

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

229N0064

HOUSE JUDICIARY COMMITTEE ENGROSSED NO.

HB 1005 - 02/05/2007

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

Introduced by: Representative Cutler and Senator Abdallah

1 FOR AN ACT ENTITLED, An Act to revise the reporting requirements involving sex offense
2 victims.

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

4 Section 1. That chapter 22-22 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 If a state's attorney charges a person for a sex offense, as set forth in this chapter, and the
7 offense involves a victim eighteen years of age or older, the state's attorney shall report
8 information regarding the crime to the Department of Social Services. The reports required
9 herein shall be submitted quarterly to the department in a written or electronic format provided
10 by the department and shall not include the name, address, or social security number of the
11 victim. The department shall maintain a database of such reports and shall make information
12 regarding the incidence and frequency of sex offenses available to the public.



State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

400N0205

SENATE APPROPRIATIONS COMMITTEE

ENGROSSED NO. **HB 1010** - 02/02/2007

Introduced by: The Committee on Appropriations at the request of the Department of
Military and Veterans Affairs

1 FOR AN ACT ENTITLED, An Act to make an appropriation to provide for the renovation of
2 the nursing care building on the South Dakota Veterans' Home campus and to declare an
3 emergency.

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

5 Section 1. There is hereby appropriated from the state general fund the sum of one million
6 eighty-two thousand seven hundred eighty-three dollars (\$1,082,783), and one million eight
7 hundred seven thousand five hundred twenty-six dollars (\$1,807,526) in federal fund
8 expenditure authority, or so much thereof as may be necessary, to the Department of Military
9 and Veterans Affairs for the purposes of renovation of the nursing care building on the South
10 Dakota Veterans' Home campus in Hot Springs to include the installation of fire retardant doors,
11 a fire pump, and a sprinkler control system, the replacement of fire escapes on the building
12 exterior, and the upgrade of the nurse call system.

13 Section 2. The secretary of the Department of Military and Veterans Affairs shall approve
14 vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

15 Section 3. Whereas, this Act is necessary for the support of the state government and its



- 1 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in
- 2 full force and effect from and after its passage and approval.

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

400N0299

HOUSE GOVERNMENT OPERATIONS AND AUDIT
COMMITTEE ENGROSSED NO. **HB 1041** -
02/06/2007

Introduced by: The Committee on Commerce at the request of the Cosmetology Commission

1 FOR AN ACT ENTITLED, An Act to revise the fees for cosmetology, nail technology, and
2 esthetics.

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

4 Section 1. That § 36-15-20 be amended to read as follows:

5 36-15-20. The fees promulgated in rules by the commission pursuant to chapter 1-26 for all
6 examinations, licenses, permits, and renewals required by this chapter may not exceed the
7 following maximums:

8 (1) Cosmetologist examination fee, sixty dollars;

9 ~~—(2)—~~ Cosmetologist license fee, fifteen dollars;

10 ~~—(3)—~~ Cosmetologist license renewal fee, fifteen dollars;

11 ~~—(4)—~~ Cosmetologist-manager license fee, fifteen dollars;

12 ~~—(5)—~~ Cosmetologist-manager license renewal fee, fifteen dollars;

13 ~~—(6)—~~ Nail technician examination fee, sixty dollars;

14 ~~—(7)—~~ Nail technician license fee, fifteen dollars;

15 ~~—(8)—~~ Nail technician license renewal fee, fifteen dollars;



- 1 ~~(9) Nail technician-manager license fee, fifteen dollars;~~
- 2 ~~(10) Nail technician-manager license renewal fee, fifteen dollars;~~
- 3 ~~(11) Esthetician examination fee, eighty dollars;~~
- 4 ~~(12) Esthetician license fee, twenty-five dollars;~~
- 5 ~~(13) Esthetician license renewal fee, twenty-five dollars;~~
- 6 ~~(14) Esthetician-manager license fee, twenty-five dollars;~~
- 7 ~~(15) Esthetician-manager license renewal fee, twenty-five dollars;~~
- 8 ~~(16) Temporary cosmetologist, nail technician, or esthetician license fee, six dollars;~~
- 9 ~~(17) Junior instructor license fee, fifteen dollars;~~
- 10 ~~(18) Junior instructor license renewal fee, fifteen dollars;~~
- 11 ~~(19) Senior instructor license fee, fifteen dollars;~~
- 12 ~~(20) Senior instructor license renewal fee, fifteen dollars;~~
- 13 ~~(21) Reciprocity and waiver of examination fee, one hundred dollars;~~
- 14 ~~(22) Temporary permit based on reciprocal recognition of another state license, six~~
15 ~~dollars;~~
- 16 ~~(23) For endorsement of a certificate issued under this chapter, for a South Dakota~~
17 ~~licensee to obtain reciprocity in another state, or furnishing of other papers to another~~
18 ~~state or school, twenty dollars;~~
- 19 ~~(24) Apprentice license fee, twenty-five dollars;~~
- 20 ~~(25) Apprentice salon license fee, two hundred fifty dollars;~~
- 21 ~~(26) Apprentice salon license renewal fee, two hundred fifty dollars;~~
- 22 ~~(27) School license fee, two hundred fifty dollars;~~
- 23 ~~(28) School license renewal fee, two hundred fifty dollars;~~
- 24 ~~(29) Student license fee, six dollars;~~

