

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

931P0079

SENATE JUDICIARY ENGROSSED NO. **HB 1001** - 2/4/2008

Introduced by: Representatives Deadrick, Burg, Engels, Noem, Pederson (Gordon), Pitts, Putnam, and Tidemann and Senators Abdallah, Bartling, Gray, Hansen (Tom), Hundstad, and Hunhoff at the request of the Executive Board of the Legislative Research Council

1 FOR AN ACT ENTITLED, An Act to provide for a jury trial in forfeiture proceedings.

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

3 Section 1. That § 34-20B-88 be amended to read as follows:

4 34-20B-88. If a verified answer is filed, the forfeiture proceedings shall be set for ~~hearing~~
5 a trial on a day not more than sixty days ~~therefrom, at~~ from the date of the filing. Any party may
6 demand a trial by jury for the forfeiture proceedings pursuant to subsection 15-6-38(b). At the
7 ~~hearing~~ trial, the state shall establish probable cause for instituting the forfeiture action
8 following which any owner, party in interest, or claimant who has filed a verified answer ~~shall~~
9 ~~have~~ has the burden of proving that the property seized is not subject to forfeiture under this
10 chapter. If the court or a jury finds that the property is not subject to forfeiture under this
11 chapter, the court shall order the property released to the owner, party in interest, or claimant
12 ~~as his~~ according to such person's right, title, or interest appears, the. The court shall order the
13 property forfeited if ~~it~~ the court or a jury determines that such property was subject to forfeiture.



State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

718P0299

HOUSE STATE AFFAIRS
ENGROSSED NO. **HB 1107** - 2/4/2008

Introduced by: The Committee on Government Operations and Audit at the request of the
Interim Committee on Government Operations and Audit

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the promulgation of
2 rules to set various licensing and other fees for certain professions and occupations.

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

4 Section 1. That § 36-4-19 be amended to read as follows:

5 36-4-19. The Board of Medical and Osteopathic Examiners may, without examination, issue
6 a license to any applicant holding a currently valid license or certificate issued to the applicant
7 by the examining board of the District of Columbia, any state or territory of the United States,
8 the National Board of Medical Examiners, the National Board of Osteopathic Physicians and
9 Surgeons, or any province of Canada, if the legal requirements of the examining board at the
10 time it issued the license or certificate were not less than those of this state at the time the
11 license is presented for registration.

12 However, the board may require the applicant to successfully pass either an oral or written
13 examination and personally appear before the board, a member of the board, or its staff.

14 Each applicant applying under the provisions of this chapter shall pay to the secretary of the



1 board a license fee not to exceed two hundred dollars to be set by the board by rule promulgated
2 pursuant to chapter 1-26.

3 Section 2. That § 36-4-20 be amended to read as follows:

4 36-4-20. If it appears to the State Board of Medical and Osteopathic Examiners by a
5 resolution thereof duly made and adopted, that an urgent need exists in any state-owned and
6 operated medical institution for the services of a practitioner of medicine, surgery, and obstetrics
7 and their branches, as a state employee, which cannot be adequately and effectively served by
8 a regularly licensed practitioner, the board may, in its discretion, grant a temporary permit to an
9 applicant who has satisfactorily passed a special examination and paid a fee ~~of~~ not to exceed
10 fifty dollars for said the examination, notwithstanding that the applicant has not completed the
11 period of internship or residence training in a hospital approved by the board and has failed or
12 has been unable to satisfactorily show that he is a graduate of an approved medical or
13 osteopathic college. The temporary permit shall be issued and be effective for one year from the
14 date of issuance of such permit. The temporary permit entitles the person to whom issued to
15 engage in the practice of medicine, surgery, and obstetrics and their branches as a state
16 employee under the supervision of a licensed physician in such state-owned and operated
17 medical institution and not elsewhere. Such temporary permit may be renewed by the board
18 upon application to it on an annual basis and the payment of an annual renewal fee of not to
19 exceed fifteen dollars. Except as may otherwise be provided in this section, applications for such
20 temporary permits shall be processed in the same manner as regular license applications under
21 § 36-4-11, and the holder of any such permit ~~shall be~~ is subject to all restrictions,
22 responsibilities, and privileges inuring to regular licensees under this chapter. The examination
23 and renewal fees provided for in this section shall be set by the board by rules promulgated
24 pursuant to chapter 1-26.

1 Section 3. That § 36-4-20.2 be amended to read as follows:

2 36-4-20.2. A certificate for locum tenens practice may be issued by the Board of Examiners
3 to an applicant who is a current holder of a valid license to practice medicine or osteopathy in
4 any state or territory of the United States, the District of Columbia, or province of Canada, or
5 who has graduated and received a diploma from an approved medical or osteopathic college and
6 who has completed at least one year of an approved internship or residency program or its
7 equivalent. ~~When~~ If such applicant is not the holder of a currently valid license to practice
8 medicine or osteopathy, as heretofore stated, the board may grant such certificate only after the
9 applicant has satisfactorily passed a special examination for locum tenens certificate
10 administered by the board. To obtain a locum tenens certificate, a petition ~~must~~ shall be
11 presented to the board signed under oath, by a licensed physician practicing in this state and by
12 the applicant requesting a locum tenens certificate which petition shall set forth the reasons why
13 the applicant should be issued a locum tenens certificate. In addition to the petition, the locum
14 tenens applicant ~~must~~ shall complete and submit to the board the application required by § 36-4-
15 19 accompanied by a fee of not to exceed fifty dollars made payable to the secretary of the board
16 and appear personally at the office of the South Dakota State Board of Medical and Osteopathic
17 Examiners or at the office of a member of the board. The application fee provided for in this
18 section shall be set by the board by rule promulgated pursuant to chapter 1-26.

19 Section 4. That § 36-4-20.7 be amended to read as follows:

20 36-4-20.7. The Board of Examiners may issue a resident certificate to an applicant who has
21 satisfied all the requirements for licensure set forth in § 36-4-11, except having successfully
22 completed a program as an intern or resident, and has successfully completed the first year of
23 a residency program. The applicant shall make application for the resident certificate to the
24 board on forms provided by the board. The application shall be accompanied by an application

1 fee ~~of~~ set by the board, by rule promulgated pursuant to chapter 1-26, not to exceed fifty dollars.

2 Section 5. That § 36-4-24.1 be amended to read as follows:

3 36-4-24.1. Each person receiving a license under the provisions of this chapter shall apply,
4 on a form approved by the Board of Medical and Osteopathic Examiners, for a renewal of the
5 license. The renewal shall be issued by the secretary upon payment of a an annual ~~fee to be fixed~~
6 ~~annually~~ set by the board, by rule promulgated pursuant to chapter 1-26, not exceeding the sum
7 of two hundred dollars. The renewal shall be in the form of a receipt acknowledging payment
8 of the required fee and signed by the secretary of the board.

9 Section 6. That § 36-4A-34 be amended to read as follows:

10 36-4A-34. The board shall set, by rules promulgated pursuant to chapter 1-26, and shall
11 collect in advance the following nonrefundable fees from applicants:

- 12 (1) For an initial license, not more than seventy-five dollars;
- 13 (2) For renewal of a license, not more than one hundred dollars;
- 14 (3) For reinstatement of a lapsed license, the current renewal fee plus not more than
15 twenty-five dollars;
- 16 (4) For a temporary license, not more than fifty dollars.

17 Section 7. That § 36-4B-29 be amended to read as follows:

18 36-4B-29. The board shall promulgate rules pursuant to chapter 1-26 to set fees in each of
19 the following categories in an amount which will produce sufficient revenue for the ensuing
20 fiscal year not to exceed one hundred twenty percent of the anticipated expenses of the board
21 for the operation of the advanced life support program by the board for that year.

22 The license fees for all advanced life support personnel shall be as follows:

- 23 (1) Licensure by examination, not less than fifteen dollars nor more than fifty dollars;
- 24 (2) Reexamination within one year, not less than fifteen dollars nor more than fifty

1 dollars;

2 (3) Licensure by reciprocity, not less than twenty-five dollars nor more than seventy-five
3 dollars;

4 (4) Renewal of a license, not less than ten dollars, nor more than twenty-five dollars;

5 (5) Reissuance of a lost or destroyed license, following approval of the board, not more
6 than ten dollars.

7 Section 8. That § 36-4C-13 be amended to read as follows:

8 36-4C-13. The board shall prescribe and publish annual fees ~~annually~~ for the following by
9 promulgating rules pursuant to chapter 1-26:

10 (1) Initial license fee~~s~~, not to exceed seventy-five dollars;

11 (2) Renewal of license fee~~s~~, not to exceed sixty dollars;

12 (3) Late renewal fee~~s~~, not to exceed ninety-five dollars; and

13 (4) Temporary permit fee~~s~~, not to exceed forty dollars.

14 Section 9. That § 36-5-11 be amended to read as follows:

15 36-5-11. The fee for the license shall be set ~~in a~~ by rule, promulgated by the Board of
16 Chiropractic Examiners pursuant to chapter 1-26, and may not exceed three hundred dollars.
17 The fee shall be paid to the secretary-treasurer of the board when the application is submitted.

18 Section 10. That § 36-5-13 be amended to read as follows:

19 36-5-13. Any person licensed to practice chiropractic under the laws of any other state
20 having equivalent requirements of this chapter or licensed by the National Board of Chiropractic
21 Examiners may, in the discretion of the Board of Chiropractic Examiners, be issued a license
22 to practice chiropractic in this state without examination, upon payment of the fee ~~to be set in~~
23 ~~a~~ by rule, promulgated by the board pursuant to chapter 1-26, not to exceed three hundred
24 dollars.

1 Section 11. That § 36-5-14.1 be amended to read as follows:

2 36-5-14.1. Each person receiving a license under the provisions of this chapter shall procure
3 from the secretary-treasurer of the board on or before the thirty-first day of December of each
4 year, a renewal of license. The renewal shall be issued by the secretary-treasurer upon payment
5 of the fee ~~to be fixed in a~~ set by rule, promulgated by the board pursuant to chapter 1-26, not
6 exceeding the sum of three hundred dollars. The renewal license shall be in the form of a receipt
7 acknowledging payment of the required fee and signed by the secretary-treasurer.

8 Section 12. That § 36-6A-50 be amended to read as follows:

9 36-6A-50. The Board of Dentistry shall ~~establish and collect~~ promulgate fees, by rule
10 pursuant to chapter 1-26, provided for in this chapter, within the following limits:

- 11 (1) Examination fee for dentists, not more than three hundred dollars;
- 12 (2) Examination fee for dental hygienists, not more than one hundred fifty dollars;
- 13 (3) Annual registration fee for dentists, not more than two hundred dollars;
- 14 (4) Annual registration fee for dental hygienists, not more than one hundred dollars;
- 15 (5) Duplicate license or duplicate annual registration certificate fee for dentists or dental
16 hygienists, not less than five dollars nor more than fifteen dollars;
- 17 (6) Reinstatement fee, an amount equal to the examination fee;
- 18 (7) Continuing education program annual fee of not more than twenty dollars;
- 19 (8) Registration certificate for satellite offices, not more than ten dollars;
- 20 (9) Temporary registration fee, not more than three hundred fifty dollars;
- 21 (10) Annual registration fee for persons practicing dental radiography, not more than fifty
22 dollars;
- 23 (11) Examination fee for dental radiographers, not more than fifty dollars;
- 24 (12) General anesthesia, parenteral sedation, and nitrous oxide permits, not more than fifty

1 dollars;

2 (13) Initial registration fee for persons practicing dentistry, not more than two hundred
3 dollars;

4 (14) Initial registration fee for persons practicing dental hygiene, not more than two
5 hundred dollars;

6 (15) Initial registration fee for persons practicing expanded duties, not more than fifty
7 dollars;

8 (16) Initial registration fee for persons practicing dental radiography, not more than fifty
9 dollars;

10 (17) Annual registration for persons practicing expanded duties, not more than fifty
11 dollars;

12 (18) Repealed by SL 2003, ch 199, § 1.

13 (19) Endorsement or credentials fee, not more than six hundred dollars.

14 Section 13. That § 36-6A-58 be amended to read as follows:

15 36-6A-58. Every licensed dentist, dental hygienist, or registered dental radiographer upon
16 changing his or her home or place of business shall, within ten days thereafter, furnish the
17 secretary-treasurer of the Board of Dentistry with ~~his~~ the new address. In case of a lost or
18 destroyed license, and upon satisfactory proof of the loss or destruction thereof being furnished
19 to the board, the latter may issue a duplicate license, charging a fee ~~established~~, not to exceed
20 twenty dollars, set by the board by rule promulgated pursuant to chapter 1-26.

21 Section 14. That § 36-7-12 be amended to read as follows:

22 36-7-12. Any person desiring to take an examination to determine his or her qualifications
23 for the practice of optometry ~~must~~ shall file a sworn application with the secretary of the Board
24 of Examiners in Optometry at least thirty days prior to the time set therefor and pay a fee ~~to be~~

1 set ~~in a~~ by rule promulgated pursuant to chapter 1-26 by the Board of Examiners before
2 examination and an additional amount ~~to be set in~~ by rule promulgated pursuant to chapter 1-26
3 by the Board of Examiners upon issuance of certificate. Upon failure to pass ~~his~~ the first
4 examination, the candidate, ~~if he elects,~~ may pay elect to be reexamined upon payment of such
5 additional amount ~~to be,~~ not to exceed one hundred dollars, set ~~in~~ by rule promulgated pursuant
6 to chapter 1-26 by the Board of Examiners and take another examination within fifteen months.

7 Section 15. That § 36-7-13 be amended to read as follows:

8 36-7-13. By way of substitution for the requirements in subdivisions 36-7-11(3), (4), and
9 (5) and in §§ 36-7-12, 36-7-12.1 and 36-7-31, a candidate for licensure in this state may be
10 given a certificate of registration by paying a fee ~~of,~~ not to exceed one hundred seventy-five
11 dollars, upon proof to the Board of Examiners by certified copy of the certificate of registration
12 issued to the candidate by another United States jurisdiction where the requirements for
13 registration are deemed by the South Dakota State Board to be the equivalent to those provided
14 by this chapter if the candidate passes the examination administered by the board required by
15 this chapter or presents satisfactory evidence to the board of having passed substantially similar
16 examinations in another jurisdiction, and the candidate has practiced optometry in the other state
17 for at least five consecutive years immediately prior to the candidate's application for
18 registration in South Dakota. The board may promulgate rules, pursuant to chapter 1-26, to
19 establish standards for licensure through endorsement pursuant to this section, including the
20 level and status of licensure required, the evidence required to establish that the requirements
21 for registration in the jurisdiction in which the candidate is licensed are substantially similar to
22 those required by this chapter, the procedure and contents required for submitting the
23 application, ~~and~~ any additional education, testing, or training necessary to ensure the
24 competency of the candidate, and the fee provided for in this section.

