

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

400P0239

SENATE ENGROSSED NO. **HB 1064** - 2/11/2008

Introduced by: The Committee on Judiciary at the request of the Office of the Attorney
General

1 FOR AN ACT ENTITLED, An Act to revise the crime of aggravated incest.

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

3 Section 1. That § 22-22A-3 be amended to read as follows:

4 22-22A-3. Any person who knowingly engages in an act of sexual penetration with a person

5 who:

6 (1) Is ~~at least sixteen but~~ less than eighteen years of age; and

7 (2) Is either:

8 (a) The child of the perpetrator or the child of a spouse or former spouse of the
9 perpetrator; or

10 (b) Related to the perpetrator within degrees of consanguinity within which
11 marriages are, by the laws of this state, declared void pursuant to § 25-1-6;

12 is guilty of aggravated incest. Aggravated incest is a Class 3 felony.



State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

400P0341

HOUSE APPROPRIATIONS ENGROSSED NO. **HB 1084** - 2/11/2008

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

1 FOR AN ACT ENTITLED, An Act to increase the previously enacted expenditure authority for
2 certain approved construction projects and to declare an emergency.

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

4 Section 1. That section 1 of chapter 110 of the 2005 Session Laws be amended to read as
5 follows:

6 Section 1. It is in the public interest that the South Dakota Building Authority contract for
7 the construction, completion, furnishing, equipping, and maintaining of, including heating, air
8 conditioning, plumbing, water, sewer, electric facilities, sidewalks, parking, landscaping,
9 architectural and engineering services, asbestos abatement, removal of existing roofing and
10 structures, and such other services or actions as may be required to accomplish the projects
11 enumerated in section 3 of this Act, all at the estimated cost of ~~one hundred million eight~~
12 ~~hundred thousand~~ one hundred thirty million one hundred thousand dollars. The South Dakota
13 Building Authority may finance up to sixty-five million one hundred thousand dollars of the
14 construction costs through the issuance of revenue bonds, in accordance with this Act and
15 chapter 5-12.



1 Section 2. That subdivision (5) of section 3 of chapter 110 of the 2005 Session Laws be
2 amended to read as follows:

3 (5) The Shepard Hall renovation-~~or, replacement,~~ or expansion space at South Dakota
4 State University in Brookings, South Dakota, for an estimated cost of ~~thirty million~~
5 fifty-one million dollars, of which no more than twenty-four million dollars may be
6 financed through the issuance of revenue bonds;

7 Section 3. That subdivision (8) of section 3 of chapter 110 of the 2005 Session Laws be
8 amended to read as follows:

9 (8) The Slagle Hall renovation at the University of South Dakota in Vermillion, South
10 Dakota, for an estimated cost of ~~six million six hundred thousand~~ eight million five
11 hundred thousand dollars, of which no more than four million six hundred thousand
12 dollars may be financed through the issuance of revenue bonds; and

13 Section 4. That subdivision (9) of section 3 of chapter 110 of the 2005 Session Laws be
14 amended to read as follows:

15 (9) The business school replacement at the University of South Dakota in Vermillion,
16 South Dakota, for an estimated cost of ~~fourteen million one hundred thousand~~ twenty
17 million five hundred thousand dollars, of which no more than five million four
18 hundred thousand dollars may be financed through the issuance of revenue bonds.

19 Section 5. That subdivision (2) of section 4 of chapter 110 of the 2005 Session Laws be
20 amended to read as follows:

21 (2) The renovation of the Myklebust Recreational Center at the South Dakota School for
22 the Deaf in Sioux Falls, South Dakota, for an estimated cost of ~~five hundred sixty-six~~
23 ~~thousand five hundred twenty~~ eight hundred thirty-eight thousand one hundred
24 ninety-two dollars, of which ~~five hundred sixteen thousand five hundred twenty~~

1 ~~dollars (\$516,520)~~ seven hundred eighty-eight thousand one hundred ninety-two
2 dollars (\$788,192) are appropriated from other funds available to the School for the
3 Deaf and fifty thousand dollars (\$50,000) are appropriated from moneys allocated to
4 this project by the Bureau of Administration from the statewide maintenance and
5 repair fund established in § 5-14-30.

6 Section 6. That section 8 of chapter 110 of the 2005 Session Laws be repealed.

7 ~~Section 8. The Building Authority and the Board of Regents may accept, transfer, and~~
8 ~~expend any property or funds obtained for these purposes from federal sources, gifts,~~
9 ~~contributions, or any other source, all of which shall be deemed appropriated to the projects~~
10 ~~authorized by this Act in addition to the amounts otherwise authorized by this Act.~~

11 Section 7. That chapter 110 of the 2005 Session Laws be amended by adding thereto a NEW
12 SECTION to read as follows:

13 Section 13A. The Board of Regents shall account for each expenditure related to projects
14 authorized in this Act on the state's central accounting system. Each project shall be accounted
15 for and reported separately.

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

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

400P0337

HOUSE APPROPRIATIONS ENGROSSED NO. **HB 1085** - 2/11/2008

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

1 FOR AN ACT ENTITLED, An Act to authorize the South Dakota Building Authority to
2 provide for the construction, reconstruction, renovation, and modernization of science
3 facilities and laboratories at public universities and to make an appropriation therefor.

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

5 Section 1. It is in the public interest that the South Dakota Building Authority contract for
6 the construction, completion, equipping, including heating, air conditioning, plumbing, water,
7 sewer, electric facilities, sidewalks, parking, landscaping, architectural and engineering services,
8 asbestos abatement, removal of existing roofing and structures, and such other services or
9 actions as may be required to accomplish the projects enumerated in this Act, all at the
10 estimated cost of eighty-four million five hundred thousand dollars. The South Dakota Building
11 Authority may finance up to seventy-four million five hundred thousand dollars of the
12 construction costs through the issuance of revenue bonds, in accordance with this Act and
13 chapter 5-12.

14 Section 2. The projects to be financed, in whole or in part, through the issuance of revenue
15 bonds by the South Dakota Building Authority, are the following:



- 1 (1) The science building at Black Hills State University in Spearfish, South Dakota, for
2 an estimated cost of eight million seventy-eight thousand four hundred dollars;
- 3 (2) The chemistry building replacement at the South Dakota School of Mines and
4 Technology in Rapid City, South Dakota, for an estimated cost of seventeen million
5 nine hundred fifty-seven thousand seven hundred dollars of which ten million dollars
6 shall be provided from proceeds of bonds issued pursuant to subdivision (4) of
7 section 3 of chapter 110 of the 2005 Session Laws;
- 8 (3) The paleontology building at the South Dakota School of Mines and Technology in
9 Rapid City, South Dakota, for an estimated cost of seven million sixty-three thousand
10 nine hundred sixty-three dollars;
- 11 (4) The Agricultural Hall renovation at South Dakota State University in Brookings,
12 South Dakota, for an estimated cost of eight million six thousand two hundred
13 seventy-five dollars;
- 14 (5) The Arthur M. Pardee Laboratory renovation at the University of South Dakota, in
15 Vermillion, South Dakota, for an estimated cost of three million seven hundred
16 ninety-two thousand one hundred four dollars;
- 17 (6) The Churchill-Haines renovation at the University of South Dakota, in Vermillion,
18 South Dakota, for an estimated cost of six million seven hundred fifty-one thousand
19 one hundred forty-five dollars;
- 20 (7) The Akeley Lawrence Science Center renovation at the University of South Dakota,
21 in Vermillion, South Dakota, for an estimated cost of five million two hundred fifty-
22 six thousand seven hundred fifty-one dollars;
- 23 (8) The Habeger Science Center renovation at Dakota State University in Madison,
24 South Dakota, for an estimated cost of six million thirty-eight thousand six hundred

1 seventy dollars;

2 (9) The Dairy Microbiology Building upgrade at South Dakota State University in
3 Brookings, South Dakota, for an estimated cost of eight million two hundred fifty-
4 nine thousand two hundred fifty dollars;

5 (10) The MeWaldt-Jensen Hall science renovation and the Krikac Administration
6 Building science construction at Northern State University in Aberdeen, South
7 Dakota, for an estimated cost of two million seven hundred one thousand nine
8 hundred dollars; and

9 (11) The health sciences simulation center and the science laboratory facilities
10 construction at the University Center in Sioux Falls, South Dakota, for an estimated
11 cost of ten million five hundred ninety-three thousand eight hundred forty-two
12 dollars.

13 Section 3. The authorizations granted by this Act and all necessary appropriations required
14 to finance and to complete the projects remain effective through June 30, 2015.

15 Section 4. No indebtedness, bond, or obligation incurred or created under the authority of
16 this Act may be or may become a lien, charge, or liability against the State of South Dakota, nor
17 against the property or funds of the State of South Dakota within the meaning of the
18 Constitution or statutes of the state.

19 Section 5. The design and construction of the projects authorized in this Act shall be under
20 the general supervision of the Bureau of Administration as provided in chapter 5-14. The
21 executive director of the Board of Regents and the executive secretary of the Building Authority
22 shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized
23 by this Act.

24 Section 6. The Board of Regents may make and enter into a lease agreement with the

1 Building Authority and make rental payments under the terms thereof, pursuant to chapter 5-12,
2 for the purposes of this Act.

