



# State of South Dakota

SEVENTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2002

167H0116

HOUSE TRANSPORTATION COMMITTEE  
ENGROSSED NO. **HB 1067** - 01/26/2002

Introduced by: Representative Napoli and Senator Bogue

1 FOR AN ACT ENTITLED, An Act to establish a fee for the assignment of a vehicle  
2 identification number.

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 The fee for assignment of a vehicle identification number is twenty-five dollars. The fee is  
7 payable to the county treasurer's office at the time of application for a rebuilt title. The county  
8 treasurer shall forward to the Division of Motor Vehicles the rebuilt title application with the  
9 affidavit of rebuilt motor vehicle and the vehicle identification number assignment fee. The rebuilt  
10 application may not be processed if the fee is not paid. If the vehicle identification number is not  
11 assigned as a result of the inspection of the vehicle, the Division of Motor Vehicles shall refund  
12 the fee to the applicant.



# State of South Dakota

SEVENTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2002

921H0064

HOUSE TRANSPORTATION COMMITTEE  
ENGROSSED NO. **HB 1091** - 01/26/2002

Introduced by: Representatives Adelstein, Klaudt, and Van Etten and Senators Putnam and  
Apa

1 FOR AN ACT ENTITLED, An Act to make compliance with federal selective service  
2 requirements a condition of obtaining certain driver licenses.

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

4 Section 1. That chapter 32-12 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 No male United States citizen or immigrant who is at least eighteen years of age but less than  
7 twenty-six years of age may apply for or be issued a driver license, renewal, or duplicate or a  
8 nondriver identification card, renewal, or duplicate pursuant to this chapter unless the applicant  
9 is registered, or consents to be registered as provided in this section, in compliance with the  
10 Military Selective Service Act, 50 U.S.C. App. 453, as amended to January 1, 2002.

11 The Department of Commerce and Regulation shall forward in an electronic format the  
12 necessary personal information required for registration of any applicant identified in this section  
13 to the United States Selective Service System. The applicant's submission of the application  
14 indicates that the applicant has already registered with the Selective Service System or that he



1 is authorizing the department to forward to the Selective Service System the necessary  
2 information for such registration. The department shall notify the applicant on the application  
3 that his submission of the application serves as his consent to be registered with the Selective  
4 Service System if so required by federal law.

5 Section 2. That chapter 32-12A be amended by adding thereto a NEW SECTION to read  
6 as follows:

7 No male United States citizen or immigrant who is at least eighteen years of age but less than  
8 twenty-six years of age may apply for or be issued a commercial driver license, renewal, or  
9 duplicate pursuant to this chapter unless the applicant is registered, or consents to be registered  
10 as provided in this section, in compliance with the Military Selective Service Act, 50 U.S.C. App.  
11 453, as amended to January 1, 2002.

12 The Department of Commerce and Regulation shall forward in an electronic format the  
13 necessary personal information required for registration of any applicant identified in this section  
14 to the United States Selective Service System. The applicant's submission of the application  
15 indicates that the applicant has already registered with the Selective Service System or that he  
16 is authorizing the department to forward to the Selective Service System the necessary  
17 information for such registration. The department shall notify the applicant on the application  
18 that his submission of the application serves as his consent to be registered with the Selective  
19 Service System if so required by federal law.

# 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

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

184H0609

HOUSE JUDICIARY COMMITTEE ENGROSSED NO.

**HB 1224** - 01/26/2002

Introduced by: Representatives Hunhoff, Abdallah, Murschel, and Pitts and Senators Daugaard, Craddock, Hutmacher, Madden, and Moore

1 FOR AN ACT ENTITLED, An Act to prohibit interference with the use of communication  
2 devices to summon aid to an emergency.

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

4 Section 1. Terms used in this Act mean:

5 (1) "Communication device," any device, including a telephone, cellular telephone,  
6 computer, or radio which may be used in an attempt to summon law enforcement, fire  
7 department, medical, or other emergency personnel;

8 (2) "Emergency," any situation in which human health or safety is in imminent danger.

