

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

347C0060

SENATE TRANSPORTATION COMMITTEE

ENGROSSED NO. **HB1004** - 2/26/99

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsors.

Introduced by: Representatives Crisp, Derby, Fischer-Clemens, Konold, and Munson (Donald) and Senators Olson, Hutmacher, and Vitter at the request of the Interim Transportation Committee

1 FOR AN ACT ENTITLED, An Act to increase and revise license fees for certain noncommercial
2 vehicles, to revise the distribution of license fees, and to increase the excise tax on certain
3 motor fuels.

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

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

6 10-47B-4. The fuel excise tax rates for the tax imposed by this chapter are as follows:

- 7 (1) Motor fuel (except ethanol blends, E85 and M85 blends, and aviation gasoline) ~~-\$18~~
8 \$.22 per gallon;
- 9 (2) Special fuel (except jet fuel) ~~-\$18~~ \$.22 per gallon;
- 10 (3) Ethanol blends ~~-\$16~~ \$.20 per gallon;
- 11 (4) Aviation gasoline ~~-\$06~~ per gallon;
- 12 (5) Jet fuel ~~-\$04~~ per gallon;
- 13 (6) E85 and M85 ~~-\$06~~ \$.10 per gallon;
- 14 (7) E85 and M85 used in aircraft ~~-\$04~~ per gallon;
- 15 (8) Liquid petroleum gas ~~-\$16~~ \$.20 per gallon;

1 (9) Compressed natural gas ~~-\$06~~ \$.10 per gallon.

2 Section 2. That § 32-5-6 be amended to read as follows:

3 32-5-6. License fees and compensation on a noncommercial motor vehicle which is an
4 automobile, pickup truck, or van as provided by § 32-5-5, shall be determined by the
5 manufacturer's shipping weight, including accessories, as follows:

6 (1) Two thousand pounds or less, inclusive, ~~twenty~~ thirty-two dollars;

7 (2) From 2,001 to 4,000 pounds, inclusive, ~~thirty~~ forty-two dollars;

8 (3) From 4,001 to 6,000 pounds, inclusive, ~~forty~~ fifty-two dollars;

9 (4) ~~to (11) Repealed by SL 1992, ch 26, § 7~~ From 6,001 to 8,000 pounds, inclusive,
10 sixty-two dollars;

11 (5) From 8,001 to 10,000 pounds, inclusive, seventy-two dollars.

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

13 32-5-6.1. License fees and compensation on recreational motor buses as defined by this
14 section shall be determined pursuant to § 32-5-6.3. However, the maximum license fee and
15 compensation for a recreational motor bus shall be one hundred and twelve dollars. For the
16 purposes of this section the term, recreational motor bus, means a motor bus which has been
17 converted for recreational purposes subsequent to the initial retail sale.

18 Section 4. That § 32-5-6.3 be amended to read as follows:

19 32-5-6.3. License fees on a noncommercial motor vehicle which is not an automobile, pickup
20 truck, or van ~~as provided by~~ licensed pursuant to § 32-5-6 shall be determined by the gross
21 weight of the motor vehicle as defined by subdivision 32-9-1(6), and based on the following:

22 (1) Eight thousand pounds or less, inclusive, ~~forty-eight~~ sixty dollars;

23 (2) For each additional 2,000 pounds or major fraction thereof from 8,001 to 32,000
24 pounds, inclusive, three dollars;

25 (3) For each additional 2,000 pounds or major fraction thereof from 32,001 to 54,000

1 pounds, inclusive, six dollars;

2 (4) For each additional 2,000 pounds or major fraction thereof from 54,001 to 80,000
3 pounds, inclusive, eighteen dollars;

4 (5) For each additional 2,000 pounds or major fraction thereof in excess of 80,000
5 pounds, twenty-four dollars.

6 It is a Class 2 misdemeanor for a person to operate a motor vehicle licensed pursuant to this
7 section at a gross weight in excess of the gross weight for which it has been licensed.