3 Section 7. Rental payments under the terms of the lease authorized in section 8 of this Act
4 shall be paid from appropriations to be made by the Legislature for the payment of such rent to
5 support the purpose and the payment of bonds issued to cover up to thirty-two million five
6 hundred thousand dollars of construction costs authorized in section 1 of this Act. Rental
7 payments under the terms of the lease authorized in section 8 of this Act shall be paid from
8 higher education facility fees or from special student fees assessed by the Board of Regents for
9 the payment of bonds issued to cover up to forty-two million dollars of construction costs
10 authorized in section 1 of this Act.

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

400P0390

HOUSE APPROPRIATIONS ENGROSSED NO. **HB 1087** - 2/11/2008

Introduced by: The Committee on Appropriations at the request of the Bureau of Finance and Management

1 FOR AN ACT ENTITLED, An Act to revise the General Appropriations Act for fiscal year
2 2008 regarding appropriations to the Department of Executive Management, the Department
3 of Game, Fish and Parks, the Department of Transportation, the Department of Education,
4 the Board of Regents, the Department of Human Services, and the Department of
5 Environment and Natural Resources.

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

7 Section 1. That section 2 of chapter 25 of the 2007 Session Laws be amended to read as
8 follows:

9 DEPARTMENT OF EXECUTIVE MANAGEMENT

10 South Dakota Risk Pool

11 Operating Expenses, General Funds, delete "\$593,000" and insert "\$643,000"

12 Operating Expenses, Other Funds, delete "\$4,016,355" and insert "\$6,016,355"

13 Adjust all totals accordingly.

14 Section 2. That section 6 of chapter 25 of the 2007 Session Laws be amended to read as



1 follows:

2 DEPARTMENT OF GAME, FISH AND PARKS

3 Parks and Recreation

4 Operating Expenses, General Funds, delete "\$441,902" and insert "\$925,265"

5 Development and Improvement, Parks and Recreation

6 Operating Expenses, Federal Funds, delete "\$4,569,954" and insert "\$5,459,954"

7 Adjust all totals accordingly.

8 Section 3. That section 10 of chapter 25 of the 2007 Session Laws be amended to read as

9 follows:

10 DEPARTMENT OF TRANSPORTATION

11 General Operations

12 Operating Expenses, Other Funds, delete "\$86,842,230" and insert "\$81,592,230"

13 Adjust all totals accordingly.

14 Section 4. That section 11 of chapter 25 of the 2007 Session Laws be amended to read as

15 follows:

16 DEPARTMENT OF EDUCATION

17 Administration, Secretary of Education

18 Operating Expenses, General Funds, delete "\$337,286" and insert "\$587,286"

19 State Aid to General Education

20 Operating Expenses, General Funds, delete "\$308,704,345" and insert "\$311,073,555"

21 Technology in Schools

22 Operating Expenses, General Funds, delete "\$6,632,201" and insert "\$9,586,641"

23 Adjust all totals accordingly.

24 Section 5. That section 13 of chapter 25 of the 2007 Session Laws be amended to read as

1 follows:

2 BOARD OF REGENTS

3 Regents System Office

4 Operating Expenses, General Funds, delete "\$7,732,715" and insert "\$8,160,663"

5 University of South Dakota Proper

6 F.T.E. delete "1,166.9" and insert "1,172.9"

7 Adjust all totals accordingly.

8 University of South Dakota School of Medicine

9 Personal Services, Federal Funds, delete "\$5,944,751" and insert "\$5,994,751"

10 Operating Expenses, Federal Funds, delete "\$10,910,268" and insert "\$11,210,268"

11 Adjust all totals accordingly.

12 South Dakota State University Proper

13 Personal Services, Federal Funds, delete "\$6,123,062" and insert "\$6,723,062"

14 Operating Expenses, Federal Funds, delete "\$14,971,290" and insert "\$16,371,290", and

15 Other Funds, delete "\$49,789,899" and insert "\$50,789,899"

16 Adjust all totals accordingly.

17 Dakota State University

18 Personal Services, Other Funds, delete "\$7,882,889" and insert "\$8,157,889"

19 Operating Expenses, Federal Funds, delete "\$2,191,307" and insert "\$2,291,307", and Other

20 Funds, delete "\$8,078,409" and insert "\$8,503,409".

21 Adjust all totals accordingly.

22 South Dakota School for the Deaf

23 Operating Expenses, Other Funds, delete "\$395,950" insert "\$526,409"

24 Adjust all totals accordingly.

1 South Dakota School for the Blind and Visually Impaired

2 Operating Expenses, Other Funds, delete "\$237,124" and insert "\$362,124"

3 Adjust all totals accordingly.

4 Section 6. That section 16 of chapter 25 of the 2007 Session Laws be amended to read as
5 follows:

6 DEPARTMENT OF HUMAN SERVICES

7 Alcohol and Drug Abuse

8 Operating Expenses, Other Funds, delete "\$474,939" and insert "\$965,939"

9 Adjust all totals accordingly.

10 Section 7. That section 17 of chapter 25 of the 2007 Session Laws be amended to read as
11 follows:

12 DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

13 Financial and Technical Assistance

14 Operating Expenses, Federal Funds, delete "\$595,998" and insert "\$1,075,998"

15 Adjust all totals accordingly.

16 Section 8. That chapter 25 of the 2007 Session Laws be amended by adding thereto a NEW
17 SECTION to read as follows:

18 Section 37. The state treasurer shall transfer to the state general fund four hundred eighty-
19 three thousand three hundred sixty-three dollars (\$483,363) from the Custer State Park
20 improvement fund for the payment of the Custer State Park improvement bond.

21 Section 9. That chapter 25 of the 2007 Session Laws be amended by adding thereto a NEW
22 SECTION to read as follows:

23 Section 38. The state treasurer shall transfer to the state general fund six hundred ninety-
24 three thousand six hundred eighty-eight dollars (\$693,688) from the Board of Regents for the

1 payment of the critical deferred maintenance bond.

2 Section 10. Funds appropriated by this Act which are unspent at the end of fiscal year 2008

3 may be carried over to fiscal year 2009.

4 Section 11. This Act is effective June 16, 2008.

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

931P0097

HOUSE COMMERCE ENGROSSED NO. **HB 1136** - 2/11/2008

Introduced by: Representatives Lust, Boomgarden, Cutler, Dreyer, Engels, Feinstein, Haverly, Heineman, Kirkeby, McLaughlin, Olson (Betty), Peters, Rausch, Vehle, and Weems and Senators Gray, Abdallah, Albers, Knudson, Maher, McCracken, Napoli, Olson (Ed), Schmidt (Dennis), and Turbak Berry

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the registration of
2 business names.

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

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

5 37-11-1. ~~It is a Class 2 misdemeanor for any person to engage in or conduct a business for~~
6 ~~profit in this state under any name which does not plainly show the true surname of each person~~
7 ~~interested in such business unless a statement is filed first. Any person engaging in or~~
8 ~~conducting a business for profit in this state shall file a fictitious name statement unless one of~~
9 ~~the following apply:~~

10 (1) The name of the business plainly shows the true surname of each person interested
11 in the business; or

12 (2) The name of the business is on file with the secretary of state in a required business
13 filing.



1 Failure to file a required fictitious name statement is a Class 2 misdemeanor. The fictitious
2 name statement shall be verified by each person interested in the business, showing include the
3 name, post office address, and residence address of each person interested in the business and
4 the address where the main office of the business is to be maintained. The fictitious name
5 statement shall be electronically filed with the secretary of state, or filed in paper form with the
6 office of the any register of deeds in each county where the business is maintained, and the state.
7 The filing shall be renewed every fifth year thereafter. A fee of ten dollars shall be paid with
8 each new filing and renewal. The fee shall be retained by the filing office receiving the filing.

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

193P0164

HOUSE LOCAL GOVERNMENT ENGROSSED NO. **HB 1151** - 2/12/2008

Introduced by: Representatives Steele, Brunner, Gillespie, Glenski, Hunt, Koistinen, Noem, Novstrup (Al), Novstrup (David), Olson (Russell), Rhoden, and Wick and Senators Greenfield, Albers, Duenwald, Hunhoff, Maher, Schmidt (Dennis), and Smidt (Orville)

1 FOR AN ACT ENTITLED, An Act to regulate the location and hours of operation of adult
2 oriented businesses.

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

4 Section 1. No adult oriented business established after June 30, 2008, may be located within
5 one-fourth mile of a child welfare agency, a private or public school, a public playground, a
6 public recreational facility, a residence, or a place of worship. For the purposes of this section,
7 measurements shall be made in a straight line in all directions, without regard to intervening
8 structures or objects, from the nearest point on the property line of a parcel containing an adult
9 oriented business to the nearest point on the property line of a parcel containing a child welfare
10 agency, a private or public school, a public playground, a public recreational facility, a
11 residence, or a place of worship. An adult oriented business lawfully operating in conformity
12 with this section does not violate this section if a child welfare agency, a private or public
13 school, a public playground, a public recreational facility, a residence, or a place of worship



1 subsequently locates within one-fourth mile of the adult oriented business. A violation of this
2 section is a Class 1 misdemeanor. Each day of violation constitutes a separate offense.

