemented at the grassroots level. **BE IT FURTHER RESOLVED** SDATAT is opposed to any state mandated reorganization plan of local governments.

12. OVERWEIGHT PENALTIES

WHEREAS overweight vehicles cause extensive damage to roads, **THEREFORE BE IT RESOLVED** SDATAT supports legislation to require civil penalties collected for vehicle overweight violations be deposited in the local government road and bridge fund and be distributed to local units of government for the repair and maintenance of local roads and bridges.

13. HAUL ROADS

WHEREAS SDCL 31-13-1 requires the boards of township supervisors to maintain and repair the roads within the township; and WHEREAS certain nuisances and road damages are created in the transporting of sand, gravel and rock to use to maintain roads; and WHEREAS this creates a financial burden for the townships that have sand, gravel and rock resources, BE IT RESOLVED SDATAT supports legislation that would require the operators of sand, gravel, and other construction aggregate mines to sign a haul road maintenance agreement with the affected township board as a component of the operator's mining license application process. BE IT FURTHER RESOLVED SDATAT supports legislation that would make maintenance of haul roads a requirement under the operating and reclamation standards for sand, gravel, and rock mining operations.

14. ROAD SIGN DAMAGE

WHEREAS each year thousands of dollars of taxpayer money is spent on repair and replacement of road signs due to vandalism and theft, BE IT HEREBY RESOLVED SDATAT supports legislation increasing the fines/penalties for intentional damage or theft of road signs.

15. TO PARTICIPATE IN THE STATE OF SOUTH DAKOTA GROUP HEALTH INSURANCE PROGRAM

WHEREAS some townships in South Dakota have full and part time employees and WHEREAS as a means of attracting qualified employees is a challenge for those townships and WHEREAS one of the attractions for any job is the health insurance benefit, THEREFORE BE IT RESOLVED SDATAT supports the amendment of SDCL 3-12A to permit counties and other political subdivisions, including townships to join the state employee group health insurance plan.

16. TOWNSHIP BOARD MEMBERS INSURANCE BENEFITS

WHEREAS township officers receive no fringe benefits; and whereas group life insurance is the most common fringe benefit provided to elected officials and public employees at all government levels; and whereas other local government units in South Dakota are authorized to provide group health and life insurance benefits to their governing boards and employees; therefore be it resolved that SDATAT supports legislation to authorize townships to enroll in programs to provide group health and group life insurance benefits to township officers and employees as deemed appropriate and desirable by the Township.

17. TRIBAL LANDS

WHEREAS the removal of land purchased by American Indian Tribes from the tax roll via the placing of such land in tribal trust causes a financial hardship on local governments which are still required to provide services such as roads and fire protection, THEREFORE BE IT RESOLVED SDATAT supports the efforts of federal, state, and local government leaders to continue to work with American Indian tribes to resolve the issue. Such efforts should address concerns resulting from the federal government placing land into trust on behalf of American Indian tribes without such tribes having entered into a binding agreement with state and local entities on the collection of taxes, law enforcement, infrastructure and environmental concerns and regulations.

18. EXTRA TERRITORIAL JURISDICTION

WHEREAS many incorporated cities have extra territorial jurisdiction beyond their city limits in matters such as zoning and law enforcement, and whereas residents living in these areas should be able to have representation by being allowed to vote in city elections, therefore be it resolved the South Dakota Association of Towns and Townships supports those residents residing within that extra-territorial jurisdiction be allowed to vote in city elections.

19. ZONING

WHEREAS zoning decisions affect township governments, therefore be it resolved SDATAT encourages township officials to be actively involved in the zoning process within their respective counties.

20. E 911

SDATAT opposes any attempt to mandate consolidation of E 911 Service Centers and any attempt to remove E 911 surcharge revenue from county governments.

21. SUPPORT COUNTY ZONING AUTHORITY

WHEREAS the South Dakota Association of Towns and Townships believes local control is in the best interest of communities in South Dakota, and whereas the South Dakota Association of Towns and Townships has encouraged town/township officials to be involved in county zoning decisions, therefore be it resolved the South Dakota Association of Towns and Townships is opposed to any efforts to weaken or take away county zoning authority.

22. SUPPORT INCREASE IN LIQUOR TAX

WHEREAS county government, by statute, must provide law enforcement, prosecution and defense, court, jails, detoxification programs and other related services; and whereas providing these services takes funding away from other local programs and services; therefore be it resolved SDATAT goes on record in support of increasing the tax on alcoholic beverages with all revenue collected from such tax increase go to county governments.

