



# State of South Dakota

EIGHTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2008

884P0053

SENATE ENGROSSED NO. **HB 1016** - 2/25/2008

Introduced by: Representatives Haverly, Brunner, Burg, and Faehn and Senators Smidt (Orville), Napoli, Olson (Ed), and Turbak Berry at the request of the Technical Institute Funding Task Force

1 FOR AN ACT ENTITLED, An Act to establish a new system of funding for the postsecondary  
2 technical institutes.

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

4 Section 1. Definition of terms. Terms used in this chapter mean:

- 5 (1) "Academic year," the period of time beginning with the fall semester, continuing  
6 through the spring semester, and culminating with the subsequent summer sessions;
- 7 (2) "Base funding allocation," for fiscal year 2010 is the amount appropriated by the  
8 Legislature in fiscal year 2009 through the General Appropriations Act for  
9 postsecondary career and technical education including the portions thereof that were  
10 reserved for specific purposes in accordance with ARSD 24:10:42:27;
- 11 (3) "High cost program," a postsecondary technical institute program for which the  
12 program cost per student FTE exceeds the average program cost per student FTE for  
13 all postsecondary technical institute programs;
- 14 (4) "New program," a postsecondary technical institute program that, pursuant to § 13-



1 39-18, is approved by the South Dakota Board of Education for the first time or an  
2 existing program that is redesigned to fill a new or expanding need and is determined  
3 by the board to be a new program for the purposes of this Act;

4 (5) "Program cost," any cost directly allocated to a program excluding the cost of any  
5 equipment purchased with funds from the postsecondary technical institute  
6 equipment subfund established in section 5 of this Act;

7 (6) "Program cost per student FTE," the program cost divided by the total student FTEs  
8 enrolled in the program;

9 (7) "Standard cost program," a postsecondary technical institute program for which the  
10 program cost per student FTE does not exceed the average program cost per student  
11 FTE for all postsecondary technical institute programs;

12 (8) "Student FTE," "Student full-time equivalent," a unit of measure based upon credit  
13 hours; one student FTE is equal to thirty credit hours per academic year;

14 (9) "High cost program share," a percentage calculated by dividing the total cost of all  
15 high cost programs by the total cost of all programs, excluding general education  
16 costs; and

17 (10) "Standard cost program share," a percentage calculated by dividing the total cost of  
18 all standard cost programs by the total cost of all programs, excluding general  
19 education costs.

20 Section 2. The secretary of the Department of Education shall calculate, apportion and  
21 distribute state funds appropriated by the Legislature for the postsecondary technical institutes  
22 as follows:

23 (1) Examine the cost of each program over the previous three years and determine the  
24 three-year average cost of each program, excluding general education costs. For

- 1 programs that have not existed for three years, determine the average cost over the  
2 time the program has existed;
- 3 (2) Using the three-year average cost of each program, determine the average program  
4 cost per student FTE for all the postsecondary technical institute programs;
- 5 (3) Based upon the average calculated in subsection (2), determine which postsecondary  
6 technical institute programs are high cost programs and which are standard cost  
7 programs;
- 8 (4) Apportion the high cost program share of the base funding allocation for the high  
9 cost programs and the standard cost program share of the base funding allocation for  
10 the standard cost programs;
- 11 (5) Determine the number of student FTEs at each postsecondary technical institute who  
12 were in high cost programs during the previous academic year and the number of  
13 students at each who were in standard cost programs, including those student FTEs  
14 enrolled only in general education courses, during the previous academic year;
- 15 (6) Distribute the apportionment for high cost programs as calculated in subsection (4)  
16 to the LEAs having jurisdiction over the postsecondary technical institutes in  
17 proportion to the number of student FTEs in high cost programs within each institute  
18 as calculated in subsection (5); and
- 19 (7) Distribute the apportionment for standard cost programs as calculated in subsection  
20 (4) to the LEAs having jurisdiction over the postsecondary technical institutes in  
21 proportion to the number of student FTEs in standard cost programs within each  
22 institute as calculated in subsection (5).

23 Section 3. The secretary of the Department of Education shall make bond payments  
24 authorized in § 13-39-66 from general funds provided for the postsecondary technical institutes

1 through the General Appropriations Act.

2 Section 4. Beginning in fiscal year 2012 and every three years thereafter, the Board of  
3 Education shall evaluate the apportionment and distribution of state funds to the state's  
4 postsecondary technical institutes and report its findings and recommendations to the  
5 Legislature and the Governor no later than the thirty-first day of August.

6 Section 5. There is hereby established within the state treasury the postsecondary technical  
7 institute auxiliary fund. The fund shall be a participating fund and shall be credited for all  
8 interest earned on fund balances. The Board of Education shall approve all expenditures from  
9 the postsecondary technical institute auxiliary fund which shall be budgeted through the normal  
10 budget process. Unexpended funds and interest shall remain in the fund. For purposes of  
11 administration, the fund shall be divided into three subfunds as follows:

- 12 (1) The postsecondary technical institute maintenance and repair subfund to fund the  
13 maintenance and repair of existing facilities;
- 14 (2) The postsecondary technical institute new program subfund to fund the one-time  
15 costs associated with starting a new program or retooling a current program to meet  
16 a new or expanding need; and
- 17 (3) The postsecondary technical institute equipment subfund to fund the replacement of  
18 old or outdated equipment being used in current programs.

19 Section 6. That § 13-39-18 be amended to read as follows:

20 13-39-18. The director shall submit all requests for new programs and requests to expand  
21 or redesign current programs, if funds are requested for the expansion or redesign, from the  
22 postsecondary technical institutes in the state to the ~~state board~~ Board of Education for action.

23 Section 7. That § 13-39-37 be amended to read as follows:

24 13-39-37. The South Dakota Board of Education may adopt rules pursuant to chapter 1-26,

1 to be administered by the director, governing the operation and maintenance of postsecondary  
2 technical institutes ~~which will~~ to afford the people of the state, insofar as practicable, an equal  
3 opportunity to acquire a public technical education. The rules may provide for the following:

- 4 (1) Curriculum and standards of instruction and scholarship;
- 5 (2) Attendance requirements, age limits of trainees, eligibility for attendance, and tuition  
6 payments and other charges;
- 7 (3) Apportionment and distribution of state funds pursuant to this Act, and the  
8 apportionment and distribution of all other funds made available to the board for  
9 carrying out the purposes of §§ 13-39-34 to 13-39-39, inclusive;
- 10 (4) Transportation requirements and payments;
- 11 (5) General administrative matters;
- 12 (6) The submission of the annual budget of the postsecondary technical institute which  
13 shall include, but is not limited to, a description of programs, a list of staff positions,  
14 and the amount for supplies and operating expenses associated with the programs  
15 offered. The rules shall require the budget to include all operating costs of programs,  
16 including those costs ineligible for reimbursement from federal and state funds, shall  
17 state the procedure for amending and filing it with the division of education services  
18 and resources and shall provide that failure to comply with the rules may result in  
19 withholding of payments from federal and state funds;
- 20 (7) The submission of plans of LEAs for new construction or major renovation of  
21 facilities eligible for reimbursement. The rules regarding these plans shall provide a  
22 requirement that the LEA, by a written resolution, declare the LEA committed to  
23 begin construction if the budget of the state board provides the matching funds;
- 24 (8) The promotion and coordination of ~~vocational~~ career and technical education; and

1 (9) The duplication of programs.

