

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

517C0253

SENATE ENGROSSED NO. **SB7** - 1/21/99

Introduced by: Senator Kleven and Representatives Munson (Donald) and Crisp at the request of the Interim Government Operations and Audit Committee

1 FOR AN ACT ENTITLED, An Act to establish the county road and bridge fund.

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

3 Section 1. That chapter 32-11 be amended by adding thereto a NEW SECTION to read as
4 follows:

5 The county road and bridge fund is hereby established for the accounting and safekeeping
6 of highway and bridge funds of the counties for the deposit and receipt of all public moneys
7 usable for county highway and bridge construction, maintenance, and repair. Revenues to be
8 deposited in the fund include:

9 (1) Distribution of funds from the local government highway and bridge fund pursuant
10 to §§ 32-11-34 and 32-11-35;

11 (2) Levies under subdivisions 10-12-9(4) and (6);

12 (3) Levies for the county highway and bridge reserve fund established pursuant to § 10-
13 12-13;

14 (4) Levies for secondary roads in unorganized territory pursuant to § 31-12-27;

15 (5) Levies for the county snow removal and special emergency reserve fund established
16 pursuant to § 34-5-2;

- 1 (6) Funds collected from motor vehicle licenses and credited to the county pursuant to
- 2 subdivision 32-11-4.1(1A);
- 3 (7) Distribution of mobile home license fees pursuant to § 32-5-16.2;
- 4 (8) Distribution of interstate reciprocity and proportional registration of fleets fees
- 5 pursuant to § 32-10-35;
- 6 (9) Proceeds from the wheel tax pursuant to § 32-5A-2;
- 7 (10) Revenue accruing from the sale of surplus highway equipment to property pursuant
- 8 to § 6-13-8;
- 9 (11) Other revenue received by the county for service or work performed by the county
- 10 highway department under force account or agreement with other entities.

11 This section does not affect the deposit and use of the special highway fund for township
12 roads established pursuant to subdivision 32-11-4.1(2).

13 Section 2. That § 32-11-4.1 be amended to read as follows:

14 32-11-4.1. All funds collected for motor vehicle licenses in each county shall be distributed
15 in the following manner:

- 16 (1) Fifty-four percent of all funds collected shall be transmitted to the secretary of
- 17 revenue and credited to the local government highway and bridge fund;
- 18 (1A) Twenty-two and one-half percent shall be credited to the ~~general~~ county road and
- 19 bridge fund of the county in which they were collected;
- 20 (2) Fourteen percent shall be retained by the county and placed in a fund to be known as
- 21 the special highway fund, which shall be used for the construction, reconstruction, and
- 22 maintenance of roads and bridges in the county as provided by this section and
- 23 §§ 32-11-5 to 32-11-9, inclusive. If the county in which funds are collected for motor
- 24 vehicle licenses has completed the construction of the county highway system, the
- 25 entire amount in the special highway fund shall be used for township roads, and the

1 board of county commissioners may direct the county auditor to pay the collected
2 amount directly to the townships pursuant to §§ 32-11-6 and 32-11-7;

3 (3) Five percent shall be forwarded to the municipalities within the counties in the
4 following proportions: each municipality within each county shall receive funds in the
5 proportion which the total street mileage of each municipality bears to the total street
6 mileage of all the municipalities within the county. The apportionment shall be made
7 quarterly by the county commissioners at the first meeting in January, April, July, and
8 October. In any county having no municipalities, the five percent collection shall be
9 placed in the county road and bridge fund of the county;

10 (4) Two percent shall be credited to the state motor vehicle fund; and

11 (5) Two and one-half percent shall be credited to the state license plate special revenue
12 fund.

13 Section 3. That § 32-11-2 be amended to read as follows:

14 32-11-2. The funds credited to the county road and bridge fund pursuant to ~~§ 32-11-4.1~~
15 section 1 of this Act shall be used by the board of county commissioners for grading,
16 constructing, planing, dragging, and maintaining county highways outside the limits of
17 municipalities and also for dragging, maintaining, and grading secondary roads. Proper
18 equipment for dragging, grading, and maintaining highways, such as graders, tractors, drags,
19 maintainers, and planers may be purchased from such county road and bridge fund, ~~but not to~~
20 ~~exceed twenty-five percent of the funds credited for such year pursuant to § 32-11-4.1 shall be~~
21 ~~used for the purpose of machinery.~~

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

23 32-5A-2. The proceeds from the tax created by this chapter shall be retained by the county;
24 and deposited in a special highway the county road and bridge fund, and the revenue may be used
25 only for highway and bridge maintenance and construction. The board of county commissioners

1 shall, by resolution, establish a means of distributing the revenue generated by this chapter among
2 the county and the municipalities and townships located within the county.

3 Section 5. That § 32-10-35 be amended to read as follows:

4 32-10-35. Fees collected by the secretary of revenue and not otherwise provided for shall be
5 distributed as provided by this section. Fees collected under chapter 32-10 by the secretary of
6 revenue pursuant to § 32-5B-1 shall be deposited in the state highway fund. Fees collected under
7 chapter 32-10 by the secretary of revenue pursuant to chapter 32-9 shall be distributed with
8 fifty-four percent to the state highway fund, forty-one and one-half percent to counties, two
9 percent to the state motor vehicle fund, and two and one-half percent to the state license plate
10 special revenue fund. The counties' portion shall be distributed among the counties, pro rata,
11 twenty-five percent according to truck registrations, twenty-five percent according to
12 population, and fifty percent according to total road mileage. Each county shall distribute
13 fifty-four percent of its portion to the county ~~general~~ road and bridge fund, thirty-four percent
14 of its portion to the special highway fund as provided by § ~~32-11-4.1~~ subdivision 32-11-4.1(2),
15 and twelve percent of its portion to the municipalities of the county pursuant to § ~~32-11-4.1~~
16 subdivision 32-11-4.1(3).

17 Section 6. The effective date of this Act is January 1, 2000.

1 **BILL HISTORY**

2 1/12/99 First read in Senate and referred to Transportation. S.J. 16

3 1/19/99 Scheduled for Committee hearing on this date.

4 1/19/99 Transportation Do Pass, Passed, AYES 7, NAYS 0. S.J. 114

5 1/20/99 Motion to Amend, Passed. S.J. 131

6 1/20/99 Senate Do Pass Amended, Passed, AYES 35, NAYS 0. S.J. 132