1 Section 16. That § 36-7-15.2 be amended to read as follows:

2 36-7-15.2. Only those optometrists who have satisfactorily completed a curriculum in
3 general and ocular pharmacology at an institution accredited by a regional or professional
4 accreditation organization which is recognized or approved by the council on postsecondary
5 accreditation of the United States Office of Education within the Department of Health and
6 Human Services and approved by the State Board of Examiners in Optometry are eligible to
7 apply for the certificate issued pursuant to § 36-7-15.1. Those practitioners who have established
8 their eligibility pursuant to this section must also pass an examination approved by the board
9 before they may be certified to administer the topical pharmaceutical agents described by § 36-
10 7-1. The State Board of Examiners in Optometry may promulgate rules pursuant to chapter 1-26
11 to establish a fee, not to exceed one hundred dollars, for the examination, reexamination, and
12 certification for the use of topical pharmaceutical agents as provided by this section.

13 Section 17. That § 36-8-11 be amended to read as follows:

14 36-8-11. Any applicant for license as a podiatrist failing any examination ~~shall be~~ is entitled
15 within six months after such refusal to a re-examination upon the payment of an additional fee
16 ~~of, not to exceed ten dollars for such examination, but, The fee shall be set by the board by rule~~
17 promulgated pursuant to chapter 1-26. However, two such re-examinations shall exhaust his the
18 applicant's privilege under the original application.

19 Section 18. That § 36-8-15 be amended to read as follows:

20 36-8-15. The fee for annual renewal of a certificate of a podiatrist ~~shall~~ may not exceed one
21 hundred fifty dollars, ~~to be~~ as set by rule by the Board of Podiatry Examiners pursuant to chapter
22 1-26. All renewal certificates shall remain in full force and effect for one year, unless a different
23 time is fixed by ~~the rules and regulations of~~ rule promulgated pursuant to chapter 1-26 by the
24 Board of Podiatry Examiners.

1 Section 19. That § 36-8-20 be amended to read as follows:

2 36-8-20. Any podiatrist whose license has been suspended or revoked may be reinstated or
3 have a new license issued ~~to him~~, as the case may be, ~~when if~~ in the discretion of the Board of
4 Podiatry Examiners, such action is warranted, ~~provided such~~. However, the podiatrist shall pay
5 all costs of the proceedings resulting in ~~his~~ the suspension or revocation of license and
6 reinstatement or new license and in addition thereto a fee ~~of~~, set by the board, by rule
7 promulgated pursuant to chapter 1-26, not to exceed twenty-five dollars.

8 Section 20. That § 36-9-35 be amended to read as follows:

9 36-9-35. The Board of Nursing shall ~~collect in advance~~ promulgate by rule pursuant to
10 chapter 1-26 the following nonrefundable registered nurse fees which the board shall collect in
11 advance from applicants:

- 12 (1) For initial licensure by examination or endorsement, not more than two hundred
13 dollars, exclusive of any fee which may be required for a nationally administered
14 examination;
- 15 (2) For reexamination, not more than the amount then required for licensure by
16 examination;
- 17 (3) For endorsement to another state, territory, or foreign country, not more than thirty
18 dollars;
- 19 (4) For initial certified registered nurse anesthetist certification, not more than two
20 hundred dollars;
- 21 (5) For issuance of any temporary or limited permit, not more than fifty dollars;
- 22 (6) For biennial renewal of license, not more than one hundred fifty dollars;
- 23 (7) For reinstatement of a lapsed license or certified registered nurse anesthetist
24 certification, the current renewal fee plus not more than one hundred dollars;

- 1 (8) For providing a transcript, not more than five dollars;
- 2 (9) For effecting a name change upon the records of a licensee or certified registered
3 nurse anesthetist certificate holder, not more than twenty dollars;
- 4 (10) For issuing a duplicate license or certified registered nurse anesthetist certificate, not
5 more than thirty dollars;
- 6 (11) For biennial renewal of certified registered nurse anesthetist certification, not more
7 than one hundred fifty dollars;
- 8 (12) For placing a license or certified registered nurse anesthetist certification on inactive
9 status, not more than twenty dollars;
- 10 (13) For issuance of any limited license, not more than thirty dollars.

11 Section 21. That § 36-9-43 be amended to read as follows:

12 36-9-43. The Board of Nursing shall ~~collect in advance~~ promulgate by rule pursuant to
13 chapter 1-26 the following nonrefundable licensed practical nurse fees which the board shall
14 collect in advance from applicants:

- 15 (1) For initial licensure by examination or endorsement, not more than two hundred
16 dollars, exclusive of any fee which may be required for a nationally administered
17 examination;
- 18 (2) For reexamination, not more than the amount then required for licensure by
19 examination;
- 20 (3) For endorsement to another state, territory, or foreign country, not more than thirty
21 dollars;
- 22 (4) For issuance of any temporary or limited permit, not more than fifty dollars;
- 23 (5) For biennial renewal of license, not more than one hundred fifty dollars;
- 24 (6) For reinstatement of a lapsed license, the current renewal fee plus not more than one

1 hundred dollars;

2 (7) For providing a transcript, not more than five dollars;

3 (8) For effecting a name change upon the records of a licensee, not more than twenty
4 dollars;

5 (9) For issuing a duplicate license, not more than thirty dollars;

6 (10) For placing a license on inactive status, not more than twenty dollars.

7 Section 22. That § 36-9A-26 be amended to read as follows:

8 36-9A-26. The boards shall promulgate, by rule pursuant to chapter 1-26, and shall collect
9 in advance the following nonrefundable fees from applicants:

10 (1) For initial licensure or endorsement from another state, not more than two hundred
11 dollars;

12 (2) For biennial renewal of license, not more than one hundred fifty dollars;

13 (3) For reinstatement of a lapsed license, the current renewal fee and not more than one
14 hundred dollars;

15 (4) For providing a transcript, not more than five dollars;

16 (5) For effecting a name change upon the records of the license holder, not more than
17 twenty dollars;

18 (6) For issuance of a duplicate license, not more than thirty dollars;

19 (7) For issuing a temporary permit, not more than fifty dollars;

20 (8) For placing a license on inactive status, not more than twenty dollars;

21 (9) For endorsement to another state, territory, or foreign country, not more than thirty
22 dollars.

23 Section 23. That § 36-9B-4 be amended to read as follows:

24 36-9B-4. A medical assistant seeking registration under this chapter shall complete an

1 application prescribed by the Board of Medical and Osteopathic Examiners and the Board of
2 Nursing. The application shall be submitted to the Board of Medical and Osteopathic
3 Examiners. A registration fee ~~of, not to exceed~~ ten dollars, shall accompany the application and
4 shall be paid to the Board of Medical and Osteopathic Examiners. The fee shall be set by the
5 board by rule promulgated pursuant to chapter 1-26.

6 The registration shall be renewed biennially by payment of a fee ~~of, not to exceed~~ five
7 dollars. The fee shall be set by the board by rule promulgated pursuant to chapter 1-26. A
8 registration not renewed by December thirty-first of the year of expiration lapses.

9 Section 24. That § 36-10-33 be amended to read as follows:

10 36-10-33. Any license issued by the board, pursuant to the provisions of this chapter, expires
11 on the first day of January of the year next succeeding the issuance thereof. A license may be
12 renewed upon the payment of a an annual fee ~~to be fixed annually, in rule, set by the board, by~~
13 rule promulgated pursuant to chapter 1-26, not exceeding the sum of fifty dollars. Failure of a
14 licensee to renew the license on or before the first day of July of each year ~~shall constitute~~
15 constitutes a forfeiture of the license. However, any person who has forfeited a license under
16 this chapter may have the license restored by making written application therefor and by
17 payment of the annual renewal fee for the current year.

18 Section 25. That § 36-11-17 be amended to read as follows:

19 36-11-17. Every person initially applying for a certificate of registration with the Board of
20 Pharmacy as a registered pharmacist shall pay to the board with ~~his~~ the application a fee, not to
21 exceed thirty-five dollars, set by the board by rule promulgated pursuant to chapter 1-26.

22 Section 26. That § 36-11-19 be amended to read as follows:

23 36-11-19. The Board of Pharmacy may in its discretion grant certificates of registration to
24 such persons as shall furnish with their applications satisfactory proof that they have been

1 registered by examination in some other state; provided that such other state required a degree
2 of competency at the time such person was licensed at least equal to that required of licentiates
3 in this state at that same time. The State Board of Pharmacy, in order to be informed, may, in
4 determining the degree of fitness required by the several states' boards of pharmacy for granting
5 license and reciprocal registration, join with other states' boards of pharmacy. Every person
6 applying for registration pursuant to this section shall pay to the board upon application a fee,
7 not to exceed one hundred fifty dollars, set by the board ~~in rule~~ by rule promulgated pursuant
8 to chapter 1-26.

9 Section 27. That § 36-11-32 be amended to read as follows:

10 36-11-32. Upon a form prescribed by the State Board of Pharmacy and the payment of a fee,
11 not to exceed two hundred dollars, set by the Board of Pharmacy in accordance with chapter 1-
12 26, the State Board of Pharmacy shall issue to pharmacists in good standing, registered under
13 the laws of this state, a permit to conduct a pharmacy.

14 Section 28. That § 36-12-12 be amended to read as follows:

15 36-12-12. Any person who is over the age of eighteen years desiring to begin the practice
16 of veterinary medicine or veterinary surgery in the State of South Dakota, shall make application
17 to the Board of Veterinary Medical Examiners for license to do so. Such application shall be
18 made on a form furnished by the board and shall be accompanied by evidence that the applicant
19 has graduated in and received a degree from an accredited or approved college of veterinary
20 medicine or the holder of a current certificate issued by the American veterinary medical
21 association educational commission for foreign veterinary graduates, indicating that the
22 applicant has demonstrated knowledge and skill equivalent to that possessed by a graduate of
23 an accredited or approved college of veterinary medicine. Every person applying to the board
24 for license to practice shall pay to the board a fee ~~of~~ not to exceed one hundred dollars, which

1 shall become a part of the funds of the treasury of the board.

2 The board shall promulgate rules pursuant to chapter 1-26:

3 ~~To~~ to set the application for licensure fee and establish the educational training, reciprocity,
4 discipline, and examination standards for the licensure for the practice of veterinary medicine
5 and veterinary technicians. Application fees for veterinarians may not exceed one hundred
6 dollars and application fees for veterinary technicians may not exceed twenty-five dollars.

7 Section 29. That § 36-12-15 be amended to read as follows:

8 36-12-15. The Board of Veterinary Medical Examiners, without examination, may issue a
9 license to practice veterinary medicine to a citizen of the United States or a resident of South
10 Dakota who has been actively engaged in such profession in some other state, territory, or the
11 District of Columbia, upon the certificate of the proper licensing authority of that state, territory,
12 or the District of Columbia, certifying that the applicant is duly licensed, that his license has
13 never been suspended or revoked, and that in so far as records of that authority are concerned,
14 the applicant is entitled to its endorsement. The state, territory, or District of Columbia from
15 which the applicant comes shall have and maintain standards regulating the profession at least
16 equal to those maintained in the profession in South Dakota. In order that the board may
17 determine such standards, the secretary of the examining board shall gather information from
18 other states bearing on this point. Such license shall only be issued to those filing application
19 with the secretary of the board accompanied by a fee ~~of twenty-five~~ not to exceed one hundred
20 dollars. The fee shall be set by the board by rule promulgated pursuant to chapter 1-26.

21 Section 30. That § 36-12-19 be amended to read as follows:

22 36-12-19. Each person licensed by the Board of Veterinary Medical Examiners to practice
23 veterinary medicine in this state shall procure from the secretary of the board on or before July
24 first, on a biennial basis, a certificate of registration. Such certificate shall be issued by the

1 secretary upon payment of a fee ~~to be fixed annually~~ set by the board, by rule, promulgated
2 pursuant to chapter 1-26, not exceeding to exceed the sum of two hundred dollars. No licensed
3 person applying for a certificate of registration after July first may be issued a certificate without
4 paying a late fee not to exceed one hundred dollars.

5 Section 31. That § 36-12-21.3 be amended to read as follows:

6 36-12-21.3. An application for registry of a veterinary technician shall be filed with the
7 board by the licensed veterinarian under whom the technician will practice. The application for
8 registry shall set out the qualifications of the technician required by the rules of the board and
9 the application shall be on forms provided by the board. The fee for registration of a veterinary
10 technician ~~is ten~~ shall be set by the board by rules promulgated pursuant to chapter 1-26 and
11 may not exceed fifty dollars and the. The fee shall accompany the application.

12 Section 32. That § 36-12-21.5 be amended to read as follows:

13 36-12-21.5. The registration certificate of a veterinary technician shall be renewed each year
14 by procuring a renewal certificate from the board on or before the first day of July of each year.
15 The fee for renewal of the certificate shall be ~~fixed annually~~ set by the board, by rule,
16 promulgated pursuant to chapter 1-26, and may not exceed the sum of ~~five~~ fifty dollars. Failure
17 to renew a certificate on or before July first of each year constitutes a forfeiture of the
18 registration certificate.

19 Section 33. That § 36-14-24 be amended to read as follows:

20 36-14-24. The fee to be paid by an applicant for an examination to determine the applicant's
21 fitness to receive a certificate of registration to practice barbering is may not exceed one
22 hundred dollars and for the issuance of the certificate, may not exceed fifty dollars; by an
23 applicant for an examination to determine the applicant's fitness to receive a certificate of
24 registration to practice as an apprentice, may not exceed one hundred dollars, and for the

1 issuance of the certificate, may not exceed fifty dollars. ~~The following~~ All fees shall be set by
2 the board by ~~rule~~ rules promulgated pursuant to chapter 1-26. For the annual renewal of a
3 certificate of registration to practice barbering, no more than eighty dollars, and for the
4 restoration of an expired certificate, no more than twenty dollars, plus no more than fifteen
5 dollars penalty for each expired year; for the annual renewal of a certificate of registration to
6 practice as an apprentice, no more than fifty dollars, and for the restoration of an expired
7 certificate, no more than twenty dollars, plus no more than fifteen dollars penalty for each
8 expired year. The fee to be paid for a permit to operate a barber school or college shall be set
9 by rule promulgated pursuant to chapter 1-26 and may not be more than one hundred fifty
10 dollars annually.