3 Section 2. No adult arcade, adult bookstore or video store, adult cabaret, adult motion
4 picture theater, adult theater, or nude model studio may remain open at any time between the
5 hours of 2:00 a.m. and 8:00 a.m. on Monday through Saturday and between the hours of 2:00
6 a.m. and 12:00 noon on Sunday. A violation of this section is a Class 1 misdemeanor. Each day
7 of violation constitutes a separate offense.

8 Section 3. Section 1 of this Act does not prohibit any county or municipality from enacting
9 and enforcing any ordinance that regulates the location of an adult oriented business.

10 Section 4. Section 2 of this Act does not prohibit any county or municipality from enacting
11 and enforcing any ordinance that regulates an adult arcade, adult bookstore or video store, adult
12 cabaret, adult motion picture theater, adult theater, or nude model studio.

13 Section 5. If there is reason to believe that a violation of section 1 of this Act is being
14 committed in any county or city, the state's attorney of the county shall, or a citizen of this state
15 who resides in the county or city in the citizen's own name may, maintain an action to abate and
16 prevent the violation and to enjoin perpetually any person who is committing the violation and
17 the owner, lessee, or agent of the building or place in or on which the violation is occurring from
18 directly or indirectly committing or permitting the violation.

19 Section 6. Terms used in this Act mean:

20 (1) "Adult arcade," any place to which the public is permitted or invited and in which
21 coin-operated or slug-operated or electronically, electrically, or mechanically
22 controlled still or motion picture machines, projectors, or other image producing
23 devices are maintained to show images involving specific sexual activities or specific
24 anatomical areas to persons in booths or viewing rooms;

- 1 (2) "Adult bookstore or video store," a commercial establishment that offers for sale or
2 rent any of the following as one of its principal business purposes:
- 3 (a) Books, magazines, periodicals, or other printed matter, photographs, films,
4 motion pictures, videocassettes or reproductions or slides, or other visual
5 representations that depict or describe specific sexual activities or specific
6 anatomical areas;
- 7 (b) Instruments, devices, or paraphernalia that are designed for use in connection
8 with specific sexual activities;
- 9 (3) "Adult cabaret," any nightclub, bar, restaurant, or other similar commercial
10 establishment that regularly features:
- 11 (a) Persons who appear in a state of nudity or seminudity;
- 12 (b) Live performances that are characterized by the exposure of specific
13 anatomical areas or specific sexual activities;
- 14 (c) Films, motion pictures, videocassettes, slides or other photographic
15 reproductions that are characterized by the depiction or description of specific
16 sexual activities or specific anatomical areas;
- 17 (4) "Adult motion picture theater," a commercial establishment in which, for any form
18 of consideration, films, motion pictures, videocassettes, slides, or other similar
19 photographic reproductions that are characterized by the depiction or description of
20 specific sexual activities or specific anatomical areas are predominantly shown;
- 21 (5) "Adult oriented business," any adult arcade, adult bookstore or video store, cabaret,
22 adult live entertainment establishment, adult motion picture theater, adult theater,
23 massage establishment that offers adult service, or nude model studios;
- 24 (6) "Adult service," dancing, serving food or beverages, modeling, posing, wrestling,

1 singing, reading, talking, listening, or other performances or activities conducted for
2 any consideration in an adult oriented business by a person who is nude or seminude
3 during all or part of the time that the person is providing the service;

4 (7) "Adult theater," a theater, concert hall, auditorium, or similar commercial
5 establishment that predominantly features persons who appear in a state of nudity or
6 who engage in live performances that are characterized by the exposure of specific
7 anatomical areas or specific sexual activities;

8 (8) "Massage establishment," an establishment in which a person, firm, association, or
9 corporation engages in or permits massage activities, including any method of
10 pressure on, friction against, stroking, kneading, rubbing, tapping, pounding,
11 vibrating, or stimulating of external soft parts of the body with the hands or with the
12 aid of any mechanical apparatus or electrical apparatus or appliance. This subdivision
13 does not apply to:

14 (a) Physicians who are licensed pursuant to chapter 36-4 or a podiatrist licensed
15 pursuant to chapter 36-8;

16 (b) Registered nurses or licensed practical nurses who are licensed pursuant to
17 chapter 36-9;

18 (c) Physician assistants who are licensed pursuant to chapter 36-4A or certified
19 nurse practitioners and certified nurse midwives who are licensed pursuant to
20 chapter 36-9A;

21 (d) Physical therapists licensed pursuant to chapter 36-10;

22 (e) Athletic trainers licensed pursuant to chapter 36-29;

23 (f) Massage therapists licensed pursuant to chapter 36-35;

24 (g) Chiropractors licensed pursuant to chapter 36-5;

1 (9) "Nude model studio," a place in which a person who appears in a state of nudity or
2 who displays specific anatomical areas is observed, sketched, drawn, painted,
3 sculptured, photographed, or otherwise depicted by other persons who pay money or
4 other consideration. The term, nude model studio, does not include a proprietary
5 school that is licensed by this state, a college, or a university that is supported entirely
6 or in part by taxation, a private college or university that maintains and operates
7 educational programs in which credits are transferable to a college or university that
8 is supported entirely or in part by taxation or a structure to which the following
9 apply:

10 (a) A sign is not visible from the exterior of the structure and no other advertising
11 appears indicating that a nude person is available for viewing;

12 (b) A student must enroll at least three days in advance of a class in order to
13 participate; and

14 (c) No more than one nude or seminude model is on the premises at any time;

15 (10) "Nude," "nudity," or "state of nudity," any of the following:

16 (a) The appearance of a human anus, genitals, or a female breast below a point
17 immediately above the top of the areola;

18 (b) A state of dress that fails to opaquely cover a human anus, genitals, or a
19 female breast below a point immediately above the top of the areola;

20 (11) "Place of worship," a structure where persons regularly assemble for worship,
21 ceremonies, rituals, and education relating to a particular form of religious belief and
22 which a reasonable person would conclude is a place of worship by reason of design,
23 signs, or architectural or other features;

24 (12) "Residence," a permanent dwelling place;

- 1 (13) "Seminude," a state of dress in which clothing covers no more than the genitals,
2 pubic region, and female breast below a point immediately above the top of the
3 areola, as well as portions of the body that are covered by supporting straps or
4 devices;
- 5 (14) "Specific anatomical areas," any of the following:
- 6 (a) A human anus, genitals, the pubic region, or a female breast below a point
7 immediately above the top of the areola that is less than completely and
8 opaquely covered;
- 9 (b) Male genitals in a discernibly turgid state even if completely and opaquely
10 covered;
- 11 (15) "Specific sexual activities," any of the following:
- 12 (a) Human genitals in a state of sexual stimulation or arousal;
- 13 (b) Sex acts, normal or perverted, actual or simulated, including acts of human
14 masturbation, sexual intercourse, oral copulation, or sodomy;
- 15 (c) Fondling or other erotic touching of the human genitals, pubic region,
16 buttocks, anus, or female breast; or
- 17 (d) Excretory functions as part of or in connection with any of the activities under
18 subsection (a), (b), or (c) of this subdivision.

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

415P0625

HOUSE APPROPRIATIONS ENGROSSED NO. **HB 1178** - 2/7/2008

Introduced by: Representatives Tidemann, Carson, Dennert, Glenski, Haverly, and Putnam
and Senators Apa, Bartling, Gray, Greenfield, Hoerth, Hunhoff, Maher, and
Smidt (Orville)

1 FOR AN ACT ENTITLED, An Act to make an appropriation for the costs related to the
2 intensive methamphetamine treatment program in the women's state correctional system.

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

4 Section 1. There is hereby appropriated from the general fund the sum of nine hundred
5 nineteen thousand six hundred twenty-six dollars (\$919,626), or so much thereof as may be
6 necessary, and 6.0 FTEs to the Department of Human Services for costs related to the intensive
7 methamphetamine treatment program in the women's state correctional system.

8 Section 2. There is hereby appropriated from the general fund the sum of six hundred ninety-
9 four thousand seventy-eight dollars (\$694,078), or so much thereof as may be necessary, and
10 9.0 FTEs to the Department of Corrections for costs related to the intensive methamphetamine
11 treatment program in the women's state correctional system.

12 Section 3. There is hereby appropriated from other fund expenditure authority the sum of
13 fifty-three thousand seven hundred thirty dollars (\$53,730), or so much thereof as may be
14 necessary, and 1.0 FTE to the Department of Health for costs related to the intensive



1 methamphetamine treatment program in the women's state correctional system.

2 Section 4. The secretary of the Department of Human Services, the secretary of the
3 Department of Corrections, or the secretary of the Department of Health shall approve vouchers
4 and the state auditor shall draw warrants to pay expenditures authorized by this Act.

5 Section 5. Any amounts appropriated in this Act not lawfully expended or obligated by June
6 30, 2009, shall revert in accordance with the procedures prescribed in chapter 4-8.

