



# State of South Dakota

EIGHTY-FIRST SESSION  
LEGISLATIVE ASSEMBLY, 2006

527M0321

SENATE APPROPRIATIONS COMMITTEE  
ENGROSSED NO. **HB 1015** - 02/14/2006

Introduced by: The Committee on Appropriations at the request of the Board of Regents

1 FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to acquire an equestrian  
2 facility for South Dakota State University and to declare an emergency.

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

4 Section 1. The Board of Regents shall select a site for equestrian facilities including  
5 approximately fifty-seven thousand square feet of buildings, ninety-five thousand square feet  
6 of site improvements, and approximately fifteen acres of pasture development from within the  
7 lands acquired pursuant to section 3, chapter 96, of the 2001 Session Laws. The board shall  
8 lease that site, together with such portions of surrounding grounds as may be needed for  
9 construction purposes, to the South Dakota State University Foundation to permit the foundation  
10 to construct the structures to house the equestrian facilities.

11 Section 2. In consideration for the lease authorized in section 1 of this Act, the foundation  
12 shall construct the project in accordance with the requirements of chapters 5-14 and 5-18 just  
13 as though the structures and improvements comprising the equestrian facilities were constructed  
14 by the Board of Regents. However, the foundation shall enter into all contracts for the  
15 construction of the facility and make all payments therefor, once the payments have been duly



1 authorized by the Bureau of Administration and the executive director of the Board of Regents.

2 Section 3. The term of the lease authorized in section 1 of this Act may not exceed the time  
3 required for site preparation and construction through project acceptance plus ten years from the  
4 date of acceptance.

5 Section 4. The Board of Regents shall lease the equestrian facilities constructed pursuant to  
6 this Act from the foundation for a period of ten years from the date of acceptance at an annual  
7 lease payment of one hundred sixty-five thousand dollars.

8 Section 5. The South Dakota State University Foundation shall maintain and repair the  
9 equestrian facilities during the term of the leaseback.

10 Section 6. Upon termination of the lease and leaseback authorized by the Act, the foundation  
11 shall donate the facility and all right or interest that it may have in the equestrian facilities to the  
12 Board of Regents, on behalf of the State of South Dakota, for the use and benefit of South  
13 Dakota State University and the Board of Regents may accept the equestrian facilities on behalf  
14 of the State of South Dakota, for the use and benefit of South Dakota State University.

15 Section 7. No general fund dollars may be used for the maintenance and repair or lease  
16 payments of the facility authorized by this Act.

17 Section 8. Whereas, this Act is necessary for the support of the state government and its  
18 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in  
19 full force and effect from and after its passage and approval.

# State of South Dakota

EIGHTY-FIRST SESSION  
LEGISLATIVE ASSEMBLY, 2006

400M0327

## HOUSE ENGROSSED NO. **HB 1040** - 02/10/2006

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 the minimum monthly fee charged for care at the  
2 Human Services Center.

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

4 Section 1. That § 27A-13-16 be amended to read as follows:

5 27A-13-16. ~~The minimum charge for care in the center is two hundred dollars per month.~~  
6 ~~If the charge against the patient is less than two hundred dollars for each month of patient status~~  
7 ~~at the South Dakota Human Services Center, the county of residence shall be charged with the~~  
8 ~~difference between the applicable charge against the patient and two hundred dollars for each~~  
9 ~~month of patient status and a pro rata amount of two hundred dollars for each partial month of~~  
10 ~~patient status.~~ Effective January 1, 2007 through December 31, 2008, the county of residence  
11 shall pay an admission fee of four hundred dollars to the center for each patient the county is  
12 legally responsible. The admission fee shall cover the first thirty days of care at the center. If the  
13 patient remains at the center for longer than thirty days, the minimum charge paid by the county  
14 of residence shall be a pro rata amount of the admission fee multiplied by twelve months and  
15 divided by three hundred sixty-five days. Effective January 1, 2009 through December 31, 2009,



1 the county of residence shall pay an admission fee of five hundred dollars to the center for each  
2 patient the county is legally responsible. The admission fee shall cover the first thirty days of  
3 care at the center. If the patient remains at the center for longer than thirty days, the minimum  
4 charge paid by the county of residence shall be a pro rata amount of the admission fee multiplied  
5 by twelve months and divided by three hundred sixty-five days. Effective January 1, 2010  
6 through December 31, 2010, the county of residence shall pay an admission fee of six hundred  
7 dollars to the center for each patient the county is legally responsible. The admission fee shall  
8 cover the first thirty days of care at the center. If the patient remains at the center for longer than  
9 thirty days, the minimum charge paid by the county of residence shall be a pro rata amount of  
10 the admission fee multiplied by twelve months and divided by three hundred sixty-five days.

