

State of South Dakota

EIGHTY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2006

400M0241

HOUSE HEALTH AND HUMAN SERVICES
COMMITTEE ENGROSSED NO. **HB 1036** -
01/20/2006

Introduced by: The Committee on Health and Human Services at the request of the
Department of Health

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the certification of
2 an optometrist from another state and to increase the fee for a certificate of registration.

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

4 Section 1. That § 36-7-13 be amended to read as follows:

5 36-7-13. By way of substitution for the requirements in subdivisions 36-7-11(3), (4), and
6 (5) and in ~~§ 36-7-12~~ §§ 36-7-12, 36-7-12.1 and 36-7-31, a candidate for licensure in this state
7 may be given a certificate of registration by paying a fee of ~~forty~~ one hundred seventy-five
8 dollars upon proof to the Board of Examiners by certified copy of the certificate of registration
9 issued to ~~said~~ the candidate by another state United States jurisdiction where the requirements
10 for registration ~~shall be~~ are deemed by the South Dakota State Board to be the equivalent to
11 those provided by this chapter; ~~provided such state shall accord like privileges to holders of~~
12 ~~certificates of the South Dakota State Board~~ if the candidate passes the examination
13 administered by the board required by this chapter or presents satisfactory evidence to the board
14 of having passed substantially similar examinations in another jurisdiction, and the candidate



1 has practiced optometry in ~~such~~ the other state for at least five consecutive years immediately
2 prior to ~~his~~ the candidate's application for registration in South Dakota. The board may
3 promulgate rules, pursuant to chapter 1-26, to establish standards for licensure through
4 endorsement pursuant to this section, including the level and status of licensure required, the
5 evidence required to establish that the requirements for registration in the jurisdiction in which
6 the candidate is licensed are substantially similar to those required by this chapter, the procedure
7 and contents required for submitting the application, and any additional education, testing, or
8 training necessary to ensure the competency of the candidate.

State of South Dakota

EIGHTY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2006

400M0325

HOUSE HEALTH AND HUMAN SERVICES
COMMITTEE ENGROSSED NO. **HB 1039** -
01/20/2006

Introduced by: The Committee on Health and Human Services at the request of the
Department of Human Services

1 FOR AN ACT ENTITLED, An Act to revise certain provisions pertaining to the disposition of
2 funds collected on local exchange service lines, cellular telephones, and radio pager devices.

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

4 Section 1. That § 49-31-51 be amended to read as follows:

5 49-31-51. There is hereby imposed an access fee of fifteen cents per local exchange service
6 line per month, fifteen cents per cellular telephone per month in accordance with the provisions
7 provided in subdivision 34-45-1(7), and fifteen cents per radio pager device per month to pay
8 for the program established in § 49-31-47. The access fee shall be paid by each local exchange
9 subscriber to a local exchange service, or by each cellular telephone or radio pager service
10 subscriber to the service provider, unless the subscriber is otherwise exempt from taxation. The
11 access fee shall be reported as a separate line or service and collected on the regular monthly
12 bill by each local exchange telecommunications company or other service provider operating
13 in this state. On or before the last day of the month following each two-month period, every
14 telecommunications company providing local exchange service or other service provided



1 specified in this section shall remit to the Department of Revenue and Regulation on forms
2 furnished by the department the amount of the access fee collected for that two- month period.
3 The secretary of revenue and regulation may grant an extension of not more than five days for
4 filing a remittance. The Department of Revenue and Regulation shall deposit ninety percent of
5 the money received under §§ 49-31-47 to 49-31-56, inclusive, into the telecommunication fund
6 for the deaf and ten percent in the telecommunication fund for other disabilities. The balance
7 in each fund in excess of an average of three months operating expenditures from the previous
8 state fiscal year may be used by the Department of Human Services to purchase
9 telecommunication assistive devices, communication aids and devices, home modifications and
10 assistive devices, and infrastructure and operational expenses to enhance communication
11 capacity for persons with disabilities and operational expenses for interpreter certification and
12 services for the deaf.

