

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

376E0042

HOUSE AGRICULTURE AND NATURAL RESOURCES

COMMITTEE ENGROSSED NO. **HB 1005** -
01/25/2001

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

Introduced by: Representatives Konold, Fryslie, Hanson (Gary), and Lintz and Senators Symens, Diedrich (Elmer), Drake, and Vitter at the request of the Interim Agriculture and Natural Resources Committee

1 FOR AN ACT ENTITLED, An Act to prohibit the discharge of a firearm within six hundred
2 sixty feet of an occupied dwelling, church, schoolhouse, or certain livestock while on certain
3 public waters, and to provide a penalty.

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

5 Section 1. That chapter 41-9 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 No person may discharge a firearm while on any public waters of this state that inundate
8 privately-owned property from a location which is within six hundred sixty feet of an occupied
9 dwelling, church, schoolhouse, or livestock being held in a confined area according to standard
10 animal husbandry practices. However, a landowner or any person receiving permission from the
11 landowner may discharge a firearm while on the public waters that inundate the private property
12 of that landowner. A violation of this section is a Class 2 misdemeanor.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

645E0064

SENATE ENGROSSED NO. **HB 1009** - 01/25/2001

Introduced by: The Committee on Local Government at the request of the Secretary of
State

1 FOR AN ACT ENTITLED, An Act to revise the procedure for updating the voter registration
2 list.

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

4 Section 1. That § 12-4-18 be amended to read as follows:

5 12-4-18. The Department of Health, in conjunction with preparation of abstracts of vital
6 statistics records made pursuant to § 34-25-46, shall prepare an abstract for the county auditor,
7 listing names and addresses of voters who have been residents of that county ~~who~~ and have died.

8 The register of deeds shall deliver a list of the names and addresses of all persons who have
9 died and whose death certificates were filed in the office during the previous month to the county
10 auditor of the decedent's county of residency by the tenth day of each month.

11 The clerk of courts shall, within fifteen days after the close of each month, prepare and
12 deliver to the auditor an abstract from the records of the names of persons declared mentally
13 incompetent, convicted, and sentenced for a felony, or for whom an application or petition for
14 probate is filed, in the preceding month. The clerk of courts shall give notice in all felony cases
15 including those sentenced to probation. The notice shall be sent to the county auditor of the

1 county in which the person declared incompetent or convicted resides. The county auditor shall
2 remove from the master registration list the names of persons identified in accordance with the
3 information provided pursuant to this section and may remove names published in an obituary.

4 Section 2. That § 12-4-19 be amended to read as follows:

5 12-4-19. The name of any voter on the active registration list who has failed to vote, has not
6 updated the voter's registration information, and has not replied to a confirmation mailing at least
7 once during the last preceding four consecutive years shall be sent a nonforwardable
8 return-if-undeliverable address verification request or the name of the voter may be submitted
9 to a national change of address licensee of the United States Postal Service to determine if the
10 voter's address has changed. If the request is undeliverable or the national change of address
11 licensee indicates that the voter's address has changed, then a confirmation mailing prescribed
12 by the State Board of Elections shall be sent. This determination shall be made by each county
13 auditor between January first and November fifteenth of each odd-numbered year.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

400E0330

HOUSE COMMERCE COMMITTEE ENGROSSED NO.

HB 1043 - 01/25/2001

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

1 FOR AN ACT ENTITLED, An Act to authorize the state fire marshal to prohibit open burning.

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

3 Section 1. That chapter 34-29B be amended by adding thereto a NEW SECTION to read
4 as follows:

5 The state fire marshal, after consultation with the Governor and the appropriate county
6 commission, may prohibit or restrict open burning within a county in order to protect the public
7 health and safety. This section does not limit or affect the laws of this state relating to the
8 authority of counties or other local entities to prohibit or restrict open burning.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

400E0190

HOUSE JUDICIARY COMMITTEE ENGROSSED NO.

HB 1060 - 01/24/2001

Introduced by: The Committee on Judiciary at the request of the Department of Game,
Fish and Parks

1 FOR AN ACT ENTITLED, An Act to revise the method for and the limitations on imposition
2 of various civil damages for unlawfully taking wild animals.