- 1 ~~— (30) —~~ Cosmetology salon or booth license fee, sixty dollars;
- 2 ~~— (31) —~~ Cosmetology salon or booth license renewal fee, thirty dollars;
- 3 ~~— (32) —~~ Nail salon or booth license fee, sixty dollars;
- 4 ~~— (33) —~~ Nail salon or booth license renewal fee, thirty dollars;
- 5 ~~— (34) —~~ Esthetics salon or booth license fee, eighty dollars;
- 6 ~~— (35) —~~ Esthetics salon or booth license renewal fee, thirty dollars;
- 7 ~~— (36) —~~ License duplicate or replacement fee, five dollars Examination fee which includes
8 the initial license, one hundred dollars;
- 9 (2) Examination retake fee, one test, sixty dollars; two tests, seventy dollars; three tests,
10 eighty dollars;
- 11 (3) Cosmetologist, nail technician, or esthetician license renewal fee, twenty-five dollars;
- 12 (4) Temporary cosmetologist, nail technician, or esthetician license fee, six dollars;
- 13 (5) Instructor initial license and license renewal fee, thirty-five dollars;
- 14 (6) Reciprocity, initial license, and waiver of examination fee, one hundred dollars;
- 15 (7) For certification of a license issued under this chapter for a South Dakota licensee to
16 obtain licensure in another state, or furnishing of other papers to another state or
17 school, twenty dollars;
- 18 (8) Apprentice license fee, twenty-five dollars;
- 19 (9) Apprentice salon initial license and renewal fee, two hundred fifty dollars;
- 20 (10) School initial license fee and renewal fee, three hundred dollars;
- 21 (11) Student license fee, six dollars;
- 22 (12) Salon or booth initial permit license fee, sixty dollars;
- 23 (13) Salon or booth license renewal fee, forty dollars;
- 24 (14) Reinspection fee for failed salon, fifty dollars for each reinspection;

1 (15) License duplicate or replacement fee, five dollars.

2 Any license, permit, or renewal fee which is collected by the commission shall be the same
3 for each respective license, permit, or renewal regardless of the time remaining before the
4 expiration date.

5 Section 2. That § 36-15-20.1 be amended to read as follows:

6 36-15-20.1. The commission shall promulgate reasonable rules pursuant to chapter 1-26
7 concerning the reinstatement of lapsed licenses and lapsed renewals required by this chapter.
8 The commission shall by rules promulgated pursuant to chapter 1-26 establish the fee, which
9 may not be greater than ~~ten~~ twenty-five dollars for each year that ~~such~~ the license or renewal has
10 lapsed. The commission shall also collect the fee for ~~such~~ the license and renewal as otherwise
11 required by this chapter.

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

633N0552

HOUSE AGRICULTURE AND NATURAL RESOURCES

COMMITTEE ENGROSSED NO. **HB 1177** -

02/06/2007

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

Introduced by: Representatives Juhnke, Brunner, Deadrick, Howie, and Olson (Betty) and Senators Garnos, Bartling, Lintz, and McNenny

1 FOR AN ACT ENTITLED, An Act to provide for the issuance of landowner-sponsored big
2 game hunting licenses.

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

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

6 The Game, Fish and Parks Commission shall promulgate rules pursuant to chapter 1-26 to
7 establish a program for the issuance of landowner-sponsored big game hunting licenses to
8 persons designated by the owners or lessees of land located in South Dakota. Under the program
9 any resident landowner or lessee who owns or leases at least six hundred forty acres of
10 agricultural, grazing, or timber land in South Dakota may sponsor a resident or nonresident
11 applicant for one landowner-sponsored big game hunting license in addition to any big game
12 license to which the landowner or lessee would otherwise be entitled. Each landowner-
13 sponsored applicant shall be issued a landowner-sponsored license at the same cost as a
14 corresponding landowner license. The landowner-sponsored license may only be used on the



1 landowner's or lessee's property.

2 Section 2. Section 1 of this Act is repealed on July 1, 2010.

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

408N0208

HOUSE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **HB 1226** - 02/06/2007

Introduced by: Representatives Boomgarden, Dykstra, Jerke, and Nygaard and Senators
Nesselhuf, Albers, and Olson (Ed)

1 FOR AN ACT ENTITLED, An Act to revise certain provisions related to water project district
2 voter eligibility and qualification of directors.

