





South Dakota Association of County Officials

2010 Legislative Report Registers of Deeds



****The full list and texts of bills can be found at:***
<http://legis.state.sd.us>

SDACO LEGISLATION

Senate Bill 109			
	Senators Gillespie , Abdallah , Brown , Gant , Maher , Nelson , Olson (Russell) , Tieszen , and Turbak Berry and Representatives Schlekeway , Cronin , Cutler , Engels , Fargen , Feickert , Frerichs , Kirkeby , Lederman , Olson (Betty) , Rave , Romkema , and Turbiville		
revise certain provisions concerning the deposit of county funds related to the 24/7 sobriety program.			
Keywords: Alcoholic Beverages , Attorney General , Counties			
Date	Action		
03/10/2010	Signed by Governor S.J. 626		

Bill Text Versions		
Date	HTML Version	PDF Version
01/27/2010	Printed	Printed
03/03/2010	Enrolled	Enrolled

Allows counties to place funds received from the operation of the 24/7 program directly into a 24/7 fund.

Senate Bill 118			
	Senators Gant , Abdallah , Gillespie , Maher , Nelson , Tieszen , and Turbak Berry and Representatives Rausch , Cronin , Cutler , Engels , Fargen , Feickert , Frerichs , Kirkeby , Lederman , Olson (Betty) , Rave , Romkema , Schlekeway , and Turbiville		
allow the register of deeds to electronically preserve certain documents.			
Keywords: Counties , Public Records			
Date	Action		
03/10/2010	Signed by Governor S.J. 626		

Bill Text Versions		
Date	HTML Version	PDF Version
01/27/2010	Printed	Printed
03/02/2010	Enrolled	Enrolled

SB 118 requires that permanent documents filed or recorded in the office of the register of deeds may be electronically preserved, provided the original record is retained in hard copy or microfilm.

Senate Bill 141

Senators [Gant](#), [Bartling](#), [Brown](#), [Gillespie](#), [Knudson](#), [Turbak Berry](#), and [Vehle](#) and Representatives [Rausch](#), [Bolin](#), [Cronin](#), [Fargen](#), [Frerichs](#), [Lust](#), [Olson \(Betty\)](#), [Pitts](#), and [Schlekeway](#)

establish certain provisions regarding documents or instruments filed with the register of deeds that may contain personally identifiable information and to revise certain format requirements relating to real estate documents filed with the register of deeds.

Keywords: [Counties](#), [Public Records](#), [State Affairs and Government](#)



Date	Action	
03/08/2010	House of Representatives Do Pass Amended, Passed, YEAS 67, NAYS 0 . H.J. 751	
03/29/2010	Signed by Governor S.J. 684	

Bill Text Versions		
Date	HTML Version	PDF Version
01/28/2010	Printed	Printed
03/08/2010	House	House
03/10/2010	Enrolled	Enrolled

SB 141 Removes the requirement that registers of deeds redact personal information and places the responsibility on the preparer of documents to not include personal information on documents to be recorded in the office of the register of deeds.



SDACC LEGISLATION

This includes legislation proposed by the SDACC and legislation from individual counties.

House Bill 1072			
	Representatives Romkema , Frerichs , and Wink and Senators Bartling and Schmidt		
provide for the election of a vice chair for county commissions.			
Keywords: Counties , Elections			
Date	Action		
03/12/2010	Signed by Governor H.J. 850		


Bill Text Versions		
Date	HTML Version	PDF Version
01/19/2010	Printed	Printed
03/08/2010	Enrolled	Enrolled


House Bill 1072 allows counties to elect a vice chair. Currently there is not a provision in state law for the election of a vice chair on a county commission.



House Bill 1082			
	Representatives Cutler , Feickert , and Schlekeway and Senators Gant , Miles , and Tieszen		
permit counties to require criminal background checks for persons seeking employment.			
Keywords: Counties , Local Government , Professions and Occupations			
Date	Action		
03/01/2010	Signed by Governor H.J. 622		




Bill Text Versions		
Date	HTML Version	PDF Version
01/19/2010	Printed	Printed
02/02/2010	House Local Government	House Local Government
02/23/2010	Enrolled	Enrolled

House Bill 1082 allows counties to require background checks for people seeking employment with counties.


