

2025 SESSION LAWS OF THE STATE OF SOUTH DAKOTA

PASSED BY THE ONE HUNDREDTH SESSION OF THE
LEGISLATIVE ASSEMBLY, BEGUN AND HELD IN PIERRE ON
JANUARY 14, 2025, AND CONCLUDED ON MARCH 31, 2025.



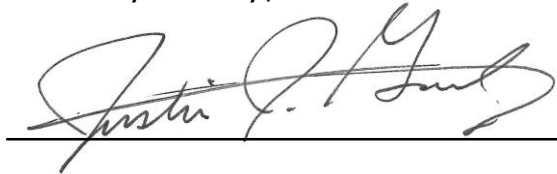
OFFICIAL EDITION

AUTHENTICATION

STATE OF SOUTH DAKOTA,))
HUGHES COUNTY)) SS

I, Justin J. Goetz, Code Counsel of the State of South Dakota, do hereby certify that the enactments contained in this volume are, with the exception of clerical errors, true and correct copies of the enacted bills and the joint resolutions passed by the Legislature of the State of South Dakota at the One Hundredth Session thereof, with overstrikes and underscores added to show the effects on existing state law. Additionally, this volume contains true and correct copies, with the exception of clerical errors, of the South Dakota Supreme Court's rules, including overstrikes and underscores, which have been filed in my office since the publication of the 2024 Session Laws of the State of South Dakota.

Signed this first day of May, 2025.

A handwritten signature in dark ink, appearing to read "Justin J. Goetz", is written over a horizontal line.

Justin J. Goetz
South Dakota Code Counsel

TABLE OF CONTENTS

The effective date of most of the legislation in this volume is July 1, 2025. See SDCL 2-14-16. Legislation with other effective dates will contain the effective date as one of its provisions.

JOINT RESOLUTIONS

1. SJR 503 Proposing and submitting to the voters at the next general election an amendment to the Constitution of the State of South Dakota, clarifying that an individual must be a citizen of the United States to be eligible to vote.
2. SJR 505 Proposing and submitting to the voters at the next general election an amendment to the Constitution of the State of South Dakota, establishing the trust for unclaimed property fund.
3. HJR 5001 Proposing and submitting to the voters at the next general election an amendment to the Constitution of the State of South Dakota, conditioning the requirement of expanded Medicaid on the level of federal medical assistance.
4. HJR 5003 Proposing and submitting to the voters at the next general election an amendment to the Constitution of the State of South Dakota, requiring that a constitutional amendment receive an affirmative vote of sixty percent of the votes cast before the measure is enacted.
5. HJR 5002 Applying to the United States Congress under Article V of the United States Constitution to call for a convention for proposing an amendment to the constitution establishing congressional term limits.

STATE AFFAIRS AND GOVERNMENT

6. SB 60 expand the access and investigatory authority of the state auditor.
7. SB 74 require the publication and review of an explanation of the open meeting laws of this state.
8. HB 1059 clarify the meaning of teleconference for purposes of open meeting requirements.
9. HB 1051 update provisions on the interim legislative oversight of administrative rulemaking.
10. SB 10 shorten the time before records of a Governor or a lieutenant governor are opened to the public.
11. SB 145 require legislative approval of real property leases that are necessary for the operation of state government and exceed specified durations or rental payments.
12. SB 61 modify the authority of the Board of Internal Control.
13. SB 143 modify the composition and staffing requirements of the South Dakota-Ireland Trade Commission.

LEGISLATURE AND STATUTES

14. HB 1256 require the inclusion of certain information on a candidate's nominating petition or on a ballot question petition.
15. SB 106 require an individual be registered as a voter of this state before being eligible to be a petition sponsor for a ballot measure.
16. HB 1184 amend the deadline for filing a petition to initiate a measure or constitutional amendment.
17. SB 91 revise the requirements for a petition to initiate a measure or constitutional amendment or to refer a law.
18. SB 176 clarify the discovery procedures and powers and to modify the administration of the Government Operations and Audit Committee.

- 19. HB 1216 modify and repeal provisions related to the Legislative Research Council.
- 20. HB 1100 clarify which opinions must be included in the annual judicial opinions report prepared by the Legislative Research Council.
- 21. HB 1063 revise the provisions for preparing a fiscal note for ballot questions.
- 22. HB 1067 define the term "must."
- 23. HB 1049 update the official code of laws.

PUBLIC OFFICERS AND EMPLOYEES

- 24. SB 84 extend the timeframe for filling a vacancy in a board of county commissioners.
- 25. SB 62 establish mandatory reporting requirements related to improper governmental conduct and crime, and to provide a penalty therefor.
- 26. SB 63 establish protections for state employees who report improper governmental conduct and crime.
- 27. HB 1029 update provisions of the South Dakota Retirement System.
- 28. HB 1032 update a reference to the Internal Revenue Code in South Dakota Retirement System statutes.
- 29. HB 1030 update the South Dakota Retirement System's member information protection provisions.
- 30. HB 1031 update the South Dakota Retirement System member identity verification procedures.

PUBLIC FISCAL ADMINISTRATION

- 31. SB 29 amend provisions regarding the Division of Insurance and the former Division of Securities operating fund.
- 32. HB 1036 establish a minimum combined balance of the budget reserve fund and general revenue replacement fund.
- 33. SB 146 revise provisions on interim transfers and appropriations.

PUBLIC PROPERTY, PURCHASES AND CONTRACTS

- 34. SB 66 revise certain provisions related to capital improvements of state buildings.

COUNTIES

- 35. SB 5 permit a sheriff to charge a fee for service of process, whether service is completed or not.
- 36. HB 1218 address the imposition of firearm restrictions on certain employees, officers, volunteers, and other individuals.
- 37. SB 13 clarify the enactment and effective date of a measure initiated or referred within a political subdivision.

MUNICIPAL GOVERNMENT

- 38. SB 167 revise certain provisions pertaining to municipal government.
- 39. SB 128 amend requirements for an official newspaper.
- 40. HB 1130 provide permissible dates for municipal and school district elections.
- 41. SB 97 allow the governing body of a municipality to change the use of municipally owned parkland by ordinance.

TAXATION

- 42. HB 1028 revise certain references to the Internal Revenue Code.
- 43. HB 1194 authorize the cooperation of counties for purposes of operating an office of county director of equalization.
- 44. SB 131 establish an electronic system for vehicle titles.
- 45. HB 1143 require that the director of equalization adjust certain agricultural land values.
- 46. SB 216 reduce the growth in the assessed value of owner-occupied property, limit increases in certain property tax revenues, revise provisions regarding school district excess tax levies, and revise eligibility requirements for a property tax assessment freeze.
- 47. SB 55 revise property tax levies for school districts and to revise the state aid to general and special education formulas.

- 48. SB 44 modify tax refunds for elderly persons and persons with a disability, to make an appropriation therefor, and to declare an emergency.
- 49. SB 90 clarify provisions regarding tax deeds.
- 50. HB 1245 exempt from the state sales and use tax gross receipts for certain services to a partnership.
- 51. HB 1037 suspend the tax collection allowance credit for filing returns and remitting taxes electronically.
- 52. SB 54 revise the distribution of revenue from the cigarette tax.
- 53. SB 42 clarify the wholesale purchase price of tobacco products.
- 54. HB 1027 repeal obsolete provisions pertaining to noncollecting retailers.
- 55. SB 43 establish a timeframe within which a remote seller and marketplace provider must register and remit sales tax.

PLANNING, ZONING AND HOUSING PROGRAMS

- 56. SB 6 authorize a loan from the South Dakota housing infrastructure fund to a school district adjoining a federal military installation for the construction or expansion of a school building.

ELECTIONS

- 57. HB 1066 revise residency requirements for the purposes of voter registration.
- 58. HB 1208 designate an individual using the address of a mail forwarding service or post office box when applying to register as a voter or vote by absentee ballot as a federal voter.
- 59. SB 68 require an individual be a citizen of the United States before being eligible to vote and to provide a penalty therefor.
- 60. HB 1062 amend provisions pertaining to the maintenance and publication of the statewide voter registration file.
- 61. SB 185 amend provisions pertaining to the process by which the qualifications of a registered voter are verified.
- 62. HB 1164 revise the process for nominating candidates for lieutenant governor.
- 63. SB 92 require that the director of the Legislative Research Council and the secretary of state review an initiated measure and determine if the measure embraces more than one subject.
- 64. SB 89 repeal the requirement that judicial officers be listed on a separate nonpolitical ballot.
- 65. HB 1127 require that notice of a county's canvass, post-election audit, and testing of automatic tabulating equipment be posted to the secretary of state's website.
- 66. HB 1126 modify provisions pertaining to the compensation of a recount board.
- 67. SB 173 revise the process by which a recount may be requested.
- 68. SB 164 prohibit the use of a deepfake to influence an election and to provide a penalty therefor.
- 69. SB 12 limit the amount of money that may be loaned to a candidate or political committee.
- 70. SB 17 clarify when a political committee must file certain campaign finance disclosure statements.
- 71. HB 1264 require the disclosure of an outstanding loan balance on a campaign finance disclosure report.

EDUCATION

- 72. HB 1002 require that all certified educators take a course in South Dakota Indian Studies.
- 73. HB 1039 amend the programs reimbursing a teacher or school counselor for earning national board certification.
- 74. HB 1068 allow a student to wear certain military decorations at a school graduation ceremony and to declare an emergency.

- 75. SB 219 require the acceptance of a cash payment for admission to a school-affiliated event.
- 76. HB 1003 amend definitions pertaining to the school funding formula.
- 77. SB 70 modify the maximum sparsity benefit a sparse school district is eligible to receive.
- 78. SB 56 authorize the payment of lease rental obligations to the South Dakota Building Authority by the Bureau of Finance and Management, to make an appropriation therefore, and to declare an emergency.
- 79. HB 1093 modify the permissible dates for a school district bond election.
- 80. SB 71 revise provisions pertaining to the compulsory age for school attendance.
- 81. HB 1004 provide tuition for a student who is placed in a residential treatment center that provides educational programming.
- 82. HB 1040 reduce the state's contribution to a subsidized high school dual credit program.
- 83. HB 1222 expand the authorized carrying, possession, and storage of a concealed pistol.
- 84. HB 1259 prohibit unauthorized access to certain multi-occupancy rooms.
- 85. SB 109 permit a school district to implement a new or revised section 504 plan, individualized family service plan, or individualized education program for a student who is the child of an active-duty member of the United States armed forces.
- 86. SB 100 limit the imposition of restrictions on the carrying of a concealed pistol and other items of self-defense while on the campus of a public institution of higher education.
- 87. HB 1001 update a reference to the Internal Revenue Code for purposes of higher education savings plans.
- 88. HB 1041 revise and repeal certain provisions pertaining to the state library and State Library Board.

COURTS AND JUDICIARY

- 89. HB 1011 revise provisions related to the stenographic recording of certain proceedings.

OATHS AND ACKNOWLEDGMENTS

- 90. HB 1133 amend bond requirements.
- 91. HB 1192 remove the maximum fee permitted to be charged by a notary.

CRIMES

- 92. SB 8 establish certain criminal offenses for boat operators and to provide penalties therefor.
- 93. SB 115 revise a provision related to sexual contact with a child under eighteen.
- 94. SB 123 revise provisions related to forensic medical examinations.
- 95. HB 1053 require age verification by websites containing material that is harmful to minors, and to provide a penalty therefor.
- 96. HB 1239 revise certain provisions related to the restriction of access to obscene materials in a public library or public school library.
- 97. HB 1230 revise a provision related to unauthorized distribution of fentanyl and provide a penalty therefor.
- 98. SB 83 revise the penalty and provide treatment for the ingestion of certain controlled substances.
- 99. SB 58 revise provisions related to human trafficking, to prohibit the obstruction of human trafficking enforcement, and to provide a penalty therefor.

LAW ENFORCEMENT

- 100. SB 7 prohibit the adoption or implementation of certain policies related to immigration enforcement.
- 101. SB 72 revise the payor of autopsy costs in certain circumstances.

CRIMINAL PROCEDURE

- 102.HB 1096 prohibit eligibility for a suspended imposition of sentence for certain rape offenses.

CORRECTIONAL FACILITIES AND PAROLE

- 103.SB 59 revise provisions relating to the delivery, possession with intent to deliver, and possession of unauthorized articles in a state correctional facility, and to provide a penalty therefor.
- 104.SB 64 revise provisions related to the establishment of an initial parole date.
- 105.SB 140 revise a provision related to the reimbursement of expenses incurred by a county in detaining a parolee.

DOMESTIC RELATIONS

- 106.SB 111 permit a court to order family therapy or reunification therapy in a custody or visitation dispute.
- 107.HB 1044 authorize the use of a newborn safety device for the voluntary surrender of a newborn and to make clarifying changes.
- 108.HB 1174 revise certain provisions related to the rights and obligations of a father of a child born to an unmarried mother.
- 109.HB 1005 modify the requirement for payment of a private home study by the Department of Social Services.

MINORS

- 110.HB 1195 revise a provision related to the termination of parental rights of a child adjudicated abused or neglected.

PUBLIC WELFARE AND ASSISTANCE

- 111.HB 1106 require a report regarding refugee resettlement services.

HIGHWAYS AND BRIDGES

- 112.SB 39 revise the description of highways included in the state trunk highway system.
- 113.HB 1173 eliminate the cap on assessment amounts for road improvements.

MOTOR VEHICLES

- 114.SB 45 impose a motor vehicle technology fee.
- 115.SB 135 exempt a motor vehicle insurer from a certain title fee.
- 116.HB 1129 provide for the transfer of motor vehicles and boats upon death.
- 117.SB 46 specify the funds into which certain boat fees are deposited.
- 118.HB 1125 create a share the road bicyclist safety emblem for use on an emblem specialty plate.
- 119.SB 179 modify requirements for off-road vehicle dealers at special events.
- 120.SB 3 increase driver license fees.
- 121.SB 75 require an indication of United States citizenship status on a motor vehicle operator's license or permit, and on a nondriver identification card.
- 122.HB 1075 modify the persons eligible to sign an affidavit for proof of homelessness for purposes of waiving the fee for a nondriver identification card.
- 123.HB 1160 waive the driver license renewal period for members of the military and their families, and employees of the state department.
- 124.SB 193 allow an applicant to have an interpreter present during the driving portion of a driver license exam.
- 125.SB 73 require that an individual registering as a voter when applying for a driver license be a resident of this state for the purposes of voting.
- 126.SB 2 increase civil penalties for commercial driver violations.
- 127.HB 1161 allow additional forms to verify military service for a veteran designation on a commercial driver license or commercial learner's permit.
- 128.SB 77 update terminology related to ambulance operators.
- 129.SB 116 revise and repeal provisions related to street racing prohibitions and to provide a penalty therefor.

- 130.SB 38 modify requirements for a vehicle approaching a vehicle that is stopped or occupying the shoulder of the highway with warning lights flashing.
- 131.HB 1094 modify laws regarding school bus safety and to provide a penalty therefor.
- 132.SB 174 include certain types of vehicles in the abandoned titling process.

VETERANS AFFAIRS

- 133.HB 1238 establish protections for a veteran seeking assistance in a veterans' benefit matter.

PUBLIC HEALTH AND SAFETY

- 134.SB 76 repeal reporting and testifying requirements to the committees on health and human services regarding nursing facilities and long-term healthcare needs.
- 135.HB 1225 update and repeal provisions related to the reporting of hospital charge information.
- 136.SB 36 repeal the oath requirement for an application for a lodging establishment, campground, food service establishment, or mobile food service establishment license.
- 137.HB 1141 provide an exception for employers to acquire and distribute opioid antagonists that are available over the counter.
- 138.HB 1056 prohibit the preparation, sale, and distribution of certain kratom products and to provide a penalty therefor.
- 139.SB 35 modify substances listed on the controlled substances schedule and to declare an emergency.
- 140.HB 1074 modify the individuals eligible to sign an affidavit of homelessness for purposes of obtaining a free copy of a birth certificate.
- 141.HB 1265 establish provisions related to the sharing of information with the national marrow donor program.
- 142.SB 34 update the roles of the Department of Agriculture and Natural Resources and the Department of Public Safety regarding burning and burn permit issuing authority.
- 143.SB 37 revise and repeal provisions related to the 911 emergency surcharge and the 911 Coordination Board.
- 144.HB 1139 allow individualized investigative treatments for patients with life-threatening or debilitating diseases or conditions.

ENVIRONMENTAL PROTECTION

- 145.HB 1021 modify the annual fee for concentrated animal feeding operations and to establish an application fee.

ALCOHOLIC BEVERAGES

- 146.HB 1079 increase the number of off-sale licenses from two to three in municipalities and counties of one thousand or less.

PROFESSIONS AND OCCUPATIONS

- 147.HB 1061 prohibit a health care provider from restricting or denying a parent or guardian's access to certain medical records and other health information of a minor.
- 148.HB 1097 establish and modify provisions for the temporary training of nonresident physicians.
- 149.HB 1071 modify practice criteria for physician assistants.
- 150.HB 1014 modify provisions related to emergency medical services personnel and to declare an emergency.
- 151.HB 1099 modify the community paramedic endorsement.
- 152.SB 110 revise licensure and supervision requirements for physical therapists and physical therapist assistants.
- 153.HB 1144 adopt the dietitian licensure compact.
- 154.HB 1016 revise provisions related to pharmacy and to increase fees.
- 155.SB 28 revise provisions relating to licensing fees and license renewal dates for the practice of barbering and to declare an emergency.

- 156.SB 27 revise provisions relating to licensing fees for cosmetology, esthetics, and nail technology.
- 157.HB 1232 modify requirements relating to the operation of salons and booths and to declare an emergency.
- 158.SB 31 revise amounts for inspection fees for electrical installations.
- 159.SB 80 revise provisions regarding students and trainees engaged in the practice of funeral service.
- 160.HB 1015 increase licensure fees related to the practice of funeral service and cremation.
- 161.SB 32 revise amounts for licensing fees for the practice of accountancy.
- 162.SB 25 clarify the adoption and use of the plumbing code.
- 163.SB 24 revise provisions relating to the promulgation of rules to set licensing and inspection fees for plumbers and related professions.

TRADE REGULATION

- 164.SB 93 prohibit payment or rebate of insurance deductibles by contractors providing motor vehicle repair services.
- 165.SB 81 prohibit the use of a firearms code for transactions involving firearms, accessories, components, and ammunition and to provide a civil penalty therefor.

AGRICULTURE AND HORTICULTURE

- 166.HB 1083 modify the requirements for obtaining an agricultural processor's lien.
- 167.HB 1116 repeal a reporting requirement regarding industrial hemp.

FOOD AND DRUGS

- 168.HB 1022 prohibit the misbranding of any cell-cultured protein product.
- 169.HB 1118 prohibit the award or use of state moneys for the research, production, promotion, sale, or distribution of cell-cultured protein.

ANIMALS AND LIVESTOCK

- 170.SB 120 update the membership of the Animal Industry Board to include a poultry producer.
- 171.SB 170 authorize the South Dakota State Brand Board to enter a memorandum of understanding with any Indian tribe for the investigation of cattle theft.
- 172.SB 15 expand the policy advisory committee for animal damage control.
- 173.SB 14 revise and repeal provisions related to agricultural production facilities and to provide a penalty therefor.

GAME, FISH, PARKS AND FORESTRY

- 174.SB 144 require legislative approval for significant capital expenditures by the Department of Game, Fish and Parks.
- 175.SB 41 clarify the minimum age requirements for a hunting license.
- 176.HB 1188 allow nonresident military members to purchase three-day temporary nonresident waterfowl licenses.
- 177.SB 78 authorize a change in bullet diameter for use in taking certain animals.
- 178.SB 79 permit the operation of a Class I electric bicycle on the Mickelson Trail.

RECREATION AND SPORTS

- 179.SB 47 clarify eligibility for licensure as a video lottery operator.

PROPERTY

- 180.SB 171 add questions about historical property to seller's disclosure statement.
- 181.HB 1080 void covenants that prohibit or restrict the possession or use of firearms and ammunition.
- 182.SB 215 remove the prohibition against a landowner having an easement on the landowner's property.
- 183.HB 1196 update Uniform Unclaimed Property Act to include provisions related to virtual currency and notice requirements.

- 184.SB 155 reduce the amount of net receipts of unclaimed property deposited into the general fund.
- 185.SB 88 increase the amount of exempt proceeds when a homestead is sold or divided by court order.

WATER MANAGEMENT

- 186.HB 1072 modernize provisions relating to water development districts.
- 187.HB 1095 extend the area in which a director for an irrigation district may reside.
- 188.HB 1157 amend the maximum fee limit due when applying for a county drainage permit.

CORPORATIONS

- 189.HB 1024 amend certain fees collected by the secretary of state.

PUBLIC UTILITIES AND CARRIERS

- 190.HB 1052 prohibit the exercise of eminent domain for a pipeline that carries carbon oxide.
- 191.HB 1012 clarify the status of the Statewide One-Call Notification Board as an agency administered by the Department of Public Safety and the duties of the Board.
- 192.SB 1 update references to certain federal motor carrier regulations.
- 193.HB 1008 include a hybrid facility as a facility to be regulated by the Public Utilities Commission.
- 194.HB 1007 prohibit use of the South Dakota public utilities commission gross receipts tax fund for reimbursement of costs incurred by the Public Utilities Commission.
- 195.SB 40 revise Department of Transportation regulatory authority regarding aeronautics.

FIDUCIARIES AND TRUSTS

- 196.SB 69 revise provisions related to trusts.

INSURANCE

- 197.SB 30 remove outdated provisions within the insurance code.
- 198.SB 154 prohibit pharmaceutical manufacturers from interfering in contracts between 340B entities and pharmacies and to provide a penalty therefor.

UNCODIFIED ACTS

- 199.SB 26 reduce employer contribution rates and increase the administrative fee rate for reemployment assistance.
- 200.HB 1033 make an appropriation for costs related to emergencies and disasters impacting the state and to declare an emergency.
- 201.HB 1034 make an appropriation for costs related to the suppression of wildfires impacting the state and to declare an emergency.
- 202.HB 1047 make an appropriation to reimburse health care professionals who have complied with the requirements for rural recruitment assistance programs, and to declare an emergency.
- 203.SB 33 make appropriations for water and environmental purposes and to declare an emergency.
- 204.HB 1042 make an appropriation for the construction of historical exhibits at the Cultural Heritage Center.
- 205.SB 65 provide for the sale of certain real estate located in Pennington County and to provide for the deposit of the proceeds.
- 206.HB 1057 transfer moneys from the South Dakota-bred racing fund to the special racing revolving fund.
- 207.HB 1189 extend by two years the date on which moneys appropriated to the Governor's Office of Economic Development in 2021 for marketing, route restoration, business development, and air service marketing will revert to the general fund.

- 208.SB 52 authorize the expansion of the South Dakota State Veterans Cemetery, to make an appropriation therefor, and to declare an emergency.
- 209.SB 99 make an appropriation for purchasing, storing, and distributing sexual assault kits.
- 210.HB 1026 make an appropriation for the replacement of the Richmond Lake dam and spillway, for the general maintenance and repair of other state-owned dams, and to declare an emergency.
- 211.HB 1092 make an appropriation for a student teacher stipend grant program.
- 212.HB 1221 make an appropriation for victim services provided by nonprofit organizations.
- 213.HB 1114 make an appropriation for the purchasing of equipment to support the South Dakota Board of Technical Education.
- 214.HB 1131 make an appropriation for the restoration, maintenance, and repair of the state capitol.
- 215.HB 1046 revise the General Appropriations Act for fiscal year 2025.
- 216.SB 220 appropriate money for the ordinary expenses of the legislative, judicial, and executive departments of the state, the current expenses of state institutions, interest on the public debt, and common schools.
- 217.SJR 501 Providing legislative approval for a future use water permit application by the Western Dakota Regional Water System.

SUPREME COURT RULES AND ORDERS

- 218.24-05 IN THE MATTER OF THE PROPOSED AMENDMENT TO THE APPENDIX TO CHAPTER 16-16 REGULATIONS OF THE BOARD OF BAR EXAMINERS 1. APPLICATION FOR ADMISSION TO PRACTICE LAW
- 219.24-06 IN THE MATTER OF THE PROPOSED AMENDMENT TO THE APPENDIX TO CHAPTER 16-16 REGULATIONS OF THE BOARD OF BAR EXAMINERS 1.1 APPLICATION FOR ADMISSION WITHOUT EXAMINATION
- 220.24-07 IN THE MATTER OF THE PROPOSED AMENDMENT TO THE APPENDIX TO CHAPTER 16-16 REGULATIONS OF THE BOARD OF BAR EXAMINERS 7.1 LAW STUDENT REGISTRATION
- 221.24-08 IN THE MATTER OF THE PROPOSED AMENDMENT TO THE APPENDIX TO CHAPTER 16-16 REGULATIONS OF THE BOARD OF BAR EXAMINERS 5. ACCEPTANCE OF MULTISTATE BAR EXAMINATION RESULTS FROM OTHER STATES.
- 222.24-09 IN THE MATTER OF THE PROPOSED AMENDMENT TO SDCL 16-18-2.3.
- 223.24-10 IN THE MATTER OF THE PROPOSED AMENDMENT TO SDCL 16-21-6.
- 224.24-11 IN THE MATTER OF THE ADOPTION OF A NEW RULE RELATING TO FILING A DOCUMENT WITHOUT THE REQUIREMENT OF AN OATH AND NOTARIZED SIGNATURE
- 225.25-06 IN THE MATTER OF THE AMENDMENT TO RULE 1.8(e) OF THE RULES OF PROFESSIONAL CONDUCT
- 226.25-07 IN THE MATTER OF THE ADOPTION OF A NEW RULE TO BE PART OF SDCL 15-6-58
- 227.25-01; 25-02; 25-03; 25-04; 25-05 IN THE MATTER OF THE ADOPTION OF A NEW CHAPTER 16-16A RELATING TO THE PUBLIC SERVICE PATHWAY PROGRAM; THE AMENDMENTS TO SDCL 16-16-6; SDCL 16-18-2.1 and SDCL 16-18-2.9; REGULATIONS TO COMPRISE THE APPENDIX TO SDCL CHAPTER 16-16A
- 228.25-08; 25-09; 25-10; 25-11; 25-12; 5.3; SDCL 16-3-5.4; SDCL 16-3-5.5; SDCL 16-3-5.6; SDCL 16-3-25-13; 25-14; 5.7; SDCL 16-3-5.8; SDCL 16-3-5.9
- 25-15; SCT 25-16

TOPICAL INDEX

BILL NUMBER TO CHAPTER NUMBER CROSS-REFERENCE TABLE

ENACTED, AMENDED, AND REPEALED SECTIONS TABLE

JOINT RESOLUTIONS

Chapter 1

(Senate Joint Resolution 503)

A JOINT RESOLUTION, Proposing and submitting to the voters at the next general election an amendment to the Constitution of the State of South Dakota, clarifying that an individual must be a citizen of the United States to be eligible to vote.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That at the next general election held in the state, the following amendment to Article VII of the Constitution of the State of South Dakota, as set forth in section 2 of this Joint Resolution, which is hereby agreed to, be submitted to the electors of the state for approval.

Section 2. That Article VII, § 2 of the Constitution of the State of South Dakota, be AMENDED:

§ 2. Every ~~United States individual who is a citizen of the United States,~~ is eighteen years of age or older ~~who, and~~ and has met all residency and registration requirements ~~shall be~~ is entitled to vote in all elections and upon all questions submitted to the voters of the state ~~unless, An individual may be~~ disqualified by law for mental incompetence or the conviction of a felony. ~~An individual who is not a citizen of the United States is disqualified from voting in any election or upon any question submitted to the voters of this state.~~ The Legislature may by law establish reasonable requirements to ~~insure~~ ensure the integrity of the vote.

Each elector who ~~qualified~~ qualifies to vote within a precinct ~~shall be~~ is entitled to vote in that precinct until ~~he~~ the elector establishes another voting residence. An elector ~~shall may~~ never lose ~~his~~ residency for voting solely by reason of ~~his~~ the elector's absence from the state.

Filed March 12, 2025

Chapter 2

(Senate Joint Resolution 505)

A JOINT RESOLUTION, Proposing and submitting to the voters at the next general election an amendment to the Constitution of the State of South Dakota, establishing the trust for unclaimed property fund.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That at the next general election held in the state, the following amendment to Article XII of the Constitution of the State of South Dakota, as set forth in section 2

of this Joint Resolution, which is hereby agreed to, be submitted to the electors of the state for approval.

Section 2. That a NEW SECTION be added to Article XII of the Constitution of the State of South Dakota:

There is created in the state treasury a trust fund named the trust for unclaimed property fund. Upon passage of this Act and after each receipt of any unclaimed property thereafter, the state treasurer shall, after paying all claims, expenses authorized by law, and deposits into the general fund as authorized by law, deposit into the trust fund the net receipts from unclaimed property.

Beginning July 1, 2027, and each July first thereafter, the state treasurer shall distribute a portion of the interest and income of the trust fund into the general fund. The calculation of the amount to be distributed must be determined by law and must promote growth of the trust fund and a steadily growing distribution amount.

Neither the interest and income of the trust fund nor its principal may be diverted for any other purpose unless:

- (1) The state treasurer determines the amount is necessary for the payment of claims associated with unclaimed property;
- (2) The state treasurer determines the amount must, by law, be returned as unclaimed property; or
- (3) The amount is appropriated by a three-fourths vote of all the members-elect of each house of the Legislature.

The State Investment Council, or its successor, shall invest the trust fund in stocks, bonds, mutual funds, and other financial instruments, as provided by law.

Filed March 12, 2025

Chapter 3
(House Joint Resolution 5001)

A JOINT RESOLUTION, Proposing and submitting to the voters at the next general election an amendment to the Constitution of the State of South Dakota, conditioning the requirement of expanded Medicaid on the level of federal medical assistance.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That at the next general election held in the state, the following amendment to Article XXI of the Constitution of the State of South Dakota, as set forth in section 2 of this Joint Resolution, which is hereby agreed to, be submitted to the electors of the state for approval.

Section 2. That Article XXI, § 10 of the Constitution of the State of South Dakota, be AMENDED:

§ 10. Beginning For the period beginning July 1, 2023, and ending on the

day that the federal medical assistance percentage, described in 42 U.S.C. § 1396d(y) (January 1, 2025), is reduced below ninety percent, the State of South Dakota shall provide Medicaid benefits to any person over eighteen and under sixty-five whose income is at or below one hundred thirty-three percent of the federal poverty level plus five percent of the federal poverty level for the applicable family size, as authorized by federal law as of January 1, 2021. Such person shall receive coverage that meets or exceeds the benchmark or benchmark-equivalent coverage requirements, as such terms are defined by federal law as of January 1, 2021.

The State of South Dakota may not impose greater or additional burdens or restrictions on eligibility or enrollment standards, methodologies, or practices on any person eligible under this section than on any person otherwise eligible for Medicaid under South Dakota law, except that the State of South Dakota may, to the extent permitted by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services, impose a work requirement on any person, eligible under this section, who has not been diagnosed as being physically or mentally disabled.

No later than March 1, 2023, the Department of Social Services shall submit all state plan amendments necessary to implement this section to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services.

The State of South Dakota shall take all actions necessary to maximize the federal financial medical assistance percentage in funding medical assistance pursuant to this section.

This section shall be broadly construed to accomplish its purposes and intents. If any provision in this section or the application thereof to any person or circumstance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of the section that can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this section are severable.

Filed March 6, 2025

Chapter 4

(House Joint Resolution 5003)

A JOINT RESOLUTION, Proposing and submitting to the voters at the next general election an amendment to the Constitution of the State of South Dakota, requiring that a constitutional amendment receive an affirmative vote of sixty percent of the votes cast before the measure is enacted.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That at the next general election held in the state, the following amendment to Article XXIII of the Constitution of the State of South Dakota, as set forth in section 2 of this Joint Resolution, which is hereby agreed to, be submitted to the electors of the state for approval.

Section 2. That Article XXIII, § 3 of the Constitution of the State of South Dakota, be AMENDED:

§ 3. ~~Any~~A constitutional amendment or revision must be submitted to the voters and ~~shall become~~ becomes a part of the Constitution only ~~when if~~ approved by ~~a majority of the votes cast thereon~~ an affirmative vote of sixty percent of the votes cast on the question. The Legislature may provide for the withdrawal ~~by its sponsors~~ of an initiated amendment, by its sponsors, at any time prior to its submission to the voters.

Filed March 12, 2025

Chapter 5
(House Joint Resolution 5002)

A JOINT RESOLUTION, Applying to the United States Congress under Article V of the United States Constitution to call for a convention for proposing an amendment to the constitution establishing congressional term limits.

Section 1. WHEREAS, the framers of the Constitution empowered state legislatures to be guardians of liberty against future abuses of power by the federal government; and

Section 2. WHEREAS, the framers of the Constitution envisioned a part-time federal legislature comprised of citizen legislators who would retain and return to some other profession when not occupied by the business of the people; and

Section 3. WHEREAS, the United States Supreme Court ruled in *U.S Term Limits, Inc. v. Thornton* that the individual states may not impose additional qualifications for prospective members of Congress that are not specified in the United States Constitution; and

Section 4. WHEREAS, it is the solemn duty of the states to protect the liberty of the people by proposing amendments to the United States Constitution through a convention of states authorized by Article V of the United States Constitution;

Section 5. NOW, THEREFORE, BE IT RESOLVED by the House of Representatives of the One Hundredth Legislature of the State of South Dakota, the Senate concurring therein, that an application is hereby made to the Congress of the United States, as provided by Article V of the United States Constitution, to call a convention solely for the purpose of proposing an amendment to the United States Constitution establishing a limit on the number of terms to which an individual may be elected to serve as a member of the United States House of Representatives or the United States Senate; and

Section 6. BE IT FURTHER RESOLVED, that the secretary of state shall transmit copies of this application to the President and Secretary of the United States Senate; to the Speaker and Clerk of the United States House of Representatives; and to the chairmen of the Judiciary Committee of the United States House of Representatives and the Judiciary Committee of the United States Senate. The secretary of state is directed to transmit copies of this application to the presiding officers of each of the legislative houses in the several states, requesting their cooperation; and

Section 7. BE IT FURTHER RESOLVED, that this application constitutes a continuing

application in accordance with Article V of the United States Constitution until the legislatures of two-thirds of the several states have made applications to Congress to call a convention to establish a limit to the number of terms to which an individual may be elected as a member of the United States House of Representatives or the United States Senate. This application must be aggregated with the applications of the other states for the purpose of attaining the applications from the legislatures of two-thirds of the several states necessary to require Congress to call a convention solely for the purpose of establishing term limits for members of the United States House or Representatives and the United States Senate. This application may not be aggregated with any other applications that seek a convention to address any other issue.

Filed March 10, 2025

STATE AFFAIRS AND GOVERNMENT

Chapter 6 (Senate Bill 60)

An Act to expand the access and investigatory authority of the state auditor.

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

Section 1. That a NEW SECTION be added to chapter 1-9:

The state auditor shall employ a qualified individual with experience in accounting and auditing to monitor the state accounting system. The state auditor is entitled to access all digital and onsite accounts, books, records, reports, and vouchers, of every agency, pertaining to financial receipt and expenditure transactions of the state, in accordance with § 4-4-3 and chapter 4-9, as necessary for purposes of investigating transactions and identifying improper governmental conduct, and ensuring that effective internal financial controls are in place and maintained.

The state auditor shall report any improper government conduct, crime, fraud, misappropriation, or misfeasance to the auditor general and the attorney general.

For purposes of this section, access does not include the ability to alter any digital or onsite account, book, record, report, or voucher.

For purposes of this section, "agency" means each association, authority, board, including the Board of Regents and the South Dakota Board of Technical Education, commission, committee, council, department, division, office, officer, task force, or other agent of the state vested with the authority to exercise any portion of the state's sovereignty. "Agency" does not include a political subdivision as defined in § 1-25-12.

Section 2. That § 4-7-15 be AMENDED:

4-7-15. The Bureau of Finance and Management, at the direction and under the control of the Governor, and subject to the provisions of this chapter, shall develop financial policies and plans as the basis for budget recommendations to the Legislature, and prepare detailed documents in accordance with ~~such~~ the

financial policies and plans for presentation to the Legislature. The ~~Bureau of Finance and Management~~ bureau shall make its records and information available at all times to the Legislature ~~and, its designees, and to the state auditor.~~

Signed March 12, 2025

Chapter 7
(Senate Bill 74)

An Act to require the publication and review of an explanation of the open meeting laws of this state.

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

Section 1. That § 1-11-1 be AMENDED:

1-11-1. It is the duty of the attorney general:

- (1) To appear for the state and prosecute and defend all actions and proceedings, civil or criminal, in the Supreme Court, in which the state shall be interested as a party;
- (2) When requested by the Governor or either branch of the Legislature, or whenever, in the judgment of the attorney general, the welfare of the state demands, to appear for the state and prosecute or defend, in any court or before any officer, any cause or matter, civil or criminal, in which the state may be a party or interested;
- (3) To attend to all civil cases remanded by the Supreme Court to the circuit court, in which the state shall be a party or interested;
- (4) To prosecute, at the request of the Governor, state auditor, or state treasurer, any official bond or contract in which the state is interested, upon a breach thereof, and to prosecute or defend for the state all actions, civil or criminal, relating to any matter connected with either of their departments;
- (5) To consult with, advise, and exercise supervision over the several state's attorneys of the state in matters pertaining to the duties of their office, and the attorney general shall be authorized and it is made the duty of the office, whenever in the attorney general's judgment any opinion written by the attorney general will be of general interest and value, to mail either written or printed copies of such opinion to the auditor-general and to every state's attorney and county auditor in the state;
- (6) When requested, to give an opinion in writing, without fee, upon all questions of law submitted to the attorney general by the Legislature or either branch thereof, or by the Governor, auditor, or treasurer;
- (7) When requested by the state auditor, treasurer, or commissioner of school and public lands, to prepare proper drafts for contracts, forms, and other writings, which may be wanted for use of the state;
- (8) To report to the Legislature, or either branch thereof, whenever requested, upon any business relating to the duties of the office;

- (9) To prosecute state officers who neglect or refuse to comply with the provisions of statutes of this state prohibiting officers of the state from accepting any money, fee, or perquisite other than salary for performance of duties connected with the office or paid because of holding such office and the statute requiring issue and delivery and filing of prenumbered duplicate receipts and accounting for money received for the state;
- (10) To pay into the state treasury all moneys received by the attorney general, belonging to the state, immediately upon the receipt thereof;
- (11) To prosecute any criminal action that was committed by an inmate under confinement in a facility operated by the Department of Corrections; ~~and~~
- (12) To attend to and perform any other duties which may from time to time be required by law; ~~and~~
- (13) To publish an explanation of the open meeting laws of this state, as found in chapter 1-25, on the attorney general's website each year before January first.