11 Section 34. That § 36-14-28 be amended to read as follows:

12 36-14-28. No shop license may be issued to any person for any new shop wanting to
13 commence operation, or for any shop changing hands, or changing location, until the shop has
14 passed an inspection of the premises and equipment. The inspection shall be made by the Board
15 of Barber Examiners pursuant to the rules promulgated by the board pursuant to chapter 1-26.
16 The fee for the original inspection ~~which is~~ may not exceed one hundred twenty-five dollars, as
17 established by the board by rule promulgated pursuant to chapter 1-26, and shall be submitted
18 along with the application for license and license fee.

19 Section 35. That § 36-19-17 be amended to read as follows:

20 36-19-17. Every funeral director who, on July 1, 1963, held a license which had been duly
21 issued under the laws of this state, is entitled to have his license renewed annually upon payment
22 of renewal fees of not to exceed fifty dollars ~~to be fixed~~ set by the State Board of Funeral
23 Service, by rule promulgated pursuant to chapter 1-26.

24 Section 36. That § 36-19-18 be amended to read as follows:

1 36-19-18. The State Board of Funeral Service shall provide for registration of trainees for
2 license to practice funeral service. Trainees shall at all times remain registered with the board;
3 and shall pay an initial registration fee not to exceed twenty-five dollars set by the State Board
4 of Funeral Service, by rule promulgated pursuant to chapter 1-26.

5 Section 37. That § 36-19-25 be amended to read as follows:

6 36-19-25. A license to practice funeral service shall be issued and is renewable annually
7 upon payment of a fee not to exceed one hundred twenty-five dollars ~~to be fixed~~ set by the State
8 Board of Funeral Service, by rule promulgated pursuant to chapter 1-26.

9 Section 38. That § 36-19-27 be amended to read as follows:

10 36-19-27. An application for a license to operate a funeral establishment shall be submitted
11 for each location and shall be in writing on a form provided by the State Board of Funeral
12 Service and shall be accompanied by a fee not to exceed two hundred fifty dollars set by the
13 State Board of Funeral Service, by rule promulgated pursuant to chapter 1-26. A license to
14 operate a funeral establishment may be granted upon approval and recommendation by the state
15 board.

16 The application shall state the name of the individual who is duly licensed as either a funeral
17 director or in funeral service and who shall be in charge and responsible for all transactions
18 conducted and services performed.

19 Section 39. That § 36-19-37 be amended to read as follows:

20 36-19-37. All licenses issued under the provisions of this chapter ~~shall be~~ are valid only until
21 the following thirty-first day of December.

22 If a licensee desires a renewal of such license, the State Board of Funeral Service shall grant
23 it, except for cause in compliance with chapter 1-26. All applications for renewal shall be made
24 within thirty days prior to the expiration of the license and shall be accompanied by a renewal

1 fee not to exceed two hundred fifty dollars, ~~to be fixed set~~ by the board, by rule promulgated
2 pursuant to chapter 1-26.

3 Section 40. That § 36-20B-12 be amended to read as follows:

4 36-20B-12. The board may promulgate rules, pursuant to chapter 1-26, governing its
5 administration and enforcement of this chapter and the conduct of licensees, including:

- 6 (1) Rules governing the board's meetings and the conduct of its business;
- 7 (2) Rules of procedure governing the conduct of investigations and hearings by the
8 board;
- 9 (3) Rules specifying the fees, educational and experience qualifications required for the
10 issuance of certificates, the date for renewal of firm permits and certificates, and the
11 continuing professional education required for renewal of certificates. The fee for
12 issuance of a certificate may not exceed fifty dollars;
- 13 (4) Rules of professional conduct to control the quality and integrity of the practice of
14 public accountancy by licensees, covering such areas as independence, integrity, and
15 objectivity; competence and technical and professional standards; responsibilities to
16 the public; and responsibilities to clients;
- 17 (5) Rules governing the manner and circumstances of use by holders of certificates who
18 do not practice public accountancy, as defined under this chapter, of the titles
19 certified public accountant and CPA;
- 20 (6) Rules specifying procedures and fees, not to exceed fifty dollars, for registration of
21 certificate holders who do not practice public accountancy, as defined under this
22 chapter;
- 23 (7) Rules governing the manner and circumstances of use by holders of licenses issued
24 under prior law who do not practice public accountancy, as defined under this

- 1 chapter, of the titles public accountant and PA;
- 2 (8) Rules specifying procedures and fees, not to exceed fifty dollars, for registration of
- 3 license holders who do not practice public accountancy, as defined under this
- 4 chapter;
- 5 (9) Rules regarding peer review pursuant to this chapter;
- 6 (10) Rules specifying peer review administrative fees, not to exceed one hundred twenty-
- 7 five dollars;
- 8 (11) Rules specifying procedures and fees, not to exceed fifty dollars for required peer
- 9 review documentation not filed in a timely manner;
- 10 (12) Rules specifying fees for examination and reexamination, not to exceed three
- 11 hundred fifty dollars per examination section, and issuance of a certificate, not to
- 12 exceed fifty dollars;
- 13 (13) Rules specifying procedures and fees, not to exceed fifty dollars, for proctoring
- 14 applicants from another jurisdiction;
- 15 (14) Rules specifying the procedures and fees, not to exceed sixty-five dollars for each
- 16 person holding a certificate to practice, plus fifty dollars for each firm office
- 17 practicing public accountancy in this state, for initial issuance or renewal of a firm
- 18 permit;
- 19 (15) Rules governing the application and fees for a modification of a disciplinary action,
- 20 not to exceed one thousand dollars, or reissue of a certificate, not to exceed one
- 21 hundred dollars, or firm permit, not to exceed sixty-five dollars for each person
- 22 holding a certificate to practice, plus one hundred dollars for each firm office
- 23 practicing public accountancy in this state;
- 24 (16) Rules governing the methods, eligibility, and requirements for applying for

- 1 examination and reexamination;
- 2 (17) Rules specifying procedures and fees for renewal of certificates, not to exceed one
3 hundred dollars, and firm permits, not to exceed sixty-five dollars for each person
4 holding a certificate to practice, plus one hundred dollars for each firm office
5 practicing public accountancy in this state not filed in a timely manner;
- 6 (18) Rules specifying procedures and fees, not to exceed twenty-five dollars, for
7 replacement of a certificate or permit;
- 8 (19) Rules specifying methods and requirements for conducting the examination;
- 9 (20) Rules specifying methods, eligibility, and requirements of applying for a certificate;
- 10 (21) Rules specifying procedures and fees for issuance of certificates, not to exceed one
11 hundred dollars, and firm permits, not to exceed sixty-five dollars for each person
12 holding a certificate to practice, plus one hundred dollars for each firm office
13 practicing public accountancy in this state, not filed within the required period of
14 time;
- 15 (22) Rules defining active and inactive status of both certificate and PA license holders
16 who are not practicing public accountancy; and
- 17 (23) Rules specifying procedures and fees, not to exceed one hundred dollars, on
18 substantial equivalency.

19 Section 41. That § 36-20B-17 be amended to read as follows:

20 36-20B-17. The board may charge, or provide for a third-party administering the
21 examination to charge, each applicant a fee, in an amount, not to exceed three hundred fifty
22 dollars, prescribed by the board, by rule promulgated pursuant to chapter 1-26, for each section
23 of the examination or reexamination taken by the applicant.

24 Section 42. That § 36-20B-28 be amended to read as follows:

1 36-20B-28. The board shall charge a fee for each application for initial issuance or renewal
2 of a certificate under this chapter in an amount, not to exceed one hundred dollars, prescribed
3 by the board, by rule promulgated pursuant to chapter 1-26.

4 Section 43. That § 36-20B-37 be amended to read as follows:

5 36-20B-37. The board shall charge a fee for each application for initial issuance or renewal
6 of a permit in an amount, not to exceed sixty-five dollars for each person holding a certificate
7 to practice, plus fifty dollars for each firm office practicing public accountancy in this state,
8 prescribed by the board, by rule promulgated pursuant to chapter 1-26.

9 Section 44. That § 36-20B-67 be amended to read as follows:

10 36-20B-67. ~~An~~ Any individual whose principal place of business is not in this state having
11 a valid certificate or license as a certified public accountant from any state which the board ~~or~~
12 ~~its designee~~ has not verified to be in substantial equivalence with the licensure requirements of
13 this chapter shall be presumed to have qualifications substantially equivalent to this state's
14 requirements and shall have all the privileges of certificate holders and licensees of this state
15 without the need to obtain a certificate or permit under this chapter. However, such individuals
16 shall notify the board of their intent to enter the state under this provision completing procedures
17 and paying fees, not to exceed one hundred fifteen dollars, specified by the board and
18 promulgated by rule pursuant to chapter 1-26.

19 Section 45. That § 36-21A-38 be amended to read as follows:

20 36-21A-38. No license may be granted to a corporation, limited liability company,
21 partnership or association, unless the corporation, limited liability company, partnership or
22 association designates one or more qualifying brokers who own a substantial interest in and
23 represent the corporation, partnership or association. The qualifying broker shall sign the
24 application for the license. Upon the termination of a qualifying broker's affiliation with the

1 firm, the firm shall name one or more new qualifying brokers and notify the commission in
2 writing. The application fee for a firm license shall be set out by rule promulgated by the
3 commission pursuant to chapter 1-26 and may not exceed one hundred dollars.

4 Section 46. That § 36-21A-60 be amended to read as follows:

5 36-21A-60. Fees include the following:

- 6 (1) Certificate of licensee, a fee ~~of~~ not to exceed fifteen dollars;
- 7 (2) For each additional office or place of business, a biennial fee ~~of~~ not to exceed thirty
8 dollars;
- 9 (3) For each change of office or place of business, a fee ~~of~~ not to exceed fifteen dollars;
- 10 (4) For each statement of registration of change of association, a fee ~~of~~ not to exceed
11 fifteen dollars; and
- 12 (5) For each duplicate license, if the original license is lost or destroyed and affidavit
13 made thereof, a fee ~~of~~ not to exceed fifteen dollars.

14 Fees shall be set by the commission by rules promulgated pursuant to chapter 1-26.

15 Section 47. That § 36-21A-61 be amended to read as follows:

16 36-21A-61. A person or firm licensed either actively or inactive under this chapter shall
17 register every two years with the commission and pay a fee set by rule promulgated by the
18 commission pursuant to chapter 1-26 not to exceed two hundred dollars. The application for
19 renewal of a license shall be made to the commission by November thirtieth of the year the
20 current license expires. Failure of a person to register results in cancellation of the license on
21 December thirty-first. The license may be reinstated by filing a new application and requalifying
22 as provided by this chapter.

23 Section 48. That § 36-21A-66 be amended to read as follows:

24 36-21A-66. A licensee who fails to file an application and fee for biennial registration may

1 suspend the cancellation of ~~his~~ the license by filing a late registration application and a fee in
2 ~~the~~ an amount of not to exceed twenty dollars for each month or fraction of a month that has
3 passed since November thirtieth. The fee shall be set by the commission by rule promulgated
4 pursuant to chapter 1-26. However, no late application may be accepted by the commission after
5 June thirtieth.

6 Section 49. That § 36-24-21.1 be amended to read as follows:

7 36-24-21.1. The board shall issue a license to any applicant who meets the requirements of
8 this section and pays the application fee set by the board, by rule promulgated pursuant to
9 chapter 1-26, not to exceed three hundred fifty dollars.

10 Section 50. That § 36-24-24.3 be amended to read as follows:

11 36-24-24.3. The board shall issue a provisional audiology license to ~~an~~ any applicant who:

- 12 (1) Except for the postgraduate professional experience, meets the academic, practicum,
13 and examination requirements of this chapter;
- 14 (2) Applies to the board on a form prescribed by the board, with a plan for the content
15 of the postgraduate professional experience; and
- 16 (3) Pays to the board the application fee for a provisional license not to exceed one
17 hundred fifty dollars set by the board by rule promulgated pursuant to chapter 1-26.

18 A person holding a provisional audiology license is authorized to practice audiology only
19 while working under the supervision of a licensed audiologist under the provisions of this
20 chapter. The term for provisional audiology licenses and the conditions for renewal shall be
21 determined by the board by rules promulgated pursuant to chapter 1-26.

22 Section 51. That § 36-24-25.1 be amended to read as follows:

23 36-24-25.1. Pending board approval, the board may issue a hearing aid dispensing license
24 or audiology license to an applicant holding a valid license from another state in the applicant's

1 respective professional area who:

- 2 (1) Applies to the board on a form prescribed by the board;
- 3 (2) Pays to the board the application fee not to exceed three hundred fifty dollars set by
- 4 the board by rule promulgated pursuant to chapter 1-26;
- 5 (3) Shows proof of current valid professional licensure;
- 6 (4) Holds a license from a state with equivalent licensure standards; and
- 7 (5) Is practicing audiology or hearing aid dispensing in the state in which the license was
- 8 issued.

9 Section 52. That § 36-24-28.1 be amended to read as follows:

10 36-24-28.1. A license or provisional license issued under this chapter expires annually at a

11 time specified by rules promulgated by the board pursuant to chapter 1-26. A person licensed

12 under this chapter shall:

- 13 (1) Pay a renewal license fee established by the board, by rule promulgated pursuant to
- 14 chapter 1-26, not to exceed three hundred fifty dollars;
- 15 (2) Submit an application for renewal on a form prescribed by the board; and
- 16 (3) Meet the continuing education requirements established by the board.

17 Licensees are granted a grace period of thirty days beyond the expiration date of the license

18 to renew retroactively as long as licensees are otherwise eligible and pay to the board the

19 renewal fee ~~not to exceed three hundred fifty dollars~~ and any late fee not to exceed one hundred

20 dollars set by the board, by rule promulgated pursuant to chapter 1-26.

21 Section 53. That § 36-24-29.1 be amended to read as follows:

22 36-24-29.1. A licensee who fails to renew by the end of the thirty-day grace period may have

23 the license reinstated if:

- 24 (1) The person submits an application for reinstatement to the board within three years

1 after the expiration date of the license;

2 (2) The person meets the requirements established by the board as conditions for license
3 renewal; and

4 (3) The person pays to the board a reinstatement fee that equals the renewal fee ~~not to~~
5 ~~exceed three hundred fifty dollars~~ in effect on the last regular renewal date
6 immediately preceding the date of reinstatement, plus any late fee not to exceed one
7 hundred dollars set by the board, by rule promulgated pursuant to chapter 1-26.

