

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

400C0234

HOUSE JUDICIARY COMMITTEE ENGROSSED NO. **HB1025** - 1/25/99

Introduced by: The Committee on Health and Human Services at the request of the Department of Social Services

1 FOR AN ACT ENTITLED, An Act to revise confidentiality provisions regarding Department
2 of Social Services record information concerning abuse or neglect resulting in the fatality or
3 near fatality of a child.

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

5 Section 1. That § 26-8A-13 be amended to read as follows:

6 26-8A-13. All investigative case records and files relating to reports of child abuse or neglect
7 are confidential, and no disclosure of any such records, files, or other information may be made
8 except as authorized in chapter 26-7A or this chapter. Any person who knowingly violates the
9 confidential nature of the records, files, or information is guilty of a Class 1 misdemeanor. The
10 Department of Social Services may release records, files, or other information to the following
11 parties upon the receipt by the department of a request showing that it is necessary for the parties
12 to have such information in the performance of official functions relating to child abuse or
13 neglect:

14 (1) The attorney general, the state's attorneys, law enforcement agencies, protective
15 services workers, and judges of the courts investigating reports of known or
16 suspected child abuse or neglect;

- 1 (2) The attorney or guardian ad litem of the child who is the subject of the information;
- 2 (3) Public officials or their authorized representatives who require the information in
3 connection with the discharge of official duties;
- 4 (4) Institutions and agencies that have legal responsibility or authorization to care for,
5 treat, or supervise a child who is the subject of the information or report;
- 6 (5) An adoptive parent of the child who is the subject of the information or report and a
7 licensed child welfare agency, a tribal agency which the Department of Social Services
8 has an agreement with to provide child welfare agency services which would
9 otherwise require licensure by the department or any private child welfare agency
10 whose licensure has been waived pursuant to § 26-6-9, for screening of applicants;
- 11 (6) A state, regional, or national registry of child abuse and neglect cases and courts of
12 record of other states;
- 13 (7) A validly appointed and registered child protection team under § 26-8A-17;
- 14 (8) A physician who is caring for a child whom the physician reasonably suspects may be
15 abused or neglected;
- 16 (9) State hearing examiners and any person who is the subject of the report for purposes
17 directly related to review under § 26-8A-11; and
- 18 (10) A person eligible to submit an adoptive home study report under § 25-6-9.1 or
19 26-4-15. However, the information may only be released for the purpose of screening
20 applicants.

21 Information received by an authorized receiving party shall be held confidential by the
22 receiving party. However, the court may order the release of the information or any portion of
23 it necessary for determination of an issue before the court.

24 However, the Department of Social Services may release information and findings to the
25 media regarding the abuse or neglect of a child that resulted in a fatality or near fatality of the

1 child if the release of the information has been approved by the prosecutor who has commenced
2 or who has authority to commence legal action, and, if such disclosure has been authorized by
3 the court and is not contrary to the best interests of the child, the child's siblings, or other
4 children in the household. The information to be released shall relate to the acts of child abuse
5 or neglect that caused the fatality or near fatality of the child. However, the identity of the child
6 may never be released. For the purpose of this chapter, near fatality means an act that, as
7 certified by a physician, places the child in serious or critical condition.

1 **BILL HISTORY**

2 1/12/99 First read in House and referred to Judiciary. H.J. 36

3 1/15/99 Scheduled for Committee hearing on this date.

4 1/15/99 Judiciary Deferred to another day.

5 1/22/99 Scheduled for Committee hearing on this date.

6 1/25/99 Scheduled for Committee hearing on this date.

7 1/25/99 Judiciary Do Pass Amended, Passed, AYES 10, NAYS 3. H.J. 168

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

583C0584

HOUSE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **HB1112** - 1/29/99

Introduced by: Representatives Hanson, Broderick, Cerny, Diedtrich (Elmer), and Waltman
and Senators Moore, Brown (Arnold), Dunn (Jim), Munson (David), Reedy,
and Symens

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to tampering with public
2 water systems and to provide a penalty therefor.

