



# State of South Dakota

EIGHTY-FIRST SESSION  
LEGISLATIVE ASSEMBLY, 2006

471M0008

HOUSE JUDICIARY COMMITTEE ENGROSSED NO.

**HB 1086** - 01/25/2006

Introduced by: Representatives Glenski, Garnos, Hanks, Heineman, Kraus, Lange, McCoy, Miles, Murschel, Nelson, Rausch, Rave, Schafer, Sigdestad, Street, Tidemann, Weems, and Wick and Senators Peterson (Jim), Gant, Greenfield, Kloucek, and Koetzle

1 FOR AN ACT ENTITLED, An Act to restrict the rights of certain sex offenders related to  
2 adoption or visitation of children.

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

4 Section 1. That § 25-6-4 be amended to read as follows:

5 25-6-4. No child may be adopted without the consent of the child's parents. However, if it  
6 is in the best interest of the child, the court may waive consent from a parent or putative father  
7 who:

8 (1) Has been convicted of any crime punishable by imprisonment in the penitentiary for  
9 a period that, in the opinion of the court, will deprive the child of the parent's  
10 companionship for a critical period of time;

11 (2) Has, by clear and convincing evidence, abandoned the child for six months or more  
12 immediately prior to the filing of the petition;

13 (3) Has substantially and continuously or repeatedly neglected the child and refused to  
14 give the child necessary parental care and protection;



- 1       (4)    Being financially able, has willfully neglected to provide the child with the necessary
- 2            subsistence, education, or other care necessary for the child's health, morals, or
- 3            welfare or has neglected to pay for such subsistence, education, or other care if legal
- 4            custody of the child is lodged with others and such payment ordered by the court;
- 5       (5)    Is unfit by reason of habitual abuse of intoxicating liquor or narcotic drugs;
- 6       (6)    Has been judicially deprived of the custody of the child, if the adjudication is final
- 7            on appeal to the court of last resort or the time for an appeal has expired; ~~or~~
- 8       (6A) Has caused the child to be conceived as a result of rape or incest; or
- 9       (7)    Does not appear personally or by counsel at the hearing to terminate parental rights
- 10           after notice pursuant to §§ 25-5A-11 and 25-5A-12 which was received at least thirty
- 11           days prior to the hearing.

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

14       If it is in the best interest of the child, the court may prohibit, revoke, or restrict visitation  
15 rights to a child for any person who has caused the child to be conceived as a result of rape or  
16 incest.

# State of South Dakota

EIGHTY-FIRST SESSION  
LEGISLATIVE ASSEMBLY, 2006

167M0492

HOUSE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **HB 1091** - 01/25/2006

Introduced by: Representatives Dykstra, Frost, Hackl, Jerke, Miles, and Rave and Senators  
Koskan, McCracken, and Peterson (Jim)

1 FOR AN ACT ENTITLED, An Act to authorize the Public Utilities Commission to approve  
2 tariff mechanisms for the automatic annual adjustment of charges for jurisdictional costs of  
3 new or modified transmission facilities.

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

5 Section 1. That chapter 49-34A be amended by adding thereto a NEW SECTION to read  
6 as follows:

7 Notwithstanding any other provision of this chapter, the commission may approve a tariff  
8 mechanism for the automatic annual adjustment of charges for the jurisdictional costs of new  
9 or modified transmission facilities with a design capacity of thirty-four and one-half kilovolts  
10 or more and which are more than five miles in length. For the purposes of this Act, electric  
11 transmission facilities and electric transmission lines covered by this section include associated  
12 facilities such as substations and transformers.

13 Section 2. That chapter 49-34A be amended by adding thereto a NEW SECTION to read  
14 as follows:

15 Upon filing of an application consistent with rules promulgated by the commission by any



1 utility providing transmission service, the commission may approve, reject, or modify, after  
2 notice, hearing, and comment, a tariff that:

- 3 (1) Allows the utility to recover on a timely basis the costs net of revenues of facilities  
4 described in section 1 of this Act;
- 5 (2) Allows a return on investment at the level approved in the utility's last general rate  
6 case, unless a different return is found to be consistent with the public interest;
- 7 (3) Provides a current return on construction work in progress, if the recovery from retail  
8 customers for the allowance for funds used during construction is not sought through  
9 any other mechanism;
- 10 (4) Allocates project costs appropriately between wholesale and retail customers; and
- 11 (5) Terminates recovery once costs have been fully recovered or have otherwise been  
12 reflected in the utility's general rates.

13 Section 3. That chapter 49-34A be amended by adding thereto a NEW SECTION to read  
14 as follows:

15 A utility may file annual rate adjustments to be applied to customer bills paid under the tariff  
16 approved pursuant to section 2 of this Act. In the utility's filing, the utility shall provide:

- 17 (1) A description of and context for the facilities included for recovery;
- 18 (2) A schedule for implementation of applicable projects;
- 19 (3) The utility's costs for these projects;
- 20 (4) A description of the utility's efforts to ensure the lowest reasonable costs to  
21 ratepayers for the project; and
- 22 (5) Calculations to establish that the rate adjustment is consistent with the terms of the  
23 tariff established in section 2 of this Act.

24 Section 4. That chapter 49-34A be amended by adding thereto a NEW SECTION to read

1 as follows:

2 Upon receiving a filing under section 3 of this Act for a rate adjustment pursuant to the tariff  
3 established in section 2 of this Act, the commission shall approve the annual rate adjustments  
4 if, after notice, hearing, and comment, the costs included for recovery through the tariff were  
5 or are expected to be prudently incurred and achieve transmission system improvements at the  
6 lowest reasonable cost to ratepayers.