# State of South Dakota

EIGHTY-FIRST SESSION  
LEGISLATIVE ASSEMBLY, 2006

716M0171

SENATE TRANSPORTATION COMMITTEE  
ENGROSSED NO. **HB 1084** - 02/14/2006

Introduced by: Representatives Michels, Hunhoff, and Rave and Senator Moore

1 FOR AN ACT ENTITLED, An Act to authorize counties to regulate the operation of certain  
2 off-road vehicles in highway ditches.

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

4 Section 1. That chapter 32-20 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 Notwithstanding the provisions of § 32-20-12, any board of county commissioners may, by  
7 ordinance, prohibit the operation of off-road vehicles in any highway ditch along any section  
8 of highway under its jurisdiction. However, no board of county commissioners may prohibit an  
9 off-road vehicle from crossing one side of the highway to the other. This section does not affect  
10 off-road vehicles used in normal agricultural operation or service vehicles of any utility while  
11 in the line of duty for the utility. For the purposes of this section, the term, utility, means any  
12 provider of electric, gas, water, sewer, pipeline, or telecommunications service.

13 Notice of any restriction made pursuant to this section shall be given by placing and  
14 maintaining regulatory signs at each end of the section of highway and at each point of  
15 intersection. The signs shall be of substantial construction which conspicuously indicates the



1 restriction.

# State of South Dakota

EIGHTY-FIRST SESSION  
LEGISLATIVE ASSEMBLY, 2006

780M0459

HOUSE TAXATION COMMITTEE ENGROSSED NO.

**HB 1110** - 02/02/2006

Introduced by: Representatives Krebs, Boomgarden, Faehn, Frost, Garnos, Hargens, Haverly, Koistinen, Kroger, Miles, Peters, Sebert, and Willadsen and Senators Greenfield, Apa, Duniphan, Gray, Hansen (Tom), McCracken, Olson (Ed), Peterson (Jim), Sutton (Dan), and Sutton (Duane)

1 FOR AN ACT ENTITLED, An Act to provide compensation to certain retailers for collecting  
2 and remitting the sales tax.

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

4 Section 1. That chapter 10-45 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 Any person required to file a return and remit the tax imposed by this chapter on a monthly  
7 basis and who timely files the return and pays the tax is allowed, as compensation for the  
8 expense of collecting and paying the tax monthly, a credit equal to one and one-half percent of  
9 the gross amount of the tax due. However, the credit may not exceed seventy dollars per month.

10 Section 2. This Act is effective on July 1, 2007.



# State of South Dakota

EIGHTY-FIRST SESSION  
LEGISLATIVE ASSEMBLY, 2006

484M0586

## HOUSE ENGROSSED NO. **HB 1153** - 02/01/2006

Introduced by: Representatives Buckingham, Cutler, Hunt, and Krebs and Senator Gant

1 FOR AN ACT ENTITLED, An Act to revise the definition of a prohibited sexual act.

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

3 Section 1. That subdivision (16) of § 22-24A-2 be amended to read as follows:

4 (16) "Prohibited sexual act," actual or simulated sexual intercourse, sadism, masochism,  
5 sexual bestiality, incest, masturbation, or sadomasochistic abuse; actual or simulated  
6 exhibition of the genitals ~~or~~ the pubic or rectal area, or the bare feminine breasts, in  
7 a lewd or lascivious manner; actual physical contact with a person's clothed or  
8 unclothed genitals, pubic area, buttocks, or, if such person is a female, breast with the  
9 intent to arouse or gratify the sexual desire of either party; defecation or urination for  
10 the purpose of creating sexual excitement in the viewer; or any act or conduct which  
11 constitutes sexual battery or simulates that sexual battery is being or will be  
12 committed. The term includes encouraging, aiding, abetting or enticing any person  
13 to commit any such acts as provided in this subdivision. The term does not include  
14 a mother's breast-feeding of her baby;

15



# State of South Dakota

EIGHTY-FIRST SESSION  
LEGISLATIVE ASSEMBLY, 2006

588M0308

SENATE COMMERCE COMMITTEE ENGROSSED NO.