2 Section 8. That § 13-39-38 be amended to read as follows:

3 13-39-38. The secretary of education shall calculate, apportion and distribute state funds  
4 made available for postsecondary technical institutes ~~through a formula approved by the South~~  
5 ~~Dakota Board of Education to the LEAs having jurisdiction over postsecondary technical~~  
6 ~~institutes to assist in maintaining and operating those schools~~ through the formula provided in  
7 this Act. The use of the funds are subject to rules adopted by the state board pursuant to  
8 subdivision § 13-39-37(3) and in accordance with the approved state plan for vocational  
9 education.

10 Section 9. That ARSD 24:10:42:27 be repealed.

11 ~~24:10:42:27. The Office of Career and Technical Education shall set aside and distribute~~  
12 ~~funds to postsecondary technical institutes for the following purpose before distributing funds~~  
13 ~~through the formula prescribed in § 24:10:42:28:~~

- 14 ~~—(1)— Bonding;~~
- 15 ~~—(2)— Maintenance and repair;~~
- 16 ~~—(3)— Day care;~~
- 17 ~~—(4)— Business and industry training coordinators;~~
- 18 ~~—(5)— New programs; and~~
- 19 ~~—(6)— Other.~~

20 Section 10. That ARSD 24:10:42:28 be repealed.

21 ~~24:10:42:28. The postsecondary technical institutes shall receive state funding, from the~~  
22 ~~amount appropriated by the Legislature less funds reserved in § 24:10:42:27, under a formula~~  
23 ~~that distributes these funds based on tuition full-time equivalents as follows:~~

- 24 ~~—(1)— Subtract the total set-asides reserved in § 24:10:42:27 from the total amount~~

- 1           appropriated by the Legislature within the general appropriations act;
- 2   ~~— (2) — Determine the tuition collected at each institution for the preceding fiscal year;~~
- 3   ~~— (3) — Sum the tuition collected at each institution as determined in subdivision (2) to~~  
4           establish the total postsecondary institute tuition;
- 5   ~~— (4) — Determine the percent of the total tuition collected at each institution by dividing the~~  
6           result in subdivision (2) for each institution by the result obtained in subdivision (3);
- 7           and
- 8   ~~— (5) — The allocation for each institution is then determined by multiplying the result~~  
9           obtained in subdivision (4) times the result in subdivision (1).

10       Section 11. That ARSD 24:10:42:29 be repealed.

11       ~~24:10:42:29. The Office of Career and Technical Education shall revise the funding formula~~  
12       each year using tuition data.

# State of South Dakota

EIGHTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2008

268P0292

## SENATE JUDICIARY ENGROSSED NO. **HB 1100** - 2/20/2008

Introduced by: Representatives Vehle, Deadrick, Dennert, and Elliott and Senator Hansen (Tom) at the request of the Interim Committee on Education for Divorcing Parents, Visitation, and Custody Task Force

1 FOR AN ACT ENTITLED, An Act to create a rebuttable presumption against the award of  
2 custody to any person with a proven history of domestic abuse.

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

4 Section 1. That § 25-4-45.5 be amended to read as follows:

5 25-4-45.5. In awarding custody involving a minor, the court shall consider ~~a~~:

6 (1) A conviction of domestic abuse as defined in subdivision 25-10-1(1); or ~~a~~

7 (2) A conviction of assault against a person as defined in subdivision 25-10-1(2), except  
8 against any person related by consanguinity, but not living in the same household; ~~or~~

9 (3) A history of domestic abuse.

10 The conviction or history of domestic abuse creates a rebuttable presumption that awarding  
11 custody to the abusive parent is not in the best ~~interests~~ interest of the minor. A history of  
12 domestic abuse may only be proven by greater convincing force of the evidence.

13 Section 2. That chapter 25-4 be amended by adding thereto a NEW SECTION to read as  
14 follows:



1        For purposes of this chapter, in determining whether a history of domestic abuse exists, the  
2        court's consideration may include the issuance of a protection order against a parent or the arrest  
3        of a parent following response of law enforcement to a report of alleged physical harm or bodily  
4        injury to a family or household member.

# State of South Dakota

EIGHTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2008

718P0299

SENATE ENGROSSED NO. **HB 1107** - 2/25/2008

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

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

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

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

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

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

14 Each applicant applying under the provisions of this chapter shall pay to the secretary of the  
15 board a license fee not to exceed two hundred dollars to be set by the board by rule promulgated



1 pursuant to chapter 1-26.

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

3 36-4-20. If it appears to the State Board of Medical and Osteopathic Examiners by a  
4 resolution thereof duly made and adopted, that an urgent need exists in any state-owned and  
5 operated medical institution for the services of a practitioner of medicine, surgery, and obstetrics  
6 and their branches, as a state employee, which cannot be adequately and effectively served by  
7 a regularly licensed practitioner, the board may, in its discretion, grant a temporary permit to an  
8 applicant who has satisfactorily passed a special examination and paid a fee of not to exceed  
9 fifty dollars for ~~said~~ the examination, notwithstanding that the applicant has not completed the  
10 period of internship or residence training in a hospital approved by the board and has failed or  
11 has been unable to satisfactorily show that he is a graduate of an approved medical or  
12 osteopathic college. The temporary permit shall be issued and be effective for one year from the  
13 date of issuance of such permit. The temporary permit entitles the person to whom issued to  
14 engage in the practice of medicine, surgery, and obstetrics and their branches as a state  
15 employee under the supervision of a licensed physician in such state-owned and operated  
16 medical institution and not elsewhere. Such temporary permit may be renewed by the board  
17 upon application to it on an annual basis and the payment of an annual renewal fee of not to  
18 exceed fifteen dollars. Except as may otherwise be provided in this section, applications for such  
19 temporary permits shall be processed in the same manner as regular license applications under  
20 § 36-4-11, and the holder of any such permit ~~shall be~~ is subject to all restrictions,  
21 responsibilities, and privileges inuring to regular licensees under this chapter. The examination  
22 and renewal fees provided for in this section shall be set by the board by rules promulgated  
23 pursuant to chapter 1-26.

