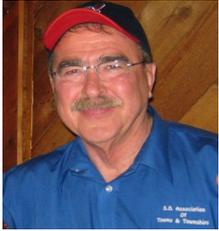




LEGISLATIVE UPDATE

February 5, 2016

Spring #3



2016 LEGISLATIVE NOTES



By Richard Howard,
SDATAT Lobbyist/Transportation Consultant

The 4th week of the Session (Legislative Day 16) ended with a total of 418 bills introduced (247 in the House and 171 in the Senate). This number is lower than expected as early projections were around 500 bills. In order for additional bills to be introduced during this session requires a suspension of the rules by a 2/3 vote of either House. Important deadlines are approaching which require all bills to be approved by the Committee in the House of Origin by February 23rd and to be approved by the House of Origin by February 24th.

The Governor's package of bills to establish a tar-

get teacher salary and a target teacher ratio and to revise certain provisions regarding education funding (SB 131, SB 132 and SB 133) were introduced in the Senate on February 2nd. HB 1182, the Governor's bill to increase the State sales and use tax for increasing education funding and reducing property taxes was introduced in the House on February 2nd. Several other bills increasing the sales and use tax by varying amounts to increase education funding were also introduced. The process will now begin in an attempt to reach a solution acceptable to 2/3 of the members in each House.

STATUS OF SDATAT BILLS

HB 1137 - An act to revise the distribution of registration fees from noncommercial gross weight vehicles.

1/28/16 - First read in House and referred to House Transportation.

2/11/16 - Expected to be scheduled for a Hearing in the House Transportation Committee.

An explanation and justification for the bill is presented on page 2. **Please contact your local legislators (especially members of the House Transporta-**

tion Committee) immediately and ask for their support.

HB 1178 - An Act to authorize townships to regulate off-road vehicle travel in the ditches of township roads.

2/2/16 - First Reading House

2/3/16 - Referred to House Local Government

2/4/16 - Withdrawn by the Prime Sponsor with concurrence of the SDATAT Board.

(Continued on Page 2)

HB 1137 - An act to revise the distribution of registration fees from noncommercial gross weight vehicles.

As you are all aware, the Registration Fees for Non-Commercial Gross Weight Vehicles (farm trucks) have increased dramatically over the past 5 years. Table 1 (Page 3) shows the increases that have occurred since 2011 for various vehicle weights.

The fees had not been increased since 1999 and were admittedly low with the rates for some weight classes as low as 17% of commercial rates and several lower than 35% of commercial rates. The first increase in 2011 raised the rates up to 45% of commercial rates and in 2013 they increased to 60% of commercial rates.

SB1, that was approved last year, increased the rates to 70% of commercial in 2015 and up to 80% in 2016. As shown in Table 1, some of the rates have increased by a factor of more than 4.0 during this time. As an example, the rate for a vehicle registered at a weight of 40,000 pounds has increased from \$115 prior to July 1, 2011 to \$520 effective July 1 2016 (an increase of \$405 or a factor of 4.5). A vehicle registered at a weight of 80,000 pounds has increased from \$391 to \$1166 (an increase of \$775 or a factor of 3.0). The in-

creases have been justified on the basis that the larger farm equipment and heavier trucks are causing damage to local roads and bridges.

The chart at the bottom of Table 1 shows a comparison of the increases for automobiles, pickups and vans during the same time period.

Figure 1 (Page 4) shows the amount of increased collection of registration fees for this category of vehicles with total collections increasing from \$5.78 million in 2011 up to an estimated \$15.27 million in 2016 (a factor of almost 3).

HB 1137 proposes to revise the distribution of Registration Fees on Non-Commercial Gross Weight Vehicles (farm trucks) by retaining all of those fees in the county in which they are collected. The fees would then be distributed: 65% to the County Road and Bridge Fund and 35% to the Special Highway Fund and be distributed to Townships.

The concept of the bill is that since the large increases have been justified based on damage to local roads and bridges caused by larger farm equipment and heavier trucks, the funds should be distributed and used to improve those roads and bridges.

(HB 1178 Continued from Page 1)

The Resolution adopted by the membership at the SDATAT Annual Meeting was to give Townships the same authority that the State and Counties currently have to regulate off-road vehicle travel on highways under their jurisdiction. The intent was to give Township Boards the authority to prohibit off-road vehicle travel when the highway ditches and ROW were being abused and damaged by careless or improper use of the ROW.

Unfortunately, immediately after introduction, the bill became extremely controversial as it was viewed by some as an effort to authorize Township Boards to prohibit the use of highway ROW and ditches for hunting and fishing access, agricultural activities, snowmobiling, etc. It was an unintended consequence that was not foreseen and it was determined to be in the best interests of the sponsors and SDATAT to withdraw the bill and avoid a major conflict over the issue.