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

910P0624

HOUSE APPROPRIATIONS ENGROSSED NO. **HB 1179** - 2/7/2008

Introduced by: Representatives Tidemann, Haverly, and Putnam and Senators Apa, Gray, Hoerth, Hunhoff, Maher, and Smidt (Orville)

1 FOR AN ACT ENTITLED, An Act to make an appropriation for the support of the state fair.

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

3 Section 1. There is hereby appropriated from the general fund the sum of seven hundred
4 sixty-eight thousand four dollars (\$768,004), or so much thereof as may be necessary, to the
5 Department of Agriculture for the support of the state fair.

6 Section 2. The secretary of the Department of Agriculture shall approve vouchers and the
7 state auditor shall draw warrants to pay expenditures authorized by this Act.



State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

831P0555

HOUSE EDUCATION ENGROSSED NO. **HB 1224** - 2/12/2008

Introduced by: Representatives Buckingham, Haverly, Heineman, Rausch, and Van Etten
and Senators Schmidt (Dennis), McNenny, and Napoli

1 FOR AN ACT ENTITLED, An Act to provide for the funding of certain reduced tuition
2 programs for veterans.

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

4 Section 1. That chapter 13-55 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Any veteran who is eligible for free tuition pursuant to § 13-55-2 who is enrolled, at a self-
7 supporting off-campus institution, in any undergraduate course under the control and
8 management of the Board of Regents not subsidized by the general fund is entitled to a benefit
9 of one hundred percent of the in-state resident tuition to be paid to the institution by the Board
10 of Regents. The veteran shall pay to the institution any self-support off-campus tuition charge
11 in excess of the in-state resident tuition.

12 Section 2. That § 13-55-23 be amended to read as follows:

13 13-55-23. ~~Notwithstanding any other provisions of law~~ Except as otherwise provided by
14 law, legislatively mandated exemptions, whether whole or partial, from the obligation to pay



- 1 tuition or other required fees apply only to classes, courses and instructional programs directly
- 2 supported by moneys appropriated from the general fund.

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

264P0618

HOUSE AGRICULTURE AND NATURAL RESOURCES

ENGROSSED NO. **HB 1228** - 2/12/2008

Introduced by: Representatives Howie, Brunner, Halverson, Hargens, Jerke, Juhnke, Novstrup (Al), Olson (Betty), Pitts, and Sigdestad and Senator Schmidt (Dennis)

1 FOR AN ACT ENTITLED, An Act to revise certain provisions related to bow hunting methods
2 used by persons who are disabled or physically incapacitated.

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

4 Section 1. That § 41-8-31 be amended to read as follows:

5 41-8-31. No person may at any time hunt, catch, take, attempt to take, or kill any small game
6 or game animal in any other manner than by shooting the same with a firearm, except:

7 (1) Game birds and animals may be taken with birds trained in falconry or with bow and
8 arrow;

9 (2) A permanently or temporarily disabled person who is missing an upper limb,
10 physically incapable of using an upper limb, or confined to a wheelchair ~~and who has~~
11 ~~obtained~~ may obtain a disabled hunter permit ~~may to~~ use a crossbow or other legal
12 bow equipped with a draw-lock device to take game birds and animals; and

13 (3) A legally blind person, who is legally licensed, possesses a disabled hunter permit,
14 and is physically present and participates in the hunt but cannot safely discharge a



1 firearm or bow and arrow, may claim game birds and animals taken by a designated
2 hunter in accordance with the license possessed by the legally blind hunter.

3 A violation of this section is a Class 2 misdemeanor.

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

715P0165

HOUSE STATE AFFAIRS

ENGROSSED NO. **HB 1237** - 2/12/2008

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

Introduced by: Representatives Cutler, Ahlers, Elliott, Feinstein, Glenski, McLaughlin, Miles, Novstrup (David), Pitts, Thompson, Van Etten, and Weems and Senators Hunhoff, Hansen (Tom), Hoerth, Jerstad, Knudson, and Nesselhuf

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the prohibition of
2 smoking in certain public places or places of employment.

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

4 Section 1. That § 22-36-2 be amended to read as follows:

5 22-36-2. No person may smoke tobacco or carry any lighted tobacco product in any public
6 place or place of employment. This section does not apply to ~~any sleeping room in a lodging~~
7 ~~establishment as defined in § 34-18-1, to any on-sale licensee pursuant to chapter 35-4, to any~~
8 ~~video lottery licensed establishment pursuant to chapter 42-7A, to any licensee pursuant to~~
9 ~~chapter 42-7B, or to any tobacco or packaged liquor store if the store is primarily used for the~~
10 sale of tobacco ~~or alcoholic beverages, or both,~~ and the sale of other products is merely
11 incidental.

12 ~~A violation of this section is a petty offense. Any owner or employee of a public place or~~
13 ~~place of employment who knowingly allows smoking in a public place or place of employment~~



1 is guilty of a Class 2 misdemeanor. Any person who smokes in a public place or place of
2 employment is guilty of a Class 2 misdemeanor.

3 Section 2. That § 22-36-3 be amended to read as follows:

4 22-36-3. For the purposes of §§ 22-36-2 to 22-36-4, inclusive, a public place is any enclosed
5 indoor area to which the public is invited or to which the public is permitted, ~~including any~~
6 ~~hospital or medical or dental clinic; any nursing facility; any public library, museum, theater,~~
7 ~~or concert hall; any elementary or secondary school building; any public conveyance; any jury~~
8 ~~room; any elevator; any reception area; any restaurant; any retail service establishment; any~~
9 ~~retail store; and any registered or unregistered day care program, day care center, day care~~
10 ~~cooperative, or family day care home governed by chapter 26-6 during the time in which~~
11 ~~children who are not family members of the day care provider are receiving care.~~ A private
12 residence is not a public place unless it is used for day care.

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

786P0619

HOUSE APPROPRIATIONS

ENGROSSED NO. **HB 1251** - 2/12/2008

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

Introduced by: Representatives Lust, Ahlers, Brunner, Dreyer, Gilson, Gosch, Haverly, Hills, Howie, Kirkeby, McLaughlin, Olson (Ryan), Pederson (Gordon), Turbiville, and Van Etten and Senators McCracken, Dempster, Garnos, Gray, Katus, Knudson, McNenny, Napoli, and Schmidt (Dennis)

1 FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to acquire land for the
2 Higher Education Center--West River.

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

4 Section 1. The Board of Regents may accept a donation of a site comprising twelve acres
5 more or less for the higher education center--west river from within a tract described as follows:
6 A tract of land situated in Section 27, Township 2 North, Range 8 East of the Black Hills
7 Meridian, Rapid City, Pennington County, South Dakota, more fully described as follows:
8 Commencing at the Section ¼ Corner common to Sections 27 and 28, thence N67°26'47"W, a
9 distance of 586.94 feet, to the point of beginning. Thence, first course: N89°51'35"W, a distance
10 of 812.52 feet; Thence, second course: N00°08'25"E, a distance of 101.13 feet; Thence, third
11 course: N42°04'51"E, a distance of 200.57 feet; Thence, fourth course: N04°15'17"W, a distance
12 of 139.40 feet; Thence, fifth course: N28°03'24"W, a distance of 124.92 feet, to a point on the
13 southerly edge of Chicago and North Western Railroad Right-of-Way; Thence, sixth course:



1 along the southerly edge of said Railroad Right-of-way, curving to the left, on a curve with a
2 radius of 5779.58 feet, a delta angle of $07^{\circ}34'45''$, a length of 764.53 feet, a chord bearing of
3 $N58^{\circ}09'28''E$, and chord distance of 763.98 feet; Thence, seventh course: curving to the right,
4 on a curve with a radius of 462.00 feet, a delta angle of $03^{\circ}55'30''$, a length of 31.65 feet, a
5 chord bearing of $S36^{\circ}20'35''E$, and chord distance of 31.64 feet; Thence, eighth course: curving
6 to the left, on a curve with a radius of 55.00 feet, a delta angle of $77^{\circ}48'49''$, a length of 74.70
7 feet, a chord bearing of $S24^{\circ}34'19''E$, and chord distance of 69.09 feet; Thence, ninth course:
8 curving to the right, on a curve with a radius of 30.00 feet, a delta angle of $40^{\circ}07'48''$, a length
9 of 21.01 feet, a chord bearing of $S43^{\circ}24'49''E$, and chord distance of 20.59 feet; Thence, tenth
10 course: curving to the right, on a curve with a radius of 462.00 feet, a delta angle of $23^{\circ}29'20''$,
11 a length of 189.40 feet, a chord bearing of $S11^{\circ}36'15''E$, and chord distance of 188.08 feet;
12 Thence, eleventh course: $S00^{\circ}08'25''W$, a distance of 616.80 feet, to the point of beginning.

13 The authorization granted by this section is contingent upon the preparation of a plat of the
14 tract to be donated and delivery of an instrument of transfer that can be recorded.

15 Section 2. Notwithstanding the limitations of § 5-2-1, and using other funds at its disposal,
16 the Board of Regents may buy an option or a right of first refusal to purchase contiguous lands
17 comprising approximately nineteen acres, provided that no purchase or other acquisition may
18 take place without the prior authorization of the Legislature.