8 Any person who fails to renew a license within three years from the expiration date may not
9 have the license reinstated. The person may apply for and obtain a new license on conditions
10 of the requirements of this chapter and pay to the board the appropriate fees.

11 Section 54. That § 36-24-29.2 be amended to read as follows:

12 36-24-29.2. A suspended license is subject to expiration and may be renewed as provided
13 in this chapter, but such renewal does not entitle the licensee, while the license remains
14 suspended and until it the license is reinstated, to engage in the licensed activity or in any other
15 conduct or activity in violation of the order of judgment by which the license was suspended.

16 A license revoked on disciplinary grounds is subject to expiration as provided in this
17 chapter, ~~but it~~ and the license may not be renewed. If such license is reinstated after its
18 expiration, the licensee, as a condition of reinstatement, shall pay a reinstatement fee ~~that shall~~
19 equal to the renewal fee ~~not to exceed three hundred fifty dollars~~ in effect on the last regular
20 renewal date immediately preceding the date of reinstatement, plus any late fee not to exceed
21 one hundred dollars set by the board, by rule promulgated pursuant to chapter 1-26.

22 Section 55. That § 36-24-46 be amended to read as follows:

23 36-24-46. The board may promulgate rules pursuant to chapter 1-26 to establish application
24 fees, license fees, provisional license fees, renewal fees, penalty fees, reciprocity fees, and late

1 fees. All fees provided under this chapter are nonrefundable. No fee may exceed three hundred
2 fifty dollars.

3 The board may also promulgate rules pursuant to chapter 1-26 for the qualification of
4 applicants, issuance and renewal of licenses, and requirements for continuing education.

5 Section 56. That § 36-25-19 be amended to read as follows:

6 36-25-19. Application for a plumber's permit shall be made to the commission, accompanied
7 by the proper fee. Unless the applicant is entitled to a renewal he shall be registered by the
8 commission only after satisfactorily passing an examination showing fitness to practice his
9 trade. Examinations may be held in conjunction with any quarterly meeting of the commission.

10 The commission may promulgate rules, pursuant to chapter 1-26, to establish reexamination
11 fees for: plumbing contractor, plumber, water conditioning and treatment plumbing contractor,
12 water conditioning and treatment plumbing installer, appliance plumbing contractor, appliance
13 plumbing installer, sewer and water plumbing contractor, sewer and water plumbing apprentice
14 installer, manufactured and mobile home contractor, manufactured and mobile home installer,
15 manufactured and mobile home apprentice, underground irrigation contractor, underground
16 irrigation installer and underground irrigation installer apprentice. No fee may exceed one
17 hundred dollars.

18 Section 57. That § 36-25-19.1 be amended to read as follows:

19 36-25-19.1. The commission shall collect a plumbing permit fee from any person
20 responsible for the installation of plumbing work. The plumbing inspection fee shall include the
21 fee for a plumbing installation certificate, plus the appropriate fees for the plumbing fixtures to
22 be inspected. The maximum fee for permits in a single-family dwelling unit is fifty dollars. The
23 maximum fee for permits in a multiple-dwelling unit or public building is two hundred dollars.
24 The commission shall establish by rule ~~adopted~~ promulgated pursuant to chapter 1-26 the fee

1 for the plumbing installation certificate and the fees for inspections of plumbing fixtures.

2 Section 58. That § 36-25-22 be amended to read as follows:

3 36-25-22. The commission shall register and issue a permit to applicants who have
4 successfully qualified for such permit under the provisions of this chapter and upon payment
5 of the fee herein provided. Permits shall expire December thirty-first of each year, but may be
6 renewed upon application made not later than the following January thirty-first.

7 The commission shall promulgate rules, pursuant to chapter 1-26, to establish the renewal
8 of license fees for: plumbing contractor, plumber, water conditioning plumbing installer
9 apprentice, water conditioning and treatment plumbing contractor, water conditioning plumbing
10 installer, appliance installation plumbing contractor, appliance plumbing installer, appliance
11 plumbing installer apprentice, sewer and water installation plumbing contractor, sewer and
12 water plumbing installer, sewer and water plumbing installer apprentice, manufactured and
13 mobile home contractor, manufactured and mobile home installer, manufactured and mobile
14 home apprentice, underground irrigation contractor, underground irrigation installer and
15 underground irrigation installer apprentice. No fee may exceed two hundred fifty dollars.

16 Section 59. That 36-25-22.1 be amended to read as follows:

17 36-25-22.1. Any person who, before June 30, 1994, furnishes satisfactory evidence to the
18 commission that ~~he~~ the person was engaged in business as an underground irrigation contractor
19 or an underground irrigation installer between January 1, 1993, and July 1, 1993, in this state
20 shall be registered without examination, upon payment of ~~fees as a fee, not to exceed one~~
21 hundred fifty dollars, established by the commission by rules ~~adopted~~ promulgated pursuant to
22 chapter 1-26.

23 Section 60. That § 36-25-24 be amended to read as follows:

24 36-25-24. Fees for permits for plumbing contractors and plumbers shall be promulgated in

1 rules by the commission, which fees shall be payable prior to taking the examination for the first
2 time.

3 There ~~shall be~~ is no fee for a plumber's apprentice ~~provided if~~ such person ~~shall be~~ is
4 actively engaged in the trade of an apprentice plumber as defined in this chapter, but no person
5 is entitled to such permit for longer than four years.

6 The fee for a temporary permit shall be as determined by the commission. The commission
7 shall promulgate rules, pursuant to chapter 1-26, to establish initial examination and license fees
8 and temporary license fees for: plumbing contractor, plumber, water conditioning and treatment
9 plumbing contractor, water conditioning plumbing installer, appliance installation plumbing
10 contractor, appliance plumbing installer, sewer and water plumbing contractor, sewer and water
11 plumbing installer, manufactured and mobile home contractor, manufactured and mobile home
12 installer, manufactured and mobile home apprentice, underground irrigation contractor,
13 underground irrigation installer and underground irrigation installer apprentice. No fee may
14 exceed one hundred dollars.

15 Section 61. That § 36-26-19 be amended to read as follows:

16 36-26-19. The fees to be paid by an applicant to determine fitness to receive a license to
17 practice social work shall be set by the board.

18 The fees shall be set in rules promulgated pursuant to chapter 1-26 in the following areas:
19 for a biennial application, for reciprocity without examination, for the biennial renewal of a
20 license, for examination or reexamination, for a temporary license, for a duplicate license, and
21 for a late fee assessed after a license forfeiture. No fee may exceed three hundred dollars.

22 Section 62. That § 36-27A-19 be amended to read as follows:

23 36-27A-19. The application fee for a license to practice psychology shall be set by the Board
24 of Examiners of Psychologists in rules ~~adopted~~ promulgated pursuant to chapter 1-26. The fee

1 may not exceed three hundred dollars. The application fee includes the oral examination
2 required by this chapter. The applicant shall pay fees for the written national examination and
3 any reexamination directly to the national examination company.

4 Section 63. That § 36-27A-20 be amended to read as follows:

5 36-27A-20. An applicant who fails to pass the oral examination required by this chapter is
6 entitled to reexamination within six months upon payment of an additional fee, not to exceed
7 two hundred dollars, to be set by the Board of Examiners of Psychologists in rules ~~adopted~~
8 promulgated pursuant to chapter 1-26. One reexamination exhausts the privilege under the
9 original application. An applicant who fails to pass the written examination required by this
10 chapter is entitled to reexamination within six months upon payment of an additional fee
11 directly to the national examination company. One reexamination exhausts the privilege under
12 the original application.

13 Section 64. That § 36-27A-22.1 be amended to read as follows:

14 36-27A-22.1. After an applicant passes the oral and written examinations, ~~he~~ the applicant
15 shall pay a fee for initial licensure set by the Board of Examiners of Psychologists in rules
16 ~~adopted~~ promulgated pursuant to chapter 1-26, not to exceed three hundred fifty dollars.

17 Section 65. That § 36-27A-24 be amended to read as follows:

18 36-27A-24. The license shall be renewed annually by payment of a fee, not to exceed three
19 hundred fifty dollars, to be set by the Board of Examiners of Psychologists in rules ~~adopted~~
20 promulgated pursuant to chapter 1-26. The failure of a licensee to renew ~~his~~ the license by the
21 first day of July each year constitutes a forfeiture. However, a person who forfeits his license
22 may have it restored by making written application and payment of the required renewal fee
23 prior to the first day of January of the next year, following notification from the board.

24 Section 66. That § 36-27A-29.1 be amended to read as follows:

1 36-27A-29.1. If payment of costs incurred in carrying out a license revocation or other
2 disciplinary action prevents the Board of Examiners of Psychologists from meeting its other
3 financial obligations, the board, upon the approval of a majority of its members, may assess each
4 licensee a special fee to make up the deficit. The Board of Examiners of Psychologists shall set
5 the special fee, not to exceed three hundred dollars a year, in rules ~~adopted~~ promulgated
6 pursuant to chapter 1-26. If the special fee is assessed, a licensee is ineligible to renew ~~his~~ the
7 license until ~~he pays~~ the payment of the fee.

8 Section 67. That § 36-28-15 be amended to read as follows:

9 36-28-15. Any person applying to be licensed as a nursing facility administrator shall pay
10 an initial license fee in an amount set ~~in a~~ by rule promulgated by the board pursuant to chapter
11 1-26, which may not exceed one hundred fifty dollars. The initial license fee shall be prorated
12 to the next biennial renewal date according to rule promulgated by the board pursuant to chapter
13 1-26.

14 Section 68. That § 36-28-18 be amended to read as follows:

15 36-28-18. A nursing facility administrator's license expires on December thirty-first
16 biennially and is renewable biennially thereafter upon application to the board and payment of
17 a biennial license fee set ~~in a~~ by rule promulgated by the board pursuant to chapter 1-26. The
18 fee may not exceed one hundred fifty dollars.

19 Section 69. That § 36-28-18.1 be amended to read as follows:

20 36-28-18.1. The board may issue duplicate licenses ~~of biennial renewal~~ and may ~~adopt~~
21 promulgate rules and set fees ~~therefore~~, which may not exceed fifty dollars, ~~in compliance with~~
22 pursuant to chapter 1-26.

23 Section 70. That § 36-29-11 be amended to read as follows:

24 36-29-11. Any license issued by the Board of Medical and Osteopathic Examiners shall

1 expire on the first day of July of the first year following its issuance. A license may be renewed
2 every year upon the payment of a fee ~~to be fixed set~~ set by the board, by rule promulgated pursuant
3 to chapter 1-26. The fee may not exceed fifty dollars.

4 Section 71. That § 36-31-12 be amended to read as follows:

5 36-31-12. The board shall prescribe and ~~publish~~ promulgate the following fees for the
6 ~~following~~ by rule pursuant to chapter 1-26:

- 7 (1) Initial license fee;
- 8 (2) Renewal of license fee;
- 9 (3) Late renewal fee; and
- 10 (4) Limited permit fee.

11 These fees shall be sufficient to cover the activities and responsibilities of the board but ~~shall~~
12 may not exceed the sum of fifty dollars.

13 Section 72. That § 36-32-19 be amended to read as follows:

14 36-32-19. Any applicant failing to pass the examination provided by this chapter ~~shall be~~
15 is entitled within six months to a reexamination upon payment of an additional fee, not to
16 exceed one hundred dollars, to be promulgated by the board pursuant to chapter 1-26, ~~but,~~
17 However, two such reexaminations shall exhaust the privilege under the original application.

18 Section 73. That § 36-32-19.1 be amended to read as follows:

19 36-32-19.1. ~~An~~ Any applicant failing to pass the examination required for licensed
20 professional counselor-mental health is entitled to a reexamination within six months upon
21 payment of an additional fee, not to exceed one hundred dollars, to be promulgated by the board
22 pursuant to chapter 1-26. However, two such reexaminations exhaust the privilege under the
23 original application.

24 Section 74. That § 36-32-20 be amended to read as follows:

1 36-32-20. Any license issued by the board requires renewal by the last day of December of
2 each year in the manner and upon the payment of a fee, not to exceed one hundred dollars,
3 established by the board by rules promulgated pursuant to chapter 1-26. Any licensee failing to
4 renew a license prior to January first may be required to pay a late fee, not to exceed one
5 hundred dollars, as prescribed in rules promulgated by the board. Any license not renewed by
6 July first is inactive.

7 Section 75. That § 36-32-26 be amended to read as follows:

8 36-32-26. The board may promulgate rules pursuant to chapter 1-26 to set standards for
9 professional practice and establish procedures and fees for applications, licensure, license
10 renewal, reciprocal license, duplicate license, eligibility, continuing education, supervision,
11 examination for licensed professional counselors and licensed professional counselors--mental
12 health.

13 Section 76. That § 36-33-9 be amended to read as follows:

14 36-33-9. An applicant for a license as a licensed marriage and family therapist shall file an
15 application with the board on a form, in the manner, and along with an application fee, not to
16 exceed one hundred dollars, established by the board in rules promulgated pursuant to chapter
17 1-26. The board shall issue a license as a marriage and family therapist to an applicant who pays
18 the license fee and furnishes the board with satisfactory evidence that:

- 19 (1) The applicant is at least twenty-one years of age;
- 20 (2) The applicant is of good moral character;
- 21 (3) The applicant has received a master's or doctoral degree which consists of at least
22 forty-eight semester credit hours in marriage and family therapy from a program
23 accredited by the Commission on Accreditation for Marriage and Family Therapy
24 Education, or a program with specialty training in marriage and family counseling or

1 therapy which is accredited by the Council for Accreditation of Counseling and
2 Related Educational Programs, or a graduate degree from a regionally accredited
3 educational institution and an equivalent course of study as approved by the board
4 which meets the standards of the American Association for Marriage and Family
5 Therapy. The course of study shall include:

6 (a) Marriage and family studies (3 course, 9 semester credit minimum):

7 Introductory systems theory, family development, family systems (marital,
8 sibling, individual subsystems), special family issues, gender and cultural
9 issues, all with major focus from a systems theory orientation;

10 (b) Marriage and family therapy (3 course, 9 semester credit minimum):

11 Advanced systems theory and interventions, major systemic marriage and
12 family treatment approaches, (structural, strategic, neoanalytic (object
13 relations), behavioral marriage and family therapy, communications, sex
14 therapy, etc.);

15 (c) Human development (3 course, 9 semester credit minimum): At least one

16 course in psychopathology-abnormal behavior is required and at least one
17 course in assessment is required. The third course may be selected from
18 human development (normal and abnormal), personality theory, or human
19 sexuality;

20 (d) Professional studies (1 course, 3 semester credit minimum): Professional

21 ethics as a therapist including legal and ethical responsibilities and liabilities,
22 family law, etc;

23 (e) Research (1 course, 3 semester credit minimum): Research course in marriage

24 and family studies and therapy including research design, methodology,

1 statistics;

2 (f) Practicum (supervised clinical practice), one year minimum during graduate
3 work: Fifteen hours per week, approximately 8 to 10 hours in direct clinical
4 contact with individuals, couples, and families. Minimum of three hundred
5 client contact hours required;

6 (4) The applicant has successfully completed (a) at least two years of supervised
7 professional work experience in marriage and family therapy following receipt of the
8 first qualifying graduate degree and the practicum required as part of the course of
9 study, and (b) at least two hundred hours of supervision of one thousand seven
10 hundred hours of marriage and family therapy conducted in face-to-face contact with
11 individuals, couples, and families including supervision in the diagnosis of individual
12 pathology. Only supervised clinical contact may be credited for this requirement. At
13 least one hundred of the two hundred hours of supervision must be individual
14 supervision. The supervisor shall be a licensed marriage and family therapist or the
15 equivalent as determined by the board pursuant to chapter 1-26; and

16 (5) The applicant passes a written or oral examination, or both, as the board may
17 prescribe by rules promulgated pursuant to chapter 1-26.

