



LEGISLATIVE UPDATE

February 3, 2023

Newsletter #4



**By Kody Kyriss,
SDATAT Lobbyist**

2023 LEGISLATIVE NOTES

As I write this newsletter, the fourth week of the legislative session is nearly complete. This was easily the busiest week for everyone, including your Association. A big reason this week was so busy was that it was the only full week of legislative session whereas every other week is shortened by a day. As of now, the bill count appears to be final with a total of 241 House bills and 209 Senate bills.

Your Association leadership and I continue to monitor various bills of interest to your Association. HB 1126, which would increase the fee for a utility to cross a railroad right-of-way from \$750 to \$1400, was sent to the 41st legislative day in House Transportation on February 2, 2023, by a vote of 13 yays and 0 nays. SB 99, the bill that authorizes counties to issue bonds for certain expenditures funded by a gross receipts tax, passed Senate Taxation by a vote of 4 yays and 2 nays, but then died on the Senate floor by a vote of 7 yays and 28 nays. As stated last week, several bills have been introduced with a goal of reducing the sales tax on food. There is no update on HB 1075, which would completely eliminate the sales tax on food, as it still awaits hearing in the Senate. HB 1095 and HB 1096, which only partially eliminate the sales tax on food, are still waiting to be heard in House Taxation. However, HB 1137, An Act to reduce certain gross receipts tax rates and a use tax rate, and to repeal a conditional reduction of certain gross receipts tax rates, was referred to House Committee on Appropriations by a vote of 12 yays and 0 nays on January 31, 2023. SB 162 which modifies the public meeting requirements, is scheduled for hearing on February 3, 2023 in Senate Local Government. Finally, there are a couple of different bills to help landowners as it relates to condemnation of land for pipelines: HB 1188 and HB 1202. SB 150 is also a bill that may be of interest to your Association as it relates to livestock pipelines and passed out of committee on February 2, 2023, by a vote of 6 yays and 0 nays.

Your Association leadership and I were very busy at the Capital this week. As you know, your Association Board members served ice cream in the Capital at the Association's annual ice cream social on February 1, 2023, and then hosted the Association's event at Cattlemen's the same evening where several legislators and their spouses attended. This allowed us the opportunity to further discuss our legislation with the various legislators in attendance.

Your Association's legislation has continued to make progress this week. SB 73, which allows townships who own their self-propelled machinery equipment and vehicles to be exempt from the fuel excise tax, passed the Senate floor with 33 yays, 1 excused, and 1 suspended on January 31, 2023. This was after the bill was removed from the consent calendar and amended back to its original form, removing the special road district language. Next, HB 1147, An Act to provide for the organization of townships or fractions of townships and HB 1148, An Act to clarify registration and residence requirements for voting at a township meeting, are expected to be heard in House Local Government either next Tuesday or Thursday. Finally, SB 145 is your Association's bill relating to rural access infrastructure eligibility. I spent considerable time explaining this bill to the members of Senate Transportation prior to the bill's hearing on February 1, 2023. Travis and I were able to both testify on SB 145. As a result of our testimony and there being no opposing testimony, SB 145 passed out of the committee by a vote of 7-0 and was placed on the consent calendar. Unfortunately, it was removed from the consent calendar on February 2, 2023, due to a couple Senators taking issue with the bill. Your Association leadership and I will be working diligently to ensure its passage on the Senate floor.

As crazy as this week has been, I am excited to continue to work hard for your Association in the coming weeks.

Lobbyist Kody Kyriss

SDATAT Submitted Bills

SB 73 exclude road improvement district and township-owned self-propelled machinery, equipment, and vehicles from fuel excise tax

Sponsors: Senators Klumb (prime), Wiik, Zikmund, Representatives Blare (prime), Lems, Olson, and Perry

1/25/2023 Senate Taxation Do Pass Amended, Passed, YEAS 7, NAYS 0.

1/25/2023 Certified uncontested, placed on consent

1/31/2023 Senate Do Pass Amended, Passed, YEAS 33, NAYS 0. S.J. 151

02/07/2023 Scheduled for hearing in House Taxation

SB 145 Revise provisions pertaining to township eligibility for the rural access infrastructure fund.

Sponsor: Senator Schoenfish (prime)

02/01/2023 Senate Transportation Do Pass, Passed, YEAS 7, NAYS 0.

02/02/2023 Remove from Consent Calendar S.J.179

2/3/2023 1:00 Senate

HB 1147 Provide for the organization of townships or fractions of townships.

