

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

284P0335

SENATE APPROPRIATIONS ENGROSSED NO. **HB 1080** - 2/11/2008

Introduced by: The Committee on Appropriations at the request of the Board of Regents

1 FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to construct a student
2 athlete development center on the campus of South Dakota State University and to make an
3 appropriation therefor.

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

5 Section 1. The Board of Regents may contract for the construction, completion, furnishing,
6 equipping, and maintaining of, including heating, air conditioning, plumbing, water, sewer,
7 electric facilities, architectural and engineering services, asbestos abatement, removal of existing
8 roofing and structures, and such other services and improvements as may be required to erect,
9 a student athlete development center on the campus of South Dakota State University in
10 Brookings, in Brookings County, at an estimated cost of six million dollars.

11 Section 2. There is hereby appropriated the sum of six million dollars (\$6,000,000), or so
12 much thereof as may be necessary, of other fund expenditure authority, payable from funds
13 donated for the purposes of this Act, to the Board of Regents for the construction authorized by
14 this Act.

15 Section 3. The design and construction of the facilities approved by this Act shall be under



1 the general supervision of the Bureau of Administration as provided in § 5-14-2. The
2 commissioner of the Bureau of Administration and the executive director of the Board of
3 Regents shall approve vouchers and the state auditor shall draw warrants to pay expenditures
4 authorized by this Act.

5 Section 4. No general fund dollars may be used for the maintenance and repair of the
6 facilities authorized by this Act.

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

400P0338

HOUSE APPROPRIATIONS ENGROSSED NO. **HB** **1081** - 1/25/2008

Introduced by: The Committee on Appropriations at the request of the Board of Regents

1 FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to replace storage
2 facilities at the Cottonwood Agricultural Experiment Station and to make an appropriation
3 therefor.

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

5 Section 1. The Board of Regents may contract for the construction, completion, furnishing,
6 equipping, and maintaining of, including heating, air conditioning, plumbing, water, sewer,
7 electric facilities, architectural and engineering services, asbestos abatement, and such other
8 services as may be required to construct a new machine and equipment storage shed and hoop
9 barn at the Cottonwood Agricultural Experiment Station, located near Cottonwood in Jackson
10 County, in conjunction with the agricultural experiment station, at an estimated cost of two
11 hundred thousand dollars.

12 Section 2. The Board of Regents shall provide for the removal or demolition of existing
13 storage sheds pursuant to § 13-51-12.

14 Section 3. There is hereby appropriated from pesticide registration fees designated for the



1 agricultural experiment station in subdivision 38-20A-59(4) the sum of two hundred thousand
2 dollars (\$200,000), or so much thereof as may be necessary, to the Board of Regents for the
3 purpose of constructing the facility described in this Act.

4 Section 4. The design and construction of the facilities approved by this Act shall be under
5 the general supervision of the Bureau of Administration as provided in § 5-14-2. The
6 commissioner of the Bureau of Administration and the executive director of the Board of
7 Regents shall approve vouchers and the state auditor shall draw warrants to pay expenditures
8 authorized by this Act.

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

400P0339

HOUSE APPROPRIATIONS ENGROSSED NO. **HB** **1082** - 1/25/2008

Introduced by: The Committee on Appropriations at the request of the Board of Regents

1 FOR AN ACT ENTITLED, An Act to revise the appropriation for a new dairy manufacturing
2 plant at South Dakota State University.

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

4 Section 1. That section 2 of chapter 93 of the 2006 Session Laws be amended to read as
5 follows:

6 Section 2. There is hereby appropriated to the Board of Regents ~~four million dollars~~
7 ~~(\$4,000,000)~~ five million eight hundred fifty-two thousand dollars (\$5,852,000), or so much
8 thereof as may be necessary, from private donations and grants received by South Dakota State
9 University to construct the facility described in section 1 of this Act.

10 Section 2. That section 3 of chapter 93 of the 2006 Session Laws be repealed.

11 ~~Section 3. The Board of Regents may accept, transfer, and expend any funds obtained for~~
12 ~~these purposes from federal sources, gifts, contributions, or any other source, all of which shall~~
13 ~~be deemed appropriated to the project authorized by this Act.~~



State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

400P0340

SENATE APPROPRIATIONS ENGROSSED NO. **HB 1083** - 2/11/2008

Introduced by: The Committee on Appropriations at the request of the Board of Regents

1 FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to construct a new public
2 restroom facility at McCrory Gardens on the campus of South Dakota State University and
3 to make an appropriation therefor.

