

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

364C0465

HOUSE ENGROSSED NO. **SB101** - 3/3/99

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

Introduced by: Senators Munson (David), Moore, and Staggers and Representatives Kooistra, Chicoine, and Volesky

1 FOR AN ACT ENTITLED, An Act to authorize the placement of certain facilities in railroad
2 rights-of-way.

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

4 Section 1. Any electric utility, public utility, telecommunications company, or rural water
5 system has the right to cross any railroad right-of-way for the placement, without fee, of
6 underground facilities or overhead crossings or both, subject to reasonable regulation as to
7 location and placement.

1 **BILL HISTORY**

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

3 2/11/99 Scheduled for Committee hearing on this date.

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

5 2/18/99 Scheduled for Committee hearing on this date.

6 2/18/99 Transportation Do Pass Amended, Passed, AYES 4, NAYS 3. S.J. 536

7 2/19/99 Senate Do Pass Amended, Passed, AYES 18, NAYS 15. S.J. 598

8 2/22/99 First read in House and referred to Taxation. H.J. 691

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

10 2/25/99 Taxation Deferred to 41st legislative day.

11 3/1/99 Taxation Hog Housed.

12 3/1/99 House of Representatives Placed on Calendar, AYES 60, NAYS 4. H.J. 816

13 3/2/99 House of Representatives Deferred to another day. H.J. 849

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

834C0468

HOUSE ENGROSSED NO. **SB161** - 3/3/99

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 establish a procedure for bringing taxes current and
2 issuing certain permits, and to establish certain penalties.

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

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

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

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

12 If a manufactured home is purchased or moved to a specific site on or before November first
13 and the property has been assessed as real property and the owner of the manufactured home
14 plans to move, sell, transfer, or reassign the manufactured home before November first in the
15 following year, the county auditor shall levy a tax by applying the tax levy used for taxes payable

1 during the current year on other property in the same taxing district. The owner shall pay such
2 tax in full for the current year, not on a pro rata basis. If the taxes are paid in full, the county
3 treasurer shall issue an affidavit stating that the current year's taxes are paid.

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

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

11 Section 4. That § 32-5-16.3 be amended to read as follows:

12 32-5-16.3. Any person who moves a mobile home or manufactured home shall obtain a
13 permit, as prescribed by the secretary of revenue, from the county treasurer where the home is
14 located. The permit fee is valid for a single trip from the point of origin to a point of destination
15 within the state. Before the county treasurer may issue a permit, the owner of the mobile home
16 or manufactured home shall obtain an affidavit from the county treasurer stating that the current
17 year's taxes are paid as described in sections 1 to 3, inclusive, and section 8 of this Act or § 10-9-
18 3. The permit fee for mobile homes and manufactured homes for use on the public highways is
19 fifteen dollars. The permit is valid for a single trip from the point of origin to a point of
20 destination within the state. The fees collected shall be credited to the license plate special
21 revenue fund. The fee and permit imposed by this section does not apply to a new or used mobile
22 home or manufactured home being delivered from the dealer to the purchaser transported by a
23 dealer licensed under chapter 32-7A. A violation of this section is a Class 2 misdemeanor.

24 Section 5. That § 32-7A-17 be amended to read as follows:

25 32-7A-17. Any transfer or reassignment of a mobile home or manufactured home title shall

1 be accompanied by an affidavit issued by the county treasurer of the county in which the mobile
2 home or manufactured home is registered, stating that the current year's taxes are paid. The
3 county treasurer shall apply the requirements of section 1 to 3, inclusive, and section 8 of this
4 Act to determine if the current year's taxes are paid. No title may be transferred until the taxes
5 under § 10-9-3 or 10-21-4 are paid. No transfer of title may be completed unless the mobile
6 home or manufactured home is registered as provided in § 10-9-3 or 10-4-2.6. In any event the
7 title or manufacturer's statement of origin shall be transferred within thirty days of delivery of the
8 manufactured home or mobile home. A violation of this section is a Class 2 misdemeanor.

9 Section 6. That § 32-7A-4.2 be amended by adding thereto a NEW SUBDIVISION to read
10 as follows:

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

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

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

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

24 No property taxes are due on any manufactured home in or sold from the inventory of any
25 dealer as defined in subdivision 32-7A-1(2).

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.