9 Section 2. If a person is attempting to summon aid to an emergency or has communicated  
10 a desire to summon aid to an emergency, no person may prohibit or interrupt, or attempt to  
11 prohibit or interrupt, another person's use of a communication device by either of the following:

12 (1) Using or threatening to use physical force, intimidation, interference, or any other  
13 form of violence; or

14 (2) Destroying, disabling, or damaging a communication device.



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

# State of South Dakota

SEVENTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2002

400H0230

## SENATE HEALTH AND HUMAN SERVICES COMMITTEE ENGROSSED NO. **SB 15** - 01/16/2002

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 repeal and revise certain provisions regarding the  
2 composition of the mental health planning and coordination advisory council.

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

4 Section 1. That § 27A-3-1.2 be repealed.

5 ~~— 27A-3-1.2. The council shall consist of the following who shall be appointed by and serve~~  
6 ~~at the pleasure of the Governor:~~

7 ~~— (1) The secretary of the Department of Human Services, or his designee;~~

8 ~~— (2) The executive director of the South Dakota Advocacy Services;~~

9 ~~— (3) A director of a Department of Human Services approved community mental health~~  
10 ~~center, whose term shall expire July 1, 1992;~~

11 ~~— (4) A qualified mental health professional who provides direct services in an approved~~  
12 ~~community mental health center (not a center director), whose term shall expire~~  
13 ~~July 1, 1991;~~

14 ~~— (5) A representative of the South Dakota Council of Mental Health Centers, whose term~~



- 1           shall expire July 1, 1990;
- 2   — (6) — A representative of the South Dakota Board of Regents;
- 3   — (7) — The executive director of the South Dakota Housing Development Authority, or his
- 4           designee;
- 5   — (8) — The state court administrator, or his designee;
- 6   — (9) — A qualified mental health professional from a private, nonprofit service-providing
- 7           agency other than a community mental health center, whose term shall expire July 1,
- 8           1991;
- 9   — (10) — The administrator of the South Dakota Human Services Center or his designee;
- 10 — (11) — A representative of a statewide mental health consumer organization, whose term
- 11          shall expire July 1, 1991;
- 12 — (12) — A family representative of an adult (eighteen years or over) severely mentally ill
- 13          individual, whose term shall expire July 1, 1991;
- 14 — (13) — A family representative of an adult (eighteen years or over) severely mentally ill
- 15          individual, whose term shall expire July 1, 1991;
- 16 — (14) — A family representative of a child (under eighteen years) severely mentally ill
- 17          individual, whose term shall expire July 1, 1992;
- 18 — (15) — A primary consumer of mental health services, whose term shall expire July 1, 1990;
- 19 — (16) — A primary consumer of mental health services, whose term shall expire July 1, 1991;
- 20 — (17) — A primary consumer of mental health services, whose term shall expire July 1, 1992;
- 21 — (18) — A representative of a statewide family support and advocacy group whose term shall
- 22          expire July 1, 1990;
- 23 — (19) — A public educator in a kindergarten through twelfth grade program (not a provider
- 24          or state employee), whose term shall expire July 1, 1991;

1 ~~—(20) A representative of consumers at large (not a provider or state employee), whose term~~  
2 ~~shall expire July 1, 1992;~~

3 ~~—(21) A representative of consumers at large (not a provider or state employee), whose term~~  
4 ~~shall expire July 1, 1990;~~

5 ~~—(22) The secretary of the Department of Social Services, or his designee.~~

6 ~~—Future terms of those members with established terms shall be three years.~~

7 Section 2. That § 27A-3-1.1 be amended to read as follows:

8 27A-3-1.1. There is created the Mental Health Planning and Coordination Advisory Council  
9 which shall be appointed by and serve at the pleasure of the Governor. The council shall be  
10 assigned to the Department of Human Services. Technical assistance and staff support shall be  
11 provided to the council by the Department of Human Services. The secretary of human services  
12 shall be responsible for the coordination of activities between the advisory council and the  
13 Department of Human Services.

