

# 4<sup>th</sup> Legislative Newsletter

## February 5, 2010

The Legislature has now completed four weeks (16 Legislative Days). All bills have been introduced, and the final count is 474 (278 in the House and 196 in the Senate). Committees will be very busy the next two weeks, as all bills must be out of the committee in the house of origin by the 25<sup>th</sup> Legislative day (Feb. 22) and must pass the house of origin by Feb. 23. Then by the 34<sup>th</sup> Legislative Day (Mar. 9), the bill must pass the second house.

Gail Brock came back on board this week to assist with lobbying in Pierre. Both Gail and Dick are well respected by the legislators and make a great lobbying team. However, this week was **DISAPPOINTING** for SDATAT as SB 1 (highway funding) was killed in Committee on Feb. 1 and HB 1147 (group life and health insurance for townships) was killed on the House floor on Feb. 3. But as discussed below there may be another chance for both before it is over (the old saying in the halls of the Capitol is that "it ain't over till it's over"). We will continue to work on these issues.

### **STATUS OF SDATAT'S BILLS:**

**SB 1** - Received 2 days of testimony - mostly in support of the funding increases. Good testimony was provided by SDATAT Board members, county commissioners, county highway superintendents, contractors, ag groups, state chamber of commerce, SDDOT, SD Dept. of Ag, economic development directors, SD Municipal League and others. The only opposition testimony was from lobbyists for the SD Petroleum Dealer's Association, an individual petroleum dealer and a couple speakers from the Farmers Union.

Sen. Mike Vehle was the prime sponsor of the bill. He worked very hard on the bill this past summer and during the session. However, Sen. Vehle made the motion to kill the bill in Committee rather than send it to the Senate floor. Even though the Committee would have approved the bill by a vote of 4 to 3- Senator Vehle felt the needed support on the Senate floor was not yet available at that time. Senator Vehle felt only 17-18 Senators would vote for it when it would need 24 votes to pass. If conditions change and more support develops within the Senate, the bill can be revived in Committee.

**HB 1262**- An Act to adjust motor vehicle registration fees was introduced in the House on Feb. 3. This bill will be considered by the House, and if approved, would go to the Senate for consideration.

**SB 130** - SDATAT's bill to re-define the township road system is scheduled in the Senate Transportation Committee on Feb. 10. Dick Howard has asked the Chairman to defer that until Feb. 12 so that SDATAT Board members could attend and participate in the discussion. It is our understanding that counties are going to oppose this bill.

**HB 1147**- SDATAT's bill to allow townships the ability to provide certain health, life, and disability income insurance benefits to board members and employees went down in flames on Wednesday on a 17 to 49 vote. We were blind-sided on this bill as our prime sponsor (and a number of legislators) had assured us there was no problem with the bill. It came out of committee with only 2 Nay votes on Monday even with Rep. Greenfield adamantly opposing it. Even after working the bill, we were fairly comfortable of getting it out of the House yet at noon on Wednesday.

(HB 1147 continued...) However, after the caucus's, it was obvious that this bill was not going anywhere. Speaking strongly against it on the floor were Rep. Hoffman, Rep. Dennert, and Rep. Russell. It is interesting to note the cities, counties, and water districts have this authority of providing benefits. However, it is in our opinion, that the majority of the House of Representatives do not trust townships to have good judgment on this issue. What seemed to be the biggest concern was the offering of health insurance. The reason health insurance was included was that there are a few townships who have fulltime and even part time employees who would like to provide benefits to these employees. It is planned to make changes in the bill to meet the objections expressed on the floor and to look for another bill to amend it on to as the session proceeds.

**HB 1166-** An Act to clarify the locations where the local boards of equalization may meet, giving the decision to the board as to where to meet was unanimously approved in Committee and was placed on the consent calendar on Feb. 4. It will be the House floor on Feb. 9 or 10.

### **ACTION ON OTHER BILLS OF INTEREST TO SDATAT:**

**HB 1046** - An Act to revise certain provisions for the procurement of goods and services for governmental agencies has had a hearing, but the Committee has not taken action.

**HB 1093** - An Act to revise the open meeting requirement to permit the use of teleconferencing for rule-making and other purposes has had a hearing, but the Committee has not taken action.

**HB 1099** - An Act to permit taxing districts to revise the base amount of revenue payable from property taxes was defeated on the House Floor 32-36 on Feb.3. Dick Howard had testified in favor of the bill in Committee.

**HB 1113** – An Act to specify certain animal species for animal damage control has not been scheduled for a hearing. SD Game, Fish and Parks oppose it.

**HB 1128** – An Act to revise certain provisions concerning fire protection services provided through township funding has passed the Committee and is scheduled for floor action on Feb. 9. Dick Howard worked with the sponsor in developing an amendment that that will be placed on the bill to preserve some authorization for townships to contract with Rural Fire Districts. Dick would like to HEAR from any townships that have had BAD EXPERIENCE in working with RURAL FIRE DISTRICTS

**HB 1193-** An Act to allow certain local governments to participate in the state health insurance plan had no action taken.

**HB 1195** – An Act to provide for certain overweight permits during the time of seasonal vehicle weight restrictions had no action. Sponsor has advised that he plans to have it killed as it won't accomplish what was expected.

**HB 1214** – An Act to allow for the acquisition of the fee ownership of highway right-of way land for certain local governments was amended in House Local Government Committee on Feb. 4 to include townships, then was approved unanimously and placed on the consent calendar.

