

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

191H0369

HOUSE HEALTH AND HUMAN SERVICES
COMMITTEE ENGROSSED NO. **HB 1086** -
01/28/2002

Introduced by: Representatives Glenski, Begalka, Burg, Kooistra, McCoy, Peterson (Jim),
Van Etten, and Van Gerpen and Senators Olson (Ed), Reedy, Staggers, and
Sutton (Dan)

1 FOR AN ACT ENTITLED, An Act to provide for a refund of tuition and fees for certain nurses.

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

3 Section 1. Terms used in this Act mean:

4 (1) "Eligible nurse," a nurse who practices in an area of critical need as determined by the
5 Department of Health and whose nursing employment begins after May 1, 2002;

6 (2) "Postsecondary tuition and fees," the lesser of five thousand dollars or actual tuition
7 and fees paid minus any scholarships or grants that were received by the eligible
8 nurse;

9 (3) "Secretary," the secretary of the Department of Health.

10 Section 2. There is hereby appropriated from earnings on the health care trust fund the sum
11 of five hundred thousand dollars (\$500,000), or so much thereof as may be necessary, to the
12 Department of Health for tuition and fees refunds to eligible nurses pursuant to this Act.

13 Section 3. An eligible nurse may receive a reimbursement equal to seventy-five percent of



1 the nurse's first year's postsecondary tuition and fees if the nurse practiced in South Dakota for
2 three consecutive years following graduation from an accredited college or university.

3 Section 4. An eligible nurse may receive a reimbursement equal to seventy-five percent of
4 the nurse's second year's postsecondary tuition and fees if the nurse practiced in South Dakota
5 for five consecutive years following graduation from an accredited college or university.

6 Section 5. An eligible nurse may receive a reimbursement equal to seventy-five percent of
7 the nurse's third year's postsecondary tuition and fees if the nurse practiced in South Dakota for
8 seven consecutive years following graduation from an accredited college or university.

9 Section 6. An eligible nurse may receive a reimbursement equal to seventy-five percent of
10 the nurse's fourth year's postsecondary tuition and fees if the nurse practiced in South Dakota
11 for nine consecutive years following graduation from an accredited college or university.

12 Section 7. An eligible nurse may receive a reimbursement equal to twenty-five percent of the
13 nurse's first four-year postsecondary tuition and fees if the nurse practiced in South Dakota for
14 ten consecutive years following graduation from an accredited college or university.

15 Section 8. The secretary of the Department of Health shall approve vouchers and the state
16 auditor shall draw warrants to pay expenditures authorized by this Act.

17 Section 9. The Department of Health shall promulgate rules pursuant to chapter 1-26 to
18 prescribe application procedures, designate areas of critical need, and establish payments.

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

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

913H0527

HOUSE HEALTH AND HUMAN SERVICES
COMMITTEE ENGROSSED NO. **HB 1258** -
01/28/2002

Introduced by: Representatives Hunhoff, Abdallah, Begalka, Broderick, Elliott, Frost, Heineman, Holbeck, Kooistra, Michels, Murschel, Olson (Mel), Peterson (Bill), Sebert, Solum, Sutton (Duane), Van Etten, and Van Gerpen and Senators Olson (Ed), Albers, Brown (Arnold), Craddock, de Hueck, McCracken, Moore, and Volesky

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the nurses' education
2 assistance loan program, to assess a fee on certain health care facilities for the program, and
3 to make an appropriation for the program.

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

5 Section 1. That § 36-9-77 be amended to read as follows:

6 36-9-77. Funding for the nurses' education assistance loan program shall be established as
7 follows:

- 8 (1) By setting aside in a special account ten dollars of each registered nurse and licensed
9 practical nurse biennial license renewal fee;
- 10 (2) By principal and interest payments from ~~scholarship~~ or loan recipients;
- 11 (3) Donations and bequests from individuals wishing to further the intent of the nurses'
12 education assistance loan program;



1 (4) By assessing a fee of ten dollars for each licensed bed in each health care facility
2 licensed under chapter 34-12;

3 (5) Additional funds by appropriation or ~~as may from time to time be~~ designated by the
4 board.