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

636P0033

HOUSE EDUCATION ENGROSSED NO. **HB 1257** - 2/12/2008

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

Introduced by: Representatives Wick, Dennert, Faehn, Hackl, Koistinen, Miles, Noem, Novstrup (Al), Peters, Steele, Van Etten, Weems, and Willadsen and Senators Maher, Duenwald, Greenfield, and McNenny

1 FOR AN ACT ENTITLED, An Act to revise certain procedures regarding real property
2 assessment and taxation and to repeal the nonagricultural acreage classification and certain
3 provisions regarding the assessment of property.

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

5 Section 1. That chapter 10-12 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 If the portion of the total taxable valuation for taxes payable in 2010, 2011, 2012, 2013,
8 2014, and 2015 of the state attributed to agricultural property increases by a greater percentage
9 than the other classifications of property on a statewide aggregate basis, the median level of
10 assessment as defined in §§ 10-12-31.1 and 10-13-37 shall be adjusted proportionally to
11 maintain the taxable valuation for taxes payable in 2009 base between agricultural property and
12 all other property. The taxable valuation base for all other classification of property shall be
13 adjusted by the percentage increase of value resulting from any improvements or change in use



1 of real property. Any adjustments in the median level of assessments made pursuant to §§ 10-
2 12-31.1 and 10-13-37 shall be based on maintaining the relationship between the total statewide
3 taxable valuation of agricultural property and the other classifications of property as adjusted
4 for improvements and change in use.

5 Section 2. That § 10-12-31.1 be amended to read as follows:

6 10-12-31.1. Notwithstanding other provision of law, when applying the levies for school
7 purposes for taxes payable in 2010 and each year thereafter, the county director of equalization
8 of each county shall adjust the level of assessment in that district so that the level of assessment
9 as indicated by the most recent assessment to sales ratio as provided for in § 10-11-55 in that
10 district are equal to eighty-five percent of market value and the most recent assessment to full
11 agricultural land value ratio as provided for in § 10-11-57 in that district are equal to ~~eighty-five~~
12 eighty-four percent of market value. The Department of Revenue and Regulation shall provide
13 the director of equalization of each county all of the factors of adjustment necessary for the
14 computations required in this section.

15 Section 3. That § 10-13-37 be amended to read as follows:

16 10-13-37. ~~Property~~ For taxes payable in 2010 and each year thereafter, property taxes shall
17 be levied on valuations where the median level of assessment represents eighty-five percent of
18 the market value as determined by the Department of Revenue and Regulation. However, for
19 any property classified as agricultural property, the director of equalization shall make the
20 necessary adjustments, so that the median level of assessment represents eighty-four percent of
21 the market value as determined by the Department of Revenue and Regulation.

22 Section 4. That chapter 10-6 be amended by adding thereto a NEW SECTION to read as
23 follows:

24 Notwithstanding the provisions of § 10-6-74, if any nonagricultural or owner-occupied

1 property sells for more than one hundred fifty percent of its assessed value after November 1,
2 2007, the sale of such property shall be used to value other real property if the sale is an arms-
3 length transaction. However, for the taxable valuation for taxes payable in 2010, 2011, 2012,
4 2013, and 2014, no nonagricultural or owner-occupied property's valuation may increase more
5 than five percent per year because of the sales provided by this section. The sales of
6 nonagricultural and owner-occupied property may only be used in a sales ratio study as allowed
7 by this section.

8 Section 5. That chapter 10-6 be amended by adding thereto a NEW SECTION to read as
9 follows:

10 Notwithstanding the provisions of § 10-6-74, if any agricultural property sells for more than
11 one hundred fifty percent of its assessed value after November 1, 2007, the sale of such property
12 shall be used to value other real property if the sale is an arms-length transaction. However, for
13 the taxable valuation for taxes payable in 2010, 2011, 2012, 2013, and 2014, no agricultural
14 property's valuation may increase more than ten percent per year because of the sales provided
15 by this section. The sales of agricultural property may only be used in a sales ratio study as
16 allowed by this section.

17 Section 6. That §§ 10-6-33.14 to 10-6-33.18, inclusive, be repealed.

18 Section 7. That § 10-6-31.3 be amended to read as follows:

19 10-6-31.3. For tax purposes, land is agricultural land if it meets two of the following three
20 criteria:

- 21 (1) At least thirty-three and one-third percent of the total family gross income of the
22 owner is derived from the pursuit of agriculture as defined in subdivision (2) of this
23 section or it is a state-owned public shooting area or a state-owned game production
24 area as identified in § 41-4-8 and it is owned and managed by the Department of

1 Game, Fish and Parks;

2 (2) Its principal use is devoted to the raising and harvesting of crops or timber or fruit
3 trees, the rearing, feeding, and management of farm livestock, poultry, fish, or
4 nursery stock, the production of bees and apiary products, or horticulture, all for
5 intended profit pursuant to subdivision (1) of this section. Agricultural real estate also
6 includes woodland, wasteland, and pasture land, but only if the land is held and
7 operated in conjunction with agricultural real estate as defined and it is under the
8 same ownership;

9 (3) It consists of not less than twenty acres of unplatted land or is a part of a contiguous
10 ownership of not less than eighty acres of unplatted land. The same acreage
11 specifications apply to platted land, excluding land platted as a subdivision, which
12 is in an unincorporated area. However, the board of county commissioners may
13 increase the minimum acre requirement up to one hundred sixty acres.

14 ~~However, for tax purposes, land is not agricultural land if the land is classified pursuant to~~
15 ~~§ 10-6-33.14 as a nonagricultural acreage.~~

16 Section 8. That § 13-11-10 be amended to read as follows:

17 13-11-10. In implementing the terms of § 13-11-9, a separate weighted average tax levy of
18 the receiving districts shall be calculated for agricultural property, ~~nonagricultural acreage~~
19 ~~property~~, owner-occupied single-family dwelling property, and for nonagricultural property for
20 each sending school district as follows:

21 (1) The levy per thousand dollars of taxable valuation for agricultural property for each
22 receiving school district shall be multiplied by the number of children from the
23 sending school district to whom the receiving school district is providing educational
24 services;

- 1 (2) Add together the products from subdivision (1) for each receiving school district;
- 2 (3) Divide the sum from subdivision (2) by the total number of students that the
- 3 contracting school district is sending to the receiving school districts pursuant to
- 4 § 13-15-1.3. The quotient is the weighted average tax levy per one thousand dollars
- 5 of taxable valuation for agricultural property;
- 6 (4) The weighted average tax levy per thousand dollars of taxable valuation for
- 7 ~~nonagricultural acreage~~, owner-occupied single-family dwellings, and nonagricultural
- 8 property shall be obtained by repeating the procedure outlined in subdivisions (1) to
- 9 (3), inclusive, for each class of property; and
- 10 (5) The sum of the levies assessed for all funds in the sending district shall be equal to
- 11 or greater than the sum of all levies for all funds in the receiving district.

12 The above calculations do not include students receiving educational services from an

13 out-of-state school district nor the tax levy of any out-of-state school district.

14 Section 9. That § 10-12-42 be amended to read as follows:

15 10-12-42. For taxes payable in ~~2008~~ 2009 and each year thereafter, the levy for the general

16 fund of a school district shall be as follows:

- 17 (1) The maximum tax levy shall be nine dollars and eleven cents per thousand dollars of
- 18 taxable valuation subject to the limitations on agricultural property as provided in
- 19 subdivision (2) of this section, and owner-occupied property as provided for in
- 20 subdivision (3) of this section, ~~and nonagricultural acreage property as provided for~~
- 21 ~~in subdivision (4) of this section;~~
- 22 (2) The maximum tax levy on agricultural property for such school district shall be two
- 23 dollars and seventy-one cents per thousand dollars of taxable valuation. If the
- 24 district's levies are less than the maximum levies as stated in this section, the levies

1 shall maintain the same proportion to each other as represented in the mathematical
2 relationship at the maximum levies; and

3 (3) The maximum tax levy for an owner-occupied single-family dwelling as defined in
4 § 10-13-40, for such school district may not exceed four dollars and twenty-six cents
5 per thousand dollars of taxable valuation. If the district's levies are less than the
6 maximum levies as stated in this section, the levies shall maintain the same
7 proportion to each other as represented in the mathematical relationship at the
8 maximum levies; and

9 ~~(4) The maximum tax levy on nonagricultural acreage property as defined in § 10-6-~~
10 ~~33.14, for such school district shall be three dollars and seventy-one cents per~~
11 ~~thousand dollars of taxable valuation. If the district's levies are less than the~~
12 ~~maximum levies as stated in this section, the levies shall maintain the same~~
13 ~~proportion to each other as represented in the mathematical relationship at the~~
14 ~~maximum levies.~~

15 All levies in this section shall be imposed on valuations where the median level of
16 assessment represents ~~eighty-five~~ the percent of market value as determined by the Department
17 of Revenue and Regulation pursuant to §§ 10-12-31.1 and 10-13-37. These valuations shall be
18 used for all school funding purposes. If the district has imposed an excess levy pursuant to § 10-
19 12-43, the levies shall maintain the same proportion to each other as represented in the
20 mathematical relationship at the maximum levies in this section. The school district may elect
21 to tax at less than the maximum amounts set forth in this section.