13 Section 2. The provisions of this Act are repealed on July 1, 2009.

State of South Dakota

EIGHTY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2006

165M0379 **SENATE AGRICULTURE AND NATURAL RESOURCES**
COMMITTEE ENGROSSED NO. HB 1082 -
02/07/2006

Introduced by: Representatives Deadrick, Brunner, Dykstra, Halverson, Hargens, Jensen, Nelson, Rhoden, Sigdestad, and Tidemann and Senators Bogue, Dempster, Duenwald, Hansen (Tom), Hanson (Gary), Koskan, McNenny, Peterson (Jim), Schoenbeck, and Sutton (Dan)

1 FOR AN ACT ENTITLED, An Act to provide for uniform jurisdiction in the regulation of
2 certain seed, commercial fertilizer, commercial feed, animal remedies, and pesticide.
3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:
4 Section 1. The provisions of South Dakota law and rules preempt any local legislation
5 adopted by any political subdivision of the state that is related to the production, use,
6 advertising, sale, distribution, storage, transportation, formulation, packaging, labeling,
7 certification, registration, application, planting, or disposal of seed as defined in § 38-12A-1,
8 commercial fertilizer as defined in § 38-19-1, commercial feed as defined in § 39-14-39, animal
9 remedies as defined in § 39-18-1, and pesticide as defined in § 38-20A-1. No political
10 subdivision may adopt or continue in effect any such local legislation regardless of whether a
11 statute or a rule adopted by the state specifically preempts the local legislation. Local legislation
12 in violation of this section is void and unenforceable. For purposes of this section, the term,
13 local legislation, means any ordinance, motion, resolution, amendment, regulation, or rule



1 adopted by a political subdivision of the state.

2 Nothing in this section preempts or otherwise limits the authority of any county or
3 municipality to adopt and enforce zoning regulations, fire codes, building codes, or waste
4 disposal restrictions.

State of South Dakota

EIGHTY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2006

970M0301

SENATE JUDICIARY COMMITTEE ENGROSSED NO.

HB 1134 - 02/06/2006

Introduced by: Representatives Hanks, Brunner, Buckingham, Davis, Frost, Fryslie, Garnos, Hackl, Klautt, Krebs, McCoy, Rave, and Rhoden and Senators Lintz, Bogue, and Duenwald

1 FOR AN ACT ENTITLED, An Act to to revise certain provisions regarding the justifiable use
2 of force.

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

4 Section 1. That § 22-5-9 be amended to read as follows:

5 22-5-9. Any person may lawfully resist, by force or violence, the commission of any public
6 offense as follows:

7 (1) Any person, ~~about to be injured~~ upon reasonable apprehension of threat of bodily
8 injury, may make sufficient resistance to prevent an offense against his or her person
9 or the person of any family or household member ~~thereof~~, or to prevent an illegal
10 attempt by force to take or injure property in his or her lawful possession; and

11 (2) Any person may make sufficient resistance in aid or defense of a any other person,
12 ~~about to be injured~~ threatened with bodily injury, to prevent such offense.

13 Section 2. That § 22-18-4 be amended to read as follows:

14 22-18-4. ~~To use or attempt to use or offer to use force or violence upon or toward the person~~



1 ~~of another is not unlawful if committed either by any person about to be injured, or by any other~~
2 ~~person in the aid or defense of a person about to be injured, in preventing or attempting to~~
3 ~~prevent an offense against his or her own person, or in preventing any trespass or other unlawful~~
4 ~~interference with real or personal property in his or her lawful possession. However, the force~~
5 ~~or violence used cannot be more than that sufficient to prevent such offense. Any person is~~
6 ~~justified in the use of force or violence against another person when, and to the extent that, the~~
7 ~~person reasonably believes that such conduct is necessary to prevent or terminate the other~~
8 ~~person's trespass on or other criminal interference with real property or personal property~~
9 ~~lawfully in his or her possession or in the possession of another who is a member of his or her~~
10 ~~immediate family or household or of a person whose property he or she has a legal duty to~~
11 ~~protect. However, the person is justified in the use of deadly force only as provided in §§ 22-16-~~
12 ~~34 and 22-16-35. A person does not have a duty to retreat if the person is in a place where he~~
13 ~~or she has a right to be.~~

State of South Dakota

EIGHTY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2006

744M0244

HOUSE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **HB 1161** - 01/26/2006

