



LEGISLATIVE UPDATE

February 10, 2023

Newsletter #5



By Kody Kyriss,
SDATAT Lobbyist

2023 LEGISLATIVE NOTES

The fifth week of legislative session is complete! It was another busy week at the legislature for everyone including your Association. The legislators used the fifth week to work through bills in committees and on the floor to get through as many bills as possible prior to Crossover Day on February 22, 2023.

Your Association leadership and I continue to monitor various bills of interest to your Association. As stated last week, several bills have been introduced with the goal of reducing the sales tax on food. **HB 1075**, which would eliminate the sales tax on food, was referred to House Committee on Appropriations on January 26, 2023, by a vote of 12-1. **HB 1095**, which reduces the tax on food to two and one-half percent was referred to the House Committee on Appropriations on Thursday by a vote of 11-0. However, **HB 1096**, which reduces the tax on food to three and one-half percent, was tabled on Thursday by a vote of 10-1.

Next, **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, has made its way to the House Local Government after easily passing the Senate with Amendment 162A.

The couple of bills introduced to help landowners as it relates to condemnation of land for pipelines, **HB 1188** and **HB 1202**, after having been killed and withdrawn respectively. **SB 150**, a bill that relates to livestock pipelines, passed the Senate floor on February 3, 2023 and has been referred to House Ag and Natural Resources on February 7, 2023.

Your Association's legislation has again continued to make progress this week. **SB 73**, which allows townships who own their self-propelled machinery equip-

ment and vehicles to be exempt from the fuel excise tax, passed House Taxation on Tuesday by a vote of 9-0 and was placed on consent calendar. **SB 73** was then passed on the House floor by a vote of 68-0 and is now on its way to the Governor's desk and will likely be signed soon.

Next, **HB 1147**, An Act to provide for the organization of townships or fractions of townships, passed House Local Government 13-0 and was placed on consent, allowing it to be easily passed on the House floor on Wednesday by a vote of 68-0.

HB 1148, An Act to clarify registration and residence requirements for voting at a township meeting, was a little more interesting. Like HB 1147, HB 1148 was heard in House Local Government. A couple legislators expressed an unfairness that an individual could not vote in a township they have land but do not reside. There was also some frustrations with the class 2 misdemeanor as opposed to a harsher penalty. Regardless, HB 1148 passed the committee by a vote of 8-5.

I spent much of Wednesday lobbying the bill in preparation for its floor hearing that afternoon. To help clear up any misunderstandings related to the class 2 misdemeanor, Representative Chase amended the bill. With its amendment, **HB 1148** passed the House floor by a vote of 57-10.

Finally, **SB 145**, your Association's bill relating to rural access infrastructure eligibility, passed the Senate floor on Monday by a vote of 28-7. It has since been referred to House Taxation and will likely be heard sometime after Crossover Day.

It is crazy to believe that session is halfway done. Your leadership and I will continue to work diligently so that your bills can continue to thrive through the legislative session.

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

02/08/2023 House of Representatives Do Pass, Passed, YEAS 68, NAYS 0. H.J. 261

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

02/06/2023 Senate Do Pass, Passed, YEAS 28, NAYS 7. S.J. 203

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

Sponsor: Representative Chase (prime)

02/07/2023 House Local Government Do Pass, Passed, YEAS 13, NAYS 0.

02/08/2023 House of Representatives Do Pass, Passed, YEAS 68, NAYS 0. H.J. 261

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

Representative Chase (prime)

2/07/2023 House Local Government Do Pass, Passed, YEAS 8, NAYS 5.

2/08/2023 House of Representatives Do Pass Amended, Passed, YEAS 57, NAYS 10. H.J. 264

| 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 1/19/2023 Passed House Agriculture and Natural Resources 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 1/24/2023 House Local Government Do Pass Amended, Passed, YEAS 13, NAYS 0. 2/06/2023 Senate Local Government Do Pass, Passed, YEAS 5, NAYS 1. 2/07/2023 Senate Do Pass Amended, Passed, YEAS 31, NAYS 4. S.J. 219 |
| 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 02/03/2023 Withdrawn at the Request of the Prime Sponsor H.J. 226 |
| 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 |
| HB 1095 | Lower the state sales tax rate and the state use tax rate on food to two and one-half percent 1/19/2023 First read in House and referred to House Taxation H.J.60 |
| HB 1096 | Lower the state sales tax rate and the state use tax rate on food to three and one-half percent. 2/9/23 House Taxation H.J.60_____ |
| HB 1136 | Prohibit the condemnation of private land for certain non-public purposes. 02/03/2023 Withdrawn at the Request of the Prime Sponsor H.J. 226 |
| HB 1137 | Reduce certain gross receipts tax rates and a use tax rate, and to repeal a conditional reduction of certain gross receipts tax rates. 1/31/2023 Referred to House Committee on Appropriations, Passed, YEAS 12, NAYS 0. |
| 1133 | Provide that a company transporting carbon dioxide by pipeline is not a common carrier. 02/06/2023 House State Affairs Do Pass Amended, Passed, YEAS 8, NAYS 5. |
| 1178 | Establish a timeline and conditions for consideration of an application to construct a carbon dioxide transmission facility. 02/06/2023 House State Affairs Deferred to the 41st legislative day, Passed, YEAS 7, NAYS 5. |

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| SB44 | <p>Repeal provisions regarding the creation of river basin natural resource districts</p> <p>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 2/9/2023 House Agriculture and Natural Resources Do Pass, Passed, YEAS 10, NAYS 3.</p> |
| SB 150 | <p>Add provisions regarding construction and maintenance of livestock pipelines on highways</p> <p>2/2/2023 Senate Agriculture and Natural Resources Do Pass, Passed, YEAS 6, NAYS 0. 2/03/2023 Senate Do Pass, Passed, YEAS 34, NAYS 0. S.J. 192 2/07/2023 Referred to House Agriculture and Natural Resources H.J.249</p> |
| SB 155 | <p>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.</p> <p>02/06/2023 Senate Local Government Referred as Amended to Joint Committee on Appropriations, Passed, YEAS 6, NAYS 0.</p> |
| SB 162 | <p>Revise public meeting requirements</p> <p>02/03/2023 Senate Local Government Do Pass, Passed, YEAS 6, NAYS 0. 02/08/2023 Senate Do Pass Amended, Passed, YEAS 35, NAYS 0. S.J. 230</p> |

IMPORTANT CONTACT INFORMATION

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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