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

4 Section 1. That § 41-1-5.1 be amended to read as follows:

5 41-1-5.1. Any person, other than a minor under the age of sixteen years, who willfully and
6 unlawfully kills, destroys, takes, or possesses in this state any wild animal designated by this
7 section;

8 (1) Without an applicable and valid big game or small game license; or

9 (2) At a time or place when and where taking or possession of such regulated wild animal
10 is prohibited; or

11 (3) In excess of the legal limit of big game if exceeded by one or more; or

12 (4) In excess of the legal daily or possession limit of small game or fish if exceeded by
13 two or more;

14 is liable to the state for civil damages, ~~which are,~~

1 The civil damages are five thousand dollars for each elk, mountain lion, or buffalo; ten
2 thousand dollars for each mountain goat or mountain sheep; one thousand dollars for each deer,
3 antelope, or bobcat; two hundred dollars for each turkey; two hundred dollars for each
4 paddlefish; one hundred dollars for each species of small game; and fifty dollars for each fish for
5 any species, other than paddlefish, with an established daily limit of less than twenty-five.

6 If a person has taken or is in possession of more than two times the lawful daily or possession
7 limit of a regulated wild animal, such person is liable for twice the damages provided in this
8 section.

9 However, the return uninjured of the ~~big game~~ wild animal to the place where captured, or
10 to such other place as the Department of Game, Fish and Parks may direct, constitutes a
11 discharge of such damages. ~~However~~ Moreover, the provisions of this section do not apply to
12 any person, who, after providing written notice received by the Department of Game, Fish and
13 Parks, forty-eight hours in advance, takes reasonable actions to protect the person's land,
14 livestock, or crops from serious and extraordinary damages caused by elk, deer, antelope, wild
15 turkey, or mountain lion. Nothing in this section or any other provision of law prevents any
16 person from taking any action necessary to protect the personal safety of that person or any other
17 person who is in immediate danger of harm from a mountain lion or other animal specified in this
18 section.

19 Section 2. That § 41-1-5.2 be amended to read as follows:

20 41-1-5.2. The liquidated damages provided for in this chapter and taxable costs may be
21 collected by the Department of Game, Fish and Parks in a civil suit brought by it, in the name of
22 the State of South Dakota, against the person claimed to be liable therefor. Conviction of a
23 criminal offense for the same incident leading to the charges specified in §§ 41-1-5.1 ~~and~~
24 ~~41-1-5.3 to 41-1-5.5, inclusive~~, is prima facie evidence of the defendant's civil liability. Failure

1 to obtain conviction on a criminal charge is not a bar to a separate civil action for such liquidated
2 damages.

3 The department, collecting such liquidated damages and taxable costs, shall deposit them in
4 the Department of Game, Fish and Parks fund. Any other public agency or department of the
5 state, collecting liquidated damages and taxable costs, shall remit the moneys collected, less the
6 agreed collection fee, to the state treasurer who shall deposit them in the Department of Game,
7 Fish, and Parks fund.

8 The judgment and liquidated damages may be collected by an agent. Fees to agents
9 authorized to collect on a judgment under this section may not exceed fifty percent of the total
10 amount collected. With approval of the department, agreed collection fees may be deducted from
11 the moneys collected when remitted or may be paid on warrants drawn by the state auditor on
12 itemized vouchers approved by the secretary of game, fish and parks and submitted
13 simultaneously with the moneys collected.

14 Section 3. That § 41-1-5.3 be repealed.

15 ~~41-1-5.3. Any person, other than a minor under the age of sixteen years, who willfully and~~
16 ~~unlawfully kills, destroys, takes, or possesses any small game bird or wild turkey during a closed~~
17 ~~season or without a license is liable to the state for civil damages of one hundred dollars for each~~
18 ~~small game bird and two hundred dollars for each turkey. However, the provisions of this section~~
19 ~~do not apply to any person, who, after providing written notice received by the Department of~~
20 ~~Game, Fish and Parks, forty-eight hours in advance, takes reasonable actions to protect the~~
21 ~~person's land or crops from serious and extraordinary damages caused by wild turkeys.~~

22 Section 4. That § 41-1-5.4 be repealed.

23 ~~41-1-5.4. Any person, other than a minor under the age of sixteen years, who willfully and~~
24 ~~unlawfully kills, destroys, takes, or possesses five or more small game birds or two or more wild~~

1 turkeys in excess of the legal limit during an open season is liable to the state for civil damages
2 of one hundred dollars per each small game bird and two hundred dollars for each turkey in
3 excess of the legal limit. However, the provisions of this section do not apply to any person,
4 who, after providing written notice received by the Department of Game, Fish and Parks, forty-
5 eight hours in advance, takes reasonable actions to protect the person's land or crops from
6 serious and extraordinary damages caused by wild turkeys.

