

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

770N0029

SENATE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **SB 1** - 02/07/2007

Introduced by: Senators Olson (Ed), Gray, Hunhoff, and Koetzle and Representatives Heineman, Dennert, Pederson (Gordon), and Putnam at the request of the Constitutional Revision Commission

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the review of initiated
2 measures.

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

4 Section 1. That § 12-13-25 be amended to read as follows:

5 12-13-25. The proponents of each initiative or initiated amendment to the Constitution shall
6 submit a copy of the initiative or initiated amendment to the Constitution to the director of the
7 Legislative Research Council for review and comment before it may be circulated for signatures.
8 The director shall review each submitted initiative or initiated amendment to the Constitution
9 to determine if the requirements of § 12-13-24 are satisfied. Within fifteen days of receipt of an
10 initiative or initiated amendment to the Constitution, the director shall provide written
11 comments on the initiative or initiated amendment to the Constitution to the proponents of the
12 initiative or initiated amendment and the secretary of state. If appropriate, the comments shall
13 contain suggested editorial changes to promote compliance with § 12-13-24. Except with the
14 permission of the proponents, no comments may be disclosed to any person other than the



1 proponents.

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

707N0028

SENATE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **SB 2** - 02/07/2007

Introduced by: Senators Koetzle, Gray, Hunhoff, Olson (Ed), and Peterson (Jim) and Representatives Pederson (Gordon), Dennert, Heineman, and Putnam at the request of the Constitutional Revision Commission

1 FOR AN ACT ENTITLED, An Act to establish certain procedures regarding the verification
2 of initiative and referendum signatures.

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

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

6 Upon the receiving of any initiative petition, referred law petition, or initiated constitutional
7 amendment petition, the secretary of state shall examine the petition. No signature of a person
8 may be counted by the secretary of state unless the person is a registered voter in the county
9 indicated on the signature line. No signature of a person may be counted if the information
10 required on the petition form is not substantially complete.

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

13 The secretary of state shall verify the signatures pursuant to section 1 of this Act by random
14 sampling. The random sample of signatures to be verified shall be drawn so that every signature



1 received by the secretary of state shall be given an equal opportunity to be included in the
2 sample. The secretary of state shall calculate the number of valid signatures by multiplying the
3 total number of signatures received by the percentage of successfully verified signatures from
4 the random sample. The secretary of state shall, by rules promulgated pursuant to chapter 1-26,
5 establish the methodology for conducting the random sample. The random sampling shall be
6 an examination of five percent of the signatures received.

7 Section 3. That chapter 2-1 be amended by adding thereto a NEW SECTION to read as
8 follows:

9 If the random sample indicates that a sufficient number of qualified electors have signed the
10 petition, the secretary of state shall certify that the petition has been signed by the required
11 number of qualified electors and shall place the proposed measure or amendment on the next
12 general election ballot. If the random sample indicates that an insufficient number of qualified
13 electors have signed the petition, the secretary of state shall certify that the petition has not been
14 signed by the required number of qualified electors and may not place the proposed measure or
15 amendment on the next general election ballot. The secretary of state shall, within five days of
16 certifying, notify the petition sponsors of the secretary of state's action pursuant to this section.

17 Section 4. That chapter 2-1 be amended by adding thereto a NEW SECTION to read as
18 follows:

19 Nothing in this Act prohibits any person from challenging in circuit court the validity of
20 signatures or other information required on a petition by statute or administrative rule.

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

707N0034

SENATE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **SB 3** - 02/07/2007

Introduced by: Senators Gray, Hunhoff, Koetzle, Olson (Ed), and Peterson (Jim) and Representatives Dennert, Heineman, Pederson (Gordon), and Putnam at the request of the Constitutional Revision Commission

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the circulation and
2 signing of initiative and referendum petitions and to provide a penalty for violation thereof.

