

State of South Dakota

NINETIETH SESSION
LEGISLATIVE ASSEMBLY, 2015

129W0030

SENATE BILL NO.

B

Introduced by: _____

1 FOR AN ACT ENTITLED, An Act to increase the excise tax on motor vehicles.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That § 32-5B-1 be amended to read as follows:

4 32-5B-1. In addition to all other license and registration fees for the use of the highways, a
5 person shall pay an excise tax at the rate of ~~three~~ four percent on the purchase price of any motor
6 vehicle, as defined by § 32-3-1 or 32-5B-21, purchased or acquired for use on the streets and
7 highways of this state and required to be registered under the laws of this state. This tax shall
8 be in lieu of any tax levied by chapters 10-45 and 10-46 on the sales of such vehicles. Failure
9 to pay the full amount of excise tax is a Class 1 misdemeanor.

10 Section 2. That § 32-5B-1.4 be amended to read as follows:

11 32-5B-1.4. A licensed motor vehicle dealer who sells new motor vehicles and has a
12 franchise for that particular motor vehicle may license a new motor vehicle which is part of ~~his~~
13 the dealer's inventory. If the dealer licenses the motor vehicle, ~~he~~ the dealer's shall title the
14 motor vehicle and pay the ~~three percent~~ excise tax imposed pursuant to § 32-5B-1 on the
15 manufacturer's suggested dealer list price. The next purchaser ~~shall be~~ is exempt from the excise
16 tax.



State of South Dakota

NINETIETH SESSION
LEGISLATIVE ASSEMBLY, 2015

480W0032

HOUSE BILL NO.

 C

Introduced by: _____

1 FOR AN ACT ENTITLED, An Act to increase the excise tax on motor vehicles, to revise the
2 distribution of the excise tax, to create a grant fund to be used for the construction,
3 reconstruction, and repair of local bridges, and to establish county transportation plan
4 requirements.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

6 Section 1. That § 32-5B-1 be amended to read as follows:

7 32-5B-1. In addition to all other license and registration fees for the use of the highways, a
8 person shall pay an excise tax at the rate of ~~three~~ four and one-half percent on the purchase price
9 of any motor vehicle, as defined by § 32-3-1 or 32-5B-21, purchased or acquired for use on the
10 streets and highways of this state and required to be registered under the laws of this state. This
11 tax shall be in lieu of any tax levied by chapters 10-45 and 10-46 on the sales of such vehicles.
12 Failure to pay the full amount of excise tax is a Class 1 misdemeanor.

13 Section 2. That § 32-5B-1.4 be amended to read as follows:

14 32-5B-1.4. A licensed motor vehicle dealer who sells new motor vehicles and has a
15 franchise for that particular motor vehicle may license a new motor vehicle which is part of his
16 the dealer's inventory. If the dealer licenses the motor vehicle, ~~he~~ the dealer's shall title the



1 motor vehicle and pay the ~~three percent~~ excise tax imposed pursuant to § 32-5B-1 on the
2 manufacturer's suggested dealer list price. The next purchaser ~~shall be~~ is exempt from the excise
3 tax.

4 Section 3. That § 32-5B-17 be amended to read as follows:

5 32-5B-17. ~~All revenues~~ Eighty-nine percent of the revenue received pursuant to §§ 32-5B-1
6 and 32-5B-20 shall be ~~credited to~~ deposited in the state highway fund and eleven percent of the
7 revenue from the tax imposed by §§ 32-5B-1 and 32-5B-20 shall be deposited in the local
8 bridge improvement grant fund.

9 Section 4. There is hereby created in the state treasury the local bridge improvement grant
10 fund. Interest earned on money in the fund shall be deposited into the fund. Any money in the
11 fund is continuously appropriated to the Department of Transportation. Any money deposited
12 into and distributed from the fund shall be set forth in an informational budget as described in
13 § 4-7-7.2.

14 The Transportation Commission may award grants from the fund to any county to construct,
15 reconstruct, and repair bridges. The Transportation Commission shall consider the need for the
16 project and funding mechanisms available to and utilized by the applicant when making a
17 decision to award a grant. No county may receive a grant from the fund unless such county has
18 adopted and annually updated its county highway and bridge improvement plan pursuant to the
19 provisions of section 6 of this Act and has imposed a county wheel tax pursuant to § 32-5A-1.

20 Section 5. The Transportation Commission shall promulgate rules pursuant to chapter 1-26
21 regarding the application process and timelines, the guidelines and criteria for approval of
22 applications, and the distribution of funds from the local bridge improvement grant fund. The
23 criteria for evaluating the projects may include the proximity of other bridges and culverts,
24 alternative routes available, structural deficiencies, functionality of the bridge or culvert, and

1 project costs.

2 Section 6. The Transportation Commission shall promulgate rules, pursuant to chapter 1-26,
3 to establish the requirements for a county highway and bridge improvement plan that details
4 proposed county highway and bridge improvement projects in a county for the next five years.
5 The rules shall provide for the format of the plan and the time by which an update of the plan
6 must be submitted each year.

State of South Dakota

NINETIETH SESSION LEGISLATIVE ASSEMBLY, 2015

464W0072

SENATE BILL NO.

 D

Introduced by: _____

1 FOR AN ACT ENTITLED, An Act to increase certain fuel excise taxes and to provide for a tax
2 on the wholesale price of certain fuel.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 10-47B-4 be amended to read as follows:

5 10-47B-4. The fuel excise tax rates for the tax imposed by this chapter are as follows:

- 6 (1) Motor fuel (except ethyl alcohol, methyl alcohol, biodiesel, biodiesel blends, and
7 aviation gasoline)--~~\$.22 per gallon~~ as provided pursuant to section 2 of this Act;
- 8 (2) Special fuel (except jet fuel)--~~\$.22 per gallon~~ as provided pursuant to section 2 of this
9 Act;
- 10 (3) Aviation gasoline--\$.06 per gallon;
- 11 (4) Jet fuel--\$.04 per gallon;
- 12 (5) Liquid petroleum gas--\$.20 per gallon;
- 13 (6) Compressed natural gas--\$.10 per gallon;
- 14 (7) Ethyl alcohol and methyl alcohol--~~\$.08 per gallon~~ as provided pursuant to section 3
15 of this Act;
- 16 (8) Liquid natural gas--\$.14 per gallon;



1 (9) Biodiesel and biodiesel blends—as provided pursuant to section 2 of this Act, except
2 when the conditions as provided in section 4 of this Act are met.

3 Section 2. That chapter 10-47B be amended by adding thereto a NEW SECTION to read as
4 follows:

5 The fuel excise tax rate for motor fuel and special fuel is:

- 6 (1) \$.22 per gallon from July 1, 2015, to June 30, 2016, inclusive;
- 7 (2) \$.2255 per gallon from July 1, 2016, to June 30, 2017, inclusive;
- 8 (3) \$.2311 per gallon from July 1, 2017, to June 30, 2018, inclusive;
- 9 (4) \$.2369 per gallon from July 1, 2018, to June 30, 2019, inclusive;
- 10 (5) \$.2428 per gallon from July 1, 2019, to June 30, 2020, inclusive;
- 11 (6) \$.2489 per gallon from July 1, 2020, to June 30, 2021, inclusive;
- 12 (7) \$.2551 per gallon from July 1, 2021, to June 30, 2022, inclusive;
- 13 (8) \$.2615 per gallon from July 1, 2022, to June 30, 2023, inclusive;
- 14 (9) \$.2680 per gallon from July 1, 2023, to June 30, 2024, inclusive;
- 15 (10) \$.2747 per gallon from July 1, 2024, to June 30, 2025, inclusive; and
- 16 (11) \$.2816 per gallon on and after July 1, 2025.

