

Legislature in Recess

The legislature has gone into recess without a budget. Final action on the budget will take place on March 29th – Veto Day – unless the Legislature extends the Session. Two Legislative Days remain available as the Session Calendar called for 38 days with 40 days being allowed under the Constitution. The Legislature is awaiting confirmation from the Federal Government as to the availability of additional “stimulus” dollars and the strings attached thereto before finalizing the budget.

Session Summary

Despite failure to finish the budget, the Legislature dealt with several issues that impact or are of interest to MRES ranging from open meetings, tax refunds for new or expanded wind energy facilities, to wind easements. Open meetings legislation (SB 104) requires distribution of printed material relating to an agenda item prior to the meeting subject to certain narrow exceptions. If a public meeting is closed the public body must cite the specific law authorizing it to close a meeting. Under HB 1060, refunds of the Contractors Excise Tax for costs incurred and paid for wind energy facilities from July 1, 2010 to December 31, 2012 range from 0 to 55% depending upon the project costs. There is no refund for projects less than \$10 Million. The refund is 45% for project costs of more than \$10 Million but less than \$40 Million. The refund is 55% for project costs of 40 or more million dollars. Refunds are repealed for project costs incurred and paid on or after January 1, 2013. Wind easement legislation (HB 1263) also awaits the Governor’s signature. The bill which favors large projects, includes definitions including what constitutes development, limits the term of wind easements, sets forth certain landowner protections, recording requirements and what may be subject to confidentiality agreements. Also, SB 61, which requires all utilities to file with the PUC their minimum rate paid to owners of distributed generation passed and was signed by the Governor on March 11.

Other Tidbits of Interest

Can South Dakota survive without a state pastry? The Senate Commerce Committee apparently thought so when it killed Sen. Frank Kloucek’s (D-Scotland) bill to designate kolache as the official state pastry. Also, the South Dakota Legislature gained national notoriety when it adopted HCR 1009 sponsored by Rep. Don Kopp (R-Rapid City) calling for the balanced teaching of global warming in South Dakota’s public schools. The resolution was mentioned on MSNBC’s Rachel Maddow Show as well as an article in Forbes magazine.

Website

All of the bills that MRES monitored during the 2010 session, with links to the state legislative website, will remain available until just before the start of the 2011 session. As the next session draws near, the website will be updated with bill deadlines, the date of the MRES® Luncheon to Go, and other information as it becomes available.