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

4 Section 1. That chapter 46A-18 be amended by adding thereto a NEW SECTION to read
5 as follows:

6 Except as otherwise provided in this chapter, no person may vote in any election held
7 pursuant to this chapter unless the person is a qualified voter of the water project district. A
8 qualified voter of the district is a person who is a registered voter and a resident of the district.
9 If the election is conducted based on director divisions, no person may vote in the election
10 unless the person is a qualified voter of the person's respective director division. A qualified
11 voter of a director division is a person who is a registered voter and a resident of the director
12 division.

13 Section 2. That § 46A-18-14 be amended to read as follows:

14 46A-18-14. The Board of Water and Natural Resources, within ninety days from the receipt
15 of a petition, or within ninety days from the time funds become available to defray the cost of



1 an investigation, shall determine ~~if~~ whether the proposed project is feasible and conforms to
 2 public convenience and welfare. If the project is deemed not feasible or not conforming to
 3 public convenience and welfare, the board shall dismiss the petition. If the board determines that
 4 the project is feasible and conforms to public convenience and welfare, the board shall by
 5 resolution approve the petition and call an election of the qualified voters of the proposed water
 6 project district on the question of whether the proposed district should be established. The
 7 election shall be held as provided in §§ 6-16-4 to 6-16-6, inclusive.

8 Section 3. That § 46A-18-23 be amended to read as follows:

9 46A-18-23. ~~Prior to~~ Before May first of each year, on a date established by the directors, an
 10 annual meeting of the district shall be held during which the ~~registered voters~~ qualified voters
 11 of the district shall elect, by ballot, under the direction of the secretary of the district, directors
 12 to replace those whose terms have expired. Newly elected directors shall assume office at the
 13 time of their election.

14 Section 4. That § 46A-18-46 be amended to read as follows:

15 46A-18-46. No annual general tax levy, whether for annual district operation and
 16 maintenance expense or for payment of long term obligations, may exceed one dollar per
 17 thousand dollars of taxable valuation. No limitation ~~may apply~~ applies to special assessments,
 18 except that special assessments may not be used to pay an obligation beyond the current
 19 business year of the district unless approved by an election of the affected landowners as
 20 provided in ~~§ 46A-18-45~~ §§ 46A-18-45 and 46A-18-47.

21 Section 5. That § 46A-18-47 be amended to read as follows:

22 46A-18-47. In the election provided in § 46A-18-45, ~~registered voters~~ all qualified voters
 23 of the district are eligible to vote. ~~If~~ However, if special assessments are proposed, only those
 24 qualified voters of the district who are also landowners subject to ~~such~~ the proposed assessments

1 may vote. If the financing proposal provides for both general tax levies and special assessments,
2 the votes applicable to the general tax and the votes applicable to the special assessments shall
3 be counted separately and accepted separately for purposes of determining the outcome of the
4 election.

5 Section 6. That § 46A-18-55 be amended to read as follows:

6 46A-18-55. The directors may at any time call a special election ~~and submit to the qualified~~
7 ~~voters of the district the question~~ to determine whether additional taxes or special assessments
8 may be levied for the purpose of raising money for increased costs of district business or for a
9 supplemental plan of improvements over and above the initial plan of improvements. Eligibility
10 to vote in the special election is determined in accordance with the provisions of § 46A-18-47.

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

724N0591

HOUSE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **HB 1286** - 02/05/2007

Introduced by: Representatives Vehle, Hills, Krebs, Lust, Moore, Thompson, Turbiville, and Van Etten and Senators Olson (Ed), Dempster, Duenwald, Garnos, Hansen (Tom), Hanson (Gary), Napoli, and Nesselhuf

1 FOR AN ACT ENTITLED, An Act to require that records of archaeological sites be maintained
2 and to provide that certain records remain confidential.

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

4 Section 1. That § 1-20-21 be amended to read as follows:

5 1-20-21. The state archaeologist, on behalf of the State Historical Society Board of Trustees
6 shall conduct, as part of that board's statewide survey of historic properties, a survey of ~~sites of~~
7 archaeological sites ~~and anthropological objects and specimens~~ located within the state. ~~The~~
8 ~~state archaeologist shall make available the results of such survey to all agencies of the state~~
9 ~~government and its political subdivisions that, in the opinion of the state archaeologist, may~~
10 ~~conduct activities which may affect such archaeological or anthropological sites~~ and maintain
11 records of such sites.