17 Section 3. That chapter 10-47B be amended by adding thereto a NEW SECTION to read as
18 follows:

19 The fuel excise tax rate for ethyl alcohol and methyl alcohol fuel is:

- 20 (1) \$.12 per gallon from July 1, 2015, to June 30, 2016, inclusive;
- 21 (2) \$.14 per gallon from July 1, 2016, to June 30, 2017, inclusive;
- 22 (3) \$.16 per gallon from July 1, 2017, to June 30, 2018, inclusive;
- 23 (4) \$.18 per gallon from July 1, 2018, to June 30, 2019, inclusive;
- 24 (5) \$.20 per gallon from July 1, 2019, to June 30, 2020, inclusive; and

1 (6) \$.22 per gallon on and after July 1, 2020.

2 Section 4. That chapter 10-47B be amended by adding thereto a NEW SECTION to read as
3 follows:

4 The tax imposed by § 10-47B-4 on biodiesel or biodiesel blends shall be reduced by two
5 cents per gallon in the quarter after biodiesel production facilities in South Dakota reach a name
6 plate capacity of at least twenty million gallons per year and fully produce at least ten million
7 gallons of biodiesel within one year as determined by the secretary of revenue. The secretary
8 shall file a certification of the determination with the secretary of state and the Legislative
9 Research Council as the means of determining the reduction in the rate of tax applied by § 10-
10 47B-4. The provisions of this section are repealed in the quarter after thirty-five million gallons
11 of taxed biodiesel and biodiesel blended fuel are sold as determined by the secretary of revenue.
12 The secretary shall file a certification of the determination with the secretary of state and the
13 Legislative Research Council as the means of determining the effective date of the repeal of this
14 section.

15 Section 5. That section 7 of chapter 64 of the 2014 Session Laws, section 12 of chapter 55
16 of the 2009 Session Laws, and sections 3, 5, and 6 of chapter 54 of the 2008 Session Laws be
17 repealed.

18 Section 6. That chapter 10-47B be amended by adding thereto a NEW SECTION to read as
19 follows:

20 In addition to the tax imposed by this chapter at the rates provided in § 10-47B-4, an
21 additional tax is imposed at the rate of three percent of the average wholesale price charged each
22 gallon of fuel, at the time the fuel excise tax is imposed pursuant to this chapter. However, this
23 additional tax does not apply to any aviation gasoline and jet fuel and does not apply to any fuel
24 that is otherwise exempted by this chapter.

1 Section 7. That chapter 10-47B be amended by adding thereto a NEW SECTION to read as
2 follows:

3 For the purposes of section 6 of this Act, the average wholesale price is two dollars and fifty
4 cents for the tax returns filed from July 1, 2015, to June 30, 2016, inclusive.

5 Section 8. That chapter 10-47B be amended by adding thereto a NEW SECTION to read as
6 follows:

7 For the purposes of section 6 of this Act, beginning on July 1, 2016, and each July first
8 thereafter, the average wholesale price is the average wholesale price of the fuel for the previous
9 calendar year. The average wholesale price shall apply to tax returns from July first to June
10 thirtieth, inclusive.

11 Section 9. That chapter 10-47B be amended by adding thereto a NEW SECTION to read as
12 follows:

13 The average wholesale price shall be determined by the secretary and established by rules
14 promulgated pursuant to chapter 1-26. The average wholesale price shall be determined using
15 data available from the Oil Price Information Service. The average wholesale price shall be a
16 single, statewide average wholesale price per gallon of the type of fuel sold in the state over the
17 previous calendar year, excluding any state and federal excise tax. However, for the purposes
18 of sections 6 and 8 of this Act, the average wholesale price of a gallon of fuel may not be set
19 lower than two dollars and fifty cents.

20 Section 10. That chapter 10-47B be amended by adding thereto a NEW SECTION to read
21 as follows:

22 The tax imposed by section 6 of this Act shall be reported and remitted to the state in the
23 same manner as the fuel excise tax is reported and remitted pursuant to this chapter.

24 Section 11. That § 10-47B-34 be amended to read as follows:

1 10-47B-34. Any supplier, out-of-state supplier, ethanol producer, or ethanol broker who
2 properly remits tax under this chapter shall be allowed to retain an amount not to exceed two
3 and one-fourth percent of the tax required to be paid on each gallon of fuel to this state. The
4 amount to be retained is to help off-set the administrative expenses of timely reporting and
5 payment of tax. This section does not apply to the tax imposed by section 6 of this Act.

State of South Dakota

NINETIETH SESSION
LEGISLATIVE ASSEMBLY, 2015

483W0021

SENATE BILL NO.

E

Introduced by: _____

1 FOR AN ACT ENTITLED, An Act to impose a tax on dyed special fuel, to provide for the
2 distribution of the proceeds, and to establish county transportation plan requirements.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 10-47B-4 be amended to read as follows:

5 10-47B-4. The fuel excise tax rates for the tax imposed by this chapter are as follows:

- 6 (1) Motor fuel (except ethyl alcohol, methyl alcohol, biodiesel, biodiesel blends, and
7 aviation gasoline)--\$.22 per gallon;
- 8 (2) Special fuel (except jet fuel)--\$.22 per gallon;
- 9 (3) Aviation gasoline--\$.06 per gallon;
- 10 (4) Jet fuel--\$.04 per gallon;
- 11 (5) Liquid petroleum gas--\$.20 per gallon;
- 12 (6) Compressed natural gas--\$.10 per gallon;
- 13 (7) Ethyl alcohol and methyl alcohol--\$.08 per gallon;
- 14 (8) Liquid natural gas--\$.14 per gallon;
- 15 (9) Dyed special fuel--\$.07 per gallon;
- 16 (10) Biodiesel and biodiesel blends--\$.22 per gallon, except as provided in section 2 of



1 this Act.

2 Section 2. That chapter 10-47B be amended by adding thereto a NEW SECTION to read as
3 follows:

4 The tax imposed by § 10-47B-4 on biodiesel or biodiesel blends shall be reduced by two
5 cents per gallon in the quarter after biodiesel production facilities in South Dakota reach a name
6 plate capacity of at least twenty million gallons per year and fully produce at least ten million
7 gallons of biodiesel within one year as determined by the secretary of revenue. The secretary
8 shall file a certification of the determination with the secretary of state and the Legislative
9 Research Council as the means of determining the reduction in the rate of tax applied by § 10-
10 47B-4. The provisions of this section are repealed in the quarter after thirty-five million gallons
11 of taxed biodiesel and biodiesel blended fuel are sold as determined by the secretary of revenue.
12 The secretary shall file a certification of the determination with the secretary of state and the
13 Legislative Research Council as the means of determining the effective date of the repeal of this
14 section.

15 Section 3. That section 7 of chapter 64 of the 2014 Session Laws, section 12 of chapter 55
16 of the 2009 Session Laws, and sections 3, 5, and 6 of chapter 54 of the 2008 Session Laws be
17 repealed.