Table 1

Registration Fees** Non-Commercial Gross Weight Vehicles

Weight- Trucks (Non Comm. Gross)	1-Jul- 1999 *	1-Jul- 11 (45%)*	1-Jul- 13 (60%)*	1-Jul- 15 (70%)*	1-Jul- 16 (80%)*	Increase 2011-2016 (\$) (Factor)		Commercial Rates (100%)*
8000 lbs or less	55(48)	83		120	120	65	2.2	115
20,000	73(29)	119	160	192	192	119	2.6	250
26,000	82(22)	167	222	259	296	214	3.6	370
32,000	91(19)	221	294	343	392	301	4.3	490
40,000	115(18)	293	390	455	520	405	4.5	650
54,000	157(17)	419	558	651	744	587	4.7	930
80,000	391(27)	656	874	1020	1166	775	3.0	1457
100,000	631(34)	836	1114	1300	1486	855	2.4	1857
120,000	871(39)	1016	1354	1580	1806	935	2.1	2257
140,000	1111(42)	1196	1594	1860	2126	1015	1.9	2657
160,000	1351(44)	1376	1834	2140	2446	1095	1.8	3057

* % of Commercial Rates

Number of Vehicles in Category - 34,998

80,000 lbs or less - 29,400 (84%)

** License fees on a noncommercial motor vehicle which is not an automobile, pickup truck or van are determined by the gross weight of the vehicle which includes the total weight of the chassis, body, equipment and maximum load of each motor vehicle as fixed by applicant. Most of the vehicles registered in this category are farm trucks.

Registration Fees Automobile, Pickup, Van

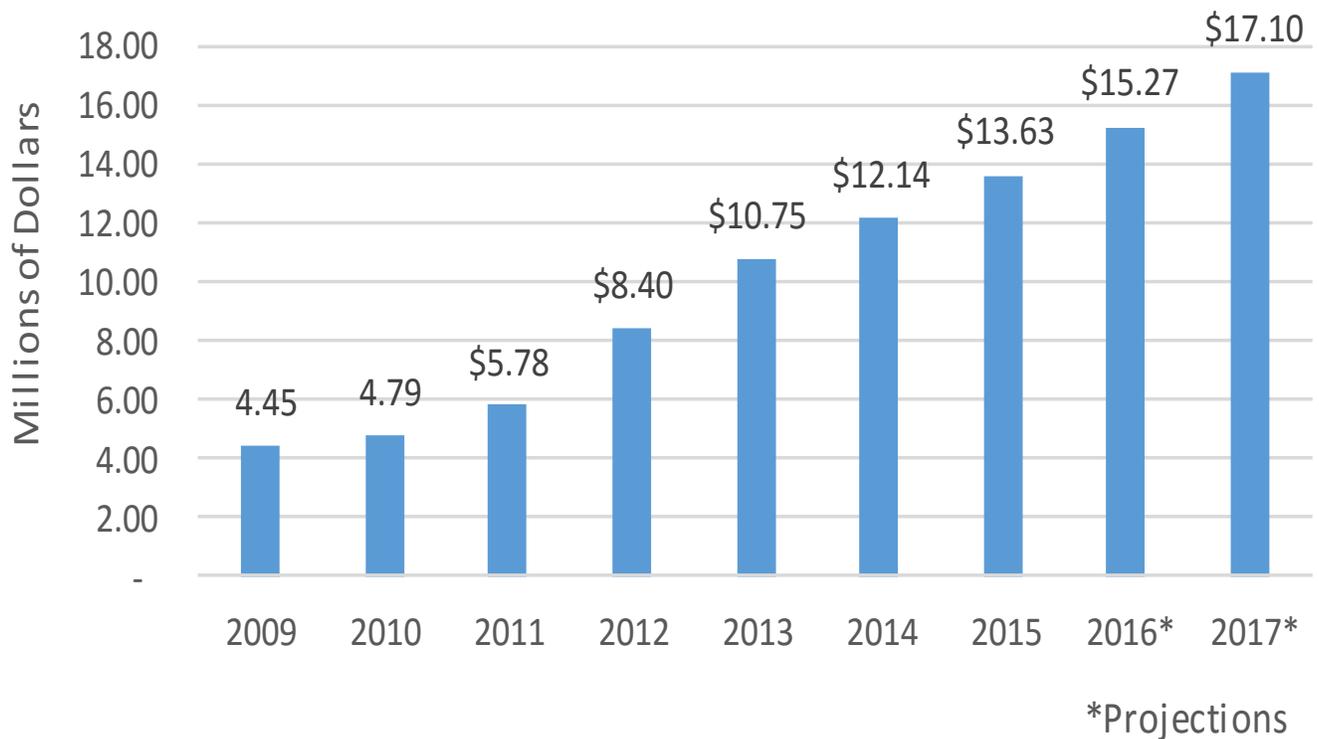
Increase
2011-2015

Weight	1999	2011	2013	2015	Dollars	Factor
2000 lbs or less	\$ 30.00	\$ 30.00	\$ 30.00	\$ 36.00	\$ 6.00	1.2
2001 - 4000 lbs	\$ 42.00	\$ 51.00	\$ 60.00	\$ 72.00	\$ 30.00	1.7
4001 - 6000 lbs	\$ 55.00	\$ 72.50	\$ 90.00	\$ 108.00	\$ 53.00	2.0
Over 6000 lbs	\$ 65.00	\$ 92.50	\$ 120.00	\$ 144.00	\$ 79.00	2.2

Estimated Number of Vehicles in Category - 1,000,000+

Figure 1

Non-Commercial Gross Weight Registration Fees



OTHER BILLS OF INTEREST

HB 1106 - An Act to exempt certain trees from requirements related to the removal of vegetation and debris from township road rights-of-way and to extend general immunity from certain civil liability for trees located in the township road right-of-way.