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

9 32-5-8. License fees and compensation for any recreational vehicle as defined in § 32-3-1 or
10 for any noncommercial trailer and semitrailer, for use of the highways payable under § 32-5-5
11 and pulled by a noncommercial motor vehicle on which the license fees were paid pursuant to
12 § 32-5-6, shall be determined upon the basis of their actual weight as follows:

13 (1) One thousand pounds or less, inclusive, ~~five~~ seven dollars;

14 (2) From 1,001 to 2,000 pounds, inclusive, ~~fifteen~~ seventeen dollars;

15 (3) From 2,001 to 3,000 pounds, inclusive, ~~twenty-five~~ twenty-seven dollars;

16 (4) From 3,001 to 4,000 pounds, inclusive, ~~thirty-five~~ thirty-seven dollars;

17 (5) From 4,001 to 5,000 pounds, inclusive, ~~forty-five~~ forty-seven dollars;

18 (6) From 5,001 to 6,000 pounds, inclusive, ~~fifty-five~~ fifty-seven dollars;

19 (7) From 6,001 to 7,000 pounds, inclusive, ~~sixty-five~~ sixty-seven dollars;

20 (8) From 7,001 to 8,000 pounds, inclusive, ~~seventy-five~~ seventy-seven dollars;

21 (9) From 8,001 to 9,000 pounds, inclusive, ~~eighty-five~~ eighty-seven dollars;

22 (10) From 9,001 to 10,000 pounds, inclusive, ~~ninety-five~~ ninety-seven dollars;

23 (11) For each additional 1,000 pounds or major fraction thereof, in excess of 10,000
24 pounds, ten dollars.

25 Any trailer or semitrailer licensed pursuant to this section may be pulled by a noncommercial

1 motor vehicle licensed pursuant to § 32-5-8.1 or a commercially licensed motor vehicle if the
2 motor vehicle is registered at a gross weight to cover the weight of the trailer and its load.

3 Section 6. That § 32-5-8.1 be amended to read as follows:

4 32-5-8.1. Each trailer or semitrailer pulled by a noncommercial motor vehicle on which the
5 license fees were paid pursuant to § 32-5-6.3 shall have an identification plate displayed in a
6 conspicuous manner. The fee for the identification plate is ten dollars. The identification plate
7 is valid for the useful life of the trailer or semitrailer. However, if the title to the trailer or
8 semitrailer is transferred, the new owner shall within thirty days of the date of transfer make
9 application to the department for a new identification plate. All revenue raised by the fees shall
10 be placed in the license plate special revenue fund. However, no identification plate may be
11 displayed on a recreational vehicle as defined in § 32-3-1. Such a recreational vehicle shall be
12 licensed pursuant to § 32-5-8.

13 Section 7. That § 32-5-9 be amended to read as follows:

14 32-5-9. License fees and compensation for use of the highways payable under § 32-5-5 shall
15 be: ~~seven~~ nine dollars and fifty cents for motorcycles with a piston displacement of less than three
16 hundred fifty cubic centimeters and ~~ten~~ twelve dollars for motorcycles with a piston displacement
17 of three hundred fifty cubic centimeters or more.

18 Section 8. That § 32-6B-21 be amended to read as follows:

19 32-6B-21. The department shall issue metal numerical license plates to licensed dealers upon
20 application and payment of a ~~thirty~~ forty-two dollar yearly fee to be paid at the time of the annual
21 review date for each set desired. Such fees shall be distributed in the manner specified in
22 §§ 32-11-2 and 32-11-4.1 to 32-11-9, inclusive. The license plates shall be numbered
23 consecutively and shall bear as a prefix the number "77". The plates may be issued for a multiple
24 year period. If a dealer's license is revoked or canceled or the dealer goes out of business the
25 "77" plates shall be returned to the department. If any person operates a motor vehicle with "77"

1 plates after the dealer license is revoked or canceled or after the dealer goes out of business, or
2 if the person refuses to return the plates, the person is guilty of a Class 2 misdemeanor.