Section 2. That a NEW SECTION be added to chapter 1-25:

Any agency, as defined in § 1-26-1, or political subdivision of this state, that is required to provide public notice of its meetings pursuant to § 1-25-1.1 or 1-25-1.3 must annually review the following, during an official meeting of the agency or subdivision:

- (1) The explanation of the open meeting laws of this state published by the attorney general, pursuant to § 1-11-1; and
- (2) Any other material pertaining to the open meeting laws of this state provided by the attorney general.

The agency or subdivision must include in the minutes of the official meeting an acknowledgement that the review was completed.

Signed February 12, 2025

Chapter 8
(House Bill 1059)

An Act to clarify the meaning of teleconference for purposes of open meeting requirements.

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

Section 1. That § 1-25-1 be AMENDED:

1-25-1. ~~The An official meetings meeting of the state and its political subdivisions are~~ a public body is open to the public unless a specific law is cited by the state or the political subdivision public body to close the official meeting to the public.

It is not an official meeting of one public body if its members provide information or attend the official meeting of another public body for which the notice requirements of § 1-25-1.1 or 1-25-1.3 have been met. It is not an official meeting of a public body if its members attend a press conference called by a representative of the public body.

For any event hosted by a nongovernmental entity to which a quorum of the public body is invited and public policy may be discussed, but the public body does not control the agenda, the ~~political subdivision~~ public body may post a public notice of a quorum, in lieu of an agenda. The notice of a quorum ~~shall~~ must meet the posting requirements of § 1-25-1.1 or 1-25-1.3 and ~~shall~~ must contain, at a minimum, the date, time, and location of the event.

The public body shall reserve at every official meeting a period for public comment, limited at the public body's discretion as to the time allowed for each topic and the total time allowed for public comment, but not so limited as to provide for no public comment.

Public comment is not required at an official meeting held solely for the purpose of meeting in executive session, an inauguration, ~~swearing in of newly elected officials~~, or presentation of an annual report to the ~~governing public body~~, or swearing in of a newly elected official, regardless of whether the activity takes place at the time and place usually reserved for an official meeting.

If a quorum of township supervisors, road district trustees, or trustees for a municipality of the third class ~~meet~~ meets solely for purposes of implementing previously publicly adopted policy; carrying out ministerial functions of that township, district, or municipality; or undertaking a factual investigation of conditions related to public safety; the meeting is not subject to the provisions of this chapter.

A violation of this section is a Class 2 misdemeanor.

Section 2. That § 1-25-12 be AMENDED:

1-25-12. Terms used in this chapter mean:

- (1) ~~"Political subdivision," any association, authority, board, commission, committee, council, task force, school district, county, city, town, township, or other local government entity that is created or appointed by statute, ordinance, or resolution and is vested with the authority to exercise any sovereign power derived from state law;~~
- (2) ~~"Public body," any political subdivision and the state;~~
- (3) ~~"Official meeting," any meeting of a quorum of a public body at which official business or public policy of that public body is discussed or decided by the public body, whether in person or by means of teleconference~~ or electronic means, including electronic mail, instant messaging, social media, text message, or virtual meeting platform, provided the term does not include communications solely to schedule a meeting or confirm attendance availability for a future meeting;
- (4) ~~"Teleconference," information exchanged by any audio, video, or electronic medium, including the internet;~~
- (2) ~~"Political subdivision," any association, authority, board, municipality, commission, committee, council, county, school district, task force, town, township, or other local governmental entity, which is created by statute, ordinance, or resolution, and is vested with the authority to exercise any sovereign power derived from state law;~~

- (3) "Public body," any political subdivision or the state;
- ~~(5)~~(4) "State," each agency, board, commission, or department, ~~or agency~~ of the State of South Dakota. ~~The term, state, does not include, not including~~ the Legislature; and
- (5) "Teleconference," an exchange of information by any audio, video, or electronic medium, including the internet.

Signed March 26, 2025

Chapter 9
(House Bill 1051)

**An Act to update provisions on the interim legislative oversight of
administrative rulemaking.**

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

Section 1. That § 1-26-1 be AMENDED:

1-26-1. Terms used in this chapter mean:

- (1) "Agency," each association, authority, board, commission, committee, council, department, division, office, officer, task force, or other agent of the state vested with the authority to exercise any portion of the state's sovereignty. The term includes a home-rule municipality that has adopted its own administrative appeals process, whose final decisions, rulings, or actions rendered by that process are subject to judicial review pursuant to this chapter. The term does not include the Legislature, the Unified Judicial System, any unit of local government, or any agency under the jurisdiction of ~~such~~ these exempt departments and units unless the department, unit, or agency is specifically made subject to this chapter by statute;
- (2) "Contested case," a proceeding, including rate-making and licensing, in which the legal rights, duties, or privileges of a party are required by law to be determined by an agency after an opportunity for hearing but the term does not include the proceedings relating to rule making other than rate-making, proceedings related to inmate disciplinary matters as defined in § 1-15-20, or student academic proceedings under the jurisdiction of the Board of Regents;
- (3) ~~"Emergency rule," a temporary rule that is adopted without a hearing or which becomes effective less than twenty days after filing with the secretary of state, or both;~~
- ~~(4)~~ "License," the whole or part of any agency permit, certificate, approval, registration, charter, or similar form of permission required by law;
- ~~(5)~~(4) "Licensing," the agency process respecting the grant, denial, renewal, revocation, suspension, annulment, withdrawal, or amendment of a license;
- ~~(6)~~(5) "Party," each person or agency named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party;

- (7)(6) "Person," all political subdivisions and agencies of the state;
- (8)(7) "Rule," each agency statement of general applicability that implements, interprets, or prescribes law, policy, procedure, or practice requirements of any agency. The term includes the amendment or repeal of a prior rule, but does not include:
- (a) Statements concerning only the internal management of an agency ~~and;~~
 - (b) ~~Statements~~ not affecting private rights or procedure available to the public;
 - (b)(c) Declaratory rules issued pursuant to § 1-26-15;
 - (c)(d) Official opinions issued by the attorney general pursuant to § 1-11-1;
 - (d)(e) Executive orders issued by the Governor;
 - (e)(f) Student matters under the jurisdiction of the Board of Regents;
 - (f)(g) Actions of the ~~railroad board~~ Department of Transportation pursuant to § 1-44-28;
 - (g)(h) Inmate disciplinary matters as defined in § 1-15-20;
 - (h)(i) Internal control procedures adopted by the Gaming Commission pursuant to § 42-7B-25.1;
 - (i)(j) Policies governing specific state fair premiums, awards, entry, and exhibit requirements adopted by the ~~State Fair Commission~~ Department of Agriculture and Natural Resources pursuant to § 1-21-10; and
 - (j)(k) Lending procedures and programs of the South Dakota Housing Development Authority; and
- (8A) ~~"Small business," a business entity that employs twenty-five or fewer full-time employees.~~
- (9)(8) "Substantial evidence," such relevant and competent evidence as a reasonable mind might accept as being sufficiently adequate to support a conclusion.

Section 2. That § 1-26-1.1 be AMENDED:

1-26-1.1. There is ~~hereby~~ created a legislative committee of six members, no more than four of whom ~~shall may~~ be of the same political party, ~~which shall be designated as~~ the Interim Rules Review Committee. The committee ~~shall be is~~ composed of three members of the Senate, to be appointed by the president pro tempore of the Senate, and three members of the House of Representatives, to be appointed by the speaker of the House of Representatives ~~and no~~. No more than two senators and two representatives ~~shall may~~ be of the same political party. Members ~~shall must~~ be appointed prior to the adjournment of each regular session in odd-numbered years and shall serve for two-year terms ending at noon on the second Tuesday in January in each odd-numbered year; ~~however, members otherwise, a member shall serve until their successors are the member's successor is appointed or until the member ceases to be a member of the Legislature.~~ Vacancies on the committee ~~shall must~~ be filled by the original appointing authority for the remainder of the term. ~~A vacancy shall exist whenever a committee member ceases to be a member of the Legislature.~~

Section 3. That § 1-26-1.2 be AMENDED:

1-26-1.2. ~~The interim rules review committee~~ Interim Rules Review Committee shall choose a chair and a vice chair from its members and prescribe its rules of procedure. Meetings of the committee ~~shall be~~ are at the call of the chair or a majority of the committee.

On or before the first Monday following the last day of the legislative session, the committee and the agencies shall determine a schedule of dates for meetings to be held during the following twelve months. However, the committee is not required to hold a meeting if ~~no proposed rules have been filed pursuant to subdivision 1-26-6(4) prior to the meeting submission has been made to committee members in accordance with subdivision 1-26-4(8). All meetings are open to the public and any interested person may be heard and present evidence.~~

The committee shall review all proposed agency rules and make recommendations to the agencies regarding rules and legislation authorizing rules, and to the Legislature regarding administrative law. ~~All meetings, regular or special, shall be open to the public and any interested person may be heard and present evidence.~~

Members of the committee ~~shall be~~ are compensated for their attendance at meetings and for time spent in the conduct of committee business, at rates established by the Executive Board of the Legislative Research Council. ~~The director of the Legislative Research Council, or one or more persons from the director's office, shall act as secretary to the committee, or the committee may employ a secretary.~~ Code counsel, and one or more personnel from the Legislative Research Council with the consent of the council's director, shall staff the committee.

Section 4. That § 1-26-1.3 be AMENDED:

1-26-1.3. ~~The director~~ code counsel, with the consent of the director of the Legislative Research Council, may delegate the duties imposed by this chapter to other persons in the ~~Legislative Research Council's~~ council's office. Each person to whom the duties are delegated has the same power and authority as the ~~director~~ code counsel for the purposes of this chapter. The papers specifying the delegation of duties ~~shall~~ must be filed with the secretary of state.

Section 5. That § 1-26-2.1 be AMENDED:

1-26-2.1. An agency shall, when submitting any proposed rule that will have a direct impact on small business, prepare an impact statement that includes the following:

- (1) A narrative explanation in plain, easy-to-read language of the effect of the rule on small business, the basis for its enactments, and why the rule is needed;
- (2) An identification and estimate of the number of small businesses subject to the proposed rule;
- (3) The projected reporting and recordkeeping required for compliance with the proposed rule, including the types of professional skills necessary for preparation of the report or record; and
- ~~(4) A statement of the probable effect on impacted small business; and~~
- ~~(5)~~ (4) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed rule.

An agency is only required to use readily available information and existing resources to prepare the impact statement.

For purposes of this section, "small business" means a nongovernmental entity that employs twenty-five or fewer full-time employees.

Section 6. That § 1-26-4 be AMENDED:

1-26-4. The following notice, service, and public hearing procedure must be used to adopt, amend, or repeal a permanent rule:

- (1) An agency shall serve a copy of a proposed rule and any publication described in § 1-26-6.6 upon the departmental secretary, bureau commissioner, public utilities commissioner, or constitutional officer to which it is attached for the secretary's, commissioner's, or officer's written approval to proceed;
- (2) After receiving the written approval of the secretary, commissioner, or officer to proceed, the agency shall serve ~~the director~~ code counsel with a copy of: the proposed rule; any publication described in § 1-26-6.6; the fiscal note required by § 1-26-4.2; the impact statement on small business required by § 1-26-2.1; ~~the any~~ housing cost impact statement required by § 1-26-2.3; and the notice of hearing required by § 1-26-4.1. The copy of these documents must be served at least twenty days before the public hearing to adopt the proposed rule. Any publication described in § 1-26-6.6 must be returned to the agency upon completion of the ~~director's~~ code counsel's review and retained by the agency. Twenty days before the public hearing, the agency shall serve the commissioner of the Bureau of Finance and Management with a copy of: the proposed rule; the fiscal note required by § 1-26-4.2; the impact statement on small business required by § 1-26-2.1; ~~the any~~ housing cost impact statement required by § 1-26-2.3; and the notice of hearing required by § 1-26-4.1;
- (3) At least twenty days before the public hearing, the agency shall:
 - (a) Publish the notice of hearing in the manner prescribed by § 1-26-4.1; and
 - (b) Publish, on the agency's website, ~~the any~~ housing cost impact statement required by § 1-26-2.3;
- (4) After reviewing the proposed rule pursuant to § 1-26-6.5, ~~the director~~ code counsel shall advise the agency of any recommended corrections to the proposed rule. If the agency does not concur with any recommendation of ~~the director~~ code counsel, the agency may appeal the recommended correction to the Interim Rules Review Committee for appropriate action;
- (5) The agency shall afford all interested persons reasonable opportunity to submit amendments, data, opinions, or arguments at a public hearing held to adopt the rule. The hearing may be continued from time to time. The agency shall keep minutes of the hearing. A majority of the members of any board or commission authorized to pass rules must be present during the course of the public hearing;
- (6) If the authority promulgating the rule is a secretary, commissioner, or officer, the agency shall accept written comments regarding the proposed rule for a period of ten days after the public hearing. If the authority promulgating the rule is a ~~part time citizen~~ board, commission, committee, or task force, each interested person shall submit written comments at least seventy-two hours before the public hearing. The

seventy-two hours does not include the day of the public hearing. The written comments may be submitted by mail or email. The record of written comments may be closed at the conclusion of the public hearing. The hearing may be continued for the purpose of taking additional comments;

- (7) After the written comment period, the agency shall consider all amendments, data, opinions, or arguments regarding the proposed rule. A proposed rule may be modified or amended at this time to include or exclude matters that were described in the notice of hearing; and
- (8) The agency shall serve the minutes of the hearing, a complete record of written comments, the impact statement on small business, ~~the any~~ housing cost impact statement, the fiscal note, the information required by § 1-26-4.8, and a corrected copy of the rule on the members of the Interim Rules Review Committee, and on code counsel at least seven days before the agency appears before the committee to present the rules.

The time periods specified in this section may be extended by the agency. The requirement to serve the committee and code counsel within the time limit specified in subdivision (8) may be waived by the committee chair, if the agency presents sufficient reasons to the committee chair that the agency is unable to comply with the time limit. The waiver may not be granted solely for the convenience of the agency.

Section 7. That § 1-26-4.1 be AMENDED:

1-26-4.1. ~~The~~An agency shall publish a notice of a public hearing ~~of an on the~~ agency's intent to adopt, amend, or repeal a rule ~~shall be published in a manner selected to notify persons likely to be affected by the proposed rule. At a minimum the notice of the public hearing shall be published,~~ in at least three newspapers of general circulation in different parts of the state. The provisions of chapter 17-2 do not apply to notices required by this section.

~~The~~An agency shall provide the notice of a public hearing, ~~or the notice of intent to adopt an emergency rule shall be mailed and a copy of the emergency rule,~~ to each person who has made a timely request of the agency for advance notice of its rule-making proceedings.

A notice of hearing or a notice of intent to adopt emergency rules ~~shall contain a~~ must provide:

- (1) A narrative description of the effect of the proposed rule ~~and the;~~
- (2) The reasons for adopting the proposed rule. ~~A notice of hearing shall also state where;~~
- (3) Where and when the hearing will be held, ~~how;~~
- (4) How amendments, data, opinions, and arguments may be presented, ~~the;~~
- (5) The deadline to submit written comments, ~~and how~~
- (6) How the public may obtain copies of the proposed rule.

Section 8. That § 1-26-4.2 be AMENDED:

1-26-4.2. An agency shall, when submitting any proposed rule, except an emergency rule, include a fiscal note. The fiscal note ~~shall state~~ must provide what effect, if any, the proposed rule will have on the revenues, expenditures, or fiscal liability of the state or its agencies and subdivisions. The fiscal note ~~shall~~ must include an explanation of how such effect, if any, was computed.

The Bureau of Finance and Management shall prepare its own fiscal note and serve it on the agency, ~~the director, code counsel, and the cochairmen, co-chairs~~ of the Joint Appropriations Committee prior to ~~the~~ hearing. If a proposed rule has a negative fiscal impact on a political subdivision, the agency ~~shall~~ must direct the bureau to transmit a copy of the bureau's fiscal note to the South Dakota Municipal League, the Associated School Boards of South Dakota, and the South Dakota Association of County Commissioners-Association, as applicable, prior to the hearing.

Section 9. That § 1-26-5 be AMENDED:

1-26-5. Prior to the adoption or amendment of an emergency rule, an agency shall publish the text of the emergency rule on its website, publish a notice of intent to adopt an emergency rule in the manner prescribed in § 1-26-4.1, and ~~shall~~ serve on the person specified by subdivision 1-26-4(1), each member of the Interim Rules Review Committee, and ~~the director, code counsel:~~

- (1) A copy of the proposed rule, ~~which shall bear~~ bearing a special number to distinguish it from a permanent rule; and
- (2) ~~Any publication described in § 1-26-6.6 which shall be returned to the agency upon completion of the director's review and retained by the agency; and~~
- (3) ~~A statement, with the reasons, that the emergency procedure is necessary for one or more of the following circumstances: because~~
 - (a) ~~Because~~ Because of imminent peril to the public health, safety, or welfare; ~~to~~
 - (b) ~~To~~ To prevent substantial unforeseen financial loss to state government; ~~or because~~
 - (c) ~~Because~~ Because of the occurrence of an unforeseen event at a time when the adoption of a rule in response to such event by the emergency procedure is required to secure or protect the best ~~interests~~ interest of the state or its residents.

If a publication is incorporated by reference in the proposed emergency rule, pursuant to § 1-26-6.6, the publication and statement must also be served on the person specified by subdivision 1-26-4(1) and on code counsel. Code counsel shall return the publication to the agency upon completion of code counsel's review and the agency shall retain the publication.

Any agency may use the emergency rule adoption procedure. ~~However,~~ no ~~An~~ agency may not use the emergency rule adoption procedure for the convenience of the agency merely to avoid the consequences for failing to timely promulgate rules.

Section 10. That § 1-26-5.1 be AMENDED:

1-26-5.1. ~~AAn emergency rule may be temporarily suspended suspend,~~ but not ~~repealed, by the adoption of an emergency repeal, a permanent rule.~~ A permanent rule amended by an emergency rule ~~will revert~~ reverts to its original form ninety days after it has been in effect, or at an earlier date if so specified in the emergency rule, unless further amended within that period.

Section 11. That § 1-26-6 be AMENDED:

1-26-6. The adoption, amendment, or repeal of a rule is complete when:

- (1) ~~All the~~ The requirements of § 1-26-4 have been completed or, if the rule

is an emergency rule, three days have passed since ~~all~~ the requirements of § 1-26-5 have been ~~complied with~~ met;

- (2) It has been signed by a majority of the members of the multi-member body or by the officer having the authority to adopt it;
- (3) It has been signed by ~~the director~~ code counsel;
- (4) A copy has been filed with ~~the director~~ code counsel, in a form prescribed by ~~the director~~ code counsel to show amendments, deletions, and other changes to existing rules, for use in preparation of copy for the Administrative Rules of South Dakota;
- (5) The rule and a certificate have been filed with the secretary of state. The certificate ~~shall~~ must affirm that the rule filed is a true and correct copy of the rule as adopted and that the agency has complied with § 1-26-4 or 1-26-5, and with this section; and
- (6) For a permanent rule, the agency has appeared and presented the proposed rule to the Interim Rules Review Committee.

~~Certificates~~ A certificate required by this section ~~shall~~ must be ~~affidavits~~ an affidavit executed, under oath, by the ~~officers~~ officer authorized by statute to promulgate the rule. If a rule is promulgated by a multi-member body, the body's presiding officer must sign the certificate ~~shall be signed by its presiding officer~~.

~~Emergency rules are~~ An emergency rule is provisionally effective immediately after being filed. Notwithstanding § 15-6-6(a), all other rules are provisionally effective on the twentieth day after being filed, not counting the day of filing. In either case a later effective date may be specified as part of the rules being filed. A rule ~~which~~ that is not yet effective or a provisionally effective rule may be suspended in the manner specified by § 1-26-38 any time prior to the first day of July of the year following the year in which it became, or would have become, effective. The rule's provisional status ends at that time, and the rule may not thereafter be suspended by the rules committee. Unless suspended, a provisionally effective rule ~~shall~~ must be enforced by the agency and the courts as if it were not so conditioned.

No rule promulgated after June 30, 1975, is valid unless adopted in compliance with § 1-26-4 or 1-26-5, and this section and copies of the rule are made available to the public upon request, by the agency.

Section 12. That § 1-26-6.2 be AMENDED:

1-26-6.2. ~~The director~~ Code counsel shall prescribe a uniform style in which rules ~~shall~~ must be prepared and the standard form and forms to be used in filing rules pursuant to this chapter. ~~Such~~ The form ~~shall~~ must contain a provision for a reference to be made by the agency for each rule proposed by it, citing its general authority to promulgate rules and then refer to the section, subdivision, or subsection of statute ~~which~~ that the rule is intended to implement, and direct the agency to identify prior rules amended or repealed.

Section 13. That § 1-26-6.3 be AMENDED:

1-26-6.3. ~~The director~~ Code counsel may notify any agency whose rules are not in the proper style and form. A copy of this notice ~~shall~~ must be filed with the secretary of state. One hundred eighty days after an agency receives ~~such~~ the notification, the rules of that agency ~~shall be~~ are of no further force and effect unless redrafted in the prescribed style and form and filed with the secretary of state and ~~the director~~ code counsel.

Section 14. That § 1-26-6.5 be AMENDED:

1-26-6.5. ~~The director~~Code counsel shall review each rule for compliance with the requirements for form, style, and clarity.

~~The director~~Code counsel shall review each rule for legality. The review for legality is a determination that the rule is authorized by the standards provided in the statutes cited by the agency to promulgate the rule.

~~The director~~Code counsel shall review the statement of reasons that the emergency procedure is necessary. If ~~the director~~code counsel finds need for change, ~~the director~~code counsel shall make the requirements known in writing to the agency prior to the hearing, or within three days of when the requirements of § 1-26-5 have been met in the case of emergency rules.

Section 15. That § 1-26-6.6 be AMENDED:

1-26-6.6. An agency may adopt other comprehensive regulations as its own by making reference to them in a rule, but only when the comprehensive regulations are published by an organization ~~which that~~ is not part of the state government and only when the publication is generally available to the public at a reasonable cost. A rule ~~which that~~ incorporates material by reference ~~shall must~~ describe the exact section or portion of the publication ~~which is~~ being incorporated. Immediately following a rule ~~which that~~ incorporates published material by reference, other than material contained in the ~~code of federal regulations~~ Code of Federal Regulations, the ~~federal register~~ Federal Register, the United States ~~code~~ Code, or the United States ~~statutes~~ Statutes at ~~large~~ Large, the agency shall place a reference note ~~which that~~ identifies the publication by its title, date of publication, or enactment and author, and ~~which that~~ states where the publication may be obtained and its cost, if any.

A statement ~~shall must~~ be attached to the face of ~~the any physical~~ publication ~~which shall state~~ submitted to code counsel stating the agency's name, the section number of the rule ~~which that~~ incorporates the material within, and the date the rule was served pursuant to § 1-26-4 or 1-26-5 ~~or and~~ filed pursuant to § 1-26-6.

A publication that is available only as an electronic document must contain, on the first page, a legible, distinguishable statement that sets forth the agency's name, the section number of the rule that incorporates the material within, and the dates the rule was served pursuant to § 1-26-4 or 1-26-5 and filed pursuant to § 1-26-6.

Section 16. That § 1-26-6.7 be AMENDED:

1-26-6.7. Once a rule has been adopted, it may not be amended, repealed, or suspended, except by compliance with ~~§ 1-26-4 or 1-26-5, and with § 1-26-6 this chapter,~~

Section 17. That § 1-26-6.9 be AMENDED:

1-26-6.9. If a professional or occupational licensing board or commission is authorized in statute to establish fees by rule and no maximum fee limit is specified, the fees ~~shall must~~ be reasonable and necessary to provide enough money to meet the budgetary needs of the licensing board or commission for ~~such things as:~~ per diem, travel expenses, office expense, salaries and benefits, utilities, supplies, testing, licensing, inspections, disciplinary actions, and legal fees. However, the total amount of increase in the fees imposed by a licensing board or commission under this section may not exceed the previous year's budget by more than twenty percent.

Section 18. That § 1-26-6.10 be AMENDED:

1-26-6.10. No state agency may adopt or promulgate any rule that restricts any right or privilege to carry or possess ~~a pistol in contravention to authority being exercised in accordance with being licensed to carry~~ a concealed pistol pursuant to chapter 23-7.

Section 19. That § 1-26-7.1 be AMENDED:

1-26-7.1. Upon adoption of a rule or upon the rejection of a petition filed pursuant to § 1-26-13, an agency, if requested to do so in writing by an interested person either prior to adoption or rejection or within thirty days thereafter, shall issue a written, concise statement of the principal reasons for and against the rule's adoption, ~~incorporating therein and~~ its reasons for overruling the considerations urged against the rule's adoption or rejection. ~~A The agency must serve a copy of the statement shall be served on the members of the Interim Rules Review Committee and the director of the Legislative Research Council code counsel.~~

Section 20. That § 1-26-12 be AMENDED:

1-26-12. ~~Publications and copies of rules authorized under or required by this chapter shall upon request be made available to agencies and officials of this state free of charge and to other persons at prices fixed by the Interim Rules Review Committee to cover mailing and publication costs. An agency may not charge the public for copies of notices or intentions to pass rules required by § 1-26-4.1. The provisions of § 1-8-10, except as to certification, do not apply to copies of publications distributed by the secretary of state under this chapter.~~

Section 21. That § 1-26-13 be AMENDED:

1-26-13. An interested person, other than an inmate as defined in § 1-15-20.1, may petition an agency requesting the promulgation, amendment, or repeal of a rule. The petition ~~shall~~ must contain the text or substance of any new rule or amendment sought, the identification of any rule sought to be repealed, reasons for the proposal, and the name and address of the petitioner. Within thirty days after submission of a petition, the agency ~~either~~ shall deny the petition in writing ~~(, stating its reasons for the denials)~~ denial, or shall initiate rule-making proceedings in accordance with § 1-26-4. The agency shall serve a copy of any ~~petitions~~ petition and ~~denials~~ denial on the members of the Interim Rules Review Committee and ~~the director of the Legislative Research Council~~ code counsel.

Section 22. That § 1-26-15 be AMENDED:

1-26-15. Each agency shall provide by rule for the filing and prompt disposition of ~~petitions~~ a petition for declaratory ~~rulings~~ ruling as to the applicability of any statutory provision or of any rule or order of the agency. No inmate as defined in § 1-15-20.1 may petition an agency for a declaratory ruling on the applicability of a ~~statutory provisions~~ provision, ~~rules~~ rule, or ~~orders~~ order of the agency. ~~Rulings~~ A ruling disposing of ~~petitions~~ have a petition has the same status as ~~an agency decisions~~ decision or ~~orders~~ order in a contested cases case. ~~A copy of all such rulings shall be filed. The agency shall file a copy of the ruling with the director~~ code counsel for publication in the Administrative Rules of South Dakota.

Section 23. That § 1-26A-1 be AMENDED:

1-26A-1. The Legislative Research Council shall publish on its website, from time to time, the Administrative Rules of South Dakota, ~~which shall contain~~ containing permanent rules of general application promulgated pursuant to

chapter 1-26. In preparing the text of the rules for publication, ~~the Legislative Research Council~~ code counsel shall make ~~such~~ changes as may be necessary to correct apparent errors, to correlate and integrate all the rules, to harmonize, to assign a new title and other designation, and to eliminate or clarify obviously obsolete or ambiguous rules and rules declared invalid by the South Dakota Supreme Court or the United States Supreme Court. ~~The Legislative Research Council~~ Code counsel may substitute terms or phraseology, and names of boards, commissions, and agencies, wherever the Legislature has expressly or by implication indicated an intention to do so. The publication may also contain information concerning executive orders, agreements made pursuant to chapter 1-24, agreements and changes made pursuant to chapter 1-32, and court rules, of permanent and general application ~~which that~~ are not otherwise generally available to the public. The Legislative Research Council shall also publish at periodic intervals, the South Dakota Register ~~which shall contain,~~ containing notices of hearings on proposed rules at least ten days prior to hearing, notices of rules filed in the secretary of state's office, and other information relating to agency and judicial rules and executive actions.

~~The Legislative Research Council~~ Code counsel shall prepare the manuscripts for the rules and the register and supervise their publication.

Section 24. That § 1-36-20 be AMENDED:

1-36-20. If the secretary of the Department of Social Services is authorized to promulgate rules and the adoption of certain rules is mandated by a federal rule or regulation, the secretary may, without following the procedures set forth in §§ 1-26-4 to 1-26-6, inclusive, serve on code counsel a copy of the proposed rule, ~~a~~ a copy of the appropriate federal statute, rule, or regulation, ~~and~~ and an affidavit stating that ~~such the~~ proposed rule is mandated by the attached federal statute, rule, or regulation ~~on the director~~. ~~The director~~ Code counsel shall review the rules received as to the sufficiency of the form and style and as to their legality. ~~If the director~~ code counsel finds need for change, ~~the director shall~~ code counsel must make any requirements known in writing within three days of service. Five days after service, and upon complying with the requirements of ~~the director~~ code counsel, the secretary may file the proposed rule with the secretary of state.

Any rule adopted under this section is provisionally effective immediately upon filing or at a later date if required in the federal statute or rule and specified by the department.

Section 25. That § 1-26-11 be REPEALED.

~~Each agency promulgating professional or regulatory examining and licensing rules or other rules under this chapter may cause the same, or any portion thereof, to be published in pamphlet form, subject to the supervision of the director regarding style and form and such other limitations of certification.~~

Section 26. That § 1-26A-8 be REPEALED.

~~Publications authorized under this chapter shall upon request be distributed by the Bureau of Human Resources and Administration to state agencies and elected state officials of this state free of charge and to other persons at prices fixed by the director to cover mailing and publication costs.~~

Signed March 11, 2025

Chapter 10
(Senate Bill 10)

An Act to shorten the time before records of a Governor or a lieutenant governor are opened to the public.

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

Section 1. That § 1-27-1.20 be AMENDED:

1-27-1.20. Unless released to the public pursuant to § 1-27-1.21, any record of an officer designated in § 1-27-1.19, which is exempted from the provisions of § 1-27-1, ~~shall~~ must be opened to the public upon either the death of the former officer or ~~ten~~ five years from the date the officer left office, whichever transpires last.

Signed February 10, 2025

Chapter 11
(Senate Bill 145)

An Act to require legislative approval of real property leases that are necessary for the operation of state government and exceed specified durations or rental payments.

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

Section 1. That § 1-33-9 be AMENDED:

1-33-9. The Bureau of Human Resources and Administration shall:

- (1) Provide workers' compensation coverage and a group health and flexible benefit plan for all state employees unless ~~such~~ the duties are delegated to another agency pursuant to chapter 1-24;
- (2) Administer recruitment and classification for all civil service employees unless ~~such~~ the duties are delegated to another agency pursuant to chapter 1-24;
- (3) Provide human resource management and programs including programs governing human resource planning, training and development, internships, performance evaluation, employee assessment and testing, classification, compensation, recruitment, and other matters relating to human resource management for all of the executive branch of state government under the control of the Governor and by agreement for other state government agencies;
- (4) Perform all administrative functions for the Civil Service Commission;
- (5) Employ ~~such~~ staff as ~~are~~ necessary to perform its duties;
- (6) Contract as is necessary to perform its duties;
- (7) Keep an exact and true inventory of all property, real and personal,

belonging to the state and promulgate rules pursuant to chapter 1-26 enumerating the types and classes of public personal property to be included in the inventory required by § 5-24-1;

- (8) Administer the procurement of supplies, services, and public improvements as prescribed in chapters 5-18A, 5-18B, and 5-18D;
- (9) Supervise ~~such central administrative services as~~ transportation, mail, records management, ~~and~~ document reproduction services, and other central administrative services, and make provisions for the supplying of office supplies and furniture;
- (10) Maintain the buildings and grounds of the capitol complex and install central facilities to be used by all state agencies under rules the bureau promulgates pursuant to chapter 1-26;
- (11) Contract for the provision of food services, candy, and beverages in the capitol complex;
- (12) Supervise the administration of the Office of Hearings Examiners;
- (13) Administer the federal surplus property allotted to the state;
- (14) Provide for the lease of real property necessary for the operation of state government, in accordance with the limitations set forth in section 3 of this Act;
- (15) Administer a program of risk management for state government;
- (16) Contract for services required by multiple state agencies, if the contract improves the efficiency of state government; and
- (17) Take any other function as may be required by statute, executive order, or administrative action.

Section 2. That a NEW SECTION be added to chapter 1-33:

Terms used in section 3 of this Act mean:

- (1) "Base rent," the amount paid by the state to a party for the use of real property pursuant to the terms of a written lease. "Base rent" does not include expenses or lease charges for taxes, insurance, utilities, maintenance, repairs, common area charges, and improvements; and
- (2) "Long-term lease," any proposed real property lease by the state where the initial term of the lease exceeds a commitment of fifteen years and the base rent due during the initial term either exceeds \$5,000,000 in total for the rental payments due during the term of the lease or \$50,000 per month during the term of the lease.

Section 3. That a NEW SECTION be added to chapter 1-33:

Before the Bureau of Human Resources and Administration may enter a long-term lease on behalf of the state, the Legislature must authorize the proposed long-term lease. The legislative authorization must be in the form of a concurrent resolution, adopted by both chambers of the Legislature.

To be a valid legislative authorization under this section, the concurrent resolution must only contain content related to the following:

- (1) The maximum initial term of the proposed long-term lease;
- (2) The maximum amount of base rent for the initial term of the proposed long-term lease;

(3) A description of the project for which the proposed long-term lease is required; and

(4) The county and municipality, if any, where the project is to be located.

The Bureau of Human Resources and Administration may not, without receiving legislative authorization as required by this section, enter or otherwise authorize the lease of real property necessary for the operation of state government under any long-term lease.

A lease of real property for a proposed project at a single site may not be divided or structured as multiple leases to avoid the requirements of this section.

A lease renewal or extension or any amendment to a long-term lease after the initial lease term ends is excluded from the requirements of this section, if the renewal, extension, or amendment does not exceed fifteen years and the base rent due resulting from the renewal, extension, or amendment does not either exceed \$5,000,000 in total for the rental payments due during the new term or \$50,000 per month during the new term.

Any long-term lease entered in violation of this section is voidable in a legal action initiated by the attorney general.

Section 4. This Act applies to long-term leases entered into on or after July 1, 2025.

Signed March 12, 2025

Chapter 12 (Senate Bill 61)

An Act to modify the authority of the Board of Internal Control.

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

Section 1. That § 1-56-1 be AMENDED:

1-56-1. Terms used in this chapter mean:

- (1) "Board," the State Board of Internal Control;
- (2) "Code of conduct," a set of ethical principles and guidelines that constitutes appropriate behavior within ~~an organization~~ a state agency;
- (3) "Internal control," a process that integrates the plans, activities, policies, attitudes, procedures, systems, resources, and efforts of ~~an organization~~ a state agency and that is designed to provide reasonable assurance that ~~the organization~~ state agency will achieve its objectives and missions and to detect and prevent financial malfeasance;
- (4) "Internal control officer," the individual designated by each state agency to oversee the implementation, monitoring, and reporting of internal control systems in accordance with the board's guidelines and standards;
- (5) ~~"Pass-through grant," a grant awarded by a federal entity to the state entity~~ a state agency and transferred or passed to a sub-recipient by the state;
- ~~(5)(6)~~ "State agency," the Legislature, any constitutional officer, the Unified Judicial System, Board of Regents, and any department, division, bureau,

board, commission, committee, authority, or agency ~~of the State of South Dakota~~ under the authority of the Governor;

~~(6)~~(7) "Sub-recipient," an entity that expends a pass-through grant.

Section 2. That § 1-56-2 be AMENDED:

1-56-2. There is hereby created a State Board of Internal Control that consists of ~~seven members. Three members shall represent:~~

- ~~(1) Four individuals representing~~ state agencies under the control of the Governor ~~and shall be~~ appointed by the Governor. ~~Each member appointed by the Governor shall serve a three year term. However, the initial appointments shall be for staggered terms. The remaining members shall be the:~~
- ~~(2) The commissioner of the Bureau of Finance and Management, the who serves as the chair;~~
- ~~(3) The state auditor, a; and~~
- ~~(4) An individual appointed by the executive director of the Board of Regents administrator's designee, and a member appointed by the Chief Justice of the Supreme Court.~~

Each individual appointed by the Governor serves a three-year term, provided that the initial appointments are for staggered terms. Any four of the seven members constitutes a quorum. ~~The commissioner of the Bureau of Finance and Management shall be chair of the board.~~

Section 3. That § 1-56-3 be AMENDED:

1-56-3. The board may promulgate rules, pursuant to chapter 1-26, to implement, manage, and provide oversight of a system of internal control in accordance with internal control standards.

Section 4. That § 1-56-6 be AMENDED:

1-56-6. The board shall ~~establish and maintain:~~

- ~~(1) Guidelines Establish and maintain guidelines~~ for an effective system of internal control to be implemented by state agencies that is in accordance with internal control standards;
- ~~(2) A Establish and maintain a code of conduct for use by state agencies excluding the Unified Judicial System; and;~~
- ~~(3) A conflict of interest Establish and maintain a conflict-of-interest policy for use by state agencies excluding the Unified Judicial System;~~
- ~~(4) Evaluate and test the effectiveness of internal controls in state agencies;~~
- ~~(5) Access all relevant records, data, and documents from state agencies to carry out the board's responsibilities; and~~
- ~~(6) Review and assess whether internal controls are working as intended and make recommendations for improvements.~~

~~The Unified Judicial System may implement the code of conduct and conflict of interest policy in accordance with the code of judicial conduct and employee policies utilized within the Unified Judicial System.~~

Section 5. That § 1-56-8 be AMENDED:

1-56-8. Each state agency shall designate an internal control officer. The internal control officer shall ensure the agency complies with the provisions of this chapter. Two or more agencies may agree to designate a single individual as the internal control officer for the agencies participating in the agreement. The board shall make available to each internal control officer guidelines and standards that the state agency shall implement and comply. The board may take other actions as necessary to carry out the purpose and intent of this chapter.