22 Section 10. That § 10-6-33.24 be amended to read as follows:

23 10-6-33.24. Notwithstanding the provisions of chapter 10-6, the board of county
24 commissioners may, by ordinance or resolution, require that any property classified as

1 agricultural land ~~may~~ within in the county shall be assessed based on its agricultural income
2 value if there are less than fifteen arms-length transactions of agricultural land during the three
3 ~~preceding assessment~~ years. The agricultural income value of agricultural land shall be
4 determined on the basis of the capitalized annual cash rent of the agricultural land. The
5 capitalized annual cash rent shall be based on data collected and analyzed pursuant to § 10-6-
6 33.25. ~~For the purposes of this section, arms-length transactions do not include any agricultural~~
7 ~~land sales subject to the provisions of § 10-6-33.14, 10-6-33.20, or 10-6-74.~~

8 Section 11. That § 10-6-33.25 be amended to read as follows:

9 10-6-33.25. For the purposes of § 10-6-33.24, the agricultural income value shall be
10 determined using capitalized annual cash rent. The annual cash rent is the annual cash rent,
11 excluding the per acre tax on agricultural land, determined through an analysis of arms-length
12 rental agreements collected within the county in the three years prior to the year for which the
13 agricultural income value is being determined. The agricultural income value of cropland shall
14 be based on average rents over a three-year period for cropland under natural conditions. The
15 agricultural income value of noncropland shall be based on average rents over a three-year
16 period for noncropland under natural conditions. However, no arms-length rental agreements
17 for irrigated land may be used to determine the annual cash rent pursuant to this section. The
18 annual cash rent shall be capitalized at ~~seven and three-fourths~~ four percent.

19 The secretary of revenue and regulation may enter into a contract for the collection of cash
20 rent information by county. Cash rent information shall be adjusted by soil survey statistics, if
21 available, and pursuant to § 10-6-33.26.

22 Section 12. Any agricultural land, as defined in § 10-6-31.3, that is sold and the assessor
23 determines such agricultural land will have a change in use and will be transferred to another
24 classification of property, may not be used for the purpose of valuing agricultural land. The sale

1 of any agricultural land that is not used for purpose of valuing agricultural property pursuant to
2 this section may not be used in any sales ratio study.

3 Section 13. That § 13-37-16 be amended to read as follows:

4 13-37-16. For taxes payable in 1997, and each year thereafter, the school board shall levy
5 no more than one dollar and forty cents per thousand dollars of taxable valuation, as a special
6 levy in addition to all other levies authorized by law for the amount so determined to be
7 necessary, and such levy shall be spread against all of the taxable property of the district. The
8 proceeds derived from such levy shall constitute a school district special education fund of the
9 district for the payment of costs for the special education of all children in need of special
10 education or special education and related services who reside within the district pursuant to the
11 provisions of §§ 13-37-8.2 to 13-37-8.10, inclusive. ~~The levy in this section shall be based on~~
12 ~~valuations such that the median level of assessment represents 85% of market value as~~
13 ~~determined by the Department of Revenue and Regulation.~~ The total amount of taxes that would
14 be generated at the levy pursuant to this section shall be considered local effort. Money in the
15 special education fund may be expended for the purchase or lease of any assistive technology
16 that is directly related to special education and specified in a student's individualized education
17 plan. This section does not apply to real property improvements.

18 Section 14. That § 10-6-74 be repealed on July 1, 2013.

19 Section 15. The provisions of sections 1, 4, and 5 of this Act are repealed on July 1, 2015.

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

875P0708

HOUSE EDUCATION ENGROSSED NO. **HB 1262** - 2/12/2008

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

Introduced by: Representatives Buckingham, Heineman, McLaughlin, and Van Etten and
Senator Olson (Ed)

1 FOR AN ACT ENTITLED, An Act to establish a classification system, an evaluation system,
2 and minimum annual salaries for certified teachers and school service specialists, and to
3 repeal certain provisions relating to teacher tenure.

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

5 Section 1. There is hereby established a three-level classification system for certified
6 teachers and school service specialists that provides for a minimum annual salary for each
7 certified teacher or school service specialist within each level and requires a teacher or school
8 service specialist to demonstrate increased competency and professional growth in order to
9 progress from one level to the next within the system. For the purposes of this Act, a school
10 service specialist is a school counselor, school library media education specialist, school
11 psychologist, speech/language pathologist, school social worker, special education director, or
12 curriculum director.

13 Section 2. For the purposes of this Act, on July 1, 2009, any certified teacher with less than
14 three years of teaching experience or any school service specialist with less than three years of



1 experience providing direct services to students is classified at Level I. On July 1, 2009, any
2 certified teacher with three or more years of teaching experience or any school service specialist
3 with three or more years of experience providing direct services to students is classified at Level
4 II, and shall receive a salary increase of one thousand dollars above the salary the teacher or
5 school service specialist would have otherwise received for the current school fiscal year.

6 On July 1, 2010, any certified teacher with six or more years of teaching experience who
7 meets the qualifications in subdivisions (1) and (3) of section 6 of this Act is classified at Level
8 III, and shall receive a salary increase of four thousand dollars above the salary the teacher
9 would have otherwise received for the current school fiscal year. On July 1, 2010, any school
10 service specialist with six or more years of experience providing direct services to students who
11 meets the qualifications in subdivisions (1) and (3) of section 8 of this Act is classified at Level
12 III, and shall receive a salary increase of four thousand dollars above the salary the school
13 service specialist would have otherwise received for the current school fiscal year.

14 Section 3. The minimum annual salary for any teacher or school service specialist at Level
15 I is as follows:

- 16 (1) For school fiscal year 2010, the minimum annual salary is twenty-eight thousand
17 dollars;
- 18 (2) For school fiscal year 2011, the minimum annual salary is thirty thousand dollars;
- 19 (3) For school fiscal year 2012, the minimum annual salary is thirty-two thousand
20 dollars;
- 21 (4) For school fiscal year 2013, the minimum annual salary is thirty-four thousand five
22 hundred dollars; and
- 23 (5) For school fiscal year 2014, the minimum annual salary is thirty-six thousand five
24 hundred dollars; and

1 (6) For school fiscal year 2015 and thereafter, the minimum annual salary is thirty-nine
2 thousand dollars.

3 Any teacher or school service specialist who progresses from Level I to Level II shall receive
4 a salary increase of one thousand dollars above the salary the teacher or school service specialist
5 would have otherwise received for the current school fiscal year. Any teacher or school service
6 specialist who progresses from Level II to Level III shall receive a salary increase of four
7 thousand dollars above the salary the teacher or school service specialist would have otherwise
8 received for the current school fiscal year.

9 Section 4. In order to advance from Level I to Level II, a teacher shall:

- 10 (1) Complete a mentoring or induction program approved by the Department of
11 Education;
- 12 (2) Demonstrate competency, as determined by an administrator trained pursuant to
13 section 13 of this Act, in professional growth and classroom achievement through
14 the annual evaluation process required in section 10 of this Act. Classroom
15 achievement may be measured using standardized achievement tests, classroom
16 exams, student observations, and other assessments;
- 17 (3) Complete three years of teaching at Level I; and
- 18 (4) Demonstrate the increased competency required for Level II by passing an
19 assessment approved by the Department of Education that measures the skills of
20 beginning teachers in a classroom setting.

21 In order to maintain teacher certification pursuant to § 13-42-3, a Level I teacher shall
22 progress to Level II no later than the fifth year of teaching.

23 Section 5. At Level II, a teacher shall:

- 24 (1) Submit a professional development plan and complete the hours of coursework

1 necessary to maintain teacher certification pursuant to § 13-42-3; and

- 2 (2) Demonstrate competency, as determined by an administrator trained pursuant to
3 section 13 of this Act, in professional growth and classroom achievement through the
4 annual evaluation process required in section 10 of this Act. Classroom achievement
5 may be measured using standardized achievement tests, classroom exams, student
6 observations, and other assessments.

7 Section 6. Once a teacher progresses to Level II, the teacher may remain at that level or
8 progress to Level III. In order to progress to Level III, a teacher shall:

- 9 (1) Earn an advanced degree including a master's, specialist's, or doctorate or obtain a
10 national certification as approved by the Board of Education based on the criteria
11 established pursuant to section 15 of this Act;
- 12 (2) Complete at least three years of teaching at Level II; and
- 13 (3) Demonstrate competency, as determined by an administrator trained pursuant to
14 section 13 of this Act, in professional growth and classroom achievement through the
15 annual evaluation process required in section 10 of this Act. Classroom achievement
16 may be measured using standardized achievement tests, classroom exams, student
17 observations, and other assessments.

18 Section 7. In order to advance from Level I to Level II, a school service specialist shall:

- 19 (1) Complete a mentoring or induction program approved by the Department of
20 Education; and
- 21 (2) Demonstrate competency, as determined by an administrator trained pursuant to
22 section 13 of this Act, through the annual evaluation process required in section 12
23 of this Act.

24 Section 8. Once a school service specialist progresses to Level II, the school service

1 specialist may remain at that level or progress to Level III. In order to progress to Level III, a
2 school service specialist shall:

- 3 (1) Earn an advanced degree including a master's, specialist's, or doctorate or obtain a
4 national certification as approved by the Board of Education based on the criteria
5 established pursuant to section 15 of this Act;
- 6 (2) Complete at least three years of providing direct services to students at Level II; and
- 7 (3) Demonstrate competency, as determined by an administrator trained pursuant to
8 section 13 of this Act, through the annual evaluation process required in section 12
9 of this Act.