**HB 1177** - 02/14/2006

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

Introduced by: Representatives Peters, Dennert, Dykstra, Gillespie, Glenski, Hackl, Hargens, Haverly, Hennies, Klautt, Kroger, Rounds, Tidemann, Van Etten, and Willadsen and Senators Earley, Apa, Bartling, Greenfield, Hanson (Gary), Kelly, Koskan, Napoli, Schoenbeck, Smidt, and Sutton (Duane)

1 FOR AN ACT ENTITLED, An Act to limit the amount in the Employer's Investment in South  
2 Dakota's Future Fund.

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

4 Section 1. That § 61-5-24.1 be amended to read as follows:

5 61-5-24.1. Employers required by this title to pay contributions, except employers that  
6 pursuant to chapter 61-5A reimburse the unemployment compensation trust fund for benefits  
7 paid in lieu of contributions, shall also pay an employer's investment in South Dakota's future  
8 fee, hereinafter "investment fee," on wages as defined by this title. The fee rate for employers  
9 not eligible for experience rating, as defined in § 61-5-20.2, shall be seventy hundredths percent  
10 through calendar year 2006 and fifty-five hundredths percent on and after January 1, 2007. If  
11 an employer is eligible for experience rating, his reserve ratio shall be determined pursuant to  
12 § 61-5-18.14 and his investment fee rate shall be the rate appearing in column "A" on the same  
13 line on which his reserve ratio appears in column "B" of the following rate ~~schedule~~ schedules.



1 From January 1, 1993, to December 31, 2006, inclusive:

2	Column "A"	Column "B"
3	Investment Fee Rate	Reserve Ratio
4	0.70%	Less than 0.80%
5	0.60%	0.80% and Less than 1.00%
6	0.50%	1.00% and Less than 1.20%
7	0.40%	1.20% and Less than 1.30%
8	0.30%	1.30% and Less than 1.40%
9	0.20%	1.40% and Less than 1.50%
10	0.10%	1.50% and Less than 1.60%
11	0.00%	1.60% and Over

12 From January 1, 2007, to December 31, 2007, inclusive:

13	<u>Column "A"</u>	<u>Column "B"</u>
14	<u>Investment Fee Rate</u>	<u>Reserve Ratio</u>
15	<u>0.60%</u>	<u>Less than 1.00%</u>
16	<u>0.50%</u>	<u>1.00% and Less than 1.20%</u>
17	<u>0.40%</u>	<u>1.20% and Less than 1.30%</u>
18	<u>0.30%</u>	<u>1.30% and Less than 1.40%</u>
19	<u>0.20%</u>	<u>1.40% and Less than 1.50%</u>
20	<u>0.10%</u>	<u>1.50% and Less than 1.60%</u>
21	<u>0.00%</u>	<u>1.60% and Over</u>

22 From January 1, 2008, to December 31, 2008, inclusive:

23	<u>Column "A"</u>	<u>Column "B"</u>
24	<u>Investment Fee Rate</u>	<u>Reserve Ratio</u>
25	<u>0.58%</u>	<u>Less than 1.00%</u>
26	<u>0.50%</u>	<u>1.00% and Less than 1.20%</u>
27	<u>0.40%</u>	<u>1.20% and Less than 1.30%</u>

1	<u>0.30%</u>	<u>1.30% and Less than 1.40%</u>
2	<u>0.20%</u>	<u>1.40% and Less than 1.50%</u>
3	<u>0.10%</u>	<u>1.50% and Less than 1.60%</u>
4	<u>0.00%</u>	<u>1.60% and Over</u>

5 From January 1, 2009, to December 31, 2009, inclusive:

6	<u>Column "A"</u>	<u>Column "B"</u>
7	<u>Investment Fee Rate</u>	<u>Reserve Ratio</u>
8	<u>0.56%</u>	<u>Less than 1.00%</u>
9	<u>0.50%</u>	<u>1.00% and Less than 1.20%</u>
10	<u>0.40%</u>	<u>1.20% and Less than 1.30%</u>
11	<u>0.30%</u>	<u>1.30% and Less than 1.40%</u>
12	<u>0.20%</u>	<u>1.40% and Less than 1.50%</u>
13	<u>0.10%</u>	<u>1.50% and Less than 1.60%</u>
14	<u>0.00%</u>	<u>1.60% and Over</u>

15 Beginning January 1, 2010:

16	<u>Column "A"</u>	<u>Column "B"</u>
17	<u>Investment Fee Rate</u>	<u>Reserve Ratio</u>
18	<u>0.55%</u>	<u>Less than 1.00%</u>
19	<u>0.50%</u>	<u>1.00% and Less than 1.20%</u>
20	<u>0.40%</u>	<u>1.20% and Less than 1.30%</u>
21	<u>0.30%</u>	<u>1.30% and Less than 1.40%</u>
22	<u>0.20%</u>	<u>1.40% and Less than 1.50%</u>
23	<u>0.10%</u>	<u>1.50% and Less than 1.60%</u>
24	<u>0.00%</u>	<u>1.60% and Over</u>

25 The terms and conditions of this title which apply to the payment and collection of  
 26 contributions also apply to the payment and collection of the investment fee. Proceeds from the  
 27 investment fee shall be deposited in the clearing account of the unemployment compensation

1 fund for clearance only and may not become part of the fund. After clearance, the money  
2 derived from such payments, less refunds made pursuant to the provisions of this title, shall be  
3 deposited in the employer's investment in South Dakota's future special revenue fund as  
4 provided for in § 61-5-24.2. Investment fee payments may not be credited to the employer's  
5 experience rating account and may not be deducted in whole or in part by any employer from  
6 the wages of individuals in its employ.