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

4 Section 1. That § 2-1-10 be amended to read as follows:

5 2-1-10. Each person, who circulates and secures signatures to a petition to initiate ~~or submit~~
6 a constitutional amendment or other measure or to refer legislation to the electors ~~any law~~
7 ~~pursuant to S.D. Const., Art. III, § 1~~, shall sign a verification ~~of circulator~~ before filing the
8 petition with the officer in whose office it is by law required to be filed. The verification shall
9 prescribe that the circulator made reasonable inquiry and, to the best of the circulator's
10 knowledge, each person signing the petition is a qualified voter of the state in the county
11 indicated on the signature line and that no state statute regarding the circulation of petitions was
12 knowingly violated. The State Board of Elections shall prescribe the form for the verification
13 ~~of circulator~~. The verification ~~of circulator~~ shall be witnessed by a notary public commissioned
14 in South Dakota or other officer authorized to administer oaths pursuant to § 18-3-1. Any person



1 who falsely swears to the verification provided for in this section is guilty of a Class 1
2 misdemeanor.

3 Section 2. That § 2-1-6 be amended to read as follows:

4 2-1-6. Every person who is a qualified voter may sign a petition to ~~propose a measure~~
5 initiate a constitutional amendment or other measure or submit to refer a law. ~~Whoever~~ If a
6 person, knowing he or she is not a qualified voter of the state, signs a petition for initiation or
7 referendum of a constitutional amendment or other measure or for referral of legislation, when
8 he is not a qualified voter of the state, or if any person signs a name other than his or her own,
9 that person is guilty of a Class 1 misdemeanor.

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

400N0316

SENATE GOVERNMENT OPERATIONS AND AUDIT

COMMITTEE ENGROSSED NO. **SB 14** - 02/07/2007

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

Introduced by: The Committee on Commerce at the request of the Department of Public Safety

1 FOR AN ACT ENTITLED, An Act to increase the maximum fees for conducting certain
2 weights and measures inspections and testing.

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

4 Section 1. That § 37-21-9.1 be amended to read as follows:

5 37-21-9.1. The Division of Commercial Inspection and Licensing shall charge and collect
6 a ~~maximum ten dollar~~ fee for each inspection and testing of any weight, measure, and weighing
7 and measuring device based on the following schedule:

8 (1) Beginning July 1, 2007-sixteen dollars;

9 (2) Beginning July 1, 2008-twenty-two dollars;

10 (3) Beginning July 1, 2009-twenty-eight dollars;

11 (4) Beginning July 1, 2010-thirty-four dollars.

12 The fee shall be paid upon demand of the division by the person, firm, or corporation owning
13 or operating the weight, measure, or weighing or measuring device inspected or tested. A
14 ~~maximum fee of five dollars~~ shall be charged and collected for each inspection and testing of



1 gasoline and diesel stationary fuel pump meters based on the following schedule:

- 2 (1) Beginning July 1, 2007-eight dollars;
- 3 (2) Beginning July 1, 2008-eleven dollars;
- 4 (3) Beginning July 1, 2009-fourteen dollars;
- 5 (4) Beginning July 1, 2010-seventeen dollars.

6 A ~~maximum fee of fifteen dollars~~ shall be charged and collected for each inspection and testing
7 of gasoline and diesel high speed stationary fuel pump meters and for refined fuel truck meters
8 based on the following schedule:

- 9 (1) Beginning July 1, 2007-twenty-five dollars;
- 10 (2) Beginning July 1, 2008-thirty-six dollars;
- 11 (3) Beginning July 1, 2009-forty-six dollars;
- 12 (4) Beginning July 1, 2010-fifty-six dollars.

13 ~~A maximum fee of fifteen dollars shall be collected for refined fuel truck meters.~~ If a special or
14 emergency inspection is requested, a charge, not to exceed the actual cost of such inspection,
15 including costs for personnel, equipment, and mileage, shall be made and assessed against the
16 requesting individual or device owner. ~~All fees, except those for special or emergency~~
17 ~~inspection, shall be promulgated by the secretary of the Department of Public Safety pursuant~~
18 ~~to chapter 1-26.~~

19 Section 2. That § 37-22-10 be amended to read as follows:

20 37-22-10. The Division of Commercial Inspection and Licensing shall charge and collect
21 a fee for each inspection or testing of scales. The fee shall be paid upon demand of the division
22 by the person, firm, or corporation owning or operating the scale inspected or tested. The
23 ~~maximum~~ schedule of fees is as follows:

- 24 (1) Up to and including 2,000 pounds capacity ~~---fifteen dollars;~~

- 1 (a) 1. Beginning July 1, 2007-twenty dollars;
- 2 (b) 2. Beginning July 1, 2008-twenty-four dollars;
- 3 (c) 3. Beginning July 1, 2009-twenty-nine dollars;
- 4 (d) 4. Beginning July 1, 2010-thirty-four dollars;
- 5 (2) 2,001 to 5,000 pounds capacity, inclusive ~~---twenty-five dollars;~~
- 6 (a) 1. Beginning July 1, 2007-thirty-three dollars;
- 7 (b) 2. Beginning July 1, 2008-forty-one dollars;
- 8 (c) 3. Beginning July 1, 2009-forty-eight dollars;
- 9 (d) 4. Beginning July 1, 2010-fifty-six dollars;
- 10 (3) 5,001 to 40,000 pounds capacity, inclusive ~~---sixty dollars;~~
- 11 (a) 1. Beginning July 1, 2007-sixty-seven dollars;
- 12 (b) 2. Beginning July 1, 2008-seventy-five dollars;
- 13 (c) 3. Beginning July 1, 2009-eighty-two dollars;
- 14 (d) 4. Beginning July 1, 2010-ninety dollars;
- 15 (4) Over 40,000 pounds capacity ~~---seventy-five dollars;~~
- 16 (a) 1. Beginning July 1, 2007-eighty-four dollars;
- 17 (b) 2. Beginning July 1, 2008-ninety-four dollars;
- 18 (c) 3. Beginning July 1, 2009-one hundred three dollars;
- 19 (d) 4. Beginning July 1, 2010-one hundred twelve dollars;
- 20 (5) All livestock scales ~~---one hundred dollars;~~
- 21 (a) 1. Beginning July 1, 2007-one hundred twenty-four dollars;
- 22 (b) 2. Beginning July 1, 2008-one hundred forty-eight dollars;
- 23 (c) 3. Beginning July 1, 2009-one hundred seventy-three dollars;
- 24 (d) 4. Beginning July 1, 2010-one hundred ninety-seven dollars.

1 If a special or emergency inspection is requested, a charge, not to exceed the actual cost of
2 such inspection, including costs for personnel, equipment, and mileage, shall be made and
3 assessed against the requesting individual or device owner.

4 Section 3. That § 34-39-3 be amended to read as follows:

5 34-39-3. The Department of Public Safety may test all weighing and measuring devices used
6 in the wholesale or retail sale of liquefied petroleum gas, either in liquid or vapor form, and
7 shall condemn or reject for repair, any device which is found either to be inaccurate or does not
8 clearly state the quantity of liquefied petroleum gas, either in liquid or vapor form, in pounds,
9 gallons, cubic feet, or other unit approved by the department.

10 The department shall charge and collect a ~~maximum twenty-dollar~~ fee for each test. ~~The fee~~
11 ~~shall be promulgated by the secretary of public safety pursuant to chapter 1-26~~ based on the
12 following schedule:

- 13 (1) Beginning July 1, 2007-thirty-six dollars;
14 (2) Beginning July 1, 2008-fifty-two dollars;
15 (3) Beginning July 1, 2009-sixty-eight dollars;
16 (4) Beginning July 1, 2010-eighty-four dollars.

17 Revenue from the fee shall be deposited into the state general fund.

18 Any inspector employed by the department may enter and examine any liquefied petroleum
19 gas plant for safety standard purposes no more than every two years, except for any reinspection
20 resulting from a deficiency. The department shall charge and collect a ~~maximum one hundred~~
21 ~~dollar~~ fee for each inspection based on the following schedule:

- 22 (1) Beginning July 1, 2007-fifty-eight dollars;
23 (2) Beginning July 1, 2008-seventy-six dollars;
24 (3) Beginning July 1, 2009-ninety-four dollars;

1 (4) Beginning July 1, 2010-one hundred twelve dollars.

2 ~~The fee shall be promulgated by the secretary of public safety pursuant to chapter 1-26.~~

3 For the purposes of this section, a liquefied petroleum gas plant is a retail distribution
4 facility with a capacity of at least eight thousand gallons.