3 Section 9. 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~~ fifty-seven percent to the ~~state highway~~ local government highway and bridge fund,
9 forty-one and one-half percent to counties, ~~two~~ one-half percent to the state motor vehicle fund,
10 and ~~two and one-half~~ one percent to the state license plate special revenue fund. The counties'
11 portion shall be distributed among the counties, pro rata, twenty-five percent according to truck
12 registrations, twenty-five percent according to population, and fifty percent according to total
13 road mileage. Each county shall distribute fifty-four percent of its portion to the county general
14 fund, thirty-four percent of its portion to the special highway fund as provided by § 32-11-4.1,
15 and twelve percent of its portion to the municipalities of the county pursuant to § 32-11-4.1.

16 Section 10. There is hereby appropriated each fiscal year from the state highway fund the
17 sum of one million thirty-three thousand two hundred sixty-nine dollars and ten cents to the
18 Department of Revenue for distribution to the counties. The moneys shall be distributed to the
19 counties in the same amounts as funds were distributed to the counties by the Department of
20 Game, Fish and Parks for license fees in calendar year 1997, pursuant to § 41-6-70. The moneys
21 shall be deposited in the special highway fund of each county. The secretary of revenue shall
22 distribute the money prior to December thirty-first of each year.

23 Section 11. Whereas, section 1 of this Act is necessary for the support of the state
24 government and its existing public institutions, an emergency is hereby declared to exist, and
25 section 1 of this Act shall be in full force and effect from and after April 1, 1999.

1 **BILL HISTORY**

2 1/12/99 First read in House and referred to Transportation. H.J. 32

3 1/20/99 Scheduled for Committee hearing on this date.

4 2/10/99 Scheduled for Committee hearing on this date.

5 2/10/99 Transportation Do Pass Amended, Passed, AYES 8, NAYS 5. H.J. 478

6 2/16/99 House of Representatives Deferred to another day. H.J. 552

7 2/17/99 House of Representatives Do Pass Amended, Passed, AYES 48, NAYS 21. H.J. 579

8 2/18/99 First read in Senate and referred to Transportation. S.J. 565

9 2/23/99 Scheduled for Committee hearing on this date.

10 2/25/99 Transportation Hog Housed.

11 2/25/99 Transportation Do Pass Amended, Passed, AYES 6, NAYS 0. S.J. 675

12 2/25/99 Scheduled for Committee hearing on this date.

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

235C0610

HOUSE EDUCATION COMMITTEE
ENGROSSED NO. **HB1184** - 2/10/99

Introduced by: Representatives Chicoine and Broderick and Senator Albers

1 FOR AN ACT ENTITLED, An Act to allow for the transfer of money from a school district's
2 special education fund to its general fund under certain circumstances.

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

4 Section 1. That chapter 13-16 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 If a school district that contracts pursuant to § 13-15-11 transferred money out of its general
7 fund to its special education fund in the school years ending June 30, 1993, and June 30, 1994,
8 then the school district may at any time transfer from its special education fund to its general
9 fund an amount of money equal to those previous transfers from its general fund to its special
10 education fund.

11 Section 2. Section 1 of this Act is repealed on July 1, 2000.

1 **BILL HISTORY**

2 1/27/99 First read in House and referred to Education. H.J. 209

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

4 2/4/99 Scheduled for Committee hearing on this date.

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

6 2/9/99 Education Do Pass Amended, Passed, AYES 12, NAYS 1. H.J. 431

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

176C0870

SENATE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **HB1292** - 3/2/99

Introduced by: Representative Eccarius

1 FOR AN ACT ENTITLED, An Act to make legislative findings and recommendations for
2 improvement to the 911 emergency notification system and to provide for the development
3 of a statewide comprehensive plan.