**SB 58** – An Act to revise certain real property taxes for small renewable energy facilities. A fiscal note was prepared by LRC which showed the total estimated loss in annual revenue for all local taxing districts, at a total levy of \$16 per \$1000 of assessed valuation, would be \$11,840. So, the annual loss to townships at the average levy of 75 cents per \$1000 would be about \$550. The bill was amended on the Senate floor and was approved by the Senate on Feb. 3.

**SB 78-** An Act to revise the total amount of revenue payable to municipalities and townships from taxes on real property was amended in Committee to include townships. Passed the Senate on Feb. 3.

**SB 104** – An Act to revise certain provisions regarding disclosure of public information and public meetings has had no action.

**SB 147** - An Act to establish a legislative policy to biannually review the highway needs and adjust the highway user fees has had no action.

**NEW BILLS INTRODUCED OF INTEREST TO SDATAT:**

**HB 1196-** An Act to establish a certain distance from the municipality's corporate limits in which the municipality has planning and zoning authority.

**HB 1239-** An Act to establish certain procedures for counties to follow when requiring landowners to cut and remove grass, weeds, and brush from the road right-of-way.

**HB 1262** - An Act to adjust certain registration fees for the use of motor vehicles on the public highways. This is the House Bill that will be used and amended

to provide for a vehicle registration fee increase. Dick Howard is will be working on drafting the proposed amendment this weekend.

**SB 133-** An Act to revise certain procedures for handling complaints regarding open meeting requirements.

**SB 160-** An Act to allow certain local governments to participate in the state health insurance plan.

**SB 161-** An Act to impose a fee on certain pipelines carrying crude oil and to create a crude oil pipeline compensation fund that may be used in the event of a crude oil spill.

**SB 171-** An Act to create an additional classification of real property and provide for its assessment and to revise certain provisions concerning the taxation of such property.

**SB 180-** An Act to clarify certain statutes prohibiting political subdivisions from restricting firearms.

**SB 182** - An Act to provide for the annual adjustment of certain fuel tax rates. This bill would increase the gas tax each year by the CPI - the same index factor as applied to property tax.

**SB 184-** An Act to revise certain provisions concerning the taxes imposed by water development districts and the formation of water development districts.

**SB 192** - An Act to modify distributions from the wind energy tax fund. This is bill would allocate more money to townships when wind farms are built along township roads. It would allocate the wind energy tax based on a ratio of miles of township roads to miles of county roads. Our Board of Directors supports this bill and we will lobby in favor of it.

**IT IS STILL CRITICAL TO CONTACT YOUR SENATORS BEFORE MONDAY.**

It is expected that action will move quickly during upcoming weeks. If you have any questions or comments on any legislation, please feel free to contact the SDATAT Office at (605) 353-1439 or Dick Howard at (605) 222-7700.

In addition to contacting your legislator when they are at home, you may contact them in Pierre by e-mail, telephone or letter. Addresses and phone numbers are provided below.

**IMPORTANT CONTACT INFORMATION**

To Track Legislation <http://legis.state.sd.us>

Contact legislators  
Email <http://legis.state.sd.us/email/legislaturemail.aspx>  
Select legislator's name from drop down box

Write Senator or Representative  
500 E Capitol Ave  
Pierre SD 57501

Fax a Message (to a specific legislator)  
605 773 6806

Call  
Senate Lobby 605 773 3821  
House Lobby 605 773 3851

To contact the SDATAT Lobbyist call  
Lobbyist Desk 605 224 5030  
Cell 605 354 2799  
Hotel 605 224 5951

**SDATAT Legislative Day is Thursday, February 11, 2010.** We will be serving ice cream sundaes to the legislators between 2 and 3:30 pm. The SDATAT board will convene at 4:30 pm at the Cattlemen's Club east of Pierre. We will have a no host dinner and will have several guests, legislators and others to inform us on current issues. Please contact our office at 605 353-1439 if you plan on attending.

**CALENDAR OF EVENTS**

**February**

- 11 SDATAT Legislative Day**
- 16 McCook Co Township Mtg. 1:30pm-Courthouse, Salem
- 16 Hamlin Co Township Meeting 1:30 pm-Courthouse, Hayti, SD
- 16 Beadle Co. Township Meeting 1 pm Courthouse, Huron, SD
- 18 Charles Mix Co Township Mtg 12:30 pm- 4-H Bld., Lake Andes
- 19 Sanborn Township Mtg 1:30 pm-4H Bldg Forestburg, SD
- Grant County Township Mtg. 1 pm Courthouse, Milbank, SD
- 23 Township Year-end Meeting (Required by law SDCL 8-5-1)**

**March**

- 1 SDATAT Membership payments due
- 2 Township Annual Meetings (Required by law SDCL 8-3-1)**
- 5 Spink County Township Mtg. 1pm-Courthouse, Redfield, SD
- 8 Clay County Township Mtg. 7 pm Public Safety, Vermillion
- 11 Deadline for property assessment appeals**
- 11 Miner County Township Mtg. 7 pm-Courthouse Basement Howard, SD
- 15 Local Boards of Equalization Meet SDCL 10-11-13**
- 18 Kingsbury County Township Mtg. at 12 noon, 4 H Bldg. in Desmet, SD
- 30 Township Board of Supervisor Mtg. SDCL 8-5-1**