House Bill 1131		
	Representatives Cutler , Engels , Krebs , Schlekeway , Solberg , and Thompson and Senators Dempster , Abdallah , Heidepriem , Knudson , and Nesselhuf	
revise certain provisions concerning intoxicated or incapacitated persons who may be taken into protective custody.		
Keywords: Alcoholic Beverages , Controlled Substances , Public Health and		



Safety		
Date	Action	
03/11/2010	Signed by Governor H.J. 831	
Bill Text Versions		
Date	HTML Version	PDF Version
01/27/2010	Printed	Printed
03/04/2010	Enrolled	Enrolled

House Bill 1132		
		
Representatives Cutler , Engels , Krebs , Schlekeway , Solberg , and Thompson and Senators Dempster , Abdallah , Heidepriem , Knudson , and Nesselhuf		
provide for the referral and placement of certain individuals in need of intervention.		
Keywords: Law Enforcement , Mentally Ill Persons		
Date	Action	
03/11/2010	Signed by Governor H.J. 831	
Bill Text Versions		
Date	HTML Version	PDF Version
01/27/2010	Printed	Printed
02/16/2010	House Judiciary	House Judiciary
03/04/2010	Enrolled	Enrolled

House Bill 1209		
		
Representative Dennert and Senator Maher		
revise certain property tax limitations.		
Keywords: Counties , Education , Property , Taxes		
Date	Action	
02/11/2010	Taxation Deferred to the 41st legislative day, Passed, YEAS 9 , NAYS 3 . H.J. 365	
Bill Text Versions		
Date	HTML Version	PDF Version
01/28/2010	Printed	Printed



House Bill 1209 would have lifted the property tax limitation on levies related to the construction or improvement of certain buildings as defined in SDCL 7-25-1.

House Bill 1212		
		
Representatives Brunner , Cronin , Rounds , Turbiville , and Wink and Senators Maher , Brown , and Rhoden		
provide counties the authority to acquire, construct, maintain, and operate sewer utility systems.		




Keywords: Counties , Local Government		
Date	Action	
02/04/2010	Local Government Deferred to the 41st legislative day, Passed, YEAS 8 , NAYS 5 . H.J. 310	

Bill Text Versions		
Date	HTML Version	PDF Version
01/28/2010	Printed	Printed

Senate Bill 1212 would have allowed counties to operate sewer systems. It was deferred to the 41st day (killed) in the House Local Government Committee.

House Bill 1214		
		
Representatives Lederman , Cronin , Rounds , and Wink and Senators Gray , Brown , Dempster , Maher , and Rhoden		
allow for the acquisition of the fee ownership of highway right-of way land for certain local governments.		
Keywords: Highways , Local Government , Property , Townships		
Date	Action	
03/29/2010	Signed by Governor H.J. 860	

Bill Text Versions		
Date	HTML Version	PDF Version
01/28/2010	Printed	Printed
02/04/2010	House Local Government	House Local Government
03/09/2010	Enrolled	Enrolled

House Bill 1239		
		
Representatives Cronin , Dennert , Fargen , Hoffman , Kirkeby , Krebs , Noem , Novstrup (David) , Rausch , and Rounds and Senators Brown and Fryslie		
establish certain procedures for counties to follow when requiring landowners to cut and remove grass, weeds, and brush from the road right-of-way.		
Keywords: Counties , Highways		
Date	Action	
02/24/2010	Local Government Tabled, Passed, YEAS 6 , NAYS 0 . S.J. 456	

Bill Text Versions		
Date	HTML Version	PDF Version
02/02/2010	Printed	Printed
02/09/2010	House Local Government	House Local Government

House Bill 1239 would have permitted counties to pass an ordinance requiring property owners to cut and remove grass, weeds, and brush from the road right of ways in unorganized townships and levy a special assessment against those property owners who fail to do so.

EVERYONE

House Bill 1099

RSS

Representatives [Deadrick](#), [Brunner](#), [Cronin](#), [Cutler](#), [Dennert](#), [Hamiel](#), [Jensen](#), [Juhnke](#), [Kopp](#), [Noem](#), [Novstrup \(David\)](#), [Olson \(Ryan\)](#), [Pitts](#), [Rave](#), [Tidemann](#), [Verchio](#), and [Wismer](#) and Senators [Brown](#), [Ahlers](#), [Bartling](#), [Haverly](#), and [Vehle](#)

permit taxing districts to revise the base amount of revenue payable from property taxes.