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

4 Section 1. That subdivision (3) of § 49-34-18 be amended to read as follows:

5 (3) "Tampering," damaging, altering, adjusting or in any manner interfering with or
6 obstructing the action or operation of any meter provided for measuring or registering
7 the amount of utility service passing through the meter, or any valve provided by the
8 utility for preventing back flow of water into the supply lines, or any other devices
9 owned and maintained by the utility;

10 Section 2. That chapter 49-34 be amended by adding thereto a NEW SECTION to read as
11 follows:

12 It is a Class 2 misdemeanor for any person without lawful authority to connect, disconnect,
13 bypass, or tamper with a back flow preventer installed on a public water system. Nothing in this
14 section affects the right of a water service company to recover any damages caused by the
15 violation of this section.

1 **BILL HISTORY**

2 1/22/99 First read in House and referred to Local Government. H.J. 126

3 1/28/99 Scheduled for Committee hearing on this date.

4 1/28/99 Local Government Do Pass Amended, Passed, AYES 10, NAYS 0. H.J. 236

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

438C0348

SENATE TAXATION COMMITTEE

ENGROSSED NO. **SB84** - 2/8/99

Introduced by: Senators Staggers, Benson, Dennert, Flowers, Lange, Madden, and Reedy and
Representatives Napoli, Apa, Duenwald, Kazmerzak, Klaut, Kooistra, McCoy,
Weber, and Windhorst

1 FOR AN ACT ENTITLED, An Act to adjust the value of certain motor vehicles that are exempt
2 from motor vehicle excise tax.

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

4 Section 1. That § 32-5B-2 be amended to read as follows:

5 32-5B-2. Motor vehicles exempted from the provisions of this chapter are as follows:

6 (1) Any motor vehicle exempted in § 32-5-42, 32-5-42.1, or 32-5-1.3;

7 (2) Any motor vehicle acquired by inheritance from or bequest of a decedent;

8 (3) Any motor vehicle previously titled or licensed jointly in the names of two or more
9 persons and subsequently transferred without consideration to one or more of such
10 persons;

11 (4) Any motor vehicle transferred without consideration between spouses, between a
12 parent and child, and between siblings;

13 (5) Any motor vehicle transferred pursuant to any mergers or consolidations of
14 corporations or plans of reorganization by which substantially all of the assets of a
15 corporation are transferred if the motor vehicle was previously titled, licensed, and

- 1 registered in this state;
- 2 (6) Any motor vehicle transferred by a subsidiary corporation to its parent corporation
- 3 for no or nominal consideration or in sole consideration of the cancellation or
- 4 surrender of the subsidiary's stock if the motor vehicle was previously titled, licensed,
- 5 and registered in this state;
- 6 (7) Any motor vehicle transferred between an individual and a corporation if the
- 7 individual and the owner of the majority of the capital stock of the corporation are
- 8 one and the same and if the motor vehicle was previously titled, licensed, and
- 9 registered in this state;
- 10 (8) Any motor vehicle transferred between a corporation and its stockholders or creditors
- 11 if to effectuate a dissolution of the corporation it is necessary to transfer the title from
- 12 the corporate entity to the stockholders or creditors and if the motor vehicle was
- 13 previously titled, licensed, and registered in this state;
- 14 (9) Any motor vehicle transferred between an individual and a limited or general
- 15 partnership if the individual and the owner of the majority interest in the partnership
- 16 are one and the same person and if the motor vehicle was previously titled, licensed,
- 17 and registered in this state;
- 18 (10) Any motor vehicle transferred to effect a sale of all or substantially all of the assets
- 19 of the business entity if the motor vehicle was previously titled, licensed, and
- 20 registered in this state;
- 21 (11) Any motor vehicle acquired by a secured party or lien holder in satisfaction of a debt;
- 22 (12) Any motor vehicle sold or transferred which is eleven or more model years old and
- 23 which is sold or transferred for ~~one thousand five hundred~~ two thousand dollars or
- 24 less before trade-in;
- 25 (13) Any damaged motor vehicle transferred to an insurance company in the settlement of