23. LOCAL GOVERNMENTS SHOULD BE EXEMPT FROM CONTRACTORS EXCISE TAX

WHEREAS local governments are financially dependent upon tax dollars and local governments are unable to raise taxes because of the tax freeze, therefore be it resolved local governments be exempted from paying contractors excise tax on regular or routine road maintenance and graveling of roads.

24. RURAL DEVELOPMENT

WHEREAS Rural Development activities and projects are crucial to the rural communities in South Dakota, THEREFORE BE IT RESOLVED SDATAT support efforts of individuals, organizations, government entities, and communities in the effort of promoting new ideas and implementing existing ideas to strengthen the economy of our rural communities.

25. CONTROL OF NOXIOUS WEEDS ON GOVERNMENT OWNED LAND

WHEREAS game and fish agencies at both the federal and state level have found it more difficult to control noxious weeds and pests on public lands in South Dakota, BE IT RESOLVED the SDATAT urge the Governor of SD and all county commissioners work in concert to initiate a moratorium on further land purchased by the SD Game, Fish, and Parks Dept. and the US Dept. of Fish and Wildlife until all noxious weeds are under control on the lands these agencies currently own and manage.

26. LOCAL GOVERNMENT PAPERWORK REDUCTION

WHEREAS the Internal Revenue Service is insisting on local elected officials with hold FICA and Medicare taxes from the per diem paid to elected officials from dollar one, and whereas this requirement creates unnecessary paperwork for local officials, therefore be it resolved SDATAT support a change in the Social Security Act and the Internal Revenue Code of 1986 to exempt any elected or appointed member of a general governing board or political subdivision of a state if the remuneration paid in a calendar year for such service is not more than \$1300.

27. PLEDGE OF ALLEGIANCE

WHEREAS our country was founded so people could worship God as they chose, and since it has been our heritage and our tradition to give God the proper place in our society, that being at the head, therefore be it resolved the South Dakota Association of Towns and Townships support keeping, 'one nation, under God,' in the Pledge of Allegiance.

28. DRIVERS EDUCATION

WHEREAS there is no uniform curriculum for Drivers Education in South Dakota Schools and whereas many students are prohibited from taking a Drivers Education Course because of cost, and whereas every year we lose young people on our highways, therefore be it resolved the South Dakota Association of Towns and Townships supports having Drivers Education as part of the required curriculum in the schools in South Dakota.

29. CURRICULUM SHOULD INCLUDE US HISTORY/CIVICS

WHEREAS it is important for our youth to know the history of the United States and to have a general understanding of the government of our great country in order to become good leaders in their communities, state, and nation, therefore be it resolved, the South Dakota Association of Towns and Townships supports required curriculum addressing United States History and Government as well as a basic Civics class.

30. HIGHWAY FINANCING

WHEREAS, the state and local governments are experiencing shortfalls in funding to provide necessary maintenance of roads and bridges within their jurisdictions: therefore be it resolved SDATAT supports the effort to improve highway funding in South Dakota by a combination of increasing license plate fees, increasing the tax on highway motor fuel, and increasing the excise tax on vehicle purchases in such a manner to allow the existing tax methods and distribution of those funds to continue as it is currently done, so the state, cities, counties and townships will share in the increased revenue.

31. GOVERNMENT OWNED PROPERTIES

WHEREAS government owned income producing real property does not pay property taxes, therefore, be it resolved SDATAT supports legislation to develop a payment in lieu of taxes equal to the current rate to all schools, townships, counties, and any other taxing entity that would normally receive tax revenue from such real property.

33. COMPENSATION TO BE PROVIDED FOR DAMAGE TO NEIGHBORING PROPERTIES WHEN ESTABLISHING WETLANDS

WHEREAS, the establishment of wetlands by State and Federal agencies, and other groups under various programs, can damage adjoining properties, including property owned by local units of government; Now therefore **BE IT RESOLVED**, that the SDATAT seek to amend appropriate State Statutes to require compensation to all affected neighboring property owners and others with a legal property interest, including local units of government, whose property is damaged by the establishment of a wetland; therefore **BE IT RESOLVED**, that a similar request be made to Congress to require federal agencies to properly compensate adjoining property owners and others with a legal property interest, including local units of government, damaged by the construction of a federally owned, created, or funded wetland.

34. PERPETUAL EASEMENTS

WHEREAS, the SDATAT believes each generation should have the same opportunities as the one that came before to implement decisions in the management and stewardship of their owned lands; and **WHEREAS**, perpetual easement agreements regarding Federal conservation programs will limit these decisions by future generations and can be changed to further limit what management practices can be implemented in the future. **THEREFORE BE IT RESOLVED**, the SDATAT opposes easements that limit management or stewardship practices on a perpetual basis and supports using voluntary, single-generation and renewable easements in their place.