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

5 Section 1. The Board of Regents may contract for the construction, completion, furnishing,
6 equipping, and maintaining of, including heating, air conditioning, plumbing, water, sewer,
7 electric facilities, architectural and engineering services, asbestos abatement, removal of existing
8 roofing and structures, and such other services and improvements as may be required to erect,
9 a new public restroom facility at McCrory Gardens on the campus of South Dakota State
10 University in Brookings, in Brookings County, at an estimated cost of fifty thousand dollars.

11 Section 2. There is hereby appropriated the sum of fifty thousand dollars (\$50,000), or so
12 much thereof as may be necessary, of other fund expenditure authority, payable from funds
13 donated for the purposes of this Act, to the Board of Regents for the construction authorized by
14 this Act.

15 Section 3. The design and construction of the facilities approved by this Act shall be under



1 the general supervision of the Bureau of Administration as provided in § 5-14-2. The
2 commissioner of the Bureau of Administration and the executive director of the Board of
3 Regents shall approve vouchers and the state auditor shall draw warrants to pay expenditures
4 authorized by this Act.

5 Section 4. No general fund dollars may be used for the maintenance and repair of the
6 facilities authorized by this Act.

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

400P0341

HOUSE APPROPRIATIONS ENGROSSED NO. **HB 1084** - 2/11/2008

Introduced by: The Committee on Appropriations at the request of the Board of Regents

1 FOR AN ACT ENTITLED, An Act to increase the previously enacted expenditure authority for
2 certain approved construction projects and to declare an emergency.

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

4 Section 1. That section 1 of chapter 110 of the 2005 Session Laws be amended to read as
5 follows:

6 Section 1. It is in the public interest that the South Dakota Building Authority contract for
7 the construction, completion, furnishing, equipping, and maintaining of, including heating, air
8 conditioning, plumbing, water, sewer, electric facilities, sidewalks, parking, landscaping,
9 architectural and engineering services, asbestos abatement, removal of existing roofing and
10 structures, and such other services or actions as may be required to accomplish the projects
11 enumerated in section 3 of this Act, all at the estimated cost of ~~one hundred million eight~~
12 ~~hundred thousand~~ one hundred thirty million one hundred thousand dollars. The South Dakota
13 Building Authority may finance up to sixty-five million one hundred thousand dollars of the
14 construction costs through the issuance of revenue bonds, in accordance with this Act and
15 chapter 5-12.



1 Section 2. That subdivision (5) of section 3 of chapter 110 of the 2005 Session Laws be
2 amended to read as follows:

3 (5) The Shepard Hall renovation-~~or, replacement,~~ or expansion space at South Dakota
4 State University in Brookings, South Dakota, for an estimated cost of ~~thirty million~~
5 fifty-one million dollars, of which no more than twenty-four million dollars may be
6 financed through the issuance of revenue bonds;

7 Section 3. That subdivision (8) of section 3 of chapter 110 of the 2005 Session Laws be
8 amended to read as follows:

9 (8) The Slagle Hall renovation at the University of South Dakota in Vermillion, South
10 Dakota, for an estimated cost of ~~six million six hundred thousand~~ eight million five
11 hundred thousand dollars, of which no more than four million six hundred thousand
12 dollars may be financed through the issuance of revenue bonds; and

13 Section 4. That subdivision (9) of section 3 of chapter 110 of the 2005 Session Laws be
14 amended to read as follows:

15 (9) The business school replacement at the University of South Dakota in Vermillion,
16 South Dakota, for an estimated cost of ~~fourteen million one hundred thousand~~ twenty
17 million five hundred thousand dollars, of which no more than five million four
18 hundred thousand dollars may be financed through the issuance of revenue bonds.

