



**SOUTH DAKOTA DEPARTMENT OF LABOR**  
**PAMELA S. ROBERTS, SECRETARY**

October 16, 2008

Senator Jason Gant, Chair  
Government Operations and Audit Committee (GOAC)  
c/o Tim Flannery  
Department of Legislative Audit  
427 South Chapelle  
Pierre, SD 57501

Dear Senator Gant:

Attached are the Department's suggested changes regarding the proposed legislation to set various licensing and other fees for certain professions and occupations, in particular, the State Electrical Commission and the State Board of Technical Professions.

We have attached your draft legislation with our proposed changes already incorporated. Once the changes are agreed upon, the department has no other concerns or objections to the bill. Thank you for allowing us the opportunity to comment.

If you have questions, please contact me at 605-773-3101.

Sincerely,

Pamela S. Roberts  
Secretary

Section 1. That § 36-16-13 be amended to read as follows:

36-16-13. Application for license--Requirements and examination--Examination fees. Every person, partnership, company, corporation or association that for a fixed sum, price, fee, percentage or other consideration, undertakes or offers to undertake with another to plan, lay out, supervise, install, make additions, make alterations, or make repairs, in the installation of wiring, apparatus or equipment for electric lights, heat or power, shall apply to the State Electrical Commission for a license. A license shall be issued in the class specified in § 36-16-2 for which application has been made upon qualifying under this chapter and the rules of the commission and satisfactorily passing such examinations as shall be required by the commission.

The commission shall promulgate rules, pursuant to chapter 1-26, establishing examination fees not to exceed one hundred dollars.

Section 2. That § 36-16-27 be amended to read as follows:

36-16-27. Electrical work to comply with rules--Wiring permit required before connection. All electrical wiring, apparatus, or equipment shall comply with the rules promulgated and adopted by the State Electrical Commission. The rules shall conform to approved methods of construction and promote the safety of life and property. No new electrical service entrance except for communication service may be connected for use until a wiring permit has been furnished to the person, firm, or corporation supplying electrical energy certifying that a wiring permit has been obtained in compliance with the rules promulgated by the commission. Rules specifying wiring permit fees are not to exceed fifteen dollars each. Rules specifying late wiring permit procedure fees and failure to renew permit fees are not to exceed seven hundred fifty dollars. However, a wiring permit for emergency temporary service may be issued by the commission in accordance with its rules promulgated pursuant to chapter 1-26.

Section 3. That § 36-16-30 be amended to read as follows:

36-16-30. Installation inspection fees. The State Electrical Commission may promulgate rules, pursuant to chapter 1-26, to establish and collect installation inspection fees for: new residential installations, based on ampere capacity not to exceed three hundred dollars plus circuits; service connections on other installations, based on ampere capacity not to exceed two hundred dollars; circuit installations or alterations, based on ampere capacity not to exceed fifty dollars; remodeling work for each opening or connection not to exceed three dollars each and one dollar and fifty cents for each additional opening or connection, ~~connection~~, lighting fixture not to exceed three dollars for the first forty fixtures and not to exceed one dollar and fifty cents for each additional lighting fixture, motor or special equipment not to exceed eighteen dollars; apartment buildings per unit not to exceed fifty dollars; outdoor or area lighting per lighting standard not to exceed sixty dollars; field irrigation systems not to exceed one hundred dollars plus three dollars per motor; mobile home service and feeders not to exceed eighty dollars per unit; recreational vehicle service not to exceed twenty dollars per unit; swimming pools not to exceed two hundred dollars; each late correction order or wiring permit procedure not to exceed one hundred fifty dollars; carnivals and seasonal dwellings for each generator or transformer and reinspection of each unit not to exceed thirty dollars; wiring permits not to exceed fifteen dollars; modular homes and structures manufactured out-of-state not to exceed one hundred fifty dollars per day plus travel and living expenses.

Section 4. That § 36-18A-33 be amended to read as follows:

36-18A-33. Admission of candidates to examination--Application and examination fees-- Examination may be required to demonstrate competency--Board membership in national councils-- Examinations held out-of-state or overseas--Take-home questionnaire--Board to establish fees. The board shall admit to examination any candidate who pays a fee, not to exceed two hundred dollars, established by the board and submits an application with evidence satisfactory to the board that the applicant satisfies the necessary education and experience requirements. The board may require an

applicant for licensure or a current licensee to take an examination as it deems necessary to determine that person's professional minimum competency. Upon approval of examination applications, examination fees may be paid by the applicant directly to a national vendor or third party. The board may hold membership in and be represented at national councils or organizations of professional practices licensed under this chapter and may pay the appropriate membership fees. The board may allow proctoring of examinations for approved candidates at out-of-state or overseas sites by administrators of national council member boards. The board may accept candidates to be proctored in this state from other national council member boards. A take-home questionnaire based on statutes and rules and related to professionalism and ethics may also be required. The board shall promulgate rules, pursuant to chapter 1-26, to establish application, examination, and proctor fees for all examinations. No fee may exceed one thousand dollars.

Section 5. That § 36-18A-34 be amended to read as follows:

36-18A-34. Notice of results--Re-examination fees. The board shall notify each applicant of the results of the examination and those entitled to licensure or enrollment. If an applicant fails the examination and the applicant's application is still current, subsequent reexaminations may be granted upon payment of a fee ~~to be fixed by the board~~. The board shall promulgate rules, pursuant to chapter 1-26, to establish reexamination fees, not to exceed two hundred dollars, for all licensure and enrollment applicants.

Section 6. That § 36-18A-35 be amended to read as follows:

36-18A-35. Comity licensure. The board may give comity consideration to any person who holds a current and valid license issued to that person for active practice by the proper authority in any state or territory of the United States, the District of Columbia, or any foreign country, based on requirements that do not conflict with the provisions of this chapter and were of a standard not lower than that specified in the applicable licensure act in effect in this state at the time such license was issued. An applicant may be required to take examinations as the board deems necessary to

determine the applicant's competency. A comity applicant for landscape architecture shall hold a current and valid certification from the Council of Landscape Architectural Registration Boards to be eligible for comity licensure. The board shall promulgate rules, pursuant to chapter 1-26, relating to set the application fee for licensure by comity. The fee may not exceed two hundred dollars.

Section 7. That § 36-18A-39 be amended to read as follows:

36-18A-39. Expiration and biennial renewal of licenses--Continuing professional education. A license expires two years after the date of issuance and becomes invalid on that date unless renewed by that date. Any professional engineer, architect, land surveyor, landscape architect, or petroleum release assessor or remediator licensed under this chapter who desires to continue to practice or offer to practice the licensee's profession shall:

- (1) Pay the renewal fee, not to exceed two hundred dollars, established by the board in rules promulgated pursuant to chapter 1-26; and
- (2) Successfully complete all continuing professional development requirements established by the board or make a showing of good cause why the licensee was unable to comply with such requirements.

The board shall promulgate rules, pursuant to chapter 1-26, to establish continuing professional education and development criteria.

Section 8. That § 36-18A-43 be amended to read as follows:

36-18A-43. Request for inactive or retired status--Fee. Any licensed person may request that the person's license be placed on inactive or retired status. A fee, not to exceed two hundred dollars, to place files on inactive or retired status shall be determined by the board in rules promulgated pursuant to chapter 1-26. Failure to render any fees required for inactive or retired status shall result in the automatic termination of inactive or retired status. The request for files to be placed on inactive or retired status may be denied by the board. No person may practice or offer to practice while that person's files are inactive or retired.