7 The investment fee rate may not be increased over the applicable 1987 investment fee rate  
8 for any employer with a positive balance in his experience rating account on the computation  
9 date, as established in rules promulgated by the secretary of labor pursuant to chapter 1-26, for  
10 the current year and the year preceding the current year.

11 The investment rates provided in this section apply to and are retroactive to taxable wages  
12 paid on and after January 1, 1993.

13 Section 2. That chapter 61-5 be amended by adding thereto a NEW SECTION to read as  
14 follows:

15 The Department of Labor and the Department of Tourism and State Development shall study  
16 and make recommendations regarding the broadening of the base of payers into the employer's  
17 investment in South Dakota's future fund. A report shall be made to the Governor and the  
18 Legislature by November 15, 2006.

# State of South Dakota

EIGHTY-FIRST SESSION  
LEGISLATIVE ASSEMBLY, 2006

609M0247

SENATE TAXATION COMMITTEE ENGROSSED NO.

**HB 1206** - 02/08/2006

Introduced by: Representatives Garnos, Bradford, Hennies, Hills, and Turbiville and  
Senators Adelstein, Dempster, and Lintz

1 FOR AN ACT ENTITLED, An Act to provide contractors' excise, sales, and use tax refunds for  
2 the filming of certain motion pictures, documentaries, television advertisements, or  
3 television films.

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

5 Section 1. Terms used in this Act mean:

6 (1) "Department," the Department of Revenue and Regulation;

7 (2) "Film," any portion of a commercial production of a motion picture, documentary,  
8 television advertisement, or television film;

9 (3) "Filming date," the first date a person commits to the Department of Tourism and  
10 State Development that South Dakota will be the primary location for shooting  
11 footage for a film;

12 (4) "Person," any individual, firm, copartnership, joint venture, association, limited  
13 liability company, limited liability partnership, corporation, estate, trust, business  
14 trust, receiver, unit of government, political subdivision of any state, or any group or  
15 combination acting as a unit;



1 (5) "Project," the building of sets, purchase of materials, and other costs associated with  
2 the filming or production of a motion picture, documentary, television advertisement,  
3 or television film;

4 (6) "Project cost," the amount paid in money, credits, property, or other money's worth  
5 for a project;

6 (7) "Secretary," the secretary of the Department of Revenue and Regulation.

7 Section 2. As provided in this Act, any person holding a permit issued pursuant to this Act  
8 may apply for and obtain a refund or credit for sales or use tax imposed and paid by such person  
9 under the provisions of chapter 10-45 or 10-46 and contractors' excise taxes imposed and paid  
10 under the provisions of chapter 10-46A or 10-46B on the project costs.

11 Section 3. The refund of taxes for a motion picture, documentary, television advertisement,  
12 or television film pertains only to project costs incurred and paid after July 1, 2006, and within  
13 thirty-six months of the approval of the application required by this Act. No refund may be  
14 made unless:

15 (1) The project cost that are occurred in South Dakota exceeds the sum of two hundred  
16 fifty thousand dollars in taxable costs; and

17 (2) The person applying for the refund obtains a permit from the secretary as set forth in  
18 this Act.

19 Section 4. If the project cost for a new motion picture, documentary, television  
20 advertisement, or television film exceeds two hundred fifty thousand dollars in taxable costs,  
21 the refund shall be one hundred percent of the taxes attributed to the taxable project costs in  
22 excess of two hundred fifty thousand dollars.

23 Section 5. Any person desiring to claim a refund pursuant to this Act shall apply for a permit  
24 from the secretary at least thirty days prior to the shooting of the motion picture, documentary,

1 television advertisement, or television film. The application for a permit shall be submitted on  
2 a form prescribed by the secretary. A separate application shall be made and submitted for each  
3 project. Upon approval of the application, the secretary shall issue a permit entitling the  
4 applicant to submit refund claims as provided by this Act. Such permit or refund claims are not  
5 assignable or transferable except as collateral or security pursuant to chapter 57A-9.

6 Section 6. Any claim for refund shall be submitted on forms prescribed by the secretary and  
7 shall be supported by such documentation as the secretary may require. The secretary may deny  
8 any claim where the claimant has failed to provide information or documentation requested or  
9 considered necessary by the secretary to determine the validity of the claim.

