

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

400I0207

SENATE AGRICULTURE AND NATURAL RESOURCES COMMITTEE ENGROSSED NO. **SB 23** - 01/21/2003

Introduced by: The Committee on Agriculture and Natural Resources at the request of the
Department of Agriculture

1 FOR AN ACT ENTITLED, An Act to grant counties greater authority to prohibit the use of
2 fireworks during periods of extreme fire danger.

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

4 Section 1. That § 34-37-19 be amended to read as follows:

5 34-37-19. Any county may, by resolution, regulate or prohibit the use of fireworks outside
6 the boundaries of any municipality in those areas where the fire danger, as determined by use of
7 the rangeland fire index as established by rule promulgated pursuant to chapter 1-26, by the
8 secretary of agriculture ~~or his designee~~, has reached the extreme category in that county for two
9 ~~consecutive days~~ during the period from June twentieth ~~through June twenty-seventh~~ to July
10 fifth, inclusive.



State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

400I0271

SENATE AGRICULTURE AND NATURAL RESOURCES COMMITTEE ENGROSSED NO. **SB 24** - 01/21/2003

Introduced by: The Committee on Agriculture and Natural Resources at the request of the
Department of Agriculture

1 FOR AN ACT ENTITLED, An Act to authorize the secretary of agriculture to suspend or
2 revoke an egg dealer's or processor's license for certain violations and to provide the licensee
3 an opportunity for a hearing.

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

5 Section 1. That § 39-11-17 be amended to read as follows:

6 39-11-17. ~~It shall be the duty of the~~ The secretary of agriculture ~~at any time to shall~~ revoke
7 ~~or suspend~~ any license issued pursuant to this chapter on evidence that the licensee has violated
8 any ~~or all~~ of the provisions of this chapter or ~~has refused to comply with any and all lawful~~
9 ~~regulations promulgated as herein provided~~ regulations promulgated thereunder or has refused
10 to permit inspection or interfered with inspection. No license ~~shall~~ may be revoked ~~except on~~
11 ~~twenty days' notice to the licensee or his agent to be served by registered mail, specifying the~~
12 ~~substance of the complaint and the time and place in which evidence will be heard in support of~~
13 ~~the complaint. Opportunity shall be afforded such licensee to submit evidence and proof in denial~~
14 ~~of such charges~~ or suspended unless the license holder has been given notice and an opportunity
15 for hearing pursuant to chapter 1-26.



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400I0220 **SENATE AGRICULTURE AND NATURAL RESOURCES**
COMMITTEE ENGROSSED NO. SB 27 - 01/21/2003

Introduced by: The Committee on Agriculture and Natural Resources at the request of the
Department of Game, Fish and Parks

1 FOR AN ACT ENTITLED, An Act to classify mountain lions as big game.

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

3 Section 1. That subdivision (4) of § 41-1-1 be amended to read as follows:

4 (4) "Big game," all cloven-hoofed wild animals, mountain lion, and wild turkey. The term
5 includes facsimiles of big game used for law enforcement purposes;

6 Section 2. That § 41-8-15 be amended to read as follows:

7 41-8-15. ~~No~~ Except in the hunting of mountain lions during established hunting seasons, no
8 dog may be used in hunting ~~of~~ big game animals. A violation of this section is subject to
9 § 41-8-18.



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400I0224

SENATE TRANSPORTATION COMMITTEE

ENGROSSED NO. **SB 37** - 01/21/2003

Introduced by: The Committee on Transportation at the request of the Department of
Revenue

1 FOR AN ACT ENTITLED, An Act to require the issuance of a unique identifier to certain
2 motor vehicle owners.

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

4 Section 1. Any owner of a motor vehicle which is used to transport passengers or property
5 and meets one of the following:

6 (1) Has a gross combination weight rating of 26,001 pounds or more, inclusive of a
7 towed unit;

8 (2) Has a gross vehicle weight rating of 26,001 pounds or more;

9 (3) Is designed to transport sixteen or more passengers, including the driver; or

10 (4) Is of any size and is used in the transportation of materials found to be hazardous for
11 the purposes of the Hazardous Materials Transportation Act and which require the
12 motor vehicle to be placarded under the Hazardous Materials Regulations (49 C.F.R.
13 part 172, subpart R) as of January 1, 2003;

14 shall at the time of registration either provide their United States Department of Transportation
15 assigned carrier number or be assigned a South Dakota number. An applicant who does not have



1 a United States Department of Transportation number or a South Dakota assigned number shall
2 apply for a number at the time of registration by completing an application form prescribed by
3 the secretary. Anyone wishing to obtain a unique identifier for vehicles 26,000 pounds or less
4 for the purpose of registering the units may do so upon completion of an application form.

5 Section 2. Any South Dakota number assigned pursuant to this Act may be, but is not
6 required to be, displayed on the outside of the vehicle. Upon request of an authorized agent or
7 enforcement agent, the owner of the vehicle shall make available the assigned number. The
8 owner of the vehicle shall notify the department if there is a change to the owner's assigned
9 number.

10 Section 3. If the owner fails to report or apply for either the United States Department of
11 Transportation number or the South Dakota number as required by this Act, the department shall
12 suspend the owner's registration.

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400I0238

SENATE COMMERCE COMMITTEE ENGROSSED NO. **SB 49** - 01/21/2003

Introduced by: The Committee on Commerce at the request of the Department of Commerce
and Regulation

1 FOR AN ACT ENTITLED, An Act to authorize the Board of Pharmacy to promulgate rules
2 regarding the reference publications required for each licensed pharmacy.

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

4 Section 1. That § 36-11-41 be amended to read as follows:

5 36-11-41. No permit ~~shall~~ may be issued under § 36-11-32 unless:

6 (1) The pharmacy is equipped with ~~such~~ the pharmaceutical instruments and utensils as
7 ~~may be~~ prescribed by the State Board of Pharmacy, and shall possess a stock of
8 pharmaceuticals adequate to serve the needs of the community in which ~~such~~ the
9 pharmacy is located; and

10 (2) The pharmacy has on file at all times the ~~latest publication~~ publications and
11 supplements ~~thereto, of one of the below listed publications:~~

12 ~~———— (a) — United States pharmacopoeia-national formulary;~~

13 ~~———— (b) — USPDI drug information for the health care provider;~~

14 ~~———— (c) — Facts and comparisons;~~

15 ~~———— (d) — American hospital formulary service~~ of formularies and drug information



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prescribed by the board by rules promulgated pursuant to chapter 1-26.