10 Section 9. In addition to the minimum salaries established in this Act, any school district that
11 hires a teacher or school service specialist in an area of need shall pay that teacher or school
12 service specialist a signing bonus of five thousand dollars. The secretary of education shall
13 determine the areas of need for each school year based upon teacher or school service specialist
14 shortages, geography, and other factors and report those areas of need to each school district.

15 Section 10. The school board of each local school district shall implement an evaluation
16 system for the school district's certified teachers that includes observation of each certified
17 teacher in the teacher's workplace.

18 Section 11. The certified teacher evaluation system shall:

- 19 (1) Include professional performance standards established pursuant to section 11 of this
20 Act;
- 21 (2) Require at least two observations during each school year for the evaluation of each
22 Level I teacher as defined in this Act;
- 23 (3) Require at least one observation during each school year for the evaluation of each
24 Level II or Level III teacher as defined in this Act who met the school district

1 performance standards during the previous school year; and

- 2 (4) Include an improvement plan for any certified teacher whose performance does not
3 meet the school district's performance standards, unless the teacher's performance is
4 just cause for termination pursuant to § 13-43-6.1.

5 Section 12. The school board of each local school district shall also implement an evaluation
6 system for the school district's school service specialists that includes annual evaluations of all
7 school service specialists within the district based upon the criteria established by the Board of
8 Education pursuant to section 15 of this Act.

9 Section 13. Each school district shall, at least once a year, provide training to the certified
10 teachers and school service specialists who are subject to the evaluation systems. The training
11 shall address the procedures of the evaluation systems, the standards that the school district uses
12 to evaluate the performance of its certified teachers and school service specialists, and any other
13 appropriate topics as determined by the school district. Each school district shall also provide
14 annual training to administrators on how to conduct the evaluations required in section 10 and
15 12 of this Act.

16 Section 14. The Department of Education shall promulgate rules pursuant to chapter 1-26
17 establishing the criteria the department will use to approve school district mentoring and
18 induction programs, establishing the assessment required of teachers progressing to Level II, and
19 providing for the performance standards that school districts will use to evaluate certified
20 teachers.

21 Section 15. The Board of Education shall promulgate rules pursuant to chapter 1-26
22 establishing the criteria the school districts will use to evaluate school service specialists and
23 to establish the criteria and the annual review process that the board will use to determine the
24 national certifications that will be recognized to allow a teacher or school service specialist to

1 progress to Level III.

2 Section 16. That § 13-43-6.1 be amended to read as follows:

3 13-43-6.1. A teacher may be terminated, by the school board, at any time for just cause,
4 including breach of contract, poor performance, incompetency, gross immorality, unprofessional
5 conduct, insubordination, neglect of duty, or the violation of any policy or regulation of the
6 school district. ~~A school district may nonrenew a teacher who is in or beyond the fourth
7 consecutive term of employment as a teacher with the school district pursuant to § 13-43-6.3
8 for just cause, including breach of contract, poor performance, incompetency, gross immorality,
9 unprofessional conduct, insubordination, neglect of duty, or the violation of any policy or
10 regulation of the school district.~~

11 Section 17. That § 13-43-6.2 be repealed.

12 ~~13-43-6.2. If nonrenewal of a teacher is contemplated under § 13-43-6.1, the superintendent
13 or chief executive officer shall give written notice of an intention to recommend nonrenewal
14 to the teacher and the school board; a written statement of the reasons for the recommendation;
15 access to the employment records of the teacher; the opportunity to the teacher for a hearing
16 before the school board to present reasons in person or in writing why the nonrenewal should
17 not occur; and the opportunity to be represented. The teacher shall request the hearing as
18 provided in § 13-43-6.9. The school board shall conduct the hearing not sooner than fourteen
19 days, nor later than forty-five days, after receipt of the teacher's request for hearing. The parties
20 may waive the time limitations provided for in this section.~~

21 Section 18. That § 13-43-6.3 be amended to read as follows:

22 13-43-6.3. ~~Until a teacher is in or beyond the fourth consecutive term of employment as a
23 teacher with the school district, a school board may or may not renew the teacher's contract. The
24 superintendent or chief executive officer shall give written notice of nonrenewal by April~~

1 ~~fifteenth but is not required to give further process or a reason for nonrenewal.~~

2 ~~—After a teacher is in or beyond the fourth consecutive term of employment as a teacher with~~
3 ~~the school district, §§ 13-43-6.1 and 13-43-6.2 apply to any nonrenewal of the teacher's contract.~~

4 On or before April fifteenth, the superintendent or chief executive officer shall notify the teacher
5 and the school board in writing of the recommendation to not renew the teacher's contract.

6 Acceptance by the teacher of an offer from the district to enter into a new contract with the
7 teacher shall be in the manner specified in the offer. Failure of the teacher to accept the offer in
8 the manner specified constitutes the termination of the existing contract between the teacher and
9 the district at the end of its term.

10 Section 19. That § 13-43-6.4 be repealed.

11 ~~—13-43-6.4. Notwithstanding §§ 13-43-6.1 to 13-43-6.3, inclusive, if a teacher's contract is~~
12 ~~not renewed due to a reduction in staff, only written notice is required, which shall be provided~~
13 ~~by the school board to the teacher by April fifteenth.~~

14 Section 20. That § 13-43-6.6 be amended to read as follows:

15 13-43-6.6. Although a collective bargaining agreement between a district and its teachers
16 may set forth specific additional grounds for termination or set forth provisions as to the
17 procedure or notice, no agreement may limit the district's right to terminate a teacher for the
18 grounds set forth in §§ 13-43-6.1 to 13-43-6.3, inclusive. No agreement may limit the protection
19 afforded to a teacher under § 13-43-6.5.

20 Section 21. That § 13-43-6.8 be amended to read as follows:

21 13-43-6.8. Delivery of any notification to the teacher pursuant to § ~~13-43-6.2~~ or 13-43-6.7
22 shall be established by certified mail with return receipt signed by the teacher, personal delivery
23 evidenced by a receipt signed by the teacher, or affidavit of personal service made by a person
24 authorized to effect personal service.

1 Section 22. That § 13-43-6.9 be amended to read as follows:

2 13-43-6.9. Delivery of a written request for a hearing provided by § ~~13-43-6.2~~ or 13-43-6.7
3 shall be established by certified mail with return receipt signed by the superintendent, chief
4 executive officer, or board member, or a person authorized to accept certified mail for the
5 district, or personal delivery evidenced by a receipt signed by the superintendent, chief executive
6 officer, or board member, or an affidavit of personal service upon the district made by a person
7 authorized to effect personal service no later than fifteen days after receipt of the notice by the
8 teacher.

9 Section 23. This Act is effective on July 1, 2009.

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

516P0609

HOUSE AGRICULTURE AND NATURAL RESOURCES

ENGROSSED NO. **HB 1263** - 2/12/2008

Introduced by: Representatives Buckingham, Boomgarden, Brunner, Davis, DeVries, Hackl, Hargens, Howie, Juhnke, Koistinen, Olson (Betty), and Wick and Senators Greenfield, Abdallah, Maher, Peterson (Jim), and Schmidt (Dennis)

1 FOR AN ACT ENTITLED, An Act to establish a hunter mentoring program, to authorize
2 hunting under certain conditions by persons less than sixteen years of age, and to authorize
3 the Game, Fish and Parks Commission to promulgate rules.

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

5 Section 1. That chapter 41-6 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 Notwithstanding any provisions of Title 41 to the contrary, a resident of this state who is at
8 least ten and less than sixteen years of age is not required to possess a hunting license in order
9 to hunt if accompanied by a hunting mentor. A hunting mentor is the child's parent or guardian
10 or any other competent adult who has the written consent of the child's parent or guardian. The
11 hunting mentor shall be a resident of this state, shall be unarmed except as provided in this
12 section, shall have successfully completed a hunter safety or hunter education course that meets
13 the requirements of chapter 41-7, and shall possess a valid hunting license for the game being
14 hunted. A child who hunts pursuant to this section shall be under the immediate physical control



1 and direct supervision of a hunting mentor at the time the child discharges a firearm or operates
2 a bow and arrow in the act of hunting. A hunting mentor may accompany no more than one
3 mentored child at any one time. No hunting party that includes a mentored child may include
4 more than six persons, regardless of whether or not members of the hunting party are hunting
5 or possess or operate firearms. A child who hunts pursuant to this section is subject to all
6 requirements, restrictions, and penalties specified in this title and in the rules promulgated
7 pursuant to this title with respect to the species being hunted, except that the combined number
8 of animals taken or possessed by the child and the hunting mentor may not exceed the number
9 of animals authorized under licenses held by the hunting mentor. A mentored child may not take
10 big game under the provisions of this section except antlerless deer, turkey, and doe-fawn
11 antelope. No big game may be taken by a mentored child unless the child's parent or legal
12 guardian has been issued a license that designates the child as a mentored child who is
13 authorized to exercise the privileges granted by the license. The license is valid only for the
14 mentored child and is not transferable to another person. Application for or issuance of such
15 licenses does not affect the eligibility of the parent or legal guardian for any other big game
16 license. The requirement in this section that the hunting mentor be unarmed does not prohibit
17 the hunting mentor from possessing a permitted concealed pistol or other legally possessed
18 handgun.