6 2/5/99 Senate Deferred to another day. S.J. 357

7 2/9/99 Senate Deferred to another day. S.J. 403

8 2/11/99 Senate Do Pass Amended, Failed, AYES 11, NAYS 23. S.J. 450

9 2/11/99 Intent to reconsider. S.J. 450

10 2/12/99 Senate Reconsidered, AYES 27, NAYS 7. S.J. 479

11 2/12/99 Motion to Amend, Passed. S.J. 480

12 2/12/99 Senate Do Pass Amended, Passed, AYES 29, NAYS 5. S.J. 480

13 2/12/99 Senate Title Amended Passed. S.J. 480

14 2/16/99 First read in House and referred to Taxation. H.J. 552

15 2/25/99 Scheduled for Committee hearing on this date.

16 2/25/99 Taxation Do Pass Amended, Passed, AYES 13, NAYS 0. H.J. 789

17 2/25/99 Taxation Place on Consent Calendar.

18 3/3/99 House of Representatives Placed on Calendar.

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

860C0856

HOUSE ENGROSSED NO. **SB233** - 3/3/99

Introduced by: Senator Rounds and Representative Cutler

1 FOR AN ACT ENTITLED, An Act to provide increased funding for the maintenance of state
2 and local highways and roads and to declare an emergency.

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 ethanol blends, E85 and M85 blends, and aviation gasoline) ~~-\$18~~
7 \$.22 per gallon;

8 (2) Special fuel (except jet fuel) ~~-\$18~~ \$.22 per gallon;

9 (3) Ethanol blends ~~-\$16~~ \$.20 per gallon;

10 (4) Aviation gasoline ~~-\$06~~ per gallon;

11 (5) Jet fuel ~~-\$04~~ per gallon;

12 (6) E85 and M85 ~~-\$06~~ \$.10 per gallon;

13 (7) E85 and M85 used in aircraft ~~-\$04~~ per gallon;

14 (8) Liquid petroleum gas ~~-\$16~~ \$.20 per gallon;

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

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

17 32-5-6. License fees and compensation on a noncommercial motor vehicle which is an

1 automobile, pickup truck, or van as provided by § 32-5-5, shall be determined by the
2 manufacturer's shipping weight, including accessories, as follows:

- 3 (1) Two thousand pounds or less, inclusive, ~~twenty~~ thirty dollars;
- 4 (2) From 2,001 to 4,000 pounds, inclusive, ~~thirty~~ forty-two dollars;
- 5 (3) From 4,001 to 6,000 pounds, inclusive, ~~forty~~ fifty-five dollars;
- 6 (4) ~~to (11) Repealed by SL 1992, ch 26, § 7~~ Over 6,000 pounds, sixty-five dollars.

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

8 ~~32-5-6.1. License fees and compensation on recreational motor buses as defined by this~~
9 ~~section shall be determined pursuant to § 32-5-6.3. However, the maximum license fee and~~
10 ~~compensation for a recreational motor bus shall be one hundred dollars. For the purposes of this~~
11 ~~section the term, recreational motor bus, means a motor bus which has been converted for~~
12 ~~recreational purposes subsequent to the initial retail sale. License fees for any noncommercial~~
13 ~~motor home shall be determined by the manufacturer's shipping weight, including accessories,~~
14 as follows:

- 15 (1) Six thousand pounds or less, inclusive, sixty dollars;
- 16 (2) From 6,001 to 8,000 pounds, inclusive, eighty dollars;
- 17 (3) From 8,001 to 10,000 pounds, inclusive, one hundred dollars;
- 18 (4) For each additional 2,000 pounds or major fraction thereof, in excess of 10,000
19 pounds, twenty dollars.

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

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

25 32-5-6.3. License fees on a noncommercial motor vehicle which is not an automobile, pickup

1 truck, or van ~~as provided by~~ licensed pursuant to § 32-5-6 shall be determined by the gross
2 weight of the motor vehicle as defined by subdivision 32-9-1(6), and based on the following:

- 3 (1) Eight thousand pounds or less, inclusive, ~~forty-eight~~ fifty-five dollars;
- 4 (2) For each additional 2,000 pounds or major fraction thereof from 8,001 to 32,000
5 pounds, inclusive, three dollars;
- 6 (3) For each additional 2,000 pounds or major fraction thereof from 32,001 to 54,000
7 pounds, inclusive, six dollars;
- 8 (4) For each additional 2,000 pounds or major fraction thereof from 54,001 to 80,000
9 pounds, inclusive, eighteen dollars;
- 10 (5) For each additional 2,000 pounds or major fraction thereof in excess of 80,000
11 pounds, twenty-four dollars.