19 Section 5. That subdivision (2) of section 4 of chapter 110 of the 2005 Session Laws be
20 amended to read as follows:

21 (2) The renovation of the Myklebust Recreational Center at the South Dakota School for
22 the Deaf in Sioux Falls, South Dakota, for an estimated cost of ~~five hundred sixty-six~~
23 ~~thousand five hundred twenty~~ eight hundred thirty-eight thousand one hundred
24 ninety-two dollars, of which ~~five hundred sixteen thousand five hundred twenty~~

1 ~~dollars (\$516,520)~~ seven hundred eighty-eight thousand one hundred ninety-two
2 dollars (\$788,192) are appropriated from other funds available to the School for the
3 Deaf and fifty thousand dollars (\$50,000) are appropriated from moneys allocated to
4 this project by the Bureau of Administration from the statewide maintenance and
5 repair fund established in § 5-14-30.

6 Section 6. That section 8 of chapter 110 of the 2005 Session Laws be repealed.

7 ~~Section 8. The Building Authority and the Board of Regents may accept, transfer, and~~
8 ~~expend any property or funds obtained for these purposes from federal sources, gifts,~~
9 ~~contributions, or any other source, all of which shall be deemed appropriated to the projects~~
10 ~~authorized by this Act in addition to the amounts otherwise authorized by this Act.~~

11 Section 7. That chapter 110 of the 2005 Session Laws be amended by adding thereto a NEW
12 SECTION to read as follows:

13 Section 13A. The Board of Regents shall account for each expenditure related to projects
14 authorized in this Act on the state's central accounting system. Each project shall be accounted
15 for and reported separately.

16 Section 8. Whereas, this Act is necessary for the support of the state government and its
17 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in
18 full force and effect from and after its passage and approval.

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

436P0360

HOUSE ENGROSSED NO. **HB 1129** - 2/6/2008

Introduced by: Representatives Cutler, Deadrick, Engels, Feinstein, Gillespie, Hunt, and Lust
and Senators Heidepriem, Knudson, and Turbak Berry

1 FOR AN ACT ENTITLED, An Act to establish the Commission on Equal Access to Our Courts
2 and to make an appropriation therefor and to provide for the distribution of any residual
3 funds from class action lawsuits to the commission or other nonprofit charitable
4 organizations.

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

6 Section 1. There is hereby created the Commission on Equal Access to Our Courts. The
7 commission shall consist of seven members appointed as follows:

8 (1) Three members by the Governor, one initially appointed for a term of one year, one
9 initially appointed for a term of two years, and one for a term of three years, as
10 designated by the Governor. The Governor shall appoint members who are not
11 lawyers;

12 (2) Two members appointed by the Chief Justice of the Supreme Court, one initially
13 appointed for a term of two years and one for a term of three years, as designated by
14 the Chief Justice. The Chief Justice shall appoint members who are judges or
15 lawyers;



1 (3) Two members appointed by the president of the State Bar of South Dakota, one
2 initially appointed for a term of one year and one for a term of three years, as
3 designated by the president. The president shall appoint members who are lawyers.

4 Thereafter, each appointment shall be for a term of three years, beginning on the first day
5 of July. The commission members shall serve without compensation.

6 Section 2. The Commission on Equal Access to Our Courts shall provide grants to nonprofit
7 entities that are funded, or nonprofit entities contracting with nonprofit entities that are funded,
8 by the Legal Services Corporation and deliver legal services to persons meeting income
9 eligibility guidelines.

10 Section 3. Any order settling a class action lawsuit that results in the creation of a common
11 fund for the benefit of the class shall provide for the distribution of any residual funds to the
12 Commission on Equal Access to Our Courts. However, up to fifty percent of the residual funds
13 may be distributed to one or more other nonprofit charitable organizations that serve the public
14 good if the court finds there is good cause to approve such a distribution as part of the
15 settlement. For the purposes of this section, residual funds are any funds left over after payment
16 of class member claims, attorney fees and costs, and any reversions to a defendant agreed upon
17 by the parties and approved by the court. This section does not apply to any class action lawsuit
18 against the State of South Dakota or any of its political subdivisions.

19 Section 4. There is hereby appropriated from the general fund the sum of five thousand
20 dollars (\$5,000), or so much thereof as may be necessary, to the Commission on Equal Access
21 to Our Courts as established by this Act.

