



LEGISLATIVE UPDATE

February 13, 2015

Spring #4



2015 LEGISLATIVE NOTES

By Richard Howard,
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As the Legislature adjourned yesterday for a 4 day weekend, they had completed L.D. 21 with 17 Legislative Days remaining in the 2015 session. The next major deadline coming up in the near future is “crossover day” – the last day for a bill to pass the House of Origin. This will occur on February 25th (L.D. 27).

The House and Senate have both dealt with some of the major issues under consideration this session; including funding for Hwy and bridges, reform of juvenile justice practices, additional sales tax funding for municipal infrastructure, and retaining the death penalty. In addition, they have spent considerable time debating the proper regulation of concealed weapons, including in the Legislature and on college campuses.

On Wednesday, February 11th, the Senate passed **SB 1**, a scaled-down version of the Legislature’s Interim Committee on Highway Needs and Financing proposal that was developed during a comprehensive summer study of the needs and potential funding sources for both state highways and local government roads and bridges. The bill, as passed by a vote of 26-8, is very similar to the Governor’s proposal (**HB 1131**) and will provide an increase of approximately \$40 million for State highways and \$11.3 million for counties, townships. & municipalities in Fiscal Year 2015.

Changes from the Governor’s proposal include:

- 1) Limiting the 2 cent per gallon annual motor fuel tax increase to 8 years,
- 2) Reducing the increasing of registration fees for non-commercial gross weight vehicles (farm trucks) to an increase up to 70% of commercial rates in 2015 and 75% in 2016 (rather than 80%).
- 3) Adding a minor increase of approximately \$1.18 per year on registration fees for cars, vans, pickups, trailers, motor homes, motor cycles and dealer plates annually for a period of 8 years (similar to the gas tax increase.) This would raise approximately \$1.4 million per year for local governments.
- 4) Requiring a mandatory vote and imposition of a property tax freeze on the Governor’s proposal to authorize counties to increase their levy by up to \$1.20 per \$1000 valuation and townships by up to \$.50 per \$1000 valuation for roads & bridges. This amendment essentially nullifies the benefit of this proposal and needs to be modified or removed.

Negotiations between the House and Senate are expected to be ongoing until the end of the session.

The House State Affairs Committee has scheduled a hearing on HB 1131 for Wed. Feb. 18th.

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Positive action continued on SDATAT's legislation:

HB 1121 - An Act to authorize township boards to establish speed zones on township roads. On 2/5/15 was approved by the House Local Government Committee by a vote of 11-0 and was placed on the Consent Calendar. It passed the House by a vote of 61-0 on February 6.

HB 1122 - An Act to authorize township boards to designate certain roads as no maintenance roads. On 2/5/15 was approved by the House Local Government Committee by a vote of 11-1 and was amended slightly on February 9 and approved by the House by a vote of 61-6. Another amendment may be proposed in the Senate Transportation Committee to further clarify the intent of the bill.



OTHER BILLS OF INTEREST



SB 2 - An act to provide for the establishment of river basin natural resource districts and to repeal certain provisions regarding county drainage management.

1/13/15 - First read in Senate and referred to Senate Agriculture and Natural Resources.

2/12/15 - Agriculture and Natural Resources Motion to amend, Passed

2/17/15 - Scheduled for further hearing

SB 3 - An act to provide for mediation of certain drainage disputes.

1/13/15 - First read in Senate and referred to Senate Agriculture and Natural Resources

2/17/15 - Scheduled for hearing.

SB 5 - An act to revise certain provisions concerning the assessment and taxation of real property.

1/13/15 - First read in Senate and referred to Senate Taxation

1/23/15 - Taxation Do Pass, Passed, Yeas 7, Nays 0

1/26/15 - Senate Do Pass, Passed, Yeas 35, Nays 0

1/27/15 - First read in the House and referred to House Taxation.

SB 81 - An act to require persons convicted of driving a vehicle while under influence of alcohol, drugs, or intoxicants to pay certain costs to the county.

