



# LEGISLATIVE UPDATE

March 3, 2023

Newsletter #8



By Kody Kyriss,  
SDATAT Lobbyist

## 2023 LEGISLATIVE NOTES

The eighth week of legislative session is complete. Session is almost complete and your Association had a fantastic legislative week.

Your Association's bills came to a happy conclusion this week. **SB 73**, which allows townships who own their self-propelled machinery equipment and vehicles to be exempt from the fuel excise tax, was signed by the Governor on February 22, 2023.

**HB 1147** is still awaiting the Governor's signature which can be expected soon. **HB 1148**, An Act to registration and residence requirements for voting at a township meeting, was signed by the President and will soon be headed to the Governor's desk.

Finally, the bill of most consequence to your Association this year – **SB 145** – passed House Taxation by a vote of 10-1 on March 28, 2023, and then passed the House floor by a vote of 68-0 on March 1, 2023. Representative Overweg introduced **SB 145** and then your Association's President Dustin Leiseth provided the main testimony. Their testimony was compelling and without any opposition testimony, the bill passed to the Governor's desk strongly.

As the legislature wraps up, there are bills that may be of interest to your Association that have continued to move through the legislature or have been killed as well. **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, passed Senate Taxation on

February 27, 2023, by a vote of 6-0 with Amendment 1137C. Amendment 1137C adds a "sunset clause" to end the sales tax reduction on June 30, 2025. **SB 150** was signed by the Governor into law on March 2, 2023.

Although there is one week of legislative session left, your Association is able to reflect upon the success it has already achieved at this point. Your Association introduced four bills and all four have passed and have either been signed by the Governor or will hopefully be signed soon.

It has been an honor to assist in the passage of these bills; though, most of the "thanks" belongs to your Association's leadership as they provided clear direction as it relates to the bills introduced in legislature. I will continue to monitor your bill's hopeful "signage" next week and possibly beyond.

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  
02/15/2023 Delivered to the Governor on Wednesday, February 15, 2023 S.J. 273

### **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.  
02/06/2023 Senate Do Pass, Passed, YEAS 28, NAYS 7. S.J. 203  
02/28/2023 House Taxation Do Pass, Passed YEAS 10, NAYS 1  
03/01/2023 House of Representatives Do Pass, Passed, YEAS 68, NAYS 0. H.J. 441

### **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  
02/22/2023 Senate Local Government Do Pass, Passed, YEAS 6, NAYS 0.  
02/23/2023 Senate Do Pass, Passed, YEAS 35, NAYS 0. S.J. 329  
03/01/2023 Delivered to the Governor on Tuesday, February 28, 2023 H.J. 420

### **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  
02/22/2023 Senate Local Government Do Pass, Passed, YEAS 7, NAYS 0  
02/27/2023 Senate Do Pass Amended, Passed, YEAS 33, NAYS 1. S.J. 360