22 Section 5. The chair of the Commission on Equal Access to Our Courts shall approve
23 vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

596P0392

HOUSE ENGROSSED NO. **HB 1138** - 1/29/2008

Introduced by: Representatives Novstrup (A1), DeVries, Elliott, Gassman, Gosch, Hills, Howie, McLaughlin, and Turbiville and Senators Gant and Turbak Berry

1 FOR AN ACT ENTITLED, An Act to prohibit the use of a false academic degree or a degree
2 that is not completed.

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

4 Section 1. No person may knowingly use a false academic degree or falsely claim to have
5 a valid academic degree for the following purposes:

- 6 (1) To obtain employment;
- 7 (2) To obtain a promotion or higher compensation in employment;
- 8 (3) To obtain admission to postsecondary education; or
- 9 (4) In connection with any business, trade, profession, or occupation.

10 A violation of this section is a Class 1 misdemeanor.

11 For the purposes of this Act, a false academic degree is a degree document, a certification
12 of completion of a degree, coursework, or degree credit, including a transcript, that provides
13 evidence or demonstrates completion of a course of instruction or coursework that results in the
14 attainment of an associate degree or higher which is issued by a person or entity that is neither
15 currently accredited by a regional, state, or national accrediting agency recognized by the United



1 States Department of Education pursuant to 20 U.S.C. § 1099b as amended to January 1, 2008,
2 nor has the foreign equivalent of such accreditation or the legal authority from a foreign country
3 to issue degrees usable as educational credentials in the jurisdiction of issue.

4 The provisions of this section do not apply to any documents issued by a religious institution
5 that offers credit or degree solely for the purpose of conferring status or authority within that
6 religion.

7 Section 2. No person, for the following purposes, may knowingly use any false degree,
8 certificate, diploma, transcript, or other document indicating that the person has completed an
9 organized program of study or completed courses when the person has not completed the
10 organized program of study or the courses indicated on the degree, certificate, diploma,
11 transcript, or document or falsely claim to have any valid degree, certificate, diploma, transcript,
12 or other such document:

- 13 (1) To obtain employment;
- 14 (2) To obtain a promotion or higher compensation in employment;
- 15 (3) To obtain admission to postsecondary education; or
- 16 (4) In connection with any business, trade, profession, or occupation.

17 A violation of this section is a Class 1 misdemeanor.

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

415P0625

HOUSE APPROPRIATIONS ENGROSSED NO. **HB 1178** - 2/7/2008

Introduced by: Representatives Tidemann, Carson, Dennert, Glenski, Haverly, and Putnam
and Senators Apa, Bartling, Gray, Greenfield, Hoerth, Hunhoff, Maher, and
Smidt (Orville)

1 FOR AN ACT ENTITLED, An Act to make an appropriation for the costs related to the
2 intensive methamphetamine treatment program in the women's state correctional system.

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

4 Section 1. There is hereby appropriated from the general fund the sum of nine hundred
5 nineteen thousand six hundred twenty-six dollars (\$919,626), or so much thereof as may be
6 necessary, and 6.0 FTEs to the Department of Human Services for costs related to the intensive
7 methamphetamine treatment program in the women's state correctional system.

8 Section 2. There is hereby appropriated from the general fund the sum of six hundred ninety-
9 four thousand seventy-eight dollars (\$694,078), or so much thereof as may be necessary, and
10 9.0 FTEs to the Department of Corrections for costs related to the intensive methamphetamine
11 treatment program in the women's state correctional system.

12 Section 3. There is hereby appropriated from other fund expenditure authority the sum of
13 fifty-three thousand seven hundred thirty dollars (\$53,730), or so much thereof as may be
14 necessary, and 1.0 FTE to the Department of Health for costs related to the intensive



1 methamphetamine treatment program in the women's state correctional system.

2 Section 4. The secretary of the Department of Human Services, the secretary of the
3 Department of Corrections, or the secretary of the Department of Health shall approve vouchers
4 and the state auditor shall draw warrants to pay expenditures authorized by this Act.

5 Section 5. Any amounts appropriated in this Act not lawfully expended or obligated by June
6 30, 2009, shall revert in accordance with the procedures prescribed in chapter 4-8.