7 Section 5. That § 41-1-5.5 be repealed.

8 ~~41-1-5.5. Any person, other than a minor under the age of sixteen years, who willfully and~~
9 ~~unlawfully kills, destroys, takes or possesses five or more fish in excess of the daily or possession~~
10 ~~limit for any species with a daily limit less than ten is liable to the state for civil damages of fifty~~
11 ~~dollars per each fish in excess of the legal limit.~~

12 Section 6. That § 41-1-5.6 be amended to read as follows:

13 41-1-5.6. A statement generally outlining the civil liability provisions of §§ 41-1-5.1 to
14 ~~41-1-5.5, inclusive,~~ shall be printed on the reverse of the citation given by an arresting officer at
15 the time of the arrest to the person violating game and fish statutes. Acknowledgment of receipt
16 of the information concerning civil liability by the defendant is to be noted specifically through
17 a specific receipt form to draw attention to civil penalties.

18 No person who has been prosecuted for a criminal offense may be held liable for civil
19 damages pursuant to §§ 41-1-5.1 to ~~41-1-5.5, inclusive,~~ and 41-1-5.2 arising from the same
20 offense or incident if ~~he~~ the person has not received the warnings required in this section.

21 Section 7. That § 41-1-5.8 be repealed.

22 ~~41-1-5.8. If a person has taken or is in possession of more than two times the lawful daily~~
23 ~~or possession limit of a regulated wild animal, the liquidated damages as determined and~~
24 ~~provided for in §§ 41-1-5.1 and 41-1-5.3 to 41-1-5.5, inclusive, shall be doubled.~~

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

336E0413

HOUSE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **HB 1085** - 01/25/2001

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

Introduced by: Representatives Napoli and Duniphan and Senators Moore and Apa

1 FOR AN ACT ENTITLED, An Act to define whether an operator is subject to pay the cost of
2 certain notifications from the one-call notification system.

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

4 Section 1. That chapter 49-7A be amended by adding thereto a NEW SECTION to read as
5 follows:

6 No operator may be billed for the costs of any notification of excavation if the location of the
7 excavation described in the notice pursuant to § 49-7A-6 is different than the one call center's
8 record of the description of the location of the operator's underground facilities.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

445E0213

HOUSE JUDICIARY COMMITTEE ENGROSSED NO.

HB 1091 - 01/24/2001

Introduced by: Representatives Brown (Jarvis), Abdallah, Broderick, Duniphan, Garnos,
and Konold and Senators Albers, Brosz, and Moore

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding jurisdiction for certain
2 offenses involving intoxicating substances.

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

4 Section 1. That § 22-42-15 be amended to read as follows:

5 22-42-15. Any person who intentionally ingests, inhales, ~~breathes~~, or otherwise takes into
6 the body any substance, except alcoholic beverages as defined in § 35-1-1, for purposes of
7 becoming intoxicated, unless such substance is prescribed by a practitioner of the medical arts
8 lawfully practicing within the scope of ~~their~~ the practitioner's practice, is guilty of a Class 1
9 misdemeanor. The venue for a violation of this section exists in either the jurisdiction in which
10 the substance was ingested, inhaled, or otherwise taken into the body or the jurisdiction in which
11 the substance was detected in the body of the accused.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

607E0174

HOUSE JUDICIARY COMMITTEE ENGROSSED NO.

HB 1092 - 01/24/2001

Introduced by: Representatives Brown (Jarvis), Abdallah, Broderick, Duniphan, Garnos,
and Konold and Senators Albers, Brosz, and Moore

1 FOR AN ACT ENTITLED, An Act to include in certain drug offenses the altered state of a
2 controlled drug or substance or marijuana once absorbed into the body.