18 Section 77. That § 36-35-17 be amended to read as follows:

19 36-35-17. Any applicant for a license under this chapter shall submit a nonrefundable
20 application fee ~~of~~ not to exceed one hundred dollars. Any person who has a license issued or
21 renewed by the board shall submit a license fee in an amount ~~set by the board, but~~ not to exceed
22 sixty-five dollars. Fees shall be set by the board by rule promulgated pursuant to chapter 1-26.

23 Section 78. That § 36-35-18 be amended to read as follows:

24 36-35-18. Any person holding a valid license under this chapter may obtain a certified

- 1 duplicate license by submitting a fee of to be set by the board by rule promulgated pursuant to
- 2 chapter 1-26, not to exceed twenty-five dollars for each certified duplicate.

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

790P0304

SENATE GOVERNMENT OPERATIONS AND AUDIT

ENGROSSED NO. **HB 1109** - 2/4/2008

Introduced by: The Committee on Government Operations and Audit at the request of the
Interim Committee on Government Operations and Audit

1 FOR AN ACT ENTITLED, An Act to repeal the state lottery investigation fund.

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

3 Section 1. That § 42-7A-25 be amended to read as follows:

4 42-7A-25. The executive director may employ and direct investigative personnel to conduct
5 administrative investigations pursuant to licensing and enforcement of rules. The executive
6 director shall contract with the attorney general for necessary security and law enforcement
7 services in conducting background investigations. ~~The executive director may not employ or~~
8 ~~direct investigative personnel except for those activities authorized pursuant to this section. The~~
9 ~~attorney general shall hire and direct investigative personnel to ensure the security and integrity~~
10 ~~of the state lottery. The state treasurer shall transfer funds sufficient to pay the salaries, benefits,~~
11 ~~and expenses of investigative personnel hired by the attorney general pursuant to this section~~
12 ~~from the lottery operating fund to the state lottery investigation fund which is hereby created~~
13 ~~within the Office of the Attorney General.~~



State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

660P0130

HOUSE STATE AFFAIRS

ENGROSSED NO. **HB 1245** - 2/4/2008

Introduced by: Representatives Hargens, Burg, Cutler, Deadrick, Dykstra, Faehn, Feinstein, Gillespie, Gilson, Hackl, Halverson, Heineman, Jerke, Juhnke, Krebs, Moore, Noem, Novstrup (Al), Olson (Russell), Peters, Pitts, Rave, Tidemann, Vanneman, and Willadsen and Senators Hansen (Tom), Albers, Bartling, Dempster, Greenfield, Heidepriem, Hoerth, Hundstad, Hunhoff, Nesselhuf, Olson (Ed), Peterson (Jim), Sutton, and Turbak Berry

1 FOR AN ACT ENTITLED, An Act to clarify certain purposes and characteristics of water
2 development districts, to revise the boundaries of the Central Plains, East Dakota,
3 Vermillion Basin, James River, and South Central water development districts, and to revise
4 provisions related to the board of directors in the affected districts.

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

6 Section 1. That § 46A-3A-2 be amended to read as follows:

7 46A-3A-2. The Central Plains Water Development District is hereby established. The
8 Central Plains Water Development District includes all of ~~Faulk, Hand, Hughes, Hyde, Potter,~~
9 ~~and Sully counties and all municipalities that lie wholly or partially within the included area or~~
10 ~~that are contiguous to the included area~~ Campbell, Walworth, Potter, Sully, Hughes, and Hyde
11 counties.

12 Section 2. That § 46A-3A-3 be amended to read as follows:



1 46A-3A-3. The East Dakota Water Development District is hereby established. The East
2 Dakota Water Development District includes all of ~~Minnehaha, Moody, Lake, Kingsbury,~~
3 ~~Brookings, Hamlin, Deuel, Codington and Grant counties; Grafton, Belleview, Adams, Henden,~~
4 ~~Howard, Clearwater, Canova and Vermillion townships in Miner County; and all municipalities~~
5 ~~that are wholly or partially within the included area or that are contiguous to the included area~~
6 Brookings, Codington, Deuel, Grant, Hamlin, Moody, Minnehaha, and Roberts counties;
7 Cottonwood, Blaine, Thorp, Maydell, Mount Pleasant, Eden, Day, Elrod, Merton, Foxton, Lake,
8 and Pleasant townships in Clark County; Liberty, Nutley, Kosciusko, Raritan, Grenville,
9 Webster, Racine, Waubay, Rusk, Morton, Central Point, Highland, Wheatland, and Egeland
10 townships in Day County; Badger township in Kingsbury County; all of Lake County except for
11 Wayne, Concord, Winfred, Clarno, and Orland townships; and all municipalities that are wholly
12 or partially within the included area or that are contiguous to the included area.

13 Section 3. That § 46A-3A-4 be amended to read as follows:

14 46A-3A-4. The James River Water Development District is hereby established. The James
15 River Water Development District includes all of Brown, Spink, Beadle, Sanborn, Davison,
16 Hanson, Hutchinson, Marshall, ~~and Yankton~~ Faulk, Hand, Edmunds, and McPherson counties;
17 Farmington, Homer, Independence, Andover, Union, Lynn, Bristol, Kidder, Scotland, Valley,
18 Butler, Oak, Troy, and York townships in Day County; Warren, Spring Valley, Ash, Woodland,
19 Raymond, Garfield, Logan, Lincoln, Fordham, Darlington, Richland, Hague, and Rosedale
20 townships in Clark County; LeSueur, Iroquois, Manchester, and Esmond townships in
21 Kingsbury County; Redstone, Carthage, Miner, Green Valley, Clinton, Roswell, Beaver, and
22 Rock Creek townships in Miner County; Pearl, Benton, Jefferson, and Bridgewater townships
23 in McCook County; all of Yankton County except Mayfield, Turkey Valley, Marindahl, Volin,
24 and Gayville townships; Pleasant Valley, Bristol, Belford, Cooper, Firesteel, Palatine,

1 Plankinton, Hopper, Pleasant Lake, Dudley, and Aurora townships in Aurora County; and all
2 of Jerauld County except Marljar, Harmony, Crow, Pleasant, Logan, and Crow Lake townships.

3 Section 4. That § 46A-3A-5 be amended to read as follows:

4 46A-3A-5. The South Central Water Development District is hereby established. The South
5 Central Water Development District includes all of Charles Mix, Brule, Buffalo, Bon Homme,
6 Douglas, and Gregory counties; Patten, Lake, White Lake, Eureka, Gales, Crystal Lake,
7 Washington, Center, and Truro townships in Aurora County; Marljar, Harmony, Crow, Pleasant,
8 Logan, and Crow Lake townships in Jerauld county; and the portion of Lyman County south of
9 the White River.

10 Section 5. That § 46A-3A-7.1 be amended to read as follows:

11 46A-3A-7.1. The Vermillion Basin Water Development District is hereby established. The
12 Vermillion Basin Water Development District includes all of Turner and Clay counties; Collins
13 and Washington townships in Clark County; all of Kingsbury County except Badger, Le Sueur,
14 Iroquois, Manchester, and Esmond townships; Grafton, Belleview, Adams, Henden, Howard,
15 Clearwater, Canova, and Vermillion townships in Miner County; Wayne, Concord, Winfred,
16 Clarno, and Orland townships in Lake County; all of McCook County except Pearl, Benton,
17 Jefferson, and Bridgewater townships; and Mayfield, Turkey Valley, Marindahl, Volin, and
18 Gayville townships in Yankton County.

19 Section 6. That chapter 46A-3B be amended by adding thereto a NEW SECTION to read
20 as follows:

21 For any water development district with boundaries affected by this Act, any director of the
22 district who is in office on the effective date of this Act shall continue to serve as a director if
23 the director remains a resident of the district. At the first general election after the effective date
24 of this Act, for any water development district with boundaries affected by this Act, directors

1 shall be elected for all director positions in the district, regardless of whether or not any
2 director's term has expired. The directors elected for the district at the general election shall be
3 elected to serve for staggered terms. Thereafter, directors shall be elected to four-year terms at
4 each subsequent general election to succeed those directors whose terms expire at the end of the
5 year in which the election is held.

6 Section 7. That § 46A-3E-1 be amended to read as follows:

7 46A-3E-1. A water development district board of directors may levy taxes, not to exceed
8 thirty cents per thousand dollars of taxable valuation in the district, for accomplishment of the
9 purposes of chapters 46A-3A to 46A-3E, inclusive, and chapters 46A-1 and 46A-2. If an area
10 is included in more than one water development district, that area's tax levy payable to each of
11 the water development districts shall be determined by multiplying the greater of the
12 overlapping water development districts' levies by each water development district's taxing
13 fraction. Each water development district's taxing fraction is determined by dividing that water
14 development district's proposed tax levy for the overlapped area by the sum of all water
15 development districts' levies for the overlapped area. For purposes of chapter 10-13, any water
16 development district for which boundaries are revised under this Act is considered a new taxing
17 district created on the date specified pursuant to § 46A-3A-1.

18 Section 8. This Act is effective on January 1, 2009.

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

928P0696

HOUSE STATE AFFAIRS
ENGROSSED NO. **HB 1266** - 2/6/2008

Introduced by: Representatives Hunt, Deadrick, Lust, and Thompson and Senators Hunhoff, Hundstad, and Smidt (Orville)

1 FOR AN ACT ENTITLED, An Act to require standards for the exercise of delegated legislative
2 authority.

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

4 Section 1. That chapter 2-14 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Whenever a statute delegates quasi-legislative authority to an administrative agency to carry
7 out legislative objectives by promulgating an administrative rule pursuant to chapter 1-26, the
8 statute shall provide an intelligible standard to guide the agency in the exercise of the delegated
9 legislative authority. Any statute that delegates an absolute discretion to an administrative
10 agency is considered to be an unlawful delegation of legislative authority.



State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

813P0151

HOUSE STATE AFFAIRS

ENGROSSED NO. **HB 1272** - 2/6/2008

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

Introduced by: Representatives Feinstein, Ahlers, Burg, Dennert, Elliott, Engels, Gassman, Lucas, Miles, Moore, Nygaard, Sigdestad, Thompson, and Van Norman and Senators Hanson (Gary), Bartling, Heidepriem, Hoerth, Jerstad, Katus, Kloucek, Koetzle, Maher, Nesselhuf, and Two Bulls

1 FOR AN ACT ENTITLED, An Act to revise the defined sources of renewable electricity and
2 recycled energy.

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

4 Section 1. That § 49-34A-94 be amended to read as follows:

5 49-34A-94. For the purposes of §§ 49-34A-94 to 49-34A-96, inclusive, renewable electricity
6 and recycled energy include electricity generated from facilities using one or more of the
7 following sources:

8 (1) Wind that uses wind as the source of energy to produce electricity;

9 (2) Solar that uses the sun as the source of energy to produce electricity;

10 (3) Hydroelectric that uses water as the source of energy to produce electricity;

11 (4) Hydrogen that is generated from one of the sources listed in this section;

12 (5) Biomass that uses agricultural crops and agricultural wastes and residues, wood and
13 wood wastes and residues, animal and other degradable organic wastes, municipal



1 solid waste, or landfill gas as the fuel to produce electricity;

2 (6) Geothermal that uses energy contained in heat that continuously flows outward from
3 the earth as the source of energy to produce electricity; and

4 (7) Recycled energy systems that produce electricity from currently unused waste heat
5 resulting from combustion or other processes and which do not use an additional
6 combustion process. The term does not include any system whose primary purpose
7 is the generation of electricity.

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

419P0706

HOUSE AGRICULTURE AND NATURAL RESOURCES

ENGROSSED NO. **HB 1293** - 2/5/2008

Introduced by: Representatives Hargens, Deadrick, and Rhoden and Senators Heidepriem and Peterson (Jim)

1 FOR AN ACT ENTITLED, An Act to provide for the removal of dead deer from certain
2 highways.

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

4 Section 1. If the Department of Transportation or the Department of Game, Fish and Parks
5 receives a report of a dead deer along any highway on the state trunk highway system as
6 provided by chapter 31-4, the Department of Transportation or the Department of Game, Fish
7 and Parks, whichever department receives the report, shall provide that the dead deer is removed
8 within ninety-six hours of the department receiving the report. The cost of the removal of the
9 dead deer shall be paid from the state highway fund and the Department of Game, Fish and
10 Parks fund. Fifty percent of the costs shall be paid from the state highway fund and fifty percent
11 of the costs shall be paid from the Department of Game, Fish and Parks fund.



State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

894P0722

HOUSE EDUCATION ENGROSSED NO. **HB 1306** - 2/5/2008

Introduced by: Representatives DeVries, Boomgarden, Bradford, Brunner, Buckingham, Gilson, Hackl, Howie, Koistinen, Miles, Noem, Olson (Betty), Olson (Ryan), Rhoden, Steele, Turbiville, Van Norman, and Weems and Senators Duenwald, Abdallah, Apa, Garnos, Gray, Greenfield, Jerstad, McNenny, and Napoli

1 FOR AN ACT ENTITLED, An Act to allow certain students to participate in the opportunity
2 scholarship program under certain circumstances.