1 an insurance claim;

2 (14) Any motor vehicle owned by a former resident of this state who returns to the state
3 and who had previously paid vehicle excise tax to this state on the motor vehicle as
4 evidenced within the department's records or by submission of other acceptable proof
5 of payment of such tax;

6 (15) Between corporations, both subsidiary and nonsubsidiary, if the individuals who hold
7 a majority of stock in the first corporation also hold a majority of stock in the second
8 corporation; but these individuals need not hold the same ratio of stock in both
9 corporations provided the motor vehicle was previously titled, licensed, and registered
10 in this state;

11 (16) Any motor vehicle transferred by a trustor to his trustee or from a trustee to a
12 beneficiary of a trust; and

13 (17) Any motor vehicle rented for twenty-eight days or less is subject to the tax imposed
14 by § 32-5B-20.

15 Section 2. The effective date of this Act is July 1, 2000.

1 **BILL HISTORY**

2 1/21/99 First read in Senate and referred to Taxation. S.J. 145

3 1/27/99 Scheduled for Committee hearing on this date.

4 1/27/99 Taxation Deferred to another day.

5 1/29/99 Scheduled for Committee hearing on this date.

6 2/3/99 Scheduled for Committee hearing on this date.

7 2/3/99 Taxation Do Pass Amended, Failed, AYES 4, NAYS 3.

8 2/3/99 Taxation Deferred to another day.

9 2/5/99 Scheduled for Committee hearing on this date.

10 2/5/99 Taxation Do Pass Amended, Passed, AYES 7, NAYS 2. S.J. 349

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

336C0034

SENATE JUDICIARY COMMITTEE
ENGROSSED NO. **SB102** - 2/4/99

Introduced by: Senators Brosz, Albers, Lawler, and Moore and Representatives Broderick,
Fryslie, Konold, and Solum

1 FOR AN ACT ENTITLED, An Act to require a criminal history check for certain employees or
2 potential employees of assisted living centers.

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

4 Section 1. Except as otherwise provided in this Act, before any assisted living center that is
5 required to be licensed pursuant to § 34-12-2 makes an offer to employ or to contract with a
6 nonlicensed person to provide nursing care, health-related services, medic services, or supportive
7 assistance to any individual, the assisted living center shall request that a criminal history check
8 be conducted on the nonlicensed person. If the assisted living center is part of a larger complex
9 of buildings, the requirement of a criminal history check applies only to an offer of employment
10 or contract made to a nonlicensed person who will work primarily in the immediate boundaries
11 of assisted living center.

12 Section 2. The assisted living center may obtain the criminal history record maintained by the
13 Division of Criminal Investigation of a nonlicensed person offering to provide nursing care,
14 health-related services, or supportive services to any individual. The assisted living center shall
15 request the division to conduct a criminal history check on the nonlicensed person and shall
16 provide the division any relevant information required by the division to conduct the check.

1 Section 3. The assisted living center may make an offer of temporary employment to a
2 nonlicensed person pending the results of the criminal history check on the person required in
3 section 1 of this Act. In such instances, the assisted living center shall provide to the Division of
4 Criminal Investigation the name and relevant information relating to the person within seventy-
5 two hours after the date the person accepts temporary employment.

6 Section 4. The Division of Criminal Investigation shall provide to the assisted living center
7 the criminal history records of any person being investigated.

8 Section 5. Any assisted living center shall inform each applicant for employment or each
9 prospective contract provider that the assisted living center is required to obtain a criminal
10 history record before making an offer of employment to, or contracting with, a nonlicensed
11 person.

12 Section 6. If the results of a criminal history check reveal that any nonlicensed person has
13 been convicted of any of the following offenses, the assisted living center may not hire or
14 contract with the person:

- 15 (1) Homicide;
- 16 (2) Assault;
- 17 (3) Rape and sexual contact;
- 18 (4) Kidnapping and false imprisonment;
- 19 (5) Arson;
- 20 (6) Criminal damage to property;
- 21 (7) Burglary;
- 22 (8) Robbery;
- 23 (9) Sexual offenses; or
- 24 (10) Abuse or neglect of disabled adults.