Bill	Bills of Interest	
HB 1021	<b>Make an appropriation to the State Conservation Commission and to declare an emergency.</b> 02/22/2023 Joint Committee on Appropriations Do Pass, Passed, YEAS 18, NAYS 0. 02/27/2023 House of Representatives Do Pass, Passed, YEAS 64, NAYS 5. H.J. 387 03/01/2023 Senate Do Pass, Passed, YEAS 31, NAYS 2. S.J. 391	
HB 1029	<b>Revise certain provisions regarding the county zoning and appeals process</b> 1/23/2023 House of Representatives Do Pass, Passed, YEAS 40, NAYS 30. 2/23/2023 Senate Do Pass, Passed, YEAS 18, NAYS 17. S.J. 331 3/01/2023 <b>Delivered to the Governor</b> on Tuesday, February 28, 2023 H.J. 420	
HB 1043	<b>Make an exemption from certain property taxation for owner-occupied single-family dwellings.</b> 02/16/2023 House Committee on Appropriations Motion to amend, Passed Amendment 1043A 02/21/2023 House Committee on Appropriations Deferred to <b>41st legislative day</b> , Passed, YEAS 9, NAYS 0.	
HB 1060	<b>Modify provisions related to procurement for the state and other purchasing agencies</b> 2/16/2023 <b>Delivered to the Governor</b> on Thursday, February 16, 2023 H.J. 312	
HB 1075	<b>To lower the state sales tax rate and the state use tax rate on food to zero percent</b> 02/21/2023 House Committee on Appropriations Deferred to the <b>41st legislative day</b> , Passed, YEAS 8, NAYS 1.	
HB 1084	<b>Grant a common carrier the right of eminent domain for public use.</b> 02/03/2023 <b>Withdrawn</b> at the Request of the Prime Sponsor H.J. 226	
HB 1090	<b>Modify protections for agricultural operations from nuisance claims</b> 1/26/2023 House of Representatives Do Pass Amended, Passed, YEAS 61, NAYS 9. H.J. 165 02/24/2023 Senate Do Pass Amended, Passed, YEAS 25, NAYS 8. S.J. 339 02/28/2023 House of Representatives Concurred in amendments, Passed, YEAS 63, NAYS 7. H.J. 399	
HB 1095	<b>Lower the state sales tax rate and the state use tax rate on food to two and one-half percent</b> 02/15/2023 House Committee on Appropriations Deferred to the <b>41st legislative day</b> , Passed, YEAS 8, NAYS 1.	
HB 1096	<b>Lower the state sales tax rate and the state use tax rate on food to three and one-half percent.</b> 02/09/2023 House Taxation <b>Tabled</b> , Passed, YEAS 10, NAYS 1.	
HB 1136	<b>Prohibit the condemnation of private land for certain non-public purposes.</b> 02/03/2023 <b>Withdrawn</b> at the Request of the Prime Sponsor H.J. 226	
HB 1137	<b>Reduce certain gross receipts tax rates and a use tax rate, and to repeal a conditional reduction of certain gross receipts tax rates.</b> 02/21/2023 House Committee on Appropriations Do Pass Amended, Passed, YEAS 8, NAYS 1. 02/22/2023 House of Representatives Do Pass Amended, Passed, YEAS 66, NAYS 3. H.J. 351 03/01/2023 Senate Committee on Appropriations Do Pass Amended, Passed, YEAS 7, NAYS	
1133	<b>Provide that a company transporting carbon dioxide by pipeline is not a common carrier.</b> 02/06/2023 House State Affairs Do Pass Amended, Passed, YEAS 8, NAYS 5. 02/16/2023 Senate Commerce and Energy Deferred to the <b>41st legislative day</b> , Passed, YEAS 9, NAYS 0.	
1178	<b>Establish a timeline and conditions for consideration of an application to construct a carbon dioxide transmission facility.</b> 02/06/2023 House State Affairs Deferred to the <b>41st legislative day</b> , Passed, YEAS 7, NAYS 5.	

SB44	<p><b>Repeal provisions regarding the creation of river basin natural resource districts</b></p> <p>1/31/2023 Senate Do Pass, Passed, YEAS 30, NAYS 3. S.J. 151</p> <p>2/14/2023 House of Representatives Do Pass, Passed, YEAS 36, NAYS 34. H.J. 296</p> <p>2/28/2023 <b>Signed by the Governor</b> on Tuesday, February 28, 2023 S.J. 364</p>
SB 150	<p><b>Add provisions regarding construction and maintenance of livestock pipelines on highways</b></p> <p>2/03/2023 Senate Do Pass, Passed, YEAS 34, NAYS 0. S.J. 192</p> <p>2/21/2023 House of Representatives Do Pass, Passed, YEAS 66, NAYS 4. H.J. 341</p> <p>3/02/2023 <b>Signed by the Governor</b> on Thursday, March 02, 2023 S.J. 402</p>
SB 155	<p><b>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.</b></p> <p>02/24/2023 Joint Committee on Appropriations Do Pass, Passed, YEAS 11, NAYS 7.</p> <p>02/27/2023 Senate Do Pass Amended, Passed, YEAS 28, NAYS 6. S.J. 352</p> <p>03/01/2023 House of Representatives Do Pass Amended, <b>Failed</b>, YEAS 14, NAYS 54. H.J. 439</p>
SB 162	<p><b>Revise public meeting requirements</b></p> <p>2/03/2023 Senate Local Government Do Pass, Passed, YEAS 6, NAYS 0.</p> <p>2/08/2023 Senate Do Pass Amended, Passed, YEAS 35, NAYS 0. S.J. 230</p> <p>2/14/2023 House Local Government Do Pass, Passed, YEAS 13, NAYS 0.</p> <p>2/15/2023 House of Representatives Do Pass, Passed, YEAS 70, NAYS 0. H.J. 307</p> <p>2/21/2023 <b>Delivered to the Governor</b> on Tuesday, February 21, 2023 S.J. 300</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](mailto: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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