19 The Game, Fish and Parks Commission shall promulgate rules pursuant to chapter 1-26 to
20 establish criteria and conditions governing the hunter mentoring program established in this Act.

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

288P0724

HOUSE APPROPRIATIONS ENGROSSED NO. **HB 1267** - 2/7/2008

Introduced by: Representatives Tidemann, Boomgarden, Faehn, Pitts, Rausch, Rounds, Weems, and Wick and Senators Smidt (Orville), Hunhoff, Nesselhuf, and Sutton

1 FOR AN ACT ENTITLED, An Act to make an appropriation for the lease, lease purchase, or
2 financing of two airplanes for transportation at the University of South Dakota and South
3 Dakota State University, and to declare an emergency.

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

5 Section 1. There is hereby appropriated from the state aeronautics fund the sum of two
6 hundred fifty-nine thousand dollars (\$259,000), or so much thereof as may be necessary, to the
7 Board of Regents for the acquisition through a ten-year lease, lease purchase, or financing of
8 two airplanes for general transportation at the University of South Dakota and South Dakota
9 State University.

10 Section 2. There is hereby appropriated from other funds the sum of two hundred fifty-nine
11 thousand dollars (\$259,000), or so much thereof as may be necessary, to the Board of Regents
12 for the purposes of section 1 of this Act.

13 Section 3. The executive director of the Board of Regents shall approve vouchers and the
14 state auditor shall draw warrants to pay expenditures authorized by this Act.



1 Section 4. Any amounts appropriated in this Act not lawfully expended or obligated by June
2 30, 2009, shall revert in accordance with the procedures prescribed in chapter 4-8.

3 Section 5. Whereas, this Act is necessary for the support of the state government and its
4 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in
5 full force and effect from and after its passage and approval.

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

564P0675

HOUSE COMMERCE ENGROSSED NO. **HB 1283** - 2/7/2008

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

Introduced by: Representatives Brunner and Peters and Senators Maher and Nesselhuf

1 FOR AN ACT ENTITLED, An Act to revise on-sale alcoholic beverage licenses in
2 municipalities.

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

4 Section 1. That § 35-4-2 be amended to read as follows:

5 35-4-2. Classes of licenses, with the fee of each class, follow:

- 6 (1) Distillers--four thousand dollars. However, no license fee is required for
7 manufacturers of alcohol for use in industry as a nonbeverage. If such manufacturer
8 of industrial alcohol shall at any time manufacture, produce, distill, sell, barter, or
9 dispose of alcohol for any use other than an industrial use, the license fee required
10 by this section shall be allocated to and payable for the portion of the year the
11 manufacturer devoted to such other use for each calendar month or fraction thereof
12 while so engaged, but in no case less than one-twelfth of said license fee;
- 13 (2) Wholesalers of alcoholic beverages--five thousand dollars;
- 14 (3) Off-sale--not less than five hundred dollars in municipalities of the first class, not



1 more than four hundred dollars in municipalities of the second class, and not more
2 than three hundred dollars in municipalities of the third class. The renewal fee for
3 such licenses may not exceed five hundred dollars in municipalities of the first class,
4 four hundred dollars in municipalities of the second class, and three hundred dollars
5 in municipalities of the third class;

6 (4) ~~On-sale--in municipalities of various classes: municipalities of the first class,;~~ not
7 less than one dollar for each person residing within the municipality as measured by
8 the last preceding federal census, the renewal fee for such license ~~is fifteen hundred~~
9 ~~dollars; municipalities of the second class, no more than twelve hundred dollars;~~
10 ~~municipalities of the third class, no more~~ may not be less than nine hundred dollars;

11 (5) Off-sale licenses issued to municipalities under local option--not less than two
12 hundred fifty dollars;

13 (6) On-sale licenses issued outside municipalities--except as provided in § 35-4-11.9, not
14 less than the maximum that the municipality to which the applicant is nearest is
15 charging for a like license in that municipality, the renewal fee shall be the same as
16 is charged for a like license in the nearest municipality. However, if the nearest
17 municipality is more than fifteen miles from the on-sale license, the fee shall be
18 established pursuant to § 35-4-11.10. If the municipality to which the applicant is
19 nearest holds an on-sale license, pursuant to § 35-3-13 and does not charge a
20 specified fee, then the fee shall be the maximum amount that could be charged as if
21 the municipality had not been authorized to obtain on-sale licenses pursuant to § 35-
22 3-13. However, if the nearest municipality is a municipality of the first class and is
23 authorized to hold an on-sale license pursuant to § 35-3-13, such fee may not be more
24 than one hundred fifty percent of the minimum a municipality not so authorized may

- 1 charge for a like license. The renewal fee shall be the same as could be charged for
2 a like license in the nearest municipality;
- 3 (7) Solicitors--twenty-five dollars;
- 4 (8) Transportation companies--twenty-five dollars;
- 5 (9) Carrier--one hundred dollars, which fee entitles the licensee to sell or serve alcoholic
6 beverages on all conveyances the licensee operates within the state;
- 7 (10) Dispensers--ten dollars;
- 8 (11) On-sale dealers at publicly operated airports--two hundred fifty dollars;
- 9 (12) On-sale dealers in wine for Sunday--five hundred dollars;
- 10 (13) Convention facility on-sale--not less than one dollar for each person residing within
11 the municipality as measured by the last preceding federal census, the renewal fee for
12 such license, in municipalities of the first class, is fifteen hundred dollars; the
13 renewal fee for such license, in municipalities of the second class, is no more than
14 twelve hundred dollars; the renewal fee for such license, in municipalities of the third
15 class, is no more than nine hundred dollars;
- 16 (14) Manufacturers of malt beverages--five hundred dollars;
- 17 (15) Wholesalers of malt beverages--four hundred dollars;
- 18 (16) Malt beverage retailers, being both package dealers and on-sale dealers--two hundred
19 fifty dollars;
- 20 (17) Malt beverage package dealers--one hundred fifty dollars;
- 21 (18) On-sale dealers in light wine containing not more than six percent alcohol by weight
22 for each day of the week between the hours of seven a.m. and two a.m. to nonprofit
23 corporations established pursuant to chapter 7-27--two hundred dollars; and
- 24 (19) Off-sale package wine dealers in table wines, sparkling wines, sacramental wine, and

1 distilled spirits produced from product provided to an artisan distiller by the
2 respective farm winery to be operated in conjunction with a farm winery established
3 pursuant to chapter 35-2--one hundred fifty dollars.

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

840P0583

HOUSE JUDICIARY ENGROSSED NO. **HB 1302** - 2/11/2008

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

Introduced by: Representatives Van Norman, Ahlers, Bradford, Burg, Dennert, Elliott, Engels, Feinstein, Halverson, Lucas, Moore, Sigdestad, and Thompson and Senators Two Bulls, Bartling, Heidepriem, Hoerth, Hundstad, Katus, Kloucek, Maher, Nesselhuf, and Turbak Berry

1 FOR AN ACT ENTITLED, An Act to establish notification requirements for certain relatives
2 of children in the custody of the Department of Social Services.

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

4 Section 1. That chapter 26-7A be amended by adding thereto a NEW SECTION to read as
5 follows:

6 If a family service specialist employed by the Division of Child Protection Services within
7 the department is contacted by a relative about the relative's desire to take temporary or
8 permanent placement of an alleged or adjudicated abused or neglected child who has been
9 removed from the child's parent, guardian, or custodian, the division shall document the contact
10 in the child's file. The division shall send information to the relative within five business days
11 informing the relative of the steps required in order for the relative to be considered for
12 placement. The information shall be sent by first class mail to the last known address of the
13 relative. Nothing in this section prohibits the division from contacting any other person or



1 agency regarding placement of the child.

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

293P0727

HOUSE AGRICULTURE AND NATURAL RESOURCES

ENGROSSED NO. **HB 1314** - 2/12/2008

Introduced by: Representatives Olson (Ryan) and Rounds and Senator Gray

1 FOR AN ACT ENTITLED, An Act to authorize the Department of Game, Fish and Parks to sell
2 and convey real and personal property located at the Spring Creek Recreation Area and to
3 declare an emergency.

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

5 Section 1. Notwithstanding the provisions of chapters 5-9, 5-23, and 5-24, the Department
6 of Game, Fish and Parks may sell its interest in the structures and personal property used in the
7 operation of the Spring Creek marina at the Spring Creek Recreation Area, Hughes County,
8 South Dakota, to the concessionaire selected pursuant to the rules promulgated by the Game,
9 Fish and Parks Commission.

10 Section 2. The property set forth in section 1 of this Act shall be sold for no less than the fair
11 market value as determined by an appraisal.

12 Section 3. The proceeds of the sale shall be deposited in the parks and recreation revolving
13 fund.

14 Section 4. Whereas, this Act is necessary for the support of the state government and its
15 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in



- 1 full force and effect from and after its passage and approval.
- 2 Section 5. This Act is repealed on July 1, 2009.

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

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.