Section 6. That a NEW SECTION be added to chapter 1-56:

Each state agency shall conduct an annual review of the agency's documented risk and control matrix to assess the adequacy and effectiveness of the agency's internal controls and risk mitigation strategies.

Following the review, each state agency shall submit the results to the Board of Internal Control, including any updates to the agency's risk and control matrix.

Section 7. On July 1, 2025, the term of the individual appointed to the State Board of Internal Control by the chief justice of the Supreme Court expires.

Signed March 12, 2025

Chapter 13
(Senate Bill 143)

**An Act to modify the composition and staffing requirements of the South
Dakota-Ireland Trade Commission.**

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

Section 1. That § 1-57-2 be AMENDED:

1-57-2. The South Dakota-Ireland Trade Commission consists of:

- (1) Two members of the Senate, appointed by the president pro tempore of the Senate;
- (2) Two members of the House of Representatives, appointed by the speaker of the House;
- (3) A representative of a private sector association headquartered in this state and focused on the promotion of international trade, appointed by the Executive Board of the Legislative Research Council; ~~and~~
- (4) ~~The secretary of the Department of Agriculture and Natural Resources, or the secretary's designee~~ An officer of the Executive Branch, appointed by the Governor;
- (5) ~~A representative of a South Dakota private industry, appointed by the president pro tempore of the Senate; and~~
- (6) ~~A representative of a South Dakota private industry, appointed by the speaker of the House of Representatives.~~

Each appointed member shall serve for a term of two years and may be reappointed without limit. If a position becomes vacant, the position must be filled, for the duration of the term, in the same manner as the original appointment.

Section 2. That § 1-57-3 be AMENDED:

1-57-3. ~~The Department of Agriculture and Natural Resources~~The Executive Board of the Legislative Research Council shall provide administrative services to the South Dakota-Ireland Trade Commission.

At the initial meeting of the commission and annually thereafter, the members shall select one from among the four appointed legislators to serve as the chair. The commission shall meet at least quarterly, at the call of the chair.

Signed March 17, 2025

LEGISLATURE AND STATUTES

Chapter 14 (House Bill 1256)

An Act to require the inclusion of certain information on a candidate's nominating petition or on a ballot question petition.

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

Section 1. That § 2-1-1 be AMENDED:

2-1-1. All measures proposed by initiative ~~shall~~ must be presented by petition. ~~The A petition shall to propose a measure by initiative must~~ be signed by not less than five percent of the qualified electors of the state.

All proposals requiring that a law enacted by the Legislature be submitted to a vote of the electors of the state must be presented by petition, signed by not less than five percent of the qualified electors of the state.

When signing a petition to propose a measure or an amendment to the Constitution by initiative, or to refer a law to a vote of the electors of the state, an individual must provide the individual's name, signature, address at which the individual is currently registered to vote, the county in which the individual is registered as a voter, and the date of signing.

Section 2. That § 2-1-15 be AMENDED:

2-1-15. ~~Upon the receiving of any initiative petition, referred law petition, or initiated constitutional amendment petition receipt of a petition to initiate an amendment to the South Dakota Constitution, initiate a measure, or refer a law to a vote of the electors of the state, the secretary of state shall promptly examine and catalogue the petition and petition signatures and make them available to the public upon request and payment of reasonable fees in accordance with the fee required by § 1-8-10. No~~

~~An individual's signature of a person may not be counted by the secretary of state unless the person if:~~

- ~~(1) The individual is not a registered voter in the county indicated on the signature line. No signature of a person may be counted if the; or~~
- ~~(2) The information required provided by the individual on the petition form is not accurate or complete.~~

~~If the address provided by the individual is not substantially the same as the address at which the individual is currently registered to vote, the secretary of state may not count the signature.~~

The secretary of state shall generate the random sample under § 2-1-16 within five days of completing the examination and cataloguing of the petition signatures and shall make the random sample validation sheets available to the public ~~the random sample validation sheets,~~ upon request and payment of ~~reasonable fees in accordance with the fee required by § 1-8-10.~~

Section 3. That § 12-6-8 be AMENDED:

~~12-6-8. No person~~ An individual may not sign the nominating petition of a candidate ~~before;~~

- ~~(1) Before~~ January first in the year in which the election is to be held, ~~nor for;~~
- ~~(2) For~~ whom the person is not entitled to vote, ~~nor for;~~
- ~~(3) For~~ a political candidate of a party of which the person is not a member, ~~nor for; or~~
- ~~(4) For~~ more than the number of candidates required to be nominated for the same office.

~~The signer or circulator or the individual who signs the petition shall add the signer's place of residence address at which the individual is currently registered to vote, the county in which the individual is registered as a voter, and the date of signing. The signer's post office box number may be given in lieu of a street address if the signer lives within a municipality of the second or third class.~~
A

~~A candidate shall sign a formal declaration of the candidate shall be signed by the candidate candidacy before the circulation of petitions petition may be circulated. The signed declaration of the candidate shall candidacy must accompany and be a part of the petition. An original signed declaration shall of candidacy must accompany the group of petitions petition upon filing.~~

The petition ~~shall must~~ be verified under oath by the persons circulating the petition. The verification by the person circulating the petition may not be notarized by the candidate whom the petition is nominating. Any person circulating a petition who falsely attests to the verification is guilty of a Class 6 felony.

A nominating petition for any election shall be a self-contained sheet of paper in order to have the candidate's name placed on the ballot. The provisions of this section may not prohibit a person registered with party affiliation from signing either a petition nominating an independent or a nonpolitical candidate for office if the person has not previously signed a petition for that office to be filled.

Signed March 25, 2025

Chapter 15
(Senate Bill 106)

**An Act to require an individual be registered as a voter of this state before
being eligible to be a petition sponsor for a ballot measure.**

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

Section 1. That § 2-1-1.1 be AMENDED:

2-1-1.1. A petition sponsor must file a petition, as it is to be circulated for an initiated amendment to the South Dakota Constitution must be filed, including an electronic copy of the petition, with the secretary of state, ~~including an electronic copy of the petition, prior to circulation for signatures before the petition may be circulated~~ and at least one year before the next general election at which the initiated amendment is proposed to be submitted to the voters. The petition filing must:

- (1) Contain the full text of the initiated amendment in fourteen-point font;
- (2) ~~Contain~~ Designate the date of the general election at which the initiated amendment is to be submitted;
- (3) Contain the title and explanation as prepared by the attorney general;
- (4) Be accompanied by a notarized affidavit form signed by each person who is a petition sponsor that includes the name and address of each petition sponsor; and
- (5) Be accompanied by a statement of organization as provided in § 12-27-6.

Only an individual who is registered as a voter of this state, pursuant to chapter 12-4, may be a petition sponsor for an initiated amendment to the constitution.

Each petition circulator shall provide to each person who signs the petition a circulator handout containing the title and explanation of the initiated amendment to the Constitution as prepared by the attorney general; any fiscal note prepared pursuant to § 2-9-30; the name, phone number, and email address of each petition sponsor; and a statement indicating whether the petition circulator is a volunteer or paid circulator and, if a paid circulator, the amount the circulator is being paid. The secretary of state shall approve the circulator handout for each initiated amendment to the Constitution before the petition is circulated.

For any initiated amendment petition, no signature may be obtained more than twenty-four months preceding the general election that was designated at the time of filing of the full text. A sworn affidavit, signed by at least two-thirds of the petition sponsors, stating that the documents filed constitute the entire petition and to the best of the knowledge of the sponsors contains a sufficient number of signatures, must also be filed with the secretary of state. The initiated amendment petition signatures must be filed with the secretary of state by the first Tuesday in May of a general election year for the initiated amendment to qualify for submission to the voters at the next general election. The State Board of Elections shall prescribe the form of the affidavit and the petition ~~otherwise~~, including petition size and petition font size for ballot measure language not prescribed in this section.

Section 2. That § 2-1-1.2 be AMENDED:

2-1-1.2. A petition sponsor must file a petition, as it is to be circulated for an initiated measure ~~must be filed, including an electronic copy of the petition, with the secretary of state, including an electronic copy of the petition, prior to circulation for signatures, before the petition may be circulated~~ and at least one year before the next general election at which the initiated measure is proposed to be submitted to the voters. The petition filing must:

- (1) Contain the full text of the initiated measure in fourteen-point font;
- (2) ~~Contain~~ Designate the date of the general election at which the initiated measure is to be submitted;
- (3) Contain the title and explanation as prepared by the attorney general;
- (4) Be accompanied by a notarized affidavit form signed by each person who is a petition sponsor that includes the name and address of each petition sponsor; and
- (5) Be accompanied by a statement of organization as provided in § 12-27-6.

Only an individual who is registered as a voter of this state, pursuant to chapter 12-4, may be a petition sponsor for an initiated measure.

Each petition circulator shall provide to each person who signs the petition a circulator handout containing the title and explanation of the initiated measure as prepared by the attorney general; any fiscal note prepared pursuant to § 2-9-30; the name, phone number, and email address of each petition sponsor; and a statement indicating whether the petition circulator is a volunteer or paid circulator and, if a paid circulator, the amount the circulator is being paid. The secretary of state shall approve the circulator handout for each initiated measure before the petition is circulated.

For any initiated measure petition, no signature may be obtained more than twenty-four months preceding the general election that was designated at the time of filing of the full text. A sworn affidavit, signed by at least two-thirds of the petition sponsors, stating that the documents filed constitute the entire petition and to the best of the knowledge of the sponsors contains a sufficient number of signatures, must also be filed with the secretary of state. The initiated measure petition signatures must be filed with the secretary of state by the first Tuesday in May of a general election year for the initiated measure to qualify for submission to the voters at the next general election. The State Board of Elections shall prescribe the form of the affidavit and the petition ~~otherwise~~, including petition size and petition font size for ballot measure language not prescribed in this section.

Section 3. That § 2-1-3.1 be AMENDED:

2-1-3.1. ~~The Before a petition to refer a law may be circulated, a petition sponsor must file the petition, as it is to be circulated for a referred law must be filed, with the secretary of state prior to circulation for signatures and, The petition must:~~

- (1) Contain the title of the referred law;
- (2) Contain the effective date of the referred law;
- (3) Contain the date of the general election at which the referred law is to be submitted;

- (4) Be accompanied by a notarized form signed by each person who is a petition sponsor that includes the names and addresses of each petition sponsor; and
- (5) Be accompanied by a statement of organization as provided in § 12-27-6.

Only an individual who is registered as a voter of this state, pursuant to chapter 12-4, may be a petition sponsor for a petition to refer a law.

The petition must be filed with the secretary of state within ninety days after the adjournment of the Legislature that passed the referred law. A sworn affidavit, signed by at least two-thirds of the petition sponsors, stating that the documents filed constitute the entire petition and to the best of the knowledge of the sponsors contains a sufficient number of signatures, must also be filed with the secretary of state. The State Board of Elections shall prescribe the form of the petition and affidavit.

The petition circulator shall provide to each person who signs the petition a circulator handout containing the title of the referred law; any fiscal note or summary of a fiscal note obtained pursuant to § 2-9-32; the name, phone number, and email address of each petition sponsor; a statement whether the petition circulator is a volunteer or paid circulator and, if a paid circulator, the amount the circulator is being paid. The secretary of state shall approve the circulator handout for each referred law before the petition is circulated.

Signed March 25, 2025

Chapter 16
(House Bill 1184)

An Act to amend the deadline for filing a petition to initiate a measure or constitutional amendment.

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

Section 1. That § 2-1-1.1 be AMENDED:

2-1-1.1. A petition as it is to be circulated for an initiated amendment to the Constitution must be filed with the secretary of state, including an electronic copy of the petition, prior to circulation for signatures and at least one year before the next general election at which the initiated amendment is proposed to be submitted to the voters. The petition filing must:

- (1) Contain the full text of the initiated amendment in fourteen-point font;
- (2) Contain the date of the general election at which the initiated amendment is to be submitted;
- (3) Contain the title and explanation as prepared by the attorney general;
- (4) Be accompanied by a notarized affidavit form signed by each person who is a petition sponsor that includes the name and address of each petition sponsor; and
- (5) Be accompanied by a statement of organization as provided in § 12-27-6.

Each petition circulator shall provide to each person who signs the petition a circulator handout containing the title and explanation of the initiated

amendment to the Constitution as prepared by the attorney general; any fiscal note prepared pursuant to § 2-9-30; the name, phone number, and email address of each petition sponsor; and a statement whether the petition circulator is a volunteer or paid circulator and, if a paid circulator, the amount the circulator is being paid. The secretary of state shall approve the circulator handout for each initiated amendment to the Constitution before the petition is circulated.

For any initiated amendment petition, no signature may be obtained more than twenty-four months preceding the general election that was designated at the time of filing of the full text. A sworn affidavit, signed by at least two-thirds of the petition sponsors, stating that the documents filed constitute the entire petition and to the best of the knowledge of the sponsors contains a sufficient number of signatures, must also be filed with the secretary of state. The initiated amendment petition signatures must be filed with the secretary of state by the first Tuesday in ~~May~~ February of a general election year for the initiated amendment to qualify for submission to the voters at the next general election. The State Board of Elections shall prescribe the form of the affidavit and the petition otherwise, including petition size and petition font size for ballot measure language not prescribed in this section.

Section 2. That § 2-1-1.2 be AMENDED:

2-1-1.2. A petition as it is to be circulated for an initiated measure must be filed with the secretary of state, including an electronic copy of the petition, prior to circulation for signatures and at least one year before the next general election at which the initiated measure is proposed to be submitted to the voters. The petition filing must:

- (1) Contain the full text of the initiated measure in fourteen-point font;
- (2) Contain the date of the general election at which the initiated measure is to be submitted;
- (3) Contain the title and explanation as prepared by the attorney general;
- (4) Be accompanied by a notarized affidavit form signed by each person who is a petition sponsor that includes the name and address of each petition sponsor; and
- (5) Be accompanied by a statement of organization as provided in § 12-27-6.

Each petition circulator shall provide to each person who signs the petition a circulator handout containing the title and explanation of the initiated measure as prepared by the attorney general; any fiscal note prepared pursuant to § 2-9-30; the name, phone number, and email address of each petition sponsor; and a statement whether the petition circulator is a volunteer or paid circulator and, if a paid circulator, the amount the circulator is being paid. The secretary of state shall approve the circulator handout for each initiated measure before the petition is circulated.

For any initiated measure petition, no signature may be obtained more than twenty-four months preceding the general election that was designated at the time of filing of the full text. A sworn affidavit, signed by at least two-thirds of the petition sponsors, stating that the documents filed constitute the entire petition and to the best of the knowledge of the sponsors contains a sufficient number of signatures, must also be filed with the secretary of state. The initiated measure petition signatures must be filed with the secretary of state by the first Tuesday in ~~May~~ February of a general election year for the initiated measure to qualify for

submission to the voters at the next general election. The State Board of Elections shall prescribe the form of the affidavit and the petition otherwise, including petition size and petition font size for ballot measure language not prescribed in this section.

Signed March 25, 2025

Chapter 17
(Senate Bill 91)

An Act to revise the requirements for a petition to initiate a measure or constitutional amendment or to refer a law.

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

Section 1. That § 2-1-1.1 be AMENDED:

2-1-1.1. A petition sponsor shall file, in a physical and electronic format, a petition for an initiated amendment to the South Dakota Constitution, as it is to be circulated for an initiated amendment to the Constitution must be filed, with the secretary of state, including an electronic copy of the petition, prior to circulation for signatures before the petition may be circulated and at least one year before the next general election at which the initiated amendment to the constitution is proposed to be submitted to the voters. The petition filing must:

- (1) Contain~~Be accompanied by~~ the full text of the initiated amendment in fourteen-point font;
- (2) Contain~~Designate, in fourteen-point font,~~ the date of the general election at which the initiated amendment is to be submitted;
- (3) Contain, in fourteen-point font, the title and explanation of the initiated amendment as prepared by the attorney general, pursuant to § 12-13-25.1;
- (4) Contain the fiscal note, if any, prepared pursuant to § 2-9-30, in fourteen-point font;
- (5) Be accompanied by a notarized affidavit form, signed by each person who is a petition sponsor that, which includes the name and address of each petition sponsor; and
- ~~(5)~~(6) Be accompanied by a statement of organization as provided in § 12-27-6.

The title to be contained on a petition for an initiated amendment, pursuant to subdivision (3), must be included on both sides of the sheet of paper on which the petition is printed. The title printed on the back side of the petition must be printed in at least sixteen-point font.

Each petition circulator shall provide to each ~~person individual~~ who signs the petition a circulator handout containing the title ~~and explanation~~ of the initiated amendment to the Constitution, ~~as prepared by the attorney general; any fiscal note prepared pursuant to § 2-9-30~~ the full text of the initiated amendment to the Constitution; the name, phone number, and email address of each petition sponsor; and a statement indicating whether the petition circulator is a volunteer or a paid circulator and, if a paid circulator, the amount the circulator is being paid.

The secretary of state ~~shall~~ must approve the circulator handout for each initiated amendment to the Constitution before the petition is circulated.

~~For any initiated amendment petition, no signature may be obtained. A petition for an initiated amendment to the constitution may not be circulated more than twenty-four months preceding before the general election that was designated at the time of filing of the full text pursuant to subdivision (2). A sworn affidavit, signed by at least two-thirds of the petition sponsors, stating that the documents filed constitute the entire petition and to the best of the knowledge of the sponsors contains a sufficient number of signatures, must also be filed with the secretary of state. The initiated amendment petition signatures must be filed with the secretary of state by the first Tuesday in May of a general election year for the initiated amendment to qualify for submission to the voters at the next general election.~~

The State Board of Elections shall prescribe the form of ~~the affidavit and the petition otherwise~~, including petition size and petition font size for ballot measure language not prescribed in this section.

Section 2. That § 2-1-1.2 be AMENDED:

2-1-1.2. ~~A petition sponsor shall file, in physical and electronic format, a petition for an initiated measure, as it is to be circulated for an initiated measure must be filed, with the secretary of state, including an electronic copy of the petition, prior to circulation for signatures before the petition may be circulated and at least one year before the next general election at which the initiated measure is proposed to be submitted to the voters. The petition filing must:~~

- (1) ~~Contain~~ Be accompanied by the full text of the initiated measure in fourteen-point font;
- (2) ~~Contain~~ Designate, in fourteen-point font, the date of the general election at which the initiated measure is to be submitted;
- (3) Contain, in fourteen-point font, the title and explanation of the initiated measure as prepared by the attorney general, pursuant to § 12-13-25.1;
- (4) Contain the fiscal note, if any, prepared pursuant to § 2-9-30, in fourteen-point font;
- (5) Be accompanied by a notarized affidavit form signed by each person who is a petition sponsor that, which includes the name and address of each petition sponsor; and
- ~~(5)~~ (6) Be accompanied by a statement of organization as provided in § 12-27-6.

The title to be contained on a petition for an initiated amendment, pursuant to subdivision (3), must be included on both sides of the sheet of paper on which the petition is printed. The title printed on the back side of the petition must be printed in at least sixteen-point font.

Each petition circulator shall provide to each ~~person individual~~ who signs the petition a circulator handout containing the title and explanation of the initiated measure as prepared by the attorney general; ~~any fiscal note prepared pursuant to § 2-9-30 the full text of the initiated measure;~~ the name, phone number, and email address of each petition sponsor; and a statement indicating whether the petition circulator is a volunteer or a paid circulator and, if a paid circulator, the amount the circulator is being paid. The secretary of state ~~shall~~ must approve the circulator handout for each initiated measure before the petition is circulated.

~~For any initiated measure petition, no signature may be obtained. A petition for an initiated measure may not be circulated more than twenty-four~~

~~months preceding before~~ the general election that was designated ~~at the time of filing of the full text pursuant to subdivision (2).~~ A sworn affidavit, signed by at least two-thirds of the petition sponsors, stating that the documents filed constitute the entire petition and to the best of the knowledge of the sponsors contains a sufficient number of signatures, must also be filed with the secretary of state. The initiated measure petition signatures must be filed with the secretary of state by the first Tuesday in May of a general election year for the initiated measure to qualify for submission to the voters at the next general election.

The State Board of Elections shall prescribe the form of ~~the affidavit and the petition otherwise~~, including petition size and petition font size for ballot measure language not prescribed in this section.

Section 3. That § 2-1-3.1 be AMENDED:

2-1-3.1. ~~The~~ A petition sponsor shall file, in physical and electronic format, a petition to refer a law, as it is to be circulated ~~for a referred law must be filed, with the secretary of state prior to circulation for signatures and before the petition may be circulated. The petition~~ must:

- (1) Contain, in fourteen-point font, the title of the referred law;
- (2) Contain the effective date of the referred law in fourteen-point font;
- (3) Contain the date of the general election at which the referred law is to be submitted in fourteen-point font;
- (4) Be accompanied by a notarized form signed by each person who is a petition sponsor ~~that, which~~ includes the names and addresses of each petition sponsor; and
- (5) Be accompanied by a statement of organization as provided in § 12-27-6.

~~The petition must be filed with the secretary of state within ninety days after the adjournment of the Legislature that passed the referred law. A sworn affidavit, signed by at least two thirds of the petition sponsors, stating that the documents filed constitute the entire petition and to the best of the knowledge of the sponsors contains a sufficient number of signatures, must also be filed with the secretary of state. The State Board of Elections shall prescribe the form of the petition and affidavit.~~

The title required to be contained on a petition to refer a law, pursuant to subdivision (1), must be included on both sides of the sheet of paper on which the petition is printed. The title printed on the back side of the petition must be printed in at least sixteen-point font.

The petition circulator shall provide to each person who signs the petition a circulator handout containing the title of the referred law; ~~any fiscal note or summary of a fiscal note obtained pursuant to § 2-9-32;~~ the name, phone number, and email address of each petition sponsor; a statement whether the petition circulator is a volunteer or paid circulator and, if a paid circulator, the amount the circulator is being paid. The secretary of state ~~shall~~ must approve the circulator handout for each referred law before the petition is circulated.

The signatures on a petition to refer a law must be filed with the secretary of state within ninety days after the Legislature that passed the referred law adjourned sine die. A sworn affidavit, stating that the documents filed constitute the entire petition and, to the best knowledge of the sponsors, contain at least the number of valid signatures required by S.D. Const., Art. III § 1, must be signed by at least two-thirds of the petition sponsors and filed with the secretary of state, along with the petition signatures.

The State Board of Elections shall prescribe the form of the petition and affidavit.

Signed March 25, 2025

Chapter 18
(Senate Bill 176)

An Act to clarify the discovery procedures and powers and to modify the administration of the Government Operations and Audit Committee.

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

Section 1. That § 2-6-2 be AMENDED:

2-6-2. There shall be appointed at each regular session of the Legislature a Government Operations and Audit Committee of ten, consisting of five members of the Senate appointed by the president pro tempore of the Senate, one of whom shall be a member of the Judiciary Committee, and five members of the House of Representatives appointed by the speaker of the house, one of whom shall be a member of the Judiciary Committee, for the purpose of inquiry and review of any phase of the operations and the fiscal affairs of any department, institution, board, or agency of the state, to review any findings of abuse or neglect in a juvenile corrections facility, to make a continuing study of the operation of the state's correctional system, and to make a detailed report to the Senate and House of Representatives and submit a copy of its report to the appropriation committee of each house of the Legislature at the next succeeding session of the Legislature or any special session of the Legislature upon request of the body.

~~The Department of Legislative Audit~~ Legislative Research Council shall provide assistance, including clerical help, to the committee upon request.

Section 2. That § 2-6-4 be AMENDED:

2-6-4. The Government Operations and Audit Committee may examine all records and vouchers, summon witnesses by request or by issuing a subpoena, and thoroughly examine all expenditures and the general management of each department of state government.

~~The Government Operations and Audit Committee~~ committee may issue a subpoena ~~for the person, documents, or both and an individual, a document, or both. The committee may take the deposition of any witness and issue written interrogatories and requests for production of documents or things to any person in the same manner as discovery is conducted in a civil action. The committee may use the procedure provided in chapter 21-34 to enforce its subpoena or discovery procedure when the subject of the subpoena or discovery procedure refuses to comply with the command to appear and testify before the committee or comply with the discovery procedure. The committee may authorize one or more members of the committee, or any other individual, to:~~

- (1) Conduct an investigation on behalf of the committee;
- (2) Use the discovery procedures the committee is authorized to use; and
- (3) Use the procedure provided in chapter 21-34 to enforce the discovery procedures of the committee.

Any individual authorized by the committee to conduct an investigation must comply with all applicable state and federal laws regarding confidentiality and any additional restrictions imposed by the committee.

The committee may authorize the director of the Legislative Research Council to expend moneys from the legislative priority fund for the purpose of carrying out the duties of this section.

~~However, no subpoena may be issued until the decision to issue a subpoena by the Government Operations and Audit Committee has been ratified by the Executive Board of the Legislative Research Council.~~

Signed March 26, 2025

Chapter 19
(House Bill 1216)

An Act to modify and repeal provisions related to the Legislative Research Council.

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

Section 1. That § 2-7-7 be AMENDED:

~~2-7-7. It shall be the duty of the~~ The secretary of the Senate and chief clerk of the House of Representatives to keep shall:

- ~~(1) Keep correct journals of the proceedings of the senate and house~~ Senate and House of Representatives, respectively; to have the
- ~~(2) Have custody of all records, accounts, and other papers committed to them and at;~~
- ~~(3) At the close of each session of the Legislature to, deposit for safekeeping in the Office of with the Secretary of State~~ secretary of state all books, bills, documents, resolutions, and papers in the possession of the Legislature, correctly labeled, folded, and classified, and generally to perform such;
- ~~(4) Deposit the Senate and House of Representatives journals, respectively, with the secretary of state within forty days after the adjournment of the Legislature; and~~
- ~~(5) Perform duties as shall be assigned them by the senate or house~~ Senate or House of Representatives, respectively; provided, such journals shall be deposited within forty days after the adjournment of the Legislature.

Section 2. That § 2-9-1 be AMENDED:

~~2-9-1. The State Legislative Research Council shall continue and shall consist of all of the members of the South Dakota Legislature. It shall be the function of the~~ The Legislative Research Council to may consider legislative policies between sessions of the Legislature and carry out the duties imposed by this chapter.

Section 3. That § 2-9-2 be AMENDED:

~~2-9-2. There is established the Executive Board of the Legislative Research Council shall have an executive board, to be known as the Executive Board of the Legislative Research Council, which shall consist~~ consisting of fifteen members, as follows: ~~four~~

- (1) ~~Four~~ Four members from the Senate ~~and five, elected by a majority vote in party caucus in odd-numbered years;~~
- (2) ~~Five~~ Five members from the House of Representatives, ~~to be elected by a majority vote by their respective legislative bodies in party caucus before each regular session of the Legislature held in odd-numbered years, and ex officio the;~~
- (3) ~~The~~ The president pro tempore, majority leader, and minority leader of the Senate; ~~and the~~
- (4) ~~The~~ The speaker, majority leader, and minority leader of the House of Representatives ~~elected in such regular session.~~

~~The number of senate and house~~ Senate and House of Representatives members on the executive board ~~shall must~~ must remain constant, and any vacancy ~~occurring shall must~~ must be filled by the respective legislative bodies in party caucus. If a vacancy occurs in the ex officio position on the board for the president pro tempore, the vacancy on the board ~~shall must~~ must be filled by the majority party caucus until the Senate elects a new president pro tempore. If a vacancy occurs in the ex officio position on the board for the speaker, the vacancy on the board ~~shall must~~ must be filled by the speaker pro tempore until the House of Representatives elects a new speaker. No board member, excepting ex officio, may serve more than three successive terms.

Section 4. That § 2-9-4 be AMENDED:

2-9-4. The executive board shall:

- (1) Instigate research and collect information concerning the government and general welfare of the state;
- (2) Investigate and make recommendations concerning important issues of public policy and questions of statewide interest;
- (3) Prepare a legislative program in the form of bills, or otherwise, as in its opinion the welfare of the state may require, to be presented to the Legislature;
- (4) Cooperate with the administration in devising means of enforcing the law;
- (5) Study, inquire, make recommendations, and propose bills in any phase or branch of state government so deemed advisable and necessary;
- (6) Appoint and name committees from the members of the ~~State~~ Legislative Research Council, and assign to ~~such committee or the~~ committees appropriate subjects and projects of whatever character and nature the executive board deems advisable. Each member of the council is entitled to membership on one study committee of the member's choice insofar as practicable;
- (7) Conduct legislative oversight and management analysis of the executive branch of government by means of a selective program of performance auditing and cooperate with the administration in improving the efficiency and effectiveness of administrative methods;

- (8) Review and make recommendations for further legislative action regarding the opinions of state and federal courts which have sought to interpret the intent of South Dakota legislative acts; and
- (9) Allocate funds to the House of Representatives and the Senate to pay for out-of-state travel and salary or per diem costs incurred by members, and to pay for in-state travel and salary or per diem costs incurred by members, excluding costs associated with any legislative session.

The Legislative Research Council shall make payments to representatives for costs and travel approved by the speaker of the House of Representatives, from the funds allocated to the House of Representatives, and shall make payments to senators for costs and travel approved by the president pro tempore of the Senate, from the funds allocated to the Senate. Any payment decision of the speaker of the House of Representatives may be appealed to the members of the executive board from the House of Representatives. Any payment decision of the president pro tempore of the Senate may be appealed to the members of the executive board from the Senate. No funds may be paid beyond the amounts allocated to each body.

Section 5. That § 2-9-7 be AMENDED:

2-9-7. Claims of members of the ~~State~~ Legislative Research Council and members of the executive board for compensation and expenses ~~shall~~ must be paid out of funds appropriated therefor, and on vouchers approved according to rules determined by the executive board.

Section 6. That § 2-9-9 be AMENDED:

2-9-9. There is hereby established within the ~~Office of the State~~ Legislative Research Council the position of code counsel. The executive board ~~of the council~~ shall appoint a code counsel who is a graduate of an accredited law school and who is either admitted to the practice of law in ~~the State of South Dakota~~ this state at the time of ~~such employment~~ appointment or is eligible to and becomes ~~so~~ admitted within one year after ~~such employment~~ appointment.

Section 7. That § 2-9-10 be AMENDED:

2-9-10. The code counsel ~~shall~~ must be provided with offices within or adjacent ~~or as near as may be~~ to the office of the ~~State~~ Legislative Research Council.

Section 8. That § 2-9-13.1 be AMENDED:

2-9-13.1. The ~~Executive Board of the Legislative Research Council~~ executive board shall assign college student interns to the legislative branch of government. The ~~Executive Board~~ executive board shall set the number of interns and divide the total number of interns between the political parties in each chamber in proportion to the party membership in each chamber as nearly as is practicable. The minority party in each house shall have a minimum of three interns.

Section 9. That § 2-9-14 be AMENDED:

2-9-14. The ~~Executive Board of the Legislative Research Council~~ executive board shall administer the program and supervise the college student interns who are assigned to the legislative branch of ~~state~~ government.

Section 10. That § 2-16-5.2 be AMENDED:

2-16-5.2. The director of the ~~State~~ Legislative Research Council and the code counsel ~~are hereby charged with the duty of assisting~~ shall assist the Code Commission within ~~such~~ the limitations as it may prescribe and to provide space for its supplies and to make available the facilities of the council for its meetings. The director shall also supervise the secretarial functions of the commission and otherwise assist it to the extent feasible.

Section 11. That § 3-9-5 be AMENDED:

3-9-5. Members of the Legislature, and officers of the Legislature who are not members, ~~may~~ incur traveling and personal expenditures outside the boundaries of this state by and with the consent of the speaker of the House of Representatives and the president pro tempore of the Senate when the Legislature is in session, and, when the Legislature is not in session, by and with the written consent of the Executive Board of the ~~State~~ Legislative Research Council.

Section 12. That § 3-9-5.1 be AMENDED:

3-9-5.1. Officers and employees of the Department of Legislative Audit and the ~~State~~ Legislative Research Council may incur traveling and personal expenditures outside the boundaries of this state by and with the written consent of the ~~chairman~~ chair of the Executive Board of the ~~State~~ Legislative Research Council.

Section 13. That § 4-2-8 be AMENDED:

4-2-8. The Executive Board of the ~~State~~ Legislative Research Council is ~~hereby~~ empowered to act on behalf of the Legislature in directing the activities of the auditor-general.

Section 14. That § 2-9-7.1 be REPEALED.

~~The Executive Board of the Legislative Research Council may establish charges based on actual costs for printing statutes from the computerized statutory data base. This authority does not include charging for copies of proposed rules. Receipts shall be deposited in the state general fund.~~

Section 15. That § 2-9-30.1 be REPEALED.

~~For any initiated measure or initiated amendment to the Constitution submitted to the director of the Legislative Research Council pursuant to § 12-13-25 prior to July 1, 2017, and certified by the secretary of state pursuant to § 2-1-17 for placement on the ballot during the general election of 2018, the secretary of state shall request a determination from the director under § 2-9-30. If the director of the Legislative Research Council makes a determination pursuant to § 2-9-30 that the initiated measure or initiated amendment to the Constitution has no impact, the director shall notify the sponsor and the secretary of state that the measure or amendment has no impact. If the director of the Legislative Research Council makes a determination pursuant to § 2-9-30 that the measure or amendment has an impact, the director shall prepare a fiscal note pursuant to § 2-9-31. The secretary of state shall include the fiscal note, if any, on the ballot pursuant to § 12-13-25.1.~~

Signed March 26, 2025

Chapter 20
(House Bill 1100)

**An Act to clarify which opinions must be included in the annual judicial
opinions report prepared by the Legislative Research Council.**

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

Section 1. That § 2-9-1.1 be AMENDED:

2-9-1.1. The Legislative Research Council shall prepare an annual report ~~to be placed on file in the Legislative Research Council Office, regarding opinions of state and federal courts regarding any opinion of the South Dakota Supreme Court or a federal court issued in the preceding year, which have sought to interpret the legislative intent of various South Dakota statutes recommends any change or notes any deficiency or ambiguity in a statute.~~ The report may include recommendations for corrective action ~~if it is determined that the opinion of the court may.~~ the director of the Legislative Research Council determines that an opinion:

- (1) May be adverse to what was intended by the Legislature or if the court's opinion has; or
- (2) Has identified an area appropriate ~~area~~ for legislative action.

Signed March 11, 2025

Chapter 21
(House Bill 1063)

**An Act to revise the provisions for preparing a fiscal note for ballot
questions.**

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

Section 1. That § 2-9-30 be AMENDED:

2-9-30. If the director of the Legislative Research Council determines in the review and comment under § 12-13-25 that an initiated measure or initiated amendment to the South Dakota Constitution ~~may have an impact on~~ impact the revenues, expenditures, or fiscal liability of the state ~~or its agencies and subdivisions~~ any agency or political subdivision of this state, the director ~~shall~~ must notify the petition sponsor.

If the director of the Legislative Research Council determines that an initiated measure or initiated amendment to the ~~Constitution~~ constitution in final form under § 12-13-25.1 ~~may have an impact on~~ impact the revenues, expenditures, or fiscal liability of the state ~~or its agencies and subdivisions~~ any agency or political subdivision of this state, the director ~~shall~~ must prepare a fiscal note. The fiscal note must include an estimate of the impact that the provisions of the initiated measure or initiated amendment to the constitution may have on the revenues, expenditures, or fiscal liability of the state ~~or its agencies and subdivisions, by the provisions of the proposed initiated measure or initiated~~

amendment to the Constitution, any agency or political subdivision of this state, for at least the first full fiscal year after the initiated measure or initiated amendment to the constitution takes effect. The fiscal note expenditure estimate must also include any impact to the prison or county jail population. A fiscal note prepared pursuant to this section may not exceed fifty words.

Any state agency, ~~board, commission, department,~~ as defined in § 1-26-1, or institution of state government ~~shall must~~ provide the information requested by the director for the purpose of preparing the fiscal note. ~~The fiscal note may not exceed fifty words.~~ The director shall file the fiscal note with the secretary of state and shall provide a copy to the sponsors not more than sixty days following receipt of the initiated measure or initiated amendment in final form pursuant to § 12-13-25.1.

Section 2. That a NEW SECTION be added to chapter 2-9:

If after an initiated measure, initiated amendment to the South Dakota Constitution, or referred law is certified for the ballot pursuant to § 2-1-17, the director must review any fiscal note prepared pursuant to § 2-9-30 or as described in § 2-9-32.

If the director determines that, because of changes to the state budget, state law, or other factors, the estimated impact of the provisions of the initiated measure, initiated amendment to the constitution, or referred law on the revenues, expenditures, or fiscal liability of the state or any agency or political subdivision of this state, described in the fiscal note, provided pursuant to § 2-9-30 or 2-9-32, is no longer substantially accurate, the director must prepare an updated fiscal note, no earlier than July first nor later than August first, in the year of the election. The updated fiscal note may not exceed fifty words.

The updated fiscal note must include an estimate of the impact that the provisions of the initiated measure, initiated amendment, or referred law may have on the revenues, expenditures, or fiscal liability of the state or its agencies or political subdivisions, for at least the first full fiscal year after the initiated measure, initiated amendment to the constitution, or referred law takes effect. The updated fiscal note expenditure estimate must also include any impact to the prison or county jail population.

Any state agency, as defined in § 1-26-1, or institution of state government must provide the information requested by the director for the purpose of preparing the updated fiscal note. The director shall file the updated fiscal note with the secretary of state and shall provide a copy to the sponsors not later than August first in the year of the election.

