

# House Daily Reader

Saturday, January 26, 2002

Bills Included				
HB 1102	HB 1116	HB 1125	HB 1151	HB 1166
HB 1181	HB 1187			

# State of South Dakota

SEVENTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2002

456H0380

HOUSE TAXATION COMMITTEE ENGROSSED NO.

**HB 1102** - 01/24/2002

Introduced by: Representatives Pederson (Gordon), Nachtigal, and Van Gerpen and Senators  
Vitter and Hutmacher

1 FOR AN ACT ENTITLED, An Act to revise the gross receipts tax that applies to certain  
2 telephone companies.

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

4 Section 1. That § 10-33-21 be amended to read as follows:

5 10-33-21. All persons, corporations, cooperatives, and associations engaged in furnishing  
6 and providing telephone and exchange service comprising rental and toll service by means of  
7 wired circuits and otherwise and whose annual gross receipts are less than ~~twenty-five~~ fifty  
8 million dollars shall be taxed on the basis of gross receipts, according to one of the two following  
9 schedules. Whichever schedule provides the lesser percentage of tax shall be applied by the  
10 Department of Revenue:

11 SCHEDULE A

12	Average Number of Customers	Percentage of Tax on
13	Per Mile of Line (Density)	Gross Revenue
14	Not more than 1	2



- 1 More than 1, but not more than 2 3
- 2 More than 2, but not more than 3 4
- 3 More than 3 5

4 SCHEDULE B

5	Percentage of Tax on		
6	Gross Annual Revenue		Gross Revenue
7	Not more than	\$ 15,000	2
8	More than \$15,000 but not more than	20,000	3
9	More than 20,000 but not more than	50,000	4
10	More than 50,000 but not more than	<del>25,000,000</del>	5
		<u>50,000,000</u>	

11 However, no telephone company operating in this state shall be taxed less than an amount

12 equal to fifty cents per year per telephone serviced.

# State of South Dakota

SEVENTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2002

780H0040

HOUSE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **HB 1116** - 01/23/2002

Introduced by: Representatives McCaulley, Begalka, Brown (Jarvis), Duenwald, Duniphan, Eccarius, Frost, Fryslie, Garnos, Hansen (Tom), Hennies (Don), Hennies (Thomas), Hunhoff, Jaspers, Jensen, Juhnke, Klaudt, Koistinen, Lintz, Madsen, McCoy, Michels, Monroe, Murschel, Napoli, Pederson (Gordon), Peterson (Bill), Rhoden, Sebert, Slaughter, Smidt, Sutton (Duane), Teupel, Van Etten, Van Gerpen, and Wick and Senators Bogue, Apa, Brosz, Brown (Arnold), Cradduck, de Hueck, Diedrich (Larry), Diedrich (Elmer), Everist, Greenfield, Koskan, Madden, McCracken, Putnam, and Vitter

1 FOR AN ACT ENTITLED, An Act to prohibit a person from being on the general election  
2 ballot for President or vice-president and another office.

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

4 Section 1. That chapter 12-5 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 Notwithstanding the deadline provided in § 12-6-55, if any person is certified as a  
7 presidential or vice-presidential candidate pursuant to § 12-5-3.16 and that person is a candidate  
8 for another office, the person shall choose one of the candidacies and withdraw from any other  
9 candidacy. If the person fails to choose one of the candidacies within seven days of certification  
10 as a presidential or vice-presidential candidate, the person is deemed to have chosen the  
11 candidacy pursuant to § 12-5-3.16 and is further deemed to have withdrawn from any other



1 candidacy. The resulting vacancy may be filled within seven days after the withdrawal in the  
2 manner provided in §§ 12-6-56 and 12-6-57.

3 Section 2. That chapter 12-7 be amended by adding thereto a NEW SECTION to read as  
4 follows:

5 Notwithstanding the deadline provided in § 12-6-55, if any person is nominated as a  
6 presidential or vice-presidential candidate pursuant to § 12-7-7 and that person is a candidate for  
7 another office, the person shall choose one of the candidacies and withdraw from any other  
8 candidacy. If the person fails to choose one of the candidacies within seven days of certification  
9 as a presidential or vice-presidential candidate, the person is deemed to have chosen the  
10 candidacy pursuant to § 12-7-7 and is further deemed to have withdrawn from any other  
11 candidacy.