Sponsor: Representative Chase (prime)

1/26/2023 First read in House and referred to House Local Government H.J.159

HB 1148 Clarify registration and residence requirements for voting at a township meeting

Representative Chase (prime)

1/26/2023 First read in House and referred to House Local Government H.J.159

Bill	Bills of Interest	
HB 1021	Make an appropriation to the State Conservation Commission and to declare an emergency. 01/11/2023 Referred to Joint Committee on Appropriations H.J.24	
HB 1029	Revise certain provisions regarding the county zoning and appeals process 01/11/2023 Referred to House Agriculture and Natural Resources H.J.24 01/19/2023 Passed Committee 6 No, & 7 Yea 1/23/2023 House of Representatives Do Pass, Passed, YEAS 40, NAYS 30.	
HB 1043	Make an exemption from certain property taxation for owner-occupied single-family dwellings. 01/12/2023 Referred to House Committee on Appropriations, Passed H.J. 28 1/25/2023 Referred to House Taxation, Passed H.J. 101 2/2/2023 Referred to House Committee on Appropriations, Passed, YEAS 13, NAYS 0.	
HB 1060	Modify provisions related to procurement for the state and other purchasing agencies 01/13/2023 First read in House and referred to House Local Government H.J.3 1/24/2023 House Local Government Do Pass Amended, Passed, YEAS 13, NAYS 0. 1/24/2023 Certified uncontested, placed on consent 2/6/2023 Scheduled for hearing Senate Local Government S.J.137	
HB 1075	To lower the state sales tax rate and the state use tax rate on food to zero percent 01/18/2023 First read in House and referred to House Taxation H.J.52 1/26/2023 Referred to House Committee on Appropriations, Passed, YEAS 12, NAYS 1.	
HB 1084	Grant a common carrier the right of eminent domain for public use. 01/18/2023 First read in House and referred to House State Affairs H.J.53	
HB 1090	Modify protections for agricultural operations from nuisance claims 1/26/2023 House of Representatives Do Pass Amended, Passed, YEAS 61, NAYS 9. H.J. 165 1/24/2023 House Agriculture and Natural Resources Do Pass Amended, Passed, YEAS 12, NAYS 0. 1/26/2023 House of Representatives Do Pass Amended, Passed, YEAS 61, NAYS 9. H.J. 165 2/7/2023 Scheduled for hearing Senate Judiciary	
1136	Prohibit the condemnation of private land for certain non-public purposes. 01/25/2023 First read in House and referred to House State Affairs H.J.103	
1133	Provide that a company transporting carbon dioxide by pipeline is not a common carrier. 1/25/2023 First read in House and referred to House State Affairs H.J.103	
1178	Establish a timeline and conditions for consideration of an application to construct a carbon dioxide transmission facility. 1/30/2023 First read in House and referred to House State Affairs	

SB44	Repeal provisions regarding the creation of river basin natural resource districts 1/26/2023 Senate Agriculture and Natural Resources Do Pass, Passed, YEAS 6, NAYS 0. 1/31/2023 Senate Do Pass, Passed, YEAS 30, NAYS 3. S.J. 151 2/2/2023 Referred to House Agriculture and Natural Resources H.J.212
SB 150	Add provisions regarding construction and maintenance of livestock pipelines on highways 2/2/2023 Senate Agriculture and Natural Resources Do Pass, Passed, YEAS 6, NAYS 0. 2/2/2023 Certified uncontested, placed on consent
SB 155	To create the jail improvement and construction fund for the improvement and construction of jails, to make an appropriation therefor, and to declare an emergency. 2/6/2023 Scheduled for hearing Senate Local Government
SB 162	Revise public meeting requirements 2/3/2023 Scheduled for hearing Senate Local Government
	<u>IMPORTANT CONTACT INFORMATION</u> To Track Legislation http://sdlegislature.gov

To Email at Legislator: First Name.Last Name@ sdlegislature.gov

To write a Senator or Representative: c/o LRC 500 E Capitol Ave Pierre, SD 57501

Call and Leave a Message:

Senators- Senate Lobby: 605-773-3821

Representatives-House Lobby: 605-773-3851

Contact Governor Kristi Noem

Email: sd.gov/governor and click on Contact

Write: Office of the Governor 500 E Capitol Ave Pierre, SD 57501

Phone: 605-773-3212

Remote Testimony Is Available

If you wish to testify before the committee remotely, please submit your request to the Committee Chair at least 24 hours before the start of the committee meeting at which you would like to speak.

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