Section 3. That § 12-13-9 be AMENDED:

~~12-13-9. Before the third Tuesday in May, the~~The attorney general shall deliver to the secretary of state ~~an attorney general's a~~ statement for each amendment to the South Dakota Constitution proposed by the Legislature, ~~and any~~ and referred law from an odd year to the secretary of state before the third Tuesday in May, in the year of the election. The attorney general's ~~general shall deliver a~~ statement for each referred law from an even year ~~shall be delivered to the secretary of state before the second Tuesday in July, in the year of the election.~~ The attorney general's statement ~~shall must~~ be written by the attorney general and ~~shall must~~ consist of a title, an explanation, and a recitation as provided in this section. The title shall be a concise statement of the subject of the proposed amendment to the Constitution or referred law. The explanation shall be an objective, clear, and simple summary to educate the voters of the purpose and effect of the proposed amendment to the Constitution or referred law. The

~~recitation for each proposed amendment to the Constitution shall state "Vote 'Yes' to adopt the amendment" and "Vote 'No' to leave the Constitution as it is". The recitation for each referred law shall state "Vote 'Yes' to allow the Act of the Legislature to become law" and "Vote 'No' to reject the Act of the Legislature". The attorney general shall include a description of the legal consequences of the proposed amendment to the Constitution or referred law, including the likely exposure of the state to liability if the proposed amendment to the Constitution or referred law is adopted;~~

- ~~(1) A title, which is a concise statement of the subject of the proposed amendment to the constitution or referred law;~~
- ~~(2) An objective, clear, and simple explanation that:

 - ~~(a) Educates the voters on the purpose and effect of the proposed amendment to the constitution or referred law; and~~
 - ~~(b) Describes the legal consequences of the proposed amendment to the constitution or referred law, including any likely exposure of the state to liability if the proposed amendment to the constitution or referred law is adopted; and~~~~
- ~~(3) A recitation:

 - ~~(a) For a proposed amendment to the constitution, stating "Vote 'Yes' to adopt the amendment" and "Vote 'No' to leave the Constitution as it is"; or~~
 - ~~(b) For a referred law, stating "Vote 'Yes' to allow the Act of the Legislature to become law" and "Vote 'No' to reject the Act of the Legislature.-~~~~

~~The explanation may not exceed two hundred words in length. On the printed ballots, the title shall of the proposed amendment to the constitution or referred law must be followed by the explanation and the explanation shall be followed, if applicable, by any cost estimate prepared pursuant to § 2-9-34 or, the most recent fiscal note prepared pursuant to § 2-9-32 or section 2 of this Act, and then followed by the recitation. The title, explanation, fiscal note, and recitation must be printed on the ballot in the order provided by this section.~~

Section 4. That § 12-13-25.1 be AMENDED:

12-13-25.1. Following receipt of the written comments of the director of the Legislative Research Council, the sponsors shall submit a copy of the proposed initiated measure or initiated amendment to the South Dakota Constitution in final form to the attorney general, the secretary of state, and the director of the Legislative Research Council.-

~~The attorney general shall prepare a draft ~~attorney general's~~ statement that consists of a title and explanation. The title shall be a concise statement of the subject of the proposed initiated measure or initiated amendment to the Constitution. The explanation shall be an objective, clear, and simple summary to educate the voters of the purpose and effect of the proposed initiated measure or initiated amendment to the Constitution. The attorney general shall include a description of the legal consequences of the proposed initiated measure or initiated amendment to the Constitution, including the likely exposure of the state to liability if the proposed initiated measure or initiated amendment to the Constitution is adopted;~~

- (1) The title, which is a concise statement of the subject of the proposed initiated measure or initiated amendment to the constitution;
- (2) An objective, clear, and simple explanation that:
 - (a) Educates the voters on the purpose and effect of the initiated amendment to the constitution; and
 - (b) Describes the legal consequences of the proposed initiated measure or initiated amendment to the constitution, including any likely exposure of the state to liability as the result of the proposed initiated measure or initiated amendment to the constitution.-

The explanation may not exceed two hundred words in length.

The attorney general shall file the draft statement with the secretary of state, post the draft statement on the attorney general's website, and release a press release announcing a draft statement has been posted for comment within sixty days of receipt of the proposed initiated measure or initiated amendment to the Constitution constitution. The attorney general shall accept comments for ten days from the date the draft statement was filed. The attorney general shall review all comments submitted and revise the statement in response to the comments as deemed necessary.

Once the comment period has expired and any revisions have been completed, the attorney general shall file the final statement with the secretary of state, ~~which shall serve as the attorney general's statement,~~ and shall provide a copy to the sponsors within twenty days of the filing of the draft statement.

If the signatures on a petition is for a proposed initiated measure or initiated amendment to the constitution are filed as set forth in §§ 2-1-1.1 or 2-1-1.2 pursuant to § 2-1-1.1 or 2-1-1.2, the attorney general ~~shall~~ must deliver to the secretary of state before the third Tuesday in May a recitation ~~as provided in this section to the secretary of state before the third Tuesday in May.~~ The recitation for an initiated amendment to the ~~Constitution shall~~ constitution must state "Vote 'Yes' to adopt the amendment" and "Vote 'No' to leave the Constitution as it is". The recitation for an initiated measure ~~shall~~ must state "Vote 'Yes' to adopt the initiated measure" and "Vote 'No' to leave South Dakota law as it is".

On the printed ballots, the title ~~shall of the proposed initiated measure or initiated amendment to the constitution must~~ be followed by the explanation ~~and the explanation shall be followed, if applicable, by any, the most recent fiscal note prepared pursuant to § 2-9-30 or section 2 of this Act, and then followed by the recitation.~~ The title, explanation, fiscal note, and recitation must be printed on the ballot in the order provided by this section.

Section 5. That § 2-9-30.1 be REPEALED.

~~For any initiated measure or initiated amendment to the Constitution submitted to the director of the Legislative Research Council pursuant to § 12-13-25 prior to July 1, 2017, and certified by the secretary of state pursuant to § 2-1-17 for placement on the ballot during the general election of 2018, the secretary of state shall request a determination from the director under § 2-9-30. If the director of the Legislative Research Council makes a determination pursuant to § 2-9-30 that the initiated measure or initiated amendment to the Constitution has no impact, the director shall notify the sponsor and the secretary of state that the measure or amendment has no impact. If the director of the Legislative Research~~

~~Council makes a determination pursuant to § 2-9-30 that the measure or amendment has an impact, the director shall prepare a fiscal note pursuant to § 2-9-31. The secretary of state shall include the fiscal note, if any, on the ballot pursuant to § 12-13-25.1.~~

Signed March 5, 2025

Chapter 22
(House Bill 1067)

An Act to define the term "must."

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

Section 1. That § 2-14-2.1 be AMENDED:

2-14-2.1. As used in the South Dakota Codified Laws to direct any action, the:

- (1) The term "must" manifests a mandatory directive and does not confer any discretion in carrying out the action so directed; and
- (2) The term, "shall," manifests a mandatory directive and does not confer any discretion in carrying out the action so directed.

Signed March 11, 2025

Chapter 23
(House Bill 1049)

An Act to update the official code of laws.

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

Section 1. That § 2-16-13 be AMENDED:

2-16-13. The official code of laws of the State of South Dakota, which may be referred to as the code, consists of all the statutes of a general and permanent nature contained in:

- (1) The 2018 revision of volume 1;
- (2) The 2021 revision of volume 2;
- (3) The 2021 revision of volume 2A;
- (4) The 2021 revision of volume 3;
- (5) The 2004 revision of volume 4;
- (6) The 2004 revision of volume 5;
- (7) The 2020 revision of volume 6;
- (8) The 2020 revision of volume 7;

- (9) The 2018 revision of volume 8;
- (10) The 2018 revision of volume 9;
- (11) The 2014 revision of volume 10;
- (12) The 2014 revision of volume 10A;
- (13) The 2014 revision of volume 11;
- (14) The 2016 revision of volume 12;
- (15) The 2004 revision of volume 13;
- (16) The 2017 revision of volume 14;
- (17) The 2016 revision of volume 15;
- (18) The ~~2013~~ 2024 revision of volume 16;
- (19) The 2016 revision of volume 17;
- (20) The ~~2004~~ 2024 revision of volume 18;
- (21) The 2011 revision of volume 19;
- (22) The 2011 revision of volume 19A;
- (23) The 2011 revision of volume 20;
- (24) The 2013 revision of volume 21;
- (25) The 2015 revision of volume 22;
- (26) The 2015 revision of volume 22A;
- (27) The 2022 revision of volume 23;
- (28) The 2022 revision of volume 24;
- (29) The 2004 revision of volume 25;
- (30) The 2022 revision of volume 26;
- (31) The 2007 revision of volume 27;
- (32) The 2004 revision of volume 28;
- (33) The 2017 revision of volume 29;
- (34) The 2012 revision of volume 30;
- (35) The 2012 revision of volume 31;
- (36) The 2019 revision of volume 32;
- (37) The 2019 revision of volume 33;
- (38) The 2015 revision of volume 34;
- (39) The 2004 revision of the Parallel Tables volume;
- (40) The December ~~2023~~ 2024 Interim Update Service of the South Dakota Codified Laws beginning with Title 1, chapter 1-1 and ending with Title 62, chapter 62-9; and
- (41) The ~~2023~~ 2024 cumulative annual pocket parts.

Section 2. That § 2-16-15 be AMENDED:

2-16-15. No provision of the code enacted by § 2-16-13, as to which any action or proceeding, civil or criminal, has been commenced prior to July 1, ~~2024~~ 2025, to determine whether or not ~~such the~~ provision was constitutionally enacted, is validated by the enactment of ~~this the~~ code.

The enactment of the code:

- (1) Does not affect the validity of any transaction;
- (2) Does not impair the curative or legalizing effect of any statute; and
- (3) Does not release or extinguish any penalty, confiscation, forfeiture, or liability; which accrued, occurred, or took effect prior to the time the code took effect.

Section 3. That § 2-16-16 be AMENDED:

2-16-16. All statutes, ~~other than this code,~~ enacted at the ~~2024~~ 2025 session of the Legislature ~~shall be, other than the code enacted by § 2-16-13, are~~ deemed to have been enacted ~~subsequently~~ subsequent to the enactment of ~~this the~~ code. If any statute repeals, amends, contravenes, or is inconsistent with the provisions of ~~this the~~ code, the provisions of the statute ~~shall~~ prevail. Any enactment in the ~~2024~~ 2025 session of the Legislature that cites South Dakota Codified Laws for the purpose of amendment or repeal ~~shall must~~ be construed as having reference to the code enacted by § 2-16-13.

Signed February 10, 2025

PUBLIC OFFICERS AND EMPLOYEES

Chapter 24
(Senate Bill 84)

An Act to extend the timeframe for filling a vacancy in a board of county commissioners.

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

Section 1. That § 3-4-4 be AMENDED:

3-4-4. When a vacancy occurs in the board of county commissioners, ~~it shall be the duty of the remaining member or members of such board to appoint immediately some the remaining board members must appoint a~~ suitable person to fill ~~such the~~ vacancy from the district where the vacancy occurs. The board has thirty-five days to fill the vacancy or until the conclusion of the second regular meeting after the vacancy occurs, whichever is later. If there ~~be is~~ an even number of county commissioners remaining on the board ~~of county commissioners~~, the county auditor ~~shall be called in and shall must~~ act as a member of ~~such the~~ board to fill ~~such the~~ vacancy.

Signed March 3, 2025

STATE AFFAIRS AND GOVERNMENT

Chapter 25 (Senate Bill 62)

An Act to establish mandatory reporting requirements related to improper governmental conduct and crime, and to provide a penalty therefor.

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

Section 1. That § 1-56-11 be AMENDED:

1-56-11. ~~A state employee who suspects the existence of a conflict of interest, fraud, or theft has reasonable cause to suspect that improper governmental conduct or a crime, as defined in section 2 of this Act, has occurred shall report the matter immediately to any, of the following:~~

- ~~(1) The employee's immediate supervisor;~~
- ~~(2) The attorney general's office; or~~
- ~~(3) The Department of Legislative Audit pursuant to the requirements set forth in chapter 3-6C.~~

Section 2. That a NEW SECTION be added to chapter 3-6C:

Terms used in this Act mean:

- (1) "Adverse employment action," constructive or actual discharge, suspension from employment, demotion, transfer, decrease in compensation or benefits, imposition of an unfavorable work schedule, or any other similar reprisal or retaliatory action;
- (2) "Conflict of interest," conduct defined or described in §§ 5-18A-17 to 5-18A-17.6, inclusive, 42-7A-27, and 42-7A-28;
- (3) "Crime," a criminal act attempted or committed by misusing a state employee's access, duty, position, or responsibility as a state employee, which constitutes a felony under state law;
- (4) "Good faith report," a report made, without malice, by a reporter, which the reporter has reasonable cause to believe is accurate and true;
- (5) "Improper governmental conduct," any conduct or omission that results in:
 - (a) A conflict of interest prohibited by state law;
 - (b) Fraud; or
 - (c) Theft of moneys or property belonging to or derived from federal, state, or local government sources, constituting a felony;
- (6) "Reasonable cause," a sufficient reason, based on known facts, to assume something is true;

- (7) "Reporter," a state employee who witnesses or has evidence of improper governmental conduct or a crime, and who makes a good faith report of the improper governmental conduct or the crime, to a supervisor or other appropriate authority;
- (8) "Required report," a report required in accordance with section 3 of this Act and pertaining to improper governmental conduct or a crime;
- (9) "State agency," any agency, board, bureau, commission, committee, department, division, or office of this state;
- (10) "State employee," a full-time, part-time, seasonal, or temporary employee of any state agency; and
- (11) "Supervisor," a state employee with supervisory authority over one or more state employees.

Section 3. That a NEW SECTION be added to chapter 3-6C:

A state employee who, in the regular course of the state employee's duties, has reasonable cause to suspect that another state employee has engaged in improper governmental conduct or a crime shall promptly notify a supervisor.

Upon receipt of a reporter's good faith report, a supervisor shall submit information provided by the reporter to the attorney general and auditor-general in a required report pursuant to section 4 of this Act.

The supervisor shall promptly submit to the attorney general and auditor-general any record, as allowed by law, in the supervisor's custody or control, evidencing the improper governmental conduct or crime.

A supervisor who knowingly fails to make a report as required by this section is guilty of a Class 1 misdemeanor.

A supervisor who knowingly and intentionally fails to submit a record as required by this section is guilty of a Class 1 misdemeanor.

Section 4. That a NEW SECTION be added to chapter 3-6C:

A supervisor who must submit a required report pursuant to section 3 of this Act shall prepare the required report in a form prescribed by the attorney general.

The reporter shall cooperate with any investigation or inquiry initiated in response to the filing of the required report.

Nothing in this section may be construed to prohibit the reporter from filing a complaint pursuant to § 3-24-4.

Section 5. That a NEW SECTION be added to chapter 3-6C:

Each state agency shall adopt a written policy on reporting improper governmental conduct and crime and submitting records evidencing the improper governmental conduct or crime. Each state agency shall notify and inform state employees of the obligations and protections set forth in the provisions of sections 1, 3, and 4 of this Act.

Section 6. That a NEW SECTION be added to chapter 3-6C:

The attorney general shall provide information to the Government Operations and Audit Committee, on an annual basis, regarding the number of

reports received pursuant to sections 3 and 4 of this Act and the disposition of each report.

Signed March 12, 2025

PUBLIC OFFICERS AND EMPLOYEES

Chapter 26 (Senate Bill 63)

An Act to establish protections for state employees who report improper governmental conduct and crime.

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

Section 1. That a NEW SECTION be added to chapter 3-6C:

Terms used in this Act mean:

- (1) "Adverse employment action," constructive or actual discharge, suspension from employment, demotion, transfer, decrease in compensation or benefits, imposition of an unfavorable work schedule, or any other similar reprisal or retaliatory action;
- (2) "Conflict of interest," conduct defined or described in §§ 5-18A-17 to 5-18A-17.6, inclusive, 42-7A-27, and 42-7A-28;
- (3) "Crime," a criminal act attempted or committed by misusing a state employee's access, duty, responsibility, or position as a state employee, which constitutes a felony under state law;
- (4) "Good faith report," a report made, without malice, by a reporter, which the reporter has reasonable cause to believe is accurate and true;
- (5) "Improper governmental conduct," any conduct or omission that results in:
 - (a) A conflict of interest prohibited by state law;
 - (b) Fraud; or
 - (c) Theft of moneys or property belonging to or derived from federal, state, or local government sources, constituting a felony;
- (6) "Reporter," a state employee who witnesses or has evidence of improper governmental conduct or a crime, and who makes a good faith report of the improper governmental conduct or the crime, to a supervisor or other appropriate authority;
- (7) "State agency," any agency, board, bureau, commission, committee, department, division, or office of this state; and
- (8) "State employee," a full-time, part-time, seasonal, or temporary employee of any state agency.

Section 2. That a NEW SECTION be added to chapter 3-6C:

A reporter who makes a good faith report of improper governmental conduct or crime, or submits records in support of the good faith report, is immune from any liability, civil or criminal, which might otherwise be incurred or imposed, and has the same immunity for participation in any judicial proceeding resulting from the good faith report. The immunity does not extend to a state employee who participated in the reported improper governmental conduct or crime.

Section 3. That a NEW SECTION be added to chapter 3-6C:

No state agency may take adverse employment action against a reporter because the reporter:

- (1) Made a good faith report of improper governmental conduct or a crime to an appropriate authority;
- (2) Filed a complaint;
- (3) Instituted or caused to be instituted a proceeding;
- (4) Requested or participated in an audit;
- (5) Testified, or will testify, in a proceeding; or
- (6) Exercised any other right or obligation imposed by this chapter or any law of this state.

The provisions of this section do not apply to a state employee who made a report knowing the report was false or who made a report in a reckless disregard for the truth.

Section 4. That a NEW SECTION be added to chapter 3-6C:

To be eligible for protections under sections 2 and 3 of this Act, a reporter who discloses information about improper governmental conduct or a crime must do so in good faith and upon a reasonable belief that the information disclosed is accurate and true. A disclosure that is made with a reckless disregard for the truth or that the state employee knows or should know is false or malicious is not a good faith report.

Section 5. That a NEW SECTION be added to chapter 3-6C:

A reporter may bring a civil action for a violation of section 2 of this Act in the circuit court of Hughes County against the reporter's supervisor, in the supervisor's official capacity, or the state agency by which the reporter is employed.

The court may order any of the following remedies:

- (1) An injunction to restrain continued violation of section 2 of this Act;
- (2) Reinstatement of the reporter to the same position or, if the position is filled, to an equivalent position;
- (3) Back pay;
- (4) Full reinstatement of fringe benefits and seniority rights; and
- (5) If appropriate and in the interests of justice, an award of attorney's fees and costs.

An action may not be brought pursuant to this section more than two years after the violation of section 2 of this Act occurred.

A reporter bringing an action under this section may not be required to exhaust existing internal procedures or other administrative remedies.

Nothing in this section may be construed to exclude a reporter's remedy pursuant to § 3-6D-22.

Signed March 12, 2025

Chapter 27
(House Bill 1029)

An Act to update provisions of the South Dakota Retirement System.

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

Section 1. That § 3-12C-101 be AMENDED:

3-12C-101. Terms ~~as~~ used in this chapter mean:

- (1) "Actuarial accrued liability," the present value of all benefits less the present value of future normal cost contributions;
- (2) "Actuarial experience analysis," a periodic report that reviews basic experience data and furnishes actuarial analysis that substantiates the assumptions adopted for the purpose of making an actuarial valuation of the system;
- (3) "Actuarial valuation," a projection of the present value of all benefits and the current funded status of the system, based upon stated assumptions as to rates of interest, mortality, disability, salary progressions, withdrawal, and retirement as established by a periodic actuarial experience analysis that takes into account the census data of all active members, vested terminated members, ~~and~~ retired members, and their beneficiaries under the system;
- (4) ~~"Actuarial value funded ratio," the actuarial value of assets divided by the actuarial accrued liability;~~
- (5) "Actuarial value of assets," equal to the fair value of assets;
- (6)(5) "Actuarially determined contribution rate," the fixed, statutory contribution rate, no less than the normal cost rate with expenses assuming the minimum COLA, and no greater than the normal cost rate with expenses assuming the maximum COLA;
- (7)(6) "Air rescue ~~firefighters~~ firefighter," ~~employees~~ an employee of the Department of the Military who ~~are~~ is stationed at Joe Foss Field, Sioux Falls, and who ~~are~~ is directly involved in firefighting activities on a daily basis;
- (8)(7) "Approved actuary," any actuary who is a member of the American Academy of Actuaries or an ~~Associate~~ associate or a ~~Fellow~~ fellow of the Society of Actuaries who meets the qualification standards of the American Academy of Actuaries to issue actuarial opinions regarding the system, or any firm retaining ~~such an~~ the actuary on ~~its~~ the firm's staff, and who is appointed by the board to perform actuarial services;

- (9)(8) "Assumed rate of return," the actuarial assumption adopted by the board pursuant to § 3-12C-227, as the annual assumed percentage return on trust fund assets, compounded;
- (10)(9) "Beneficiary," the person designated by a member of the system to receive any payments after the death of ~~such~~ the member;
- (11)(10) "Benefits," the amounts paid to a member, spouse, child, or beneficiary as a result of the provisions of this chapter;
- (12)(11) "Board," the Board of Trustees of the South Dakota Retirement System;
- (13)(12) "Calendar quarter," a period of three calendar months ending March thirty-first, June thirtieth, September thirtieth, or December thirty-first of any year;
- (14)(13) "~~Campus security officers officer~~," employees an employee of the Board of Regents whose ~~positions are~~ position is subject to the minimal educational training standards established by the ~~law enforcement standards commission~~ Law Enforcement Officers Standards Commission, pursuant to chapter 23-3, who satisfactorily ~~complete~~ completes the training required by chapter 23-3, within one year of employment, and whose primary duty as a sworn law enforcement officer is to preserve the safety of the students, faculty, staff, visitors, and the property of the university. The employer shall file with the system evidence of the appointment as a sworn law enforcement officer at the time of employment and shall file evidence of satisfactory completion of the training program pursuant to chapter 23-3, within one year of employment;
- (15)(14) "Certified school employee," any employee of a participating unit who is required to have a certificate, as defined in ~~subdivision 13-42-1(3)~~ § 13-42-1;
- (16)(15) "Class A credited service," service credited as a Class A member of the system;
- (17)(16) "Class A member," any member other than a Class B member or a Class C member and is either a foundation member or a generational member. A member is a Class A member until proof is supplied to the executive director that a member is a Class B member;
- (18)(17) "Class B credited service," service credited as a Class B member of the system;
- (18) "Class B judicial member, any Class B member who is a justice, judge, or magistrate judge;
- (19) "Class B member," a member who is a justice, judge, state law enforcement officer, magistrate judge, police officer, firefighter, county sheriff, deputy county sheriff, correctional security staff, parole agent, air rescue firefighter, emergency medical services personnel, campus security officer, court services officer, juvenile corrections agent, gaming enforcement agent, conservation officer, or park ranger, and is either a foundation member or a generational member;
- (20) "Class B public safety member, any Class B member other than a justice, judge, or magistrate judge;
- (21) "Class C credited service," service credited as a Class C member of the system;

- ~~(21)~~(22) "Class C member," any member of the cement plant retirement plan including any retiree or any vested member;
- ~~(22)~~(23) "Class D credited service," service credited as a Class D member of the system;
- ~~(23)~~(24) "Class D member," any member ~~that~~ who was a member of the Department of Labor and Regulation employees' retirement plan as of June 30, 2020;
- ~~(24)~~(25) "Classified employee," an employee ~~of:~~
- ~~(a)~~ Of a public school district who is not required by law to be a certified school employee, ~~an employee of any;~~
 - ~~(b)~~ Of a college or university under the control of the Board of Regents who is not a faculty member or an administrator and comes within the provisions of chapter 3-6D, ~~an employee of;~~
 - ~~(c)~~ Of a public corporation, ~~an employee of;~~
 - ~~(d)~~ Of a chartered governmental unit, ~~and any other participating employee not; or~~
 - ~~(e)~~ Who participates in the system and is not ~~elsewhere~~ provided for elsewhere in this chapter;
- ~~(25)~~(26) "Comparable level position," a member's position of employment that is generally equivalent to the member's prior position of employment in terms of required education, required experience, required training, required work history, geographic location, and compensation and benefits;
- ~~(26)~~(27) "Conservation ~~officers officer,~~ employees an employee of the Department of Game, Fish and Parks and the Division of Wildlife or Division of Custer State Park who ~~are~~ is employed pursuant to § 41-2-11 and whose ~~positions are~~ position is subject to the requirements as to education and training provided for in chapter 23-3;
- ~~(27)~~(28) "Consumer price index," the consumer price index for urban wage earners and clerical workers calculated by the United States Bureau of Labor Statistics;
- ~~(28)~~(29) "Contributory service," service to a participating unit during which contributions were made to a South Dakota ~~retirement system~~ Retirement System, which may not include years of credited service as ~~granted~~ provided for in § 3-12C-509 or 3-12C-511;
- ~~(29)~~(30) "Correctional security staff," the warden, deputy warden, and any other correctional staff holding a security position, as verified by the Department of Corrections and approved by the Bureau of Human Resources and Administration and the Bureau of Finance and Management, and determined by the board as Class B members;
- ~~(30)~~(31) "Court services ~~officers officer,~~ persons an individual appointed pursuant to § 26-7A-8;
- ~~(31)~~(32) "Covered employment," a member's employment as a full-time employee of a participating unit;
- ~~(32)~~(33) "Deputy county sheriff," an individual who is:

- (a) An employee of a county that is a participating unit, appointed;
- (b) Appointed by the board of county commissioners, pursuant to §§ 7-12-9 and 7-12-10, whose position is subject; and
- (c) Subject to the minimum educational and training standards established by the law enforcement standards commission pursuant to Law Enforcement Officers Standards Commission, pursuant to chapter 23-3.

The term does not include jailers or clerks appointed pursuant to §§ 7-12-9 and 7-12-10, unless the participating unit has requested that the jailer be considered as a deputy county sheriff and the board has approved the request;

~~(33)~~(34) "Disability advisory committee," a committee composed of:

- (a) The secretary of the Department of Human Services or the secretary's designee;
- (b) An attorney appointed by the executive director; and
- (c) A physician appointed by the executive director;

(35) "Effective date of retirement," the first day of the month in which a retirement benefit is payable;

~~(34)~~(36) "Eligible retirement plan," the term eligible retirement plan includes those plans a plan described in section 402(c)(8)(B) of the Internal Revenue Code;

~~(35)~~(37) "Eligible rollover distribution," any distribution to a member of accumulated contributions pursuant to § 3-12C-602. The term does not include any portion of a distribution that represents contributions made to the system on an after-tax after-tax basis nor distributions paid as a result of the member reaching the required beginning date;

~~(36)~~(38) "Emergency medical services personnel," a person an individual who is licensed by the State Board of Medical and Osteopathic Examiners in accordance with chapter 36-4B or licensed or certified by the Department of Health in accordance with chapter 34-11 who and actively practices emergency medical services;

~~(37)~~(39) "Employer," the State of South Dakota this state and any department, bureau, board, or commission of the State of South Dakota this state, or any of its governmental or political subdivisions or any political subdivision of this state, or any public corporation of the State of South Dakota this state that elects to become a participating unit;

~~(38)~~(40) "Employer—contributions contribution," amounts an amount contributed by the employer of a contributing member, excluding any member contributions contribution made by an employer after June 30, 1984, pursuant to § 3-12C-401;

~~(39)~~(41) "Equivalent public service," any public service other than as a justice, a judge, or a magistrate judge and comparable to Class B service, as defined by this section, if the service is in the employ of a public entity that is not a participating unit;

(42) "Executive director," the executive director of the South Dakota Retirement System;

~~(40)~~(43) "Fair value of assets," the total assets of the system at fair market value for securities traded on exchanges; for securities not traded on

exchanges, a value based on similar securities; and for alternative investments, reported net asset value;

~~(41)~~(44) "Fair value funded ratio," the fair value of assets divided by the actuarial accrued liability;

~~(42)~~(45) "Fiduciary," any person who ~~exercises~~;

(a) ~~Exercises~~ any discretionary authority or control over the management of the system or the management or disposition of ~~its the system's~~ assets; ~~renders~~;

(b) ~~Renders~~ investment advice for a fee or other compensation, direct or indirect, or has any authority or responsibility to do so, ~~or has~~; ~~or~~

(c) ~~Has~~ any discretionary authority or responsibility in the administration of the system;

~~(43)~~(46) "Foundation member," any member of the system whose contributory service began before July 1, 2017;

~~(44)~~ "Foundation retiree," ~~any foundation member who has retired with a benefit payable from the system;~~

~~(45)~~(47) "Firefighter," any full-time firefighter who works at least twenty hours a week and at least six months a year. The term does not include any volunteer firefighter;

~~(46)~~(48) "Full-time employee," any employee who is considered full-time by the participating unit and is customarily employed by the participating unit for twenty hours or more a week and at least six months a year, regardless of classification of employment as seasonal, temporary, leased, contract, or any other designation;

~~(47)~~(49) "Fund," public employees' retirement fund or funds established for the ~~purposes of~~ administration of this chapter;

~~(48)~~(50) "Gaming enforcement agent," any employee of the South Dakota Commission on Gaming who is appointed pursuant to § 42-7B-56 and who must, as a condition of employment, be law enforcement certified;

~~(49)~~ "General employee," ~~any full time municipal employee who is not a firefighter or a police officer;~~

~~(50)~~(51) "Generational member," any member of the system whose contributory service began after June 30, 2017;

~~(51)~~ "Generational retiree," ~~any generational member who has retired with a benefit payable from the system;~~

(52) "Health care provider," a physician or other health care practitioner licensed, registered, certified, or otherwise authorized by law to provide specified health services;

(53) "Juvenile corrections agent," a designee of the secretary of corrections charged with the care, custody, and control of juveniles committed to the Department of Corrections until the age of twenty-one, or a person who is charged with the care, custody, and control of juveniles at a juvenile corrections facility under the control of a participating unit;

- (54) ~~"Law enforcement officer," any agent of the state division of criminal investigation~~ Division of Criminal Investigation, officer of the South Dakota Highway Patrol, police officer, county sheriff, ~~or deputy county sheriff, or firefighter;~~
- (55) ~~"Member," any person individual~~ who is contributing or has made contributions to the system and is either a foundation member or generational member. ~~A person's~~ An individual's membership ceases when ~~the person individual~~ withdraws his or her the individual's accumulated contributions after termination of employment;
- (56) ~~"Member contributions," amounts contribution," any amount~~ contributed by ~~members, including member contributions~~ a member, including any member contribution made by an employer after June 30, 1984, pursuant to § 3-12C-401;
- (57) "Military service," a period of active duty with the United States Army, the United States Navy, the United States Air Force, the United States Marine Corps, or the United States Coast Guard, from which duty the member received an honorable discharge or an honorable release;
- (58) "Municipality," any incorporated municipal government under chapter 9-3, ~~or any chartered governmental unit under the provisions of Article IX of the Constitution of the State of South Dakota, as provided for in S.D. Const., Art. IX;~~
- (59) "Noncontributory service," for any ~~foundation members member~~, service delineated in subdivisions 3-12C-502(2), (5), (7), and (8), and for any generational ~~members member~~, service pursuant to § 3-12C-514;
- (60) "Normal cost," the expected long-term cost of the system benefits and expenses expressed as a percentage of payroll;
- (61) "Normal retirement," the termination of employment and application for benefits by a member with three or more years of contributory service or noncontributory service on or after the member's normal retirement age;
- (62) "Other public benefits," eighty percent of the primary insurance amount or primary social security benefits that would be provided under federal social security;
- (63) "Other public service," ~~service for:~~
- (a) For the government of the United States, including military service; ~~service for~~
 - (b) For the government of any state or political subdivision thereof; ~~service for~~
 - (c) For any agency or instrumentality of ~~any of the foregoing; or service as the government of the United States or the government of a state or political subdivision; or~~
 - (d) As an employee of an association of government entities described in this subdivision;
- (64) ~~"Park rangers," employees ranger," an employee~~ of the Department of Game, Fish and Parks within the Division of Parks and Recreation and whose ~~positions are~~ position is subject to the requirements as to education and training provided ~~for~~ in chapter 23-3, ~~and whose primary duty is law enforcement in the state park system;~~

- (65) "Parole agent," an employee of the Department of Corrections employed pursuant to § 24-15-14, ~~who is actually involved in direct supervision of~~ directly supervises parolees on a daily basis;
- (66) "Participating unit," ~~the State of South Dakota and this state,~~ any department, bureau, board, or commission of ~~the State of South Dakota~~ this state, and any of its political subdivisions subdivision or any public corporation of ~~the State of South Dakota~~ this state that has employees who are members of the retirement system created in this chapter;
- (67) "Plan year," a period extending from July first of one calendar year through June thirtieth of the following calendar year;
- (68) "Police officer," any employee in the police department of any participating municipality, holding the rank of patrol officer, ~~including or~~ including or probationary patrol officer, or holding a higher rank, and whose position is subject to the minimum educational and training standards established by the ~~law enforcement officers standards commission~~ Law Enforcement Officers Standards Commission pursuant to chapter 23-3. The term does not include ~~a civilian employee~~ employees ~~employee~~ of a police department nor any ~~person~~ individual employed by a municipality whose services as a police officer require less than twenty hours a week and six months a year. If a municipality ~~which that~~ is a participating unit operates a city jail, the participating unit may request that any jailer appointed pursuant to § 9-29-25 be considered a police officer, subject to the approval of the board;
- (69) "Political subdivision," ~~includes~~ any municipality, school district, county, chartered governmental unit, public corporation or entity, and special district created for any governmental function;
- (70) "Present value of all benefits," the present value of all benefits expected to be paid to all retired, terminated, and active members and beneficiaries, based on past and future credited service and future compensation increases;
- (71) ~~"Present value of benefits earned to date," the present value of the benefits currently being paid to retired members and their beneficiaries, the present value of the benefits payable to terminated members, and the actuarial accrued liability of active members, based on the actuarial assumptions and methods used in the actuarial valuation;~~
- ~~(72)~~ "Projected compensation," a deceased or disabled member's final average compensation multiplied by the COLA commencing each July first for each complete twelve-month period elapsed between the date of the member's death or disability, whichever occurred earlier, and the date the member would attain normal retirement age or the benefit commences, whichever occurred earlier;
- ~~(73)~~ (72) "Projected service," the credited service plus the service that the member would have been credited with at normal retirement age had the member continued in the system and received credit at the same rate the member was credited during the year covered by the compensation that was used in the calculation of the disability or family benefit;
- ~~(74)~~ (73) "Qualified military service," service in the uniformed services, as defined in § 414(u)(5) of the Internal Revenue Code;
- ~~(75)~~ ~~"Required beginning date," the later of April first of the calendar year following the calendar year in which the member attains age seventy and one-half or April first of the calendar year following the calendar year in which the member retires;~~

- ~~(76)~~(74) "Retiree," any foundation or generational member who retires with a lifetime benefit payable from the system;
- ~~(77)~~(75) "Retirement," the severance of a member from the employ of a participating unit with a retirement benefit payable from the system;
- ~~(78)~~(76) "Retirement benefit," the monthly amount payable upon the retirement of a member;
- ~~(79)~~(77) "Single premium," the lump-sum amount paid by a supplemental pension participant pursuant to a supplemental pension contract in consideration for a supplemental pension benefit;
- ~~(80)~~(78) "Social investment," investment, divestment, or prohibition of investment of the assets of the system for purposes other than maximum risk-adjusted investment return, which other purposes include ideological purposes, environmental purposes, political purposes, religious purposes, or purposes of local or regional economic development;
- ~~(81)~~(79) "~~State employees, employees~~ employee," an employee of the departments, bureaus, commissions, and boards of the State of South Dakota, any board, bureau, commission, or department of this state;
- ~~(82)~~(80) "Supplemental pension benefit," any single-premium immediate pension benefit payable pursuant to §§ 3-12C-1504 and 3-12C-1505;
- ~~(83)~~(81) "Supplemental pension contract," any agreement between a participant and the system upon which a supplemental pension is based, including the amount of the single premium, the type of pension benefit, and the monthly supplemental pension payment amount;
- ~~(84)~~(82) "Supplemental pension contract record," the record ~~for each of:~~
- (a) Each supplemental pension participant reflecting relevant participant data;~~a~~
 - (b) A designation of any beneficiary, if any;~~the~~
 - (c) The amount of the participant's funds rolled into the fund;~~the~~
 - (d) The provisions of the participant's supplemental pension contract; and
 - (e) Any supplemental pension payments made pursuant to the contract;
- ~~(85)~~(83) "Supplemental pension participant," any member who is a retiree receiving a benefit from the system, or, if the member is deceased, the member's surviving spouse who is receiving a benefit from the system, and who chooses to purchase a supplemental pension benefit pursuant to the provisions of this chapter. For purposes of this chapter, "participant" means the same meaning as "supplemental pension participant";
- ~~(86)~~(84) "Supplemental pension spouse," any ~~person~~ individual who was married to a supplemental pension participant at the time the participant entered into the supplemental pension contract;
- ~~(87)~~(85) "System," the South Dakota Retirement System created in this chapter;
- ~~(88)~~(86) "Trustee," a member of the ~~board of trustees~~ Board of Trustees; and
- ~~(89)~~(87) "Unfunded actuarial accrued liability," the actuarial accrued liability less the actuarial value of assets.

Section 2. That § 3-12C-102 be AMENDED:

3-12C-102. For the purposes of this chapter, ~~the term, "actuarial equivalent, is"~~ means a benefit of equal value, computed on the basis of the interest rate, mortality, and baseline COLA assumptions adopted by the board for purposes of the actuarial valuation. If the board adopts a select and ultimate rate of interest, the interest rate is the ultimate rate. Mortality is based on a unisex rate that is fifty percent male and fifty percent female for employees and beneficiaries, based on the mortality rates for retired employees and beneficiaries, including, if the board adopts a generational mortality table, a generational projection of mortality improvement with the member's and beneficiary's ages as of the date of the calculation assumed to be in the calendar year in which the plan year containing the date of the calculation begins. If the board adopts distinct mortality tables for the different categories of retired members or beneficiaries, the mortality rates must be based on a weighted blend of the tables with the weighting based on the percentage of accrued benefits for each category of members as the actuarial valuation immediately preceding the date of adoption of the mortality tables. The system ~~shall~~ must make the interest rate, mortality, and baseline COLA assumptions public.

Section 3. That § 3-12C-104 be AMENDED:

3-12C-104. ~~The term, "For purposes of this chapter, "COLA" or "cost of living adjustment,"~~ means the annual increase, if any, as determined by § 3-12C-704, in the amount of the benefit provided on July first, compounded annually. ~~However, no~~ No COLA may be provided unless the member has received benefit payments for at least the consecutive, twelve-month period before July first.