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

4 Section 1. That § 13-55-31 be amended to read as follows:

5 13-55-31. In order to be eligible for a South Dakota opportunity scholarship award, a student
6 shall:

- 7 (1) Be a resident of South Dakota at the time of graduation from high school;
- 8 (2) Have a composite score of 24, or higher, on the test administered by the American
9 College Testing Program or a verbal-mathematics score of 1070-1100, on the
10 Scholastic Assessment Test and the ACT or SAT test shall be taken before the
11 student graduates from high school;
- 12 (3) Meet the high school course requirements as provided in Board of Regents Policy
13 Number 2:3(2)(F) as in effect on January 1, 2003;



1 (4) Attend a university, college, or technical school that is accredited by the North
2 Central Association of Colleges and Schools and that provides instruction from a
3 campus located in South Dakota; and

4 (5) Enter into the program within five years of graduation from high school or within one
5 year of the student's release from active duty with an active component of the armed
6 forces if the release is within five years of the student's graduation from high school.
7 If a student attends full-time a regionally accredited university, college, or technical
8 school located outside South Dakota and within two years following high school
9 graduation or within two years following release from active military service returns
10 to the state to attend full-time a regionally accredited university, college, or technical
11 school, the student is eligible to receive a partial award.

12 Notwithstanding requirements in subdivision 13-55-31(3), students excused from public
13 school attendance pursuant to § 13-27-2 shall be eligible to participate in the South Dakota
14 opportunity scholarship program by meeting the requirements in subdivisions 13-55-31(1), 13-
15 55-31(2), 13-55-31(4), and 13-55-31(5). In addition to meeting the requirements of subdivision
16 13-55-31(2), such students shall score at least 22 on any subtest of the test administered by the
17 American College Testing Program in order to be eligible for the opportunity scholarship
18 program.

19 A student is eligible to participate in the South Dakota opportunity scholarship program for
20 the equivalent of four academic years (eight consecutive spring and fall terms) or until the
21 attainment of a baccalaureate or technical degree, whichever comes first. However, the
22 executive director of the Board of Regents may grant exceptions to the continuous enrollment
23 requirements for good cause shown.

24 A student who would have been eligible for the scholarship, but who applies after

1 completing one or more semesters of full-time work at an accredited institution, may be
2 admitted to the program only if the student has complied with the same grade point and credit
3 hour requirements that would apply to program participants. Admission granted under these
4 circumstances may not be retroactive, and eligibility for participation in the program shall be
5 reduced by one semester for each semester of work completed prior to admission to the
6 program.

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

169P0512

HOUSE JUDICIARY ENGROSSED NO. **HB 1313** - 2/6/2008

Introduced by: Representatives Olson (Ryan), Gilson, Gosch, Hills, Lust, and Rounds and
Senators Albers and Abdallah

1 FOR AN ACT ENTITLED, An Act to prohibit the use of certain electronic communication
2 devices to communicate threats and harassment and to provide a penalty therefor.

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

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

5 49-31-31. It is a Class 1 misdemeanor for a person to use a telephone or other electronic
6 communication device for any of the following purposes:

- 7 (1) To ~~call~~ contact another person with intent to terrorize, intimidate, threaten, harass or
8 annoy such person by using obscene or lewd language or by suggesting a lewd or
9 lascivious act;
- 10 (2) To ~~call~~ contact another person with intent to threaten to inflict physical harm or
11 injury to any person or property;
- 12 (3) To ~~call~~ contact another person with intent to extort money or other things of value;
- 13 (4) To ~~call~~ contact another person with intent to disturb ~~him~~ that person by repeated
14 anonymous telephone calls or intentionally failing to replace the receiver or



1 disengage the telephone connection.

2 It is a Class 1 misdemeanor for a person to knowingly permit a telephone or other electronic
3 communication device under his or her control to be used for a purpose prohibited by this
4 section.

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

687P0710

HOUSE EDUCATION ENGROSSED NO. **HB 1317** - 2/5/2008

Introduced by: Representatives Novstrup (Al), Brunner, DeVries, Feinstein, Hackl, Heineman, Krebs, Miles, Novstrup (David), Peters, Thompson, Van Etten, Weems, and Wick and Senators Greenfield, Hansen (Tom), Jerstad, Maher, McCracken, McNenny, Napoli, Smidt (Orville), and Turbak Berry

1 FOR AN ACT ENTITLED, An Act to require the Department of Education to develop a pilot
2 program which provides certain school district information on a centralized website and to
3 provide certain reporting requirements.

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

5 Section 1. The Department of Education shall develop a pilot program which includes a
6 searchable website that is accessible by the public at no cost. The pilot website shall contain
7 expenditure information for three school districts to be selected by the secretary of the
8 Department of Education. The searchable website shall be operational by November 1, 2008,
9 and shall include individual disbursements detailing the date of the transaction, the payee, and
10 the amount.

11 Section 2. The secretary shall submit a report to the Eighty-Fourth Legislature that estimates
12 the cost of providing a similar searchable website that would include expenditure information
13 for all school districts in the state.



State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

400P0690

HOUSE STATE AFFAIRS ENGROSSED NO. **HB 1319** - 2/6/2008

Introduced by: The Committee on State Affairs at the request of the Office of the Governor

1 FOR AN ACT ENTITLED, An Act to make an appropriation for the purpose of making
2 revolving loans to public entities for energy saving projects.

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

4 Section 1. Within the energy conservation loan special revenue fund, there shall be created
5 the state government energy savings subfund and the community energy savings subfund. The
6 state government energy savings subfund shall be used for the purpose of making loans to state
7 agencies and institutions for energy saving capital improvement projects. The community energy
8 savings subfund shall be used for the purpose of making loans to counties, municipalities, and
9 school districts for energy saving capital improvement projects.

10 Section 2. Each loan made from the community energy savings subfund shall require a ten
11 percent match from the loan recipient as a condition of the loan, and the payment of such
12 interest established by Bureau of Administration pursuant to section 5 of this Act.

13 Section 3. Any repayment of a loan made and any interest on the loan shall be receipted into
14 the energy conservation loan special revenue fund. Any money in the fund is hereby
15 continuously appropriated for the purposes of making loans as provided in this Act. Loan



1 repayments shall be calculated based upon the savings generated by the project for the loan
2 recipient.

3 Section 4. The Bureau of Administration may accept and expend for the purpose of this Act,
4 in addition to the amounts deposited in the energy conservation loan special revenue fund, any
5 funds obtained from federal sources, gifts, contributions, or any other source if the acceptance
6 and expenditure is approved in accordance with § 4-8B-10.

7 Section 5. The Bureau of Administration shall promulgate rules pursuant to chapter 1-26
8 concerning the following:

- 9 (1) The submission of an energy plan by a governmental entity prior to the approval of
10 a loan. Each energy plan shall include the efforts to be made by the governmental
11 entity to reduce or minimize energy consumption and expenditures;
- 12 (2) Eligibility criteria for a loan;
- 13 (3) Application procedures for a loan;
- 14 (4) Criteria for determining which applicants will receive a loan;
- 15 (5) The terms of repayment including interest at a rate not to exceed four percent; and
- 16 (6) Follow-up reporting to the Bureau of Administration to assure compliance with
17 project plans.

18 Section 6. There is hereby appropriated from the general fund the sum of five million dollars
19 (\$5,000,000), or so much thereof as may be necessary, to the state government energy savings
20 subfund established pursuant to section 1 of this Act.

21 Section 7. There is hereby appropriated from the general fund the sum of five million dollars
22 (\$5,000,000), or so much thereof as may be necessary, to the community energy savings subfund
23 established pursuant to section 1 of this Act.

24 Section 8. The commissioner of the Bureau of Administration and the secretary of the

1 Department of Tourism and State Development shall approve vouchers and the state auditor
2 shall draw warrants to pay expenditures authorized by this Act.

3 Section 9. The provisions of § 4-8-21 do not apply to the funds appropriated by this Act.

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

400P0737

HOUSE STATE AFFAIRS
ENGROSSED NO. **HB 1320** - 2/6/2008

Introduced by: The Committee on State Affairs at the request of the Office of the Governor

1 FOR AN ACT ENTITLED, An Act to provide tax incentives for certain wind energy facilities
2 and energy transmission equipment.

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

4 Section 1. That chapter 10-35 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Terms as used in sections 1 to 7 of this Act, inclusive, mean:

7 (1) "Collector system," all property used or constructed to interconnect individual wind
8 turbines within a wind farm into a common project, including step-up transformers,
9 electrical collection equipment, collector substation transformers, and
10 communication systems;

11 (2) "Company," any person, corporation, limited liability company, association,
12 company, partnership, political subdivision, rural electric cooperative, or any group
13 or combination acting as a unit;

14 (3) "Nameplate capacity," the number of kilowatts a wind farm can produce, as assigned
15 to the power units in the wind farm by the manufacturer and determined by the



1 secretary;

2 (4) "Wind farm," all real or personal property used or constructed for the purpose of
3 producing electricity for commercial purposes utilizing the wind as an energy source
4 and with a nameplate capacity of at least five thousand kilowatts. The term includes
5 the collector system;

6 (5) "Transmission line," an electric transmission line and associated facilities including
7 the collector system, with a design of one hundred fifteen kilovolts or more.

8 Section 2. That chapter 10-35 be amended by adding thereto a NEW SECTION to read as
9 follows:

10 Any company owning or holding under lease, or otherwise, real or personal property used,
11 or intended for use, as a wind farm producing power for the first time on or after July 1, 2007,
12 shall pay the alternative annual taxes provided in sections 3 and 4 of this Act. The alternative
13 taxes imposed by sections 3 and 4 of this Act are in lieu of all taxes levied by the state, counties,
14 municipalities, school districts, or other political subdivisions of the state on the personal and
15 real property of the company which is used or intended for use as a wind farm, but are not in
16 lieu of the retail sales and service tax imposed by chapter 10-45, the use tax imposed by chapter
17 10-46, or any other tax.

18 Section 3. That chapter 10-35 be amended by adding thereto a NEW SECTION to read as
19 follows:

20 Any company owning or holding under lease, or otherwise, real or personal property used,
21 or intended for use, as a wind farm producing power for the first time on or after July 1, 2007,
22 shall pay an annual tax equal to three dollars multiplied by the nameplate capacity of the wind
23 farm. The tax shall be imposed beginning the first calendar year the wind farm generates gross
24 receipts. The tax shall be paid annually to the secretary the first day of February of the following

1 year. The tax for the first calendar year shall be prorated based upon the percentage of the
2 calendar year remaining after the company generates gross receipts. Except as otherwise
3 provided in this Act, the provisions of chapter 10-59 apply to the administration of the tax.

4 Section 4. That chapter 10-35 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Any company owning or holding under lease, or otherwise, real or personal property used,
7 or intended for use, as a wind farm producing power for the first time on or after July 1, 2007,
8 shall pay an annual tax of two percent of the gross receipts of the wind farm. For purposes of
9 this section, the gross receipts of the wind farm is its production of electricity in kilowatt hours
10 multiplied by the South Dakota electricity base rate of \$0.0475 per kilowatt hour in 2008, with
11 the electricity base rate of \$0.0475 per kilowatt hour increasing by 2.5 percent on an annual
12 basis thereafter, as determined by the secretary. The owner of a wind farm subject to tax under
13 this section shall file a report with the secretary detailing the amount of electricity in
14 kilowatt-hours that was produced by the wind farm for the previous calendar year. The secretary
15 shall prescribe the form of the report. The tax for the gross receipts generated in a calendar year
16 shall become due and be payable to the secretary on the first day of February of the following
17 year. Except as otherwise provided in this Act, the provisions of chapter 10-59 apply to the
18 administration of the tax.

19 Section 5. That chapter 10-35 be amended by adding thereto a NEW SECTION to read as
20 follows:

21 The secretary shall deposit the tax imposed by sections 3 and 4 of this Act into the wind
22 energy tax fund. There is created in the state treasury the wind energy tax fund.

23 Section 6. That chapter 10-35 be amended by adding thereto a NEW SECTION to read as
24 follows:

1 The secretary shall distribute all of the tax deposited in the wind energy tax fund pursuant
2 to section 3 of this Act and twenty percent of the tax deposited in the wind energy tax fund
3 pursuant to section 4 of this Act to the county treasurer where the wind farm is located. If the
4 wind energy tax fund contains less than twenty percent of the gross receipts tax from section 4
5 of this Act, due to the transmission line rebate under section 7 of this Act, the secretary shall
6 distribute the remainder of funds after the rebate to the county treasurer where the wind farm
7 is located. If a wind farm is located in more than one county, each county shall receive the same
8 percentage of the tax as the percentage of wind towers in the wind farm located in the county.
9 Upon receipt of the taxes, the county auditor shall apportion the tax among all taxing
10 jurisdictions where a wind tower is located. The tax shall be apportioned in the same manner
11 as agricultural real property taxes would have been apportioned between the taxing jurisdictions.
12 The secretary shall distribute the money to the counties on or before the first day of May.

13 Section 7. That chapter 10-35 be amended by adding thereto a NEW SECTION to read as
14 follows:

15 Any company requiring transmission lines wind farm collector systems or both in South
16 Dakota for a wind farm or a power generation facility as described in § 10-35-1.3, is eligible for
17 a partial rebate of the tax paid under section 4 of this Act. The company shall apply for the
18 rebate on forms prescribed by the secretary. The total amount of tax rebated shall be no more
19 than fifty percent of the cost of the transmission lines and wind farm collector systems in South
20 Dakota.

21 The maximum rebate any company may receive in one year is ninety percent of the tax paid
22 under section 4 of this Act for the first five years and fifty percent of the tax paid under section
23 4 of this Act for the next five years. The secretary shall determine when the wind farm is
24 commercially operational. No wind farm may receive a rebate under this section after this ten

1 year period.

2 The secretary shall rebate the tax from the wind energy tax fund by the first day of June. The
3 secretary may provide a tax credit, in lieu of full payment of the gross receipts tax, of up to
4 eighty percent of the transmission rebate value that has been approved by the secretary. Any
5 revenue in the wind energy tax fund after the rebates are paid shall be deposited in the property
6 tax reduction fund.

7 Section 8. That § 10-4-36 be amended to read as follows:

8 10-4-36. ~~At~~ For wind energy properties with less than five thousand kilowatts of nameplate
9 capacity, all real property used or constructed for the purpose of producing electricity for
10 commercial purposes that utilizes the wind as an energy source is classified for tax purposes as
11 wind energy property and shall be assessed and taxed in the same manner as other real property
12 and shall be locally assessed by the county director of equalization pursuant to § 10-3-16. For
13 the purposes of §§ 10-4-36 to 10-4-38, inclusive, real property includes the base, foundation,
14 tower, and substations. Real property does not include the wind turbine or blades attached
15 thereto.

