

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

400N0211

SENATE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **SB 22** - 01/12/2007

Introduced by: The Committee on State Affairs at the request of the Public Utilities
Commission

1 FOR AN ACT ENTITLED, An Act to prohibit the filing of tariffs for certain
2 telecommunications services and to impose certain requirements regarding the availability
3 of telecommunications services information.

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

5 Section 1. That chapter 49-31 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 Unless exempted from filing by § 49-31-5.1, a telecommunications company shall file tariffs
8 only for emerging and noncompetitive telecommunications services. No other
9 telecommunications services may be tariffed.

10 Section 2. That chapter 49-31 be amended by adding thereto a NEW SECTION to read as
11 follows:

12 A telecommunications company shall make available to any person, in at least one location,
13 during regular business hours, information concerning its current rates, terms, and conditions
14 for all of its telecommunications services. The information shall be made available in an easy
15 to understand format and in a timely manner. Following an inquiry or complaint from a person



1 concerning a rate, term, or condition for a telecommunications service, a telecommunications
2 company shall specify that such information is available and the manner in which the person
3 may obtain the information. A telecommunications company shall notify a customer of any
4 materially adverse change to any rate, term, or condition of any telecommunications service
5 being provided to the customer. The notification shall be made at least thirty days in advance
6 of the change.

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

400N0227 SENATE EDUCATION COMMITTEE ENGROSSED NO.
SB 33 - 01/11/2007

Introduced by: The Committee on Education at the request of the Department of Education

1 FOR AN ACT ENTITLED, An Act to revise certain kindergarten enrollment requirements and
2 repeal the nursery school age requirement.

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

4 Section 1. That § 13-28-2 be amended to read as follows:

5 13-28-2. Any child who is five years old on the first day of September is eligible for
6 enrollment in kindergarten during that school year. Any child who is six years old by September
7 first is eligible for enrollment in first grade during that school year. ~~Any child in a kindergarten~~
8 ~~or prekindergarten program who was in compliance with the statutory eligibility dates in effect~~
9 ~~at the time of his enrollment may proceed in a continuous educational program without~~
10 ~~interruption.~~ Any child who transfers from another state may proceed in a continuous
11 educational program without interruption.

12 ~~Any child under the age of five is eligible for admittance to a nursery school.~~

13 Section 2. That section 3 of chapter 80 of the 2006 Session Laws be amended to read as
14 follows:

15 Section 3. That § 13-28-2 be amended to read as follows:



1 13-28-2. Any child who is five years old on the first day of September is eligible for
2 enrollment in kindergarten during that school year. ~~Any child who is six years old by September~~
3 ~~first is eligible for enrollment in first grade during that school year. Any child in a kindergarten~~
4 ~~or prekindergarten program who was in compliance with the statutory eligibility dates in effect~~
5 ~~at the time of his enrollment may proceed in a continuous educational program without~~
6 ~~interruption.~~ Any child who transfers from another state may proceed in a continuous
7 educational program without interruption.

8 ~~Any child under the age of five is eligible for admittance to a nursery school.~~

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

400N0377

SENATE JUDICIARY COMMITTEE ENGROSSED NO. **SB 50** - 01/12/2007

Introduced by: The Committee on Judiciary at the request of the Department of Corrections

1 FOR AN ACT ENTITLED, An Act to revise certain provisions of parole eligibility.

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

3 Section 1. That § 24-15A-19 be amended to read as follows:

4 24-15A-19. In the determination of an inmate's initial parole date, two or more convictions
5 arising from the same transaction, for which the sentences are made to run consecutively, shall
6 be considered as one conviction. Two or more sentences arising from different transactions for
7 which the sentences are made to run consecutively shall be considered as separate convictions.
8 For a person receiving two or more sentences which are made to run consecutively, time to
9 serve to initial parole shall be calculated individually for each sentence then added to determine
10 actual first parole date. In cases of different transactions, at least one occurring prior to July 1,
11 1996, and at least one occurring on or after July 1, 1996, time to initial parole shall be calculated
12 by adding the time to serve to initial parole on transactions occurring on or after July 1, 1996,
13 to the parole eligibility date of the transactions occurring prior to July 1, 1996, unless the
14 subsequent transaction is a result of a crime committed as an inmate pursuant to § 24-15A-20.