# State of South Dakota

SEVENTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2002

400H0245

## HOUSE JUDICIARY COMMITTEE ENGROSSED NO. **SB 22** - 01/26/2002

Introduced by: The Committee on Judiciary at the request of the Attorney General

1 FOR AN ACT ENTITLED, An Act to adopt the Uniform Rendition of Prisoners as Witnesses  
2 in Criminal Proceedings Act.

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

4 Section 1. Terms used in this Act mean:

5 (1) "Witness," a person who is confined in a penal institution in any state and whose  
6 testimony is desired in another state in any criminal proceeding or investigation by  
7 grand jury or in any criminal action before a court;

8 (2) "Penal institution," includes any jail, prison, penitentiary, house of correction, or other  
9 place of penal detention;

10 (3) "State," includes any state of the United States, the District of Columbia, the  
11 Commonwealth of Puerto Rico, and any territory of the United States.

12 Section 2. Any judge of a state court of record in another state, which by its laws has made  
13 provisions for commanding persons confined in penal institutions within that state to attend and  
14 testify in this state, may certify:

15 (1) That there is a criminal proceeding or investigation by a grand jury or a criminal



1 action pending in a court;

2 (2) That a person who is confined in a penal institution in this state may be a material  
3 witness in the proceeding, investigation, or action; and

4 (3) That the person's presence will be required during a specified time.

5 Upon presentation of the certificate to any judge having jurisdiction over the person confined  
6 or to any judge having jurisdiction in the location where the person is confined, and upon notice  
7 to the attorney general, the judge in this state shall fix a time and place for a hearing and shall  
8 make an order directed to the person having custody of the prisoner requiring that the prisoner  
9 be produced before the judge at the hearing.

10 Section 3. If at the hearing the judge determines:

11 (1) That the witness may be material and necessary;

12 (2) That the witness's attending and testifying are not adverse to the interests of this state  
13 or to the health or legal rights of the witness;

14 (3) That the laws of the state in which the witness is required to testify will give the  
15 witness protection from arrest and the service of civil and criminal process because  
16 of any act committed prior to the witness's arrival in the state under the order; and

17 (4) That as a practical matter the possibility is negligible that the witness may be subject  
18 to arrest or to the service of civil or criminal process in any state through which the  
19 witness may pass;

20 the judge shall issue an order, with a copy of the certificate attached, directing the witness to  
21 attend and testify, directing the person having custody of the witness to produce the witness in  
22 the court where the criminal action is pending, or where the grand jury investigation is pending,  
23 at a time and place specified in the order, and prescribing such conditions as the judge shall  
24 determine.

1 Section 4. The order to the witness and to the person having custody of the witness shall  
2 provide for the return of the witness at the conclusion of the witness's testimony, proper  
3 safeguards on the witness's custody, and proper financial reimbursement or prepayment by the  
4 requesting jurisdiction for all expenses incurred in the production and return of the witness, and  
5 may prescribe such other conditions as the judge thinks proper or necessary. Mileage and  
6 expenses shall be allowed as provided for state employees. The order does not become effective  
7 until the judge of the state requesting the witness enters an order directing compliance with the  
8 conditions prescribed.

9 Section 5. This Act does not apply to any person in this state confined as mentally ill or under  
10 sentence of death.

11 Section 6. If a person confined in a penal institution in any other state may be a material  
12 witness in a criminal action pending in a court of record or in a grand jury investigation in this  
13 state, a circuit court judge or magistrate may certify:

- 14 (1) That there is a criminal proceeding or investigation by a grand jury or a criminal  
15 action pending in this court;
- 16 (2) That a person who is confined in a penal institution in the other state may be a  
17 material witness in the proceeding, investigation, or action; and
- 18 (3) That the person's presence will be required during a specified time.

19 The certificate shall be presented to a judge of a court of record in the other state having  
20 jurisdiction over the prisoner confined, and a notice shall be given to the attorney general of the  
21 state in which the prisoner is confined.

22 Section 7. The court may enter an order directing compliance with the terms and conditions  
23 prescribed by the judge of the state in which the witness is confined.

24 Section 8. If a witness from another state comes into or passes through this state under an



1 order directing the witness to attend and testify in this or another state, the witness is not subject,  
2 while in this state pursuant to the order, to arrest or the service of process, civil or criminal,  
3 because of any act committed prior to this arrival in this state under the order.

4 Section 9. The provisions of this Act shall be so construed as to effectuate their general  
5 purpose to make uniform the law of those states which enact them.