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

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

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

19       36-4-20.7. The Board of Examiners may issue a resident certificate to an applicant who has  
20 satisfied all the requirements for licensure set forth in § 36-4-11, except having successfully  
21 completed a program as an intern or resident, and has successfully completed the first year of  
22 a residency program. The applicant shall make application for the resident certificate to the  
23 board on forms provided by the board. The application shall be accompanied by an application  
24 fee ~~of~~ set by the board, by rule promulgated pursuant to chapter 1-26, not to exceed fifty dollars.

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

2 36-4-24.1. Each person receiving a license under the provisions of this chapter shall apply,  
3 on a form approved by the Board of Medical and Osteopathic Examiners, for a renewal of the  
4 license. The renewal shall be issued by the secretary upon payment of a an annual fee ~~to be fixed~~  
5 ~~annually~~ set by the board, by rule promulgated pursuant to chapter 1-26, not exceeding the sum  
6 of two hundred dollars. The renewal shall be in the form of a receipt acknowledging payment  
7 of the required fee and signed by the secretary of the board.

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

9 36-4A-34. The board shall set, by rules promulgated pursuant to chapter 1-26, and shall  
10 collect in advance the following nonrefundable fees from applicants:

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

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

17 36-4B-29. The board shall promulgate rules pursuant to chapter 1-26 to set fees in each of  
18 the following categories in an amount which will produce sufficient revenue for the ensuing  
19 fiscal year not to exceed one hundred twenty percent of the anticipated expenses of the board  
20 for the operation of the advanced life support program by the board for that year.

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

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

- 1 (3) Licensure by reciprocity, not less than twenty-five dollars nor more than seventy-five
- 2 dollars;
- 3 (4) Renewal of a license, not less than ten dollars, nor more than twenty-five dollars;
- 4 (5) Reissuance of a lost or destroyed license, following approval of the board, not more
- 5 than ten dollars.

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

7 36-4C-13. The board shall prescribe and publish annual fees ~~annually~~ for the following by

8 promulgating rules pursuant to chapter 1-26:

- 9 (1) Initial license fee<sub>;</sub> not to exceed seventy-five dollars;
- 10 (2) Renewal of license fee<sub>;</sub> not to exceed sixty dollars;
- 11 (3) Late renewal fee<sub>;</sub> not to exceed ninety-five dollars; and
- 12 (4) Temporary permit fee<sub>;</sub> not to exceed forty dollars.

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

14 36-5-11. The fee for the license shall be set ~~in a~~ by rule, promulgated by the Board of

15 Chiropractic Examiners pursuant to chapter 1-26, and may not exceed three hundred dollars.

16 The fee shall be paid to the secretary-treasurer of the board when the application is submitted.

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

18 36-5-13. Any person licensed to practice chiropractic under the laws of any other state

19 having equivalent requirements of this chapter or licensed by the National Board of Chiropractic

20 Examiners may, in the discretion of the Board of Chiropractic Examiners, be issued a license

21 to practice chiropractic in this state without examination, upon payment of the fee ~~to be set in~~

22 a by rule, promulgated by the board pursuant to chapter 1-26, not to exceed three hundred

23 dollars.

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

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

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

8       36-6A-50. The Board of Dentistry shall ~~establish and collect~~ promulgate fees, by rule  
9 pursuant to chapter 1-26, provided for in this chapter, within the following limits:

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

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

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

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

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

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

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

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

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

14 36-6A-58. Every licensed dentist, dental hygienist, or registered dental radiographer upon  
15 changing his or her home or place of business shall, within ten days thereafter, furnish the  
16 secretary-treasurer of the Board of Dentistry with ~~his~~ the new address. In case of a lost or  
17 destroyed license, and upon satisfactory proof of the loss or destruction thereof being furnished  
18 to the board, the latter may issue a duplicate license, charging a fee ~~established~~, not to exceed  
19 twenty dollars, set by the board by rule promulgated pursuant to chapter 1-26.

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

21 36-7-12. Any person desiring to take an examination to determine his or her qualifications  
22 for the practice of optometry ~~must~~ shall file a sworn application with the secretary of the Board  
23 of Examiners in Optometry at least thirty days prior to the time set therefor and pay a fee ~~to be~~  
24 ~~set in a~~ by rule promulgated pursuant to chapter 1-26 by the Board of Examiners before

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

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

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

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

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

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

13       36-8-11. Any applicant for license as a podiatrist failing any examination ~~shall be~~ is entitled  
14 within six months after such refusal to a re-examination upon the payment of an additional fee  
15 ~~of, not to exceed~~ ten dollars for such examination, but, The fee shall be set by the board by rule  
16 promulgated pursuant to chapter 1-26. However, two such re-examinations shall exhaust his the  
17 applicant's privilege under the original application.

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

19       36-8-15. The fee for annual renewal of a certificate of a podiatrist ~~shall~~ may not exceed one  
20 hundred fifty dollars, ~~to be~~ as set by rule by the Board of Podiatry Examiners pursuant to chapter  
21 1-26. All renewal certificates shall remain in full force and effect for one year, unless a different  
22 time is fixed by ~~the rules and regulations of~~ rule promulgated pursuant to chapter 1-26 by the  
23 Board of Podiatry Examiners.

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

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

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

8       36-9-35. The Board of Nursing shall ~~collect in advance~~ promulgate by rule pursuant to  
9 chapter 1-26 the following nonrefundable registered nurse fees which the board shall collect in  
10 advance from applicants:

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

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

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

11 36-9-43. The Board of Nursing shall ~~collect in advance~~ promulgate by rule pursuant to  
12 chapter 1-26 the following nonrefundable licensed practical nurse fees which the board shall  
13 collect in advance from applicants:

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

- 1 (7) For providing a transcript, not more than five dollars;
- 2 (8) For effecting a name change upon the records of a licensee, not more than twenty
- 3 dollars;
- 4 (9) For issuing a duplicate license, not more than thirty dollars;
- 5 (10) For placing a license on inactive status, not more than twenty dollars.