18 Section 4. That § 10-47B-19 be amended to read as follows:

19 10-47B-19. The following are exempt from fuel excise tax imposed by this chapter:

- 20 (1) Motor fuel or undyed special fuel removed from a terminal in this state at the rack
21 by the federal government or defense fuel supply center for consumption in any
22 federal government motor vehicle, machinery, equipment, or aircraft;
- 23 (2) Motor fuel or undyed special fuel imported into this state by the federal government
24 or defense fuel supply center for consumption in any federal government motor

1 vehicle, machinery, equipment, or aircraft;

2 (3) ~~Special fuel that has been dyed in accordance with this chapter. The tax liability is~~
3 ~~reestablished if the dyed special fuel is used in the engine fuel supply tank of self-~~
4 ~~propelled machinery and equipment for use in highway construction or repair work~~
5 ~~within the right-of-way within this state;~~

6 ~~(4)~~ Transmix removed from a terminal in this state at the rack by the terminal operator
7 and transferred to another terminal, or to a licensed supplier for refinement and re-
8 introduction into the pipeline system;

9 ~~(5)~~(4) Undyed special fuel and dyed special fuel removed from a terminal in this state at the
10 rack and delivered directly into a railroad locomotive if the railroad company is also
11 the supplier. Undyed special fuel and dyed special fuel transported from the terminal
12 to the locomotive fueling site by truck or railcar is not exempt from the tax;

13 ~~(6)~~(5) Motor fuel or undyed special fuel removed from a terminal in this state by an
14 electrical power company or cooperative and directly used for the generation of
15 electricity. Motor fuel or undyed diesel fuel transported from the terminal to an
16 electrical generation plant by truck or railcar is not exempt from the tax; or

17 ~~(7)~~(6) Motor fuel or special fuel transfers in bulk by pipeline into a terminal or in bulk by
18 pipeline within a terminal. This subdivision does not apply to any transfers of ethyl
19 alcohol or methyl alcohol into a terminal or within a terminal. The subsequent
20 removal of the fuel from the terminal is not exempt from tax.

21 Section 5. That § 10-47B-20 be amended to read as follows:

22 10-47B-20. ~~Special fuel exempted under subdivision 10-47B-19(3)~~ Dyed special fuel shall
23 have dye added to it at or before the time of withdrawal at a terminal or refinery rack. At the
24 option of the supplier, the dye added may be either:

1 (1) Dye required to be added pursuant to United States Environmental Protection Agency
2 requirements; or

3 (2) Dye with specifications and amounts as required by the Internal Revenue Service.

4 Section 6. That § 10-47B-148 be amended to read as follows:

5 10-47B-148. Any Except for the tax on any dyed special fuel, any tax, fee, penalty
6 assessment, and interest assessment collected under pursuant to the provisions of this chapter
7 ~~are to shall~~ be deposited with the state treasurer who shall credit the amount received to the
8 motor fuel tax fund. However, taxes collected under pursuant to the provisions of this chapter
9 on behalf of other jurisdictions under the provisions of an interstate agreement are to be
10 distributed under the provisions of that agreement.

11 Section 7. That chapter 10-47B be amended by adding thereto a NEW SECTION to read as
12 follows:

13 There is hereby created in the state treasury the dyed special fuel tax fund. Any tax collected
14 on dyed special fuel pursuant to the provisions of this chapter shall be deposited with the state
15 treasurer who shall credit the amount received to the dyed special fuel tax fund. At the
16 beginning of each month, the secretary shall distribute any balance in the fund to the special
17 local government bridge fund as created pursuant to section 8 of this Act.

18 Section 8. That chapter 10-47B be amended by adding thereto a NEW SECTION to read as
19 follows:

20 There is hereby created the special local government bridge fund. Interest earned on money
21 in the fund shall be deposited into the fund. Any money in the fund is continuously
22 appropriated. Any money deposited into and distributed from the fund shall be set forth in an
23 informational budget as described in § 4-7-7.2. The secretary of revenue shall monthly distribute
24 the money deposited in the fund as follows:

1 (1) Thirty percent of the fund to the counties, which shall be used for the maintenance
2 and reconstruction of bridges and culverts. The counties' portion shall be distributed
3 among the counties, pro rata, according to the number of bridges, as defined pursuant
4 to § 31-10-1, on the county and township road systems. No county may receive any
5 money pursuant the provisions of this subdivision unless the county has adopted and
6 annually updated its county highway and bridge improvement plan pursuant to the
7 provisions of section 11 of this Act. Any funds not distributed to a county pursuant
8 to this requirement shall be transferred to the local bridge improvement grant fund;
9 and

10 (2) Seventy percent of the fund to the local bridge improvement grant fund created in
11 section 9 of this Act.

12 Section 9. There is hereby created in the state treasury the local bridge improvement grant
13 fund. Interest earned on money in the fund shall be deposited into the fund. Any money in the
14 fund is continuously appropriated to the Department of Transportation. Any money deposited
15 into and distributed from the fund shall be set forth in an informational budget as described in
16 § 4-7-7.2.

17 The Transportation Commission may award grants from the fund to any county to construct,
18 reconstruct, and repair bridges. The Transportation Commission shall consider the need for the
19 project and funding mechanisms available to and utilized by the applicant when making a
20 decision to award a grant. No county may receive a grant from the fund unless such county has
21 adopted and annually updated its county highway and bridge improvement plan pursuant to the
22 provisions of section 11 of this Act and has imposed a county wheel tax pursuant to § 32-5A-1.

23 Section 10. The Transportation Commission shall promulgate rules pursuant to chapter 1-26
24 regarding the application process and timelines, the guidelines and criteria for approval of

1 applications, and the distribution of funds from the local bridge improvement grant fund. The
2 criteria for evaluating the projects may include the proximity of other bridges and culverts,
3 alternative routes available, structural deficiencies, functionality of the bridge or culvert, and
4 project costs.

5 Section 11. The Transportation Commission shall promulgate rules, pursuant to chapter 1-
6 26, to establish the requirements for a county highway and bridge improvement plan that details
7 proposed county highway and bridge improvement projects in a county for the next five years.
8 The rules shall provide for the format of the plan and the time by which an update of the plan
9 must be submitted each year.

State of South Dakota

NINETIETH SESSION
LEGISLATIVE ASSEMBLY, 2015

348W0087

SENATE BILL NO.