6 Section 10. This Act may be cited as the Uniform Rendition of Prisoners as Witnesses in  
7 Criminal Proceedings Act.

# State of South Dakota

SEVENTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2002

400H0217

## SENATE HEALTH AND HUMAN SERVICES COMMITTEE ENGROSSED NO. **SB 46** - 01/16/2002

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

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to controlled  
2 substances.

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

4 Section 1. That § 34-20B-17 be amended to read as follows:

5 34-20B-17. Any of the following opiates, including their isomers, esters, ethers, salts, and  
6 salts of isomers, esters and ethers, is included in Schedule II, unless specifically excepted,  
7 whenever the existence of such isomers, esters, ethers, and salts is possible within the specific  
8 chemical designation:

- 9 (1) Alphaprodine;
- 10 (2) Anileridine;
- 11 (3) Bezitramide;
- 12 (4) Diphenoxylate;
- 13 (5) Fentanyl;
- 14 (6) Isomethadone;



- 1 (7) Levomethorphan;
- 2 (8) Levorphanol;
- 3 (9) Metazocine;
- 4 (10) Methadone;
- 5 (11) Methadone-intermediate, 4-cyano-2-dimethylamine-1, 4-diphenyl butane;
- 6 (12) Moramide-intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic
- 7 acid;
- 8 (13) Pethidine;
- 9 (14) Pethidine-intermediate, A, 4-cyano-1-methyl-4-phenylpiperidine;
- 10 (15) Pethidine-intermediate, B, ethyl-4-phenylpiperidine-4-carboxylate;
- 11 (16) Pethidine-intermediate, C, 1-methyl-4-phenylpiperidine- 4-carboxylic acid;
- 12 (17) Phenazocine;
- 13 (18) Piminodine;
- 14 (19) Racemethorphan;
- 15 (20) Racemorphan;
- 16 (21) Sufentanil;
- 17 (22) Alfentanil;
- 18 (23) Carfentanil;
- 19 (24) Levo-alpha-acetylmethadol, also known as levo-alpha- acetylmethadyl acetate or
- 20 LAAM;
- 21 (25) Remifentanil.

22 Section 2. That § 34-20B-25 be amended to read as follows:

23 34-20B-25. The following are included in Schedule IV:

- 24 (1) Chlordiazepoxide, but not including librax (chlordiazepoxide hydrochloride and

- 1 clindinium bromide) or menrium (chlordiazepoxide and water soluble esterified  
2 estrogens);
- 3 (2) Clonazepam;
- 4 (3) Clorazepate;
- 5 (4) Diazepam;
- 6 (4A) Flunitrazepam;
- 7 (5) Flurazepam;
- 8 (6) Mebutamate;
- 9 (7) Oxazepam;
- 10 (8) Prazepam;
- 11 (9) Lorazepam;
- 12 (10) Triazolam;
- 13 (11) Any substance which contains any quantity of a benzodiazepine, or salt of  
14 benzodiazepine, except those substances which are specifically listed in other  
15 schedules;
- 16 (12) Buprenorphine;
- 17 (13) Cathine;
- 18 (14) Fencamfamine;
- 19 (15) Fenproporex;
- 20 (16) Mefenorex;
- 21 (17) Pyrovalerone;
- 22 (18) Propoxyphene;
- 23 (19) Pentazocine;
- 24 (20) Diethylpropion;

- 1 (21) Ethchlorvynol;
- 2 (22) Ethinamate;
- 3 (23) Fenfluramine;
- 4 (24) Mazindol;
- 5 (25) Mephobarbital;
- 6 (26) Methohexitol;
- 7 (27) Paraldehyde;
- 8 (28) Pemoline;
- 9 (29) Petrichloral;
- 10 (30) Phentermine;
- 11 (31) Barbital;
- 12 (32) Phenobarbital;
- 13 (33) Meproamate;
- 14 (34) Zolpidem;
- 15 (35) Butorphanol;
- 16 (36) Modafinil, including its salts, isomers, and salts of isomers;
- 17 (37) Sibutramine;
- 18 (38) Zaleplon;
- 19 (39) Dichloralphenazone.