



SDATAT's LEGISLATIVE NEWSLETTER

February 10, 2012

Spring #3

LEGISLATIVE NOTES



87th Legislative Session

By Richard Howard

It was a hectic week at the Capitol with many Committees starting hearings at 7:00 AM and meeting in the evening as well. Today is the 19th Legislative Day with only 13 L.D.'s left. The last day for a bill to pass the House of Origin is Feb. 14, and the final day to pass the 2nd House is Feb. 28. The final day of the regular session is March 2nd and "Veto" day is March 19th. It was a good week for SDATAT bills as shown below. Following is the status of SDATAT bills and other bills of interest to SDATAT:

SB 95 – An ACT to modify distributions from the Wind Energy Tax Fund – A hearing was held on Feb. 8th in Senate Taxation Committee – SDATAT testimony was given by Henning Hansen and Sharon Leiferman from Richland Township and Dick Howard. Action on the bill was deferred until Feb. 10. Just as the Committee meeting started today, Brookings County submitted a proposal to establish an Economic Development Road Fund to provide \$50,000 to \$100,000 per year to provide road maintenance on roads impacted by an economic development project, such as wind farms, large dairies, concentrated animal feeding operations, agricultural processing and other developments of this nature. All townships in the county would be eligible for funding. The Committee then deferred action on the bill until Feb. 13 to provide time for the County and Townships to work on an agreement. The bill must be acted on by Feb. 13.

SB 102 – An Act to clarify the procedures for the apportionment of funds among townships. A hearing was held in House Transportation

Committee on Feb. 9th. The bill passed the Committee unanimously and was placed on the "Consent Calendar" – meaning that it would be voted on by the full House without debate. It passed the House 69-1, so it has passed both Houses and is headed to the Governor's Office for his signature.

SB 116 – An Act to revise certain provisions relating to the township road system. A hearing was held in Senate Transportation Committee on Feb. 8th – Jim Puffer and Dick Howard provided SDATAT testimony. An SDATAT amendment was added to resolve some county issues. The bill then passed the Committee unanimously and was placed on the Consent Calendar. It passed the Senate today 30-0 (with 5 excused).

SB 22 – An Act to revise certain provisions regarding the vacation or the change of location of county and township highways on school and public lands was amended in Committee to clarify the authority of County Commissioners to vacate or change the location of only county roads, and Township Supervisors to vacate or change the location of only township roads. Passed the Senate 35-0 on Feb. 1st.

HB 1122: An Act to revise certain provisions relating to the vacation, change, or location of highways.

2/9/12 - Local Government Do Pass, Passed, [YEAS 9](#), [NAYS 2](#). H.J. 396 – Scheduled for floor action Feb. 10, Deferred to Feb. 13

Contact your Legislators when they are home this weekend & ask them to support SB 95, SB 116, SB 22 and HB 1122.

If you have 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 Legislators when they are at home, you may contact them in Pierre by e-mail, telephone, or letter. Addresses and phone numbers are provided on page 4.

BILLS OF INTEREST (Cont.)

HOUSE BILLS:

HB 1003: 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.

2/2/12 - Signed by Speaker H.J. 307

2/6/12 - Signed by President S.J. 286

2/7/12 - Delivered to the Governor H.J. 349

HB 1074: An Act to exempt certain counties from restrictions relating to the taking of muskrat.

2/2/12 - Agriculture and Natural Resources

Tabled, Passed, [YEAS 10, NAYS 0](#). H.J. 292)

HB 1087: An Act to limit the terms of certain conservation easements.

2/7/12 - Agriculture and Natural Resources Do Pass, Passed, [YEAS 9, NAYS 4](#). H.J. 332

2/8/12 - House of Representatives Do Pass, Failed, [YEAS 22, NAYS 45](#). H.J. 363

HB 1094: An Act to require the filing of certain documents relating to the vacation, location, or changing of highways with the register of deeds.