F

Introduced by: _____

1 FOR AN ACT ENTITLED, An Act to revise the distribution of the revenue from the petroleum
2 release compensation and tank inspection fees.
3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:
4 Section 1. That § 34A-13-20 be amended to read as follows:
5 34A-13-20. A petroleum release compensation and tank inspection fee is imposed upon any
6 petroleum products upon which the fuel excise tax is imposed by §§ 10-47B-5 to 10-47B-10,
7 inclusive, 10-47B-9.1, and 10-47B-13. None of the exemptions from fuel excise tax allowed in
8 § 10-47B-19 apply to this fee. The parties required to pay the fuel excise tax under pursuant to
9 the provisions of §§ 10-47B-21 to 10-47B-26, inclusive, and 10-47B-29 and 10-47B-31 are
10 liable for payment of the petroleum release and tank inspection fee. In cases where the fuel is
11 exempt from the fuel excise tax under the provisions of subdivisions 10-47B-19(1), (3), and (5),
12 the supplier shall pay the fee. Responsibility for payment of the fee ceases if the petroleum
13 product is sold and delivered by a licensed exporter outside of the state. The amount of the fee
14 imposed is twenty dollars per one thousand gallons of petroleum. ~~Beginning January 1, 2003,~~
15 Until June 30, 2020, fifty percent of the revenue collected pursuant to this section shall be
16 deposited monthly in the ethanol fuel fund ~~and fifty.~~ Beginning on July 1, 2020, fifty percent



1 of the of the revenue collected pursuant to this section shall be deposited monthly in the state
2 highway fund. Fifty percent of the revenue collected pursuant to this section shall be distributed
3 monthly in the following manner:

4 (1) ~~Beginning in fiscal year 2000 to December 31, 2002, inclusive, fifty percent shall be~~
5 ~~deposited in the state capital construction fund created in § 5-27-1. Beginning on~~
6 ~~January 1, 2003, seventy-eight~~ Seventy-eight and seven-tenths percent shall be
7 deposited in the state capital construction fund; and

8 (2) ~~Beginning April 1, 2002, to December 31, 2002, inclusive, twenty-nine and one-tenth~~
9 ~~percent shall be deposited in the petroleum release compensation fund and twenty~~
10 ~~and nine-tenths percent shall be deposited in the state highway fund. Beginning on~~
11 ~~January 1, 2003, twenty-one~~ Twenty-one and three-tenths percent shall be deposited
12 in the petroleum release compensation fund.

State of South Dakota

NINETIETH SESSION
LEGISLATIVE ASSEMBLY, 2015

543W0031

HOUSE BILL NO.

G

Introduced by: _____

1 FOR AN ACT ENTITLED, An Act to eliminate certain distributions from the motor fuel tax
2 fund.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 10-47B-149 be amended to read as follows:

5 10-47B-149. At the beginning of each month, the secretary shall make adjustments to the
6 motor fuel tax fund balance in the following manner:

7 ~~—(1)—~~ Each July transfer an amount to the snowmobile trails' fund equal to the product of
8 multiplying the number of licensed snowmobiles as of July first, times one hundred
9 twenty-five gallons, times the rate of tax provided for motor fuel under this chapter;

10 ~~(2)~~(1) Each July transfer from the amount of motor fuel tax collected from the motor fuel
11 used for nonhighway purposes to the value added agriculture subfund created in § 38-
12 6-13 one hundred thirty-five thousand dollars;

13 ~~(3)~~(2) Each July transfer from the amount of motor fuel tax collected from the motor fuel
14 used for nonhighway purposes to the Department of Agriculture seventy-five
15 thousand dollars to be used for a grant to the Northern Crops Institute;

16 ~~(4)~~(3) Transfer to the motor fuel tax administration account two percent of the deposits



1 made to the motor fuel tax fund during the preceding month to cover the expenses
2 incurred in administering all motor fuel and special fuel tax laws of this state. On or
3 about August first of each year, the preceding year's remaining motor fuel tax
4 administration account balance, less an amount to provide cash flow within the
5 account, shall be transferred to the state highway fund. The remaining balance is to
6 be calculated by subtracting from the total of monthly deposits, the amount of
7 corresponding expenses. The expense of administering the chapters relating to motor
8 and special fuel taxation shall be paid out of appropriations made by the Legislature;

9 ~~(5)~~(4) Each July transfer from the amount of motor fuel tax collected from the motor fuel
10 used for nonhighway purposes to the coordinated natural resources conservation fund
11 five hundred thousand dollars;

12 ~~(6)~~ Each July transfer to the parks and recreation fund an amount equal to the product of
13 multiplying the number of licensed motorized boats as of the previous December
14 thirty-first, times one hundred forty gallons, times the rate of tax provided for motor
15 fuels under this chapter;

16 ~~(7)~~(5) Each July distribute to counties and townships as provided in § 10-47B-149.1 seven
17 hundred thousand dollars;

18 ~~(8)~~(6) Transfer to the member jurisdictions taxes collected under the provisions of the
19 international fuel tax agreement; and

20 ~~(9)~~(7) Transfer the remaining cash balance to the state highway fund.

State of South Dakota

NINETIETH SESSION
LEGISLATIVE ASSEMBLY, 2015

393W0022

SENATE BILL NO.

H

Introduced by: _____

1 FOR AN ACT ENTITLED, An Act to increase certain registration fees for the use of motor
2 vehicles on the public highways and bridges, to revise the distribution of certain revenue,
3 and to provide funding for the construction and repair of local bridges.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That § 32-5-6 be amended to read as follows:

6 32-5-6. License fees and compensation on a noncommercial motor vehicle which is an
7 automobile, pickup truck, or van as provided by § 32-5-5, shall be determined by the
8 manufacturer's shipping weight, including accessories, as follows:

- 9 (1) Two thousand pounds or less, inclusive, ~~thirty~~ thirty-three dollars;
10 (2) From 2,001 to 4,000 pounds, inclusive, ~~sixty~~ sixty-six dollars;
11 (3) From 4,001 to 6,000 pounds, inclusive, ~~ninety~~ ninety-nine dollars;
12 (4) Over 6,000 pounds, one hundred ~~twenty~~ thirty-two dollars.

13 Section 2. That § 32-5-6.3 be amended to read as follows:

14 32-5-6.3. License fees on a noncommercial motor vehicle which is not an automobile,
15 pickup truck, or van licensed pursuant to § 32-5-6 shall be determined by the gross weight of
16 the motor vehicle as defined by subdivision 32-9-1(6), and based on the following:



- 1 (1) Eight thousand pounds or less, inclusive, one hundred ten dollars;
- 2 (2) For each additional 2,000 pounds or major fraction thereof from 8,001 to 20,000
3 pounds, inclusive, ~~ten~~ eleven dollars;
- 4 (3) ~~For a vehicle in excess of 20,000~~ From 20,001 to 54,000 pounds, inclusive, the total
5 license fee shall be ~~sixty~~ sixty-six percent of the total license fee established for
6 commercial vehicles of equivalent weight pursuant to § 32-9-15;
- 7 (4) Over 54,000 pounds, the total license fee shall be one hundred percent of the total
8 license fee established for commercial vehicles of equivalent weight pursuant to
9 § 32-9-15.

10 It is a Class 2 misdemeanor for a person to operate a motor vehicle licensed pursuant to this
11 section at a gross weight in excess of the gross weight for which it has been licensed. If the
12 owner chooses to lower the registered weight, the plate shall be returned along with any
13 validation decal and a new plate issued with the correct registered weight.

14 Section 3. That § 32-5-6.1 be amended to read as follows:

15 32-5-6.1. License fees for any noncommercial motor home shall be determined by the
16 manufacturer's shipping weight, including accessories, as follows:

- 17 (1) Six thousand pounds or less, inclusive, ~~ninety~~ ninety-nine dollars;
- 18 (2) From 6,001 to 8,000 pounds, inclusive, one hundred ~~twenty~~ thirty-two dollars;
- 19 (3) From 8,001 to 10,000 pounds, inclusive, one hundred ~~fifty~~ sixty-five dollars;
- 20 (4) For each additional 2,000 pounds or major fraction thereof, in excess of 10,000
21 pounds, ~~thirty~~ thirty-three dollars.