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

7 36-9A-26. The boards shall promulgate, by rule pursuant to chapter 1-26, and shall collect  
8 in advance the following nonrefundable fees from applicants:

- 9 (1) For initial licensure or endorsement from another state, not more than two hundred
- 10 dollars;
- 11 (2) For biennial renewal of license, not more than one hundred fifty dollars;
- 12 (3) For reinstatement of a lapsed license, the current renewal fee and not more than one
- 13 hundred dollars;
- 14 (4) For providing a transcript, not more than five dollars;
- 15 (5) For effecting a name change upon the records of the license holder, not more than
- 16 twenty dollars;
- 17 (6) For issuance of a duplicate license, not more than thirty dollars;
- 18 (7) For issuing a temporary permit, not more than fifty dollars;
- 19 (8) For placing a license on inactive status, not more than twenty dollars;
- 20 (9) For endorsement to another state, territory, or foreign country, not more than thirty
- 21 dollars.

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

23 36-9B-4. A medical assistant seeking registration under this chapter shall complete an  
24 application prescribed by the Board of Medical and Osteopathic Examiners and the Board of

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

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

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

9 36-10-33. Any license issued by the board, pursuant to the provisions of this chapter, expires  
10 on the first day of January of the year next succeeding the issuance thereof. A license may be  
11 renewed upon the payment of a an annual fee ~~to be fixed annually, in rule, set~~ by the board, by  
12 rule promulgated pursuant to chapter 1-26, not exceeding the sum of fifty dollars. Failure of a  
13 licensee to renew the license on or before the first day of July of each year ~~shall constitute~~  
14 constitutes a forfeiture of the license. However, any person who has forfeited a license under  
15 this chapter may have the license restored by making written application therefor and by  
16 payment of the annual renewal fee for the current year.

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

18 36-11-17. Every person initially applying for a certificate of registration with the Board of  
19 Pharmacy as a registered pharmacist shall pay to the board with ~~his~~ the application a fee, not to  
20 exceed thirty-five dollars, set by the board by rule promulgated pursuant to chapter 1-26.

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

22 36-11-19. The Board of Pharmacy may in its discretion grant certificates of registration to  
23 such persons as shall furnish with their applications satisfactory proof that they have been  
24 registered by examination in some other state; provided that such other state required a degree

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

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

9 36-11-32. Upon a form prescribed by the State Board of Pharmacy and the payment of a fee,  
10 not to exceed two hundred dollars, set by the Board of Pharmacy in accordance with chapter 1-  
11 26, the State Board of Pharmacy shall issue to pharmacists in good standing, registered under  
12 the laws of this state, a permit to conduct a pharmacy.

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

14 36-12-12. Any person who is over the age of eighteen years desiring to begin the practice  
15 of veterinary medicine or veterinary surgery in the State of South Dakota, shall make application  
16 to the Board of Veterinary Medical Examiners for license to do so. Such application shall be  
17 made on a form furnished by the board and shall be accompanied by evidence that the applicant  
18 has graduated in and received a degree from an accredited or approved college of veterinary  
19 medicine or the holder of a current certificate issued by the American veterinary medical  
20 association educational commission for foreign veterinary graduates, indicating that the  
21 applicant has demonstrated knowledge and skill equivalent to that possessed by a graduate of  
22 an accredited or approved college of veterinary medicine. Every person applying to the board  
23 for license to practice shall pay to the board a fee of, not to exceed one hundred dollars, which  
24 shall become a part of the funds of the treasury of the board.

1 The board shall promulgate rules pursuant to chapter 1-26:  
2 ~~To~~ to set the application for licensure fee and establish the educational training, reciprocity,  
3 discipline, and examination standards for the licensure for the practice of veterinary medicine  
4 and veterinary technicians. Application fees for veterinarians may not exceed one hundred  
5 dollars and application fees for veterinary technicians may not exceed twenty-five dollars.

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

7 36-12-15. The Board of Veterinary Medical Examiners, without examination, may issue a  
8 license to practice veterinary medicine to a citizen of the United States or a resident of South  
9 Dakota who has been actively engaged in such profession in some other state, territory, or the  
10 District of Columbia, upon the certificate of the proper licensing authority of that state, territory,  
11 or the District of Columbia, certifying that the applicant is duly licensed, that his license has  
12 never been suspended or revoked, and that in so far as records of that authority are concerned,  
13 the applicant is entitled to its endorsement. The state, territory, or District of Columbia from  
14 which the applicant comes shall have and maintain standards regulating the profession at least  
15 equal to those maintained in the profession in South Dakota. In order that the board may  
16 determine such standards, the secretary of the examining board shall gather information from  
17 other states bearing on this point. Such license shall only be issued to those filing application  
18 with the secretary of the board accompanied by a fee ~~of twenty-five~~ not to exceed twenty-five  
19 dollars. The fee shall be set by the board by rule promulgated pursuant to chapter 1-26.

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

21 36-12-19. Each person licensed by the Board of Veterinary Medical Examiners to practice  
22 veterinary medicine in this state shall procure from the secretary of the board on or before July  
23 first, on a biennial basis, a certificate of registration. Such certificate shall be issued by the  
24 secretary upon payment of a fee ~~to be fixed annually~~ set by the board, by rule, promulgated

1 pursuant to chapter 1-26, not exceeding to exceed the sum of two hundred dollars. No licensed  
2 person applying for a certificate of registration after July first may be issued a certificate without  
3 paying a late fee not to exceed one hundred dollars.

4 Section 31. That § 36-12-21.5 be amended to read as follows:

5 36-12-21.5. The registration certificate of a veterinary technician shall be renewed each year  
6 by procuring a renewal certificate from the board on or before the first day of July of each year.  
7 The fee for renewal of the certificate shall be ~~fixed annually~~ set by the board, by rule,  
8 promulgated pursuant to chapter 1-26, and may not exceed the sum of five dollars. Failure to  
9 renew a certificate on or before July first of each year constitutes a forfeiture of the registration  
10 certificate.

11 Section 32. That § 36-14-24 be amended to read as follows:

12 36-14-24. The fee to be paid by an applicant for an examination to determine the applicant's  
13 fitness to receive a certificate of registration to practice barbering is may not exceed one  
14 hundred dollars and for the issuance of the certificate, may not exceed fifty dollars; by an  
15 applicant for an examination to determine the applicant's fitness to receive a certificate of  
16 registration to practice as an apprentice, may not exceed one hundred dollars, and for the  
17 issuance of the certificate, may not exceed fifty dollars. ~~The following~~ All fees shall be set by  
18 the board by ~~rule~~ rules promulgated pursuant to chapter 1-26. For the annual renewal of a  
19 certificate of registration to practice barbering, no more than eighty dollars, and for the  
20 restoration of an expired certificate, no more than twenty dollars, plus no more than fifteen  
21 dollars penalty for each expired year; for the annual renewal of a certificate of registration to  
22 practice as an apprentice, no more than fifty dollars, and for the restoration of an expired  
23 certificate, no more than twenty dollars, plus no more than fifteen dollars penalty for each  
24 expired year. The fee to be paid for a permit to operate a barber school or college shall be set

1 by rule promulgated pursuant to chapter 1-26 and may not be more than one hundred fifty  
2 dollars annually.