Keywords: [Local Government](#), [Property](#), [Taxes](#)



Date	Action	
02/03/2010	House of Representatives Do Pass Amended, Failed, YEAS 32 , NAYS 36 . H.J. 297	

Bill Text Versions		
Date	HTML Version	PDF Version
01/21/2010	Printed	Printed
01/28/2010	House Taxation	House Taxation

House Bill 1099 would have allowed taxing districts by the vote of a 2/3rds majority of the governing board to revise their base amount of revenue payable from taxes on real property for taxes payable in 2015 or 2016. If a taxing district were to revise their base amount, it would terminate any existing opt out. This was pushed as an option for local governments to readjust from the current property tax cap. This bill died on the House floor on the close vote of 32-36.


House Bill 1193




	Representatives Fargen , Deadrick , Frerichs , Hunhoff (Bernie) , Lederman , Schlekeway , Vanderlinde , and Vanneman and Senators Olson (Russell) , Adelstein , Bartling , Dempster , Hanson (Gary) , Maher , Merchant , and Tieszen	
allow certain local governments to participate in the state health insurance plan.		
Keywords: Insurance , Local Government , Public Officers and Employees		
Date	Action	
02/12/2010	Commerce Deferred to the 41st legislative day, Passed, YEAS 9 , NAYS 4 . H.J. 382	

Bill Text Versions		
Date	HTML Version	PDF Version
01/28/2010	Printed	Printed

House Bill 1193 would have allowed local governments to opt in to the state health insurance program.


House Bill 1202		
	Representative Noem and Senator Peterson	
require the director of equalization to use certain factors and adjustments to assess agricultural land and to allow the Department of Revenue and		

Regulation to assess certain agricultural land.		
Keywords: Agriculture , Assessment , Property , Taxes		
Date	Action	
03/11/2010	House of Representatives Conference Committee Report adopted, Passed, YEAS 66 , NAYS 2 . H.J. 843	

Bill Text Versions		
Date	HTML Version	PDF Version
01/28/2010	Printed	Printed
02/09/2010	House	House
03/03/2010	Senate Taxation	Senate Taxation
03/09/2010	Senate	Senate

House Bill 1202 was hog housed (completely amended) to include language which requires the directors of equalization to use certain factors and adjustments in assessing agricultural land and allows the Department of Revenue to take over the assessment of ag property if the directors of equalization do not follow the law, and gives authority to the Department to charge the counties for the costs. Later amendments further changed the bill. It was killed in conference committee.



House Bill 1262



	Representatives Lederman , Bolin , Burg , Cronin , Dennert , Fargen , Feickert , Frerichs , Lange , McLaughlin , Putnam , Solberg , and Street and Senators Merchant , Bartling , Fryslie , Hansen (Tom) , Hanson (Gary) , and Maher		
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adjust certain registration fees for the use of motor vehicles on the public highways.

Keywords: [Fees](#), [Motor Vehicles](#)

Date	Action	
02/18/2010	Transportation Tabled, Passed, YEAS 9 , NAYS 2 . H.J. 459	

Bill Text Versions		
Date	HTML Version	PDF Version
02/03/2010	Printed	Printed

House Bill 1262 was an effort to increase motor vehicle fees and revenue for local governments. It was tabled at the request of the sponsor due to the lack of support by the full House of Representatives.


House Bill 1266		
	Representatives Kirkeby , Bolin , Brunner , Cutler , Deadrick , Engels , Gibson , Hamiel , Hoffman , Hunhoff (Bernie) , Jensen , Kopp , Lucas , McLaughlin , Moser , Nygaard , Olson (Betty) , Rave , Romkema , Schlekeway , Sly , Solberg , Sorenson , Steele , Thompson , Turbiville , Vanderlinde , and Wink and Senators Rhoden , Abdallah , Ahlers , Bartling , Jerstad , Maher , and Schmidt	
assess and tax certain outdoor sign structures as real property.		
Keywords: Highways , Property , Taxes		
Date	Action	



02/16/2010	Taxation Deferred to the 41st legislative day, Passed, YEAS 9, NAYS 4 . H.J. 397	
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Bill Text Versions		
Date	HTML Version	PDF Version
02/03/2010	Printed	Printed

House Bill 1266 would have taxed billboards and other outdoor signage as real property.