10 Section 7. Any person issued a permit pursuant to this Act shall submit a return to the  
11 department no more frequently than on or before the last day of each month and no less  
12 frequently than on or before the last day of each month following each calendar quarter. The  
13 secretary shall determine and pay the amount of the tax refund within thirty days of receipt of  
14 the return. Ninety-five percent of the amount of refund shall be paid to the claimant in  
15 accordance with §§ 10-59-22 and 10-59-23, and five percent shall be withheld by the  
16 department. No interest may be paid on the refund amount. If electronic funds transfer is  
17 available to the secretary, the secretary shall pay the refund by electronic funds transfer if  
18 requested by the claimant.

19 Section 8. The amounts withheld by the department in accordance with this Act shall be  
20 retained until the project has been completed and the claimant has met all the conditions of this  
21 Act, at which time all sums retained shall be paid to the claimant.

22 Section 9. If any claim has been fraudulently presented or supported as to any item in the  
23 claim, or if the claimant fails to meet all the conditions of this Act, then the claim may be  
24 rejected in its entirety and all sums previously refunded to the claimant shall constitute a debt

1 to the state and a lien in favor of the state upon all property and rights to property whether real  
2 or personal belonging to the claimant and may be recovered in an action of debt.

3 Section 10. Any person, aggrieved by the denial in whole or in part of a refund claimed  
4 under this Act, may, within thirty days after service of the notice of such denial by the secretary,  
5 demand a hearing, upon notice, before the secretary. The hearing shall be conducted pursuant  
6 to chapter 1-26.

7 Section 11. Any person, aggrieved by a decision of the secretary under this Act, may, within  
8 thirty days of receipt of written notice of the secretary's decision, make written application to  
9 the secretary for a hearing to be conducted pursuant to chapter 1-26. Hearings are to be  
10 conducted and appeals taken pursuant to the provisions of chapters 1-26 and 1-26D. A copy of  
11 the hearing examiner's proposed decision, findings of fact, and conclusions of law shall be  
12 served on all parties when furnished to the secretary. If the secretary, pursuant to chapter 1-26D,  
13 accepts the final decision of the hearing examiner, no appeal from a final decision of the  
14 secretary upon any additional tax to be paid may be taken unless any amount ordered paid by  
15 the secretary is paid or a bond filed to insure payment of the amount. However, if the final  
16 decision of the secretary, pursuant to chapter 1-26D, rejects or modifies the decision of the  
17 hearing examiner regarding the amount due, an appeal may be taken without payment of the  
18 amount ordered to be paid and without filing of a bond. If the secretary's decision is affirmed  
19 by the circuit court, no appeal may be taken unless any amount ordered to be paid by the  
20 secretary is paid or a bond is filed to insure payment of such amount.

21 Section 12. Any amount refunded pursuant to this Act for a project that is not completed  
22 within the time frames prescribed by this Act, including any extensions granted by the secretary,  
23 shall be returned to the state without interest. Any refunded amounts not returned pursuant to  
24 this section and all sums previously refunded to the claimant constitute a debt to the state and

1 a lien in favor of the state upon all property and rights to property whether real or personal  
2 belonging to the claimant and may be recovered in an action of debt.

3 Section 13. The secretary shall promulgate rules, pursuant to chapter 1-26, concerning the  
4 procedures for filing refund claims and the requirements necessary to qualify for a refund.

5 Section 14. This Act is repealed on June 30, 2011.

# State of South Dakota

EIGHTY-FIRST SESSION  
LEGISLATIVE ASSEMBLY, 2006

282M0668

SENATE AGRICULTURE AND NATURAL RESOURCES

COMMITTEE ENGROSSED NO. **HB 1212** -

02/14/2006

Introduced by: Representative Jensen

1 FOR AN ACT ENTITLED, An Act to revise certain provisions related to limited big game  
2 hunting licenses for landowners.

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

4 Section 1. That § 41-6-19.3 be amended to read as follows:

5 41-6-19.3. ~~If a resident farmer or rancher who owns or leases the prescribed minimum~~  
6 ~~acreage of farm or ranch land to qualify for landowner preference, and who actually resides on~~  
7 ~~the land, or is an owner-operator of the land, or a member of the farmer or rancher's immediate~~  
8 ~~family also residing on the land has not received a big game license pursuant to § 41-6-19~~  
9 ~~during the west river prairie deer season, east river deer season, or west river firearm antelope~~  
10 ~~season set by the Game, Fish and Parks Commission pursuant to § 41-2-18, the person may~~  
11 ~~apply no earlier than twenty days prior to the commencement of the applicable season and~~  
12 ~~obtain one of the licenses made available in the unit in which the person qualifies for landowner~~  
13 ~~preference or as otherwise provided by rules promulgated by the commission pursuant to~~  
14 ~~chapter 1-26. No more than two limited permits may be applied for by each farm or ranch~~  
15 ~~household. Upon receipt of the application submitted on a form prescribed by the commission,~~