15 In cases of different transactions, where at least one transaction has a discretionary parole



1 date as a result of a parole revocation pursuant to § 24-15-24, § 24-15A-29, or as a result of
2 noncompliance pursuant to § 24-15A-39, and at least one transaction has an initial parole date
3 pursuant to § 24-15A-32, time to initial parole shall be calculated by adding the time to serve
4 to parole on transactions with an initial parole date to the parole eligibility date on transactions
5 with a discretionary date. Parole eligibility as used in this section is the date the inmate is next
6 eligible for a parole hearing based on transactions with a discretionary date.

7 Section 2. That § 24-15A-32 be amended to read as follows:

8 24-15A-32. Each inmate sentenced to a penitentiary term, except those under a sentence of
9 life or death, or an indeterminate sentence which is not yet set to a term of years by the board
10 or determined to be ineligible for parole as authorized in § 24-15A-32.1, shall have an initial
11 parole date set by the department. This date shall be calculated by applying the percentage
12 indicated in the following grid to the full term of the inmate's sentence pursuant to § 22-6-1. The
13 following crimes or an attempt to commit, or a conspiracy to commit, any of the following
14 crimes shall be considered a violent crime for purposes of setting an initial parole date: murder,
15 manslaughter, rape, aggravated assault, riot, robbery, burglary in the first degree or burglary in
16 the second degree if committed before July 1, 2006, arson, kidnapping, felony sexual contact
17 as defined in §§ 22-22-7 and 22-22-19.1, child abuse, felony sexual contact as defined in § 22-
18 22-7.2, felony stalking as defined in §§ 22-19A-2 and 22-19A-3, photographing a child in an
19 obscene act, felony assault as defined in § 22-18-26, felony simple assault as defined in § 22-
20 18-1, commission of a felony while armed as defined in §§ 22-14-12 and 22-14-13.1,
21 discharging a firearm at an occupied structure or motor vehicle as defined in § 22-14-20,
22 discharging a firearm from a moving vehicle as defined in § 22-14-21, criminal pedophilia as
23 defined in § 22-22-30.1, ~~and~~ threatening to commit a sexual offense as defined in § 22-22-45,
24 and abuse or neglect of a disabled adult as defined in § 22-46-2:

	Felony Convictions			
	Felony Class	First	Second	Third
3	Nonviolent			
4	Class 6	.25	.30	.40
5	Class 5	.25	.35	.40
6	Class 4	.25	.35	.40
7	Class 3	.30	.40	.50
8	Class 2	.30	.40	.50
9	Class 1	.35	.40	.50
10	Class C	.35	.40	.50
11	Violent			
12	Class 6	.35	.45	.55
13	Class 5	.40	.50	.60
14	Class 4	.40	.50	.65
15	Class 3	.50	.60	.70
16	Class 2	.50	.65	.75
17	Class 1	.50	.65	.75
18	Class C	.50	.65	.75
19	Class B	1.0	1.0	1.0
20	Class A	1.0	1.0	1.0

21 Each inmate shall serve at least sixty days prior to parole release. Inmates with life sentences
22 are not eligible for parole. An initial parole date through the application of this grid may be
23 applied to a life sentence only after the sentence is commuted to a term of years. A Class A or
24 B felony commuted to a number of years shall be applied to the Class C violent column of the
25 grid.

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

400N0382

SENATE ENGROSSED NO. **SB 58** - 01/17/2007

Introduced by: The Committee on State Affairs at the request of the Department of Tourism
and State Development

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the South Dakota
2 Energy Infrastructure Authority.

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

4 Section 1. That § 1-16I-2 be amended to read as follows:

5 1-16I-2. The South Dakota Energy Infrastructure Authority is created as a body corporate
6 and politic to diversify and expand the state's economy by developing in this state the energy
7 production facilities and the energy transmission facilities necessary to produce and transport
8 energy to markets within the state and outside of the state.

9 Section 2. That § 1-16I-5 be amended to read as follows:

10 1-16I-5. In order to finance energy transmission facilities as authorized pursuant to this
11 chapter, the authority may issue and have outstanding bonds to finance such facilities in an
12 amount not to exceed one billion dollars. However, no bonds may be issued until the issuance
13 of the bonds is specifically approved by an act of the Legislature. The authority shall have
14 contracts sufficient to justify the issuance of bonds.

