

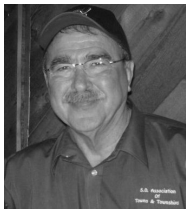


SDATAT's LEGISLATIVE NEWSLETTER

February 24, 2012

Spring #5

LEGISLATIVE NOTES



87th Legislative Session

By Richard Howard

As the Session winds down, action has been taken by both House and Senate on most bills except those involved with the major issues dealing with education, economic development, and budget. As usual, they will be resolved during the final week after the estimated Fiscal Year 2013 revenue projections are approved. Positive final action was taken on most of SDATAT's bills and other bills of interest as shown below:

SB 95 – An Act to modify distributions from the Wind Energy Tax Fund.

2/13/12 – Passed Sen. Taxation Committee 4-3

2/14/12 - Senate Do Pass, Failed 11-20

SB 102 – An Act to clarify the procedures for the apportionment of funds among townships.

2/1/12 – Passed Senate 35-0

2/10/12 – Passed House 69-1

2/24/12 – Signed by the Governor

SB 116 An Act to revise certain provisions relating to the township road system.

2/10/12 – Passed Senate 30-0

2/21/12 – Passed House 67-0

2/24/12 – Delivered to the Governor

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.

2/1/12 – Passed Senate 35-0

2/22/12 – Passed House 67-0

AMENDED BILL:

SB 170 – An act to repeal the large project development fund and the appropriation therefore, to provide tax rebates for certain energy projects, to establish and provide for the administration of the business incentive grant fund, and to make an appropriation for the business incentive grant fund.

Amended in committee to repeal HB 1230 from the 2011 session (the large project development fund). This action eliminates the need for the referendum election on HB 1230 and establishes new tax rebates and incentives for large project development in the state.

2/24/12 – Passed House Commerce and Energy Committee 10-3

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.

It should be noted that SB 102, SB 116, and SB 22 passed the Senate and the House, as well as the Standing Committee in each House with a total of only 1 negative vote.

BILLS OF INTEREST (Cont.)

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.

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

2/14/12 – Signed by the Governor H.J. 454

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.

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

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

2/14/12 – Signed by the Governor H.J. 454

HB 1117 – An Act to provide for the taking of muskrats by shooting under certain conditions.

2/6/12 – Passed House [YEAS 63, NAYS 7](#)

2/21/12 – Agriculture and Natural Resources Do Pass, Passed, [YEAS 5, NAYS 3](#). S.J. 480

2/23/12 - Senate Do Pass, Passed, [YEAS 21, NAYS 11](#). S.J. 538

HB 1122 – An Act revise certain provisions relating to the vacation, change, or location of highways(similar to SB 22).

Passed the House on Feb. 13 by a vote of 67-3

2/27/12 – Scheduled for Hearing

(Committee action was deferred until 2/27 at which time it will be tabled since SB 22 [with the same language] passed the House on 2/22.)

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

2/6/12 – Passed the House, Amended [YEAS 66, NAYS 3](#)

2/15/12 – Local Government Do Pass Amended – Passed, [YEAS 7, NAYS 0](#).

2/21/12 – Scheduled for Senate Floor Action

2/22/12 - Senate Do Pass Amended, Passed, [YEAS 32, NAYS 0](#). S.J. 507

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

1/31/12 - House of Representatives Do Pass Amended, Passed, [YEAS 68, NAYS 1](#).

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

2/10/12 - House of Rep. Concurred in amendments, Passed, [YEAS 67, NAYS 1](#).

2/22/12 – Signed by the Governor. H.J. 542

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

2/8/12 – House of Rep. Do Pass Amended, Passed [YEAS 64, NAYS 3](#)

2/16/12 – Senate Do Pass Amended, Passed, [YEAS 32, NAYS 0](#)

2/21/12 - Signed by Speaker H.J. 538

2/22/12 - Signed by President S.J. 511

2/23/12 - Delivered to the Governor

SB 101 – An Act to authorize counties to borrow money using promissory notes.

1/30/12 – Amended to remove Townships

2/1/12 – Passed Senate Amended [YEAS 35, NAYS 0](#)

2/23/12 – Local Govt Due Pass, Passed 8-4

2/24/12 – House Deferred to another day, Passed

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.

2/9/12 Agriculture and Natural Resources Do Pass Amended, Passed, [YEAS 7, NAY 1](#).

2/13/12 – Senate Do Pass Amended, Passed, [YEAS 24, NAYS 10](#)

2/14/12 – First Read in House and Referred to House Ag. & Nat. Res.

2/16/12 – Scheduled for hearing.

2/23/12 – Tabled by committee 12-0

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

2/8/12 – Passed Senate Amended [YEAS 34, NAYS 0](#)

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

2/22/12 – Scheduled for hearing.

SB 169 – An Act to establish the Regional Watershed Advisory Task Force.

2/13/12 – Senate Do Pass Amended, Passed, [YEAS 23, NAYS 11](#)
2/14/12 – First read in House and referred to House Ag & Nat. Resources.
2/23/12 - Passed house of Ag. & Nat. Resources 12-0
2/27/12 – Scheduled for Floor action.

The bill as amended establishes a regional watershed task force which is to study and make recommendations on water management in SD, including drainage and flooding. This concept

may be more effective than an interim legislative study which is proposed in SCR 5.

SCR 5 – Supporting and encouraging a 2012 interim study and thorough review of drainage laws in South Dakota.

2/10/12- Senate Adopt Resolution, Passed, [YEAS 27, NAYS 3](#).
2/14/12 - House of Representatives Concurred in Resolution, Passed, [YEAS 66, NAYS 4](#).

SDATAT BILLS OF INTEREST THAT HAVE BEEN KILLED

HOUSE BILLS

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 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 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](#).

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

2012 CALENDAR

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 – 11:30 a.m. – 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

Kingsbury Co. Township Meeting- Am. Legion Hall – Oyster Stew Lunch – noon with meeting to follow.

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

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

MARCH 21 – Day/Marshall/Roberts Co. Township Meeting 9:30 a.m. – Webster

MARCH 26 – Lincoln Co Township Meeting – Pizza Ranch– 6:30 p.m. – Canton, SD

IMPORTANT CONTACT INFORMATION

To Track Legislation

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

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