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

4 Section 1. That § 22-42-1 be amended to read as follows:

5 22-42-1. Terms used in this chapter, ~~unless the context plainly requires otherwise,~~ mean:

6 (1) "Controlled drug or substance," a drug or substance, or an immediate precursor of a
7 drug or substance, listed in Schedules I through IV. The term includes an altered state
8 of a drug or substance, listed in Schedules I through IV, absorbed into the human
9 body;

10 (2) "Counterfeit substance," a controlled drug or substance which, or the container of
11 labeling of which, without authorization, bears the trade-mark, trade name, or other
12 identifying mark, imprint, number, or device, or any likeness thereof, of a
13 manufacturer, distributor, or dispenser other than the person or persons who
14 manufactured, distributed, or dispensed such substance and which thereby falsely

1 purports or is represented to be the product of, or to have been distributed by, such
2 other manufacturer, distributor, or dispenser;

3 (3) "Deliver" or "delivery," the actual or constructive transfer of a controlled drug,
4 substance, or marijuana whether or not there exists an agency relationship;

5 (4) "Dispense," to deliver a controlled drug or substance to the ultimate user or human
6 research subject by or pursuant to the lawful order of a practitioner, including the
7 prescribing, administering, packaging, labeling, or compounding necessary to prepare
8 the substance for such delivery, and a "dispenser" is one who dispenses;

9 (5) "Distribute," to deliver a controlled drug, substance, or marijuana. "Distribution"
10 means the delivery of a controlled drug, substance, or marijuana;

11 (6) "Manufacture," the production, preparation, propagation, compounding, or
12 processing of a controlled drug or substance, either directly or indirectly by extraction
13 from substances of natural origin, or independently by means of chemical synthesis or
14 by a combination of extraction and chemical synthesis. A "manufacturer" includes any
15 person who packages, repackages, or labels any container of any controlled drug or
16 substance, except practitioners who dispense or compound prescription orders for
17 delivery to the ultimate user;

18 (7) "Marijuana," all parts of any plant of the genus cannabis, whether growing or not, in
19 its natural and unaltered state, except for drying or curing and crushing or crumbling.
20 The term includes an altered state of the substance, marijuana, absorbed into the
21 human body. The term does not include fiber produced from the mature stalks of such
22 plant, or oil or cake made from the seeds of such plant;

23 (8) "Practitioner," a doctor of medicine, osteopathy, podiatry, dentistry, optometry, or
24 veterinary medicine licensed to practice his profession, or pharmacists licensed to

1 practice their profession; physician's assistants certified to practice their profession;
2 government employees acting within the scope of their employment; and persons
3 permitted by certificates issued by the Department of Health to distribute, dispense,
4 conduct research with respect to, or administer a substance controlled by chapter
5 34-20B;

6 (9) "Precursor" or "immediate precursor," a substance which the Department of Health
7 has found to be and by rule designates as being a principal compound commonly used
8 or produced primarily for use, and which is an immediate chemical intermediary used
9 or likely to be used, in the manufacture of a controlled drug or substance, the control
10 of which is necessary to prevent, curtail, or limit such manufacture;

11 (10) "Schedule I," "Schedule II," "Schedule III," and "Schedule IV," those schedules of
12 drugs, substances, and immediate precursors listed in chapter 34-20B;

13 (11) "Ultimate user," a person who lawfully possesses a controlled drug or substance for
14 ~~his~~ that person's own use or for the use of a member of ~~his~~ that person's household or
15 for administration to an animal owned by ~~him~~ that person or by a member of ~~his~~ that
16 person's household.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

961E0451

HOUSE COMMERCE COMMITTEE ENGROSSED NO.

HB 1094 - 01/25/2001

Introduced by: Representatives Broderick, Brown (Jarvis), and Madsen and Senators
Diedrich (Elmer), Diedrich (Larry), and Hutmacher

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to credit card coverages
2 of group personal property.

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

4 Section 1. That § 58-19-1 be amended to read as follows:

5 58-19-1. The purpose of this chapter is to promote the public welfare by regulating credit
6 life insurance, credit health insurance, ~~and credit unemployment insurance,~~ and credit property
7 including group personal property coverages authorized through credit cards. Nothing in this
8 chapter is intended to prohibit or discourage reasonable competition. The provisions of this
9 chapter shall be liberally construed.