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

5 Section 1. That chapter 1-13 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 State Radio Communications, including its budget and FTE allocation, is hereby transferred
8 from the Office of the Attorney General to the Bureau of Information and Technology.
9 technology, the development of technical and operational standards for such a network,
10 oversight of public safety answering points, and relevant regulatory issues. The Bureau of
11 Information and Telecommunications shall develop in cooperation with the groups identified in
12 section 3 of this Act such an integration plan by November 1, 1999.

13 Section 2. That chapter 34-45 be amended by adding thereto a NEW SECTION to read as
14 follows:

15 The State of South Dakota shall by July 1, 2001, integrate telecommunications functions and
16 facilities of those state agencies, which currently operate their own systems, into one cohesive

1 and integrated network. These agencies currently include State Radio Communications in the
2 Office of the Attorney General; the Bureau of Information and Telecommunications; the Division
3 of Emergency Management in the Department of Military and Veterans Affairs; Public
4 Broadcasting in the Bureau of Information and Telecommunications; the Department of Game,
5 Fish and Parks; the Department of Transportation; the Division of Forestry in the Department
6 of Agriculture; and the Highway Patrol in the Department of Commerce and Regulation. The
7 integration of functions and facilities shall include the transfer of State Radio Communications,
8 including its budget and FTE allocation, from the Office of the Attorney General to the Bureau
9 of Information and Telecommunications.

10 Section 3. That chapter 34-45 be amended by adding thereto a NEW SECTION to read as
11 follows:

12 The South Dakota 911 Coordinated Statewide System Task Force created pursuant to § 34-
13 45-18 is hereby continued and shall be expanded to include at least one representative from each
14 of the following groups: the South Dakota Chapter of the Association of Public Safety
15 Communication Officials, the South Dakota Chapter of National Emergency Numbers
16 Association, the South Dakota Emergency Management Association, the South Dakota
17 Emergency Medical Technicians Association, the South Dakota Firefighters Association, the
18 South Dakota Association of County Commissioners, the South Dakota Municipal League, the
19 South Dakota Police Chiefs Association, the South Dakota Sheriffs Association, and at least one
20 member from an operating public safety answering point system. The task force shall develop
21 the comprehensive telecommunications plan, conduct public hearings, and seek additional public
22 input as deemed appropriate. The task force shall conduct public hearings to develop and
23 recommend standards for operation and utilization of public safety answering points. The Bureau
24 of Information and Telecommunications shall promulgate rules pursuant to chapter 1-26 to
25 establish standards for the operation and utilization of public safety answering points and shall

1 consider the task force's recommendations in the rule making process.

2 Section 4. That chapter 34-45 be amended by adding thereto a NEW SECTION to read as
3 follows:

4 The task force shall develop a set of minimum technical, operational, and procedural
5 standards.

6 Section 5. That chapter 34-45 be amended by adding thereto a NEW SECTION to read as
7 follows:

8 Each public safety answering point shall obtain a full audit report on 911 traffic from its
9 telephone service provider and provide that information to the task force for use in the
10 preparation of the standards. Each public safety answering point shall provide the audit report
11 to the task force no later than August 2, 1999.

12 Section 6. Beginning on the effective date of this Act, no new public safety answering points
13 may be established. State Radio Communications may enter into a contract or agreement with
14 any public safety answering point to serve the state where appropriate. State Radio
15 Communications may provide 911 services in unserved areas of the state through a joint powers
16 agreement if invited.

17 Section 7. That chapter 34-45 be amended by adding thereto a NEW SECTION to read as
18 follows:

19 Beginning on the effective date of this Act, no new public safety answering points may be
20 established, unless they include two or more local government entities. Nothing in this section
21 prohibits an unserved area from contracting or joining with an existing public safety answering
22 point.

23 Section 8. That chapter 34-45 be amended by adding thereto a NEW SECTION to read as
24 follows:

25 The state may contract with any existing public safety answering point to provide emergency

1 services pursuant to the joint powers provisions of chapter 1-24.