Senate Bill 1



	Senators Vehle , Ahlers , Fryslie , and Merchant and Representatives Krebs , Elliott , Lange , Lucas , McLaughlin , Putnam , and Street at the request of the Long-term Highway Needs and Department of Transportation Agency Review Committee	
increase certain registration fees and taxes for the use of motor vehicles on the public highways and to declare an emergency.		
Keywords: Highways , Motor Vehicles , Taxes		
Date	Action	
02/01/2010	Transportation Deferred to the 41st legislative day, Passed, YEAS 7 , NAYS 0 . S.J. 176	

Bill Text Versions		
Date	HTML Version	PDF Version
12/14/2009	Printed	Printed

Senate Bill 1 as introduced would have increased highway revenue through user fees for local governments by about \$15.3 million a year beginning on May 1, 2010 and then would increase to about \$30 million a year beginning on 2012. The initial proposal included increases in registration fees, a 10 cent gas tax increase, and changing the old age exemption on vehicles from 5 to 10 years. The bill was tabled at the request of the sponsors due to lack of support on the Senate floor.

Senate Bill 18		
	The Committee on Retirement Laws at the request of the South Dakota Retirement System	
revise certain retirement provisions regarding retired members of the South Dakota Retirement System who return to covered employment and to declare an emergency.		
Keywords: Public Officers and Employees , South Dakota Retirement System		
Date	Action	
03/12/2010	Signed by Governor S.J. 673	

Bill Text Versions		
Date	HTML Version	PDF Version
01/05/2010	Printed	Printed
03/09/2010	Enrolled	Enrolled

Senate Bill 18 places restriction on the retire-rehire practice. Under SB 18, in order to retire – rehire you must have a 3 month period between retirement and when you

are rehired. If you gain employment after 3 months with a covered employer, you will receive 85% of retirement benefits and will not be eligible for cost of living adjustments. SB 18 only applies to full-time employees. We did not take a stance on this bill.


Senate Bill 19

RSS

The Committee on [Retirement Laws](#) at the request of the South Dakota Retirement System

increase contributions related to the optional spouse protection program within the South Dakota Retirement System and to prohibit any new enrollments in the program.

Keywords: [Public Officers and Employees](#), [South Dakota Retirement System](#)

Date	Action	
03/12/2010	Signed by Governor S.J. 673	

Bill Text Versions

Date	HTML Version	PDF Version
01/05/2010	Printed	Printed
03/08/2010	Enrolled	Enrolled


Senate Bill 20

RSS



The Committee on [Retirement Laws](#) at the request of the South Dakota Retirement System

revise certain retirement provisions within the South Dakota Retirement System.

Keywords: [Public Officers and Employees](#), [South Dakota Retirement System](#)

Date	Action	
03/12/2010	Signed by Governor S.J. 673	


Bill Text Versions		
Date	HTML Version	PDF Version
01/05/2010	Printed	Printed
03/09/2010	Enrolled	Enrolled

Senate Bill 21				
	The Committee on Retirement Laws at the request of the South Dakota Retirement System			
revise certain provisions regarding exclusive benefit requirements and the range of investments available to the South Dakota Retirement System member trust fund.				
Keywords: Public Officers and Employees , South Dakota Retirement System				
Date	Action			
03/29/2010	Signed by Governor S.J. 684			
	Bill Text Versions			
	Date	HTML Version	PDF Version	

01/05/2010	Printed	Printed
01/22/2010	Senate Retirement Laws	Senate Retirement Laws
02/17/2010	Senate State Affairs	Senate State Affairs
03/03/2010	House Retirement Laws	House Retirement Laws
03/10/2010	Enrolled	Enrolled

SB 21 revises how the SD Retirement System invests funds by placing greater risk on countries with unstable governments or ties to terrorism.



Senate Bill 160



	Senators Garnos , Kloucek , and Olson (Russell) and Representatives Van Gerpen , Fargen , Juhnke , and Krebs
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allow certain local governments to participate in the state health insurance plan.


Keywords: [Bureau of Personnel](#), [Counties](#), [Health Insurance](#), [Insurance](#), [Local Government](#), [Municipality](#), [Public Officers and Employees](#), [School District](#), [Townships](#)

Date	Action	
02/19/2010	Health and Human Services Deferred to the 41st legislative day, Passed, YEAS 6 , NAYS 1 . S.J. 383	

Bill Text Versions		
Date	HTML Version	PDF Version
02/01/2010	Printed	Printed

Senate Bill 160 would have allowed local governments to opt in to the state health insurance program.