7 Section 5. That § 49-1A-8 be amended to read as follows:

8 49-1A-8. There is created a special fund within the state treasury to be known as the South  
9 Dakota Public Utilities Commission Regulatory Assessment Fee fund. The Public Utilities  
10 Commission may require a public utility as defined in subdivision 49-34A-1(12) to make a  
11 deposit of up to one hundred thousand dollars when it files for approval of a general rate case,  
12 regardless of the number of issues involved, or files an integrated resource plan. The  
13 commission may require a deposit of up to one hundred twenty-five thousand dollars for a filing  
14 which combines a general rate case and an integrated resource plan. The commission may  
15 require a deposit of up to fifty thousand dollars for the filing of a tariff for approval under the  
16 provisions of this Act. The deposits shall be made to the South Dakota Public Utilities  
17 Commission Regulatory Assessment Fee fund, the amount to be designated by commission  
18 order. The fund shall be invested as provided by law, and the interest earned shall be credited  
19 to the fund.

20 Section 6. That § 49-34A-4 be amended to read as follows:

21 49-34A-4. The commission shall regulate to the extent provided in this chapter every public  
22 utility as defined ~~herein~~ in this chapter. The commission may promulgate rules pursuant to  
23 chapter 1-26 in furtherance of the purposes of this chapter concerning:

24 (1) Procedures and requirements for applications for rate and tariff changes;

- 1 (2) Requirements for gas and electric utilities to maintain and make available to the
- 2 public and the commission records and information;
- 3 (3) Requirements and procedures regarding customer billings and meter readings;
- 4 (4) Requirements regarding availability of meter tests;
- 5 (5) Requirements regarding billing adjustments for meter errors;
- 6 (6) Procedures and requirements for handling customer disputes and complaints;
- 7 (7) Procedures and requirements regarding temporary service, changes in location of
- 8 service and service interruptions;
- 9 (8) Standards and procedures to ensure nondiscriminatory credit policies;
- 10 (9) Procedures, requirements and record-keeping guidelines regarding deposit policies;
- 11 (10) Procedures, requirements and record-keeping guidelines regarding customer refunds;
- 12 (11) Policies for refusal of gas or electric service;
- 13 (12) Policies for disconnection and transfer of gas and electric service;
- 14 (13) Customer payment plans for delinquent bills; ~~and~~
- 15 (14) Requirements regarding advertising; and
- 16 (15) Procedures and requirements for applications for tariff mechanisms seeking the
- 17 automatic annual adjustment of charges for the jurisdictional costs of new or
- 18 modified transmission facilities under the provisions of section 1 of this Act.

# State of South Dakota

EIGHTY-FIRST SESSION  
LEGISLATIVE ASSEMBLY, 2006

527M0485

HOUSE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **HB 1140** - 01/25/2006

Introduced by: Representatives Haley, Hargens, Hennies, Murschel, and O'Brien and  
Senators Hansen (Tom), Abdallah, Broderick, Hundstad, Koetzle, Nesselhuf,  
Olson (Ed), Peterson (Jim), and Sutton (Dan)

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the continuing  
2 eligibility requirements for opportunity scholarship recipients.

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

4 Section 1. That § 13-55-34 be amended to read as follows:

5 13-55-34. In order to maintain eligibility, a student shall:

6 (1) Maintain a cumulative 3.0 grade point average on a 4.0 scale. Cumulative grade point  
7 average shall be calculated after the second semester and every semester thereafter.  
8 The student shall complete consecutive spring and fall terms in order to remain  
9 eligible for continuation of the scholarship program from term to term. A student  
10 whose cumulative grade point average falls below 3.0 on a 4.0 scale shall forfeit the  
11 scholarship for the subsequent semester and for subsequent semesters until the  
12 student has reestablished eligibility. To reestablish eligibility, the student shall  
13 comply with all course load, enrollment, and proficiency examination requirements  
14 for continued eligibility stated in §§ 13-55-30 to 13-55-35, inclusive, and the student



1 shall achieve a cumulative grade point average of 3.0, or greater, on a 4.0 scale. The  
2 scholarship shall be reinstated beginning the semester following that in which the  
3 student achieves a cumulative grade point average of 3.0, or greater, on a 4.0 scale.  
4 Reinstatement of a scholarship does not extend the time allowed under the  
5 scholarship program; any scholarship award forfeited cannot be reclaimed after a  
6 student has regained eligibility. A student whose cumulative grade point average falls  
7 below 3.0 on a 4.0 scale a second time forfeits the scholarship for all subsequent  
8 semesters;

9 (2) Complete fifteen credit hours of instruction per semester. The student shall enroll in  
10 and complete at least fifteen credit hours of instruction in each consecutive spring  
11 and fall term. If the executive director of the Board of Regents determines that a  
12 student's failure to enroll or to maintain continued enrollment occurred as a direct  
13 result of the student's participation in intercollegiate athletics or of legitimate factors  
14 outside the student's control, or has resulted from the student's participation in an  
15 activity that in the executive director's judgment provides knowledge or experience  
16 that will enhance the student's academic pursuits, the executive director may extend  
17 the student's eligibility to participate in the program for up to two additional years,  
18 if the student does not enroll in a noneligible institution; and

19 (3) Sit for and pass all sections of a college proficiency exam as required by Board of  
20 Regents Policy Number 2.28 as in effect on January 1, 2003, at the end of the  
21 sophomore year. The Board of regents may review and adjust the proficiency  
22 examinations administered in keeping with sound academic practice. If such changes  
23 are made, the Board of Regents shall notify all eligible institutions of new testing  
24 standards or requirements. If the student fails to pass the proficiency examinations

1 the first time, eligibility is forfeited for continuation in the scholarship program.