Section 4. That § 3-12C-105 be AMENDED:

3-12C-105. For the purposes of this chapter, ~~the term, "compensation,"~~ means gross wages paid to a member by the employer for credited service rendered during the period for which the payment was earned. Compensation includes ~~any:~~

- (a) Any amount reported as wages, tips, and other compensation on the member's federal form W-2 wage and tax statement, ~~except as otherwise excluded in this section; any;~~
- (b) Any amount of member contributions made on behalf of a member by an employer after June 30, 1984, pursuant to § 3-12C-401; and ~~any~~
- (c) Any amount contributed by a member to a plan that meets the requirements of ~~section~~ § 125, 401, 403, 408, or 457 of the Internal Revenue Code.

Compensation does not include any allowance, payment, or reimbursement for travel, meals, lodging, moving, uniforms, or any other expense that is incidental to employment and paid or reimbursed by the employer; any lump sum payment for sick leave; any lump sum payment for annual leave; any payment for, or in lieu of, insurance coverage of any kind or any other employee benefit paid by an employer directly to a member or directly to a third party on behalf of a member or a member and any dependent; any allowance or payment for housing or vehicles; any temporary payment paid as a lump sum or over a period of time that is not due to additional duties; any amount paid in a one-time lump sum payment or over a period of time and based on or attributable to retirement or an agreement to retire in the future or results in an incentive to retire; any payment made upon dismissal or severance; any worker's compensation payment; and any payment contingent on a member terminating

employment at a specified time in the future paid or payable in a lump sum or over a period of time.

Section 5. That § 3-12C-106 be AMENDED:

3-12C-106. ~~For the purposes of this chapter, a "contributing member is"~~ means any member for whom the system receives an employer contribution report that includes the member's employee and employer contributions indicating that the member is an active member. A member's active membership is terminated and the member is no longer a contributing member when the system receives notice of termination from an employer, accompanied by the member's final employee and employer contributions. The employer contribution report must state any contributions made for the member by the employer and employee.

Section 6. That a NEW SECTION be added to chapter 3-12C:

A member's period of active membership in the system is established by the date of the employer contribution report to the system, which must include the member's initial employee and employer contributions. A member's active membership is terminated when the system receives notice of termination from an employer, accompanied by the member's final employee and employer contributions.

If the system receives any employee and employer contributions on behalf of a member during a calendar quarter, the member must be credited with a full calendar quarter of contributory service toward calculating the member's benefits or determining the member's eligibility for benefits, but not for determining whether a member's death was active status or inactive status.

Section 7. That § 3-12C-107 be AMENDED:

3-12C-107. ~~The term~~ For purposes of this chapter, "disability" or "disabled," means any medically determinable physical or mental impairment that prevents a member from performing the member's usual duties for the member's employer, even with accommodations, or performing the duties of a comparable level position for the member's employer. The term excludes any condition resulting from a willful, self-inflicted injury.

Section 8. That § 3-12C-108 be AMENDED:

3-12C-108. ~~For the purposes of this chapter, the phrase, "effective rate of interest,"~~ means the interest at an annually compounded rate to be established by the board for each fiscal year. The rate ~~shall~~ may be no greater than ninety percent of the average ninety-one day United States treasury bill rate for the immediately preceding calendar year and in no event may the rate be more than the rate established by the board pursuant to § 3-12C-227, for investment return for purposes of the actuarial valuation. If a member withdraws contributions pursuant to § 3-12C-602 or 3-12C-604, or if benefits are payable under § 3-12C-409, the interest ~~shall~~ must be as annually compounded on the preceding June thirtieth.

Section 9. That § 3-12C-109 be AMENDED:

3-12C-109. ~~For the purposes of this chapter, the phrase, "minimum actuarial requirement to support benefits,"~~ means the normal cost and the interest on and amortization of the unfunded actuarial accrued liability over a period not to exceed twenty years, all expressed in terms of a percentage of covered payroll and based on the baseline COLA or the restricted COLA, as applicable. If the actuarial value of assets exceeds the actuarial accrued liability, the minimum actuarial

requirement to support benefits includes recognition of the amount by which the actuarial value of assets exceeds the actuarial accrued liability. ~~However, in~~ In no event may the recognition reduce the minimum actuarial requirement to support benefits to a percentage less than the contribution rate.

Section 10. That § 3-12C-110 be AMENDED:

3-12C-110. ~~The term, For purposes of this chapter, "spouse," means a person an individual~~ who was married to the member at the time of the death of the member and whose marriage was both before the member's retirement and more than twelve months before the death of the member.

Section 11. That § 3-12C-111 be AMENDED:

3-12C-111. ~~The term, For purposes of this chapter, "terminated," means a complete severance of employment from public service of any member by resignation or discharge, not including leave of absence, layoff, vacation leave, sick leave, or jury duty, and involving all and involves the following termination proceedings routinely followed by the member's participating unit, including payment:~~

- ~~(a) Payment to the member for unused vacation leave, payment;~~
- ~~(b) Payment to the member for unused sick leave, payment;~~
- ~~(c) Payment to the member for severance of an employment contract, severance;~~
- ~~(d) Severance of employer-provided health insurance coverage, severance;~~
- ~~(e) Severance of employer-provided life insurance coverage, or severance; or~~
- ~~(f) Severance of any other such employer-provided prerequisite of employment granted by the member's participating unit to an active employee.~~

The term does not mean a leave of absence, layoff, vacation leave, sick leave, or jury duty.

Section 12. That § 3-12C-112 be AMENDED:

3-12C-112. ~~The term, For purposes of this chapter, "vested," means the right to a retirement benefit from the system based on the provisions of, as provided for in~~ this chapter, after three years of contributory service or noncontributory service, even if the member leaves the employment of a participating unit, ~~if provided~~ the member does not withdraw accumulated contributions.

Section 13. That § 3-12C-203 be AMENDED:

3-12C-203. There is created a governing authority of the system known as the Board of Trustees. Voting representation on the board ~~shall~~ must be the following:

- (1) Two state employee members;
- (2) Two certified school employee members;
- (3) A participating municipality member;
- (4) A participating county member;

- (5) A participating classified employee member;
- (6) A current contributing Class B ~~member other than a justice, judge, or magistrate judge public safety member;~~
- (7) A ~~justice, judge, or magistrate judge~~ Class B judicial member;
- (8) One head of a principal department established pursuant to § 1-32-2, or one head of a bureau under the Department of Executive Management established pursuant to § 1-33-3, appointed by the Governor;
- (9) An individual appointed by the Governor;
- (10) A county commissioner of a participating county;
- (11) A school district board member;
- (12) An elected municipal official of a participating municipality;
- (13) A retiree; and
- (14) A faculty or administrative member employed by the Board of Regents and not subject to the provisions of chapter 3-6D.

A representative of the State Investment Council shall serve as an ex officio nonvoting member.

Section 14. That a NEW SECTION be added to chapter 3-12C:

The executive director must be notified of a vacancy on the board by the vacating trustee, by the trustee's participating unit's governing body, by the trustee's employer, or by any other trustee. Upon the executive director's receipt of notice, the procedure to fill the vacancy is as follows:

- (1) The executive director shall notify all trustees of the vacancy;
- (2) If circumstances permit, the executive director must ask the vacating trustee to recommend a replacement to serve in the trustee's stead;
- (3) If the vacancy is for a trustee to serve on behalf of:
 - (a) An employer-represented group, the executive director must provide notice of the vacancy to the governing body of each participating unit affected by the vacancy and request the governing body's input in seeking a qualified candidate. The executive director shall solicit resumes of qualified individuals from governing bodies and interested individuals. The resumes must be submitted to the executive director. If a statewide association exists that is made up of members of the employer-represented group, the executive director must notify the association of the vacancy and request the association's input in seeking a qualified candidate; or
 - (b) An employee-represented group, the executive director must provide notice of the vacancy to all authorized agents for the group affected by the vacancy and request that all employees affected by the vacancy be notified of the vacancy. Any interested member of the represented group may submit a resume to the executive director. If a statewide association exists that is made up of members of the employee-represented group, the executive director must notify the association of the vacancy and request the association's input in seeking a qualified candidate;

(4) The executive director shall provide to each trustee a copy of each resume received; and

(5) At the next board meeting following a sufficient period of time to receive resumes, the board shall, by secret ballot, select a trustee from among the individuals who submitted resumes.

For purposes of this section, "represented group" means a group entitled to elect one or more trustees, pursuant to §§ 3-12C-203 and 3-12C-204. The group to which a trustee belongs is determined from the records of the system.

Section 15. That § 3-12C-207 be AMENDED:

3-12C-207. ~~The trustees~~ Each trustee shall receive per diem compensation and allowable expenses for their services as trustees as are fixed pursuant to expense reimbursement, pursuant to § 4-7-10.4.

Section 16. That § 3-12C-209 be AMENDED:

3-12C-209. The board shall appoint an executive director, qualified by training and experience, to serve at the pleasure of the board. The board shall fix the compensation for the executive director. The compensation ~~shall must~~ be based on a compensation policy, adopted by the board, ~~that which~~ considers an analysis of the compensation and responsibilities of executive directors of regional statewide retirement systems. The board may adjust the salary of the executive director annually in accordance with the state employee salary policy, as enacted by the Legislature in each corresponding year.

The board shall report any change in the executive director's compensation above the state employee salary policy to the Retirement Laws Committee before July first for the upcoming fiscal year. The change in compensation above the state employee salary policy is effective if approved by ~~the a~~ majority vote of the Retirement Laws Committee.

The executive director may hire additional employees as may be required to transact the business of the retirement system and shall fix the remuneration for ~~such the~~ services.

The board shall require the bonding of the executive director in an amount set by the board ~~that shall be~~ and included under the state employees' blanket bond. The premium may be charged to the fund.

The executive director shall act as secretary of the board. Any document required to be filed with the board must be filed with the executive director.

Section 17. That § 3-12C-214 be AMENDED:

3-12C-214. If any change or error in the records of the system or any participating unit results in any person receiving from the system less than the person would have been entitled to receive had the records been correct, the executive director ~~shall must~~ correct the error and, as far as practicable, ~~shall~~ adjust the payment to provide the person the amount to which the person is correctly entitled.

If any change or error in the records of the system or any participating unit results in any person receiving from the system more than the person would have been entitled to receive had the records been correct, the executive director ~~shall must~~ correct the error and, as far as practicable, ~~shall~~ recover the overpayment to reflect the amount to which the person is correctly entitled. The board shall promulgate rules, pursuant to chapter 1-26, concerning the methods by which an overpayment ~~shall must~~ be repaid, including an actuarial equivalent.

~~However, the~~ The recovery of an overpayment is limited to the amount attributable to any error that occurred during the six-year period immediately before the discovery of the error. This limitation does not apply in the case of fraud, intentional misrepresentation, material omission, or other fault on the part of a member or beneficiary.

Upon request, a member of the system may, during business hours, inspect any file directly relating to the member and request the correction of any alleged errors in the file.

Section 18. That a NEW SECTION be added to chapter 3-12C:

Any member required to repay an overpayment of benefits may choose one of the following repayment methods:

- (1) Immediate repayment in a lump sum from other funds;
- (2) Repayment by monthly installments over a period not to exceed three years, plus interest at the system's assumed rate of return;
- (3) Repayment by monthly benefit reductions over a period not to exceed three years, plus interest at the system's assumed rate of return; or
- (4) Repayment by an actuarial equivalent reduction in monthly benefits as follows:
 - (a) If the member is a foundation member and does not have a spouse, the reduction must continue for the member's lifetime. If the member is a foundation member with a potential surviving spouse benefit payable, the reduction must reduce both the member's monthly benefits and the surviving spouse's monthly benefits and must continue for both the member's and the surviving spouse's lifetimes; or
 - (b) If the member is a generational member and elected a single life benefit, the reduction must continue for the member's lifetime. If the member is a generational member with a joint and survivor benefit payable, the reduction must reduce both the member's monthly benefits and the surviving spouse's monthly benefits and must continue for both the member's and the surviving spouse's lifetimes.

If a member required to repay an overpayment does not choose a repayment option within two months after being given notice of the overpayment, the member is deemed to have chosen to make repayment by an actuarial equivalent reduction in monthly benefits. If repayment is pursuant to an actuarial equivalent reduction by either the member's choice or the member's failure to choose a repayment option, system staff must inform the member that the reduction is unlikely to result in repayment of the exact amount of the overpayment, plus interest if appropriate, and the member is presumed to understand.

If repayment is delayed for more than three months, interest on the overpayment amount must accrue during the period of delay at the system's assumed rate of return. If any overpayment is due to a system error, the executive director may absolve any interest accrual.

Section 19. That a NEW SECTION be added to chapter 3-12C:

Any person other than a member who is required to repay an overpayment of benefits may choose one of the following repayment methods:

- (1) Immediate repayment in a lump sum from other funds;
- (2) Repayment by monthly installments over a period not to exceed three years, plus interest at the system's assumed rate of return;
- (3) Repayment by monthly benefit reductions over a period not to exceed three years, plus interest at the system's assumed rate of return; or
- (4) Repayment by an actuarial equivalent reduction in monthly benefits that must continue as long as the benefit is paid.

If the person required to repay an overpayment is receiving a benefit from the system and does not choose a repayment option within two months after being given notice of the overpayment, the person is deemed to have chosen to make repayment by an actuarial equivalent reduction in monthly benefits. If repayment is pursuant to an actuarial equivalent reduction by either the person's choice or the person's failure to choose a repayment option, system staff must inform the person that the reduction is unlikely to result in repayment of the exact amount of the overpayment plus interest if appropriate, and the person is presumed to understand.

If repayment is delayed for more than three months, interest on the overpayment amount must accrue during the period of delay at the system's assumed rate of return. If any overpayment is due to a system error, the executive director may absolve any interest accrual.

Section 20. That a NEW SECTION be added to chapter 3-12C:

If a qualified domestic relations order provides that a member's former spouse must be treated as a beneficiary for any payment pursuant to § 3-12C-409, the provision must supersede any contrary beneficiary designation by the member. The provision of the qualified domestic relations order and the member's beneficiary designation must be administered in a manner that gives full effect to the order and both proportional and equitable effect to the member's designation of any beneficiary.

Section 21. That a NEW SECTION be added to chapter 3-12C:

The provisions of a qualified domestic relations order are prospective from the date of the order. Any division of benefits paid prior to the date of the order, service of the order upon the system, or qualification of the order by the system, whichever is later, must be the responsibility of the parties to the order. The executive director may agree to adjust future payments to remedy an error in prior payments, if the error in prior payments involved the system.

Section 22. That a NEW SECTION be added to chapter 3-12C:

The benefit to a surviving spouse upon the death of a member who had retired or reached normal retirement age is an independent benefit belonging to the surviving spouse for the purpose of administering an existing qualified domestic relations order.

Section 23. That § 3-12C-226 be AMENDED:

3-12C-226. To determine and verify the adequacy of ~~the any~~ member and employer contributions to the system, an actuarial valuation of the system ~~shall~~ must be made annually by an approved actuary.

The actuarial valuation ~~shall include~~ must provide:

- (1) A demonstration of the relationship of ~~the~~ any current member and employer contributions, expressed as a percentage of payroll, to the minimum actuarial requirement to support benefits; and
- (2) The current year's actuarial value funded ratio and fair value funded ratio, as well as the ratios from the prior actuarial valuations.

For purposes of this section, "actuarial value funded ratio" means the actuarial value of assets divided by the actuarial accrued liability.

Section 24. That § 3-12C-227 be AMENDED:

3-12C-227. The actuarial valuation required by § 3-12C-226 ~~shall~~ must be based on actuarial assumptions adopted by the ~~Board of Trustees board~~, as a result of an actuarial experience analysis. The board may not make any change in the actuarial assumptions unless the approved actuary retained to make the actuarial valuation certifies that the change is reasonable. If the board makes ~~any~~ such a change, ~~it shall~~ the board must report the change to the Governor and to the Retirement Laws Committee. The report ~~shall~~ must include the actuary's and board's analysis of the conditions that led to the change.

Section 25. That § 3-12C-308 be AMENDED:

3-12C-308. Employees of an eligible political subdivision or public corporation not participating in the systems consolidated into the system created by this chapter, may become a participating unit in the system if the unit commits to deposit an amount equal to the present value of benefits earned to date, based on the employee's prior service to the unit to be covered by the system. The expense of the actuarial determination of this amount ~~shall~~ must be borne by the applicant. All eligible employees of an applicant shall participate in the system upon admission. If the unit is unable to deposit this amount in a single sum, the unit ~~shall~~ must have the option to pay the amount by periodic level installments over a period up to twenty years, the value of which, when discounted for compound interest at the assumed rate of return, is equal to the amount due at the date of participation.

For purposes of this section, "present value of benefits earned to date" means:

- (1) The present value of the benefits currently being paid to retired members, if included, and the retired members' beneficiaries;
- (2) The present value of the benefits payable to terminated members; and
- (3) The actuarial accrued liability of active members, based on the actuarial assumptions and methods used in the actuarial valuation.

Section 26. That § 3-12C-310 be AMENDED:

3-12C-310. If a participating unit determines that a governmental function is to be privatized after July 1, 1997, the participating unit ~~shall~~ must pass a resolution to that effect determining the date that its employees will cease to be public employees eligible for membership in the system. The participating unit shall notify the system and the employees affected of the resolution and, after the effective date, cease to make contributions to the ~~South Dakota Retirement System system~~, as required in §§ 3-12C-401 and 3-12C-403. Any member affected by privatization is entitled to the benefits accrued as of the effective date under the provisions of chapter 3-12C. For the purposes of determining eligibility for vesting and early retirement pursuant to § 3-12C-1111, years of service with the successor employer ~~shall~~ must be considered.

Section 27. That a NEW SECTION be added to chapter 3-12C:

Acquisition of years of service toward vesting or early retirement granted, pursuant to § 3-12C-310, ceases upon the member's termination of employment with the private employer, even if the member later returns to employment with the employer. A member in continuing employment with the private employer need not terminate the private employment to receive a retirement benefit from the system. The member may not acquire additional years of service after the member begins receiving the benefit.

Section 28. That a NEW SECTION be added to chapter 3-12C:

Each participating unit shall appoint an employee to serve as an authorized agent between the participating unit and the system.

Section 29. That § 3-12C-402 be AMENDED:

3-12C-402. Each participating unit shall make an additional contribution in the amount of six and two-tenths percent of any foundation member's compensation in each calendar year that exceeds the maximum taxable amount for social security for the calendar year. The additional ~~contributions shall~~ contribution may be made only for Class A foundation members and may not be treated as an employer-contributions contribution.

Section 30. That § 3-12C-403 be AMENDED:

3-12C-403. All employee and employer contributions to the system and the necessary supporting data ~~shall must~~ be transmitted by the employer at least monthly to the system. If the employer does not have a pay date in the month, no report is required in that month. Each monthly transmission for each respective calendar month ~~shall must~~ be dated no later than the last day of the month in which the transmission is required and must be completed by the fifteenth day of the following month. All supporting data ~~shall must~~ be transmitted electronically, in a format determined by system personnel. All contributions ~~shall must~~ be deposited with the state treasurer in the fund established to administer this chapter.

If any participating unit fails to deliver contributions with respect to compensation paid in any month and the necessary supporting data by the fifteenth day of the following month, the participating unit ~~shall must~~ pay to the system a penalty equal to five percent of the delinquent contributions. The delinquent contributions and the penalty ~~shall must~~ bear interest at the assumed rate of return from the date due until the date paid. In calculating accumulated contributions, all contributions with respect to compensation paid in any fiscal year ~~shall must~~ be included in the calculation of interest credited for that fiscal year.

Section 31. That a NEW SECTION be added to chapter 3-12C:

If a participating unit has at least one pay date in a month, the participating unit must prepare at least one contribution report for the month. If a participating unit has no pay date in a particular month, no report is required for the month.

Each report must be dated no later than the last day of the month being reported.

Each report must state any pay date and associated contributions for the month. The report and associated contributions must be transmitted to the system as provided for in § 3-12C-403.

Section 32. That § 3-12C-407 be AMENDED:

3-12C-407. For any foundation member, ~~the term,~~ "accumulated contributions," means the sum of:

- (1) All contributions made by the member, ~~including and any~~ member contributions made by an employer after June 30, 1984, pursuant to § 3-12C-401;
- (2) For a member whose contributory service concluded after June 30, 2010, eighty-five percent of the employer contributions or noncontributory service, if the member had three years or more of contributory service, and fifty percent of the employer contributions, if the member had less than three years of service; or for a member whose contributory service concluded before July 1, 2010, one hundred percent of the employer contributions or noncontributory service, if the member had three years or more of contributory service, and seventy-five percent of the employer contributions, if the member had less than three years of service;
- (3) Member redeposits and ~~member credited~~ member-credited service purchases pursuant to §§ 3-12C-504, 3-12C-509, and 3-12C-511; and
- (4) The effective rate of interest earned on the sum of subdivisions (1), (2), and (3) of this section.

Section 33. That § 3-12C-502 be AMENDED:

3-12C-502. For any foundation member, ~~the term,~~ "credited service," means:

- (1) Years of service, or fractions thereof, for which a member-credited ~~member contributions were contribution was~~ made to the system;
- (2) Years of noncontributory service, or fractions thereof, credited before July 1, 1974, previously credited under the provisions of the retirement systems consolidated pursuant to § 3-12C-1601;
- (3) Any period of authorized leave of absence or sick leave with pay, for which a deduction for any member-credited ~~deductions a deduction for any member contributions are contribution was~~ made, deposited, and credited to the fund;
- (4) Any period of authorized leave of absence or sick leave without pay or temporary layoff, during or for which a member obtained credit by payments to the fund made in lieu of salary deductions;
- (5) Any period during which a member is on an authorized leave of absence to enter military service, if the member fulfills the requirements set forth in ~~provisions of~~ § 3-12C-514;
- (6) Years of service, or fractions thereof, by faculty and administrators employed by the Board of Regents ~~board of regents~~ before April 1, 1964, credited pursuant to §§ 3-12C-1611 and 3-12C-1612;
- (7) Years of noncontributory service, or fractions thereof, earned before July 1, 1967, but not credited under the South Dakota public employee retirement system as it was consolidated pursuant to § 3-12C-1601, because the person individual ~~person~~ earned the service prior to attaining the age of thirty. The service shall must ~~shall~~ be credited only to an individual who was a contributing member ~~those persons who are an individual who was a contributing member~~ on July 1, 1987. No service may be credited pursuant to this subdivision to any member who has withdrawn the member's accumulated contributions after July 1, 1967; and

- (8) Years of noncontributory service, or fractions thereof, earned by a member from July 1, 1967, to June 30, 1974, inclusive, but not credited under the South Dakota public employee retirement system because of the age and service restrictions established under that system.

Section 34. That § 3-12C-503 be AMENDED:

3-12C-503. For any generational member, ~~the term, "credited service,"~~ means the sum of the following:

- (1) Years of service, or fractions thereof, for which a member contributions were contribution was made to the system;
- (2) Any period of authorized leave of absence or sick leave with pay, ~~for which deductions a deduction for any member contributions are contribution was~~ made, deposited, and credited to the fund;
- (3) Any period of authorized leave of absence or sick leave without pay or temporary layoff, during or for which a member obtained credit by payments to the fund made in lieu of salary deductions; and
- (4) Any period during which a member is on an authorized leave of absence to enter military service, if the member fulfills the ~~provisions of~~ requirements set forth in § 3-12C-514.

Section 35. That § 3-12C-504 be AMENDED:

3-12C-504. A current contributing member of the system may receive credited service by election to make, or have made on the member's behalf, contributions, based on the higher of the member's current compensation, or the member's final compensation calculated as if the member retired on the date of election, at an actuarially-determined percentage times the member rate, for each year of service for which the member wishes to receive credit, if:

- (1) The current contributing member of the system could have established credit for any South Dakota public service by making contributions under this chapter or any prior law; or
- (2) The current contributing member was not permitted to establish credit for any South Dakota public service.

The amount of the credited service and the rate of contribution ~~shall~~ must be at class A rates, ~~unless the service for which credit is sought was rendered as a class B member, in which case class B rates shall apply.~~ If a participating unit has failed to pay any employer or member ~~contributions contribution~~ to the system on behalf of a member, as required under this chapter or under any predecessor system consolidated pursuant to § 3-12C-1601, the amount due the system ~~shall~~ must be calculated in accordance with this section.

The member rate in effect as of July 1, 2001, ~~shall~~ must be used in the calculation of the purchase cost of any service performed prior to July 1, 2002, if a contract to purchase ~~such service is the service was~~ in place prior to July 1, 2004. The member rate in effect on and after July 1, 2002, ~~shall~~ must be the basis for calculation of the purchase cost of any service, ~~if the contract to purchase such service is the service was~~ not in place until on or after July 1, 2004.

Section 36. That § 3-12C-514 be AMENDED:

3-12C-514. A member ~~shall~~ must receive credited service for leave of absence due to qualified military service, authorized in advance by the employer, without contribution by the employee or employer, ~~if the member returns to the~~

employ of a participating unit within one year from the member's date of discharge from the member's initial period of qualified military service and if the member remains in the employ of a participating unit for at least one year. The member may not receive credited service for any voluntary extension of qualified military service at the instance of the member beyond the initial period of enlistment, induction, or call to active duty. Credited service granted under this section ~~shall~~ be is only for the initial period ~~of time~~ that the member is performing qualified military service. No credited service granted under this section may be considered to represent either member contributions or an employer contributions for purposes of contribution withdrawals pursuant to this chapter.

If the member returns to the employ of the member's employer unit within one year of discharge from the initial period of qualified military service, but does not remain in the employ of the unit for at least one year, the member ~~shall~~ must be granted credited service for the initial period of qualified military service pursuant to § 414(u)(8) of the Internal Revenue Code if the member deposits with the system employee contributions for the initial period of the qualified military service as provided for in § 414(u)(8)(C). The contributions ~~shall~~ must be made in a lump sum, ~~shall~~ must be based on the member's compensation immediately prior to the leave of absence, and ~~shall~~ must be without interest. The participating unit that was the member's employer prior to the leave of absence shall deposit any employer contributions in an equal amount with the system. ~~Other~~ Notwithstanding other provisions of this chapter ~~notwithstanding~~, the member need not be a contributing member at the time the member deposits the contributions. The member is subject to the time limitations for payment as provided for in § 414(u)(8)(C).

Section 37. That § 3-12C-518 be AMENDED:

3-12C-518. A current contributing Class B public safety member ~~other than a justice, judge, or magistrate judge,~~ may convert the following credited services as a Class A member with benefits, as provided for in § 3-12C-1106, to a credited service as a Class B public safety member with benefits, as provided for in § 3-12C-1107:

- (1) Credited service as a county sheriff or deputy county sheriff before January 1, 1980, or credited service as a county sheriff or deputy county sheriff while not certified from January 1, 1980, to June 30, 1988, inclusive; ~~credited~~
- (2) Credited service as a police officer while not certified from July 1, 1983, to June 30, 1988, inclusive; ~~credited~~
- (3) Credited service as a correctional security staff member before July 1, 1978; ~~credited~~
- (4) Credited service as a conservation officer before July 1, 1983; ~~credited~~
- (5) Credited service as a parole agent before July 1, 1991; and ~~credited~~
- (6) Credited service as an air rescue firefighter before July 1, 1992, ~~from credited service as a Class A member with benefits provided in accordance with § 3-12C-1106 to credited service as a Class B member other than a justice, judge, or magistrate judge, with benefits provided in accordance with § 3-12C-1107,~~

The current contributing Class B public safety member may, by election ~~to,~~ make, or have made on the member's behalf, ~~contributions~~ a contribution based on the higher of the member's current compensation, or the member's final average compensation calculated as if the member retired on the date of election, at an ~~actuarially determined~~ actuarially determined percentage times each year of

service for which the member wishes to receive Class B credit. The provisions of this section also apply to a current contributing Class B public safety member, ~~other than a justice, judge, or magistrate judge,~~ who previously ~~has~~ purchased equivalent public service pursuant to the provisions of § 3-12C-509.

Payment of a deposit with the system for the conversion of credited service in accordance with this section ~~shall~~ must be determined and due at the time the notice of intention to make the payment is received by the system. The amount due may be paid by periodic level installments over a period of up to ten years, the value of which, if discounted for interest at the assumed rate of return, is equal to the amount due at the date of the notice. If a member dies before completion of the installment payments, the surviving spouse may complete the payments due to the system, ~~but unless.~~ However, if a member dies before completion of the installment payments and the payments are being made by a participating unit, the amount ~~shall~~ must be paid in full within ninety days of the member's death or retirement. If the periodic payments are not completed or paid when due, the executive director may make a pro rata adjustment to the credited service, benefits payable under this chapter, ~~or~~ schedule of payments to allow for the default.

If the credited service of any member or group of members becomes a Class B credited service on a prospective basis after June 30, 1993, the prior credited service as a Class A member may be converted to Class B credited service in accordance with this section.

If a jailer becomes a Class B public safety member ~~other than a justice, judge, or magistrate judge,~~ the jailer is eligible to convert prior credited service as a jailer under this section.

Section 38. That § 3-12C-519 be AMENDED:

3-12C-519. If a current contributing Class B public safety member of this system, ~~other than a justice, a judge, or a magistrate judge,~~ has equivalent public service for which the member is not entitled to retirement benefits from another public retirement system, the member may elect to deposit or have deposited on the member's behalf an amount equal to an ~~actuarially determined~~ actuarially determined percentage times the appropriate Class B rate of contribution multiplied by the higher of the member's annual compensation at the time of making the election, or the member's final average compensation calculated as if the member retired on the date of the election, for each year of equivalent public service for which the member wishes to receive credit as a Class B member.

Section 39. That § 3-12C-603 be AMENDED:

3-12C-603. A member who elects to withdraw accumulated contributions, ~~as provided for in § 3-12C-602,~~ or a member's surviving spouse or nonspouse beneficiary who receives a lump-sum payment pursuant to § 3-12C-409, may receive the distribution directly. ~~Eligible~~ An eligible rollover ~~distributions~~ distribution may be transferred by the system in a direct rollover to no more than one eligible retirement plan under § 401, 403(b), 408, 408A, or 457(b) of the Internal Revenue Code, as identified by a member, or a member's surviving spouse, ~~or a member's nonspouse beneficiary~~ if the individual so elects. A member's nonspouse beneficiary may transfer a portion or all of the member's account by rollover to an eligible plan under § 408 or 408A.

The board shall promulgate rules pursuant to chapter 1-26, to comply with federal mandates regarding rollover distributions.

The system is not required to make an independent determination as to whether the plan identified by a member, surviving spouse, or nonspouse

beneficiary qualifies as an eligible retirement plan. By electing a direct rollover and identifying the eligible retirement plan to which an eligible rollover distribution is to be made, a member, surviving spouse, or nonspouse beneficiary represents to the system that the identified plan qualifies as an eligible retirement plan. If a member, surviving spouse, or nonspouse beneficiary does not elect a direct rollover, the distribution ~~shall~~ must be issued in the name of, and directly to, that ~~person~~ individual.

Section 40. That § 3-12C-702 be AMENDED:

3-12C-702. For ~~the~~ purposes of determining eligibility for, and the amount of, any benefit payable pursuant to this chapter, the first day of the month in which ~~a person's~~ an individual's birthday falls is considered ~~a person's~~ the individual's birthday.

Section 41. That § 3-12C-703 be AMENDED:

3-12C-703. The COLA payable ~~shall~~ must be applied annually to all benefits except those based on the member's accumulated contributions, variable retirement account, or contribution credit. ~~However, the~~ The COLA ~~shall~~ must be eliminated for any period of time that a retired member reenters covered employment in the system, unless the member retired as a Class B public safety member ~~other than a justice, judge, or magistrate judge~~ and subsequently has reentered covered employment as a Class A member, or ~~unless~~ the member retired without a benefit suspension pursuant to § 3-12C-1402, and then reentered active status before July 1, 2004. ~~Such~~ The elimination ~~shall~~ of the COLA must cease when the member again retires and draws either a refund or an additional retirement benefit.

Section 42. That § 3-12C-711 be AMENDED:

3-12C-711. Pursuant to chapter 1-26, ~~the~~ The board ~~shall adopt~~ may promulgate rules ~~regulating,~~ in accordance with chapter 1-26, to regulate the maximum annual benefit that may be paid to a member. The rules ~~shall~~ must be consistent with maintaining the tax qualification of the system. No benefit may exceed the limitations imposed by § 415 of the Internal Revenue Code, as indexed pursuant to § 415(d)(1) of the Internal Revenue Code.

For ~~the~~ purposes of administering the limitations imposed by § 415, ~~the term, "limitation year,"~~ means a period extending from July first of one calendar year through June thirtieth of the following calendar year.

Section 43. That a NEW SECTION be added to chapter 3-12C:

If a member has been credited with less than ten years of credited service, the maximum annual retirement benefit must be reduced by multiplying the maximum annual pension by a fraction, the numerator of which is the number of the member's years of credited service and the denominator of which is ten.

The limits as provided by § 415 of the Internal Revenue Code apply to a straight life annuity with no ancillary benefits and to an annuity that constitutes a qualified joint and survivor annuity, provided payment begins between ages sixty-two and sixty-five. The limits do not apply to any portion of a benefit resulting from required member contributions made on an after-tax basis.

If payment begins before age sixty-two, the limits are reduced so they are actuarially equivalent to a benefit beginning at age sixty-two.

For a police officer or firefighter who is a member of the system, the limit may not be reduced for retirement before age sixty-two, regardless of retirement age, provided that the member has completed at least fifteen years of credited service.

If a member's benefit is limited by the maximum annual retirement benefit, the member may be eligible for a benefit as determined by § 3-12C-1805. The interest assumption for purposes of determining actuarial equivalency under this section is five percent annually. The mortality assumption is the applicable mortality table under § 417(e)(3) of the Internal Revenue Code.

Section 44. That § 3-12C-804 be AMENDED:

3-12C-804. No application for disability benefits pursuant to § 3-12C-803, may be determined until the employer has certified to the system that, within the employer's understanding of the member's medical condition and the employer's knowledge of the member's employment requirements and duties, the employer is unable to provide to the member either effective accommodations in the member's current position or a comparable level employment in another position.

Section 45. That § 3-12C-808 be AMENDED:

3-12C-808. When a ~~person~~ member who is receiving a disability benefit reaches age sixty-five, or at ~~such a~~ a later date if there are no eligible children, or if over age sixty at the time of commencement of disability, after a period of five years, the member's disability benefit ~~shall must~~ shall must be terminated and thereafter the member ~~shall must~~ shall must receive the benefit payable for service retirement at that age, calculated on the projected compensation and projected service. If a ~~person~~ member who received a disability benefit returns to employment prior to normal retirement age, the member's credited service ~~shall must~~ shall must include the time of disability.

If a member receiving a disability benefit ceases to be disabled, elects to convert to a retirement benefit, or is converted to a retirement benefit pursuant to this section, the disability benefit is terminated. The member shall receive credited service for the period that the member receives a disability benefit, except as provided for in this section, and not beyond the member's normal retirement age.

The provisions of this section apply to any member whose application for disability benefits is received by the system prior to July 1, 2015.

Section 46. That § 3-12C-809 be AMENDED:

3-12C-809. A member's disability benefit that was based on an application received by the system prior to July 1, 2015, ~~shall must~~ shall must terminate thirty days after the earliest of the following:

- (1) The member ~~no longer~~ is no longer disabled;
- (2) The member ~~no longer~~ is no longer subject to the medical condition that caused the disability;
- (3) The member refuses to undergo a medical examination requested by the system for the purpose of reviewing the medical condition that caused the disability;
- (4) The member returns to continuous employment in the position the member held prior to becoming disabled; or

- (5) The member returns to continuous employment, including self employment and employment by an employer that is not a participating unit, in a position of comparable level to the position to what the member held prior to becoming disabled.

~~However, a~~ A member's disability benefit shall must terminate immediately if the member elects to convert to a retirement benefit or if member's disability benefit is converted to a service retirement benefit pursuant to § 3-12C-808. The member shall receive credited service for the period that the member received a disability benefit, but except as provided for in § 3-12C-808, not beyond the member's normal retirement age.

Section 47. That § 3-12C-901 be AMENDED:

3-12C-901. On the death of a contributing member before July 1, 2015, and before the earlier of the member attaining normal retirement age or the member's retirement, who has one or more years of contributory service; or if there has been a break in the member's employment of more than one year, one-half year of contributory service having been performed after the end of the last break; or if the member was receiving a disability benefit which commenced after July 1, 1974, and was based on an application received by the system before July 1, 2015, the following benefits ~~shall must~~ be paid:

- (1) A surviving spouse having the care of children shall receive an annual amount, payable in monthly installments, equal to forty percent of the member's projected compensation, plus ten percent of the projected compensation for each child to a maximum of six children;
- (2) The conservator or custodian of each child, on whose account there is no benefit payable under subdivision (1) of this section, shall receive on behalf of each child, to a maximum of five children, an annual amount, payable in monthly installments, equal to twenty percent of the member's projected compensation;
- (3) If the sum of benefits payable under subdivisions (1) and (2) of this section exceeds one hundred percent of the member's projected compensation, the benefits payable under both subdivisions (1) and (2) ~~shall of this section must~~ be proportionally reduced so that the total of the benefits is equal to one hundred percent of the member's projected compensation; and
- (4) If there are no benefits being paid under subdivision (1) of this section and the member's accumulated contributions have not been withdrawn pursuant to § 3-12C-906, the spouse who has reached age sixty-five shall, upon the system's receipt of a completed application, receive a monthly payment equal to sixty percent of the amount which would have been payable to the deceased member at normal retirement age based on the member's credited and projected service, projected compensation, and projected primary social security. If the surviving spouse is eligible at the time of the member's death, the benefit is effective the first day of the month following the date on which the member's contributory service terminates. The benefit payable under this subdivision ~~shall must~~ be increased by application of the COLA commencing each July first for each complete twelve-month period between the date the member would have reached normal retirement age and the date benefits commence to the spouse.

For benefits payable pursuant to ~~subdivisions~~ subdivision (1) or (2) of this section, the benefit is effective the first day of the month following the date on which the member's contributory service terminates and is payable upon the receipt of a completed application.

For purposes of this section, "care of children" means the responsibility for the maintenance, education, and supervision of one or more children.