3 Section 33. That § 36-14-28 be amended to read as follows:

4 36-14-28. No shop license may be issued to any person for any new shop wanting to  
5 commence operation, or for any shop changing hands, or changing location, until the shop has  
6 passed an inspection of the premises and equipment. The inspection shall be made by the Board  
7 of Barber Examiners pursuant to the rules promulgated by the board pursuant to chapter 1-26.  
8 The fee for the original inspection ~~which is~~ may not exceed one hundred twenty-five dollars, as  
9 established by the board by rule promulgated pursuant to chapter 1-26, and shall be submitted  
10 along with the application for license and license fee.

11 Section 34. That § 36-19-17 be amended to read as follows:

12 36-19-17. Every funeral director who, on July 1, 1963, held a license which had been duly  
13 issued under the laws of this state, is entitled to have his license renewed annually upon payment  
14 of renewal fees of not to exceed fifty dollars ~~to be fixed~~ set by the State Board of Funeral  
15 Service, by rule promulgated pursuant to chapter 1-26.

16 Section 35. That § 36-19-18 be amended to read as follows:

17 36-19-18. The State Board of Funeral Service shall provide for registration of trainees for  
18 license to practice funeral service. Trainees shall at all times remain registered with the board;  
19 and shall pay an initial registration fee not to exceed twenty-five dollars set by the State Board  
20 of Funeral Service, by rule promulgated pursuant to chapter 1-26.

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

22 36-19-25. A license to practice funeral service shall be issued and is renewable annually  
23 upon payment of a fee not to exceed one hundred twenty-five dollars ~~to be fixed~~ set by the State  
24 Board of Funeral Service, by rule promulgated pursuant to chapter 1-26.

1 Section 37. That § 36-19-27 be amended to read as follows:

2 36-19-27. An application for a license to operate a funeral establishment shall be submitted  
3 for each location and shall be in writing on a form provided by the State Board of Funeral  
4 Service and shall be accompanied by a fee not to exceed two hundred fifty dollars set by the  
5 State Board of Funeral Service, by rule promulgated pursuant to chapter 1-26. A license to  
6 operate a funeral establishment may be granted upon approval and recommendation by the state  
7 board.

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

11 Section 38. That § 36-19-37 be amended to read as follows:

12 36-19-37. All licenses issued under the provisions of this chapter ~~shall be~~ are valid only until  
13 the following thirty-first day of December.

14 If a licensee desires a renewal of such license, the State Board of Funeral Service shall grant  
15 it, except for cause in compliance with chapter 1-26. All applications for renewal shall be made  
16 within thirty days prior to the expiration of the license and shall be accompanied by a renewal  
17 fee not to exceed two hundred fifty dollars, ~~to be fixed~~ set by the board, by rule promulgated  
18 pursuant to chapter 1-26.

19 Section 39. That § 36-20B-12 be amended to read as follows:

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

- 22 (1) Rules governing the board's meetings and the conduct of its business;
- 23 (2) Rules of procedure governing the conduct of investigations and hearings by the  
24 board;

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

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

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

11 Section 40. That § 36-20B-17 be amended to read as follows:

12 36-20B-17. The board may charge, or provide for a third-party administering the

13 examination to charge, each applicant a fee, in an amount, not to exceed three hundred fifty

14 dollars, prescribed by the board, by rule promulgated pursuant to chapter 1-26, for each section

15 of the examination or reexamination taken by the applicant.

16 Section 41. That § 36-20B-28 be amended to read as follows:

17 36-20B-28. The board shall charge a fee for each application for initial issuance or renewal

18 of a certificate under this chapter in an amount, not to exceed one hundred dollars, prescribed

19 by the board, by rule promulgated pursuant to chapter 1-26.

20 Section 42. That § 36-20B-37 be amended to read as follows:

21 36-20B-37. The board shall charge a fee for each application for initial issuance or renewal

22 of a permit in an amount, not to exceed sixty-five dollars for each person holding a certificate

23 to practice, plus fifty dollars for each firm office practicing public accountancy in this state,

24 prescribed by the board, by rule promulgated pursuant to chapter 1-26.

1 Section 43. That § 36-20B-67 be amended to read as follows:

2 36-20B-67. ~~An~~ Any individual whose principal place of business is not in this state having  
3 a valid certificate or license as a certified public accountant from any state which the board ~~or~~  
4 ~~its designee~~ has not verified to be in substantial equivalence with the licensure requirements of  
5 this chapter shall be presumed to have qualifications substantially equivalent to this state's  
6 requirements and shall have all the privileges of certificate holders and licensees of this state  
7 without the need to obtain a certificate or permit under this chapter. However, such individuals  
8 shall notify the board of their intent to enter the state under this provision completing procedures  
9 and paying fees, not to exceed one hundred fifteen dollars, specified by the board and  
10 promulgated by rule pursuant to chapter 1-26.

11 Section 44. That § 36-21A-38 be amended to read as follows:

12 36-21A-38. No license may be granted to a corporation, limited liability company,  
13 partnership or association, unless the corporation, limited liability company, partnership or  
14 association designates one or more qualifying brokers who own a substantial interest in and  
15 represent the corporation, partnership or association. The qualifying broker shall sign the  
16 application for the license. Upon the termination of a qualifying broker's affiliation with the  
17 firm, the firm shall name one or more new qualifying brokers and notify the commission in  
18 writing. The application fee for a firm license shall be set out by rule promulgated by the  
19 commission pursuant to chapter 1-26 and may not exceed one hundred dollars.

20 Section 45. That § 36-21A-60 be amended to read as follows:

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

- 22 (1) Certificate of licensee, a fee ~~of~~ not to exceed fifteen dollars;
- 23 (2) For each additional office or place of business, a biennial fee ~~of~~ not to exceed thirty  
24 dollars;

- 1 (3) For each change of office or place of business, a fee ~~of~~ not to exceed fifteen dollars;
- 2 (4) For each statement of registration of change of association, a fee ~~of~~ not to exceed
- 3 fifteen dollars; and
- 4 (5) For each duplicate license, if the original license is lost or destroyed and affidavit
- 5 made thereof, a fee ~~of~~ not to exceed fifteen dollars.