10 Section 2. That § 58-19-2 be amended to read as follows:

11 58-19-2. Terms used in this chapter mean:

12 (1) "Credit health insurance," insurance on a debtor to provide indemnity for payments
13 becoming due on a specific loan, lease, or other credit transaction while the debtor is
14 disabled as defined in the policy;

- 1 (2) "Credit life insurance," insurance on the life of a debtor pursuant to or in connection
2 with a specific loan, lease, or other credit transaction;
- 3 (3) "Creditor," the lender of money or vendor or lessor of goods, services, or property,
4 rights or privileges, for which payment is arranged through a credit transaction, or any
5 successor to the right, title, or interest of any such lender, vendor, or lessor, and an
6 affiliate, associate, or subsidiary of any of them or any director, officer, or employee
7 of any of them or any other person in any way associated with any of them;
- 8 (4) "Debtor," a borrower of money or a purchaser or lessee of goods, services, property,
9 rights, or privileges for which payment is arranged through a credit transaction;
- 10 (5) "Indebtedness," the total amount payable by a debtor to a creditor in connection with
11 a loan, lease, or other credit transaction;
- 12 (6) "Group property insurance authorized by credit card," forms of property insurance
13 issued on a group basis covering:
- 14 (a) Loss of or damage to personal property, other than loss of use or loss resulting
15 from a defect in materials or workmanship, where such personal property is
16 purchased using a credit card;
- 17 (b) Loss of, damage to or loss of use of personal property resulting from a defect
18 in materials or workmanship, where the personal property is purchased using
19 a credit card and is under warranty;
- 20 (c) Loss of or damage to a lease or rented motor vehicle, that is intended to be
21 rented or leased for a period of ninety consecutive days or less, where the lease
22 or rental fee is paid using a credit card;
- 23 (d) Loss of, or damage to or loss of use of baggage and its contents while in
24 transit, where the cost of travel or accommodations is paid using a credit card;

1 shall be filed with the director.

2 Section 6. That chapter 58-19 be amended by adding thereto a NEW SECTION to read as
3 follows:

4 Within thirty days after the filing of any group property insurance authorized by credit card
5 insurance policy, certificate of insurance, notice of proposed insurance, application for insurance,
6 endorsement or rider, the director shall disapprove any such form if the premium rates charged
7 or to be charged are excessive in relation to benefits, or if such form contains provisions which
8 are unjust, unfair, inequitable, misleading, deceptive, or encourage misrepresentation of the
9 insurance, or are contrary to any provision of this title. If such filing is not disapproved by the
10 director within this thirty-day period, it shall be deemed approved.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

734E0457

HOUSE EDUCATION COMMITTEE ENGROSSED NO.

HB 1096 - 01/25/2001

Introduced by: Representatives Flowers, Hennies (Thomas), Juhnke, Monroe, Olson (Mel), and Pederson (Gordon) and Senators Brown (Arnold), Hutmacher, McCracken, and McIntyre

1 FOR AN ACT ENTITLED, An Act to revise the methods for increasing or decreasing school
2 board size and for creating or eliminating school board representation areas.

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

4 Section 1. That § 13-8-3 be amended to read as follows:

5 13-8-3. The voters or the school board of any school district may increase or decrease the
6 number of board members ~~to seven or to nine~~, or establish or eliminate school board
7 representation areas, by a majority vote of all voters voting at an election called and held as
8 ~~hereinafter~~ provided in this section or by unanimous vote of the school board. The number of
9 board members shall be as provided in § 13-8-2. If a petition signed by ~~ten~~ five percent of the
10 registered voters of any school district, based upon the total number of registered voters of the
11 school district who cast votes at the last preceding ~~general~~ school election, is presented to the
12 board requesting that an election be called for the purpose of voting upon the question of the
13 change of number of board members, or the establishment of school board representation areas,
14 the board shall call an election. If a petition seeking referral of any board action taken pursuant

1 to this section is presented to the board within ninety days of the board action, the board shall
2 call an election. The question shall be submitted to the voters at an election to be held not less
3 than forty-five nor more than sixty days from the date of the filing of ~~such~~ the petition with the
4 business manager. If ~~such a~~ the petition is filed less than one hundred twenty days prior to the
5 next annual election, the question shall be submitted at the annual election. ~~Such~~ The election
6 shall be held upon the same notice and conducted in the same manner as provided by chapter
7 13-7. Any increase or decrease in the number of board members shall be implemented at the next
8 succeeding annual election.

9 Section 2. That § 13-8-4 be amended to read as follows:

10 13-8-4. If at an election held or board action taken pursuant to § 13-8-3 ~~an increase a change~~
11 in the number of board members is authorized, the school board ~~is empowered to~~ may designate
12 the number of vacancies and the number of years, not to exceed three years, in each vacancy so
13 that all succeeding annual elections will have, insofar as practicable, the same number of
14 vacancies to be filled.