1/26/16 - First read in House and referred to House Local Government

HB 1109 - An Act to exempt from liability persons who voluntarily maintain certain no maintenance roads.

1/26/16 - First read in House and referred to House Judiciary

2/4/16 - Withdrawn at the Request of the Prime Sponsor. "Following discussions and negotiations with SDATAT. Deferred to 41st Legislative Day.

HB 1131 - An Act to direct certain vehicle registration fees to counties with unorganized territory.

1/27/16 - First read in House and referred to House Local Government.

91st SOUTH DAKOTA LEGISLATIVE SESSION CALENDAR

2016 ♦ 38 Legislative Days



Please refer to the Joint Rules, Chapter 17 for complete information on page 2

	Sun	Monday	Tuesday	Wednesday	Thursday	Friday	Sat	
January 2016	3	4	5	6	7	8	9	
	10	11	12 Session Opens 12 Noon (CST) State of the State L.D. 1	13 State of the Judiciary L.D. 2	14 State of the Tribes L.D. 3	15	16	L.D. 4
	17	18 <i>Martin Luther King Jr. Day</i>	19 Executive orders filed (Constitution, Art. IV, Sec. 8) L.D. 5	20 L.D. 6	21 <i>Jt. Memorial Service</i> 3:00 pm L.D. 7	22 Concurrent Resolution limited introduction deadline (J.R. 6B-3) L.D. 8	23	L.D. 8
24	25	26	27	28 Last day for unlimited bill & joint resolution introduction (J.R. 6B-3) Must be at the front desk TWO HOURS prior to session. L.D. 11	29	30	L.D. 12	
February 2016	Jan 31	Feb 1	2 All bill drafts with sponsors due back in LRC L.D. 13	3 L.D. 14	4 Last day for introduction of individual bills and joint resolutions Must be at the front desk TWO HOURS prior to session. L.D. 15	5 Last day for introduction of committee bills and joint resolutions Must be at the front desk TWO HOURS prior to session. L.D. 16	6	L.D. 16
	7	8	9	10 Last day for JCA selection of general fund revenue targets (J.R. 7-11.1) L.D. 19	11	12	13	L.D. 20
	14	15 <i>Presidents Day</i>	16	17	18	19	20	L.D. 21
	21	22 Last day to use J.R. 5-17 L.D. 25	23 Last day to move required delivery of bills or resolutions by a committee to the house of origin L.D. 26	24 Last day to pass bills or joint resolutions by the house of origin Last day for introduction of concurrent resolutions and commemorations L.D. 27	25	26	27	L.D. 28
	Feb 28	Feb 29	Mar 1 Last day for an appropriations committee to move required delivery of special appropriation bills to house of origin L.D. 29	2 Last day for house of origin to pass special appropriation bills delivered by an appropriations committee L.D. 31	3 J.R. 5-13 in effect L.D. 32	4	5	L.D. 33
March 2016	6	7 Last day to move required delivery of bills or resolutions by a committee to the second house L.D. 33	8 Last day for a bill or joint resolution to pass both houses L.D. 34	9 Reserved for concurrences or conference committees L.D. 35	10 Reserved for concurrences or conference committees L.D. 36	11	12	L.D. 37
	13	14	15	16	17	18	19	L.D. 38
	20	21	22	23	24	25	26	Recess
	27	28	29	30	31			Recess
	Easter		Reserved for consideration of gubernatorial vetoes L.D. 38					

TOWNSHIP CALENDAR

February 15 - President's Day

February 18 - Last Day to Advertise for Twp Annual Meeting (SDCL 8-3-1)

February 22 - Post notice 24 hrs prior to Feb 24th Meeting

February 23 - Required Township Mtg

March 1 - Required Township Annual Meeting (SDCL 8-3-1)

March 15 - Regular Twp Mtg for equalizing the assessment of property in your township

March 29 - Regular township meeting of the "newly" elected township officials.

Reminder - any required meeting may be rescheduled for the following Tuesday at the same time and place, due to inclement weather, without additional publication. Be sure that you have the reschedule date in the initial agenda and publications. (SDCL 8-3-1)

More information and detailed sample agendas available at: www.sdtownships.com

IMPORTANT CONTACT INFORMATION

To Track Legislation

<http://legis.sd.gov/>

To Listen To Committees Live:

http://legis.sd.gov/Legislative_Session/Committees/default.aspx?Session=2014

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