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

910P0624

HOUSE APPROPRIATIONS ENGROSSED NO. **HB 1179** - 2/7/2008

Introduced by: Representatives Tidemann, Haverly, and Putnam and Senators Apa, Gray, Hoerth, Hunhoff, Maher, and Smidt (Orville)

1 FOR AN ACT ENTITLED, An Act to make an appropriation for the support of the state fair.

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

3 Section 1. There is hereby appropriated from the general fund the sum of seven hundred
4 sixty-eight thousand four dollars (\$768,004), or so much thereof as may be necessary, to the
5 Department of Agriculture for the support of the state fair.

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



State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

157P0567

HOUSE ENGROSSED NO. **HB 1258** - 2/6/2008

Introduced by: Representatives Gassman, Ahlers, Bradford, Brunner, Burg, Carson, DeVries, Elliott, Engels, Feinstein, Gosch, Halverson, Hills, Hunt, Jerke, Kirkeby, Koistinen, Lucas, Moore, Nelson, Noem, Nygaard, Olson (Betty), Olson (Ryan), Pederson (Gordon), Rausch, Rounds, Sigdestad, Steele, Thompson, and Van Etten and Senators Bartling, Abdallah, Albers, Garnos, Greenfield, Hanson (Gary), Jerstad, Katus, Maher, McCracken, McNenny, Peterson (Jim), Smidt (Orville), Sutton, and Turbak Berry

1 FOR AN ACT ENTITLED, An Act to require that certain gift certificates conspicuously
2 disclose information regarding fees and expiration dates.

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

4 Section 1. For the purposes of this Act, a gift certificate is a tangible record evidencing a
5 promise, made for consideration, by the seller or issuer of the record that goods or services will
6 be provided to the owner of the record to the value shown in the record and includes a gift card,
7 stored-value card, store card, or a similar record or card that contains a microprocessor chip,
8 magnetic stripe, or other means for the storage of information, and for which the value is
9 decreased upon each use.

10 Section 2. Any gift certificate subject to a fee shall contain a statement clearly and
11 conspicuously printed on the gift certificate or on a separate form stating there is a fee, the
12 amount of the fee, how often the fee will occur, how the fee is triggered, and when the fee will



1 be assessed. If the statement is on the gift certificate, the statement shall appear on a location
2 that is visible to a purchaser prior to the purchase.

3 Section 3. Any gift certificate subject to an expiration date shall contain a statement clearly
4 and conspicuously printed on the gift certificate stating the expiration date. The statement shall
5 appear on a location that is visible to a purchaser prior to the purchase.

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

573P0495

SENATE STATE AFFAIRS

ENGROSSED NO. **HB 1294** - 2/15/2008

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

Introduced by: Representatives Faehn, Brunner, Cutler, Davis, Halverson, Howie, Krebs, McLaughlin, Pitts, Rave, Street, Tidemann, Turbiville, Van Etten, Vehle, Wick, and Willadsen and Senators Turbak Berry, Garnos, Greenfield, and Olson (Ed)

1 FOR AN ACT ENTITLED, An Act to allow municipalities and counties to issue additional on-
2 sale alcoholic beverage licenses under certain circumstances.

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

4 Section 1. That chapter 35-4 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Notwithstanding the provisions of § 35-4-11 or 35-4-11.1 or the on-sale license fees
7 established pursuant to subdivisions 35-4-2(4) and (6), the governing board of any incorporated
8 municipality or the board of county commissioners of any county may, by ordinance, issue
9 additional on-sale licenses pursuant to subdivision 35-4-2(4) or (6) if the municipality or county
10 charges at least the minimum fee required by section 2 of this Act.

11 Any municipality issuing a license pursuant to this section is not subject to the quotas
12 established in § 35-4-11. Any county issuing a license pursuant to this section is not subject to
13 the quotas established in § 35-4-11.1. A municipality or county may, by ordinance, require that



1 any license authorized by this section may only be issued to the owner of a restaurant or facility
2 that enhances the economic development needs of the municipality or county.

3 Section 2. That chapter 35-4 be amended by adding thereto a NEW SECTION to read as
4 follows:

5 Any municipality or county adopting the ordinance pursuant to section 1 of this Act may
6 issue additional on-sale licenses pursuant to subdivision 35-4-2(4) or (6). Each municipality or
7 county shall set the on-sale license fee within ninety days of adopting the ordinance pursuant
8 to section 1 of this Act or within thirty days after the resolution of any appeal pursuant to section
9 3 of this Act. After the fee for an on-sale license issued pursuant to this Act has been
10 determined, no municipality or county may change the fee for a period of ten years unless an
11 increase in population reported by the federal decennial census requires an increase in the fee.