15 The procedure for decreasing the number of board members shall be the same as for
16 increasing the number of board members, and the board ~~is similarly empowered to~~ may designate
17 the vacancies and terms not to exceed three years; ~~provided, that.~~ However, each school board
18 member shall be entitled to complete the term of office to which ~~he~~ the member was elected.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

367E0391

HOUSE JUDICIARY COMMITTEE ENGROSSED NO. **HB 1101** - 01/24/2001

Introduced by: Representative Adelstein and Senator Whiting

1 FOR AN ACT ENTITLED, An Act to clarify the discretion of the court to impose sentences
2 concurrently or consecutively.

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

4 Section 1. That § 22-6-6.1 be amended to read as follows:

5 22-6-6.1. If a defendant has been convicted of two or more offenses, regardless of when the
6 offenses were committed or when the judgment or sentence was entered, the judgment or
7 sentence may be that the imprisonment ~~on the subsequent conviction may run concurrently with~~
8 ~~the imprisonment on any prior conviction or the imprisonment for the subsequent offense may~~
9 ~~commence at the expiration of the imprisonment upon any other offense~~ on any of the offenses
10 or convictions may run concurrently or consecutively at the discretion of the court.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

400E0284

SENATE HEALTH AND HUMAN SERVICES COMMITTEE ENGROSSED NO. **SB 32** - 01/17/2001

Introduced by: The Committee on Health and Human Services at the request of the
Department of Human Services

1 FOR AN ACT ENTITLED, An Act to revise the notice of hearing requirements pertaining to
2 costs on petitions for authority to administer psychotropic medication.

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

4 Section 1. That § 27A-12-3.14 be amended to read as follows:

5 27A-12-3.14. Certified copies of the petition and notice of hearing shall be personally served
6 by the sheriff on the person immediately upon the filing of the petition. The notice of hearing shall
7 include the following:

- 8 (1) Notice of the time, date, and place of hearing and directing the person to appear in
9 person;
- 10 (2) Notice of the person's right to be represented by an attorney at ~~his~~ the person's own
11 expense or appointed by the court if ~~he~~ the person is indigent;
- 12 (3) Notice of the person's right to seek an opinion of an independent psychiatrist at ~~his~~ the
13 person's own expense or at the expense of ~~his~~ the person's county of residence if ~~he~~ the
14 person is indigent; and

1 (4) Notice that the costs of any ~~commitment~~ post-commitment proceedings, treatment,
2 medication, and any hearing related to the medication, any post-commitment
3 proceeding, including a habeas corpus proceeding, the costs of compensation for the
4 attorney appointed to represent the person, and any other costs associated with any
5 post-commitment proceeding, are that person's responsibility, and that a lien for the
6 amount of these costs may be filed upon the person's real and personal property to
7 insure payment.

8 Upon the filing of the petition the court shall immediately appoint counsel for the person if
9 counsel has not been retained. A date shall be set for the hearing within fifteen days of the filing
10 of the petition, and this hearing shall be a priority on the court calendar. Allowance for any
11 additional time shall be limited to one seven-day continuance, and shall be restrictively granted,
12 only upon a showing of good cause for delay.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

400E0295

HOUSE COMMERCE COMMITTEE ENGROSSED NO. **SB 41** - 01/25/2001

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

1 FOR AN ACT ENTITLED, An Act to authorize the recovery of costs in contested cases for the
2 real estate appraiser program and to repeal certain provisions regarding an appraiser's license.

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

4 Section 1. That chapter 36-21B be amended by adding thereto a NEW SECTION to read as
5 follows:

6 The secretary may assess to a licensee or applicant all or part of the actual expenses of a
7 contested case proceeding resulting in the discipline or censure of the licensee, suspension or
8 revocation of the licensee's license, or the denial of a license to the applicant.

9 Section 2. That § 36-21B-9 be repealed.

10 ~~—36-21B-9. As of July 1, 1995, the regulation of appraisers licensed by the Real Estate~~
11 ~~Commission shall be transferred to the Department of Commerce and Regulation. Upon~~
12 ~~application, the Department of Commerce and Regulation shall renew an appraiser's license at the~~
13 ~~end of its term if the appraiser has met the continuing education requirements of the appraiser's~~
14 ~~previous license. Any license fees shall be prorated on a per month basis to the end of the next~~

1 ~~licensing term.~~