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

7 Section 46. That § 36-21A-61 be amended to read as follows:

8 36-21A-61. A person or firm licensed either actively or inactively under this chapter shall

9 register every two years with the commission and pay a fee set by rule promulgated by the

10 commission pursuant to chapter 1-26 not to exceed two hundred dollars. The application for

11 renewal of a license shall be made to the commission by November thirtieth of the year the

12 current license expires. Failure of a person to register results in cancellation of the license on

13 December thirty-first. The license may be reinstated by filing a new application and requalifying

14 as provided by this chapter.

15 Section 47. That § 36-21A-66 be amended to read as follows:

16 36-21A-66. A licensee who fails to file an application and fee for biennial registration may

17 suspend the cancellation of ~~his~~ the license by filing a late registration application and a fee in

18 ~~the~~ an amount ~~of~~ not to exceed twenty dollars for each month or fraction of a month that has

19 passed since November thirtieth. The fee shall be set by the commission by rule promulgated

20 pursuant to chapter 1-26. However, no late application may be accepted by the commission after

21 June thirtieth.

22 Section 48. That § 36-24-21.1 be amended to read as follows:

23 36-24-21.1. The board shall issue a license to any applicant who meets the requirements of

24 this section and pays the application fee set by the board, by rule promulgated pursuant to

1 chapter 1-26, not to exceed three hundred fifty dollars.

2 Section 49. That § 36-24-24.3 be amended to read as follows:

3 36-24-24.3. The board shall issue a provisional audiology license to ~~an~~ any applicant who:

4 (1) Except for the postgraduate professional experience, meets the academic, practicum,  
5 and examination requirements of this chapter;

6 (2) Applies to the board on a form prescribed by the board, with a plan for the content  
7 of the postgraduate professional experience; and

8 (3) Pays to the board the application fee for a provisional license not to exceed one  
9 hundred fifty dollars set by the board by rule promulgated pursuant to chapter 1-26.

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

14 Section 50. That § 36-24-25.1 be amended to read as follows:

15 36-24-25.1. Pending board approval, the board may issue a hearing aid dispensing license  
16 or audiology license to an applicant holding a valid license from another state in the applicant's  
17 respective professional area who:

18 (1) Applies to the board on a form prescribed by the board;

19 (2) Pays to the board the application fee not to exceed three hundred fifty dollars set by  
20 the board by rule promulgated pursuant to chapter 1-26;

21 (3) Shows proof of current valid professional licensure;

22 (4) Holds a license from a state with equivalent licensure standards; and

23 (5) Is practicing audiology or hearing aid dispensing in the state in which the license was  
24 issued.

1 Section 51. That § 36-24-28.1 be amended to read as follows:

2 36-24-28.1. A license or provisional license issued under this chapter expires annually at a  
3 time specified by rules promulgated by the board pursuant to chapter 1-26. A person licensed  
4 under this chapter shall:

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

9 Licensees are granted a grace period of thirty days beyond the expiration date of the license  
10 to renew retroactively as long as licensees are otherwise eligible and pay to the board the  
11 renewal fee ~~not to exceed three hundred fifty dollars~~ and any late fee not to exceed one hundred  
12 dollars set by the board, by rule promulgated pursuant to chapter 1-26.

13 Section 52. That § 36-24-29.1 be amended to read as follows:

14 36-24-29.1. A licensee who fails to renew by the end of the thirty-day grace period may have  
15 the license reinstated if:

- 16 (1) The person submits an application for reinstatement to the board within three years  
17 after the expiration date of the license;
- 18 (2) The person meets the requirements established by the board as conditions for license  
19 renewal; and
- 20 (3) The person pays to the board a reinstatement fee that equals the renewal fee ~~not to~~  
21 ~~exceed three hundred fifty dollars~~ in effect on the last regular renewal date  
22 immediately preceding the date of reinstatement, plus any late fee not to exceed one  
23 hundred dollars set by the board, by rule promulgated pursuant to chapter 1-26.

24 Any person who fails to renew a license within three years from the expiration date may not

1 have the license reinstated. The person may apply for and obtain a new license on conditions  
2 of the requirements of this chapter and pay to the board the appropriate fees.

3 Section 53. That § 36-24-29.2 be amended to read as follows:

4 36-24-29.2. A suspended license is subject to expiration and may be renewed as provided  
5 in this chapter, but such renewal does not entitle the licensee, while the license remains  
6 suspended and until it the license is reinstated, to engage in the licensed activity or in any other  
7 conduct or activity in violation of the order of judgment by which the license was suspended.

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

14 Section 54. That § 36-24-46 be amended to read as follows:

15 36-24-46. The board may promulgate rules pursuant to chapter 1-26 to establish application  
16 fees, license fees, provisional license fees, renewal fees, penalty fees, reciprocity fees, and late  
17 fees. All fees provided under this chapter are nonrefundable. No fee may exceed three hundred  
18 fifty dollars.

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

21 Section 55. That § 36-25-19 be amended to read as follows:

22 36-25-19. Application for a plumber's permit shall be made to the commission, accompanied  
23 by the proper fee. Unless the applicant is entitled to a renewal he shall be registered by the  
24 commission only after satisfactorily passing an examination showing fitness to practice his

1 trade. Examinations may be held in conjunction with any quarterly meeting of the commission.

2 The commission may promulgate rules, pursuant to chapter 1-26, to establish reexamination  
3 fees for: plumbing contractor, plumber, water conditioning and treatment plumbing contractor,  
4 water conditioning and treatment plumbing installer, appliance plumbing contractor, appliance  
5 plumbing installer, sewer and water plumbing contractor, sewer and water plumbing apprentice  
6 installer, manufactured and mobile home contractor, manufactured and mobile home installer,  
7 manufactured and mobile home apprentice, underground irrigation contractor, underground  
8 irrigation installer and underground irrigation installer apprentice. No fee may exceed one  
9 hundred dollars.

10 Section 56. That § 36-25-19.1 be amended to read as follows:

11 36-25-19.1. The commission shall collect a plumbing permit fee from any person  
12 responsible for the installation of plumbing work. The plumbing inspection fee shall include the  
13 fee for a plumbing installation certificate, plus the appropriate fees for the plumbing fixtures to  
14 be inspected. The maximum fee for permits in a single-family dwelling unit is fifty dollars. The  
15 maximum fee for permits in a multiple-dwelling unit or public building is two hundred dollars.  
16 The commission shall establish by rule ~~adopted~~ promulgated pursuant to chapter 1-26 the fee  
17 for the plumbing installation certificate and the fees for inspections of plumbing fixtures.