12 Section 3. That § 12-6-3 be amended to read as follows:

13 12-6-3. No person ~~shall~~ may be a candidate for nomination or election to more than one  
14 public office, ~~but~~ no matter if such person appears on the ballot in name or is represented by  
15 electors pursuant to § 12-5-3.16 or 12-7-7. However, a candidate for any such office ~~shall~~ is not  
16 ~~be~~ prohibited from being elected to any one or more party offices as may be provided in chapter  
17 12-5.

# State of South Dakota

SEVENTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2002

732H0274

## HOUSE LOCAL GOVERNMENT COMMITTEE

### ENGROSSED NO. **HB 1125** - 01/24/2002

Introduced by: Representatives Bartling, Brown (Richard), Duniphan, Flowers, Fryslie, Hennies (Thomas), Konold, Madsen, McCoy, Michels, Nesselhuf, Olson (Mel), Pederson (Gordon), Peterson (Bill), Pummel, and Smidt and Senators Hutmacher, Albers, Diedtrich (Elmer), Everist, McIntyre, Moore, Olson (Ed), Putnam, Reedy, Symens, and Vitter

1 FOR AN ACT ENTITLED, An Act to adjust the salary schedule for county sheriffs.

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

3 Section 1. That § 7-12-15 be amended to read as follows:

4 7-12-15. The ~~salary payable to a sheriff shall be established by each board of county~~  
5 ~~commissioners, by resolution, but may not be less than specified in~~ board of county  
6 commissioners shall establish, by resolution, the salary payable to the sheriff. The salary payable  
7 may not be less than the following schedule based upon the most recent decennial federal census  
8 of population of counties.

9	County Population	Salary Schedule
10	Below <del>9,999</del> <u>10,000</u>	<del>\$26,299</del> <u>28,799</u>
11	<del>10,000-16,999</del> <u>10,000-14,999</u>	<del>28,917</del> <u>31,417</u>
12	<del>17,000-29,999</del> <u>15,000-24,999</u>	<del>30,017</del> <u>32,517</u>
13	<del>30,000-49,999</del> <u>25,000-69,999</u>	<del>34,217</del> <u>36,717</u>





# State of South Dakota

SEVENTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2002

528H0301

HOUSE COMMERCE COMMITTEE ENGROSSED NO.

**HB 1151** - 01/24/2002

Introduced by: Representatives Broderick, Bartling, and Pederson (Gordon) and Senators  
Munson, Bogue, Diedrich (Larry), and McCracken

1 FOR AN ACT ENTITLED, An Act to require the secretary of state to conduct a pilot program  
2 granting certain secured parties the ability to file and provide a procedure to record a  
3 financing statement for security interest on agricultural lien and to provide rule-making  
4 authority to implement the pilot program.

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

6 Section 1. The secretary of state shall conduct a pilot program granting a secured party the  
7 access to allow the secured party to file and provide a procedure to record the secured party's  
8 liens pursuant to § 57A-9-501 through the state's computer system. The secretary shall determine  
9 the procedure and the parameters on how the pilot program shall be implemented and select the  
10 lenders to participate in the pilot program. The secretary may promulgate rules, pursuant to  
11 chapter 1-26, concerning the procedure for providing a secured party access to, adequate  
12 security for, and confidentiality of any public records related to the secured party's liens listed  
13 on the state's computer system.

14 Section 2. The provisions of this Act are repealed on July 1, 2004.





# State of South Dakota

SEVENTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2002

118H0509

HOUSE EDUCATION COMMITTEE ENGROSSED NO.