2/6/12 - Local Government Do Pass, Passed, [YEAS 6, NAYS 0](#). S.J. 274 - Placed on consent, Passed

2/7/12 - Senate Do Pass, Passed, [YEAS 35, NAYS 0](#). S.J. 301

2/8/12 - Signed by Speaker H.J. 366

2/9/12 - Signed by President S.J. 345

HB 1104: An Act to define the responsibility of the Department of Transportation regarding portions of certain intersecting county and township highways located within the right-of-way of the state highway system.

1/26/12 – Transportation deferred to the 41st legislative day.

HB 1131: An Act to revise certain provisions relating to the posting of public notice for meetings of public bodies.

Action taken in Committee on Feb. 9th – Do Pass. Scheduled for floor action Feb. 10.

Deferred to Feb. 13

HB 1154: An Act to revise certain provisions concerning the construction of roads outside the road district.

2/6/12 - Transportation Motion to amend, Passed [Amendment 1154fb](#) - Transportation Do Pass

Amended, Passed, [YEAS 7, NAYS 0](#). S.J. 273 - Placed on consent, Passed

2/8/12 - Senate Do Pass Amended, Passed, [YEAS 34, NAYS 0](#). S.J. 323

HB 1163: An Act to allow subdivisions of government to operate as organizations formed under §58-18-52.

2/7/12 - Local Government Do Pass, Passed, [YEAS 10, NAYS 1](#). H.J. 348

2/8/12 - House of Representatives Motion to amend, Passed H.J. 364 [Amendment 1163fa](#) - House of Representatives Do Pass Amended, Passed, [YEAS 64, NAYS 3](#). H.J. 364 - House of Representatives Title amended, Passed H.J. 365 [Amendment 1163fta](#)

2/9/12 - First read in Senate and referred to Senate Local Government S.J. 337

HB 1184: An Act to permit public bodies to keep minutes of executive session and to restrict who may review the minutes.

2/7/12 - Local Government Do Pass, Failed, [YEAS 4, NAYS 8](#). - Local Government Do Pass, Failed, [YEAS 4, NAYS 8](#).

HB 1237: An Act to assess agricultural land based on its actual use.

2/7/12 - Taxation Deferred to the 41st legislative day, Passed, [YEAS 9, NAYS 6](#). H.J. 352

HB 1240: An Act to separately classify, assess, and tax agricultural land that is leased for certain purposes that restrict the use of the land.

2/7/12 - Taxation Motion to amend, Passed [Amendment 1240fb](#) - Taxation Do Pass Amended, Failed, [YEAS 5, NAYS 10](#). - Taxation Deferred to the 41st legislative day, Passed, [YEAS 9, NAYS 6](#). H.J. 352

HB 1241: An Act to require township board approval for certain utility facilities located near township roads.

2/7/12 - Local Government Motion to amend, Passed [Amendment 1241ta](#) - Local Government Deferred to the 41st legislative day, Passed, [YEAS 9, NAYS 3](#). H.J. 349

HB 1243: An Act to require that notice be provided before certain drainage activities are undertaken.

2/7/2012 - Local Government Tabled, Passed, [YEAS 12, NAYS 0](#). H.J. 349

HB 1250: An Act to permit counties and townships to levy a capital improvement property tax for highways, secondary roads, bridges, and culverts.

2/9/2012 - Local Government Do Pass, Failed, [YEAS 6, NAYS 5](#). - Local Government Do Not Pass, Passed, [YEAS 8, NAYS 3](#). H.J. 397
2/10/12 – Motion to strike the “not” from the Committee recommendation and debate the bill on House Floor failed, YEAS 27, NAYS 43.

SENATE BILLS:

SB 40: An Act to permit a county to authorize temporary fencing within rights-of-way subject to its jurisdiction.

1/20/12 – Local Government deferred to the 41st legislative day. S.J. 91

SB 150 – An Act to authorize counties and townships to permit fencing within the rights –of-way of certain minimum maintenance roads.