16 Section 9. That § 10-4-37 be amended to read as follows:

17 10-4-37. Any wind energy property of a commercial wind power production facility with
18 less than five thousand kilowatts of nameplate capacity shall be assessed under the provisions
19 of this chapter.

20 Section 10. That chapter 10-46C be amended by adding thereto a NEW SECTION to read
21 as follows:

22 Any project receiving a permit for the payment of the tax pursuant to chapter 10-46C is not
23 eligible for the refund provided in chapter 10-45B.

24 Section 11. That chapter 10-45B be amended by adding thereto a NEW SECTION to read

1 as follows:

2 Any project receiving a permit for the refund of the tax pursuant to chapter 10-45B is not
3 eligible for the permit provided in chapter 10-46C.

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

400P0149

SENATE ENGROSSED NO. **SB 2** - 1/16/2008

Introduced by: The Committee on Local Government at the request of the Office of the
Secretary of State

1 FOR AN ACT ENTITLED, An Act to prohibit public access to birth dates of voters contained
2 in the master voter registration file.

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

4 Section 1. That § 12-4-9 be amended to read as follows:

5 12-4-9. The county auditor shall maintain and safeguard a file of voters in computer format
6 that contains each person registered in each voting precinct within the county. This file shall be
7 known as the master registration file and shall be, at all times during office hours, open to public
8 inspection. However, public access to social security numbers and driver license numbers
9 contained in the master registration file shall be ~~restricted~~ prohibited. Public access to each
10 voter's day and month of birth shall be restricted. Public access to the voter's year of birth is not
11 restricted. The master registration file shall contain all information from each voter's registration
12 card except the description of the location of the voter's residence. The master registration file
13 shall also include the date of the last election the voter has voted in and when the voter's
14 information was last updated. The master registration file may also contain additional voter
15 history information.



State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

400P0143

SENATE LOCAL GOVERNMENT ENGROSSED NO. **SB 3** - 1/14/2008

Introduced by: The Committee on Local Government at the request of the Office of the
Secretary of State

1 FOR AN ACT ENTITLED, An Act to revise certain procedures concerning elections for special
2 districts and to declare an emergency.

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

4 Section 1. That § 6-16-4 be amended to read as follows:

5 6-16-4. The county auditor shall publish the notice of the voter registration deadline at least
6 once each week for two consecutive weeks, the last publication to be not less than ~~twenty-five~~
7 twenty-four nor more than thirty days prior to the election. The auditor shall publish notices of
8 election at least once each week for two consecutive weeks, the last publication to be not less
9 than four nor more than ten days before the election in at least one legal newspaper of general
10 circulation in the proposed district.

11 Section 2. That § 6-16-5 be amended to read as follows:

12 6-16-5. ~~The~~ If the proposed district contains less than one thousand eligible voters as defined
13 in § 6-16-6, the county auditor shall set a date, time, and location for a meeting to be held within
14 the district to conduct an election on the question of formation of the special district. The date



1 may not be more than sixty days after the appropriate board declares that the application for
2 incorporation is valid. The auditor shall appoint three judges of election, one of whom shall
3 serve as the superintendent, to conduct the election. The vote upon the question of incorporation
4 shall be by ballot which conforms to a ballot for a statewide question except that the statement
5 required to be printed on the ballot shall be prepared by the state's attorney. After the vote is cast
6 and counted, the judges shall prepare a certification showing the whole number of ballots cast,
7 together with the number voting for and the number voting against incorporation, and shall
8 return the certification to the county auditor. If a majority of the votes cast on the question of
9 formation is in favor, an election shall be conducted by those present at the same meeting to
10 elect the initial board of directors or trustees.

11 Section 3. That § 6-16-8 be amended to read as follows:

12 6-16-8. The State Board of Elections may promulgate rules pursuant to chapter 1-26
13 concerning:

- 14 (1) The petition form; ~~and~~ for the formation of a special district;
- 15 (2) The notice of election; and
- 16 (3) The nominating petition.

17 The petition form and notice of election shall include a description of the proposed district
18 boundaries.

19 Section 4. That chapter 6-16 be amended by adding thereto a NEW SECTION to read as
20 follows:

21 If the proposed district contains one thousand or more eligible voters as defined in § 6-16-6,
22 the county auditor shall set a date for an election to be held within the district on the question
23 of formation of the special district. The date may not be more than sixty days after the
24 appropriate board declares that the application for incorporation is valid. The election shall be

1 conducted pursuant to Title 12. The vote upon the question of incorporation shall be by ballot
2 which conforms to a ballot for a statewide question except that the statement required to be
3 printed on the ballot shall be prepared by the state's attorney. The election shall be canvassed
4 by the county commission.

5 Section 5. That chapter 6-16 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 If a majority of the votes cast in an election conducted pursuant to section 4 of this Act is
8 in favor on the question of formation of the special district, an election shall be conducted by
9 the county auditor within sixty days after the official canvass to elect the initial board of
10 directors or trustees. The election shall be conducted pursuant to Title 12. The county auditor
11 shall publish a notice of vacancy no later than fifty days prior to the election. Circulation of
12 nominating petitions may begin upon completion of the official canvass of the election to form
13 the district. Nominating petitions shall be filed with the county auditor by 5:00 p.m. at least
14 thirty days before the election. The nominating petitions shall contain signatures of at least
15 twenty-five registered voters in the district. Absentee ballots shall be made available to the
16 voters no later than twenty days before the date of election. The election shall be canvassed by
17 the county commission.

18 Section 6. Whereas, this Act is necessary for the support of the state government and its
19 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in
20 full force and effect from and after its passage and approval.

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

544P0250

SENATE TRANSPORTATION ENGROSSED NO. **SB**

63 - 1/17/2008

Introduced by: Senators McCracken, Abdallah, Albers, Garnos, Hauge, Knudson, Maher, Napoli, Olson (Ed), Peterson (Jim), and Turbak Berry and Representatives Vehle, Gillespie, Gosch, Halverson, Hargens, Krebs, and Lust

1 FOR AN ACT ENTITLED, An Act to require local law enforcement officers to provide certain
2 information to repossession businesses under certain circumstances.

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

4 Section 1. Any person in the business of repossessing motor vehicles may request any local
5 law enforcement officer to provide the license plate number and color of a motor vehicle
6 licensed in South Dakota. If a person in the business of repossessing motor vehicles provides
7 a copy of the contract for the repossession of the motor vehicle to a local law enforcement
8 officer, the officer shall provide the license plate number and color of the motor vehicle to the
9 person. Any law enforcement officer, who in good faith releases information pursuant to this
10 section, is immune from civil liability for such release.



State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

644P0188

SENATE TRANSPORTATION ENGROSSED NO. **SB**

64 - 1/22/2008

Introduced by: Senators Napoli, Bartling, Duenwald, Heidepriem, Maher, McCracken, McNenny, Olson (Ed), Peterson (Jim), Schmidt (Dennis), and Sutton and Representatives Peters, Brunner, Hackl, Kirkeby, Lust, and Olson (Betty)

1 FOR AN ACT ENTITLED, An Act to provide certain provisions regarding the regulation of
2 recreational park trailers.

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

4 Section 1. That subdivision (2) of § 10-45D-1 be amended to read as follows:

5 (2) "Campground," any property or premise kept, used, maintained, advertised, or held
6 out to the public to be a place where sites are available for placing of tents, campers,
7 trailers, recreational park trailers, mobile homes, or other mobile accommodations
8 to transient guests. Campgrounds include city, county, and state-owned
9 campgrounds, as well as concessionaires or contractors who manage or operate
10 publicly owned campgrounds. The following constitute campgrounds: campgrounds,
11 camping cabins, camping resorts, commercial picnic grounds, organizational camps,
12 park units, recreational vehicle parks, trailer parks, and youth camps;

13 Section 2. That § 32-3-1 be amended to read as follows:



1 32-3-1. Terms used in chapters 32-3 to 32-5B, inclusive, mean:

2 (1) "Commercial motor vehicle," any motor vehicle used or maintained for the
3 transportation of persons or property for hire, compensation, or profit, or designed,
4 used, or maintained primarily for the transportation of property, and not specifically
5 excluded under § 32-9-3;

6 (2) "Component part," any part of a motor vehicle, trailer, or semitrailer other than a tire,
7 having a vehicle identification number;

8 (3) "Dealer," any person who, for commission or with intent to make a profit or gain,
9 sells, exchanges, rents with option to purchase, offers or attempts to negotiate a sale
10 or exchange of new, or new and used vehicles, or who is engaged wholly or in part
11 in the business of selling new, or new and used vehicles, whether or not such vehicles
12 are owned by that person;

13 (4) "Department," Department of Revenue and Regulation;

14 (4A) "Gross vehicle weight rating," the value specified by the manufacturer as the loaded
15 weight of a single vehicle;

16 (5) "Junking certificate," a certificate of ownership, which may not be restored to a title
17 document which allows highway use, issued by the department to the owner of a
18 vehicle which is going to be dismantled and sold for parts;

19 (6) "Manufactured home," a structure, transportable in one or more sections, which is
20 eight body feet or more in width or forty body feet or more in length in the traveling
21 mode, or is three hundred twenty or more square feet when erected on a site; which
22 is built on a permanent chassis and designed to be used as a dwelling, with or without
23 a permanent foundation, when connected to the required utilities; and which contains
24 the plumbing, heating, air conditioning, and electrical systems therein. The term

1 includes any structure which meets all the requirements of this subdivision and any
2 other structure which has been certified by the secretary of housing and urban
3 development. The term does not include a recreational park trailer;

4 (7) "Manufacturer," any person, firm, corporation, limited liability company, or
5 association engaged in the manufacture of new motor vehicles as a regular business;

6 (8) "Mobile home," a movable or portable unit, designed and constructed to be towed on
7 its own chassis (comprised of frame and wheels) , and designed to be connected to
8 utilities for year-round occupancy. The term includes:

9 (a) Units containing parts that may be folded, collapsed, or telescoped when being
10 towed and that may be expanded to provide additional cubic capacity; and

11 (b) Units composed of two or more separately towable components designed to
12 be joined into one integral unit capable of being separated again into the
13 components for repeated towing.

14 The term does not include a recreational park trailer;

15 (9) "Moped," a motor driven cycle equipped with two or three wheels. If a combustion
16 engine is used, the maximum piston or rotor displacement shall be fifty cubic
17 centimeters regardless of the number of chambers in such power source. The power
18 source shall be equipped with a power drive system that functions directly or
19 automatically only, not requiring clutching or shifting by the operator after the drive
20 system is engaged;

21 (10) "Motorcycle," includes motorcycles, motorbikes, mopeds, bicycles with motor
22 attached, and all motor operated vehicles of the bicycle or tricycle type, whether the
23 motive power be a part thereof or attached thereto, and having a saddle or seat with
24 the driver sitting astride or upon it, or a platform on which the driver stands, but

- 1 excluding a tractor;
- 2 (11) "Motor vehicle," automobiles, motor trucks, motorcycles, house trailers, trailers, and
- 3 all vehicles propelled by power other than muscular power, except traction engines,
- 4 road rollers, farm wagons, freight trailers, vehicles that run only on rails or tracks,
- 5 and off-road vehicles as defined in § 32-20-1;
- 6 (12) "New motor vehicle," any motor vehicle to which a manufacturer's statement of
- 7 origin has not been transferred, or is a motor vehicle on which title was issued from
- 8 the manufacturer's statement of origin or manufacturer's certificate of origin and is
- 9 still in the name of the first person who took title to the vehicle;
- 10 (13) "Noncommercial motor vehicle," any motor vehicle not classified as a commercial
- 11 motor vehicle;
- 12 (14) "Noncommercial trailer or semitrailer," any trailer or semitrailer not used or
- 13 maintained for the transportation of persons or property for hire, compensation, or
- 14 profit;
- 15 (14A) "Notation," a physical or electronic process of recording a lien on a certificate of title,
- 16 a manufacturer's statement of origin, or a manufacturer's certificate of origin;
- 17 (15) "Off-road vehicle," any self-propelled, two or more wheeled vehicle designed
- 18 primarily to be operated on land other than a highway and includes, ~~but is not limited~~
- 19 ~~to,~~ all terrain vehicles, dune buggies, and any vehicle whose manufacturer's statement
- 20 of origin (MSO) or manufacturer's certificate of origin (MCO) states that the vehicle
- 21 is not for highway use. ~~Off-road vehicle~~ The term does not include a farm vehicle as
- 22 defined in this section;
- 23 (16) "Owner," any person, firm, association, or corporation renting a motor vehicle or
- 24 having the exclusive use thereof, under a lease or otherwise, for a period greater than

1 thirty days; as between contract vendor and contract vendee, the term "owner" shall
2 refer to the contract vendee, unless the contrary clearly appears from the context of
3 chapters 32-3 to 32-5B, inclusive, or a person having legal possession or title;

4 (17) "Rebuilt vehicle," any motor vehicle, trailer, or semitrailer that has been rebuilt by
5 the addition or deletion of assemblies, subassemblies, parts, or component parts so
6 that upon gross visual examination it does not appear to be the vehicle described in
7 the certificate of title last issued for the vehicle, or whose title has been marked as
8 "rebuilt" by this state or another state or jurisdiction;

9 (17A) "Recreational park trailer," a vehicle that is primarily designed to provide temporary
10 living quarters for recreational, camping, or seasonal use and which:

11 (a) Is built on a single chassis mounted on wheels;

12 (b) Has a gross trailer area not exceeding four hundred square feet in the setup
13 mode;

14 (c) Is certified by the manufacturer as complying with American National
15 Standards Institute Standard No. A119.5 in effect on January 1, 2008; and

16 (d) Has at least a seventeen digit identification number and the manufacturer has
17 designated the vehicle as a recreational park model on the manufacturer
18 statement of origin;

19 (18) "Recreational vehicle," a vehicular portable structure built on a chassis designed to
20 be used as a temporary dwelling for travel, recreational, ~~and~~ vacation, or seasonal
21 uses, permanently identified as "a travel trailer" or a recreational park trailer by the
22 manufacturer of the trailer;

23 (19) "Road tractor," any motor vehicle designed and used for drawing other vehicles,
24 except farm or logging tractors used exclusively for farming or logging, and not so

1 constructed as to carry any load thereon either independently or any part of the
2 weight of a vehicle or load so drawn;

3 (20) "Secretary," secretary of revenue and regulation;

4 (21) "Semitrailer," any vehicle of the trailer type, equipped with a kingpin assembly,
5 designed and used in conjunction with a fifth wheel connecting device on a motor
6 vehicle constructed so that some part of its weight and that of its load rests upon or
7 is carried by another vehicle;

8 (22) "State," includes the territories and the federal districts of the United States;

9 (23) "Trailer," any vehicle without motive power designed for carrying property or
10 passengers wholly on its own structure and for being drawn by a motor vehicle;

11 (24) "Truck tractor," any motor vehicle designed and used primarily for drawing other
12 vehicles and not so constructed as to carry a load other than a part of the weight of
13 the vehicle and load so drawn;

14 (25) "Used vehicle," any motor vehicle to which title has been issued to someone other
15 than the first person who took title to the motor vehicle from the manufacturer's
16 statement of origin or manufacturer's certificate of origin; and

17 (26) "Vehicle identification number," the number assigned by the manufacturer or by the
18 department for the purpose of identifying the vehicle. The term includes any number
19 or letters assigned by the manufacturer for the purpose of identifying a component
20 part and any such number stamped on a vehicle or part according to law or the rules
21 promulgated by the department for the purpose of identifying the vehicle or part.