22 For the purposes of this section, a motor home is a vehicle designed to provide temporary
23 living quarters for recreational, camping, or travel use, built on or permanently attached to a
24 self-propelled motor vehicle chassis or on a chassis cab or van that is an integral part of the

1 completed vehicle.

2 Section 4. That § 32-5-8 be amended to read as follows:

3 32-5-8. License fees and compensation for any recreational vehicle as defined in § 32-3-1
4 or for any noncommercial trailer and semitrailer, for use of the highways payable ~~under~~ pursuant
5 to § 32-5-5 and pulled by a noncommercial motor vehicle on which the license fees were paid
6 pursuant to § 32-5-6, shall be determined upon the basis of their actual weight as follows:

- 7 (1) One thousand pounds or less, inclusive, ~~fifteen~~ seventeen dollars;
- 8 (2) From 1,001 to 2,000 pounds, inclusive, ~~thirty~~ thirty-three dollars;
- 9 (3) From 2,001 to 3,000 pounds, inclusive, ~~forty-five~~ fifty dollars;
- 10 (4) From 3,001 to 4,000 pounds, inclusive, ~~sixty~~ sixty-six dollars;
- 11 (5) From 4,001 to 5,000 pounds, inclusive, ~~seventy-five~~ eighty-three dollars;
- 12 (6) From 5,001 to 6,000 pounds, inclusive, ~~ninety one~~ one hundred dollars;
- 13 (7) From 6,001 to 7,000 pounds, inclusive, one hundred ~~five~~ sixteen dollars;
- 14 (8) From 7,001 to 8,000 pounds, inclusive, one hundred ~~twenty~~ thirty-two dollars;
- 15 (9) From 8,001 to 9,000 pounds, inclusive, one hundred ~~thirty-five~~ fifty dollars;
- 16 (10) From 9,001 to 10,000 pounds, inclusive, one hundred ~~fifty~~ sixty-five dollars;
- 17 (11) For each additional 1,000 pounds or major fraction thereof, in excess of 10,000
18 pounds, ~~fifteen~~ seventeen dollars.

19 Any trailer or semitrailer licensed pursuant to this section may be pulled by a
20 noncommercial motor vehicle licensed pursuant to § 32-5-8.1 or a commercially licensed motor
21 vehicle if the motor vehicle is registered at a gross weight to cover the weight of the trailer and
22 its load.

23 Section 5. That § 32-5-9 be amended to read as follows:

24 32-5-9. License fees and compensation for use of the highways payable ~~under~~ pursuant to

1 § 32-5-5 shall be: ~~fourteen dollars and fifty cents for motorcycles with a~~ shall be determined
2 by the piston displacement of less than three hundred fifty cubic centimeters and seventeen
3 dollars for motorcycles with a piston displacement of three hundred fifty cubic centimeters or
4 more as follows:

5 (1) Three hundred fifty cubic centimeters or less, fifteen dollars;

6 (2) Three hundred fifty-one to one thousand cubic centimeters, inclusive, eighteen
7 dollars;

8 (3) One thousand one cubic centimeters or more, twenty-one dollars.

9 Section 6. That § 32-6B-21 be amended to read as follows:

10 32-6B-21. The department shall issue metal numerical license plates to licensed dealers
11 upon application and payment of a ~~eighty-four~~ ninety-three dollar yearly fee to be paid at the
12 time of the annual review date for each set desired. The fees shall be distributed in the manner
13 specified in §§ 32-11-2 and 32-11-4.1 to 32-11-9, inclusive. The license plates shall be
14 numbered consecutively and shall bear as a prefix the number 77. The plates may be issued for
15 a multiple year period. If a dealer's license is revoked or canceled or the dealer goes out of
16 business the 77 plates shall be returned to the department. If any person operates a motor vehicle
17 with 77 plates after the dealer license is revoked or canceled or after the dealer goes out of
18 business, or if the person refuses to return the plates, the person is guilty of a Class 2
19 misdemeanor.

20 Section 7. That § 32-6B-23 be amended to read as follows:

21 32-6B-23. The department shall issue to any motorcycle dealer and trailer dealer licensed
22 pursuant to this chapter metal number plates bearing a prefix of the letter "D" and containing
23 a distinguishing identification number of the licensee. The dealer shall make application to the
24 department for the plates and pay a fee of ~~twenty~~ twenty-two dollars for each plate. One license

1 plate shall be displayed on the rear of any motorcycle, or trailer, semitrailer, or travel trailer,
2 owned by the dealer while traveling on a public highway. Any vehicle owned by the licensed
3 dealer and bearing the dealers' metal plate may be operated on the streets and highways of this
4 state for any purpose, including demonstration by a prospective buyer. All money collected
5 pursuant to this section shall be distributed in the manner specified in § 32-11-2 and §§ 32-11-
6 4.1 to 32-11-9, inclusive.

7 Section 8. That § 32-6B-36.3 be amended to read as follows:

8 32-6B-36.3. The department shall issue metal numerical license plates to an auction agency
9 upon application and payment of a ~~eighty-four~~ ninety-three dollar yearly fee to be paid at the
10 time of the annual review date for each set desired. Such fees shall be distributed in the manner
11 specified in §§ 32-11-2 and 32-11-4.1 to 32-11-9, inclusive. The license plates shall be
12 numbered consecutively and shall bear as a prefix the number "99." The plates may be issued
13 for a multiple year period. If an auction agency's license is revoked or canceled or the auction
14 agency goes out of business, the "99" plates shall be returned to the department. If any person
15 operates a motor vehicle with "99" plates after the auction agency's license is revoked or
16 canceled or after the auction agency goes out of business, or if the person refuses to return the
17 plates, the person is guilty of a Class 2 misdemeanor.

18 Section 9. That § 32-11-34 be amended to read as follows:

19 32-11-34. The local government highway and bridge fund is hereby created and appropriated
20 for the use of counties, municipalities, and townships for the purposes of constructing and
21 maintaining highways, streets, and bridges on their highway and street systems. Beginning on
22 October 1, 2015, before each quarterly disbursement is made pursuant to § 32-11-35, the
23 secretary of revenue shall transfer two million five hundred thousand dollars to the local bridge
24 improvement grant fund created pursuant to section 10 of this Act.

1 Section 10. There is hereby created in the state treasury the local bridge improvement grant
2 fund. Interest earned on money in the fund shall be deposited into the fund. Any money in the
3 fund is continuously appropriated to the Department of Transportation. Any money deposited
4 into and distributed from the fund shall be set forth in an informational budget as described in
5 § 4-7-7.2.

6 The Transportation Commission may award grants from the fund to any county to construct,
7 reconstruct, and repair bridges. The Transportation Commission shall consider the need for the
8 project and funding mechanisms available to and utilized by the applicant when making a
9 decision to award a grant. No county may receive a grant from the fund unless such county has
10 adopted and annually updated its county highway and bridge improvement plan pursuant to the
11 provisions of section 12 of this Act and has imposed a county wheel tax pursuant to § 32-5A-1.

12 Section 11. The Transportation Commission shall promulgate rules pursuant to chapter 1-26
13 regarding the application process and timelines, the guidelines and criteria for approval of
14 applications, and the distribution of funds from the local bridge improvement grant fund. The
15 criteria for evaluating the projects may include the proximity of other bridges and culverts,
16 alternative routes available, structural deficiencies, functionality of the bridge or culvert, and
17 project costs.