2/2/12 Agriculture and Natural Resources Tabled, Passed, [YEAS 5, NAYS 4](#). S.J. 256

SB 160 – An Act to create the North Central Water Development District, to provide for the appointment of the board of directors, to establish certain property tax levy limitations, and to revise the boundaries of the James River Water Development District.

2/7/12 - Agriculture and Natural Resources Deferred to the 41st legislative day, Passed, [YEAS 6, NAYS 3](#) -

2/9/12 - Agriculture and Natural Resources Reconsidered, Passed - Agriculture and Natural Resources Motion to amend, Passed

[Amendment 160tb](#) - Agriculture and Natural Resources Do Pass Amended, Passed, [YEAS 7, NAYS 1](#). S.J. 331 - Agriculture and Natural Resources Title amended, Passed [Amendment 160tta](#)

SB 161 - An Act to revise certain provisions concerning public meetings held by teleconference or video conference.

2/6/12 - State Affairs Motion to amend, Passed

Amendment 161oa

2/8/12 - Senate Do Pass Amended, Passed, [YEAS 34, NAYS 0](#). S.J. 326

2/9/12 - First read in House and referred to House State Affairs H.J. 391

SB 169 – An Act to create certain watershed districts.

2/7/12 – Ag. and Natural Res. Motion to amend – Passed YEAS 9, NAYS 0. – Do Pass Amended YEAS 9, NAYS 0 – Title amended, Passed.

2/9/12 – Deferred with amendment [Rule 5-17] Passed

2012 CALENDAR

FEBRUARY 8TH - LEGISLATIVE DAY -
*Pierre, SD - Please Plan to
Attend!*

FEBRUARY 10TH - McCook Co.
Township Meeting - 1:30 p.m. - Salem, SD

FEBRUARY 14TH - Beadle Co. Township
*Meeting - 1:00 p.m. - Courthouse, Huron,
SD*

FEBRUARY 21ST - Hamlin Co. Township
Meeting - 1:30 p.m. - 4-H Grounds, Hayti
Sanborn Co. Township Meeting - 1:30 p.m.
- 4-H Building, Forestburg, SD

FEBRUARY 23RD - Charles Mix Co.
*Township Meeting - 10:00 a.m. - 4-H Bldg -
Lake Andes, SD*

FEBRUARY 28TH - Regular Township
Meeting as Required by SDCL 8-5-1
Perkins Co. Twp. Meeting - 1:00 p.m. -
Bently Bldg - Bison, SD

FEBRUARY 29TH - Pennington Co
Township Meeting - noon - Wall Drug

MARCH 6TH - Annual Township Meeting
as Required by SDCL 8-3-1

MARCH 7TH - Union Co. Township
Meeting - 1:30 p.m. - Elkpoint

MARCH 8TH - Brookings Co. Township
Meeting - 11 a.m. Equalization Mtg
1 p.m. County Mtg. - Swiftel

MARCH 9TH - Spink Co. Township
Meeting - 1:00 p.m.

MARCH 12TH - Jerauld Co Township
*Meeting - Wessington Spgs - 1:30 p.m. -
Courthouse*

Davison Co. Township Meeting - Mitchell
Courthouse - 4 p.m.

MARCH 13TH - Lake Co. Township
*Meeting - Eat @ 6 p.m. - Mtg at 6:30 -
Nikki's in Madison*

MARCH 15TH - Clay Co. Township
Meeting - 7 p.m. - Vermillion

MARCH 20TH - Brown Co Township
Meeting - Courthouse - 1:00 p.m.

IMPORTANT CONTACT INFORMATION

To Track Legislation

<http://legis.state.sd.us>

To Listen To Committees Live:

<http://legis.state.sd.us/sessions/2011/CommitteeMenu.aspx>

Contact legislators:

Email:

<http://legis.state.sd.us/email/legislatoremail.aspx> (Select legislator's name from drop down box)

Write

500 E Capitol Ave
Pierre, SD 57501

Fax a Message (to a specific legislator)

Call

Senate Lobby
House Lobby

605 773 6806

605 773 3821

605 773 3851