25 Section 7. If the results of a criminal history check reveal that a nonlicensed person hired on

1 a temporary basis or any other person who is an employee has been convicted of any of the
2 offenses listed in section 6 of this Act, the assisted living center shall immediately terminate the
3 person's employment.

4 Section 8. The provisions of sections 6 and 7 of this Act do not apply to an employee or
5 contract provider who has been employed in the assisted living center for twenty-four months
6 of the preceding thirty-six months or a person who has received a pardon of any relevant
7 conviction. The assisted living center may waive the provisions of sections 6 and 7 of this Act
8 for mitigating circumstances, which include:

- 9 (1) Age at which the crime was committed;
- 10 (2) Circumstances surrounding the crime;
- 11 (3) Length of time since the conviction;
- 12 (4) Criminal history since the conviction;
- 13 (5) Work history;
- 14 (6) Current employment references;
- 15 (7) Character references;
- 16 (8) Nurse aide registry records;
- 17 (9) Other evidence demonstrating the ability of the person to perform the employment
18 responsibilities competently and that the person does not pose a threat to the health
19 or safety of patients or clients.

20 The granting of a waiver does not create an obligation upon the assisted living center to offer
21 permanent employment to the person.

22 Section 9. All criminal history records received by an assisted living center pursuant to this
23 Act are confidential and are restricted to the exclusive use of the Department of Health and the
24 assisted living center requesting the information. Except by court order or with the written
25 consent of the person being investigated, the records or information obtained from or regarding

1 the records may not be released or otherwise disclosed to any other person or agency. The
2 records shall be destroyed after one year from the termination of employment of the person to
3 whom such records relate. However, upon receipt of written consent by an applicant for
4 employment with a health provider, the assisted living center in receipt of a criminal history
5 check may send a copy to the employer seeking the referral.

6 Section 10. The Department of Health shall review the employment files of any facility or
7 agency required to obtain criminal history records under this Act to ensure such facilities are in
8 compliance with the provisions of this Act.

9 Section 11. No nonlicensed person hired on a temporary basis and terminated pursuant to
10 the provisions of this Act is eligible for unemployment compensation.

1 **BILL HISTORY**

2 1/22/99 First read in Senate and referred to Judiciary. S.J. 160

3 1/25/99 Scheduled for Committee hearing on this date.

4 1/25/99 Judiciary Do Pass Amended, Passed, AYES 7, NAYS 0. S.J. 173

5 1/26/99 Referred to Judiciary. S.J. 193

6 1/29/99 Scheduled for Committee hearing on this date.

7 2/3/99 Judiciary Do Pass Amended, Passed, AYES 4, NAYS 0. S.J. 313

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

716C0516

SENATE STATE AFFAIRS COMMITTEE

ENGROSSED NO. **SB145** - 2/8/99

Introduced by: Senators Rounds, Brown (Arnold), Dunn (Jim), Duxbury, Lawler, and Moore
and Representatives Roe, Davis, Fischer-Clemens, Garnos, Lockner, Lucas,
Michels, Monroe, Munson (Donald), and Smidt

1 FOR AN ACT ENTITLED, An Act to authorize the donation of annual leave by state employees
2 in certain circumstances.

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

4 Section 1. That chapter 3-6 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Any employee of the state may donate vacation leave to another state employee who meets
7 all of the following criteria:

8 (1) The recipient employee will use the donated leave to care for the recipient employee's
9 spouse, child, or parent who is terminally ill;

10 (2) The recipient employee's spouse, child, or parent is suffering from an acutely life
11 threatening illness or injury which has been certified by a licensed physician as having
12 a significant likelihood of terminating fatally; and

13 (3) All leave benefits for which the recipient employee is eligible have been exhausted.