Section 48. That § 3-12C-1001 be AMENDED:

3-12C-1001. Within three hundred sixty-five days of becoming a member, within ninety days of attaining age thirty-five, or within ninety days of the first anniversary of a marriage, a member may elect to provide the member's spouse with additional survivor protection by increasing the member's contribution by an additional one and five-tenths percent of compensation, which additional contribution may not be matched by the member's employer. The additional contribution ~~shall~~ must commence with the first payroll period following the date of the election. ~~It shall~~ The additional contribution must continue until one of the earlier of the following occurs:

- (1) ~~The member's spouse attaining~~ attains the age sixty-five, the;
- (2) ~~The death or disability of the member, the;~~
- (3) ~~The death of the spouse;~~
- (4) ~~The termination of the member's employment; or the~~
- (5) ~~The termination of the marriage as defined in the rules of the board of trustees through a divorce decree or an annulment.~~

The additional contribution may not be treated as a member contribution for purposes of determining the amount of refund of accumulated contributions. ~~However, the contributions~~ Contributions paid prior to January 1, 1979, ~~shall~~ must be considered part of accumulated contributions for determining the amount of refund if the member terminates employment. Notwithstanding any other provision of this section, a member who is currently contributing to the system may terminate the additional survivor protection under this section, but all funds contributed for the additional survivor protection ~~shall~~ must remain with the system and may not be considered as part of the member's accumulated contributions.

~~For the~~ purposes of implementing this section, the one and two-tenths percent contribution for additional survivor protection was applied to all compensation received on or after July 1, 2004, regardless of when that compensation was earned, and the one and five-tenths percent of compensation ~~shall~~ must be applied to all compensation received on or after July 1, 2010, regardless of when ~~that the~~ compensation was earned.

Section 49. That § 3-12C-1106 be AMENDED:

3-12C-1106. Upon retirement, a foundation member shall receive a normal retirement benefit, commencing at normal retirement age or thereafter as provided for in § 3-12C-1113, for Class A credited service, equal to the larger of one and seven-tenths percent of final average compensation for each year of Class A credited service before July 1, 2008, plus one and fifty-five hundredths percent of final average compensation for each year of Class A credited service after July 1, 2008, or two and four-tenths percent of final average compensation for each year of Class A credited service before July 1, 2008, plus two and twenty-five hundredths percent of final average compensation for each year of Class A credited service after July 1, 2008, less other public benefits.

For purposes of this section, ~~federal:~~

- (1) ~~Federal~~ military retirement or federal national guard retirement benefits are not other public benefits. ~~For the purposes of this section, any; and~~
- (2) ~~Any~~ Class A member with a period of employment with any public employer not covered by federal social security ~~shall be~~ is presumed to be entitled to the maximum primary social security benefit permitted at the time of retirement. Class A credited service ~~includes~~ is all credited service under ~~this~~ the system or any of the retirement systems consolidated pursuant to § 3-12C-1601.

Section 50. That a NEW SECTION be added to chapter 3-12C:

A member may not elect to change normal payment of the member's retirement annuity in favor of adjusted payments pursuant to § 3-12C-1112, or the opposite if more than one monthly retirement annuity payment has been made to the member. If a member who has received one adjusted payment, pursuant to § 3-12C-1112, elects to change to the normal method of payment, the system must deduct, in a lump sum, the amount of the resulting overpayment from the member's next monthly annuity payment. A deduction may be up to one hundred percent of the member's normal benefit and may extend to subsequent benefit payments to eliminate the overpayment in the shortest time possible.

Section 51. That § 3-12C-1114 be AMENDED:

3-12C-1114. ~~Upon the death of a foundation retiree or~~ any foundation member who has reached normal retirement age ~~or who has retired with a benefit payable from the system~~, the surviving spouse is eligible to receive a benefit, payable in monthly installments, equal to sixty percent of the retirement benefit that the foundation member was receiving or was eligible to receive at the time of death. The surviving spouse benefit of a spouse of a retiree is effective the first day of the month following the death of the member and is payable upon the receipt of a completed application. The surviving spouse benefit of a spouse of a member who had reached normal retirement age, but had not begun a retirement benefit, is effective the first day of the month following the date on which the member's contributory service terminates and is payable upon the receipt of a completed application.

Section 52. That a NEW SECTION be added to chapter 3-12C:

If a retired member becomes reemployed by the same employer unit the member retired from within one year after the member's retirement, the system may require both the member and the employer unit to certify that:

- (1) The member's termination was a complete severance of employment and the member has been separated from service for at least three consecutive calendar months prior to reemployment, as provided for in § 3-12C-1401;
- (2) All standard hiring and employment procedures of the employer unit were followed in the reemployment process; and
- (3) No prior agreement to reemploy the member, either overt or covert, existed between the member and the employer unit or any officer of the employer unit.

An employer unit's chief executive officer, the officer's agent, or the chair of the employer's governing commission or board shall provide the certification on behalf of the employer unit. The system must provide forms for the member's and

the employer unit's certifications. An intentionally false certification is perjury, as provided for in § 22-29-9.1.

Section 53. That § 3-12C-1403 be AMENDED:

3-12C-1403. If less than three years of contributory service or noncontributory service is acquired after a retired member's reentry into covered employment, the member upon subsequent retirement ~~shall~~ must receive a refund of the member's accumulated contributions.

If three years or more of contributory service or noncontributory service is acquired after a retired member's reentry into covered employment, the member upon subsequent retirement may receive either a refund of the member's accumulated contributions or an additional benefit based upon the member's credited service and final compensation earned during ~~such the~~ the reentry. Only the member's credited service from the subsequent employment ~~shall~~ must be taken into account in calculating a reduction pursuant to § 3-12C-1111, if any, in the member's additional benefit. ~~In addition, the The~~ The COLA applied to the original benefit pursuant to § 3-12C-703 ~~shall, must~~ must be eliminated for the period of reemployment, unless the member retired as a Class B public safety member ~~other than a justice, judge, or magistrate judge~~ and subsequently reentered covered employment as a Class A member.

The provisions of this section apply to any member who retired without any reduction in benefits pursuant to § 3-12C-1111, and who reenters covered employment after June 30, 2004, but before April 1, 2010.

Section 54. That § 3-12C-1405 be AMENDED:

3-12C-1405. Except as provided for in § 3-12C-1405.1, if a retired member reenters covered employment at some time after the three consecutive calendar months that start with the member's effective date of retirement, the member's retirement benefits and continued membership ~~shall~~ must be administered pursuant to this section.

The member's monthly retirement benefit ~~shall be~~ is reduced by fifteen percent and the COLA ~~shall be~~ is eliminated throughout the period that the member reenters covered employment. The reduction and elimination ~~shall~~ must cease if the member again terminates covered employment. ~~However, the The~~ The reduction and elimination do not apply if the member retired as a Class B public safety member ~~other than a justice, judge, or magistrate judge~~ and subsequently reenters covered employment as a Class A member.

The contributions required of the member ~~shall~~ must be deposited by the member's participating unit with the system for the benefit of the member to be transferred to an account within the deferred compensation program established pursuant to chapter 3-13. The contributions ~~shall be~~ are governed by § 457 of the Internal Revenue Code. ~~However, the The~~ The contributions required of the member's employer unit ~~shall~~ must be deposited into the fund created by this chapter, but with no association or credit to the member. The member may not earn any additional benefits associated with the period that the member reenters covered employment.

The provisions of this section do not apply to a Class D member who reenters covered employment.

Section 55. That a NEW SECTION be added to chapter 3-12C:

A participant's monthly supplemental pension benefit is based on the participant's single premium and the current interest rate assumption at the time

of purchase, and must take into account the participant's age, gender, and marital status at the time of purchase. A participant has no expectation or fundamental right to any particular monthly benefit amount, including the amount of a monthly benefit being paid to another participant.

Section 56. That a NEW SECTION be added to chapter 3-12C:

The system may pay the participant's monthly supplemental pension benefit and the participant's monthly retirement benefit in separate payments. Each payment is a separate benefit, including provision of a separate Internal Revenue Service Form 1099-R for each payment by the system.

Section 57. That a NEW SECTION be added to chapter 3-12C:

A participant who is married at the time that the participant contracts for a supplemental pension benefit shall provide a copy of the participant's marriage license to the system.

Section 58. That a NEW SECTION be added to chapter 3-12C:

A supplemental pension spouse's benefit must receive an annual increase in the same manner as does a participant's benefit.

Section 59. That a NEW SECTION be added to chapter 3-12C:

For purposes of calculating any beneficiary payment, a participant's single premium does not increase in value during the period of the supplemental pension contract.

Section 60. That a NEW SECTION be added to chapter 3-12C:

Any supplemental pension benefit calculation or payment is deemed to be reasonable and made in good faith under § 401(a)(9) of the Internal Revenue Code.

Section 61. That a NEW SECTION be added to chapter 3-12C:

For purposes of this chapter, a member of the system who has received payment of at least one monthly retirement benefit is a retiree, even if the member has returned to employment with a member unit, either with or without suspension of the retirement benefit.

Section 62. That § 3-12C-1606 be AMENDED:

3-12C-1606. Notwithstanding the repeal on July 1, 1974, of chapters 3-12~~7~~, 3-13~~7~~, 9-15~~7~~, 13-45~~7~~, certain provisions of chapter 16-8~~7~~, chapter 16-11A~~7~~, and certain provisions of chapter 33-13, all members of systems established thereunder ~~shall be~~ are entitled to retire at the age, with the length of service and the benefits available to ~~them~~ the members, under those provisions or the provisions of this chapter.

For ~~the~~ purposes of this section, the executive director shall retain as part of the permanent files all volumes of the South Dakota Codified Laws.

Section 63. That § 3-12C-1612 be AMENDED:

3-12C-1612. All benefits payable pursuant to § 3-12C-1106 ~~shall~~ must be reduced by the actuarial equivalent that could be purchased by a sum of money equal to twice the value of the Board of Regents' balance payable at the member's

retirement. The Board of Regents is hereby authorized, if the Board of Regents receives member approval, to deposit with the system the individual balance accumulated in the regents retirement system during the period of April 1, 1964, to June 30, 1975. ~~Such The deposit shall must~~ not include the excess balance, as defined in § 3-12C-1608. ~~In the administration of this chapter, the~~ The individual balance shall be is considered as a member-contributions contribution.

Section 64. That § 3-12C-1624 be AMENDED:

3-12C-1624. ~~All amounts Any amount~~ transferred to the system from the municipality of Aberdeen firemen's relief and pension fund, which, under the ~~Aberdeen firemen's relief and pension fund, were fund was~~ credited to the accounts of individual employees ~~are, is~~ considered a member-contributions under this chapter contribution.

Section 65. That § 3-12C-1628 be AMENDED:

3-12C-1628. ~~All amounts Any amount~~ transferred to the system from the city of Watertown firemen pension fund, which under the ~~city of Watertown firemen pension fund were fund was~~ credited to the accounts of individual employees ~~are, is~~ considered a member-contributions under this chapter contribution.

Section 66. That § 3-12C-1633 be AMENDED:

3-12C-1633. ~~All amounts Any amount~~ transferred to the system from the city of Mitchell firemen's pension plan, which under the plan ~~were was~~ credited to the accounts of individual employees ~~are, is~~ considered a member-contributions under this chapter contribution.

Section 67. That § 3-12C-1639 be AMENDED:

3-12C-1639. ~~All amounts Any amount~~ transferred to the system from the city of Huron firemen pension fund, which under the fund ~~were was~~ credited to the accounts of individual members ~~are, is~~ considered a member-contributions under this chapter contribution.

Section 68. That § 3-12C-1645 be AMENDED:

3-12C-1645. Any amount transferred to the system from the cement plant retirement fund pursuant to § 3-12C-1642, which under the cement plant retirement plan ~~were was~~ credited to the accounts of individual members, ~~are is~~ considered a member-contributions contribution.

Section 69. That § 3-12C-1702 be AMENDED:

3-12C-1702. ~~For the purposes of determining the benefits of a county sheriffs and sheriff or a deputy county sheriffs, sheriff~~ for credited service earned prior to January 1, 1980, the benefits ~~shall be are~~ calculated pursuant to § 3-12C-1106 ~~and for.~~ For credited service after January 1, 1980, the benefits ~~shall be are~~ calculated pursuant to § 3-12C-1107. Nothing in this chapter ~~shall may~~ be construed as an abridgement of the right of a sheriff to exercise ~~his the~~ right to elect to participate pursuant to § 3-12C-303.

Section 70. That § 3-12C-1705 be AMENDED:

3-12C-1705. For purposes of determining the retirement benefits of a foundation member conservation ~~officers, officer~~ for credited service earned before July 1, 1983, ~~the benefits shall be~~ are calculated pursuant to § 3-12C-1106 ~~and for.~~ For credited service earned after June 30, 1983, ~~the benefits shall be~~ are calculated pursuant to § 3-12C-1107.

For purposes of credited service earned before July 1, 1983, a conservation officer has a normal retirement age of sixty-five. For purposes of credited service earned after June 30, 1983, a foundation member conservation officer has a normal retirement age of fifty-five.

Section 71. That § 3-12C-1706 be AMENDED:

3-12C-1706. To determine the retirement benefits of a conservation ~~officers, officer~~ employed by the Department of Game, Fish and Parks, Division of Custer State Park, and a park ~~rangers, ranger~~, for credited service earned prior to July 1, 1995, the benefits ~~shall be~~ are calculated pursuant to § 3-12C-1106 ~~and for.~~ For credited service after June 30, 1995, the benefits ~~shall be~~ are calculated pursuant to § 3-12C-1107.

Section 72. That § 3-12C-1801 be AMENDED:

3-12C-1801. For ~~the purposes of this part §§ 3-12C-1801 to 3-12C-1817,~~ inclusive, a participant is a member, retiree, or the surviving spouse of a member or retiree, who is eligible to participate in the qualified benefit preservation arrangement as determined by § 3-12C-1804.

Section 73. That § 3-12C-1802 be AMENDED:

3-12C-1802. For ~~the purposes of this part §§ 3-12C-1801 to 3-12C-1817,~~ inclusive, the qualified benefit preservation arrangement is an arrangement under section 415(m) of the Internal Revenue Code and established in § 3-12C-1803.

Section 74. That § 3-12C-1808 be AMENDED:

3-12C-1808. The system ~~shall~~ must determine the amount necessary to pay the benefits under § 3-12C-1805, for each calendar year. The required contribution ~~will be~~ is the aggregate of the benefits payable under § 3-12C-1805 to all participants for the calendar year and an amount determined to be a necessary and reasonable expense of administering the qualified benefit preservation arrangement. Contributions may not be calculated in a manner designed to pay future benefits under § 3-12C-1805. Each payment of contributions by an employer that would otherwise be made to the system fund ~~will~~ must be reduced by the amount necessary to pay the benefits under § 3-12C-1805, and ~~these the~~ contributions ~~will~~ must be deposited in the qualified benefit preservation arrangement trust fund. ~~The Any employer contributions contribution otherwise required under the terms of this chapter shall be~~ is divided into ~~those the~~ contributions required to pay the benefits under § 3-12C-1805, and ~~those the~~ contributions paid into and accumulated in the system fund to pay the maximum benefits permitted. ~~Under no circumstances may Any employer contributions contribution to fund the benefits under § 3-12C-1805 may not be credited to or commingled with contributions any contribution paid into and accumulated in the system fund, as otherwise prohibited by §§ 3-12C-219 and 3-12C-1803.~~ The amount deducted from an employer ~~contributions contribution~~ and deposited into the qualified benefit preservation arrangement fund does not increase the amount of employer contributions required under the system fund. Any ~~contributions contribution~~ not used to pay the benefits under § 3-12C-1805 for a current

calendar year, together with any income accruing to the qualified benefit preservation arrangement fund, ~~shall be~~ is used to pay the administrative expenses of the qualified benefit preservation arrangement for the calendar year. Any ~~contributions~~ contribution not used to pay the benefits under § 3-12C-1805 for the current calendar year that remain after paying administrative expenses ~~shall be~~ is used to fund administrative expenses or benefits of participants in future years.

The system ~~shall~~ must account separately for the amounts determined to be necessary to provide the benefits under § 3-12C-1805 for each participant. ~~However, this~~ The separate accounting does not constitute setting aside ~~these~~ the amounts for the benefit of a participant. Benefits under § 3-12C-1805 ~~shall~~ must be paid from the qualified benefit preservation arrangement fund.

Any consultant or outside auditor, attorney, or actuary performing services for the system may also perform services for the qualified benefit preservation arrangement. Any fees attributable to services performed with respect to the qualified benefit preservation arrangement are payable solely from the qualified benefit preservation arrangement fund.

Section 75. That § 3-12C-1810 be AMENDED:

3-12C-1810. Any assets held by the qualified benefit preservation arrangement to assist in meeting the employer's obligations under the qualified benefit preservation arrangement, including ~~all amounts of~~ employer contributions made under the qualified benefit preservation arrangement, all property and rights acquired or purchased with these amounts, and all income attributable to these amounts ~~shall~~ must be held separate and apart from other funds of the employer and ~~will be~~ used exclusively for the uses and purposes of participants and general creditors, as set forth in this part. Participants have no preferred claim on, or any beneficial interest in, any assets of the qualified benefit preservation arrangement fund. Any rights created under this part are unsecured contractual rights of a participant against the employer. Any assets held by the qualified benefit preservation arrangement fund are subject to the claims of the employer's general creditors under federal and state law in the event of the employer's insolvency.

Income accruing to the qualified benefit preservation arrangement fund constitutes income derived from the exercise of an essential governmental function upon which the qualified benefit preservation arrangement fund is exempt from tax under ~~sections §§~~ §§ 115 and 415(m)(1) of the Internal Revenue Code.

Section 76. That § 3-13-55 be AMENDED:

3-13-55. The definitions contained in ~~§ 3-12C-101~~ chapter 3-12C apply to this chapter unless the context clearly otherwise requires. ~~In addition the following terms~~ Terms used in this chapter mean:

- (1) "Account," the record for each participant reflecting the amount of the participant's deferrals, allocated investment gains and losses, and administrative charges against those amounts;
- (2) "Accounting date," the date on which an investment is valued and the total investment return is allocated to a participant's account;
- (3) "Accumulated deferred compensation," compensation deferred by a participant in the plan, plus any investment return thereon;
- ~~(2)(4)~~ "Automatic enrollee," an individual who becomes an employee of an automatic enrollment unit;

- (5) "Automatic enrollment unit," any unit of state or local government that participates in the system and whose leadership chooses to provide automatic enrollment to the unit's employees;
- (6) "Compensation," total cash remuneration paid to an employee by a participating employer for personal services rendered to the participating employer;
- (7) "Deferred compensation" or "deferrals," the portion of a participant's compensation deferred pursuant to this plan, including, pre-tax contributions, designated Roth contributions, or both;
- (8) "Dependent," a participant's qualifying child or a participant's qualifying relative, as defined in § 152 of the Internal Revenue Code;
- (9) "Designated Roth contributions," a participant's deferred compensation that is includable in the participant's gross income at the time deferred and has been irrevocably designated as Roth contributions by the participant in accordance with federal law;
- (10) "Employee," an individual providing services to this state or a political subdivision of this state, for which compensation is paid by a participating employer, including:
 - (a) A member of the Legislature;
 - (b) A member of a board or commission of this state or a political subdivision of this state;
 - (c) An individual employed by an agency, board, or commission of this state or a political subdivision of this state; and
 - (d) An individual furnishing services to this state or a political subdivision of this state pursuant to a contract as an independent contractor;
- (11) "Includible compensation," the compensation remaining after subtracting any pre-tax contributions under the plan;
- (12) "Normal retirement date," the date a participant is eligible to retire, pursuant to chapter 3-12C, without reduced benefits;
- (13) "Participant," an employee of a participating employer who elects to participate in the plan;
- (14) "Participation agreement," the written agreement between an employer and an employee under which compensation is deferred pursuant to this plan;
- (15) "Plan," the South Dakota deferred compensation plan created pursuant to as provided for in this chapter; and
- ~~(3)~~ (16) "Pre-tax contribution," a participant's deferred compensation, which is not includable in the participant's gross income at the time deferred;
- (17) "Plan year," a calendar year ending on December thirty-first;
- (18) "Severance from employment," the complete severance of a participant's employment relationship with a participating employer, as set forth in § 457(d)(1)(A) of the Internal Revenue Code;
- (19) "Third-party administrator," a person who, pursuant to contract, handles administration of the plan on behalf of the board and the executive director;

- (20) "Unforeseeable emergency," a severe financial hardship to a participant resulting from:
- (a) An illness or accident of the participant, a dependent of the participant, or a designated beneficiary of the participant;
 - (b) The funeral expenses of a dependent of the participant or a designated beneficiary of the participant;
 - (c) A severe loss of income that is beyond the control of the participant;
 - (d) The loss of the participant's property due to casualty;
 - (e) The imminent foreclosure or eviction from a participant's primary residence; or
 - (f) Any other similar, extraordinary, and unforeseeable circumstance arising as a result of events beyond the control of the participant; and
- (21) "Vendor," a person selected by the state investment officer to provide investment or insurance products to the plan.

Section 77. That a NEW SECTION be added to chapter 3-13:

An eligible employee may become a participant by signing a participation agreement.

Participation is effective on the first available pay date following the execution of the participation agreement, subject to the timing of payroll processing by the participant's employer. If a participation agreement is untimely filed for a change to be made effective for the next following pay period, the change is effective in the subsequent pay period. If a new employee signs and files a participation agreement on the employee's date of hire, the agreement may become effective immediately.

The plan may not accept any deferrals unless a signed participation agreement is on file in the office of the executive director or the third-party administrator.

Section 78. That a NEW SECTION be added to chapter 3-13:

The executive director shall establish a participation agreement form that includes:

- (1) The name, address, social security number, and birthdate of the participant and the participant's beneficiary;
- (2) The name and address of the participant's employer;
- (3) The participant's selection of investment alternatives; and
- (4) Any other information necessary for the administration of the plan.

Section 79. That a NEW SECTION be added to chapter 3-13:

A participant may modify the terms of the participant's participation at any time, subject to the limitations contained in this chapter.

Section 80. That a NEW SECTION be added to chapter 3-13:

A participant may not defer less than twenty-five dollars per month.

Section 81. That a NEW SECTION be added to chapter 3-13:

Except as provided for in sections 98 and 99 of this Act, a participant may not defer more in any plan year than the lesser of:

- (1) The applicable dollar amount associated with a particular year pursuant to § 457(e)(15)(A) of the Internal Revenue Code, as indexed after 2006 pursuant to § 457(e)(15)(B) of the Internal Revenue Code; or
- (2) One hundred percent of the participant's includible compensation.

Section 82. That a NEW SECTION be added to chapter 3-13:

A participating employer or the system may make contributions to a participant's account on behalf of the participant, except during an automatic enrollee's ninety-day opt-out period, as provided for in section 133 of this Act. Any employer contributions must be pursuant to a written agreement, as provided for in § 3-13-49.1. The agreement may require contributions by a participant in order to qualify for an employer contribution and may establish employer contribution rates that partially or fully match the participant's contributions.

The board may establish any system contributions. The board may require a contribution by a participant in order to qualify for a system contribution and may establish system contribution rates that partially or fully match the participant's contribution. Any employer contribution or system contribution vests immediately with the participant.

Section 83. That a NEW SECTION be added to chapter 3-13:

A participant may cease making deferrals at any time.

Section 84. That a NEW SECTION be added to chapter 3-13:

A participant may designate a beneficiary to receive the participant's benefits under the plan in case of the death of the participant.

If the beneficiary does not survive the participant or if no beneficiary is designated, the participant's benefits are paid as follows:

- (1) To the participant's surviving spouse;
- (2) If there is no surviving spouse, then to all surviving children of the participant, irrespective of age, on a share-alike basis; or
- (3) If there is no surviving spouse and there are no surviving children, then to the participant's estate.

Section 85. That a NEW SECTION be added to chapter 3-13:

A political subdivision may not maintain a deferred compensation plan as its principal retirement plan unless the deferred compensation plan was established prior to 1974. A deferred compensation plan established pursuant to chapter 3-13 may only be supplemental or secondary to the political subdivision's primary plan.

Section 86. That § 3-13-57 be AMENDED:

3-13-57. The board may establish a designated Roth contribution program within the deferred compensation plan. For the purposes of this section, a "designated Roth contribution-is" means an elective salary deferral that is:

- (1) Designated irrevocably by the participant at the time of the deferred election as a designated Roth contribution that is being made in lieu of all or a portion of the pre-tax elective deferrals the participant is otherwise eligible to make under the plan; and
- (2) Treated by the employer as includable in the participant's income at the time the participant would have received that amount in compensation if the participant had not made a deferred election.

The board ~~shall~~ may promulgate rules, pursuant to chapter 1-26, ~~promulgate rules~~ relating to distributions, conversions, transfers, rollovers, and limitations with regard to the designated Roth contribution program in accordance with federal law.

Section 87. That a NEW SECTION be added to chapter 3-13:

Except as otherwise provided, a designated Roth contribution is treated as deferred compensation for all purposes under the plan.

Section 88. That a NEW SECTION be added to chapter 3-13:

A participant may designate that all or a portion of the participant's deferred compensation be treated as a designated Roth contribution. A participant may defer both designated Roth contributions and pre-tax contributions in the same year. The total deferrals may not exceed the annual deferral limit, as provided for in § 457(e)(15)(A) of the Internal Revenue Code.

Section 89. That a NEW SECTION be added to chapter 3-13:

Any political subdivision that participates in the system, as provided for in chapter 3-12C, or participates in a previously established retirement plan, as provided for in § 3-12C-304, is a participating employer in the plan.

Section 90. That a NEW SECTION be added to chapter 3-13:

Any employee receiving compensation from a participating employer may elect to participate in the plan.

Section 91. That a NEW SECTION be added to chapter 3-13:

If a participant receives approval of an unforeseeable emergency distribution, pursuant to section 115 of this Act, the participant must cease deferrals to the plan before the distribution may be completed.

Section 92. That a NEW SECTION be added to chapter 3-13:

Effective for each of the three calendar years immediately preceding a participant's normal retirement date, a participant may defer up to twice the dollar amount specified in section 87 of this Act.

Section 93. That a NEW SECTION be added to chapter 3-13:

Effective for any year that a participant attains age fifty years or older, or attains the age set forth in § 414(v)(2)(E) of the Internal Revenue Code, the participant may make an additional elective deferral equal to the applicable dollar amount associated with a particular year, pursuant to § 414(v)(2)(B) of the Internal Revenue Code, as indexed after December 31, 2006, pursuant to § 414(v)(2)(C) of the Internal Revenue Code, in addition to the participant's maximum deferral under section 87 of this Act.

Section 94. That a NEW SECTION be added to chapter 3-13:

A participant may not exercise the provisions of sections 98 and 99 of this Act in the same year.

Section 95. That a NEW SECTION be added to chapter 3-13:

A participant does not have actual ownership of deferrals and investments but has a contractual right to receive benefits under the plan. In accordance with § 457(g) of the Internal Revenue Code, all amounts of compensation deferred under the plan, all property and rights purchased with the amounts, and all income attributable to the amounts must be held in trust for the exclusive benefit of the participant until paid or made available to the participant or the participant's beneficiary pursuant to the plan. Any trust under the plan must be established pursuant to a written agreement that constitutes a valid trust under the law of this state.

All amounts of compensation deferred under the plan must be transferred to a trust established under the plan not later than fifteen business days after the end of the month in which the compensation would otherwise have been paid to the employee.

Section 96. That a NEW SECTION be added to chapter 3-13:

Each participant may elect to have deferrals invested in one or more of the investment alternatives selected by the state investment officer. A participant may change the election for future deferrals at any time.

Section 97. That a NEW SECTION be added to chapter 3-13:

Subject to any limitations imposed by a vendor or by the third-party administrator, a participant may elect to transfer any portion of the account balance from one offered investment alternative to another at any time, provided notice is given to the third-party administrator. Any costs associated with a transfer are borne by the participant and are deducted from the account.

Section 98. That a NEW SECTION be added to chapter 3-13:

An account must be established for each participant's pre-tax contributions. A separate account must be established for each participant's designated Roth contributions. The accounts are the basis for any distribution to the participant or to the participant's beneficiary, surviving spouse, surviving children, or estate, pursuant to section 90 of this Act.

Section 99. That a NEW SECTION be added to chapter 3-13:

No contributions other than a designated Roth contribution and a properly attributable investment return may be credited to a participant's designated Roth account. The plan must maintain separate recordkeeping for each designated Roth account and must record the year that the participant first made a designated Roth contribution.

Section 100. That a NEW SECTION be added to chapter 3-13:

The total investment return on any offered investment must be allocated to the account of each participant based on the proportion the participant's account bears to all other accounts that have been invested in the same investment

alternative. Allocations must be made on each accounting date. The last day of each calendar quarter is an accounting date. The board may provide additional accounting dates.

Section 101. That a NEW SECTION be added to chapter 3-13:

Each offered investment alternative must be valued on each accounting date. The valuation must be at market value. Any charges against the value must be explicitly disclosed.

Section 102. That a NEW SECTION be added to chapter 3-13:

Each participant must be provided with a statement of the participant's account no later than forty-five days after the close of each plan quarter.

Section 103. That a NEW SECTION be added to chapter 3-13:

A participant may select a normal retirement date. The normal retirement date may not be earlier than the date that the participant severs employment. If a participant does not select a normal retirement date, the participant's normal retirement date is as defined in chapter 3-12C.

Section 104. That a NEW SECTION be added to chapter 3-13:

If a participant returns to employment or enters into a contract with a participating employer within thirty days after a severance from employment, no severance from employment occurs for the purposes of the plan. If a participant provided contractual services to a participating employer, severance from employment occurs at the expiration of all contracts with a participating employer, without expectation of any future employment or contractual relationship with any participating employer.

Section 105. That a NEW SECTION be added to chapter 3-13:

Deferrals may be distributed only if one of the following conditions has occurred:

- (1) Severance from employment with a participating employer;
- (2) Death of the participant;
- (3) An unforeseeable emergency, set forth in section 115 of this Act;
- (4) Requirements are satisfied for an in-service distribution, as set forth in section 116 of this Act; or
- (5) A participant is called to perform qualified military service for a period in excess of thirty days.

Section 106. That a NEW SECTION be added to chapter 3-13:

The distribution of deferrals to a participant may begin no earlier than thirty days following the participant's severance from employment with a participating employer. Any irrevocable election of a benefit commencement date, made by a participant or a beneficiary prior to January 1, 2002, and any defaulted distribution other than a defaulted distribution to an annuity option, are revocable as of January 1, 2002. No distribution to an independent contractor of a participating employer may begin until one year after the date on which all contracts with any participating employer have expired. Notwithstanding the foregoing, a distribution of deferrals must be made in accordance with §§ 3-13-58 to 3-13-63, inclusive.

Section 107. That a NEW SECTION be added to chapter 3-13:

A participant may elect to receive the participant's distribution in any of the following forms:

- (1) A lump sum;
- (2) Equal monthly installments over a fixed period; or
- (3) Any other form offered by the third-party administrator.

The election must be made prior to the time any amounts become payable. A participant or a beneficiary who has chosen a payment form other than an annuity has the ability to change the payment option, subject to any administrative restrictions and charges established by the board.

If the distribution begins prior to the participant's death, the entire interest must be distributed over the life expectancy of the participant or the life expectancies of the participant and a designated beneficiary. Any amount not distributed during the participant's life must be distributed after the participant's death, at least as rapidly as under the distribution method being used on the date of the participant's death. If the distribution begins after the participant's death, the entire amount payable to the participant must be paid during a period of no more than five years, unless the distribution commences within one year and the participant's spouse is the named beneficiary, then during the life expectancy of the surviving spouse.

Section 108. That a NEW SECTION be added to chapter 3-13:

A participant may direct from which contributions a distribution is made. The participant may direct that the withdrawal be taken from either pre-tax contributions or designated Roth contributions, or from both pre-tax contributions and designated Roth contributions.

Section 109. That a NEW SECTION be added to chapter 3-13:

If a participant suffers an unforeseeable emergency, the participant may request an immediate distribution of all or part of the participant's deferrals. The request must be made through an application to the third-party administrator. If the third-party administrator approves the request, the distribution must be made to the extent necessary to satisfy the need, including the payment of federal income tax withholding, if necessary. If the third-party administrator denies the request, the participant may appeal the denial by giving notice of an intention to appeal within thirty days after the date of the notice of denial. No distribution may be made to the extent that the unforeseeable emergency may be relieved:

- (1) Through reimbursement or compensation by insurance or otherwise;
- (2) By liquidation of the participant's assets to the extent that the liquidation does not cause severe financial hardship; or
- (3) By discontinuation of deferrals under the plan.

The need to send a participant's child to college, divorce proceedings, or the desire to purchase a home are not considered to be unforeseeable emergencies. Any amount that is distributed on account of an unforeseeable emergency is not an eligible rollover distribution, and the participant may not elect to have any portion of the distribution paid directly to an eligible retirement plan.

The provisions of this section do not apply if a distribution is made pursuant to section 116 of this Act.

Section 110. That a NEW SECTION be added to chapter 3-13:

Notwithstanding any other provision of this chapter, a participant may receive an in-service distribution from the plan, or the executive director may render an involuntary distribution to the participant, under the following conditions:

- (1) The participant is inactive in the plan and has made no deferrals for at least two years prior to the distribution;
- (2) The total distribution, whether elective, involuntary, or both, does not exceed five thousand dollars; and
- (3) The participant has not previously received an elective or an involuntary distribution under the plan.

If implementing subdivision (2) of this section, the value of a participant's nonforfeitable account balance must be determined without regard to the portion of the account balance attributable to rollover contributions, and earning allocable thereto, within the meaning of §§ 402(c), 403(a)(4), 403(b)(8), 408(d)(3)(A)(ii), and 457(e) of the Internal Revenue Code.

If an involuntary distribution exceeds one thousand dollars and if the participant does not elect to have the distribution transferred to an eligible retirement plan pursuant to § 401(a)(31) of the Internal Revenue Code or does not elect to receive the distribution directly, the distribution must be transferred to an individual retirement plan of a designated trustee or issuer. The executive director shall notify the participant in writing that the distribution may be transferred to another individual retirement plan.

Section 111. That a NEW SECTION be added to chapter 3-13:

Any distribution under sections 112 and 113 of this Act is deemed to be reasonable and made in good faith under § 401(a)(9) of the Internal Revenue Code.

Section 112. That a NEW SECTION be added to chapter 3-13:

No employee of a participating employer and no spouse or dependent of the employee may act as or represent a third-party administrator or a vendor in a matter concerning the plan, except the State Investment Council and its employees may invest all or part of the fund.

Section 113. That a NEW SECTION be added to chapter 3-13:

A participant may not assign or otherwise alienate any right to benefits under the plan, except through the provisions of a qualified domestic relations order, as defined in § 414(p) of the Internal Revenue Code.

Section 114. That a NEW SECTION be added to chapter 3-13:

To the extent permitted by law, a participant may transfer a portion or all of the participant's account in another plan, which is eligible under § 401, 403(b), 408, or 457(b) of the Internal Revenue Code, into the plan by trustee-to-trustee transfer or by rollover. The plan must account for the amounts separately. A participant may rollover designated Roth contributions into the plan only if the contributions are a direct rollover from another plan that permits designated Roth contributions, as described in § 402A(e)(1) of the Internal Revenue Code, and only

to the extent the rollover is permitted under § 402(c) of the Internal Revenue Code. The plan must establish and maintain separate recordkeeping for any Roth rollover paid to the plan from any eligible retirement plan and must record the year that the participant first made a designated Roth rollover.

Section 115. That a NEW SECTION be added to chapter 3-13:

For the purpose of acquiring credited service in a qualified governmental defined benefit retirement plan, as identified under § 401(a) and defined in § 414(d) of the Internal Revenue Code, a participant may transfer a portion or all of the participant's account in the plan by trustee-to-trustee transfer to the government defined benefit retirement plan.

Section 116. That a NEW SECTION be added to chapter 3-13:

A participant or a participant's surviving spouse may transfer a portion or all of the participant's account by rollover to another plan, which is eligible under § 401, 403(b), 408, 408A, or 457 of the Internal Revenue Code. A participant's beneficiary who is not the participant's surviving spouse may transfer a portion or all of the participant's account by rollover to a plan that is eligible under § 408 or 408A of the Internal Revenue Code.

Section 117. That a NEW SECTION be added to chapter 3-13:

A participant may convert the participant's pre-tax contributions to designated Roth contributions within the plan. The amount of the in-plan Roth conversion is subject to ordinary income taxes in the year of the conversion. Withholding of federal income tax from the conversion amount is prohibited. Once an in-plan Roth conversion is processed, the conversion is irrevocable. The amount of an in-plan Roth conversion must continue to be taken into consideration for mandatory distributions. The plan must establish and maintain separate recordkeeping for any in-plan Roth conversion made within the plan and must record the year that the participant first made a conversion.

Section 118. That a NEW SECTION be added to chapter 3-13:

The plan and the plan's assets, until made available to a participant or a beneficiary, must be maintained in trust for the sole benefit of the participants of the plan.

Section 119. That a NEW SECTION be added to chapter 3-13:

Any form required under the plan which causes a change on a participant's payroll, is effective as early as the next available pay date, subject to the timing of payroll processing by the participant's employer. If a form is filed too late for a change to be made effective for the next following pay period, the change is effective in the subsequent pay period.

Section 120. That a NEW SECTION be added to chapter 3-13:

If, due to an error, a participant defers more than the permissible amount, the third-party administrator may correct the error by returning the excess deferral to the participant. For any plan year in which a participant makes both pre-tax contributions and designated Roth contributions, any corrective distribution must be taken first from the participant's designated Roth contributions, and then, if required, from the pre-tax contributions. A participant may elect a different method of distribution.

Section 121. That a NEW SECTION be added to chapter 3-13:

If, due to a payroll error, a participant's deferral is deposited in an investment alternative other than the one selected by the participant, the third-party administrator may correct the error by transferring the participant's deferral to the proper investment alternative, subject to any limitations that may be imposed by the vendor. No retroactive adjustment may be made.