1 the Department of Game, Fish and Parks shall issue a limited permit that restricts the holder to  
2 the taking of one animal as designated on the permit only from the farm or ranch lands specified  
3 in the application. If the landowner or lessee also owns or leases land in a contiguous hunting  
4 unit, the applicant may specify those lands in adjacent units where the permit is to apply and  
5 may hunt on those described lands also. The holder of the permit may not take any big game  
6 animal from land owned or leased by other persons. If a resident farmer or rancher who owns  
7 or leases for agricultural purposes the minimum acreage of privately-owned farm or ranch land  
8 to qualify for landowner preference as prescribed by rules promulgated by the Game, Fish and  
9 Parks Commission and who actually resides on the land, or is an owner-operator of the land, has  
10 not received a big game license pursuant to § 41-6-19 that permits the harvest of a buck during  
11 the west river prairie deer season, east river deer season, or firearm antelope season set by the  
12 Game, Fish and Parks Commission pursuant to § 41-2-18, the farmer or rancher may obtain one  
13 any-deer license, one any-antelope license, one license that has one any-deer tag and one any-  
14 antlerless deer tag , or one any-antelope and one doe/kid antelope tag that is valid only on lands  
15 owned or leased by the farmer or rancher within any unit for the specified hunting season.

16 If a member of the immediate family of the farmer or rancher qualified to obtain a license  
17 under this section has not received a big game license pursuant to § 41-6-19 that permits the  
18 harvest of a buck during the west river prairie deer season, east river deer season, or firearm  
19 antelope season set by the Game, Fish and Parks Commission pursuant to § 41-2-18, the  
20 immediate family member may also obtain one any-deer license, one any-antelope license, one  
21 license that has one any-deer tag and one any-antlerless deer tag, or one any-antelope and one  
22 doe/kid antelope tag that is valid only on lands owned or leased by the resident farmer or  
23 rancher within any unit for the specified hunting season.

24 Upon receipt of the application prescribed by the department and applicable fee, the

1 Department of Game, Fish and Parks shall issue a limited license that restricts the holder to the  
2 taking of the big game animals as designated on the license only from the privately-owned farm  
3 or ranch lands owned or leased by the resident farmer or rancher. The holder of the license may  
4 not take any big game animal from land owned or leased by other persons.

5 Section 2. That § 41-6-19.4 be amended to read as follows:

6 41-6-19.4. For the purposes of issuance of the limited permit to ~~hunt deer~~ pursuant to § 41-  
7 6-19.3, the term "~~immediate family~~", immediate family, means the applicant, the applicant's  
8 spouse, and the applicant's children residing with the applicant or on land owned or leased by  
9 the resident farmer or rancher.

# State of South Dakota

EIGHTY-FIRST SESSION  
LEGISLATIVE ASSEMBLY, 2006

445M0253

## HOUSE ENGROSSED NO. **SB 90** - 02/14/2006

Introduced by: Senators Bogue, Kelly, Knudson, and Schoenbeck and Representatives  
Deadrick and Gillespie

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the approval of plats  
2 and the format standards for certain real estate documents recorded with the register of  
3 deeds.

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

5 Section 1. That § 11-3-6 be amended to read as follows:

6 11-3-6. The provisions of this chapter apply to every addition to, or subdivision within, any  
7 county, municipality, or unincorporated town. If the land or any part of the land included in any  
8 addition or subdivision is within, adjoining, or contiguous to the boundaries of any municipality,  
9 the plat, before being recorded, shall be submitted to the governing body or, if applicable, the  
10 planning director of the municipality. If it appears that the system of streets set forth therein  
11 conforms to the system of streets of the existing plats of the municipality, that all provisions of  
12 any subdivision regulations have been complied with, that all taxes and special assessments  
13 upon the tract or subdivision have been fully paid, and that such plat and the survey thereof have  
14 been executed according to law, the governing body shall, by resolution, approve the plat. The  
15 governing body may by resolution designate an administrative official of the municipality to



1 approve plats in lieu of approval by the governing body. The auditor or finance officer shall  
2 endorse on the face of the plat a copy of the resolution or the designated administrative official's  
3 approval and certify to the same. No plat of any such addition or subdivision so situated ~~is~~  
4 ~~entitled to record~~ or may be recorded unless the plat bears on its face a copy of the resolution  
5 or approval and certificate of the auditor or finance officer. If the designated administrative  
6 official denies the plat request, the person requesting the plat may appeal to the governing body.