1 **BILL HISTORY**

2 2/1/99 First read in House and referred to committee assignment waived. H.J. 286

3 2/2/99 Referred to State Affairs. H.J. 318

4 2/16/99 Scheduled for Committee hearing on this date.

5 2/16/99 State Affairs Do Pass Amended, Passed, AYES 13, NAYS 0. H.J. 559

6 2/19/99 House of Representatives Placed on Calendar. H.J. 645

7 2/22/99 House of Representatives Do Pass Amended, Failed, AYES 33, NAYS 35. H.J. 678

8 2/22/99 Intent to reconsider. H.J. 678

9 2/22/99 House of Representatives Reconsidered, AYES 43, NAYS 27. H.J. 682

10 2/22/99 House of Representatives Do Pass Amended, Passed, AYES 42, NAYS 28. H.J. 683

11 2/23/99 First read in Senate and referred to State Affairs. S.J. 645

12 2/26/99 Scheduled for Committee hearing on this date.

13 2/26/99 State Affairs Deferred to 41st legislative day, AYES 8, NAYS 1. S.J. 710

14 3/1/99 State Affairs Reconsidered, AYES 6, NAYS 1.

15 3/1/99 State Affairs Do Pass Amended, Passed, AYES 6, NAYS 1. S.J. 715

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

400C0825

SENATE APPROPRIATIONS COMMITTEE

ENGROSSED NO. **HB1298** - 3/1/99

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsors.

Introduced by: The Committee on State Affairs at the request of the Governor

1 FOR AN ACT ENTITLED, An Act to require all programs and degrees provided by the Board

2 of Regents be offered or conferred by the existing institutions.

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

4 Section 1. That chapter 13-53 be amended by adding thereto a NEW SECTION to read as

5 follows:

6 All academic programs offered by the Board of Regents shall be provided directly by the

7 following institutions:

8 (1) University of South Dakota;

9 (2) South Dakota State University;

10 (3) South Dakota School of Mines and Technology;

11 (4) Northern State University;

12 (5) Black Hills State University; or

13 (6) Dakota State University.

14 No postsecondary degrees may be awarded or conferred except by the above institutions.

1 **BILL HISTORY**

2 2/1/99 First read in House and referred to committee assignment waived. H.J. 287

3 2/2/99 Referred to State Affairs. H.J. 319

4 2/8/99 Scheduled for Committee hearing on this date.

5 2/8/99 State Affairs Do Pass, Failed, AYES 5, NAYS 8.

6 2/8/99 State Affairs Deferred to another day.

7 2/10/99 Scheduled for Committee hearing on this date.

8 2/12/99 State Affairs Hog Housed.

9 2/12/99 State Affairs Do Pass Amended, Passed, AYES 11, NAYS 0. H.J. 506

10 2/17/99 House of Representatives Deferred to another day. H.J. 587

11 2/18/99 House of Representatives Do Pass Amended, Passed, AYES 65, NAYS 3. H.J. 620

12 2/22/99 First read in Senate and referred to Appropriations. S.J. 620

13 2/26/99 Scheduled for Committee hearing on this date.

14 2/26/99 Appropriations Do Pass Amended, Passed, AYES 7, NAYS 0. S.J. 694

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

400C0685

HOUSE EDUCATION COMMITTEE ENGROSSED NO. **SB209** - 2/26/99

Introduced by: The Committee on State Affairs at the request of the Governor

1 FOR AN ACT ENTITLED, An Act to provide certain incentives for school consolidation and
2 to require cooperative education service units to provide certain information to the
3 Department of Education and Cultural Affairs.