12 Section 2. That chapter 1-20 be amended by adding thereto a NEW SECTION to read as
13 follows:

14 Any records pertaining to the location of an archaeological site shall remain confidential to



1 protect the integrity of the archaeological site. The state archaeologist may make the information
2 from the records of an archeological site available to any agency of state government and any
3 political subdivision of the state or to any tribe, which, in the opinion of the state archaeologist,
4 may conduct an activity that affects any such site. The state archaeologist shall also make the
5 information from the records of an archeological site available to the owner of the land that is
6 an archeological site and may make the information available to any qualified researcher or
7 research entity.

8 Section 3. That chapter 34-27 be amended by adding thereto a NEW SECTION to read as
9 follows:

10 Any record pertaining to the location of unmarked burials and other human remains shall
11 remain confidential to protect the integrity of unmarked burials, human skeletal remains, and
12 associated funerary objects. The state archaeologist may make the information from the records
13 of such a site available to any agency of state government and any political subdivision of the
14 state or to any tribe, which, in the opinion of the state archaeologist, may conduct activities that
15 affect any such burial or human remains. The state archaeologist shall also make the information
16 from the records of such a site available to the owner of the land that is such a site and may
17 make the information available to any qualified researcher or research entity.

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

400N0236

HOUSE HEALTH AND HUMAN SERVICES COMMITTEE ENGROSSED NO. **SB 15** - 02/02/2007

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

1 FOR AN ACT ENTITLED, An Act to require certain immunizations for students attending
2 postsecondary educational institutions.

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

4 Section 1. Terms in this Act mean:

5 (1) "Public or private postsecondary educational institution" or "institution," any entity
6 permitted to offer postsecondary education credits or degrees in South Dakota under
7 § 13-49-27.1;

8 (2) "Student," any person born after 1956 who is registering for more than one class
9 during an academic term, such as a quarter or a semester. The term includes any
10 person who meets face-to-face at least once per week to receive instruction. The term
11 does not include any person who receives non-credit-bearing or on-the-job training
12 services.

13 Section 2. Any student entering a public or private postsecondary education institution in
14 this state for the first time after July 1, 2008, shall, within forty-five days after the start of
15 classes, present to the appropriate institution certification from a licensed physician that the



1 student has received or is in the process of receiving the required two doses of immunization
2 against measles, rubella, and mumps. As an alternative to the requirement for a physicians's
3 certification, the student may present:

- 4 (1) Certification from a licensed physician stating the physical condition of the student
5 would be such that immunization would endanger the student's life or health;
- 6 (2) Certification from a licensed physician stating the student has experienced the natural
7 disease against which the immunization protects;
- 8 (3) Confirmation from a laboratory of the presence of adequate immunity; or
- 9 (4) A written statement signed by the student that the student is an adherent to a religious
10 doctrine whose teachings are opposed to such immunizations. If the student is under
11 the age of eighteen, the written statement shall be signed by one parent or guardian.

12 Section 3. The institution shall require that the documentation from the student, provided
13 for by section 2 of this Act, be submitted within forty-five days after the start of classes.

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

400N0240

SENATE HEALTH AND HUMAN SERVICES COMMITTEE ENGROSSED NO. **SB 18** - 01/22/2007

Introduced by: The Committee on Health and Human Services at the request of the Board of
Chiropractic Examiners

1 FOR AN ACT ENTITLED, An Act to revise the chiropractic scope of practice.

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

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

4 36-5-1. Chiropractic is ~~hereby defined to be~~ the science of locating and removing the cause
5 of any abnormal transmission of nerve energy including diagnostic and ~~externally~~ applied
6 mechanical measures incident thereto. ~~Chiropractors shall not be entitled to~~ Integral to
7 chiropractic is the treating of specific joints and articulations of the body and adjacent tissues,
8 to influence joints or neurophysiological functions of the body, or both, including the use of
9 examination and treatment by manipulation, adjustment, and mobilization of a joint. No
10 chiropractor may practice obstetrics or treat communicable diseases. ~~The requirements of this~~
11 section do not apply to those licensed pursuant to chapter 36-4.



State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

400N0306 **HOUSE COMMERCE COMMITTEE ENGROSSED NO.**
SB 39 - 01/29/2007

Introduced by: The Committee on Commerce at the request of the Department of Revenue
and Regulation

1 FOR AN ACT ENTITLED, An Act to provide claims information to commercial property
2 casualty insureds.

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

4 Section 1. That chapter 58-12 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Any carrier who is or has provided commercial property casualty coverage in this state shall
7 provide, at the written request of the insured, annual reports of the claims experience of that
8 insured for the immediate past policy period and for any time frames which are not in excess
9 of three years prior to the policy period for which the request was made. A carrier is not required
10 to provide any claim information that pertains to a prior carrier's experience with that insured.
11 The claims report shall be in sufficient detail so as to provide the insured with data sufficient
12 to assess the insured's future commercial property casualty insurance needs. The director may
13 promulgate rules pursuant to chapter 1-26 regarding the content and time frames for the annual
14 reports.