14 The total paid leave, including the donated vacation leave pursuant to this section, may not
15 exceed twelve weeks annually per recipient employee. The donation shall be approved by the

1 Bureau of Personnel under rules promulgated pursuant to chapter 1-26 by the Career Service
2 Commission, including number of hours to be donated, confidentiality of a donation, definition
3 of terminally ill, definition of life threatening illness or injury, criteria for determining employee
4 eligibility to receive or donate leave and for prorating donated leave for part-time employees, and
5 in compliance with the provisions of §§ 3-6-6 and 3-6-6.1, and procedures for approval of the
6 donation.

7 Section 2. That § 3-6-8.5 be amended to read as follows:

8 3-6-8.5. Any donation of leave pursuant to § 3-6-8.4 or section 1 of this Act may be
9 restricted as follows:

- 10 (1) The donating employee may only donate leave to an employee who is at the same or
11 lower paygrade as the donating employee;
- 12 (2) The donation may be denied based upon funding considerations within the agency, at
13 the discretion of the commissioner.

1 **BILL HISTORY**

2 1/26/99 First read in Senate and referred to State Affairs. S.J. 196

3 2/1/99 Scheduled for Committee hearing on this date.

4 2/1/99 State Affairs Deferred to another day.

5 2/5/99 Scheduled for Committee hearing on this date.

6 2/5/99 State Affairs Do Pass Amended, Passed, AYES 7, NAYS 1. S.J. 348

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

437C0472

SENATE STATE AFFAIRS COMMITTEE

ENGROSSED NO. **SB151** - 2/8/99

Introduced by: Senators Everist, Brosz, Brown (Arnold), Dennert, Dunn (Jim), Duxbury, Flowers, and Hutmacher and Representatives Broderick, Duniphan, Kazmerzak, and Koetzle

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the prices for
2 residential and business local exchange service that may be charged by certain
3 telecommunications companies.

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

5 Section 1. That § 49-31-86 be amended to read as follows:

6 49-31-86. Prices ~~as of January 1, 1998,~~ for residential and business local exchange service,
7 both recurring and nonrecurring, for a telecommunications company with more than two hundred
8 thousand retail access lines in the state may not be changed unless reduced by the company. If
9 the telecommunications company reduces its prices for residential or business local exchange
10 service pursuant to §§ 49-31-1 ~~through to~~ 49-31-89, inclusive, it ~~shall~~ may not subsequently
11 increase such prices. However, this restriction does not apply to promotions that last ninety days
12 or less. The provisions of § 49-31-4 and §§ 49-31-12 to 49-31-12.5, inclusive, do not apply to
13 prices for services regulated by this section.

14 Section 2. No telecommunications company may offer any promotion exempt from the
15 provisions of § 49-31-86 more than twice in any calendar year. No telecommunications company

1 may run any such promotions consecutively. No benefit from a promotion may be extended to
2 any customer beyond the promotion period.

3 Section 3. The exemption for promotions provided by section 1 of this Act is not effective
4 until December 31, 2000, in the local exchange area of any facilities-based competitive local
5 exchange carrier certified by the commission after July 31, 1998, that provides broadband
6 network services throughout its local exchange area.

1 **BILL HISTORY**

2 1/26/99 First read in Senate and referred to State Affairs. S.J. 197

3 2/5/99 Scheduled for Committee hearing on this date.

4 2/5/99 State Affairs Do Pass Amended, Passed, AYES 8, NAYS 0. S.J. 348

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

834C0468

SENATE COMMERCE COMMITTEE

ENGROSSED NO. **SB161** - 2/2/99

Introduced by: Senators Daugaard, Brosz, Duxbury, Flowers, Halverson, Hutmacher, Paisley, Shoener, and Symens and Representatives Cutler, Apa, Brown (Richard), Duenwald, Fiegen, Haley, Jaspers, Koskan, McNenny, Napoli, Peterson, Waltman, and Wilson

1 FOR AN ACT ENTITLED, An Act to classify certain manufactured homes as real property for
2 property tax purposes, to establish a procedure for bringing taxes current and issuing certain
3 permits, and to establish certain penalties.

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

5 Section 1. That § 10-4-2.4 be amended to read as follows:

6 10-4-2.4. Real property, for the purposes of ad valorem taxation, includes manufactured
7 homes as defined in subdivision 32-3-1(6) with a model year of ~~1997~~ 1994 or newer. This section
8 does not apply to any manufactured home in the inventory of any dealer as defined in subdivision
9 32-7A-1(1).