18 Section 12. The Transportation Commission shall promulgate rules, pursuant to chapter 1-
19 26, to establish the requirements for a county highway and bridge improvement plan that details
20 proposed county highway and bridge improvement projects in a county for the next five years.
21 The rules shall provide for the format of the plan and the time by which an update of the plan
22 must be submitted each year.

State of South Dakota

NINETIETH SESSION
LEGISLATIVE ASSEMBLY, 2015

483W0047

SENATE BILL NO.

I

Introduced by: _____

1 FOR AN ACT ENTITLED, An Act to require certain motor vehicles to pay an additional
2 registration fee.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 32-5 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 In addition to the license fees paid pursuant to the provisions of this chapter for a motor
7 vehicle, the owner of an electric vehicle shall pay a fee in the amount of eighty dollars and a
8 hybrid vehicle shall pay a fee in the amount of forty dollars.

9 For the purposes of this section, the term, electric motor vehicle, means a motor vehicle that
10 is propelled to a significant extent by an electric motor which draws electricity from a battery
11 that is capable of being recharged from an external source of electricity and that may be legally
12 operated on the interstate highways in this state and that is eligible for registration pursuant to
13 the general laws of this state. The electric vehicle shall have been made by a manufacturer
14 primarily for use on public streets, roads, and highways and meets National Highway Traffic
15 Safety Administration standards included in 49 C.F.R. § 571 as of January 1, 2015.

16 For the purposes of this section, the term, hybrid vehicle, means a motor vehicle with a



1 hybrid propulsion system that uses an alternative fuel by operating on both an alternative fuel,
2 including electricity, and a traditional fuel and shall also display such motor vehicle's United
3 States Environmental Protection Agency highway fuel economy rating of fifty miles per gallon
4 or more.

State of South Dakota

NINETIETH SESSION
LEGISLATIVE ASSEMBLY, 2015

672W0023

SENATE BILL NO.

J

Introduced by: _____

1 FOR AN ACT ENTITLED, An Act to make the county wheel tax mandatory and to revise
2 certain provisions concerning the wheel tax.
3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:
4 Section 1. That § 32-5A-1 be amended to read as follows:
5 32-5A-1. Any Each county ~~may, by ordinance,~~ shall impose a wheel tax on all motor
6 vehicles, as defined in § 32-3-1, registered in the county at a rate ~~not to exceed~~ of four dollars
7 per vehicle wheel. Any county may, by ordinance, opt out of the imposition of the wheel tax or
8 decrease the rate of tax imposed on each wheel. The tax shall be administered and collected by
9 the county. The total vehicle tax may not exceed sixteen dollars per vehicle, unless the county,
10 by ordinance, imposes a tax based on the number of wheels per vehicle, not to exceed twelve
11 wheels.



State of South Dakota

NINETIETH SESSION
LEGISLATIVE ASSEMBLY, 2015

528W0020

SENATE BILL NO.

 K

Introduced by: _____

1 FOR AN ACT ENTITLED, An Act to require counties to impose a property tax for the purpose
2 of constructing, reconstructing, and repairing local government bridges and culverts.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. The board of county commissioners shall authorize an annual property tax levy
5 of twenty cents per thousand dollars of the taxable valuation of the county. Each county shall
6 deposit fifty percent of the taxes collected pursuant to this section in the county bridge and
7 culvert fund and shall transfer fifty percent to South Dakota Department of Transportation,
8 which shall deposit the money in the local bridge improvement grant fund created pursuant to
9 section 2 of this Act. There is hereby established a county bridge and culvert fund, which shall
10 be used by the county for the purpose of constructing, reconstructing, and repairing bridges and
11 culverts. Any tax levy imposed pursuant to this section is exempt from the tax limitations
12 imposed on a county pursuant to chapter 10-13.

13 Section 2. There is hereby created in the state treasury the local bridge improvement grant
14 fund. Interest earned on money in the fund shall be deposited into the fund. Any money in the
15 fund is continuously appropriated to the Department of Transportation. Any money deposited
16 into and distributed from the fund shall be set forth in an informational budget as described in



1 § 4-7-7.2.

2 The Transportation Commission may award grants from the fund to any county to construct,
3 reconstruct, and repair bridges. The Transportation Commission shall consider the need for the
4 project and funding mechanisms available to and utilized by the applicant when making a
5 decision to award a grant. No county may receive a grant from the fund unless such county has
6 adopted and annually updated its county highway and bridge improvement plan pursuant to the
7 provisions of section 4 of this Act and has imposed a county wheel tax pursuant to § 32-5A-1.

8 Section 3. The Transportation Commission shall promulgate rules pursuant to chapter 1-26
9 regarding the application process and timelines, the guidelines and criteria for approval of
10 applications, and the distribution of funds from the local bridge improvement grant fund. The
11 criteria for evaluating the projects may include the proximity of other bridges and culverts,
12 alternative routes available, structural deficiencies, functionality of the bridge or culvert, and
13 project costs.

14 Section 4. The Transportation Commission shall promulgate rules, pursuant to chapter 1-26,
15 to establish the requirements for a county highway and bridge improvement plan that details
16 proposed county highway and bridge improvement projects in a county for the next five years.
17 The rules shall provide for the format of the plan and the time by which an update of the plan
18 must be submitted each year.

19 Section 5. The provisions of section 1 of this Act are repealed on July 1, 2025.

State of South Dakota

NINETIETH SESSION
LEGISLATIVE ASSEMBLY, 2015

753W0024

SENATE BILL NO.

 L

Introduced by: _____

1 FOR AN ACT ENTITLED, An Act to exempt certain township property tax levies from the
2 property tax limitation requirements.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 10-13-35 be amended to read as follows:

5 10-13-35. This section does not apply to school districts or to townships, if the levy imposed
6 by a township pursuant to § 10-12-28 is less than fifty cents per thousand dollars of taxable
7 valuation. For taxes payable in 1997, and each year thereafter, the total amount of revenue
8 payable from taxes on real property within a taxing district, excluding the levy pursuant to § 10-
9 13-36, may increase no more than the lesser of three percent or the index factor, as defined in
10 § 10-13-38, over the amount of revenue payable from taxes on real property in the preceding
11 year, excluding the amount of taxes levied pursuant to § 10-13-36. After applying the index
12 factor, a taxing district may increase the revenue payable from taxes on real property above the
13 limitations provided by this section by the percentage increase of value resulting from any
14 improvements or change in use of real property, annexation, minor boundary changes, and any
15 adjustments in taxation of property separately classified and subject to statutory adjustments and
16 reductions under chapters 10-4, 10-6, 10-6A, and 10-6B, except § 10-6-31.4, only if assessed



1 the same as property of equal value. A taxing district may increase the revenue it receives from
2 taxes on real property above the limit provided by this section for taxes levied to pay the
3 principal, interest, and redemption charges on any bonds issued after January 1, 1997, which are
4 subject to referendum, scheduled payment increases on bonds and for a levy directed by the
5 order of a court for the purpose of paying a judgment against such taxing district. Any taxing
6 district created after the effective date of this section is exempt from the limitation provided by
7 this section for a period of two years immediately following its creation.