2/9/15 - Local Government Do Pass, Passed, YEAS

5, NAYS 0

2/10/15 - Senate Do Pass, Passed YEAS 30 NAYS 3

2/11/15 - First read in House and referred to House Local Government

SB 180 - An act to revise certain provisions regarding the production tax for wind energy facilities.

2/3/15 - First read in Senate and referred to Senate Commerce and Energy.

2/12/15 A hearing was held, testimony was taken and the bill was held over for further discussion. I testified regarding concerns for decreases on township revenues.

2/17/15 - Scheduled for further hearing.

SB 185 - An act to increase the motor vehicle excise tax rate and to dedicate a portion of the revenue to the local government highway and bridge fund.

2/3/15 - First read in Senate and referred to Senate Transportation.

2/18/15 - Scheduled for hearing.

SB 129 - An act to revise provisions relating to trespass associated with hunting, fishing, or trapping.

1/28/15 - First read in Senate and referred to Senate Agriculture and Natural Resources

2/10/15 - Agriculture and Natural Resources Do Pass, Passed, YEAS 8, NAYS 0

2/11/15 - Senate Do Pass, Failed, YEAS 12, NAYS 21

OTHER BILLS UPDATE CONTINUED

SB 135 - An act to authorize municipalities to impose an additional sales and use tax for a limited period of time for a specified use.

1/28/15 - First read in Senate and referred to Senate State Affairs.

2/4/15 - State Affairs Do Pass Amended, Passed, YEAS 6, NAYS 2

2/9/15 - Senate Do Pass Amended, Passed, YEAS 19, NAYS 14.

2/10/15 - First read in House and referred to House Taxation

HB 1152 - An act to limit the terms of certain conservation easements.

1/28/15 - First read in House and referred to House Agriculture and Natural Resources

2/3/15 - Agriculture and Natural Resources De-

ferred to the 41st legislative day, Passed, YEAS 7, NAYS 6.

HB 1135 - An act to expand certain bonding provisions regarding local government officials and employees.

2/5/15 - Local Government Do Pass, Passed, YEAS 10, NAYS 0.

2/5/15 - Placed on consent, Passed

2/6/15 - House of Representatives Do Pass, Passed, YEAS 61, NAYS 0.

2/9/15 - First read in Senate and referred to Senate Local Government

HB 1201 - revise certain provisions regarding planning and zoning.

2/4/15 - Referred to House Local Government .



The South Dakota Legislature

Taken From The S.D. Legislative Research Council Website



State governments, like the federal government, are divided into three distinct branches. The legislative branch makes the laws, the executive branch carries out the laws, and the judicial branch interprets the laws. This guide's focus is the legislative branch and the process by which laws are made in South Dakota. The South Dakota Legislature is bicameral, or composed of two bodies. The other states also have bicameral legislatures with one exception. The Nebraska Legislature is unicameral, or composed of only one body. In South Dakota, the two bodies are the Senate and the House of Representatives. The state constitution provides that the Senate shall consist of not fewer than 25 or more than 35 members and that the House shall consist of not fewer than 50 or more than 75 members.

Currently, the Senate has 35 members and there are 70 members of the House of Representatives. The state comprises 35 legislative districts. (To view them, click on "Who Are My Legislators?" on the main LRC Homepage.) Voters in each district elect one senator and two representatives. Every ten years, in accordance with the state constitution, the Legislature must redraw the boundaries of the legislative districts to reflect shifts in the state's population. This reapportionment process keeps the districts as equally populated as possible. That way, every state citizen receives equal representation. As mandated in our state constitution, the Legislature meets annually at the seat of government, which is the state capitol in Pierre. The sessions begin every year on the second Tuesday in