10 Section 2. That § 10-4-2.6 be amended to read as follows:

11 10-4-2.6. If a manufactured home with a model year of ~~1997~~ 1994 or newer, is sold by a
12 licensed manufactured home dealer, the dealer shall complete the manufactured home listing
13 form, as prescribed by the secretary of revenue, and send the completed form to the director of
14 equalization of the county in which the manufactured home was delivered. The form shall be sent
15 within thirty days after the delivery of the manufactured home.

1 Section 3. That § 10-4-2.4 be amended to read as follows:

2 10-4-2.4. Real property, for the purposes of ad valorem taxation, includes manufactured
3 homes as defined in subdivision 32-3-1(6) with a model year of ~~1997~~ 1990 or newer. This section
4 does not apply to any manufactured home in the inventory of any dealer as defined in subdivision
5 32-7A-1(1).

6 Section 4. That § 10-4-2.6 be amended to read as follows:

7 10-4-2.6. If a manufactured home with a model year of ~~1997~~ 1990 or newer, is sold by a
8 licensed manufactured home dealer, the dealer shall complete the manufactured home listing
9 form, as prescribed by the secretary of revenue, and send the completed form to the director of
10 equalization of the county in which the manufactured home was delivered. The form shall be sent
11 within thirty days after the delivery of the manufactured home.

12 Section 5. The effective date of sections 3 and 4 of this Act is July 1, 2000.

13 Section 6. That § 10-4-2.4 be amended to read as follows:

14 10-4-2.4. Real property, for the purposes of ad valorem taxation, includes manufactured
15 homes as defined in subdivision 32-3-1(6) with a model year of ~~1997~~ 1985 or newer. This section
16 does not apply to any manufactured home in the inventory of any dealer as defined in subdivision
17 32-7A-1(1).

18 Section 7. That § 10-4-2.6 be amended to read as follows:

19 10-4-2.6. If a manufactured home with a model year of ~~1997~~ 1985 or newer, is sold by a
20 licensed manufactured home dealer, the dealer shall complete the manufactured home listing
21 form, as prescribed by the secretary of revenue, and send the completed form to the director of
22 equalization of the county in which the manufactured home was delivered. The form shall be sent
23 within thirty days after the delivery of the manufactured home.

24 Section 8. The effective date of sections 6 and 7 of this Act is July 1, 2001.

25 Section 9. That § 10-4-2.4 be amended to read as follows:

1 10-4-2.4. Real property, for the purposes of ad valorem taxation, includes manufactured
2 homes as defined in subdivision 32-3-1(6) with a model year of ~~1997~~ 1977 or newer. This section
3 does not apply to any manufactured home in the inventory of any dealer as defined in subdivision
4 32-7A-1(1).

5 Section 10. That § 10-4-2.6 be amended to read as follows:

6 10-4-2.6. If a manufactured home with a model year of ~~1997~~ 1977 or newer, is sold by a
7 licensed manufactured home dealer, the dealer shall complete the manufactured home listing
8 form, as prescribed by the secretary of revenue, and send the completed form to the director of
9 equalization of the county in which the manufactured home was delivered. The form shall be sent
10 within thirty days after the delivery of the manufactured home.

11 Section 11. The effective date of sections 9 and 10 of this Act is July 1, 2002.

12 Section 12. That chapter 10-6 be amended by adding thereto a NEW SECTION to read as
13 follows:

14 If a manufactured home is purchased or moved to a specific site after November first and the
15 manufactured home is moved, sold, transferred, or reassigned before November first in the
16 following year, no property taxes are due. The county treasurer shall issue an affidavit stating
17 that no taxes are due.