5 Section 4. That § 37-21A-3 be amended to read as follows:

6 37-21A-3. The director shall charge an annual registration fee ~~of twenty-five dollars per for~~
7 ~~service agency plus five dollars per agencies and for registered serviceman~~ servicemen to cover
8 administrative costs based on the following schedule:

9 (1) Beginning July 1, 2007-forty dollars (per agency) and seven dollars (per serviceman);

10 (2) Beginning July 1, 2008-fifty-five dollars (per agency) and eight dollars (per
11 serviceman);

12 (3) Beginning July 1, 2009-sixty-nine dollars (per agency) and ten dollars (per
13 serviceman);

14 (4) Beginning July 1, 2010-eighty-four dollars (per agency) and eleven dollars (per
15 serviceman).

16 The fee shall be paid when the registration or renewal application is made.

17 Section 5. That § 37-21A-7 be amended to read as follows:

18 37-21A-7. A registered serviceman and a registered service agency shall submit, annually
19 to the director, for examination and certification, any standards and testing equipment that are
20 used, or are to be used, in the performance of the service and testing functions with respect to
21 weighing and measuring devices for which competence is registered. No registered service
22 person or agency may use in servicing any commercial weighing or measuring device any
23 standards or testing equipment that have not been certified by the director. The Department of
24 Public Safety shall charge a fee ~~not to exceed the actual cost of~~ for such examination and

1 certification, including costs for personnel, equipment, and mileage based on the following
2 schedule:

- 3 (1) Beginning July 1, 2007-sixty-two dollars per hour;
- 4 (2) Beginning July 1, 2008-seventy-nine dollars per hour;
- 5 (3) Beginning July 1, 2009-ninety-six dollars per hour;
- 6 (4) Beginning July 1, 2010-one hundred twelve dollars per hour.

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

493N0646

SENATE JUDICIARY COMMITTEE ENGROSSED NO.

SB 136 - 02/07/2007

Introduced by: Senators Gant and Apa and Representatives Peters, Buckingham, and Gillespie

1 FOR AN ACT ENTITLED, An Act to provide for the release of the juvenile monitor's report
2 after clearance by the attorney general and to provide for a confidential addendum to the
3 report.

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

5 Section 1. That chapter 26-11A be amended by adding thereto a NEW SECTION to read
6 as follows:

7 Prior to the release of the semi-annual report of the monitor as provided for in subdivision
8 26-11A-27(4), the attorney general shall certify that that report does not disclose the identity of
9 any juvenile or other person in violation of the provisions of § 26-11A-30 or 26-11A-33. Upon
10 such certification, the monitor's semi-annual report is deemed an open record.

11 Section 2. That § 26-11A-27 be amended to read as follows:

12 26-11A-27. The monitor created in § 26-11A-25 shall:

13 (1) Investigate incidents of abuse or neglect of such individuals within the juvenile
14 corrections facilities, if the incidents are reported to the monitor or if there is
15 reasonable suspicion to believe that the incidents occurred;



- 1 (2) Access any individual in the custody or care of juvenile corrections facilities and any
2 employee in the employ of the State of South Dakota or any of its political
3 subdivisions;
- 4 (3) Access any records of or relating to any individual in the custody or care of juvenile
5 facilities;
- 6 (4) Provide a semi-annual report to the Governor, the Legislature, the Corrections
7 Commission established by § 1-15-1.13, the secretary of the Department of Human
8 Services, and the secretary of the Department of Corrections. The report shall contain
9 the activities of the monitor for the six-month period immediately prior to the report.
10 Activities shall reflect the number of referrals to the monitor, the number of
11 investigations completed, ~~results of the investigations, corrective actions taken, a~~
12 brief description of any investigation that resulted in a finding of abuse or neglect,
13 and a summary of other activities performed by the monitor;
- 14 (5) Provide training and assistance to employees of the Department of Corrections in
15 areas within the scope of the monitor's position;
- 16 (6) Review Department of Corrections' policies dealing with juvenile's rights to ensure
17 compliance with federal and state laws, rules, and policy;
- 18 (7) Provide reasonable notification of the existence and role of the monitor to all
19 individuals in the custody or care of a juvenile corrections facility and the custodial
20 parent or guardian;
- 21 (8) Submit a confidential addendum to each semiannual report to the Government
22 Operations and Audit committee created in § 2-6-2, the Governor, the secretary of
23 the Department of Human Services, and the secretary of the Department of
24 Corrections. This addendum shall contain a description of each case investigated, the

- 1 specific findings and recommendations of the juvenile corrections monitor, and the
- 2 Department of Corrections' response to the recommendations.