12 Section 3. That chapter 35-4 be amended by adding thereto a NEW SECTION to read as
13 follows:

14 Each licensee who owns an on-sale license issued pursuant to subdivision 35-4-2(4) or (6)
15 as of January 1, 2008, and who purchased or had a license transferred to them at any time after
16 January 1, 1998, shall report the amount originally paid for the on-sale license to the
17 municipality or county that issued the license. The declared purchase price shall be made under
18 oath and shall include the documents establishing the amount paid. If the transaction for the
19 purchase of the on-sale license included real or personal property, the full market value of the
20 real or personal property on the date of the original sale shall be deducted from the total
21 transaction price to determine the amount paid by the licensee for the on-sale license. The
22 burden of establishing the amount paid for the license shall be on the licensee. Any licensee
23 contesting the fair market value of the real and personal property may appeal the valuation to
24 circuit court.

1 If no on-sale license issued pursuant to subdivision 35-4-2(4) has been sold or transferred
2 in the ten years prior to January 1, 2008, the municipality shall set the license fee of a new on-
3 sale license at no less than one dollar for each person residing within the municipality as
4 measured by the last preceding decennial federal census. If no on-sale license issued pursuant
5 to subdivision 35-4-2(6) has been sold or transferred in the ten years prior to January 1, 2008,
6 the county shall charge at least one dollar for each person residing within the county but outside
7 the boundary of any municipality as measured by the last preceding decennial federal census.

8 Section 4. Any municipality or county adopting the ordinance pursuant to section 1 of this
9 Act shall set the license fee of a new on-sale license, pursuant to section 2 of this Act, at or
10 above the current fair market value. However, such license fee may not be less than the
11 minimum license fees established pursuant to subdivision 35-4-2(4) or (6). For purposes of this
12 section, the term, current fair market value, means the documented price of the on-sale license
13 most recently sold between January 1, 1998, and January 1, 2008, through an arm's-length
14 transaction, less the value of any real or personal property included in the transaction. Each on-
15 sale license holder as of January 1, 2008, who acquired the on-sale license within the last ten
16 years shall report to the municipality or county the date and price paid for its on-sale license.

17 Section 5. The municipality or county shall maintain a registry of each on-sale license that
18 is being offered for sale at the price established in section 4 of this Act and furnish a copy of the
19 registry to anyone who requests a new on-sale license. The municipality or county may only
20 issue a new license pursuant to this Act if no on-sale license is on the registry or a person
21 desiring to purchase an on-sale license listed on the registry provides documentation showing
22 that the person is unable to purchase any on-sale license listed on the registry at the price
23 established in section 4 of this Act and on terms satisfactory to both the potential buyer and
24 seller. The price of any on-sale license registered as, for sale, with the municipality or county

1 shall be sold at the current fair market price set by the municipality or county pursuant to section
2 4 of this Act. Nothing in this Act precludes the sale of an on-sale license by a licensee not listed
3 on the registry.

4 Section 6. The existing on-sale license holder is responsible for registering with the
5 municipality or county that the on-sale license is for sale pursuant to section 5 of this Act.

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

400P0207

HOUSE ENGROSSED NO. **SB 15** - 2/15/2008

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

1 FOR AN ACT ENTITLED, An Act to provide certain provisions regarding an electronic vehicle
2 title.

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

4 Section 1. That chapter 32-3 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Notwithstanding any other provision of this title, the department may provide for an
7 electronic certificate of title. If the application for title or the title has a lien noted, no paper title
8 may be issued to the owner of record or the lienholder. A paper title shall be issued under the
9 following circumstances:

10 (1) The lien has been satisfied and the owner requests a title; or

11 (2) The owner is relocating to another state and the lienholder authorizes the issuance of
12 a title with the lien noted.

13 A lien shall be noted or cancelled on-line if an electronic certificate of title exists and the
14 lienholder has access to the electronic title file system pursuant to § 32-3-38.1. A lienholder is
15 liable for noting or canceling a lien in error.