8

9 AS AN ALTERNATIVE TO SECTION 1 OF THIS ACT, SECTION 2 TOTALLY EXEMPTS
10 TOWNSHIPS FROM THE PROPERTY TAX LIMITATION REQUIREMENTS

11 Section 2. That § 10-13-35 be amended to read as follows:

12 10-13-35. This section does not apply to school districts or townships. For taxes payable in
13 1997, and each year thereafter, the total amount of revenue payable from taxes on real property
14 within a taxing district, excluding the levy pursuant to § 10-13-36, may increase no more than
15 the lesser of three percent or the index factor, as defined in § 10-13-38, over the amount of
16 revenue payable from taxes on real property in the preceding year, excluding the amount of
17 taxes levied pursuant to § 10-13-36. After applying the index factor, a taxing district may
18 increase the revenue payable from taxes on real property above the limitations provided by this
19 section by the percentage increase of value resulting from any improvements or change in use
20 of real property, annexation, minor boundary changes, and any adjustments in taxation of
21 property separately classified and subject to statutory adjustments and reductions under chapters
22 10-4, 10-6, 10-6A, and 10-6B, except § 10-6-31.4, only if assessed the same as property of equal
23 value. A taxing district may increase the revenue it receives from taxes on real property above
24 the limit provided by this section for taxes levied to pay the principal, interest, and redemption

1 charges on any bonds issued after January 1, 1997, which are subject to referendum, scheduled
2 payment increases on bonds and for a levy directed by the order of a court for the purpose of
3 paying a judgment against such taxing district. Any taxing district created after the effective date
4 of this section is exempt from the limitation provided by this section for a period of two years
5 immediately following its creation.

6

7 FOR INFORMATION ONLY - SECTION 3

8 Section 3. That § 10-12-28 be amended to read as follows:

9 10-12-28. The total rate of the annual tax levy in civil townships may not exceed three
10 dollars per thousand dollars of taxable valuation.

State of South Dakota

NINETIETH SESSION LEGISLATIVE ASSEMBLY, 2015

933W0028

HOUSE BILL NO.

M

Introduced by: _____

1 FOR AN ACT ENTITLED, An Act to establish a road capital improvement fund and to allow
2 counties and townships to levy a capital improvement property tax for roads, bridges, and
3 culverts.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. The board of county commissioners may authorize an annual property tax levy
6 not to exceed one dollar per thousand dollars of the taxable valuation of the county for the road
7 capital improvement fund to be used for projects and purposes as defined in section 2 of this
8 Act. The capital improvement tax levy authorized by this section is in addition to the levies
9 authorized in §§ 7-25-1, 10-12-13, 10-12-21, and 31-12-27. Any tax levy imposed pursuant to
10 this section is exempt from the tax limitations imposed on a county pursuant to chapter 10-13.

11 Section 2. The board of county commissioners may establish a road capital improvement
12 fund for the purpose of constructing, reconstructing, repairing, and maintaining roads, bridges,
13 and culverts under the jurisdiction of the board of county commissioners.

14 Section 3. The township board of supervisors may authorize an annual property tax levy not
15 to exceed fifty cents per thousand dollars of the taxable valuation of the township for the road
16 capital improvement fund to be used for projects and purposes as defined in section 4 of this



1 Act. The capital improvement tax levy authorized by this section is in addition to the levies
2 authorized in §§ 10-12-28 and 31-13-22. Any tax levy imposed pursuant to this section is
3 exempt from the tax limitations imposed on a township pursuant to chapter 10-13.

4 Section 4. The township board of supervisors may establish a road capital improvement fund
5 for the purpose of constructing, reconstructing, repairing, and maintaining roads, bridges, and
6 culverts under the jurisdiction of the township board of supervisors.

State of South Dakota

NINETIETH SESSION
LEGISLATIVE ASSEMBLY, 2015

609W0026

HOUSE BILL NO.

N

Introduced by: _____

1 FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the county tax levy
 2 for highways and bridges and to permit counties to levy the existing highway and bridge
 3 reserve fund tax to make necessary road and bridge improvements.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That § 10-12-13 be amended to read as follows:

6 10-12-13. The board of county commissioners may levy an annual tax not to exceed one
 7 dollar and twenty cents per thousand dollars of taxable valuation as a reserve fund to be
 8 accumulated and used for the purpose of ~~matching federal aid grants which have or may~~
 9 ~~hereafter become available. Moneys in the fund may be expended in cooperation with the~~
 10 ~~federal government in the~~ laying out, marking, constructing and reconstructing roads and
 11 constructing and reconstructing bridges, under the jurisdiction of the board of county
 12 commissioners. The tax levy shall be in addition to all other levies authorized to be made by the
 13 board of county commissioners for road and bridge purposes provided for in § 10-12-21. The
 14 proceeds of such this tax levy shall be placed in a special fund to be known as the "county
 15 highway and bridge reserve fund." The provisions of § 10-13-35 do not apply to the tax levy
 16 imposed by this section and the revenue payable from the tax.



State of South Dakota

NINETIETH SESSION
LEGISLATIVE ASSEMBLY, 2015

609W0025

SENATE BILL NO.



Introduced by: _____

1 FOR AN ACT ENTITLED, An Act to revise certain provisions concerning property tax
2 limitations for counties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 10-13-35 be amended to read as follows:

5 10-13-35. This section does not apply to school districts. For taxes payable in 1997, and
6 each year thereafter, the total amount of revenue payable from taxes on real property within a
7 taxing district except a county, excluding the levy pursuant to § 10-13-36, may increase no more
8 than the lesser of three percent or the index factor, as defined in § 10-13-38, over the amount
9 of revenue payable from taxes on real property in the preceding year, excluding the amount of
10 taxes levied pursuant to § 10-13-36. The total amount of revenue payable from taxes on real
11 property within a county, excluding the levy pursuant to § 10-13-36, may increase no more than
12 the greater of three percent or the index factor, as defined in § 10-13-38, over the amount of
13 revenue payable from taxes on real property in the preceding year, excluding the amount of
14 taxes levied pursuant to § 10-13-36. After applying the index factor, a taxing district may
15 increase the revenue payable from taxes on real property above the limitations provided by this
16 section by the percentage increase of value resulting from any improvements or change in use



1 of real property, annexation, minor boundary changes, and any adjustments in taxation of
2 property separately classified and subject to statutory adjustments and reductions under chapters
3 10-4, 10-6, 10-6A, and 10-6B, except § 10-6-31.4, only if assessed the same as property of equal
4 value.

5 A taxing district may increase the revenue it receives from taxes on real property above the
6 limit provided by this section for taxes levied to pay the principal, interest, and redemption
7 charges on any bonds issued after January 1, 1997, which are subject to referendum, scheduled
8 payment increases on bonds and for a levy directed by the order of a court for the purpose of
9 paying a judgment against such taxing district. Any taxing district created after the effective date
10 of this section is exempt from the limitation provided by this section for a period of two years
11 immediately following its creation.

State of South Dakota

NINETIETH SESSION
LEGISLATIVE ASSEMBLY, 2015

986W0044

HOUSE BILL NO.