Introduced by: Representatives Brunner, Halverson, Hanks, Hills, McCoy, Rhoden, and
Turbiville and Senators McNenny, Bogue, Hansen (Tom), Koskan, Lintz, and
Napoli

1 FOR AN ACT ENTITLED, An Act to provide additional methods for the formation of special
2 zoning areas.

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

4 Section 1. That § 11-2-37 be amended to read as follows:

5 11-2-37. If an area within a county and not within a municipality becomes so situated that
6 a zoning ordinance or any other purpose or procedure set forth in this chapter is advisable,
7 persons within the area may apply to the board to establish the area as a special zoning area or
8 the board may on its own initiative establish the area as a special zoning area, pursuant to this
9 chapter. ~~The board may not form special zoning areas if~~ No special zoning area may be formed
10 in a county in which a county wide comprehensive plan and zoning ordinances have been
11 adopted. The formation of a special zoning area is only valid in a county that has not adopted
12 a county wide comprehensive plan and zoning ordinances. The board may establish a special
13 zoning area on its own initiative if the special zoning area comprises an area of at least five
14 square miles.



1 Section 2. That § 11-2-38 be amended to read as follows:

2 11-2-38. Persons making application for the establishment of a special zoning area, or the
3 board if it is proposing the establishment of a special zoning area, shall first obtain an accurate
4 survey and map of the territory intended to be embraced within the limits of the special zoning
5 area, showing the boundaries and area of the proposed special zoning area. The accuracy of the
6 survey and map shall be verified by the affidavit of the surveyor.

7 Section 3. That § 11-2-39 be amended to read as follows:

8 11-2-39. ~~Such persons~~ Persons making application for the establishment of a special zoning
9 area, or the board, if it is proposing the establishment of a special zoning area, shall obtain an
10 accurate census of the resident population of the territory included in ~~said~~ the map, as of a day
11 not more than thirty days ~~previous to the time of filing such application~~ before the application
12 is filed with the county auditor as provided in § 11-2-41. ~~Such~~ or not more than thirty days
13 before the board has proposed the establishment of a special zoning area. The census shall
14 exhibit the name of every head of a family residing within ~~such~~ the territory on such day and the
15 number and names of persons belonging to every ~~such~~ family and shall also state the names of
16 all other persons residing within ~~such~~ the territory at such time and, as to each person named,
17 whether ~~such~~ the person is a qualified voter. It shall be verified by the affidavit of the person ~~or~~
18 ~~persons~~ taking the ~~same~~ census, stating that, to the best information and belief of the affiant ~~or~~
19 ~~affiants~~, the census correctly shows the names and numbers of all residents and of all qualified
20 voters within the territory. Persons taking the census may at the same time obtain signatures on
21 the application for incorporation required by § 11-2-41.

22 Section 4. That § 11-2-40 be amended to read as follows:

23 11-2-40. ~~Such~~ The survey, map, and census when completed and verified shall be left at
24 some convenient public place, to be designated by the county auditor ~~of the county in which the~~

1 application for incorporation is to be filed, within such territory the proposed special zoning area
2 for a period of not less than twenty days for examination by ~~those having an interest in such~~
3 ~~application~~ the public.

4 Section 5. That § 11-2-41 be amended to read as follows:

5 11-2-41. The application for establishment of a special zoning area shall be a petition
6 verified by one or more applicants, by affidavit stating that the affiant ~~or affiants~~ personally
7 witnessed the signatures on the petition and believe ~~them~~ the signatures to be genuine, and shall
8 be subscribed by not less than one-third of the whole number of qualified voters residing within
9 the ~~territory~~ proposed special zoning area according to the census taken. The petition shall be
10 filed with the county auditor and presented to the board for consideration at its next meeting.
11 If the board chooses to propose the establishment of a special zoning area on its own initiative,
12 the board may by resolution propose the establishment of the special zoning area at any regular
13 meeting of the board. After the board has adopted a resolution proposing the establishment of
14 a special zoning area, the board shall publish notice and hold a public hearing on the question
15 as provided in this Act.