7 Section 2. That § 43-28-23 be amended to read as follows:

8 43-28-23. Any real estate document recorded with the register of deeds, except for plats,  
9 shall:

- 10 (1) Consist of one or more individual sheets measuring no larger than 8.5 inches by 14  
11 inches and no smaller than 8.5 inches by 11 inches. No sheet may be attached or  
12 affixed to a page that covers up any information or printed material on the document.  
13 Any continuous document or any document sheets that are stapled, glued, or bound  
14 together are subject to the additional fee established pursuant to subdivision 7-9-  
15 15(1);
- 16 (2) Be printed, typewritten, or computer generated in black ink and the print type of the  
17 document may not be smaller than 10-point type. However, the signature and date  
18 may be made on the document in black or blue ink;
- 19 (3) Be on white paper of not less than twenty pound weight;
- 20 (4) Contain a blank space at the top measuring no less than three inches as measured  
21 from the top of the first page. The right half shall be used by the register of deeds for  
22 recording information and the left half shall be used by the document preparer as  
23 required pursuant to § 7-9-1 and may include a return designation and address. All  
24 other margins shall be a minimum of one inch;

- 1       (5)    Have a title prominently displayed at the top of the first page below the blank space  
2            referred to in subdivision (4) of this section;
- 3       (6)    Be sufficiently legible to reproduce a readable copy using the register of deed's  
4            current method of reproduction; and
- 5       (7)    Conform to the standards provided in this section or be subject to the increased fees  
6            as provided in § 7-9-15.

7        However, the register of deeds may not charge an increased fee for any document that has  
8        a seal or stamp in a margin. Any affidavit of publication, corner record, survey, certified court  
9        or governmental document, and UCC form recorded against real estate is exempt from the  
10       provisions of this section. Any plat or survey and certified vital record attached to documents  
11       is also exempt from the provisions of this section.

12       The provisions of this section do not apply to any real estate document prepared and  
13       executed prior to July 1, 2002.

# State of South Dakota

EIGHTY-FIRST SESSION  
LEGISLATIVE ASSEMBLY, 2006

329M0213

## HOUSE ENGROSSED NO. **SB 118** - 02/14/2006

Introduced by: Senators Gant, Broderick, Duniphan, Earley, Gray, McCracken, and McNenny and Representatives Buckingham, Elliott, McCoy, Nelson, O'Brien, Peters, Rausch, Schafer, and Weems

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the type of personal  
2 identification required when voting.

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

4 Section 1. That § 12-18-6.1 be amended to read as follows:

5 12-18-6.1. When a the voter is requesting a ballot, the voter shall present a valid form of  
6 personal identification. The personal identification that may be presented shall be either:

7 (1) A South Dakota driver's license or nondriver identification card;

8 (2) A passport or an identification card, including a picture, issued by an agency of the  
9 United States government;

10 (3) A tribal identification card, including a picture; or

11 (4) ~~Am~~ A current student identification card, including a picture, issued by a high school  
12 or an accredited institution of higher education, including a university, college, or  
13 technical school, located within the State of South Dakota.



# State of South Dakota

EIGHTY-FIRST SESSION  
LEGISLATIVE ASSEMBLY, 2006

400M0673

## HOUSE HEALTH AND HUMAN SERVICES COMMITTEE ENGROSSED NO. **SB 207** - 02/08/2006

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

1 FOR AN ACT ENTITLED, An Act to revise certain provisions pertaining to the sale,  
2 purchasing, and possession of products containing pseudoephedrine or ephedrine.

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

4 Section 1. That § 34-20D-1 be amended to read as follows:

5 34-20D-1. No retailer may sell, in a single transaction, more than two packages containing  
6 pseudoephedrine or ephedrine as an active ingredient. For purposes of this chapter, the term,  
7 retailer, means any person who sells merchandise at retail and from whom original packages of  
8 nonprescription drugs are sold or taken to be sold at retail and who is licensed by the Board of  
9 Pharmacy to sell nonprescription drugs. This restriction does not apply to any sale made  
10 pursuant to a valid prescription drug order prescribed by a practitioner as defined in § 36-11-2  
11 with appropriate authority. Any retailer or any employee of a retailer who sells packages  
12 containing pseudoephedrine or ephedrine in violation of this section is guilty of a Class 1  
13 misdemeanor.

14 Section 2. That § 34-20D-2 be amended to read as follows:

15 34-20D-2. No person may purchase, in a single transaction, more than two packages



1 containing pseudoephedrine or ephedrine as an active ingredient. This restriction does not apply  
2 to purchases made with a valid prescription drug order prescribed by a practitioner as defined  
3 in § 36-11-2 with appropriate authority. Any person who purchases packages containing  
4 pseudoephedrine or ephedrine in violation of this section is guilty of a Class 1 misdemeanor.