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

5 Section 1. That § 13-13-1.4 be amended to read as follows:

6 13-13-1.4. If two or more school districts consolidate, for a period of ~~three~~ four years after
7 consolidation, the adjusted average daily membership for the newly formed district shall be based
8 upon the general enrollment average daily membership as defined in § 13-13-10.1 of ~~the~~ those
9 school districts that have not previously benefited from this section as they existed prior to
10 consolidation. In years two to four, inclusive, after the consolidation, the relationship between
11 the adjusted average daily membership and general enrollment average daily membership shall
12 be proportional to the relationship that existed for the first year.

13 Section 2. That chapter 13-13 be amended by adding thereto a NEW SECTION to read as
14 follows:

15 In years five to eight, inclusive, after the consolidation of two or more school districts, the
16 adjusted average daily membership for the newly formed district shall be calculated as follows:

- 1 (1) Calculate adjusted average daily membership pursuant to § 13-13-10.1;
- 2 (2) Notwithstanding the four-year time limit, calculate adjusted average daily membership
3 pursuant to § 13-13-1.4;
- 4 (3) Subtract the results of subdivision (1) from the results of subdivision (2);
- 5 (4) Multiply the results of subdivision (3) by eighty percent in the fifth year, sixty percent
6 in the sixth year, forty percent in the seventh year, and twenty percent in the eighth
7 year;
- 8 (5) Add the results of subdivision (1) and the results of subdivision (4).

9 Section 3. That chapter 13-13 be amended by adding thereto a NEW SECTION to read as
10 follows:

11 If two or more school districts consolidate, for a period of four years after consolidation, the
12 newly formed district may opt to have its state aid calculated based on the school districts as they
13 existed prior to consolidation. In years two to four, inclusive, after the consolidation of two or
14 more school districts, the adjusted average daily memberships and the local efforts of the former
15 districts may be based upon a pro-rata share of the adjusted average daily membership and local
16 effort of the newly formed district as compared to the adjusted average daily memberships and
17 the local efforts of the former districts in the first year. Any district that opts to benefit from this
18 section shall notify the secretary of the Department of Education and Cultural Affairs of its intent
19 to do so as part of its reorganization plan. A district that benefits from this section may not
20 benefit from § 13-13-10.1 or section 2 of this Act simultaneously, or in future years.

21 Section 4. That chapter 13-13 be amended by adding thereto a NEW SECTION to read as
22 follows:

23 In years five to eight, inclusive, after the consolidation of two or more school districts that
24 opted to benefit from section 3 of this Act, state aid shall be calculated as follows:

- 25 (1) Calculate state aid pursuant to § 13-13-73;

1 (2) Notwithstanding the four-year time limit, calculate state aid pursuant to section 3 of
2 this Act;

3 (3) Subtract the results of subdivision (1) from the results of subdivision (2);

4 (4) Multiply the results of subdivision (3) by eighty percent in the fifth year, sixty percent
5 in the sixth year, forty percent in the seventh year, and twenty percent in the eighth
6 year;

7 (5) Add the results of subdivision (1) and the results of subdivision (4).

8 Section 5. That chapter 13-5 be amended by adding thereto a NEW SECTION to read as
9 follows:

10 Cooperative education service units organized pursuant to this chapter shall file annually with
11 the Department of Education and Cultural Affairs audits of their operation and disclosure
12 statements of all funding sources.

1 **BILL HISTORY**

2 1/29/99 First read in Senate and referred to State Affairs. S.J. 254

3 2/8/99 Scheduled for Committee hearing on this date.

4 2/8/99 State Affairs Do Pass, Passed, AYES 8, NAYS 0. S.J. 362

5 2/8/99 Scheduled for Committee hearing on this date.

6 2/9/99 Senate Do Pass, Passed, AYES 34, NAYS 0. S.J. 407

7 2/10/99 First read in House and referred to Education. H.J. 473

8 2/23/99 Scheduled for Committee hearing on this date.

9 2/25/99 Scheduled for Committee hearing on this date.

10 2/25/99 Education Do Pass Amended, Passed, AYES 12, NAYS 0. H.J. 765