15 Section 3. That § 1-16I-6 be amended to read as follows:



1 1-16I-6. The authority shall:

2 (1) Meet with any interested owner of transmission lines in South Dakota and any
3 interested generator and distributor of electricity to consumers in South Dakota by
4 August first each year to understand the generation of electricity in South Dakota and
5 the transmission enhancements needed for the transmission of electricity to, from,
6 and within South Dakota, and to analyze how the authority could proactively assist
7 in developing the generation and transmission infrastructure;

8 (2) Report its findings and make recommendations to the Governor, the Legislature, and
9 the South Dakota congressional delegation by December first of each year concerning
10 what the private sector, the state, and the federal government can do to create and
11 enhance the generation of electricity in South Dakota and the transmission of
12 electricity to, from, and within South Dakota. The report due December 1, ~~2005~~
13 2007, shall address and quantify market opportunities for the development, use in-
14 state, and export of South Dakota's enormous wind power resource, including, as
15 appropriate, the export of South Dakota's enormous wind power resource;

16 (3) Annually evaluate state laws and rules affecting electric generation and electric
17 transmission and make recommendations to the Governor and the Legislature for
18 improvements ~~by December first of each year~~;

19 (4) Annually evaluate federal laws and rules affecting electric generation and electric
20 transmission and make recommendations to the South Dakota congressional
21 delegation for improvements by December first of each year;

22 (5) Identify opportunities where owners of transmission lines in South Dakota and
23 generators and distributors of electricity to consumers in South Dakota can cooperate
24 to improve and increase electric transmission in South Dakota and communicate

1 those opportunities to owners, generators, and distributors of electricity in South
2 Dakota;

3 (6) Assist any entity that wants to build new or upgrade existing electric transmission
4 facilities to, from, and within South Dakota by helping the entity develop a business
5 plan and identify financing options; and

6 (7) Assist other state transmission authorities and any federal or regional entity wanting
7 to build new or upgrade existing transmission facilities to deliver electricity to, from,
8 and within South Dakota.

9 Section 4. That § 1-16I-9 be amended to read as follows:

10 1-16I-9. Members of the board shall receive compensation for the performance of their
11 duties as established by the Legislature in accordance with § 4-7-10.4 from the funds of the
12 authority. Members may be reimbursed at rates established by the ~~Bureau of Personnel~~ Board
13 of Finance for necessary expenses, including travel and lodging expenses, incurred in
14 connection with the performance of their duties as members.

15 Section 5. That § 1-16I-12 be amended to read as follows:

16 1-16I-12. The board shall meet on the call of the chair, upon the written request of ~~four~~ three
17 members of the board, or upon the request of the executive director.

18 Section 6. That § 1-16I-13 be amended to read as follows:

19 1-16I-13. A majority of the members of the board constitute a quorum for the transaction
20 of business. All official acts of the authority shall require the affirmative vote of at least ~~four~~
21 three members of the board at a meeting of the board at which the members casting those
22 affirmative votes are present.

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

400N0362

SENATE JUDICIARY COMMITTEE ENGROSSED NO.

SB 63 - 01/12/2007

Introduced by: The Committee on Judiciary at the request of the Department of Social Services

1 FOR AN ACT ENTITLED, An Act to impose a child support collection fee.

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

3 Section 1. That chapter 25-7A be amended by adding thereto a NEW SECTION to read as
4 follows:

5 The Department of Social Services shall retain a twenty-five dollar annual fee from child
6 support collections which exceed five hundred dollars in a state fiscal year and are made on
7 behalf of a person receiving support enforcement services from the department and who has
8 never received assistance under Part A of Title IV of the Social Security Act.

9 Section 2. That § 28-1-66 be repealed.

10 ~~— 28-1-66. The Department of Social Services shall make child support enforcement services~~
11 ~~available to an individual not otherwise eligible for those purposes upon application from an~~
12 ~~individual and payment of a reasonable fee. The department shall promulgate rules pursuant to~~
13 ~~chapter 1-26 to set the application fee and any fees imposed for collection services. However,~~
14 ~~the application fee shall be refunded to the applicant by the parent responsible for paying child~~
15 ~~support payments and the fees imposed for collection services shall be paid by the parent~~



1 ~~responsible for paying child support payments to the Department of Social Services.~~