January at noon. The state constitution limits the length of these sessions. In odd-numbered years, the session is limited to 40 legislative days, and in even-numbered years, the session is limited to 35 legislative days. Legislative days do not include Sundays, holidays, or days when the Legislature is in recess. In addition to these regular sessions, special sessions are held periodically when a need arises. The constitution gives the Governor the right to convene a special session, but the Legislature may also call itself into special session. The Legislature, in a Special Session on October 23-24, 2001, adopted a new redistricting plan for distribution of legislative seats based on the 2000 federal census figures. Each of the thirty-five senate districts also constitutes a congruent, dual-member house district with one exception. Senate District 28 constitutes two house districts, House District 28A and House District 28B. The separate districts were created to protect minority voting rights. The average population of a legislative district in 2000 was 21,567 people. Since it is a practical and political

impossibility to have every district consist of exactly the "ideal" number of inhabitants, the Legislature adopted an apportionment plan with variances. The Legislature redistricts every ten years using the federal census figures. The Legislature determined that, as a matter of policy, the legislative districts be constituted, as nearly as practicable, in accordance with the following principles: (1) Adherence to standards of population deviance as established by judicial precedent and to standards of population deviance as prescribed by Article III, section 5, of the South Dakota Constitution; (2) Protection of communities of interest by means of compact and contiguous districts; (3) Respect for geographical and political boundaries; and (4) Protection of minority voting rights consistent with the United States Constitution, the South Dakota Constitution, and federal statutes, as interpreted by the United States Supreme Court and other courts with jurisdiction.

Important Upcoming Meeting Dates:

February 24 – Regular Twp Mtg

March 3 – Annual Twp Mtg & Election

March 16 – Regular Twp Mtg for equalizing the assessment of property in your township

March 24 – Regular township meeting of the “newly” elected township officials.

New This Year - any required meeting may be rescheduled for the following Tuesday at the same time and place, due to inclement weather, without additional publication. Be sure that you have the reschedule date in the initial agenda and publications. (SDCL 8-3-1)

****More information and detailed sample agendas available at: www.sdtownships.com****



90th LEGISLATIVE SESSION DEADLINES

2015  39 Legislative Days

Legislative day	Calendar Date	Deadline
L.D. 1	January 13	Session Opens—12 Noon (CST)
L.D. 5	January 20	Executive orders filed (Constitution, Art. IV, Sec. 8)
L.D. 8	January 23	Concurrent Resolution limited introduction deadline (J.R. 6B-3)
L.D. 11	January 28	Last day for unlimited bill & joint resolution introduction (J.R. 6B-3) <i>Must be at the front desk TWO HOURS prior to session</i>
L.D. 13	January 30	All bill drafts with sponsors due back in LRC by 5 PM
L.D. 14	February 3	Final day to introduce individual bills and joint resolutions (Chapter 17) <i>Must be at the front desk TWO HOURS prior to session</i>
L.D. 15	February 4	Final day to introduce committee bills and joint resolutions (Chapter 17) <i>Must be at the front desk TWO HOURS prior to session</i>
L.D. 25	February 20	Last day to use J.R. 5-17 (Chapter 17)
L.D. 26	February 24	Last day to move required delivery of bills or joint resolutions in the house of origin (Chapter 17)
L.D. 27	February 25	Last day for a bill or joint resolution to pass the house of origin Last day for introduction of concurrent resolutions and commemorations (Chapter 17)
L.D. 33	March 6	J.R. 5-13 in effect (Chapter 17)
L.D. 34	March 9	Last day to move required delivery of bills or resolutions in the second house (Chapter 17)
L.D. 35	March 10	Last day for a bill or joint resolution to pass both houses (Chapter 17)
L.D. 36	March 11	Reserved for concurrences or conference committees (Chapter 17)
L.D. 37	March 12	Reserved for concurrences or conference committees (Chapter 17)
L.D. 38	March 13	Reserved for concurrences or conference committees (Chapter 17)
L.D. 39	March 30	Reserved for consideration of gubernatorial vetoes (Chapter 17)

IMPORTANT CONTACT INFORMATION

To Track Legislation

<http://legis.sd.gov/>

To Listen To Committees Live:

http://legis.sd.gov/Legislative_Session/Committees/default.aspx?Session=2014

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