18 Section 57. That § 36-25-22 be amended to read as follows:

19 36-25-22. The commission shall register and issue a permit to applicants who have  
20 successfully qualified for such permit under the provisions of this chapter and upon payment  
21 of the fee herein provided. Permits shall expire December thirty-first of each year, but may be  
22 renewed upon application made not later than the following January thirty-first.

23 The commission shall promulgate rules, pursuant to chapter 1-26, to establish the renewal  
24 of license fees for: plumbing contractor, plumber, water conditioning plumbing installer

1 apprentice, water conditioning and treatment plumbing contractor, water conditioning plumbing  
2 installer, appliance installation plumbing contractor, appliance plumbing installer, appliance  
3 plumbing installer apprentice, sewer and water installation plumbing contractor, sewer and  
4 water plumbing installer, sewer and water plumbing installer apprentice, manufactured and  
5 mobile home contractor, manufactured and mobile home installer, manufactured and mobile  
6 home apprentice, underground irrigation contractor, underground irrigation installer and  
7 underground irrigation installer apprentice. No fee may exceed two hundred fifty dollars.

8 Section 58. That 36-25-22.1 be amended to read as follows:

9 36-25-22.1. Any person who, before June 30, 1994, furnishes satisfactory evidence to the  
10 commission that ~~he~~ the person was engaged in business as an underground irrigation contractor  
11 or an underground irrigation installer between January 1, 1993, and July 1, 1993, in this state  
12 shall be registered without examination, upon payment of ~~fees as a fee, not to exceed one~~  
13 hundred fifty dollars, established by the commission by rules ~~adopted~~ promulgated pursuant to  
14 chapter 1-26.

15 Section 59. That § 36-25-24 be amended to read as follows:

16 36-25-24. Fees for permits for plumbing contractors and plumbers shall be promulgated in  
17 rules by the commission, which fees shall be payable prior to taking the examination for the first  
18 time.

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

22 The fee for a temporary permit shall be as determined by the commission. The commission  
23 shall promulgate rules, pursuant to chapter 1-26, to establish initial examination and license fees  
24 and temporary license fees for: plumbing contractor, plumber, water conditioning and treatment

1 plumbing contractor, water conditioning plumbing installer, appliance installation plumbing  
2 contractor, appliance plumbing installer, sewer and water plumbing contractor, sewer and water  
3 plumbing installer, manufactured and mobile home contractor, manufactured and mobile home  
4 installer, manufactured and mobile home apprentice, underground irrigation contractor,  
5 underground irrigation installer and underground irrigation installer apprentice. No fee may  
6 exceed one hundred dollars.

7 Section 60. That § 36-26-19 be amended to read as follows:

8 36-26-19. The fees to be paid by an applicant to determine fitness to receive a license to  
9 practice social work shall be set by the board.

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

14 Section 61. That § 36-27A-19 be amended to read as follows:

15 36-27A-19. The application fee for a license to practice psychology shall be set by the Board  
16 of Examiners of Psychologists in rules ~~adopted~~ promulgated pursuant to chapter 1-26. The fee  
17 may not exceed three hundred dollars. The application fee includes the oral examination  
18 required by this chapter. The applicant shall pay fees for the written national examination and  
19 any reexamination directly to the national examination company.

20 Section 62. That § 36-27A-20 be amended to read as follows:

21 36-27A-20. An applicant who fails to pass the oral examination required by this chapter is  
22 entitled to reexamination within six months upon payment of an additional fee, not to exceed  
23 two hundred dollars, to be set by the Board of Examiners of Psychologists in rules ~~adopted~~  
24 promulgated pursuant to chapter 1-26. One reexamination exhausts the privilege under the

1 original application. An applicant who fails to pass the written examination required by this  
2 chapter is entitled to reexamination within six months upon payment of an additional fee  
3 directly to the national examination company. One reexamination exhausts the privilege under  
4 the original application.

5 Section 63. That § 36-27A-22.1 be amended to read as follows:

6 36-27A-22.1. After an applicant passes the oral and written examinations, ~~he~~ the applicant  
7 shall pay a fee for initial licensure set by the Board of Examiners of Psychologists in rules  
8 ~~adopted~~ promulgated pursuant to chapter 1-26, not to exceed three hundred fifty dollars.

9 Section 64. That § 36-27A-24 be amended to read as follows:

10 36-27A-24. The license shall be renewed annually by payment of a fee, not to exceed three  
11 hundred fifty dollars, to be set by the Board of Examiners of Psychologists in rules ~~adopted~~  
12 promulgated pursuant to chapter 1-26. The failure of a licensee to renew ~~his~~ the license by the  
13 first day of July each year constitutes a forfeiture. However, a person who forfeits his license  
14 may have it restored by making written application and payment of the required renewal fee  
15 prior to the first day of January of the next year, following notification from the board.

16 Section 65. That § 36-27A-29.1 be amended to read as follows:

17 36-27A-29.1. If payment of costs incurred in carrying out a license revocation or other  
18 disciplinary action prevents the Board of Examiners of Psychologists from meeting its other  
19 financial obligations, the board, upon the approval of a majority of its members, may assess each  
20 licensee a special fee to make up the deficit. The Board of Examiners of Psychologists shall set  
21 the special fee, not to exceed three hundred dollars a year, in rules ~~adopted~~ promulgated  
22 pursuant to chapter 1-26. If the special fee is assessed, a licensee is ineligible to renew ~~his~~ the  
23 license until ~~he~~ pays the payment of the fee.

24 Section 66. That § 36-28-15 be amended to read as follows:

1       36-28-15. Any person applying to be licensed as a nursing facility administrator shall pay  
2       an initial license fee in an amount set ~~in a~~ by rule promulgated by the board pursuant to chapter  
3       1-26, which may not exceed one hundred fifty dollars. The initial license fee shall be prorated  
4       to the next biennial renewal date according to rule promulgated by the board pursuant to chapter  
5       1-26.

6       Section 67. That § 36-28-18 be amended to read as follows:

7       36-28-18. A nursing facility administrator's license expires on December thirty-first  
8       biennially and is renewable biennially thereafter upon application to the board and payment of  
9       a biennial license fee set ~~in a~~ by rule promulgated by the board pursuant to chapter 1-26. The  
10      fee may not exceed one hundred fifty dollars.

11      Section 68. That § 36-28-18.1 be amended to read as follows:

12      36-28-18.1. The board may issue duplicate licenses ~~of biennial renewal~~ and may ~~adopt~~  
13      promulgate rules and set fees ~~therefore~~, which may not exceed fifty dollars, ~~in compliance with~~  
14      pursuant to chapter 1-26.

