

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

400H0207

SENATE COMMERCE COMMITTEE ENGROSSED NO.

SB 26 - 01/15/2002

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 a civil penalty for securities violations by
2 registered or unregistered persons or entities.

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

4 Section 1. That subsection (M) of § 47-31A-204(a) be repealed.

5 ~~—————(M) A civil penalty levied under subsection (a) shall not exceed ten thousand dollars~~
6 ~~per violation per person. All administrative fines received shall be deposited in~~
7 ~~the state general fund.~~

8 Section 2. That § 47-31A-408 be amended to read as follows:

9 47-31A-408. Whenever it appears to the director that any person has engaged or is about to
10 engage in any act or practice constituting a violation of any provision of this chapter, or any rule
11 or order hereunder, ~~he may in his discretion bring either or both of the following remedies~~ the
12 director may do one or more of the following:

13 (1) Issue a cease and desist order, with or without prior hearing, against the person or
14 persons engaged in the prohibited activities, directing them to cease and desist from



1 further illegal activities; ~~or~~

2 (2) Bring an action in the circuit court to enjoin the acts or practices to enforce
3 compliance with this chapter, or any rule or order hereunder; or

4 (3) Impose by order and collect a civil penalty against any person found in an
5 administrative action to have violated any provision of this chapter, or any rule or
6 order issued under this chapter, in an amount not to exceed ten thousand dollars per
7 violation per person. The director may bring actions to recover penalties pursuant to
8 this subdivision in circuit court. All civil penalties received shall be deposited in the
9 state general fund.

10 Upon a proper showing a permanent or temporary injunction, restraining order or writ of
11 mandamus shall be granted and a receiver or conservator may be appointed for the defendant or
12 defendant's assets. In addition, upon a proper showing by the director, the court may enter an
13 order of rescission, restitution or disgorgement directed to any person who has engaged in any
14 act constituting a violation of any provision of this chapter, or any rule or order hereunder. The
15 court may not require the director to post a bond.

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

400H0216

SENATE TRANSPORTATION COMMITTEE

ENGROSSED NO. **SB 32** - 01/15/2002

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

1 FOR AN ACT ENTITLED, An Act to require photo identification for all aeronautics operations,
2 to increase the pilot registration fee, and to declare an emergency.

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

4 Section 1. That § 50-11-24 be amended to read as follows:

5 50-11-24. Any person operating any aircraft within this state shall, except as otherwise
6 expressly provided, biennially, on or before the thirty-first day of March, register with the
7 secretary of transportation, ~~his~~ the person's federal airman's certificate issued under the authority
8 of the United States and shall biennially pay to the secretary a fee of ~~fifteen~~ twenty dollars.
9 Failure to register and pay the fee before the time set by this section is a Class 2 misdemeanor.
10 ~~Certificates~~ A certificate showing ~~such~~ the registration may be issued by the ~~director~~ secretary
11 as the Aeronautics Commission deems proper ~~and the~~. The commission may prescribe
12 requirements for the possession and exhibition ~~thereof~~ of the certificate.

13 Section 2. That chapter 50-11 be amended by adding thereto a NEW SECTION to read as
14 follows:



1 Any airport employee, airline employee, and any employee of a fixed base operator or a
2 charter service, unless otherwise required by federal law or regulation, shall have in possession
3 while on duty at the airport a state-issued photo identification badge. The Aeronautics
4 Commission shall promulgate rules pursuant to chapter 1-26 specifying display of the badge;
5 indications on the badge regarding the scope of the person's access and movement privileges at
6 an airport; personal information including full name, employer, and identification number;
7 procedures regarding the production, issuance, retrieval, and replacement of badges; and the
8 length of time for which the badge is valid.

9 The commission shall, by rules promulgated pursuant to chapter 1-26, establish the fee for
10 a badge. The fee shall be based on the cost to produce the badge but may not exceed ten dollars.
11 Any fee collected shall be deposited into the state aeronautics fund.

12 Section 3. Whereas, this Act is necessary for the support of the state government and its
13 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full
14 force and effect from and after its passage and approval.