

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

381C0678

HOUSE BILL NO. 1197

Introduced by: Representatives Cutler, Crisp, Diedrich (Larry), Haley, Jaspers, Kazmerzak, and Wetz and Senators Frederick, Benson, Hutmacher, and Symens

1 FOR AN ACT ENTITLED, An Act to revise certain provisions related to the organizational
2 characteristics of certain commodity check-off programs.

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

4 Section 1. That § 3-6A-13 be amended to read as follows:

5 3-6A-13. This chapter applies to all positions in the executive branch of state government,
6 including conservation officers employed by the department of game, fish and parks as provided
7 for in § 41-2-11, and employees within the division of state police radio, but excluding:

8 (1) Elected officers and all employees in the offices of the secretary of state, state
9 treasurer, state auditor, commissioner of school and public lands, public utilities
10 commission and attorney general. The application of uniform fringe benefits and pay
11 applies to all such exempt employees;

12 (2) Boards and commissions;

13 (3) Department secretaries, bureau commissioners, division directors, deputy secretaries,
14 deputy bureau commissioners, deputy division directors, and supervisors who
15 determine and publicly advocate substantive program policy, persons who provide
16 legal counsel, and confidential assistants to exempt employees. The career service

1 commission may adopt rules pursuant to chapter 1-26 which establish criteria to
2 implement this subdivision for exemptions from the career service. The commissioner
3 may determine which positions are eligible for exemption under the provisions of this
4 chapter. Any decision of the commissioner of personnel relating to exemptions from
5 the career service may be appealed to the career service commission pursuant to
6 chapter 1-26;

- 7 (4) All positions in the office of the Governor and bureau of finance and management;
- 8 (5) Presidents, deans, administrative and policy-making positions, student health service
9 physicians, teaching and professional research positions under the jurisdiction of the
10 state board of regents and other directors or administrative policy-making positions
11 of such institutions as determined by the personnel commissioner;
- 12 (6) Heads of, teachers, and medical physicians of, the several institutions under the
13 jurisdiction of the executive branch and other administrative and policy-making
14 positions of such institutions as determined by the personnel commissioner;
- 15 (7) Officers and enlisted persons in the armed forces reserve;
- 16 (8) Patients and inmates who are employed by state institutions under the executive
17 branch;
- 18 (9) Law enforcement civil service employees;
- 19 (10) Cement plant employees;
- 20 (11) The director and all employees of the South Dakota racing commission;
- 21 (12) Employees of foundation and alumni programs at the state public colleges and
22 universities which receive no funding directly from the state;
- 23 (13) The director of the state brand board, state brand investigators and the state brand
24 inspectors;
- 25 (14) Administrative law judges in the state office of hearing examiners; and

(15) Officers, directors, and employees of the South Dakota Corn Utilization Council, established pursuant to chapter 38-22; South Dakota Oilseeds Council, established pursuant to chapter 38-27; South Dakota Soybean Research and Promotion Council, established pursuant to chapter 38-29; and the South Dakota Wheat Commission, established pursuant to chapter 38-10.

Section 2. That chapter 38-29 be amended by adding thereto a NEW SECTION to read as follows:

The Soybean Research and Promotion Council has the quasi-judicial, quasi-legislative, advisory, other administrative, and special budgetary functions as defined in § 1-32-1.

Section 3. That chapter 38-32 be amended by adding thereto a NEW SECTION to read as follows:

The Corn Utilization Council has the quasi-judicial, quasi-legislative, advisory, other administrative, and special budgetary functions as defined in § 1-32-1.

Section 4. That chapter 38-27 be amended by adding thereto a NEW SECTION to read as follows:

The Oilseeds Council has the quasi-judicial, quasi-legislative, advisory, other administrative, and special budgetary functions as defined in § 1-32-1.

Section 5. That chapter 38-10 be amended by adding thereto a NEW SECTION to read as follows:

Except as otherwise provided in this chapter, § 1-33-9, chapter 3-6A, § 4-7-10.2, and § 4-7-10.5 do not apply to the commission or the administration and enforcement of this chapter.

Section 6. That chapter 38-29 be amended by adding thereto a NEW SECTION to read as follows:

Except as otherwise provided in this chapter, § 1-33-9, chapter 3-6A, § 4-7-10.2, and § 4-7-10.5 do not apply to the council or the administration and enforcement of this chapter.

1 Section 7. That chapter 38-32 be amended by adding thereto a NEW SECTION to read as
2 follows:

3 Except as otherwise provided in this chapter, § 1-33-9, chapter 3-6A, § 4-7-10.2, and § 4-7-
4 10.5 do not apply to the council or the administration and enforcement of this chapter.

5 Section 8. That chapter 38-27 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 Except as otherwise provided in this chapter, § 1-33-9, chapter 3-6A, § 4-7-10.2, and § 4-7-
8 10.5 do not apply to the council or the administration and enforcement of this chapter.

9 Section 9. That § 38-10-20 be amended to read as follows:

10 38-10-20. In connection with and in furtherance of the policy and purpose declared in
11 § 38-10-1, the Wheat Commission may promulgate rules pursuant to chapter 1-26 concerning:

- 12 (1) The procedures for obtaining a declaratory ruling;
- 13 (2) The procedures for fee collection for wheat sold either in-state or out-of-state;
- 14 (3) The procedures for obtaining a refund of the fee; ~~and~~
- 15 (4) The procedures for collecting delinquent fees and assessing penalties; and
- 16 (5) The procedures for personnel management in accordance with chapter 3-6.

17 Section 10. That § 38-27-8.1 be amended to read as follows:

18 38-27-8.1. The council may promulgate rules pursuant to chapter 1-26 concerning:

- 19 (1) The procedures for obtaining a declaratory ruling;
- 20 (2) The procedures for assessments collected for sunflowers, safflowers, canola or flax
21 grown or sold to a first purchaser;
- 22 (3) The procedures for obtaining a refund of the assessment;
- 23 (4) The procedures for collecting delinquent assessments and assessing penalties; ~~and~~
- 24 (5) The record-keeping and reporting requirements of first purchasers; and
- 25 (6) The procedures for personnel management in accordance with chapter 3-6.

Section 11. That § 38-29-7.1 be amended to read as follows:

38-29-7.1. The council may promulgate rules pursuant to chapter 1-26 concerning:

- (1) The procedures for obtaining a declaratory ruling;
- (2) The procedures for assessments collected for soybeans grown or sold to a first purchaser;
- (3) The procedures for obtaining a refund of the assessment;
- (4) The procedures for collecting delinquent assessments and assessing penalties;
- (5) The record-keeping and reporting requirements of first purchasers; ~~and~~
- (6) The requirements governing grants and loans made pursuant to § 38-29-7, including eligibility requirements and requirements for application, awards, and administration; and
- (7) The procedures for personnel management in accordance with chapter 3-6.

Section 12. That § 38-32-14 be amended to read as follows:

38-32-14. The council may promulgate rules pursuant to chapter 1-26 concerning:

- (1) The procedures for obtaining a declaratory ruling;
- (2) The procedures for assessments collected for corn sold to a first purchaser;
- (3) The procedures for obtaining a refund of the assessment;
- (4) The procedures for collecting delinquent assessments and assessing penalties;
- (5) The record keeping and reporting requirements of first purchasers; ~~and~~
- (6) Procedures, forms, public notices and other requirements for nominating director candidates and for conducting and certifying elections; and
- (7) The procedures for personnel management in accordance with chapter 3-6.