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

553N0589

SENATE HEALTH AND HUMAN SERVICES

COMMITTEE ENGROSSED NO. **SB 180** - 02/07/2007

Introduced by: Senators Nesselhuf, Albers, Duenwald, Garnos, Hanson (Gary), Heidepriem, McCracken, Napoli, Olson (Ed), Peterson (Jim), and Turbak and Representatives Hackl, Boomgarden, Cutler, Elliott, Faehn, Gilson, Halverson, Krebs, Nygaard, Peters, and Pitts

1 FOR AN ACT ENTITLED, An Act to provide for the recognition of certain adoption orders
2 from foreign jurisdictions and to provide for the issuance of birth certificates for certain
3 inter-country adoptions.

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

5 Section 1. That chapter 25-6 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 Any order of adoption, guardianship, or termination of parental rights entered in compliance
8 with the laws of another jurisdiction shall have the same effect as an order for adoption,
9 guardianship, or termination of parental rights entered in this state.

10 Section 2. That § 34-25-16.1 be amended to read as follows:

11 34-25-16.1. If the birth occurred in South Dakota, the ~~State~~ Department of Health shall issue
12 a new certificate of birth in the new name of the child and with the name of the adopting person,
13 except that a new certificate of birth may not be prepared if so requested by the court decreeing
14 the adoption, the adoptive parents, or the adopted person.



1 If the birth occurred in a foreign nation, and the adoption decree is entered in a court of this
2 state, the State Department of Health shall issue a new certificate of birth in the new name of
3 the child and with the name of the adopting person. The birth certificate shall be prepared in
4 accord with the facts as found and entered by the court. If the birth occurred in a foreign nation
5 and the adoption was finalized in a foreign nation, any circuit court of this state may issue an
6 order, ex parte and without hearing, directing that a new certificate of birth be issued upon filing
7 the following documentation:

- 8 (1) The adoption order from the foreign nation;
- 9 (2) A certified translation of the adoption order if necessary;
- 10 (3) Proof of the date and place of the child's birth;
- 11 (4) Proof of IR-3 immigration status; and
- 12 (5) Proof that each adopting person is a resident of this state.

13 The Department of Health shall issue a new certificate of birth in the new name of the child and
14 the name of each adopting person upon receipt from the clerk of courts such information
15 necessary to establish a new certificate of birth on a form prepared by the department.

16 The issuance of certificates pursuant to this section is conditioned upon the receipt of a fee
17 based upon administrative cost as established by the department pursuant to chapter 1-26.

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

527N0103

SENATE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **SJR 2** - 02/07/2007

Introduced by: Senators Koetzle, Gray, Hunhoff, Olson (Ed), and Peterson (Jim) and Representatives Heineman, Dennert, Pederson (Gordon), and Putnam at the request of the Constitutional Revision Commission

1 A JOINT RESOLUTION, To propose a constitutional amendment to require certain meetings
2 of the Legislature to be open to the public.

3 BE IT RESOLVED BY THE SENATE OF THE STATE OF SOUTH DAKOTA, THE HOUSE
4 OF REPRESENTATIVES CONCURRING THEREIN:

5 Section 1. That at the next general election held in the state, the following amendment to
6 Article III, section 15 of the Constitution of the State of South Dakota, as set forth in section 2
7 of this Joint Resolution, which is hereby agreed to, shall be submitted to the electors of the state
8 for approval.

9 Section 2. That Article III, section 15 of the Constitution of the State of South Dakota, be
10 amended to read as follows:

11 § 15. ~~The sessions of each house and of the committee of the whole shall be open, unless~~
12 ~~when the business is such as ought to be kept secret~~ All legislative sessions, joint sessions, and
13 committee meetings shall be open to the public unless the business is such as ought to be closed
14 to the public. If the business is such as ought to be closed to the public, a session or meeting



- 1 may be closed to the public upon a two-thirds vote of the members elect of the session or the
- 2 meeting. This section does not apply to any party caucus.