**HB 1166** - 01/24/2002

Introduced by: Representatives Holbeck, Garnos, and Van Etten and Senators Reedy, Albers,  
Daugaard, Munson, and Sutton (Dan)

1 FOR AN ACT ENTITLED, An Act to provide for a master teacher program and to make an  
2 appropriation therefor.

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

4 Section 1. The master teacher program is hereby established within the Department of  
5 Education and Cultural Affairs. Each year the department shall select one hundred teachers from  
6 South Dakota's public school districts and designate those teachers as master teachers.

7 Section 2. Any person employed as a full time teacher in a South Dakota public school  
8 district may apply to the Department of Education and Cultural Affairs to be designated as a  
9 master teacher.

10 Section 3. The Department of Education and Cultural Affairs may establish criteria for  
11 selection of master teachers provided that the criteria include five years of teaching experience,  
12 experience in remote teaching or other use of technology in teaching, endorsement by the  
13 principal of the school in which the teacher teaches or by the superintendent of the school district  
14 that employs the teacher, and submission of a resume or portfolio by the applicant.



1       Section 4. Each teacher selected as a master teacher is entitled to an award of five thousand  
2 dollars upon receiving the award and an award of one thousand dollars for each year after that,  
3 up to five years. The one-half of the initial five thousand dollar award shall be paid by the State  
4 of South Dakota and one-half shall be paid by the school district that employs the teacher. The  
5 subsequent one thousand dollar awards shall be paid by the school district that employs the  
6 teacher. If a teacher who has been designated as a master teacher becomes employed by another  
7 South Dakota public school district, that school district assumes the responsibility for any award  
8 under the provisions of this Act to which the teacher is entitled.

9       Section 5. There is hereby appropriated from the general fund the sum of two hundred fifty  
10 thousand dollars (\$250,000), or so much thereof as may be necessary, to the Department of  
11 Education and Cultural Affairs to pay master teacher awards as provided for in this Act..

12       Section 6. The secretary of the Department of Education and Cultural Affairs shall approve  
13 vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

14       Section 7. Any amounts appropriated in this Act not lawfully expended or obligated by  
15 June 30, 2003, shall revert in accordance with § 4-8-21.

16       Section 8. The Department of Education and Cultural Affairs may promulgate rules pursuant  
17 to chapter 1-26 to implement the provisions of this Act.

# State of South Dakota

SEVENTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2002

751H0453

HOUSE COMMERCE COMMITTEE ENGROSSED NO.

**HB 1181** - 01/24/2002

Introduced by: Representatives Madsen, Broderick, and Olson (Mel) and Senators Munson and Volesky

1 FOR AN ACT ENTITLED, An Act to prohibit directed suretyship.

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

3 Section 1. No public servant may, directly or indirectly, require or direct a bidder on any  
4 public building or construction contract which is about to be or has been competitively bid to  
5 obtain from a particular insurer or insurance producer any surety bond or contract of insurance  
6 required in such bid or contract or required by any law, ordinance, or regulation. However, the  
7 surety insurer shall be an authorized insurer under Title 58. Nothing in this section prevents any  
8 such public servant acting on behalf of the government from exercising the right to approve or  
9 reject a surety bond or contract of insurance as to its form or sufficiency or the lack of financial  
10 capability of an insurer selected by a bidder.



# State of South Dakota

SEVENTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2002

145H0477

HOUSE EDUCATION COMMITTEE ENGROSSED NO.

**HB 1187** - 01/24/2002

Introduced by: Representatives Teupel, Adelstein, Derby, Frost, Hennies (Thomas), Holbeck, Jaspers, Kooistra, Madsen, McCaulley, Pummel, Rhoden, and Slaughter and Senators Olson (Ed), Apa, Brosz, Koskan, McCracken, Reedy, Symens, and Vitter

1 FOR AN ACT ENTITLED, An Act to allow certain school district transfers.

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

3 Section 1. That chapter 13-16 be amended by adding thereto a NEW SECTION to read as  
4 follows:

5 Notwithstanding any other provision of this chapter, if two or more school districts  
6 consolidate, for one year after consolidation, the newly formed school district may transfer any  
7 money from its general fund to its capital outlay fund.