5 Section 2. That chapter 36-9 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 Each health care facility licensed pursuant to chapter 34-12 shall annually pay the fee
8 assessed in § 36-9-77 to the South Dakota Board of Nursing. The board shall deposit the fee in
9 the special account for the nurses' education assistance program.

10 Section 3. That § 36-9-80 be amended to read as follows:

11 36-9-80. Distributions from the nurses' education assistance loan program are subject to the
12 following:

13 (1) The amount of each loan shall be determined annually by the South Dakota Board of
14 Nursing but may not exceed the sum of ~~one~~ four thousand dollars per full academic
15 year;

16 (2) Funds on loan from this program shall be disbursed on an annual basis ~~and shall be~~
17 ~~disbursed to the institution which the applicant attends and not directly to the loan~~
18 recipient or more frequent basis, as determined by the board, directly to the recipient.

19 The ~~institution~~ recipient may only ~~credit use~~ use nurses' education assistance loan program
20 funds ~~to~~ for the payment of tuition, books, fees, and other direct educational
21 expenses. Room and board may not be considered a direct educational expense.

22 Section 4. That § 36-9-82 be amended to read as follows:

23 36-9-82. Any loans made from the nurses' education assistance loan program to qualified
24 applicants may be repaid by nursing employment in South Dakota after graduation as follows:

- 1 (1) Within sixty days after graduation or South Dakota nursing employment, loan
2 recipients desiring this method of repayment shall provide the South Dakota Board
3 of Nursing with the name and address of their South Dakota employer;
- 4 (2) The loan including accrued interest shall be deemed repaid at the rate of ~~one dollar~~
5 two dollars per hour of South Dakota nursing employment;
- 6 (3) Employment repayment may only be accomplished when a completed, notarized
7 employment affidavit is received from the nursing employer. Employment affidavits
8 may be submitted by the loan recipients monthly, quarterly, or annually. Upon receipt
9 of the notarized employment affidavit the loan recipient shall be given loan repayment
10 credit in accordance with the provisions of this section. Upon payment in full of the
11 loan amount plus accrued interest, the notes shall be cancelled and returned to the
12 loan recipient;
- 13 (4) If a loan recipient's South Dakota nursing employment is terminated before the
14 complete repayment of the loan amount plus accrued interest, the loan recipient shall
15 immediately contact the South Dakota Board of Nursing and establish a repayment
16 program for the remaining balance of the loan amount plus accrued interest in
17 accordance with the provisions of § 36-9-83.

18 Section 5. There is hereby appropriated from the general fund the sum of eight hundred
19 thousand dollars (\$800,000), which is approximately equivalent to twenty-five percent of the
20 annual investment income of the education enhancement trust fund, or so much thereof as may
21 be necessary, to the South Dakota Board of Nursing for the nurses' education assistance program
22 established pursuant to § 36-9-77 .

23 Section 6. The executive secretary of the Board of Nursing shall approve vouchers and the
24 state auditor shall draw warrants to pay expenditures authorized by this Act.

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

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

400H0246

HOUSE JUDICIARY COMMITTEE ENGROSSED NO. **SB 42 - 01/28/2002**

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

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the registration of sex
2 offenders.

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

4 Section 1. That § 22-22-30 be amended to read as follows:

5 22-22-30. For the purposes of §§ 22-22-31 to 22-22-39, inclusive, a sex crime is any of the
6 following crimes regardless of the date of the commission of the offense or the date of
7 conviction:

8 (1) Rape as set forth in § 22-22-1;

9 (2) Sexual contact with a minor under sixteen as set forth in § 22-22-7 if committed by
10 an adult and the adult is convicted of a felony;

11 (3) Sexual contact with a person incapable of consenting as set forth in § 22-22-7.2 if
12 committed by an adult;

13 (4) Incest as set forth in § 22-22-19.1 if committed by an adult;

14 (5) Photographing a child in an obscene act as set forth in § 22-22-23;

15 (6) Possession of child pornography as set forth in § 22-22-23.1;