Section 122. That a NEW SECTION be added to chapter 3-13:

Any participating employer may become an automatic enrollment unit. Automatic enrollment includes automatic escalation for any participating employer becoming an automatic enrollment unit after June 30, 2015. The decision to become an automatic enrollment unit must be made by the elected official, the appointed official, or the governing body in charge of the participating employer. The participating employer shall become an automatic enrollment unit after notice of the decision has been delivered in writing to the system. An automatic enrollment unit may choose to rescind the status at a later date and may do so by delivering written notice of the decision to the system. If a rescission occurs, the status of any automatic enrollee who was enrolled in the plan is not affected.

Section 123. That a NEW SECTION be added to chapter 3-13:

A participating employer who became an automatic enrollment unit prior to July 1, 2015, may elect to add automatic escalation for the participating employer's current and future permanent employees. The decision must be made by the elected official, the appointed official, or the governing body in charge of the unit and is effective after notice of the decision has been delivered in writing to the system.

Section 124. That a NEW SECTION be added to chapter 3-13:

An automatic enrollment unit may elect to commence automatic escalation in either January or July. Automatic escalation commences the January or July immediately after the automatic enrollment unit's decision is delivered in writing to the system, as long as notice of the decision is received no later than September fifteenth for a January start or March fifteenth for a July start. If the notice of the unit's decision is received after those dates, automatic escalation commences the following January or July, as elected by the unit.

Section 125. That a NEW SECTION be added to chapter 3-13:

Any individual who becomes a permanent employee of a participating employer, after the participating employer becomes an automatic enrollment unit, becomes an automatic enrollee in the plan. Any permanent employee of the state who is not contributing to the plan on June 30, 2019, becomes an automatic enrollee in the plan on July 1, 2019. Any other permanent employee who is not contributing to the plan and who is employed by an automatic enrollment unit that elects automatic enrollment, pursuant to section 132 of this Act, becomes an automatic enrollee in the plan.

Section 126. That a NEW SECTION be added to chapter 3-13:

An automatic enrollment unit other than the state may elect to automatically enroll the unit's permanent employees who are not contributing to the deferred compensation plan. The automatic enrollment unit may elect to commence automatic enrollment for the employees on the January or July

immediately after the automatic enrollment unit's decision is delivered in writing to the system. The notice of the decision must be received no later than September fifteenth for a January start or March fifteenth for a July start.

Section 127. That a NEW SECTION be added to chapter 3-13:

Upon initially becoming an automatic enrollee, twenty-five dollars per month must be deferred to the plan from the compensation of an automatic enrollee, unless the automatic enrollee elects not to participate in the plan within ninety days after the automatic enrollee's first pay date and gives notice of that election to the system, or unless the automatic enrollee elects to defer an increased amount. The deferred compensation and associated gains or losses of an automatic enrollee who elects not to participate must be refunded to the automatic enrollee within thirty days of receipt of the final contribution by the plan. An automatic enrollee who elects not to participate is not barred from future voluntary participation in the plan.

Section 128. That a NEW SECTION be added to chapter 3-13:

Beginning in 2016 and each year thereafter, automatic escalation for an automatic enrollee means an additional ten dollars per month must be deferred to the plan from the compensation of an automatic enrollee of an automatic enrollment unit that elected automatic escalation or became an automatic enrollment unit after June 30, 2015. If the enrollee has one or more investment alternatives or a Roth account, or any combination thereof, the additional dollars must be prorated in the same manner as the enrollee's deferral before the escalation. No automatic escalation may occur for an automatic enrollee unless at least one year has passed from the enrollee's hire date on which the enrollee became an automatic enrollee. In addition, no automatic escalation may occur for an automatic enrollee who opts out of automatic escalation or has lowered the automatic enrollee's deferral to zero.

Section 129. That a NEW SECTION be added to chapter 3-13:

Automatic enrollment, pursuant to section 131 of this Act, is deemed a contract to participate, and to defer the amount specified in section 133 of this Act or revised by section 134 of this Act, or specified by the enrollee, until the automatic enrollee chooses to withdraw from the plan.

Section 130. That a NEW SECTION be added to chapter 3-13:

The deferred compensation of an automatic enrollee must be deposited in a qualified default investment alternative selected by the state investment officer pursuant to § 3-13-51.1, unless the automatic enrollee affirmatively selects another investment alternative within the plan. The state investment officer shall select a qualified default investment alternative for deferrals from automatic enrollees during the initial ninety-day opt-out period and may select an alternative qualified default investment alternative for accumulated deferrals and subsequent deferrals from automatic enrollees who exceed the ninety-day opt-out period but do not select another investment alternative. Neither the state investment officer, the system, the third-party administrator, nor the automatic enrollment unit may be held liable for any loss sustained by an automatic enrollee whose deferrals are either voluntarily or involuntarily invested in either qualified default investment alternative.

Section 131. That a NEW SECTION be added to chapter 3-13:

Within fifteen days of the system's receipt of the automatic enrollee's

initial deferral, the system shall provide notice to the automatic enrollee of the enrollee's right not to participate in the plan.

Within one year after an automatic enrollee's first compensation deferral and annually thereafter, the system shall provide notice to the automatic enrollee of the enrollee's right to amend the deferral amount and the enrollee's right to amend the choice of investment alternatives.

Section 132. That a NEW SECTION be added to chapter 3-13:

The system shall provide no less than sixty days' notice of each annual automatic escalation, pursuant to section 134 of this Act. An enrollee may elect not to participate in automatic escalation or may elect to defer an additional amount that is less than or greater than ten dollars. The enrollee shall annually provide notice of any election no later than December fifteenth for an enrollee of an automatic enrollment unit that elected a January start or June fifteenth for an enrollee of an automatic enrollment unit that elected a July start. If the enrollee elects not to participate or to defer a lesser amount after the applicable date provided in this section, the system may not refund the automatic escalation amount to the enrollee. If an enrollee elects not to participate in automatic escalation or elects to defer an additional amount that is less than or greater than ten dollars, the status of the automatic enrollee, pursuant to section 131 of this Act, is not affected.

Section 133. That a NEW SECTION be added to chapter 3-13:

Automatic enrollment or automatic escalation, pursuant to this chapter, does not require advance authorization by the automatic enrollee. This section is an exception to the provisions of any state law requiring employee authorization for a payroll deduction or any similar ordinance of a local automatic enrollment unit.

Section 134. That § 3-13A-2 be AMENDED:

3-13A-2. The definitions contained in chapter ~~3-12~~ 3-12C, apply to this chapter, unless otherwise specified. In addition, the following terms Terms used in this chapter mean:

- (1) "Account," the record for each participant reflecting the amount of the participant's special pay transmitted to the fund, allocated investment gains and losses thereon, and administrative charges against those amounts;
- (2) "Accounting date," the date on which an investment is valued and the total investment return is allocated to a participant's account;
- (3) ~~"Board," the South Dakota Retirement System Board of Trustees as established under § 3-12C-203;~~
- (4) "Direct rollover," a payment by the program to an eligible retirement plan specified by the plan participant;
- (4) "Eligible retirement plan," one of the following plans that accepts a participant's or a participant's surviving spouse's rollover distribution:
 - (a) An individual retirement account described in § 408(a) of the Internal Revenue Code;
 - (b) An individual retirement annuity described in § 408(b) of the Internal Revenue Code;

- ~~(c)~~ A Roth individual retirement plan described in § 408A of the Internal Revenue Code;
- ~~(d)~~ An annuity plan described in § 403(a) of the Internal Revenue Code;
- ~~(e)~~ A qualified plan described in § 401 of the Internal Revenue Code;
or
- ~~(f)~~ An individual retirement plan or individual retirement annuity in the case of an eligible rollover distribution to a beneficiary who is not a participant's surviving spouse;
- ~~(5)~~ "Eligible rollover distribution," any distribution of all or any portion of the balance to the credit of the participant. An eligible rollover distribution does not include:
 - ~~(a)~~ Any distribution that is one of a series of substantially equal periodic payments, not less frequently than annually, made for the life or life expectancy of the participant or the joint lives or joint life expectancies of the participant and the participant's designated beneficiary, or for a specified period of ten years or more;
 - ~~(b)~~ Any distribution to the extent the distribution is required under § 401(a)(9) of the Internal Revenue Code; or
 - ~~(c)~~ Any other distribution that is reasonably expected to total less than two hundred dollars during a single plan year;
- ~~"Executive director," the executive director of the South Dakota Retirement System as provided in § 3-12C-209;~~
- ~~(5)(6)~~ "Fund," the South Dakota special pay fund established pursuant to § 3-13A-3;
- ~~(6)(7)~~ "Normal retirement date," the date a participant may retire, pursuant to the provisions of chapter 3-12C, without reduced benefits;
- ~~(7)(8)~~ "Participant," a terminated employee of a participating unit who has reached the calendar month before the month of the employee's fifty-fifth birthday and who received six hundred dollars or more in special pay;
- ~~(8)(9)~~ "Participating unit," the State of South Dakota, the South Dakota Board of Regents, or any other political subdivision of the state that participates in the program;
- ~~(9)(10)~~ "Plan year," a calendar year ending on December thirty-first;
- ~~(10)(11)~~ "Program," the South Dakota Special Pay Retirement Program created pursuant to §§ 3-13A-1 to 3-13A-25, inclusive, special pay retirement program, created pursuant to § 3-13A-1;
- ~~(11)(12)~~ "Special pay," compensation other than regular salary or wages granted to a participant and transferred in a lump sum, lump sum to the fund at the termination of the participant's employment;
- ~~(12)(13)~~ "Third-party administrator," a person who, pursuant to contract, handles administration of the program on behalf of the board and the executive director; and
- ~~(13)(14)~~ "Vendor," a person or organization selected by the state investment officer to provide investment or insurance products to the program.

Section 135. That a NEW SECTION be added to chapter 3-13A:

For purposes of participation in the program, the first day of the month in which a member's birthday falls is the member's birthday.

Section 136. That a NEW SECTION be added to chapter 3-13A:

Pursuant to § 3-13A-20, a participant or a participant's surviving spouse may elect, at the time and in the manner prescribed by the third-party administrator, to have any portion of an eligible rollover distribution paid in a direct rollover to an eligible retirement plan specified by the participant or the surviving spouse if the plan is an eligible plan under § 401, 403(b), 408, 408A, or 457 of the Internal Revenue Code. A participant's beneficiary who is not the participant's surviving spouse may elect, at the time and in the manner prescribed by the third-party administrator, to have any portion of an eligible rollover distribution paid in a direct rollover to a plan specified by the beneficiary, if the plan is an eligible plan under § 408 or 408A of the Internal Revenue Code.

Section 137. That a NEW SECTION be added to chapter 3-13A:

A participant's compensation, for purposes of the application of § 3-13A-5, paid or made available during a plan year, must include:

- (a) Any elective deferral, as defined in § 402(g)(3) of the Internal Revenue Code; and
- (b) Any amount that is contributed or deferred by the participant's employer at the election of the participant and which is not includible in the gross income of the participant by reason of § 125, 132(f)(4), or 457(b) of the Internal Revenue Code.

Signed February 18, 2025

Chapter 28
(House Bill 1032)

An Act to update a reference to the Internal Revenue Code in South Dakota Retirement System statutes.

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

Section 1. That § 3-12C-113 be AMENDED:

3-12C-113. ~~For the purposes of this chapter, the term, "Internal Revenue Code," or "code," means the~~ United States Internal Revenue Code as in effect as of (January 1, 2024, 2025).

Signed February 18, 2025

Chapter 29
(House Bill 1030)

**An Act to update the South Dakota Retirement System's member
information protection provisions.**

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

Section 1. That a NEW SECTION be added to chapter 3-12C:

For purposes of this chapter, "member information" means any information collected, prepared, or received by the system, relating to a member of the system. The term does not include data in a form that cannot be associated with or otherwise identify, directly or indirectly, a particular member of the system.

Section 2. That § 3-12C-215 be AMENDED:

~~3-12C-215. Any information contained in any record pertaining to a member of the system is confidential and shall be used for the sole purpose of carrying into effect the provisions of this chapter, chapter 3-13, and chapter 3-13A. Any record containing the information is not open to inspection by any person or entity except the member, the board, the employees of the system, or the member's employer. The information and records may be released to the member or with the member's consent. The information and records may also be released pursuant to a court order or subpoena. Member information is confidential. Member information may be disclosed only in the following circumstances:~~

- ~~(1) To the member or with the member's consent;~~
- ~~(2) For the purpose of, and only to the extent necessary for, the administration of this chapter and chapters 3-13 and 3-13A; or~~
- ~~(3) In a judicial or administrative proceeding, to the extent required by a proper judicial or administrative order.~~

Signed February 18, 2025

Chapter 30
(House Bill 1031)

**An Act to update the South Dakota Retirement System member identity
verification procedures.**

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

Section 1. That § 3-12C-212 be AMENDED:

~~3-12C-212. Applications~~An application for membership, a refund of the member's accumulated contributions, or any benefit shall must be made to the

executive director on ~~forms~~ a form approved by the system. ~~Each application shall be accompanied by a copy of the person's current driver license or other picture identification card issued by a government agency or tribe.~~

Signed February 18, 2025

PUBLIC FISCAL ADMINISTRATION

Chapter 31 (Senate Bill 29)

An Act to amend provisions regarding the Division of Insurance and the former Division of Securities operating fund.

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

Section 1. That § 4-4-4.3 be AMENDED:

4-4-4.3. There is established within the state treasury ~~the securities operating fund and the insurance operating fund~~, into which ~~shall~~ must be deposited all fees received by ~~each division~~ the Division of Insurance. All moneys in the ~~funds~~ fund created by this section shall be budgeted and expended in accordance with the provisions of Title 4 on warrants drawn by the state auditor on vouchers approved by the secretary of the Department of Labor and Regulation. Expenditures from ~~these funds~~ the fund may be made only to pay the necessary expenses of purposes specified in ~~§§ 37-5B-1 to 37-5B-50, inclusive, and chapters 37-5B, 37-25A, 47-31B, and 47-33, and Title title~~ § 58.

Section 2. That § 4-4-4.4 be AMENDED:

4-4-4.4. At the end of each fiscal quarter, the treasurer shall transfer any cash balance in excess of ~~one hundred seventy five~~ two hundred thousand dollars from the insurance operating fund to the general fund. ~~At the end of each fiscal quarter the treasurer shall transfer any cash balance in excess of fifteen thousand dollars from the securities operating fund to the general fund.~~

Signed February 18, 2025

Chapter 32 (House Bill 1036)

An Act to establish a minimum combined balance of the budget reserve fund and general revenue replacement fund.

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

Section 1. That a NEW SECTION be added to chapter 4-7:

If in any fiscal year the combined balance of the budget reserve fund, established in § 4-7-31, and the general revenue replacement fund, established in § 4-7-45, is less than ten percent of the general fund appropriations in the general appropriations act for the succeeding fiscal year, the Legislature, by law, must transfer one-third of the amount below such level over the next three fiscal years from the general fund to the budget reserve fund until the combined balance is ten percent of the general fund appropriations in the general appropriations act for the succeeding fiscal year.

Signed March 28, 2025

Chapter 33 (Senate Bill 146)

An Act to revise provisions on interim transfers and appropriations.

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

Section 1. That § 4-8A-1 be AMENDED:

4-8A-1. Terms as used in this chapter, unless the context otherwise requires, mean:

- (1) "Agency," a principal functional and administrative entity, including each department and bureau of state government, as designated in the general appropriation bill;
- (2) "Budget unit," a unit of government contained within an agency, including each institution, for which separate appropriations in the general appropriation bill are made;
- (3) "General appropriation act bill," the bill enacted by the Legislature in accordance with the provisions of S.D. Const., Art. XII, § 2, requiring a majority vote of all the members of each house of the Legislature;
- ~~(2)~~(4) "General contingency funds," appropriated funds for expenditures arising from or subject to unforeseen conditions of a department's or institution's an agency's operations for which a general fund appropriation has not been provided and which are deemed by the Governor and the special committee to be in the interest of the state and its agencies or institutions; and
- ~~(3)~~ "Maintenance and repair," expenditures authorized for contractual services for repairs, alterations and additions to physical plant and expenditures for supplies and materials purchased by a state institution or agency to be used in the repair, alteration or additions to physical plant, where the same are to be repaired or altered by the use of institution or agency employees, and expenditures for replacement of equipment, the primary use of which is for repair and alteration of physical plant;
- ~~(4)~~ "Program," major services rendered by a department for a single identifiable purpose as appropriated within a department budget;
- ~~(5)~~(5) "Special committee," the committee created by § 4-8A-2.

Section 2. That § 4-8A-3 be AMENDED:

~~4-8A-3. The special committee shall serve to release sums of money~~ moneys from any general contingency funds appropriated for contingent purposes by the general appropriation ~~act~~ bill or any special ~~act~~ appropriation bill. The ~~special~~ committee shall also serve to continually review, evaluate, and coordinate state fiscal and budgetary policy, ~~including, but not limited to, the adoption, creation of~~ any new ~~programs~~ budget units by any ~~department of state government agency~~, and ~~shall also~~ carry out any assignments made by the Executive Board of the Legislative Research Council.

The committee may hold public hearings to review the budget report submitted by the Governor and the long-term capital improvements budget as required in § 4-7-19. The committee may summon and examine witnesses.

Section 3. That § 4-8A-5 be AMENDED:

~~4-8A-5. The appropriation amounts~~ appropriations authorized ~~as a result of by~~ the general appropriation ~~act~~ bill ~~must~~ be classified and coded for budgetary accounting purposes in accordance with the provisions of chapter 4-7.

Section 4. That § 4-8A-6 be AMENDED:

~~4-8A-6. All amounts appropriated by~~ appropriations in the general appropriation ~~act~~ bill ~~may~~ be used only for the specific purposes therein provided and no other. The state auditor shall issue warrants on itemized and approved vouchers filed in his office, but no warrants ~~shall~~ may be issued to or on behalf of any person, ~~department, or institution or agency~~, on any fund in excess of the appropriation specifically made in the general appropriation ~~act~~, bill, except as provided by the provisions of this chapter, a special ~~act of the Legislature making a specific appropriation bill~~, an internal service fund created by the Legislature, or a ~~continuing~~ continuous appropriation ~~from state revenues created by the Legislature~~.

Section 5. That § 4-8A-8 be AMENDED:

~~4-8A-8. Moneys appropriated on a program basis by the General Appropriation Act may be transferred between program accounts within or between programs within departments and bureaus or between departments and bureaus to reflect a reorganization pursuant to Article IV, section 8 of the South Dakota Constitution only at the written request of a governing body, department secretary, or bureau commissioner, or designee, in accordance with procedures established by the Bureau of Finance and Management and only upon written approval of the Bureau of Finance and Management. Transfer of moneys appropriated by the General Appropriations Act between departments, institutions, and bureaus that is not necessary for a reorganization pursuant to Article IV, section 8 of the South Dakota Constitution may only occur at the written request of a governing body, department secretary, or bureau commissioner, or designee, only in accordance with procedures established by the Bureau of Finance and Management and only upon approval by the special committee created in this chapter. Any transfer of appropriations made in the general appropriation bill may only occur upon approval by an agency head or designee, in accordance with procedures established by the Bureau of Finance and Management, and upon approval of the bureau. An agency may transfer appropriations within a budget unit, on a one-time or ongoing basis, or between budget units within an agency, on a one-time basis. An agency may transfer appropriations between agencies to reflect a reorganization pursuant to S.D. Const., Art. IV, § 8. Transfers of appropriations between budget units within an agency, on an ongoing basis, or between agencies, on a one-time or ongoing basis, must be approved by the~~

special committee. Notwithstanding this section, transfers of appropriations between institutions under the control of the Board of Regents, on a one-time or ongoing basis, must be approved by the special committee.

The Bureau of Finance and Management shall keep a record of all ~~such authorizations approvals~~ of transfers and make them available for public inspection. Immediately after the transfer of moneys authorized by this section is approved, the bureau shall transmit an authorization notice to the special legislative committee established in § 4-8A-2 and its designees. At least ten days prior to approving any transfer requiring approval by the special committee, the bureau shall transmit a notice to transfer appropriations to the special committee and its designees. For all other transfers between budget units, the bureau shall transmit a detailed explanation of the transfer to the special committee and its designees immediately after approving the transfer.

Section 6. That § 4-8A-9 be AMENDED:

4-8A-9. All requests by ~~state departments and institutions~~ an agency for moneys from any general contingency funds appropriated ~~by in~~ the general appropriation ~~act bill~~ or any special ~~act~~ appropriation bill must be submitted in writing to the Governor, the Bureau of Finance and Management, and the ~~chairman or chairmen~~ chair or chairs of the special committee, setting forth ~~clearly~~ the proposed usage and necessity for ~~such funds~~ the moneys. If the Governor deems ~~any such the~~ request to be in the public interest and of sufficient necessity, the Governor ~~shall must~~ submit a recommendation to the special committee, for its consideration and disposition.

Section 7. That § 4-8A-10 be AMENDED:

4-8A-10. Whenever ~~it shall be deemed~~ the Governor deems it necessary for the special committee to consider, pass upon, and release general contingency funds for emergency purposes or as supplements to the budgets for the ordinary expenses of ~~state departments and institutions~~ agencies, the Governor shall give due and reasonable notice to the members of the special committee.

Section 8. That § 4-8A-11 be AMENDED:

4-8A-11. No action ~~shall may~~ be taken on release of moneys from any general contingency funds except by majority vote of the entire special committee membership. The special committee by majority vote of the entire membership may reduce or increase the dollar amount recommended by the Governor. ~~The~~ Upon the approval of the special committee, the Bureau of Finance and Management shall initiate the transfer of ~~such funds~~ the moneys to the proper ~~department~~ agency fund.

Section 9. That § 4-8A-12 be AMENDED:

4-8A-12. Notwithstanding the provisions of § 4-8A-8, the Executive Board of the Legislative Research Council may, by majority vote of the board, transfer ~~money~~ moneys appropriated to a legislative department contingency ~~program line item~~ budget unit in the general ~~appropriations act~~ appropriation bill to ~~other program line items~~ another budget unit within the legislative department upon written request of the ~~division heads~~ Director of the Legislative Research Council. The Legislative Research Council shall keep a record of ~~all such the~~ authorizations of transfers and make them available to the public.

Section 10. That § 4-8A-16 be AMENDED:

4-8A-16. The Bureau of Finance and Management and the Legislative

Research Council shall prepare and submit, no later than July thirtieth of each year, independent projections that conform with the provisions of subdivisions 4-7-10(2) and (5) to the Governor or the Governor's designee and the ~~committee created by this chapter.~~ special committee. Notwithstanding the provisions of subdivisions 4-7-10(2) and (5), the projections ~~shall~~ must contain information of the actual revenue for each of the two fiscal years last concluded and the estimated revenue of the current fiscal year.

If either of the estimates provided in this section project a budget shortfall in excess of two and one-half percent of the general fund appropriated budget in the current fiscal year, the Bureau of Finance and Management and the Legislative Research Council ~~shall~~ must propose measures to the Governor and the special committee ~~created in chapter 4-8A~~ for eliminating the shortfall. If either of the estimates provided in this section project a budget shortfall in the current or next fiscal year of five percent or greater of the general fund appropriated budget, the Governor ~~shall~~ must propose measures to eliminate the shortfall consistent with S.D. Const., Art. ~~12~~ XII, § 7.

Section 11. That § 4-8A-7 be REPEALED.

~~Any moneys appropriated in the general appropriation act to the Board of Regents, or the executive branch for operations, maintenance, and repair, and contingency for institutions and programs under their jurisdiction shall be allocated by the board or department heads to the Bureau of Human Resources and Administration or to the expenditure accounts of the institutions to which an allocation of funds is made. Such transfer documents shall be approved by the Bureau of Finance and Management.~~

Signed March 12, 2025

PUBLIC PROPERTY, PURCHASES AND CONTRACTS

**Chapter 34
(Senate Bill 66)**

An Act to revise certain provisions related to capital improvements of state buildings.

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

Section 1. That § 5-14-3 be AMENDED:

5-14-3. The Bureau of Human Resources and Administration, ~~under the direction of the committee as provided by this section, shall have~~ has general charge and supervision of the design and construction of all state buildings, power and heating plants, heating, cooling, and air-conditioning systems, water supply, fire protection, sewerage and sewage disposal systems, electrical generation and distribution, and all major repairs, rebuilding or alterations thereof.

The bureau shall supervise the alterations, construction, rebuilding, or repair of all projects having a value of two million dollars or more, except as specifically delegated, in writing by the commissioner of human resources and

administration, to a firm or qualified designee within the board, department, or institution concerned. The firm or designee must comply with the requirements of chapter 5-14.

A state building committee is required on all projects having a value of five million dollars or more. The committee shall consist of a member of the board or commission governing the institution or department concerned, the executive director or like officer of the respective board or commission, a representative of the institution or department appointed by the governing board or commission of that institution or department, and a representative of the ~~Bureau of Human Resources and Administration~~ bureau. If the project is funded pursuant to chapter 5-12, the South Dakota Building Authority may appoint a representative. The ~~Bureau of Human Resources and Administration~~ bureau or its delegate, under the direction of the committee, shall prepare, or cause to be prepared, the preliminary plans, specifications, and other descriptive material or reports for all proposed new construction, capital improvement, or major repairs and remodeling. After the preliminary plans have been approved by the committee, the plans ~~shall~~ must be presented to the respective board or commission governing the institution or department concerned. Upon proper authorization of the board or commission, the ~~Bureau of Human Resources and Administration~~ bureau or its delegate, under the direction of the committee, shall prepare, or cause to be prepared, all final plans, specifications, advertisements, notices, and instructions to bidders, proposal forms, and contract forms, and all work incidental to securing bids and contracts for the same, according to the direction of the board or commission governing the institution or department concerned.

~~The Bureau of Human Resources and Administration shall supervise the construction, including inspection of construction and critical point inspections on projects of one million five hundred thousand dollars or more, repair, rebuilding, or alterations.~~

Section 2. That § 5-14-33 be AMENDED:

5-14-33. ~~New construction shall, as defined in § 5-14-1, must,~~ in good faith, be designed with the intention of meeting or exceeding the high-performance green building standard that was in effect when the construction was registered with the rating system. Before construction begins, the ~~Office of the State Engineer~~ Bureau of Human Resources and Administration, architect, and building owner shall identify, in good faith, all components of the new construction that are used to satisfy the requirements of this section.

Section 3. That § 5-14-34 be AMENDED:

5-14-34. A waiver of the requirements of § 5-14-33 may be granted by the ~~Office of the State Engineer~~ Bureau of Human Resources and Administration if:

- (1) The building will have minimal human occupancy;
- (2) The increased costs of achieving a high-performance green building standard cannot be recouped from decreased operational costs within fifteen years; or

- (3) ~~The Bureau of Human Resources and Administration~~ bureau determines that extenuating circumstances exist to make impractical high-performance green building standard certification.

Signed March 12, 2025

COUNTIES

Chapter 35 (Senate Bill 5)

An Act to permit a sheriff to charge a fee for service of process, whether service is completed or not.

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

Section 1. That § 7-12-18 be AMENDED:

7-12-18. The sheriff shall charge and remit the following:

- (1) For serving an order of arrest with commitment or bail bond and return, twenty-five dollars;
- (2) For ~~serving any~~ summons, complaint, warrant of attachment, affidavit, notice and undertaking in claim and delivery, ~~or~~ injunction, order to show cause, citation, or other process submitted to be served, whether service is completed or not, and return of the instrument, no more than fifty dollars. Only one fee may be charged for all such process to be or instruments served at the same time upon the same person, regardless of the capacities capacity in which such the person is served or attempted to be served. However, for all such For all process or instruments served upon another such person at approximately the same time at the same place, no more than ten dollars;
- (3) For serving subpoena for witness, each person, twenty dollars;
- (4) For traveling expenses in a motor vehicle, a ten-dollar flat fee, or a mileage allowance of eight cents above the rate set pursuant to § 3-9-1 for each mile actually and necessarily traveled by motor vehicle. For traveling expenses in a private plane, a mileage allowance of ten cents above the rate set pursuant to § 3-9-1 for each mile actually and necessarily traveled by private plane. ~~However, actual~~ Actual cost may be paid for travel by train, bus, plane, or other commercial vehicle;
- (5) For serving writ of execution and return of the instrument, whether satisfied or unsatisfied, ninety-five dollars;
- (6) For levying writ of possession, fifty dollars. ~~However, if~~ If the sale of the property levied upon is not subsequently held, the actual costs or expenses associated with levying writ of possession ~~shall~~ must be paid;
- (7) For advertisement of sale in newspaper, in addition to printing, twenty-five dollars;

- (8) For posting notices of sale of real property, twenty-five dollars, and mileage;
- (9) For executing writ or order of partition, twenty-five dollars;
- (10) For making deed for land sold on execution or order of sale, one hundred dollars except no fee is charged when the deed only requires the sheriff's signature;
- (11) In addition to the applicable fees and expenses, a commission of six percent on all money received and disbursed by the sheriff on execution or order of sale, order of attachment, decree or on sale of real property or personal property. ~~However, in In~~ no case may the commission be less than fifty dollars or more than three thousand five hundred dollars. If the execution or order of sale is a foreclosure of a real estate mortgage, the commission may not be more than one thousand five hundred dollars. ~~The commissions shall~~ commission must be included as a part of the cost of execution, order of sale, order of attachment, or decree, or on sale of real or personal property, ~~which shall to~~ be paid by the debtor out of the proceeds. ~~However, in In~~ each case of redemption prior to the sale, the sheriff is entitled to the commission as stated above, to be paid by the redemptioner as a cost of the redemption;
- (12) For a case in ~~the~~ circuit court, if a person, in whose favor an execution or order of sale is issued, bids on the property sold on execution or decree, the sheriff or officer making the sale ~~shall~~ must receive the following compensation: ~~if~~
 - (a) If the amount for which the property is bid on is one thousand dollars or less, the sum of forty dollars; and ~~if~~
 - (b) If the amount for which the property is bid on is more than one thousand dollars, the sum of one hundred dollars;
- (13) For making a sale of real property under a foreclosure of mortgage by advertisement, the same fees as for the sale of real property under a judgment of foreclosure and sale of real property pursuant to subdivision (10); and
- (14) If personal property is taken by the sheriff on execution or warrant of attachment and applied in the satisfaction of the debt without sale, the same percentage on the appraised value of the property as in the case of a sale pursuant to subdivision (10) and all additional reasonable and necessary costs and expenses incurred in executing the duties of sheriff ~~including and~~ expenses associated with the removal of property from the premises.

No fee may be charged in any action under § 25-10-3, 25-10-6, 22-19A-8, or 22-19A-12.

The fees established pursuant to this section ~~shall be~~ must be used for law enforcement purposes.

Signed February 10, 2025

Chapter 36
(House Bill 1218)

**An Act to address the imposition of firearm restrictions on certain
employees, officers, volunteers, and other individuals.**

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

Section 1. That a NEW SECTION be added to chapter 7-18:

A board of county commissioners may not, by any method or means, prohibit or restrict an individual who is a county employee, officer, or volunteer, from lawfully possessing any concealed firearm and compatible ammunition, while the individual is within any county building, facility, or vehicle, or while on any real property, owned or leased by the county. This section does not apply to possession of a concealed firearm and compatible ammunition by:

- (1) An individual who is an inmate;
- (2) An individual, other than a law enforcement officer, while present in the secure area of any detention facility, a mental health crisis center, or a substance use disorder residential treatment facility; or
- (3) An individual, other than a law enforcement officer, while using a county vehicle to transport another individual apprehended in accordance with chapter 27A-10.

No injury or damage resulting from an individual possessing a concealed firearm may be construed to be an act of the county, and no liability may be imputed to the county.

For purposes of this section, any "method or means" includes the adoption of a policy, the issuance of a guidance letter or statement, and any similar directive, whether written or oral.

Section 2. That a NEW SECTION be added to chapter 8-4:

A board of supervisors may not, by any method or means, prohibit or restrict an individual who is a township employee, officer, or volunteer, from lawfully possessing any concealed firearm and compatible ammunition, while the individual is within any township building, facility, or vehicle, or while on any real property, owned or leased by the township. This section does not apply to possession of a concealed firearm and compatible ammunition by:

- (1) An individual who is an inmate;
- (2) An individual, other than a law enforcement officer, while present in the secure area of any detention facility, a mental health crisis center, or a substance use disorder residential treatment facility; or
- (3) An individual, other than a law enforcement officer, while using a township vehicle to transport another individual apprehended in accordance with chapter 27A-10.

No injury or damage resulting from an individual possessing a concealed firearm may be construed to be an act of the township, and no liability may be imputed to the township.

For purposes of this section, any "method or means" includes the adoption of a policy, the issuance of a guidance letter or statement, and any similar directive, whether written or oral.

Section 3. That a NEW SECTION be added to chapter 9-14:

The governing body of a municipality may not, by any method or means, prohibit or restrict an individual who is a municipal employee, officer, or volunteer, from lawfully possessing any concealed firearm and compatible ammunition, while the individual is within any municipal building, facility, or vehicle, or while on any real property, owned or leased by the municipality. This section does not apply to possession of a concealed firearm and compatible ammunition by:

- (1) An individual who is an inmate;
- (2) An individual, other than a law enforcement officer, while present in the secure area of any detention facility, a mental health crisis center, or a substance use disorder residential treatment facility; or
- (3) An individual, other than a law enforcement officer, while using a municipal vehicle to transport another individual apprehended in accordance with chapter 27A-10.

No injury or damage resulting from an individual possessing a concealed firearm may be construed to be an act of the municipality, and no liability may be imputed to the municipality.

For purposes of this section, any "method or means" includes the adoption of a policy, the issuance of a guidance letter or statement, and any similar directive, whether written or oral.

Section 4. That a NEW SECTION be added to chapter 9-14:

Notwithstanding section 3 of this Act or § 9-19-20, a municipality may, by any method or means, prohibit or restrict an individual from lawfully carrying a dangerous weapon, as defined in § 22-1-2, within a building or facility at which an event is occurring, provided metal detectors are utilized to screen for any dangerous weapons and armed security personnel are posted at each public entrance.

Section 5. That § 23-7-70 be REPEALED.

~~A person may not carry a concealed pistol in any licensed on-sale malt beverage or alcoholic beverage establishment that derives over one-half of its total income from the sale of malt or alcoholic beverages.~~

Signed March 24, 2025

Chapter 37
(Senate Bill 13)

An Act to clarify the enactment and effective date of a measure initiated or referred within a political subdivision.

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

Section 1. That § 7-18A-13 be AMENDED:

7-18A-13. If a petition to initiate is filed with the auditor, the auditor shall present it to the board of county commissioners at its next regular or special meeting. The board ~~shall enact the proposed ordinance or resolution and~~ shall submit it to a vote of the voters in the manner prescribed for a referendum within sixty days after the final enactment. However, if the petition is filed within three months prior to the primary or general election, the ordinance or resolution may be submitted at the primary or general election.

Section 2. That § 7-18A-14 be AMENDED:

7-18A-14. No initiated ordinance or resolution is effective unless approved by a majority of the votes cast for and against the ordinance or resolution. If approved, the ordinance or resolution ~~takes effect upon~~ is effective the day following the completion of the canvass of the election returns.

Section 3. That § 7-18A-22 be AMENDED:

7-18A-22. No referred ordinance or resolution ~~shall become operative is effective~~ unless approved by a majority of the votes cast for and against the same. ~~If approved, it shall take effect upon ordinance or resolution. If approved, the ordinance or resolution is effective the day following the completion of the canvass of the election returns relating thereto.~~

Section 4. That § 9-20-5 be AMENDED:

9-20-5. No initiated ordinance or resolution ~~shall become operative is effective~~ unless approved by a majority of the votes cast for and against the same. ~~If so approved, it shall take effect upon ordinance or resolution. If approved, the ordinance or resolution is effective the day following the completion of the canvass of the election returns relating thereto.~~

Section 5. That § 9-20-15 be AMENDED:

9-20-15. No referred ordinance or resolution ~~so submitted shall become operative is effective~~ unless approved by a majority of the votes cast for and against the same. ~~If so approved, it shall take effect upon ordinance or resolution. If approved, the ordinance or resolution is effective the day following the completion of the canvass of the election returns relating thereto.~~

Signed February 10, 2025

MUNICIPAL GOVERNMENT

Chapter 38
(Senate Bill 167)

An Act to revise certain provisions pertaining to municipal government.

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

Section 1. That § 9-6-1 be AMENDED:

~~9-6-1. Whenever a municipality shall have less than two hundred fifty population, the owners of a majority of the real property therein, both in area and assessed valuation, may petition the circuit court of the county in which such municipality or any part thereof is situated for the dissolution of the municipality. If a municipality has a population of less than two hundred fifty, the owners of a majority of the real property in the municipality, both in area and assessed valuation, may file a petition for the dissolution of the municipality. The petition for dissolution must be filed in the circuit court of the county in which the municipality is situated. If the municipality is located in more than one county, the petition for dissolution may be filed in either county.~~

Section 2. That § 9-6-2 be AMENDED:

~~9-6-2. Such~~ A petition for dissolution must show the show:

- ~~(1) The name of the municipality, the;~~
- ~~(2) The date of its incorporation, the;~~
- ~~(3) The fact that it contains a population of less than two hundred fifty persons, and that the;~~
- ~~(4) That the petitioners are the owners of more than one-half of the real property contained within its limits, in area, as shown by a recorded deed or other instrument evidencing title to the property; and~~
- ~~(5) That the petitioners are the owners of more than one-half of such the real property contained within the limits of the municipality, in assessed valuation, as shown by the last assessment thereof prior to the filing of such petition. Such petition shall be verified by the affidavit of two or more of the petitioners to the effect that the statements contained in it are true and be filed in the office of the clerk of the circuit court most recent assessed values available from the county or counties in which the municipality is situated at the time of filing the petition for dissolution.~~

Two or more of the petitioners shall verify by affidavit that the statements contained in the petition for dissolution are true.