15      Section 69. That § 36-29-11 be amended to read as follows:

16      36-29-11. Any license issued by the Board of Medical and Osteopathic Examiners shall  
17      expire on the first day of July of the first year following its issuance. A license may be renewed  
18      every year upon the payment of a fee ~~to be fixed~~ set by the board, by rule promulgated pursuant  
19      to chapter 1-26. The fee may not exceed fifty dollars.

20      Section 70. That § 36-31-12 be amended to read as follows:

21      36-31-12. The board shall prescribe and ~~publish~~ promulgate the following fees ~~for the~~  
22      ~~following~~ by rule pursuant to chapter 1-26:

- 23      (1)    Initial license fee;
- 24      (2)    Renewal of license fee;

1 (3) Late renewal fee; and

2 (4) Limited permit fee.

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

5 Section 71. That § 36-32-19 be amended to read as follows:

6 36-32-19. Any applicant failing to pass the examination provided by this chapter ~~shall be~~  
7 is entitled within six months to a reexamination upon payment of an additional fee, not to  
8 exceed one hundred dollars, to be promulgated by the board pursuant to chapter 1-26, ~~but~~,  
9 However, two such reexaminations shall exhaust the privilege under the original application.

10 Section 72. That § 36-32-19.1 be amended to read as follows:

11 36-32-19.1. ~~An~~ Any applicant failing to pass the examination required for licensed  
12 professional counselor-mental health is entitled to a reexamination within six months upon  
13 payment of an additional fee, not to exceed one hundred dollars, to be promulgated by the board  
14 pursuant to chapter 1-26. However, two such reexaminations exhaust the privilege under the  
15 original application.

16 Section 73. That § 36-32-20 be amended to read as follows:

17 36-32-20. Any license issued by the board requires renewal by the last day of December of  
18 each year in the manner and upon the payment of a fee, not to exceed one hundred dollars,  
19 established by the board by rules promulgated pursuant to chapter 1-26. Any licensee failing to  
20 renew a license prior to January first may be required to pay a late fee, not to exceed one  
21 hundred dollars, as prescribed in rules promulgated by the board. Any license not renewed by  
22 July first is inactive.

23 Section 74. That § 36-32-26 be amended to read as follows:

24 36-32-26. The board may promulgate rules pursuant to chapter 1-26 to set standards for

1 professional practice and establish procedures and fees for applications, licensure, license  
2 renewal, reciprocal license, duplicate license, eligibility, continuing education, supervision,  
3 examination for licensed professional counselors and licensed professional counselors--mental  
4 health.

5 Section 75. That § 36-33-9 be amended to read as follows:

6 36-33-9. An applicant for a license as a licensed marriage and family therapist shall file an  
7 application with the board on a form, in the manner, and along with an application fee, not to  
8 exceed one hundred dollars, established by the board in rules promulgated pursuant to chapter  
9 1-26. The board shall issue a license as a marriage and family therapist to an applicant who pays  
10 the license fee and furnishes the board with satisfactory evidence that:

- 11 (1) The applicant is at least twenty-one years of age;
- 12 (2) The applicant is of good moral character;
- 13 (3) The applicant has received a master's or doctoral degree which consists of at least  
14 forty-eight semester credit hours in marriage and family therapy from a program  
15 accredited by the Commission on Accreditation for Marriage and Family Therapy  
16 Education, or a program with specialty training in marriage and family counseling or  
17 therapy which is accredited by the Council for Accreditation of Counseling and  
18 Related Educational Programs, or a graduate degree from a regionally accredited  
19 educational institution and an equivalent course of study as approved by the board  
20 which meets the standards of the American Association for Marriage and Family  
21 Therapy. The course of study shall include:

- 22 (a) Marriage and family studies (3 course, 9 semester credit minimum):  
23 Introductory systems theory, family development, family systems (marital,  
24 sibling, individual subsystems), special family issues, gender and cultural

- 1 issues, all with major focus from a systems theory orientation;
- 2 (b) Marriage and family therapy (3 course, 9 semester credit minimum):
- 3 Advanced systems theory and interventions, major systemic marriage and
- 4 family treatment approaches, (structural, strategic, neoanalytic (object
- 5 relations), behavioral marriage and family therapy, communications, sex
- 6 therapy, etc.);
- 7 (c) Human development (3 course, 9 semester credit minimum): At least one
- 8 course in psychopathology-abnormal behavior is required and at least one
- 9 course in assessment is required. The third course may be selected from
- 10 human development (normal and abnormal), personality theory, or human
- 11 sexuality;
- 12 (d) Professional studies (1 course, 3 semester credit minimum): Professional
- 13 ethics as a therapist including legal and ethical responsibilities and liabilities,
- 14 family law, etc;
- 15 (e) Research (1 course, 3 semester credit minimum): Research course in marriage
- 16 and family studies and therapy including research design, methodology,
- 17 statistics;
- 18 (f) Practicum (supervised clinical practice), one year minimum during graduate
- 19 work: Fifteen hours per week, approximately 8 to 10 hours in direct clinical
- 20 contact with individuals, couples, and families. Minimum of three hundred
- 21 client contact hours required;
- 22 (4) The applicant has successfully completed (a) at least two years of supervised
- 23 professional work experience in marriage and family therapy following receipt of the
- 24 first qualifying graduate degree and the practicum required as part of the course of

1 study, and (b) at least two hundred hours of supervision of one thousand seven  
2 hundred hours of marriage and family therapy conducted in face-to-face contact with  
3 individuals, couples, and families including supervision in the diagnosis of individual  
4 pathology. Only supervised clinical contact may be credited for this requirement. At  
5 least one hundred of the two hundred hours of supervision must be individual  
6 supervision. The supervisor shall be a licensed marriage and family therapist or the  
7 equivalent as determined by the board pursuant to chapter 1-26; and

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

10 Section 76. That § 36-35-17 be amended to read as follows:

11 36-35-17. Any applicant for a license under this chapter shall submit a nonrefundable  
12 application fee ~~of not to exceed~~ one hundred dollars. Any person who has a license issued or  
13 renewed by the board shall submit a license fee in an amount ~~set by the board, but~~ not to exceed  
14 sixty-five dollars. Fees shall be set by the board by rule promulgated pursuant to chapter 1-26.

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

16 36-35-18. Any person holding a valid license under this chapter may obtain a certified  
17 duplicate license by submitting a fee ~~of~~ to be set by the board by rule promulgated pursuant to  
18 chapter 1-26, not to exceed twenty-five dollars for each certified duplicate.