Senate
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Bills Included				
HB 1019	HB 1075	SB 2	SB 3	SB 14
SB 136	SB 180	SJR 2		

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State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

400N0289

SENATE AGRICULTURE AND NATURAL RESOURCES COMMITTEE ENGROSSED NO. HB 1019 -

02/08/2007

Introduced by: The Committee on Agriculture and Natural Resources at the request of the Department of Agriculture

FOR AN ACT ENTITLED, An Act to rename the rodent and reptile control fund and to validate the Department of Agriculture's authority to sell rodent control products.

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

Section 1. The South Dakota rodent and reptile control fund is renamed the South Dakota rodent control fund.

Section 2. All agreements made by the South Dakota secretary of agriculture with agencies of the federal government concerning rodent control, all actions of the secretary in conducting and maintaining a poison bait station, distributing or selling of poison bait, and purchasing supplies for rodent control, are hereby validated, legalized, cured, and currently authorized to the extent that such activities may have been impacted by a change of the fund's name and subsequent repeal of statutes regarding the cooperative wildlife services fund.

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State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

400N0371 **HOUSE APPROPRIATIONS COMMITTEE ENGROSSED**

NO. HB 1075 - 01/26/2007

Introduced by: The Committee on Appropriations at the request of the Bureau of Finance and Management

FOR AN ACT ENTITLED, An Act to make an appropriation for costs related to suppression of wildfires in the state and to declare an emergency.

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

Section 1. There is hereby appropriated from the general fund the sum of six hundred ninety five thousand two hundred fifty-six dollars ($695,256), or so much thereof as may be necessary, to the state fire suppression special revenue fund for costs related to the suppression of wildfires in South Dakota.

Section 2. The secretary of agriculture shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

Section 3. Any amounts appropriated in this Act not lawfully expended or obligated by June 30, 2008, shall revert in accordance with § 4-8-21.

Section 4. Whereas, this Act is necessary for the support of the state government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

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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

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

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

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

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

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

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

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

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

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

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

Nothing in this Act prohibits any person from challenging in circuit court the validity of 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

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

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

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

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

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

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

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

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

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

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

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

<u>(1) Beginning July 1, 2007-sixteen dollars;</u>

<u>(2) Beginning July 1, 2008-twenty-two dollars;</u>

<u>(3) Beginning July 1, 2009-twenty-eight dollars;</u>

<u>(4) Beginning July 1, 2010-thirty-four dollars</u>.

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

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

(1) Beginning July 1, 2007-eight dollars;

(2) Beginning July 1, 2008-eleven dollars;

(3) Beginning July 1, 2009-fourteen dollars;

(4) Beginning July 1, 2010-seventeen dollars.

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

(1) Beginning July 1, 2007-twenty-five dollars;

(2) Beginning July 1, 2008-thirty-six dollars;

(3) Beginning July 1, 2009-forty-six dollars;

(4) Beginning July 1, 2010-fifty-six dollars.

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

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

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

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

(a) 1. Beginning July 1, 2007-twenty dollars;

(b) 2. Beginning July 1, 2008-twenty-four dollars;

(c) 3. Beginning July 1, 2009-twenty-nine dollars;

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

(2) 2,001 to 5,000 pounds capacity, inclusive ~~--twenty-five dollars;~~;

(a) 1. Beginning July 1, 2007-thirty-three dollars;

(b) 2. Beginning July 1, 2008-forty-one dollars;

(c) 3. Beginning July 1, 2009-forty-eight dollars;

(d) 4. Beginning July 1, 2010-fifty-six dollars;

(3) 5,001 to 40,000 pounds capacity, inclusive ~~--sixty dollars;~~;

(a) 1. Beginning July 1, 2007-sixty-seven dollars;

(b) 2. Beginning July 1, 2008-seventy-five dollars;

(c) 3. Beginning July 1, 2009-eighty-two dollars;

(d) 4. Beginning July 1, 2010-ninety dollars;

(4) Over 40,000 pounds capacity ~~--seventy-five dollars;~~;

(a) 1. Beginning July 1, 2007-eighty-four dollars;

(b) 2. Beginning July 1, 2008-ninety-four dollars;

(c) 3. Beginning July 1, 2009-one hundred three dollars;

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

(5) All livestock scales ~~--one hundred dollars.~~;

(a) 1. Beginning July 1, 2007-one hundred twenty-four dollars;

(b) 2. Beginning July 1, 2008-one hundred forty-eight dollars;

(c) 3. Beginning July 1, 2009-one hundred seventy-three dollars;

(d) 4. Beginning July 1, 2010-one hundred ninety-seven dollars.

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

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

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

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

(1) Beginning July 1, 2007-thirty-six dollars;

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

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

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

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

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

(1) Beginning July 1, 2007-fifty-eight dollars;

(2) Beginning July 1, 2008-seventy-six dollars;

(3) Beginning July 1, 2009-ninety-four dollars;

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

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

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

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

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

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

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

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

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

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

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

37-21A-7. A registered serviceman and a registered service agency shall submit, annually to the director, for examination and certification, any standards and testing equipment that are used, or are to be used, in the performance of the service and testing functions with respect to weighing and measuring devices for which competence is registered. No registered service person or agency may use in servicing any commercial weighing or measuring device any standards or testing equipment that have not been certified by the director. The Department of 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

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

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

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

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

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

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

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

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(2) Access any individual in the custody or care of juvenile corrections facilities and any employee in the employ of the State of South Dakota or any of its political subdivisions;

(3) Access any records of or relating to any individual in the custody or care of juvenile facilities;

(4) Provide a semi-annual report to the Governor, the Legislature, the Corrections Commission established by § 1-15-1.13, the secretary of the Department of Human Services, and the secretary of the Department of Corrections. The report shall contain the activities of the monitor for the six-month period immediately prior to the report. Activities shall reflect the number of referrals to the monitor, the number of investigations completed, ~~results of the investigations, corrective actions taken,~~ a brief description of any investigation that resulted in a finding of abuse or neglect, and a summary of other activities performed by the monitor;

(5) Provide training and assistance to employees of the Department of Corrections in areas within the scope of the monitor's position;

(6) Review Department of Corrections' policies dealing with juvenile's rights to ensure compliance with federal and state laws, rules, and policy;

(7) Provide reasonable notification of the existence and role of the monitor to all individuals in the custody or care of a juvenile corrections facility and the custodial parent or guardian;

(8) Submit a confidential addendum to each semiannual report to the Government Operations and Audit committee created in § 2-6-2, the Governor, the secretary of the Department of Human Services, and the secretary of the Department of 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

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

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

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

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

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

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

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

(1) The adoption order from the foreign nation;

(2) A certified translation of the adoption order if necessary;

(3) Proof of the date and place of the child's birth;

(4) Proof of IR-3 immigration status; and

(5) Proof that each adopting person is a resident of this state.

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

The issuance of certificates pursuant to this section is conditioned upon the receipt of a fee 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

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

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

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

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

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

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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.