P

Introduced by: _____

1 FOR AN ACT ENTITLED, An Act to increase the gross receipts tax imposed on certain visitor-
2 related businesses by one-half percent, to create a fund to be used for the construction,
3 reconstruction, and repair of local bridges, and to establish county transportation plan
4 requirements.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

6 Section 1. That § 10-45D-2 be amended to read as follows:

7 10-45D-2. There is hereby imposed a tax of ~~one and one-half~~ two percent on the gross
8 receipts from any lodging establishment, campground, motor vehicle rental, visitor attraction,
9 recreational equipment rental, recreational service, spectator event, and visitor-intensive
10 business. The tax imposed by this section on the gross receipts of any visitor-intensive business
11 shall apply to the gross receipts received by such business during the months of June, July,
12 August, and September. The tax imposed by this section is in addition to any other tax imposed
13 by chapters 10-45 and 10-46. Tangible personal property, any product transferred electronically,
14 services, and admissions are subject to the tax imposed by this section only if subject to tax by
15 chapters 10-45 and 10-46.

16 Section 2. That § 10-45D-3 be amended to read as follows:



1 10-45D-3. The Seventy-five percent of the revenue from the tax imposed by § 10-45D-2
2 shall be deposited in the tourism promotion fund created in § 1-52-17 and twenty-five percent
3 of the revenue from the tax imposed by § 10-45D-2 shall be deposited in the local bridge
4 improvement grant fund.

5 Section 3. There is hereby created in the state treasury the local bridge improvement grant
6 fund. Interest earned on money in the fund shall be deposited into the fund. Any money in the
7 fund is continuously appropriated to the Department of Transportation. Any money deposited
8 into and distributed from the fund shall be set forth in an informational budget as described in
9 § 4-7-7.2.

10 The Transportation Commission may award grants from the fund to any county to construct,
11 reconstruct, and repair bridges. The Transportation Commission shall consider the need for the
12 project and funding mechanisms available to and utilized by the applicant when making a
13 decision to award a grant. No county may receive a grant from the fund unless such county has
14 adopted and annually updated its county highway and bridge improvement plan pursuant to the
15 provisions of 5 of this Act and has imposed a county wheel tax pursuant to § 32-5A-1.

16 Section 4. The Transportation Commission shall promulgate rules pursuant to chapter 1-26
17 regarding the application process and timelines, the guidelines and criteria for approval of
18 applications, and the distribution of funds from the local bridge improvement grant fund. The
19 criteria for evaluating the projects may include the proximity of other bridges and culverts,
20 alternative routes available, structural deficiencies, functionality of the bridge or culvert, and
21 project costs.

22 Section 5. The Transportation Commission shall promulgate rules, pursuant to chapter 1-26,
23 to establish the requirements for a county highway and bridge improvement plan that details
24 proposed county highway and bridge improvement projects in a county for the next five years.

- 1 The rules shall provide for the format of the plan and the time by which an update of the plan
- 2 must be submitted each year.

State of South Dakota

NINETIETH SESSION
LEGISLATIVE ASSEMBLY, 2015

753W0019

SENATE BILL NO.

Q

Introduced by: _____

1 FOR AN ACT ENTITLED, An Act to create certain funds to be used for the construction,
2 reconstruction, and repair of local bridges and to establish county transportation plan
3 requirements.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That chapter 10-47B be amended by adding thereto a NEW SECTION to read as
6 follows:

7 There is hereby created the special local government bridge fund. Interest earned on money
8 in the fund shall be deposited into the fund. Any money in the fund is continuously
9 appropriated. Any money deposited into and distributed from the fund shall be set forth in an
10 informational budget as described in § 4-7-7.2. The secretary of revenue shall monthly distribute
11 the money deposited in the fund as follows:

12 (1) Thirty percent of the fund to the counties, which shall be used for the maintenance
13 and reconstruction of bridges and culverts. The counties' portion shall be distributed
14 among the counties, pro rata, according to the number of bridges, as defined pursuant
15 to § 31-10-1, on the county and township road systems. No county may receive any
16 money pursuant the provisions of this subdivision unless the county has adopted and



1 annually updated its county highway and bridge improvement plan pursuant to the
2 provisions of 4 of this Act. Any funds not distributed to a county pursuant to this
3 requirement shall be transferred to the local bridge improvement grant fund; and

4 (2) Seventy percent of the fund to the local bridge improvement grant fund created in
5 section 2 of this Act.

6 Section 2. There is hereby created in the state treasury the local bridge improvement grant
7 fund. Interest earned on money in the fund shall be deposited into the fund. Any money in the
8 fund is continuously appropriated to the Department of Transportation. Any money deposited
9 into and distributed from the fund shall be set forth in an informational budget as described in
10 § 4-7-7.2.

11 The Transportation Commission may award grants from the fund to any county to construct,
12 reconstruct, and repair bridges. The Transportation Commission shall consider the need for the
13 project and funding mechanisms available to and utilized by the applicant when making a
14 decision to award a grant. No county may receive a grant from the fund unless such county has
15 adopted and annually updated its county highway and bridge improvement plan pursuant to the
16 provisions of 4 of this Act and has imposed a county wheel tax pursuant to § 32-5A-1.

17 Section 3. The Transportation Commission shall promulgate rules pursuant to chapter 1-26
18 regarding the application process and timelines, the guidelines and criteria for approval of
19 applications, and the distribution of funds from the local bridge improvement grant fund. The
20 criteria for evaluating the projects may include the proximity of other bridges and culverts,
21 alternative routes available, structural deficiencies, functionality of the bridge or culvert, and
22 project costs.

23 Section 4. The Transportation Commission shall promulgate rules, pursuant to chapter 1-26,
24 to establish the requirements for a county highway and bridge improvement plan that details

- 1 proposed county highway and bridge improvement projects in a county for the next five years.
- 2 The rules shall provide for the format of the plan and the time by which an update of the plan
- 3 must be submitted each year.

State of South Dakota

NINETIETH SESSION
LEGISLATIVE ASSEMBLY, 2015

626W0073

SENATE BILL NO.

R

Introduced by: _____

1 FOR AN ACT ENTITLED, An Act to require a county to have a highway and bridge
2 improvement plan.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. The Transportation Commission shall promulgate rules, pursuant to chapter 1-26,
5 to establish the requirements for a county highway and bridge improvement plan that details
6 proposed county highway and bridge improvement projects in a county for the next five years.
7 The rules shall provide for the format of the plan and the time by which an update of the plan
8 must be submitted each year.



State of South Dakota

NINETIETH SESSION
LEGISLATIVE ASSEMBLY, 2015

167W0034

SENATE BILL NO.

S

Introduced by: _____

1 FOR AN ACT ENTITLED, An Act to require the Department of Transportation to make an
2 annual report to the Legislature regarding the conditions of state highways and bridges.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 31-2 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 The Department of Transportation shall establish performance standards designed to
7 measure the overall condition of the highways and bridges on the state highway system, along
8 with establishing ten-year goals for maintenance of these conditions. When establishing
9 appropriate performance standards, the department may include nationally established standards
10 and measurements required to be reported to the United States Department of Transportation.

11 The department shall, before the fourth Tuesday in January of each year, report to the Senate
12 and House standing committees on transportation on the current and projected condition of the
13 highways and bridges on the state trunk highway system. This report shall include progress on
14 meeting the ten-year goals for condition of the state highway system. If the projections show the
15 ten-year goals will not be met, the department shall report the estimated amount of additional
16 funding needed to achieve the goals. If the goals are not currently being met, the department



1 may not add or build additional miles on the state highway system until such time as the
2 condition of the existing system meets the established goals. This restriction, however, does not
3 prevent the department from adding additional lanes or other expansion when necessary in order
4 to provide for the safety of the existing state highway system.