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

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

15 ~~32-5-5. Subject to the provisions of §§ 32-5-17 to 32-5-45, inclusive, license fees and~~
16 ~~compensation for use of the highways, fees shall be~~ Vehicle license fees provided by this chapter
17 are based, except as otherwise specifically provided, upon manufacturers' weights, including
18 accessories. If a noncommercial motor vehicle is an automobile, pickup truck, or van with a
19 manufacturer's shipping weight, including accessories, of ~~six ten~~ ten thousand pounds or less, the
20 license fees for such a motor vehicle shall be as provided by § 32-5-6. However, if the
21 noncommercial motor vehicle is a pickup truck that weighs more than six thousand pounds, the
22 owner has the choice of paying the license fees pursuant to § 32-5-6 or paying the license fees
23 based on the gross weight of the motor vehicle as provided in § 32-5-6.3. The license fees for
24 a noncommercial motor home are as provided by § 32-5-6.1. The license fees for motorcycles
25 ~~shall be a motorcycle are~~ as provided by § 32-5-9. The license fees for ~~snowmobiles shall be a~~

1 snowmobile are as provided by § 32-5-9.1. The license fees for any other noncommercial motor
2 vehicle ~~shall be~~ are based on the gross weight of the motor vehicle and are as provided in
3 § 32-5-6.3. If the department determines the actual dry weight of any model vehicle with
4 accessories to be at variance with the manufacturers' shipping weight, the department shall certify
5 the correct weight to be used in determining fees.

6 These fees shall be paid annually to the county treasurer, ~~and shall be as provided by this~~
7 ~~chapter.~~

8 Section 6. 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~~ ten dollars;
- 14 (2) From 1,001 to 2,000 pounds, inclusive, ~~fifteen~~ twenty dollars;
- 15 (3) From 2,001 to 3,000 pounds, inclusive, ~~twenty-five~~ thirty-five dollars;
- 16 (4) From 3,001 to 4,000 pounds, inclusive, ~~thirty-five~~ forty-five dollars;
- 17 (5) From 4,001 to 5,000 pounds, inclusive, ~~forty-five~~ fifty-five dollars;
- 18 (6) From 5,001 to 6,000 pounds, inclusive, ~~fifty-five~~ sixty-five dollars;
- 19 (7) From 6,001 to 7,000 pounds, inclusive, ~~sixty-five~~ seventy-five dollars;
- 20 (8) From 7,001 to 8,000 pounds, inclusive, ~~seventy-five~~ eighty-five dollars;
- 21 (9) From 8,001 to 9,000 pounds, inclusive, ~~eighty-five~~ ninety-five dollars;
- 22 (10) From 9,001 to 10,000 pounds, inclusive, ~~ninety-five~~ one hundred five 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 7. 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 8. 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 9. 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 10. 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 11. 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 12. The effective date of section 1 of this Act is April 1, 1999.

24 Section 13. The effective date of sections 2 to 11, inclusive, of this Act is July 1, 1999.

25 Section 14. Whereas, this Act is necessary for the support of the state government and its

- 1 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full
- 2 force and effect from and after its passage and approval.

1 **BILL HISTORY**

2 2/1/99 First read in Senate and referred to State Affairs. S.J. 278

3 2/10/99 Scheduled for Committee hearing on this date.

4 2/10/99 State Affairs Do Pass, Passed, AYES 7, NAYS 2. S.J. 443

5 2/12/99 Senate Deferred to another day. S.J. 485

6 2/16/99 Senate Deferred to another day. S.J. 504

7 2/17/99 Senate Deferred to another day. S.J. 531

8 2/18/99 Motion to Amend, Passed. S.J. 560

9 2/18/99 Motion to Amend, Passed. S.J. 562

10 2/18/99 Senate Do Pass Amended, Passed, AYES 27, NAYS 7. S.J. 562

11 2/18/99 Senate Title Amended Passed. S.J. 563

12 2/19/99 First read in House and referred to State Affairs. H.J. 653

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

14 3/1/99 Scheduled for Committee hearing on this date.

15 3/1/99 State Affairs Do Pass Amended, Passed, AYES 11, NAYS 2. H.J. 835

16 3/3/99 House of Representatives Placed on Calendar.