Senate Bill 180



	Senators Howie , Brown , Gant , Kloucek , Maher , Novstrup (Al) , Peterson , and Schmidt and Representatives Kopp , Brunner , Cronin , Frerichs , Hoffman , Jensen , Kirkeby , Lederman , Olson (Betty) , Russell , Steele , and Verchio
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clarify certain statutes prohibiting political subdivisions from restricting firearms.

Keywords: [Counties](#), [Firearms](#), [Municipality](#), [Townships](#)


Date	Action	
02/17/2010	State Affairs Deferred to the 41st legislative day, Passed, YEAS 8 , NAYS 1 . S.J. 350	

Bill Text Versions		
Date	HTML Version	PDF Version
02/03/2010	Printed	Printed

Senate Bill 180 would have prohibited cities, townships, and counties from restricting firearms in any manner. If this bill were to have passed it would not have allowed counties to prohibit the carrying of firearms in other locations including administration buildings, fairgrounds, or elsewhere. This bill was also introduced during the 2009 legislative session.

REGISTERS OF DEEDS


House Bill 1019



	The Committee on Judiciary at the request of the Office of the Secretary of State
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revise certain provisions regarding the requirements for notarizing documents.


Keywords: [Notary Public](#), [Oaths and Acknowledgments](#), [Secretary of State](#)

Date	Action	
01/22/2010	Judiciary Deferred to the 41st legislative day, Passed, YEAS 10 , NAYS 1 . H.J. 168	

Bill Text Versions		
Date	HTML Version	PDF Version
01/05/2010	Printed	Printed

House Bill 1019 was introduced in response to the smoking ban court case this past year. HB 1019 would have required more stringent application by notaries. HB 19 was deferred to the 41st day (killed).



House Bill 1194



	<p>Representatives Rausch, Brunner, Burg, Dennert, Faehn, Fargen, Feickert, Feinstein, Frerichs, Hunhoff (Bernie), Jensen, Juhnke, Lange, Lucas, Novstrup (David), Peters, Pitts, Romkema, Rounds, Schlekeway, Solum, Sorenson, Street, Thompson, Tidemann, Turbiville, and Vanneman and Senators Olson (Russell), Abdallah, Ahlers, Bartling, Bradford, Brown, Dempster, Fryslie, Gillespie, Hansen (Tom), Hanson (Gary), Heidepriem, Jerstad, Kloucek, Knudson, Merchant, Nesselhuf, Peterson, Turbak Berry, and Vehle</p>
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revise certain provisions concerning wind easements and to specify certain information to be included in the recorded documents.



Keywords: [Energy](#), [Property](#)

Date	Action	
02/18/2010	State Affairs Tabled, Passed, YEAS 12 , NAYS 0 . H.J. 487	

Bill Text Versions		
Date	HTML Version	PDF Version
01/28/2010	Printed	Printed

House Bill 1194 would have provided for a short form for wind easements and includes a list of the items required on the form.


House Bill 1229		
	Representatives Deadrick and Lust and Senators Turbak Berry and Knudson	
adopt the Uniform Real Property Transfer on Death Act.		
Keywords: Domestic Relations , Property		

Date	Action	
02/19/2010	Judiciary Tabled, Passed, YEAS 12, NAYS 0 . H.J. 488	

Bill Text Versions		
Date	HTML Version	PDF Version
02/02/2010	Printed	Printed

HB 1229 will be studied by the State Bar and brought in a different form in 2011.


House Bill 1263



	Representatives Noem , Faehn , Greenfield , Kirkeby , Lust , Moser , Rave , Solum , and Tidemann and Senators Rhoden , Abdallah , Garnos , and Gray
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revise certain provisions relating to the terms of wind easements and wind energy leases.

Keywords: [Energy](#), [Property](#)

Date	Action	
03/29/2010	Signed by Governor H.J. 860	

Bill Text Versions		
Date	HTML Version	PDF Version
02/03/2010	Printed	Printed
02/19/2010	House State Affairs	House State Affairs
03/03/2010	Enrolled	Enrolled

HB 1263 is a bill is a compromise between three wind energy bills including the provisions previously held in HB 1194.