5 Section 3. That § 34-20D-3 be amended to read as follows:

6 34-20D-3. Any retailer who offers for sale a product containing pseudoephedrine ~~as the~~  
7 ~~product's sole~~ or ephedrine as an active ingredient shall display and offer the product for sale,  
8 except as otherwise provided, behind a counter where the public is not permitted or in a locked  
9 case so that a customer wanting access to the package must ask a store employee for assistance.  
10 The retailer may display or offer for sale without restriction a product containing  
11 pseudoephedrine ~~as the sole~~ or ephedrine as an active ingredient if the product is displayed using  
12 any type of anti-theft device system including an electronic anti-theft device system that utilizes  
13 a product tag and detection alarm which prevents the theft of the product. ~~This section does not~~  
14 ~~apply to any package of a product containing pseudoephedrine as the product's sole active~~  
15 ~~ingredient which is in liquid, liquid cap, or gel cap form or any package of a product containing~~  
16 ~~pseudoephedrine as the product's sole active ingredient which is primarily intended for~~  
17 ~~administration to children under twelve years of age, according to the product's label, regardless~~  
18 ~~of whether the product is in liquid or solid form.~~

19 Section 4. That § 34-20D-4 be repealed.

20 ~~34-20D-4. Any retailer who offers for sale any combination product containing~~  
21 ~~pseudoephedrine or ephedrine as an active ingredient, any package of a product containing~~  
22 ~~pseudoephedrine as the product's sole active ingredient which is in liquid, liquid cap, or gel cap~~  
23 ~~form or any package of a product containing pseudoephedrine as the product's sole active~~  
24 ~~ingredient which is primarily intended for administration to children under twelve years of age,~~

1 ~~according to the product's label, regardless of whether the product is in liquid or solid form,~~  
2 ~~shall display and offer such product for sale, except as otherwise provided, within twenty feet~~  
3 ~~of a counter which allows the attendant to view the products in an unobstructed manner. A~~  
4 ~~retailer may display or offer for sale without restriction any of the products listed in this section~~  
5 ~~if the product is displayed using any type of anti-theft device system, including an electronic~~  
6 ~~anti-theft device system that utilizes a product tag and detection alarm which prevents the theft~~  
7 ~~of the product.~~

8 Section 5. That § 34-20D-5 be amended to read as follows:

9 34-20D-5. A retailer shall post notice at the location where a product containing  
10 pseudoephedrine or ephedrine as an active ingredient is displayed or offered for sale stating the  
11 following:

12 South Dakota law prohibits the sale or purchase of more than two packages containing  
13 pseudoephedrine or ephedrine as an active ingredient unless sold or purchased with a valid  
14 prescription drug order prescribed by a practitioner as defined in § 36-11-2 with appropriate  
15 authority.

16 Section 6. That chapter 34-20D be amended by adding thereto a NEW SECTION to read  
17 as follows:

18 If offering for sale a product containing pseudoephedrine or ephedrine as an active  
19 ingredient, a retailer shall, before making such a sale, require and make a record of the  
20 identification of the person purchasing the product containing pseudoephedrine or ephedrine.  
21 For purposes of this section, the term, identification, means a document issued by a  
22 governmental agency which contains a description of the person or a photograph of the person,  
23 or both, and gives the person's date of birth, such as a driver's license, passport, or military  
24 identification card. The retailer shall maintain the record of identification, including the

1 purchaser's name and date of birth. On August 1, 2006, and no later than the fifth day of every  
2 month thereafter, the retailer shall send any such records to the county sheriff of the county in  
3 which the sales occurred. No retailer may use or maintain the record for any private or  
4 commercial purpose or disclose the record to any person, except as authorized by law. The  
5 retailer shall disclose the record, upon request, to a law enforcement agency for a law  
6 enforcement purpose.

7 Section 7. That chapter 34-20D be amended by adding thereto a NEW SECTION to read  
8 as follows:

9 No person may possess, receive, or otherwise acquire more than nine grams of ephedrine  
10 base, pseudoephedrine base, or phenylpropanolamine base in any product, mixture, or  
11 preparation within any thirty-day period. This restriction does not apply to any quantity of  
12 product, mixture, or preparation obtained pursuant to a valid prescription drug order prescribed  
13 by a practitioner as defined in § 36-11-2 with appropriate authority.

14 Possession of more than nine grams of a drug product containing more than nine grams of  
15 ephedrine base, pseudoephedrine base, or phenylpropanolamine base constitutes a rebuttable  
16 presumption of the intent to use the product as a precursor to methamphetamine or another  
17 controlled substance. This rebuttable presumption does not apply to:

- 18 (1) A retail distributor of drug products;
- 19 (2) A wholesale drug distributor, or its agents;
- 20 (3) A manufacturer of drug products, or its agents;
- 21 (4) A pharmacist licensed by the Board of Pharmacy; or
- 22 (5) A licensed health care professional possessing the drug products in the course of  
23 carrying out the profession.

24 Any violation of this section is a Class 1 misdemeanor.