22 Section 3. That § 32-6B-1 be amended by adding thereto a NEW SUBDIVISION to read as
23 follows:

24 "Recreational park trailer," a vehicle that is primarily designed to provide temporary

1 living quarters for recreational, camping, or seasonal use and which:

- 2 (a) Is built on a single chassis mounted on wheels;
- 3 (b) Has a gross trailer area not exceeding four hundred square feet in the setup
4 mode;
- 5 (c) Is certified by the manufacturer as complying with American National
6 Standards Institute Standard No. A119.5 in effect on January 1, 2008; and
- 7 (d) Has at least a seventeen digit identification number and the manufacturer has
8 designated the vehicle as a recreational park model on the manufacturer
9 statement of origin.

10 Section 4. That § 32-6B-12 be amended to read as follows:

11 32-6B-12. Any dealer's license issued under this chapter shall be of the following classes:

- 12 (1) "Vehicle dealer's license," to permit the licensee to engage in the business of selling
13 or exchanging new, or new and used, vehicles;
- 14 (2) "Used vehicle dealer's license," to permit the licensee to engage in the business of
15 selling or exchanging used vehicles only;
- 16 (3) "Motorcycle dealer's license," to permit the licensee to engage in the business of
17 selling or exchanging new or used motorcycles only;
- 18 (4) "Trailer dealer's license," to permit the licensee to engage in the business of selling
19 or exchanging trailers, semitrailers, recreational park trailers, or travel trailers only,
20 new or used; or
- 21 (5) "Emergency vehicle dealer's license," to permit the licensee to engage in the business
22 of selling or exchanging new or used authorized emergency vehicles.

23 A license certificate identifying the class of dealership and containing a distinguishing
24 identification number of licensee shall be issued by the department if the application is in

1 compliance with the provisions of this chapter.

2 Section 5. That subdivision (1) of § 34-18-1 be amended to read as follows:

3 34-18-1. Terms used in this chapter mean:

4 (1) Campground, a plot of ground for public use upon which two or more campsites are
5 located, established, maintained, advertised, or held out to the public to be a place
6 where camping units can be located and occupied as temporary living quarters for
7 children or adults, or both. Camping units are considered to be trailers, tent campers,
8 campers, tents, recreational park trailers, or other equipment that may be used by the
9 ~~traveling~~ public at individual campsites located at campgrounds or areas used by the
10 public as campgrounds;

11

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

833P0414

HOUSE TRANSPORTATION ENGROSSED NO. **SB 87** - 2/5/2008

Introduced by: Senators Gant, Garnos, and Peterson (Jim) and Representatives Steele, Juhnke, and Weems

1 FOR AN ACT ENTITLED, An Act to reduce the period of effectiveness for cease and desist
2 orders issued to certain dealers.

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

4 Section 1. That § 32-6B-41.1 be amended to read as follows:

5 32-6B-41.1. In addition to any other remedy provided by law, the secretary of revenue and
6 regulation may issue an order directing a vehicle dealer to cease and desist from engaging in any
7 act or practice enumerated in § 32-6B-41. A cease and desist order issued pursuant to this
8 section ~~shall be~~ is effective for a period of ~~five~~ two years.

9 Section 2. That § 32-6C-14.1 be amended to read as follows:

10 32-6C-14.1. In addition to any other remedy provided by law, the secretary of revenue and
11 regulation may issue an order directing a snowmobile dealer to cease and desist from engaging
12 in any act or practice enumerated in § 32-6C-14. A cease and desist order issued pursuant to this
13 section is effective for a period of ~~five~~ two years.

14 Section 3. That § 32-7A-4.3 be amended to read as follows:



1 32-7A-4.3. In addition to any other remedy provided by law, the secretary of revenue and
2 regulation may issue an order directing a dealer to cease and desist from engaging in any act or
3 practice enumerated in § 32-7A-4.2. A cease and desist order issued pursuant to this section is
4 effective for a period of ~~five~~ two years.

5 Section 4. That § 32-7B-17.1 be amended to read as follows:

6 32-7B-17.1. In addition to any other remedy provided by law, the secretary of revenue and
7 regulation may issue an order directing a boat dealer to cease and desist from engaging in any
8 act or practice enumerated in § 32-7B-17. A cease and desist order issued pursuant to this
9 section is effective for a period of ~~five~~ two years.

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

708P0550

SENATE TRANSPORTATION ENGROSSED NO. **SB** **139** - 1/22/2008

Introduced by: Senators Turbak Berry, Albers, Hoerth, Koetzle, and Lintz and
Representatives Faehn, Koistinen, and Rave

1 FOR AN ACT ENTITLED, An Act to revise the definition for authorized emergency vehicles.

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

3 Section 1. That subdivision (2) of § 32-14-1 be amended to read as follows:

4 (2) "Authorized emergency vehicle," a vehicle of a fire department, a police vehicle, ~~and~~
5 an ambulance ~~and~~ or emergency vehicle of a municipal department or public service
6 corporation that is designated or authorized by the department, and an emergency
7 vehicle titled to a local organization for emergency management created pursuant to
8 chapter 33-15;

9



State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

635P0615

HOUSE TRANSPORTATION ENGROSSED NO. **SB 156** - 2/5/2008

Introduced by: Senators Apa, Abdallah, Hunhoff, Koetzle, Maher, and Napoli and
Representatives Pederson (Gordon), Dennert, Moore, and Turbiville

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding special motor vehicle
2 license plates for veterans with a disability, prisoners of war, Pearl Harbor survivors, and
3 Purple Heart recipients.

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

5 Section 1. That § 32-5-108 be amended to read as follows:

6 32-5-108. Any resident veteran owner of a motor vehicle who has received the United States
7 Veterans' Administration K Award, meets the qualifications established by Public Law 187 of
8 the Eighty-second Congress for a veteran to receive an automobile, or a veteran who has been
9 rated as in receipt of a statutory benefit for loss or loss of use of one or more extremities, or a
10 veteran who receives a veteran's allotment for total disability under compensation which is
11 considered a service-connected injury, upon application to the department shall receive a ~~set~~
12 maximum of two sets of special license plates for any automobile, pickup truck, or van licensed
13 pursuant to § 32-5-5 or a motorcycle licensed pursuant to § 32-5-9. The veteran may choose to
14 use one of the two sets of plates on a noncommercial motor vehicle that is a pickup truck and



1 that weighs more than six thousand pounds licensed pursuant to § 32-5-6.3 or a motor home
2 licensed pursuant to § 32-5-6.1. The veteran shall pay the regular license fees set out in §§ 32-5-
3 6.3 and 32-5-6.1 and may not be required to pay the ten dollars for the special plates and
4 renewal stickers. The special plates shall be displayed as set forth in § 32-5-98. The design of
5 the license plate shall consist of a white background bordered on the left by a blue field with
6 white stars and on the right by alternating red and white stripes. The words "Disabled Veteran"
7 shall be inscribed on the plate in blue, in at least ten point bold type. The license plate shall be
8 reflectorized and validated each year with a sticker in the same manner as a noncommercial
9 license plate. License fees for the special plates shall be ten dollars for the plates and the
10 renewal stickers. No license fee or sticker fee pursuant to § 32-5-6 or 32-5-9 may be charged
11 to the veteran. The fees shall be deposited in the license plate special revenue fund.

12 In order to qualify for a special license plate pursuant to this section, a veteran shall, in
13 addition to meeting the qualifications established in the first paragraph, have incurred disabling
14 injuries while serving the United States in active duty during a time of war or while participating
15 in a military mission involving armed conflict. If it is determined that the veteran owner does
16 not qualify for the special plates or if the veteran owner dies, the plates shall be surrendered to
17 the county treasurer of applicant's residence. The treasurer shall notify the secretary who shall
18 make the necessary changes in the registration file. Failure to surrender the special license plates
19 as required by this section is a Class 2 misdemeanor.

20 Section 2. That § 32-5-109 be amended to read as follows:

21 32-5-109. Any resident of this state who was a prisoner of war while serving in the United
22 States armed forces and who received an honorable discharge from the United States armed
23 forces is eligible to apply to the secretary for a maximum of two sets special motor vehicle
24 license plates if the resident has first complied with all laws of this state for any automobile,

1 pickup truck, or van licensed pursuant to § 32-5-5 or a motorcycle licensed pursuant to § 32-5-9.
2 The veteran may choose to use one of the two sets of plates on a noncommercial motor vehicle
3 that is a pickup truck and that weighs more than six thousand pounds licensed pursuant to § 32-
4 5-6.3 or a motor home licensed pursuant to § 32-5-6.1. The veteran shall pay the regular license
5 fees set out in §§ 32-5-6.3 and 32-5-6.1 and may not be required to pay the ten dollars for the
6 special plates and renewal stickers. Each application shall be on a form prescribed by the
7 secretary and shall include certification of the applicant's prisoner of war status from the United
8 States Veterans' Administration. The applicant shall pay a ten dollar fee and shall receive special
9 plates. The special plates shall be displayed as set forth in § 32-5-98. A fee of ten dollars shall
10 be paid for the renewal stickers. No registration fee or sticker fee may be charged to the
11 applicant pursuant to § 32-5-6 or 32-5-9. The fees shall be deposited into the license plate
12 special revenue fund. Upon approval of the application, the secretary shall issue the license
13 plates which shall be numbered consecutively, beginning with the number 1, and the number
14 shall be preceded by the letters POW. If it is determined that an applicant does not qualify for
15 the special plates or if the applicant dies, the plates shall be surrendered to the county treasurer
16 of the applicant's residence. The treasurer shall notify the secretary who shall make the
17 necessary changes in the registration file. Failure to surrender the special license plates as
18 required by this section is a Class 2 misdemeanor.

19 Section 3. That § 32-5-109.1 be amended to read as follows:

20 32-5-109.1. Any resident of this state who was serving in the United States armed forces
21 and survived the attack at Pearl Harbor, Hawaii, on December 7, 1941, and who received an
22 honorable discharge, may apply to the secretary for a maximum of two sets of special motor
23 vehicle license plates if the applicant has complied with all the laws of this state for any
24 automobile, pickup truck, or van licensed pursuant to § 32-5-5 or a motorcycle licensed pursuant

1 to § 32-5-9. The veteran may choose to use one of the two sets of plates on a noncommercial
2 motor vehicle that is a pickup truck and that weighs more than six thousand pounds licensed
3 pursuant to § 32-5-6.3 or a motor home licensed pursuant to § 32-5-6.1. The veteran shall pay
4 the regular license fees set out in §§ 32-5-6.3 and 32-5-6.1 and may not be required to pay the
5 ten dollars for the special plates and renewal stickers. Each application shall be on a form
6 prescribed by the secretary and shall include such information as the secretary may require. The
7 applicant shall pay a ten dollar fee and shall receive special plates. The special plates shall be
8 displayed as set forth in § 32-5-98. A fee of ten dollars shall be paid for the renewal stickers. No
9 registration fee or sticker fee may be charged to the applicant pursuant to § 32-5-6 or 32-5-9.
10 The fee shall be deposited into the license plate special revenue fund. Upon approval of the
11 application, the secretary shall issue the license plates. The license plates shall be numbered
12 consecutively beginning with number 1 and contain a symbol to be determined by the secretary
13 indicating that the owner of the vehicle is a Pearl Harbor survivor. If it is determined that an
14 applicant does not qualify for the special plates or if the applicant dies, the plates shall be
15 surrendered to the county treasurer of the applicant's residence. The treasurer shall notify the
16 secretary who shall make the necessary changes in the registration file.

17 Section 4. That § 32-5-109.2 be amended to read as follows:

18 32-5-109.2. Any resident veteran owner of a motor vehicle who has received the Purple
19 Heart Medal may apply to the secretary to receive a maximum of two sets of special license
20 plates for any automobile, pickup truck, or van licensed pursuant to § 32-5-5 or a motorcycle
21 licensed pursuant to § 32-5-9. The veteran may choose to use one of the two sets of plates on
22 a noncommercial motor vehicle that is a pickup truck and that weighs more than six thousand
23 pounds licensed pursuant to § 32-5-6.3 or a motor home licensed pursuant to § 32-5-6.1. The
24 veteran shall pay the regular license fees set out in §§ 32-5-6.3 and 32-5-6.1 and may not be

1 required to pay the ten dollars for the special plates and renewal stickers. The fee for the special
2 license plates and the renewal stickers for the plates shall be issued only upon proof of payment
3 of the current registration fees shall be ten dollars. The special plates shall be numbered
4 consecutively beginning with number 1 and contain a symbol to be determined by the secretary
5 indicating that the owner has received the Purple Heart Medal. The special plates shall be
6 displayed as set forth in § 32-5-98. The special license plate shall be reflectorized and validated
7 each year with a sticker in the same manner as a noncommercial license plate. No license fees
8 ~~may be charged for the special plates and its or renewal stickers~~ fees may be charged to the
9 applicant pursuant to § 32-5-6 or 32-5-9. If it is determined that the veteran owner does not
10 qualify for the special plates or if the veteran owner dies, the plates shall be surrendered to the
11 county treasurer of the applicant's residence. The treasurer shall notify the secretary who shall
12 make the necessary changes in the registration file. Failure to surrender the special license plates
13 as required by this section is a Class 2 misdemeanor.