- 1 (7) Sale of obscene pictures of a child as set forth in § 22-22-24;
- 2 (8) Kidnapping, as set forth in § 22-19-1, if the victim of the criminal act is a minor;
- 3 (9) Promotion of prostitution of a minor as set forth in subdivision 22-23-2(2);
- 4 (10) Criminal pedophilia as set forth in § 22-22-30.1;
- 5 (11) Felony indecent exposure as set forth in former § 22-24-1 or indecent exposure as set
- 6 forth in § 22-24-1.2;
- 7 (12) An attempt to commit any of the crimes listed in this section; ~~or~~
- 8 (13) Any crime committed in a place other than this state which would constitute a sex
- 9 crime under this section if committed in this state;
- 10 (14) Any federal crime or court martial that would constitute a sex crime under federal
- 11 law; or
- 12 (15) Any crime committed in another state if that state also requires that anyone convicted
- 13 of that crime register as a sex offender in that state.

14 Section 2. That § 22-22-31 be amended to read as follows:

15 22-22-31. Any person ~~residing in this state~~ who has been convicted whether upon a verdict

16 or plea of guilty or a plea of nolo contendere, or who has received a suspended imposition of

17 sentence which has not been discharged pursuant to § 23A-27-14 prior to July 1, 1995, for

18 commission of a sex crime, as defined in § 22-22-30, or any person who is a juvenile fifteen years

19 of age or older adjudicated of a sex crime, as defined in subdivision 22-22-30(1) or (9), or of

20 felony sexual contact, as defined in § 22-22-7.2, shall, within ten days of coming into any county

21 to reside ~~or, temporarily domicile for more than thirty days,~~ attend school, attend postsecondary

22 education classes, or work, register with the chief of police of the municipality in which the

23 person resides, domiciles, attends school, attends classes, or works, or, if no chief of police

24 exists, then with the sheriff of the county ~~in which the person resides~~. A violation of this section

1 is a Class 1 misdemeanor. However, any subsequent violation is a Class 6 felony. Any person
2 whose sentence is discharged under § 23A-27-14 after July 1, 1995, shall forward a certified
3 copy of such formal discharge by certified mail to the Division of Criminal Investigation and to
4 local law enforcement where the person is then registered under this section. Upon receipt of
5 such notice, the person shall be removed from the sex offender registry open to public inspection
6 and shall be relieved of further registration requirements under this section.

7 Section 3. That § 22-22-31.1 be amended to read as follows:

8 22-22-31.1. The Division of Criminal Investigation shall mail a nonforwardable verification
9 form at least once annually to the last reported address of each person registered under
10 § 22-22-31. The person shall return the verification form to the Division of Criminal
11 Investigation within ten days after receipt of any such form. The verification form shall be signed
12 by the person required to register and shall state that the person still resides at the address last
13 reported to the Division of Criminal Investigation. If the person fails to return the verification
14 form to the Division of Criminal Investigation within ten days after receipt of the form, the
15 person is in violation of ~~the registration provisions of § 22-22-31 and is subject to the penalties~~
16 ~~prescribed in § 22-22-31~~ this section. Nonreceipt of a registration verification does not constitute
17 a defense to failure to comply with ~~§ 22-22-37~~ this section. A violation of this section is a Class
18 1 misdemeanor. Any subsequent violation is a Class 6 felony.

19 Section 4. That § 22-22-36 be amended to read as follows:

20 22-22-36. Any person required to register pursuant to §§ 22-22-30 to 22-22-39, inclusive,
21 who moves to a different residence address shall inform the law enforcement agency with whom
22 the person last registered of the new address, in writing, within ten days. The law enforcement
23 agency shall, within three days of receipt, forward the information to the Division of Criminal
24 Investigation and to the law enforcement agency having jurisdiction of the new residence. A

1 failure to register pursuant to this section is a Class 1 misdemeanor. Any second or subsequent
2 failure to register pursuant to this section is a Class 6 felony.

3 Section 5. That § 22-22-37 be amended to read as follows:

4 22-22-37. Any person required to register pursuant to §§ 22-22-30 to 22-22-39, inclusive,
5 shall annually register with the local law enforcement agency having jurisdiction of the person's
6 residence verifying the information given pursuant to § 22-22-32. A violation of this section is
7 a Class 1 misdemeanor. Any ~~third~~ second or subsequent violation of this section is a Class 6
8 felony.