16 Section 6. That § 11-2-42 be amended to read as follows:

17 11-2-42. If a petition has been presented to the board as provided in § 11-2-41 and if the
18 board is satisfied that the requirements of this chapter have been fully complied with, it shall
19 make an order declaring that the territory shall, with the assent of the qualified voters thereof
20 as provided in § 11-2-39, be a special zoning area or number specified in the application. The
21 board shall include in the order a notice for an election of the qualified voters resident in the
22 proposed special zoning area, at a convenient place or places therein, on some day within one
23 month from the notice, to determine whether the territory shall become a special zoning area.

24 Section 7. That § 11-2-43 be amended to read as follows:

1 11-2-43. The board shall give ten days' notice of the election by publication and by posting
2 a copy of the notice at three of the most public places in the proposed special zoning area. In the
3 case of a special zoning area that is proposed by the board, the board shall post such notice at
4 least ten days before the meeting at which it will act on the establishment of the special zoning
5 area. In addition, if the board is proposing the establishment of a special zoning area, the board
6 shall publish notice in the official newspapers of the county at least ten days before the meeting
7 at which it intends to act on the establishment of the special zoning area. For a special zoning
8 area proposed by the board, the published notice shall include a statement that the board will
9 hold a public hearing on the establishment of the proposed special zoning area; the location of
10 the proposed special zoning area; the date, time, and location of the meeting at which the
11 hearing will be held; and a statement that the board will take final action on the establishment
12 of the special zoning area after the hearing is completed.

13 Section 8. That § 11-2-47 be amended to read as follows:

14 11-2-47. After the vote is cast and canvassed, the judges shall make a verified statement
15 showing the whole number of ballots cast, together with the number voting for and the number
16 voting against establishment, and shall return the statement to the board at its next session. If
17 satisfied with the legality of the election, the board shall make an order declaring that the special
18 zoning area has been incorporated by the name or number adopted. The order is conclusive of
19 the fact of establishment.

20 In the case of a special zoning area that is proposed by the board, the board shall hold a
21 public hearing at a meeting of the board on the establishment of the proposed special zoning
22 area. The meeting shall be held as specified in the notice published pursuant to this Act. After
23 the public hearing, the board shall determine whether the special zoning area is to be
24 established. If the board decides to establish the special zoning area, the board shall issue an

1 order establishing and incorporating the special zoning area.

2 Section 9. That chapter 11-2 be amended by adding thereto a NEW SECTION to read as
3 follows:

4 The board's decision to establish and incorporate the special zoning area may be referred to
5 a vote of the qualified voters of the proposed special zoning area pursuant to §§ 7-18A-17 to 7-
6 18A-24, inclusive. The qualified voters of the proposed special zoning area may refer the
7 decision withing twenty days after its publication by filing a petition signed by five percent of
8 the registered voters in the special zoning area, based upon the total number of registered voters
9 at the last preceding general election. The filing of a valid petition requires the submission of
10 the decision to establish and incorporate the special zoning area to a vote of the qualified voters
11 of the proposed special zoning area for its rejection or approval. The effective date of the
12 establishment and incorporation of the special zoning area on which a referendum is to be held
13 shall be suspended by the filing of a referendum petition until the referendum process is
14 completed.

State of South Dakota

EIGHTY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2006

462M0626

HOUSE ENGROSSED NO. **HB 1178** - 02/01/2006

Introduced by: Representatives Elliott, Frost, and Novstrup and Senators Koetzle, Hundstad, Napoli, Sutton (Dan), and Sutton (Duane)

1 FOR AN ACT ENTITLED, An Act to provide for the establishment of certain honorary trusts
2 and of certain trusts for animals.

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

4 Section 1. That chapter 29A-2 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Subject to the provisions of section 3 of this Act, a trust may be performed by the trustee for
7 twenty-one years but no longer, whether or not the terms of the trust contemplate a longer
8 duration if the trust is for a specific lawful noncharitable purpose or for lawful noncharitable
9 purposes to be selected by the trustee.

10 Section 2. That chapter 29A-2 be amended by adding thereto a NEW SECTION to read as
11 follows:

12 Subject to the provisions of section 3 of this Act, a trust for the care of a designated animal
13 is valid. The trust terminates when no living animal is covered by the trust. A governing
14 instrument shall be liberally construed to bring the transfer within this section, to presume
15 against the merely precatory or honorary nature of the disposition, and to carry out the general



1 intent of the transferor. Extrinsic evidence is admissible in determining the transferor's intent.