18 Section 13. That chapter 10-6 be amended by adding thereto a NEW SECTION to read as
19 follows:

20 If a manufactured home is purchased or moved to a specific site on or before November first
21 and the property has been assessed as real property and the owner of the manufactured home
22 plans to move, sell, transfer, or reassign the manufactured home before November first in the
23 following year, the county auditor shall levy a tax by applying the tax levy used for taxes payable
24 during the current year on other property in the same taxing district. The owner shall pay such
25 tax in full for the current year, not on a pro rata basis. If the taxes are paid in full, the county

1 treasurer shall issue an affidavit stating that the current year's taxes are paid.

2 Section 14. That chapter 10-6 be amended by adding thereto a NEW SECTION to read as
3 follows:

4 If a manufactured home has been assessed as real property and taxes are payable and the
5 owner of the manufactured home plans to move, sell, transfer, or reassign the manufactured
6 home before all the current taxes are paid, then the owner shall pay the current taxes in full, not
7 on a pro rata basis. If the taxes are paid in full, the county treasurer shall issue an affidavit stating
8 that the current year's taxes are paid.

9 Section 15. That § 32-5-16.3 be amended to read as follows:

10 32-5-16.3. Any person who moves a mobile home or manufactured home shall obtain a
11 permit, as prescribed by the secretary of revenue, from the county treasurer where the home is
12 located. The permit fee is valid for a single trip from the point of origin to a point of destination
13 within the state. Before the county treasurer may issue a permit, the owner of the mobile home
14 or manufactured home shall obtain an affidavit from the county treasurer stating that the current
15 year's taxes are paid as described in sections 12 to 14, inclusive, of this Act or § 10-9-3. The
16 permit fee for mobile homes and manufactured homes for use on the public highways is fifteen
17 dollars. ~~The permit is valid for a single trip from the point of origin to a point of destination~~
18 ~~within the state.~~ The fees collected shall be credited to the license plate special revenue fund. The
19 fee and permit imposed by this section does not apply to a new or used mobile home or
20 manufactured home ~~being delivered from the dealer to the purchaser~~ transported by a dealer
21 licensed under chapter 32-7A. A violation of this section is a Class 2 misdemeanor.

22 Section 16. That § 32-7A-17 be amended to read as follows:

23 32-7A-17. Any transfer or reassignment of a mobile home or manufactured home title shall
24 be accompanied by an affidavit issued by the county treasurer of the county in which the mobile
25 home or manufactured home is registered, stating that the current year's taxes are paid. The

1 county treasurer shall apply the requirements of section 12 to 14, inclusive, of this Act to
2 determine if the current year's taxes are paid. No title may be transferred until the taxes under
3 § 10-9-3 or 10-21-4 are paid. No transfer of title may be completed unless the mobile home or
4 manufactured home is registered as provided in § 10-9-3 or 10-4-2.6. In any event the title or
5 manufacturer's statement of origin shall be transferred within thirty days of delivery of the
6 manufactured home or mobile home. A violation of this section is a ~~Class 2~~ Class 1
7 misdemeanor.

8 Section 17. That § 32-7A-4.2 be amended by adding thereto a NEW SUBDIVISION to read
9 as follows:

10 Transporting a used mobile home or manufactured home without an affidavit, from the
11 county treasurer of the county in which the mobile home or manufactured home is registered,
12 stating that the current year's taxes are paid.

13 Section 18. That § 32-7A-11 be amended to read as follows:

14 32-7A-11. New and used mobile homes and manufactured homes owned by a dealer may be
15 transported upon the streets and highways to the dealer's place of business and to the purchaser
16 of such a home and between a dealer's place of business and a supplemental lot or a temporary
17 supplemental lot. Any transport of a mobile home or manufactured home by a dealer shall be
18 accompanied with a permit stating the point of origin and the point of destination. The dealer
19 shall provide a copy of the permit to the director of equalization in the county of origin and to
20 the director of equalization in the county of destination.

1 **BILL HISTORY**

2 1/27/99 First read in Senate and referred to Commerce. S.J. 213

3 2/2/99 Scheduled for Committee hearing on this date.

4 2/2/99 Commerce Do Pass Amended, Passed, AYES 7, NAYS 0. S.J. 295

5 2/2/99 Commerce Place on Consent Calendar.