2 Section 3. That chapter 29A-2 be amended by adding thereto a NEW SECTION to read as
3 follows:

4 Any trust provided for by sections 1 and 2 of this Act is subject to the following provisions:

5 (1) Except as expressly provided otherwise in the trust instrument, no portion of the
6 principal or income may be converted to the use of the trustee or to any use other
7 than for the trust's purposes or for the benefit of a covered animal;

8 (2) Upon termination, the trustee shall transfer the unexpended trust property in the
9 following order:

10 (a) As directed in the trust instrument;

11 (b) If the trust was created in a nonresiduary clause in the transferor's will or in a
12 codicil to the transferor's will, then under the residuary clause in the
13 transferor's will; and

14 (c) If no beneficiary results from the application of subsection (a) or (b) of this
15 subdivision, then to the transferor's heirs under § 29A-2-711;

16 (3) For the purposes of § 29A-2-707, the residuary clause is treated as creating a future
17 interest under the terms of a trust;

18 (4) The intended use of the principal or income may be enforced by a person designated
19 for that purpose in the trust instrument or, if none, by an individual appointed by a
20 court upon application to it by that person;

21 (5) Except as ordered by the court or required by the trust instrument, no filing, report,
22 registration, periodic accounting, separate maintenance of funds, appointment, or fee
23 is required by reason of the existence of the fiduciary relationship of the trustee;

24 (6) A court may reasonably reduce the amount of the property transferred if it determines

1 that that amount substantially exceeds the amount required for the intended use. The
2 amount of the reduction, if any, passes as unexpended trust property under
3 subdivision (2) of this section;

4 (7) If no trustee is designated or no designated trustee is willing or able to serve, a court
5 shall name a trustee. A court may order the transfer of the property to another trustee
6 if required to ensure that the intended use is carried out and if no successor trustee
7 is designated in the trust instrument or if no designated successor trustee agrees to
8 serve or is able to serve. A court may also make such other orders and determinations
9 as are advisable to carry out the intent of the transferor and the purpose of this Act.

10 Section 4. Nothing in this Act may be construed to reinstate the rule against perpetuities in
11 South Dakota as to any trust except trusts specifically defined in this Act as honorary trusts or
12 trusts for the care of specific animals.

State of South Dakota

EIGHTY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2006

671M0139

HOUSE ENGROSSED NO. **HJR 1002** - 01/17/2006

Introduced by: Representatives Michels, Haley, Heineman, Hunhoff, and Putnam and Senators Olson (Ed), Broderick, Gray, Peterson (Jim), and Schoenbeck at the request of the Constitutional Revision Commission

1 A JOINT RESOLUTION, To repeal certain voided constitutional provisions regarding term
2 limits for United States senators and representatives.

3 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF SOUTH
4 DAKOTA, THE SENATE CONCURRING THEREIN:

5 Section 1. That at the next general election held in the state, the repeal of Article III, section
6 32 of the Constitution of the State of South Dakota, as set forth in section 2 of this Joint
7 Resolution, which is hereby agreed to, shall be submitted to the electors of the state for
8 approval.

9 Section 2. That Article III, section 32 of the Constitution of the State of South Dakota, be
10 repealed.

11 § 32. ~~Commencing with the 1992 election, no person may be elected to more than two~~
12 ~~consecutive terms in the United States senate or more than six consecutive terms in the United~~
13 ~~States house of representatives.~~



State of South Dakota

EIGHTY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2006

257M0080

SENATE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **HJR 1003** - 01/27/2006

Introduced by: Representatives Michels, Haley, Heineman, Hunhoff, and Putnam and Senators Olson (Ed), Broderick, Gray, Peterson (Jim), and Schoenbeck at the request of the Constitutional Revision Commission

1 A JOINT RESOLUTION, To revise certain constitutional provisions regarding the Legislature.
2 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF SOUTH
3 DAKOTA, THE SENATE CONCURRING THEREIN:

4 Section 1. That at the next general election, the following amendments to Article III and
5 Article IV of the Constitution of the State of South Dakota, as set forth in sections 2 to 10,
6 inclusive, of this Joint Resolution, which are hereby agreed to, shall be submitted to the electors
7 of the state for approval.

8 Section 2. That Article III, section 2 of the Constitution of the State of South Dakota, be
9 amended to read as follows:

10 § 2. ~~After the Legislature elected for the years 1937 and 1938 the~~ The number of members
11 of the house of representatives shall not be less than fifty nor more than seventy-five, and the
12 number of members of the senate shall not be less than twenty-five nor more than thirty-five.

13 ~~The sessions of the Legislature shall be biennial except as otherwise provided in this~~
14 ~~Constitution.~~



1 Section 3. That Article III, section 6 of the Constitution of the State of South Dakota, be
2 amended to read as follows:

3 § 6. The terms of office of the members of the Legislature shall be two years; they shall
4 receive for their services the salary fixed by law under the provisions of § 2 of article XXI of
5 this Constitution, ~~and five cents for every mile of necessary travel in going to and returning from~~
6 ~~the place of meeting of the Legislature on the most usual route.~~

7 No person may serve more than four consecutive terms or a total of eight consecutive years
8 in the senate and more than four consecutive terms or a total of eight consecutive years in the
9 house of representatives. However, this restriction does not apply to partial terms to which a
10 legislator may be appointed ~~or to legislative service before January 1, 1993.~~

11 A regular session of the Legislature shall ~~be held in each odd-numbered year and shall not~~
12 ~~exceed forty legislative days, excluding Sundays, holidays, and legislative recess, except in~~
13 ~~cases of impeachment, and members not exceed forty legislative days in each odd-numbered~~
14 year and shall not exceed thirty-five legislative days in each even-numbered year except in cases
15 of impeachment. Sundays, holidays, and days of legislative recess shall not be included as
16 legislative days. Members of the Legislature shall receive no other pay or perquisites except
17 salary, expenses, per diem, and mileage as provided by law.

18 ~~A regular session of the Legislature shall be held in each even-numbered year beginning~~
19 ~~with the year 1964 and shall not exceed thirty-five legislative days, excluding Sundays, holidays~~
20 ~~and legislative recess, except in cases of impeachment, and members of the Legislature shall~~
21 ~~receive no other pay or perquisites except salary and mileage.~~

22 Section 4. That Article III, section 13 of the Constitution of the State of South Dakota, be
23 amended to read as follows:

24 § 13. Each house shall keep a journal of its proceedings and publish the same ~~from time to~~

1 ~~time, except such parts as require secrecy, and the~~ as provided by law. The yeas and nays of
2 members on any question shall be taken at the desire of one-sixth of those present and entered
3 upon the journal.

4 Section 5. That Article III, section 14 of the Constitution of the State of South Dakota, be
5 amended to read as follows:

6 § 14. In all elections to be made by the Legislature the members thereof shall vote ~~viva voce~~
7 and their votes shall be entered in the journal.

8 Section 6. That Article III, section 15 of the Constitution of the State of South Dakota, be
9 amended to read as follows:

10 § 15. ~~The sessions of each house and of the committee of the whole shall be open, unless~~
11 ~~when the business is such as ought to be kept secret~~ All legislative sessions, joint sessions, and
12 committee meetings shall be open to the public unless a two-thirds majority of the membership
13 declares the business is such as ought to be kept secret. No votes may be taken at any session
14 or meeting closed to the public.

15 Section 7. That Article III, section 17 of the Constitution of the State of South Dakota, be
16 amended to read as follows:

17 § 17. Every bill shall be ~~read twice~~ entered upon the journal, by number and title ~~once~~, when
18 introduced; and ~~once upon~~ shall be read, by number and title, prior to final passage; ~~but one~~
19 ~~reading at length may be demanded at any time before final passage.~~

20 Section 8. That Article III, section 29 of the Constitution of the State of South Dakota, be
21 amended to read as follows:

22 § 29. Notwithstanding any general or special provisions of the Constitution, in order to
23 insure continuity of state and local governmental operations in periods of emergency resulting
24 from ~~disasters~~ a natural or man-made disaster or a disaster caused by enemy attack, the

1 Legislature shall have the power and the immediate duty ~~(1)~~ to provide for prompt and
2 temporary succession to the powers and duties of public offices, of whatever nature and whether
3 filled by election or appointment, the incumbents of which may become unavailable for carrying
4 on the powers and duties of such offices, and ~~(2)~~ to adopt such other measures as may be
5 necessary and proper for insuring the continuity of governmental operations. In the exercise of
6 the powers hereby conferred the Legislature shall in all respects conform to the requirements
7 of this Constitution except to the extent that in the judgment of the Legislature so to do would
8 be impracticable or would admit of undue delay.

9 Section 9. That Article III be amended by adding thereto a NEW SECTION to read as
10 follows:

11 § 33. The members of the senate shall elect one member to preside as president of the
12 senate.

13 The members of the house of representatives shall elect one member to preside as speaker
14 of the house of representatives.

15 Section 10. That Article IV, section 5 of the Constitution of the State of South Dakota, be
16 amended to read as follows:

17 § 5. ~~The lieutenant governor shall be president of the senate but shall have no vote unless~~
18 ~~the senators be equally divided.~~ The lieutenant governor shall perform the duties and exercise
19 the powers that may be delegated to him by the Governor.

20 Section 11. The provisions of sections 9 and 10 of this Joint Resolution are effective
21 January 1, 2011.

State of South Dakota

EIGHTY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2006

741M0569 **SENATE AGRICULTURE AND NATURAL RESOURCES**
COMMITTEE ENGROSSED NO. SB 186 - 02/07/2006

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

Introduced by: Senators Bartling, Hanson (Gary), Koetzle, and Koskan and Representatives Jensen, Dennert, Glover, and Jerke

1 FOR AN ACT ENTITLED, An Act to classify the production of certain upland game birds as
2 an agricultural pursuit.

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

4 Section 1. For the purposes of all classification and administration of the statutes of the State
5 of South Dakota, executive orders, administrative orders, and rules pertaining to upland game
6 birds that are being raised in captivity:

7 (1) Such upland game birds and any products that are lawfully derived from the upland
8 game birds are agricultural products; and

9 (2) The breeding, raising, producing, or selling of such upland game birds or lawfully
10 derived products by the producer is an agricultural pursuit.

11 For purposes of this Act, the term, upland game birds, includes all species and subspecies
12 of quail, partridges, pheasants, wild turkeys, grouse, and prairie chickens.



State of South Dakota

EIGHTY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2006

400M0675

SENATE APPROPRIATIONS COMMITTEE
ENGROSSED NO. **SB 202** - 02/03/2006

Introduced by: The Committee on Appropriations at the request of the Governor

1 FOR AN ACT ENTITLED, An Act to make an appropriation for costs related to increased
2 energy costs in K-12 school districts and postsecondary vocational education institutions and
3 to declare an emergency.

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

5 Section 1. There is hereby appropriated from the state general fund the sum of two million
6 one hundred fifty thousand dollars (\$2,150,000), or so much thereof as may be necessary, to the
7 Department of Education to be distributed on a one-time basis to approved K-12 school districts
8 and postsecondary vocational education institutions to help pay for increased heating costs
9 realized during the 2005-2006 school year.

10 Section 2. To participate and receive funds appropriated in section 1, any public school or
11 postsecondary vocational education institution shall submit an energy reimbursement form with
12 supporting information related to heating costs incurred for the 2005-2006 school year and the
13 2004-2005 school year to the Department of Education. The Department of Education shall
14 disburse the funds based on the increases in costs from 2004-2005 year to the 2005-2006 year.
15 The funds shall be distributed on a pro-rata share of the total amount of funds requested. Any



1 school district participating shall submit a statement signed by the school district superintendent,
2 the school district business manager, and the school district school board president that this
3 funding is being accepted on a one-time basis. Any postsecondary vocational education
4 institution participating shall submit a statement signed by the director of the institution, the
5 business manager for the institution, and the school district school board president that this
6 funding is being accepted on a one-time basis.

7 Section 3. Any amounts appropriated in this Act not lawfully expended or obligated by
8 June 30, 2006, shall revert in accordance with § 4-8-21.

9 Section 4. Whereas, this Act is necessary for the support of the state government and its
10 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in
11 full force and effect from and after its passage and approval.