Section 3. That § 9-6-3 be AMENDED:

~~9-6-3. Upon the filing of a petition for dissolution, as provided in §§ 9-6-1 and 9-6-2, the circuit court shall issue an order to the municipality, returnable in not less than ten nor more than thirty days, to show cause why the petition should not be granted. Such The order shall must be served in the same manner as summonses a summons in a civil action against municipalities not less than ten nor more than thirty days before the return date thereof a municipality.~~

Section 4. That § 9-6-4 be AMENDED:

~~9-6-4. Upon the return day of such order, or any day to which the hearing thereon may be adjourned, Any objections to the petition may for dissolution must be filed on behalf with the circuit court within thirty days from the date of service on the municipality. Objections may be made by any public officer or employee of the municipality or any property owner or taxpayer thereof, which objections shall of the municipality. An objection must be in writing and be verified in the same manner as the petition.~~

~~The court may upon such hearing take such evidence as it may deem proper to a determination of the petition and objections thereto verified by an affidavit affirming the statements contained in the objection are true.~~

Section 5. That § 9-6-5 be AMENDED:

~~9-6-5. If upon such hearing it appears to the satisfaction of, after a hearing on the petition for dissolution and any objections, the court that the determines there are sufficient interests of such the municipality and of its property owners and taxpayers require that the municipality be dissolved to support the dissolution of the municipality, the court ~~shall~~ must appoint a referee to make an enumeration of its population and to examine the records of such the municipality and of the county in which the ~~same~~ municipality is situated, to ascertain whether such the petition has been executed by persons owning more than one-half of the real property within ~~such corporation~~ the municipality, both in area and assessed valuation.~~

~~The court may also refer to such the referee any other question in controversy which that may arise upon regarding the petition and objections thereto.~~

~~Such The referee shall with all convenient speed make his report to the court of on all matters referred to him, and upon the referee within the time designated by the court. Upon the filing of such the report and upon not less than six days' notice to the municipality, the court shall consider the report of the referee and may take evidence as it deems relevant.~~

Section 6. That § 9-6-6 be AMENDED:

~~9-6-6. If it appears from such report that the population of such municipality is less than two hundred fifty, and that such petition has been executed by property owners owning more than one-half of the real property within such municipality, both in area and in assessed valuation; and if it further appears to the satisfaction of the court that it is to the best interests of such municipality and of the property owners thereof that it be dissolved, the court shall render a judgment adjudging and decreeing the dissolution of such municipality. The court must render a judgment decreeing the dissolution of a municipality if:~~

- ~~(1) The referee reports that:~~
 - ~~(a) At the time the petition for dissolution is filed, the population of the municipality is less than two hundred fifty; and~~
 - ~~(b) The petition has been executed by property owners owning more than one-half of the real property within the municipality, both in area and in assessed valuation; and~~
- ~~(2) The court determines it is in the best interests of the municipality and the property owners that the municipality be dissolved.~~

Section 7. That § 9-6-7 be AMENDED:

~~9-6-7. The clerk of courts shall enter the petition and all objections thereto for dissolution, any objections, the report of the referee, and the judgment of dissolution shall be entered by the clerk of courts upon his into the judgment record, the same as judgments are entered in civil cases.~~

Section 8. That § 9-6-8 be AMENDED:

~~9-6-8. A copy of the judgment of dissolution, certified by the clerk of courts, shall must be filed in the office of the register of deeds in the county or~~

counties in which ~~such the~~ municipality is situated and in the Office of the Secretary of State, ~~and upon.~~ Upon the filing of ~~such copies such~~ municipality shall be deemed to be dissolved, and it shall cease to be a municipality ~~excepting the copies,~~ the municipality is dissolved and ceases to be a municipality, except as set forth in § 9-6-9.

Section 9. That § 9-6-9 be AMENDED:

9-6-9. After the entry of the judgment of dissolution, the territory ~~comprised in such formerly comprising the dissolved~~ municipality ~~shall must~~ revert to the jurisdiction ~~and control and shall become a part~~ of the local subdivision or organization of which it would have been a part had it never existed.

~~Its~~ The municipal governing body and other officers ~~shall cease to possess any powers except that they shall remain in office and shall possess,~~ under the direction of the circuit court, all powers necessary ~~to for~~ the winding up of the corporate affairs of ~~such the~~ municipality, including the power to levy and collect taxes to pay ~~its any~~ indebtedness, and to make all orders necessary for the disposal of ~~its municipal~~ property and for the proper distribution of the proceeds ~~thereof.~~ Such. The governing body and other officers shall remain in office for ~~such purposes of winding up the corporate affairs of the municipality~~ only for the period of six months after the entry of the judgment of dissolution, unless the court entering ~~such the~~ judgment ~~shall order orders~~ an extension ~~of such period of six months~~ for the purpose of permitting the affairs of ~~such the~~ municipality to be fully closed.

Section 10. That § 9-6-10 be AMENDED:

9-6-10. ~~If an application~~ If the governing body of a municipality with a population of less than one thousand at the time of filing is presented with a petition for dissolution signed by fifteen percent of the registered voters of ~~any the~~ municipality, based upon the total number of registered voters at the last preceding general election, ~~having less than one thousand inhabitants is presented to the governing body asking for the dissolution of the municipality,~~ the governing body shall call a special election by giving fifty days' published notice ~~thereof~~ to determine whether the municipality ~~shall must~~ be dissolved. ~~No~~ A signature on the application petition is not valid if signed more than six months prior to the filing of the application petition. If any ~~such application petition~~ is presented on or after January first prior to the annual municipal election and within sufficient time to comply with the provisions of ~~§ 9-13-14 chapter 9-13,~~ the question ~~shall of dissolution must~~ be submitted at that annual municipal election.

The vote upon the question of dissolution ~~shall must~~ be by ballot and cast in the manner provided ~~by in~~ chapter 9-13.

Section 11. That § 9-6-11 be AMENDED:

9-6-11. Where an election is ~~had under held~~ pursuant to § 9-6-10 and a majority of the votes cast ~~at such election shall be are~~ against dissolution, ~~there shall be no other another~~ election may not be held for the purpose of dissolving the municipality until five years after the date of ~~such the~~ first election.

Section 12. That § 9-6-12 be AMENDED:

9-6-12. If a majority of all the votes cast at an election ~~under pursuant~~ to § 9-6-10 ~~shall be are~~ for dissolution and ~~such vote shall have been given by the turnout for the election was at least~~ two-fifths of all the legal voters ~~in such of the~~ municipality, ~~as shown by the vote cast at the last preceding annual election therein,~~ based upon the total number of registered voters at the last preceding

general election, then a statement of the vote signed by the mayor or president of the ~~Board of Trustees~~ board of trustees and attested by the ~~auditor or clerk~~ shall finance officer must be filed in the office of the register of deeds of the ~~proper county; and such or counties in which the municipality is situated.~~ The municipality shall, at the expiration of six months from the time of holding ~~such the~~ election, cease to be a municipality, and the property belonging to ~~it~~ the municipality after the payment of its debts and liabilities ~~shall must~~ be disposed of ~~in such manner as the governing body may direct by transferring the property on an equitable basis to the county or counties in which the municipality is situated.~~

~~Such dissolution shall~~ Dissolution does not affect the rights of any person under any contract with ~~such the~~ municipality.

Section 13. That § 9-7-1 be AMENDED:

9-7-1. ~~The Board of Trustees~~ board of trustees of a ~~third-class~~ municipality shall consist of ~~not less than three nor more than~~ consists of either ~~three or~~ five members elected at large. Each ~~shall~~ member must be a legal voter of the municipality in accordance with § 9-14-2. The number of trustees of a municipality may be increased to five or reduced to three in the manner prescribed by chapter 9-11.

Section 14. That § 9-7-3 be AMENDED:

9-7-3. The members of the ~~Board of Trustees~~ board of trustees shall hold office for three years and until their successors are elected and qualified. A vacancy on the board ~~shall must~~ be filled as provided in § 9-13-14.1 or 9-13-14.2.

~~When a municipality is organized~~ For purposes of staggering terms, when a municipality is organized, the trustees shall must be elected for terms of one, two, and three years respectively at the first annual election. At subsequent elections each trustee ~~shall must~~ be elected for a term of three years.

Section 15. That § 9-7-5 be AMENDED:

9-7-5. At the first regular meeting after their election, the members of the ~~Board of Trustees~~ board of trustees shall elect one of their number as president to serve for one year and until ~~his a~~ successor is elected and qualified.

Section 16. That § 9-7-6 be AMENDED:

9-7-6. The board of trustees shall hold regular meetings at ~~such the~~ times as may be provided by ordinance.

Special meetings of the board may be held at any time upon call of the president or ~~clerk~~ finance officer by oral or written notice to the members ~~present within the municipality.~~

Section 17. That § 9-7-7 be AMENDED:

9-7-7. A majority of the members of the board ~~shall constitute~~ of trustees constitutes a quorum, but ~~no an~~ act of the board ~~shall be is not~~ effective unless assented to by a majority of the members. Unless a vacancy exists due to removal, resignation, death, or by operation of law, the quorum consists of the majority of all the trustees qualified to serve as trustees by election or appointment pursuant to chapter 9-13.

Section 18. That § 9-8-1.1 be AMENDED:

9-8-1.1. ~~A person~~ An individual may be nominated, elected, or appointed

as a mayor or as an alderman, if the person is a citizen of the United States, a voter of the municipality, and a resident of the municipality, ~~and, if an in accordance with § 9-14-2. An alderman, representing a ward must be~~ a voter of and resident of the ward for which the person is to hold office. ~~If the mayor or an alderman at large moves to a permanent residence outside the corporate limits of the municipality, the office is immediately vacated. If an alderman representing a ward moves to a permanent residence outside the boundaries of his or her ward, the office is immediately vacated.~~

Section 19. That § 9-8-2 be AMENDED:

9-8-2. If there is a vacancy from any cause in the office of the mayor, the vacancy ~~shall~~ must be filled by appointment by a majority vote of all the aldermen, as soon as practicable after the vacancy occurs, to serve until the office is filled by election for the unexpired term at the next annual municipal election or by special election as provided in § 9-13-14.2. Until the vacancy is filled ~~or during the time of temporary absence or disability of the mayor~~, the powers and duties of mayor are executed by the ~~president or vice president of the council~~ mayor pro tempore, as provided in ~~§ 9-8-7~~ section 27 of this Act.

A resignation by the mayor must be in writing and must specify the effective date of the resignation. A temporary absence or temporary incapacitation of the mayor is not a vacancy in the office of the mayor.

Section 20. That § 9-8-3 be AMENDED:

9-8-3. The mayor presides at all meetings of the council ~~but. The mayor votes only votes in the~~ case of a tie, except pursuant to § 9-8-10. The mayor performs other duties as may be prescribed by the laws and ordinances, and takes care that the laws and ordinances are faithfully executed. The mayor shall annually, or as may be necessary, give the council information relative to the affairs of the municipality, and recommend for the council's consideration the measures the mayor deems ~~expedient~~ prudent. The mayor may sign or veto any ordinance or resolution passed by the common council, ~~and. The mayor may veto any part or item of an ordinance or resolution appropriating money.~~

Section 21. That § 9-8-4 be AMENDED:

9-8-4. The common council consists of the mayor elected at large and two aldermen elected from and by the voters of each ward of the municipality. The term of office is two years, unless a municipality adopts an ordinance establishing the term of office to be three, four, or five years. ~~The Except as otherwise provided in § 9-8-2, the mayor and aldermen hold office until their successors are elected and qualified. At the first election of aldermen, the council shall stagger the initial terms of the alderman in each ward to provide that the two aldermen from the same ward are not up for reelection in the same year. A person may hold office for more than one term. The vacancy of an alderman is filled as provided in § 9-13-14.1 or 9-13-14.2.~~

A resignation by an alderman must be in writing and must specify the effective date of the resignation.

Section 22. That § 9-8-5 be AMENDED:

9-8-5. The council is the judge of the election and qualification of its members. The council ~~determines may, by ordinance, determine~~ its rules of procedure and code of conduct, and may punish its members for disorderly conduct while performing the duties of office, and, with the concurrence of two-thirds of the aldermen, may expel a member.

~~Any alderman who is convicted of bribery shall vacate the position. The office of a mayor or any alderman convicted of a crime that involves bribery is deemed vacated upon entry of a judgment of conviction.~~

The council may, by ordinance, establish requirements for attendance at regular meetings and provide for the expulsion of a member in violation of the attendance requirements.

Section 23. That § 9-8-7 be AMENDED:

9-8-7. At the first regular meeting after the annual election in each year and after the qualification of the newly elected aldermen, the council shall elect from among its members a president and vice president, who shall hold their respective offices ~~for the municipal year.~~

~~The president of the council in the absence of the mayor acts as the presiding officer of the council. During the absence of the mayor from the municipality or the mayor's temporary disability, the president of the council is acting mayor and has all the powers of the mayor.~~

~~In the absence or disability of the mayor and president of the council, the vice president of the council shall perform the duties of the mayor and president of the council.~~

~~However, the president of the council or vice president of the council acting as the mayor shall only vote as an alderman. No alderman acting as mayor may vote as the mayor to break a tie vote. until a president and vice president are elected the following year. In a year when there is no annual election, the council shall elect from among its members a president and vice president at the first regular meeting that occurs no more than one year after the president and vice president were last elected from among the council's members.~~

If an emergency prevents the first regular meeting from occurring, the election must take place at either the next regular meeting or a special meeting. If there is a vacancy in the office of the president, the council must elect a president from among its members at the first regular or special meeting that occurs after the vacancy occurred.

If there is a vacancy in the office of the vice president, the council must elect a vice president from among its members at the first regular or special meeting that occurs after the vacancy occurred. If the vacancy in the office of the vice president occurs during a meeting, the council may choose to elect a vice president from among its members during the same meeting.

Section 24. That § 9-8-8 be AMENDED:

9-8-8. The council holds its regular meetings on the first Monday of each month but may, by ordinance, change the day of its regular monthly meetings. The council may prescribe by ordinance the manner in which special meetings may be called.

A majority of all the aldermen constitutes a quorum to do business. When a seat on a council is vacant due to removal, resignation, death, or by operation of law, the quorum consists of the majority of ~~the remaining~~ all the aldermen who are qualified to serve as aldermen by election or appointment pursuant to chapter 9-13. The council may compel the attendance of absentees under ~~such~~ the penalties as may be prescribed by ordinance.

~~The meetings of the council are open to the public and it shall keep a journal of its proceedings. The council shall keep minutes of its meetings.~~

Section 25. That § 9-8-10 be AMENDED:

9-8-10. A roll call vote shall be taken upon the passage of all ordinances and upon any proposal to expend or appropriate money, and in all other cases at the request of any member. All votes shall be entered in the minutes of its proceedings. All votes must be taken orally or by roll call. A vote may not be taken by secret ballot. If any member of the council requests a roll call vote, a roll call vote must be taken. All votes must be entered in the minutes of the council's proceedings.

The majority vote of all the aldermen ~~shall be~~ is necessary to pass an ordinance or proposal ~~which that~~ expends or appropriates money, ~~and the~~. The mayor may not break a tie on an ordinance or proposal to expend or appropriate money. The mayor may break a tie on all other ordinances or proposals.

A two-thirds vote of the aldermen is required to sell any city property.

Section 26. That a NEW SECTION be added to chapter 9-8:

In the temporary absence or temporary incapacitation of the mayor, the president of the council shall serve as the mayor pro tempore, as provided in section 27 of this Act, until the temporary absence or temporary incapacitation ends.

In the temporary absence or disability of the mayor and president of the council, the vice president of the council shall serve as the mayor pro tempore until the temporary absence or temporary incapacitation ends.

Section 27. That a NEW SECTION be added to chapter 9-8:

The mayor pro tempore shall perform the mayor's duties, except that the mayor pro tempore may not appoint, employ, or remove appointive officers without approval of the council.

The mayor pro tempore acts as the presiding officer of the council, but the mayor pro tempore may only vote as an alderman. No alderman acting as mayor may vote as the mayor to break a tie vote.

For purposes of this section "appointive officers" are municipal employees or members of a board, commission, committee, or similar body that the mayor has the authority to appoint, with or without the approval of the council.

Section 28. That § 9-9-2 be AMENDED:

9-9-2. A~~In~~ accordance with § 9-14-2, a person may be nominated, elected, or appointed as a mayor or as a commissioner if the person is a citizen of the United States and voter and resident of the municipality.

Section 29. That § 9-9-3 be AMENDED:

9-9-3. The term of office of the mayor and commissioners ~~shall be~~ is not less than two or more than five years as determined by ordinance, except that at the first election after the adoption of the commission form of government the mayor's term ~~shall~~ must be for five years and the commissioners ~~shall~~ must be elected for staggered terms. If the number of commissioners is four, one ~~shall~~ must be elected for one year, one for two years, one for three years, and one for four years. If the number of commissioners is two, one ~~shall~~ must be elected for two years and one for four years. At the annual election preceding the expiration of the term of office of the mayor or any commissioner, a successor ~~shall~~ must be elected for a term ~~not to exceed~~ of not less than two or more than five years, as determined by ordinance.

Section 30. That § 9-9-6 be AMENDED:

9-9-6. If the mayor or a commissioner resigns, the resignation ~~shall~~ must be submitted in writing to the board of commissioners and must specify the effective date of the resignation.

If the mayor or a commissioner moves ~~his or her~~ to a permanent residence outside the corporate limits of the municipality, the office is immediately vacated.

If there is a vacancy in the office of mayor, the vacancy ~~shall~~ must be filled by appointment pursuant to § 9-9-8 until the position is filled by election at the next annual municipal election or by special election as provided in § 9-13-14.2. A vacancy on the board ~~shall~~ must be filled as provided in § 9-13-14.1 or 9-13-14.2.

A temporary absence or temporary incapacitation of the mayor is not considered a vacancy in the office of the mayor.

Section 31. That § 9-9-8 be AMENDED:

9-9-8. If the mayor is unable to perform the duties of office by reason of temporary absence or sickness ~~temporary incapacitation~~, the board ~~shall~~ must, by a majority vote of all the commissioners, appoint by a majority vote one of its members to act as mayor until the temporary absence or temporary incapacitation ends. The appointed commissioner's official designation ~~shall be acting president of the board of commissioners~~ is mayor pro tempore. The ~~acting president~~ mayor pro tempore is invested with all the powers and shall perform all the duties of the mayor during the mayor's temporary absence or sickness or temporary incapacitation. The ~~acting president mayor pro tempore~~ has only one vote as a commissioner and is not entitled to vote as ~~acting president~~ mayor pro tempore. The temporary absence or temporary incapacitation of the mayor is not a vacancy in the office of the mayor.

If the office of mayor is vacated, the board of commissioners ~~shall~~ must, by a majority vote of all commissioners, appoint by a majority vote one of its commissioners as acting mayor. The acting mayor is invested with all the powers and shall perform all the duties of the mayor, until the ~~election of a mayor~~ vacancy is filled by election for the unexpired term at the next annual election or by special election as provided in § 9-13-14.2.

The acting mayor has only one vote as a commissioner and is not entitled to vote as acting mayor.

Section 32. That § 9-9-14 be AMENDED:

9-9-14. A majority of all the commissioners on the board of commissioners constitutes a quorum to do business. If a seat on the board is vacant due to removal, resignation, death, or by operation of law, the quorum consists of the majority of all the remaining commissioners who are qualified to serve by election or appointment pursuant to chapter 9-13. The board may compel the attendance of any absentee under penalties as prescribed by ordinance.

No action of the board is effective unless upon a vote of a majority of all the members of the board.

Section 33. That § 9-9-14.1 be AMENDED:

9-9-14.1. ~~The board shall determine the board's rules of procedure, and may punish the board's members for disorderly conduct. The board may, by resolution, establish requirements for attendance at regular meetings and provide for the expulsion of a member in violation of the attendance requirements.~~ The

board of commissioners is the judge of the election and qualification of its members. The board may, by ordinance, determine its rules of procedure and code of conduct, punish its members for disorderly conduct while performing the duties of office, and, with the concurrence of two-thirds of the members, expel a member.

The board may, by ordinance, establish requirements for attendance at regular meetings and provide for the expulsion of a member in violation of the attendance requirements.

Section 34. That § 9-9-16 be AMENDED:

9-9-16. The yeas and nays shall be taken upon the passage of each ordinance and for any proposal to expend or appropriate money and in any other case at the request of any commissioner. Each vote shall be entered on the journal of the board's proceedings. A two-thirds vote of the board is required to sell any municipal real property. Each meeting of the board of commissioners is open to the public. All votes must be taken orally or by roll call. No votes may be taken by secret ballot. If any member of the board requests a roll call vote, a roll call vote must be taken. All votes must be entered in the minutes of the council's proceedings.

A two-thirds vote of the board is required to sell any municipal real property.

Section 35. That § 9-9-19 be AMENDED:

9-9-19. In any municipality governed by a board consisting of five commissioners, the mayor and the commissioners have the powers and duties described in §§ 9-9-20 to 9-9-24, inclusive. In addition, each commissioner shall supervise any other department assigned or apportioned by resolution of the governing board, adopted by a majority vote of all the commissioners at the first meeting of the board in the month following the election year. Each commissioner is in charge of the apparatus, personnel, and personal property used by departments under that commissioner's supervision.

Section 36. That § 9-9-20 be AMENDED:

9-9-20. If any municipality is governed by a board consisting of five commissioners, the mayor may exercise all the powers and perform all the duties provided by the laws of this state or the ordinances of the municipality not in conflict with the laws of the state. The mayor is the chief executive officer of the municipality, presides at all meetings of the board, and has general supervision over all departments and officers. In the absence or inability, temporary absence or temporary incapacitation of a commissioner, the mayor shall temporarily take charge of the department of that commissioner. The mayor shall enforce all the laws of the municipality and require that the conditions of the grant of any franchise or privilege are faithfully complied with and performed. The mayor shall grant all licenses or permits, except as are required by ordinance to be granted by the board or by some other department or officer. The mayor shall supervise each public building of the municipality and each city park except in any municipality that has a park board, and the lighting of the streets, alleys, and public buildings of the municipality. The mayor shall annually and from time to time give the board information relative to the affairs of the municipality and shall recommend for the board's consideration any measure the mayor deems expedient prudent.

Section 37. That § 9-9-26 be AMENDED:

9-9-26. If a municipality is governed by a board consisting of three commissioners, the mayor shall must exercise all the powers and perform all the

duties provided by the laws of this state or the ordinances of the municipality not in conflict with state law. The mayor ~~shall be~~ is the chief executive officer of the municipality, shall preside at all meetings of the board, and has general supervision over all departments and officers. In the temporary absence or ~~inability~~ temporary incapacitation of a commissioner, the mayor shall temporarily take charge of the department of the commissioner. The mayor shall see that all the laws of the municipality are enforced and that the conditions of the grant of any franchise or privilege are faithfully complied with and performed. The mayor shall grant all licenses or permits, except as required by ordinance to be granted by the board or by some other department or officer.

Section 38. That § 9-9-27 be AMENDED:

9-9-27. If a municipality is governed by a board consisting of three commissioners, all matters not designated to the mayor ~~shall~~ must be assigned or apportioned as equally as may be between the commissioners by resolution of the board adopted by a majority vote of all the commissioners at the first meeting of the board in the month following the election each year.

Section 39. That § 9-10-1 be AMENDED:

9-10-1. If a petition signed by fifteen percent of the registered voters of any ~~first or second class~~ municipality, as determined by the total number of registered voters at the last preceding general election, is presented requesting that an election be called to vote ~~upon the proposition on the question~~ of employing a city manager, the governing body ~~shall~~ must call an election ~~for that purpose~~. Upon receipt of a valid petition, the question shall be presented at the next annual municipal election or the next general election, whichever is earlier. However, the governing body may expedite the date of the election by ordering, within ten days of receiving the petition, a special election to be held on a Tuesday not less than thirty days from the date of the order of the governing body to be held within fifty days from the date of the filing of the petition with the municipal finance officer. At that election, the question must be submitted to the voters. No petition is valid if filed more than six months after the circulation start date declared on the petition forms. If the petition is filed on or after January first prior to the annual municipal election and within sufficient time to comply with the provisions of chapter 9-13, the question may be submitted at that annual municipal election.

The election ~~shall~~ must be held upon the same notice and conducted in the same manner as other municipal elections. The vote ~~upon the question of employing a city manager shall~~ must be by ballot ~~which conforms to a ballot for statewide question except that the statement required to be printed on the ballot shall be prepared by the municipal attorney, in the form and cast in the manner provided by chapter 9-13.~~

Section 40. That § 9-10-3 be AMENDED:

9-10-3. When authorized by a majority vote of all voters voting at a special election ~~to be called for that purpose, pursuant to § 9-10-1,~~ the governing body of any ~~first or second class~~ municipality ~~shall~~ must employ a city manager and fix ~~his~~ the manager's compensation.

Section 41. That § 9-10-4 be AMENDED:

9-10-4. In ~~first or second class~~ municipalities under the aldermanic form employing a city manager, ~~a the mayor, and aldermen shall~~ must be elected ~~as for such in the same manner as~~ municipalities not employing a city manager.

Section 42. That § 9-10-5 be AMENDED:

9-10-5. In all commission-governed municipalities employing a city manager, the number of at-large commissioners ~~shall be~~ is nine, ~~whose terms each with a three-year term of office shall be three years.~~ At the first election ~~thereof there shall be elected,~~ nine commissioners must be elected, three to serve until the next annual election, three to serve until the second annual election thereafter, and three to serve until the third annual election thereafter, ~~and thereafter at.~~ At each annual municipal election there shall be elected thereafter, three at-large commissioners must be elected for a term of three years each.

Section 43. That § 9-10-6 be AMENDED:

9-10-6. Within sixty days after an election directing the employment of a city manager in any commission-governed municipality, a special election ~~shall must~~ be called and held to elect the nine at-large commissioners. A plurality vote in the election of commissioners is sufficient to elect the commissioners.

The commissioners shall qualify as provided by law and organize by electing a commissioner to act as mayor until the first regular meeting of the board of commissioners in the month following the first annual election of commissioners. At the first regular meeting in the month following the annual election, the commissioners shall elect a commissioner to act as mayor for a term of one year.

~~The board has the same powers conferred upon the board of commissioners in a commission governed municipality pursuant to chapter 9-9. Except as otherwise provided in this chapter, the board shall be governed by the provisions of the law relating to a commission governed municipality.~~

Section 44. That § 9-10-7 be AMENDED:

9-10-7. ~~The duties and power of the mayor of any first or second class municipality employing a city manager shall be as follows:~~

- (1) ~~He shall be~~ Is the presiding officer of the council or commission, and in municipalities having the aldermanic form of government ~~he shall have,~~ has the powers and duties of an alderman at large;
- (2) ~~He shall be~~ Is the recognized head of the municipality for service of civil process and for military and ceremonial purposes;
- (3) ~~He may~~ May take command of the police of the municipality, appoint special police, and govern the municipality by proclamation during times of public danger or emergency, ~~and during such~~ during which times ~~he shall have such~~ the mayor has the powers and authority to call for assistance, ~~as are given to the mayor by~~ as provided in § 9-29-17; and
- (4) ~~He shall~~ Shall have ~~such further~~ other authority and perform ~~such further~~ other duties as may be prescribed by ordinance or resolution not inconsistent with the provisions of this chapter, but in no case ~~shall he may the mayor~~ have the right of veto.

Section 45. That § 9-10-8 be AMENDED:

9-10-8. The governing body of any ~~first or second class~~ municipality employing a manager shall hold ~~its~~ regular meetings on the ~~first Monday of each month at such hour as may be fixed by it. It may prescribe by ordinance the manner in which special meetings may be called and may also so change the date~~

~~of its regular monthly meetings and so provide for regular meetings oftener than once a month day and time adopted by ordinance, with at least one regular meeting per calendar month. The governing body may, by ordinance, determine the manner in which special meetings may be called.~~

Unless a seat on the governing body is vacant due to removal, resignation, death, or by operation of law, a quorum consists of the majority of all the members of the governing body who are qualified to serve by election or appointment pursuant to chapter 9-13. The governing body may compel the attendance of absentees under such penalties as may be prescribed by ordinance.

The meetings of the governing body are open to the public. The governing body shall keep minutes of its meetings.

Section 46. That § 9-10-9 be AMENDED:

9-10-9. ~~The auditor finance officer, attorney, and library board of trustees, and the treasurer shall must~~ be appointed by the governing body and may be removed at any time by ~~such the~~ governing body.

~~The auditor and the treasurer~~ finance officer shall ~~each~~ appoint all deputies and employees in ~~his the~~ finance office.

All other officers and employees, including all members of boards and commissions, except as otherwise provided by law, ~~shall must~~ be appointed ~~by the manager,~~ and may be removed, ~~by him~~ the city manager.

Section 47. That § 9-10-10 be AMENDED:

9-10-10. ~~The city manager shall must~~ be chosen by the governing body on the basis of ~~his~~ executive and administrative qualifications, with special reference to ~~his~~ actual experience in, or ~~his~~ knowledge of, accepted practices in respect to the duties of ~~his~~ office. ~~At the time of his appointment he need not be a resident of the city or state, but during his tenure of office he shall reside within the city. The governing body may establish residency requirements for the manager.~~

~~No~~ A person elected to membership on the governing body ~~shall may not~~ be eligible for appointment as manager until one year has elapsed following the expiration of the term for which ~~he the member~~ was elected.

Section 48. That § 9-10-11 be AMENDED:

9-10-11. The governing body shall appoint the city manager for an indefinite term, but may suspend the manager by resolution of intent to remove the manager approved by a majority vote of all the members of the governing body. The resolution of intent to remove the manager must set forth the reasons for the suspension and proposed removal, and a copy of the resolution must be served immediately upon the manager. The manager may reply in writing to the resolution and may request a public hearing within fifteen days of being served the resolution. If a public hearing is requested by the manager, the governing body ~~must set a time for the, within fifteen days, hold a~~ public hearing upon the question of the manager's removal, and the final resolution removing the manager may not be adopted until the public hearing has occurred.

The manager's pay must continue until the manager's removal is effective as provided by this section. The action of the governing body in removing the manager is final.

Section 49. That § 9-10-12 be AMENDED:

9-10-12. In case of the absence or disability of the manager or in case of ~~his~~ suspension as provided in § 9-10-11, the governing body may designate a qualified administrative officer of the ~~first or second class~~ municipality to perform the duties of the manager during ~~such the~~ absence, disability, or suspension.

Section 50. That § 9-10-13 be AMENDED:

9-10-13. The ~~city~~ manager ~~shall be~~ is responsible to the governing body for the proper administration of all affairs of the ~~first or second class~~ municipality ~~placed in his charge. To that end, except.~~ Except as otherwise provided by law, ~~he shall have the manager has~~ power to appoint and remove all officers and employees in the administrative service of the municipality and may authorize the head of any department or office responsible ~~to him to the manager~~ to appoint and remove subordinates in ~~such the~~ department or office. Appointments made by or under the authority of the manager ~~shall must~~ be made without definite term, on the basis of executive and administrative ability, and on the basis of the training and experience of such the appointees in the work which they are to perform assigned work.

Section 51. That § 9-10-14 be AMENDED:

9-10-14. ~~The~~ Except as otherwise provided in this section, the city manager and every officer of the ~~first or second class~~ municipality, whether appointed by the manager or the governing body, shall furnish a bond to the municipality in ~~such the~~ form and ~~in such~~ amount as may be required by the governing body. ~~Such The bond shall must~~ be approved by the governing body and ~~be filed with the auditor finance officer. An individual bond is not required, provided the municipality has blanket coverage pursuant to § 3-5-14.~~

Section 52. That § 9-10-15 be AMENDED:

9-10-15. The ~~city~~ manager ~~shall have the following further powers and duties:~~

- (1) ~~He shall see~~ See that the municipal laws and ordinances, and resolutions are enforced;
- (2) ~~He shall supervise~~ Supervise the administration of the affairs of the ~~first or second class~~ municipality;
- (3) ~~He shall make such~~ Make recommendations to the governing body concerning the affairs of the ~~first or second class~~ municipality as may seem ~~to him desirable prudent;~~
- (4) ~~He shall keep~~ Keep the governing body advised of the financial condition and future needs of the ~~first or second class~~ municipality;
- (5) ~~He shall prepare~~ Prepare and submit to the governing body an annual budget ~~not later than August first of each year on a date determined by the governing body pursuant to §§ 9-21-34 and 9-21-34.1;~~
- (6) ~~He shall see~~ See that all terms and conditions imposed in favor of the ~~first or second class~~ municipality or its inhabitants in any contract or franchise to which the municipality is a party are faithfully kept and performed;

- (7) ~~Except when the governing body may be considering his removal the manager shall be~~ Be entitled to be present and take part in discussions at all meetings of such the governing body and its committees, and to take part in their discussions except when the governing body is considering removal of the manager;
- (8) ~~He shall sign~~ Sign all warrants for the payment of money, ~~and the same shall which warrants:~~
 - (a) Must be countersigned by the ~~auditor~~ finance officer, ~~but no warrant shall; and~~
 - (b) May not be issued until the claim ~~therefor~~ has been approved by the governing body, except as ~~may be~~ otherwise provided by ordinance or resolution;
- (9) ~~He shall have~~ Have the right to prepare and introduce ordinances and resolutions and take part in the discussions on all matters coming before the governing body, but ~~shall have no the manager may not vote; and~~
- (10) ~~The manager shall have such further~~ Have other powers and duties as may be prescribed by ordinance or resolution.

~~No contract of the manager for the payment of money in excess of two hundred dollars, except for current necessities, shall be binding upon the first or second class municipality unless the payment shall be approved by the governing body.~~

Section 53. That § 9-10-17 be AMENDED:

9-10-17. It is a Class 2 misdemeanor for the city manager, or an officer or employee appointed by ~~him~~ the manager, to solicit any person to vote for or against any candidate for alderman or commissioner of the ~~first or second class~~ municipality by which ~~he~~ the manager is employed at any municipal election.

Section 54. That § 9-10-18 be AMENDED:

9-10-18. Provisions of the statutes governing ~~first or second class~~ municipalities inconsistent with this chapter ~~shall be~~ are inapplicable to municipalities employing a city manager.

Section 55. That a NEW SECTION be added to chapter 9-10:

Except as otherwise provided in this section, a contract of the municipality is not valid unless the contract has been authorized by a vote of the governing body at an official meeting, is executed in the name of the municipality by the mayor, is countersigned by the finance officer, and has the corporate seal attached.

Pursuant to § 9-1-5, the governing body of a municipality may, by ordinance or resolution, delegate to the manager the authority to enter into a contract on behalf of the municipality and to execute the contract and any other instrument necessary or convenient for the performance of the contract, subject to the limitations established by the governing body.

Section 56. That § 9-11-6 be AMENDED:

9-11-6. If a petition signed by fifteen percent of the registered voters of any municipality, as determined by the total number of registered voters at the last preceding general election, is presented to the governing body, requesting that an election be called for the purpose of voting upon a question of change of

form of government or upon a question of the number of wards, commissioners, or trustees, the governing body must call an election that must be held within fifty days from the date of the filing of the petition with the municipal finance officer. At that election, the question of the change of form of government or the number of wards, commissioners, or trustees, or both, must be submitted to the voters. No petition is valid if filed more than six months after the circulation start date declared on the petition forms. If the petition is filed on or after January first prior to the annual municipal election and within sufficient time to comply with the provisions of ~~§ 9-13-14~~ chapter 9-13, the question may be submitted at that annual municipal election.

The election must be held upon the same notice and conducted in the same manner as other municipal elections.

Section 57. That § 9-11-9 be AMENDED:

9-11-9. ~~If an election changes the question of whether to change the form of government or number of commissioners, wards, or trustees is approved in an election pursuant to § 9-11-6, at the next annual municipal election or at a special election called by the governing board and held pursuant to § 9-13-14, officers shall elected officials must~~ be chosen under the changed form of government.

Section 58. That § 9-11-11 be AMENDED:

9-11-11. Each first or second class municipality must be governed by a mayor and common council, a mayor and a common council with a city manager, a board of commissioners, or a board of commissioners with a city manager. Each third class municipality must be governed by a board of trustees, with or without a city manager.

The present form of government of existing municipalities must continue until changed as provided by this title.

Section 59. That § 9-12-1 be AMENDED:

9-12-1. Every municipality ~~shall have~~ has the power:

- (1) To sue and be sued and to contract in its corporate name;
- (2) To acquire by lease, purchase, gift, condemnation, or other lawful means and hold in its corporate name, or use and control as provided by law, both real and personal property and easements and rights of way within or without the corporate limits for all purposes authorized by law or necessary to the exercise of any power granted;
- (3) To provide that supplies needed for the use of the municipality ~~shall be~~ are furnished by contract let to the lowest responsible bidder, except as otherwise provided by law;
- (4) To construct, operate, and maintain an auditorium and all public buildings necessary for the use of the municipality;
- (5) To insure the public property of the municipality;
- (6) To convey, sell, give, dispose of, or lease ~~both~~ the personal and real property of the municipality as provided by ~~this title~~ the laws of this state; and
- (7) To perform all administrative and financial functions for all purposes authorized by law or necessary to the exercise of any power granted.

Section 60. That § 9-12-3 be AMENDED:

9-12-3. Every municipality may appropriate funds to pay the necessary expenses of its officers or employees in conducting ~~such~~ business or attending ~~such~~ meetings within or without the state as the governing body ~~shall determine~~ determines necessary to carry out its authorized municipal activities.

Section 61. That § 9-12-5.1 be AMENDED:

9-12-5.1. Every municipality may lease its ~~municipally owned~~ municipally owned property. ~~Any such~~ The lease ~~shall must~~ be for a term and upon the conditions provided by ~~resolution of~~ the governing body.

Section 62. That § 9-12-5.2 be AMENDED:

9-12-5.2. If the governing body decides to lease any municipally owned property to any private person for a term exceeding one hundred twenty days and for an amount exceeding two thousand five hundred dollars annual value ~~it shall~~, the municipality must adopt a resolution of intent to enter into ~~such the~~ lease, and the resolution must fix a time and place for public hearing on the adoption of the lease resolution. Notice of the hearing ~~shall on the adoption of the lease resolution~~ must be published in the official newspaper once, at least ten days prior to the hearing. Following the hearing, the governing body may proceed to authorize the lease upon the terms and conditions it determines.

Section 63. That § 9-12-10 be AMENDED:

9-12-10. Every ~~first or second class~~ municipality ~~shall have~~ has power to provide for the taking of the census of the municipality ~~not oftener than once in three years.~~

Section 64. That § 9-12-14.1 be AMENDED:

9-12-14.1. A municipality may pay compensation to a regularly scheduled commercial air carrier to provide basic or enhanced air service ~~as provided in the Airport and Airway Safety and Capacity Expansion Act of 1987 and may provide compensation to a regularly scheduled air carrier under contract with the South Dakota Airline Authority. Funds provided by a municipality to pay compensation for such air service shall be budgeted pursuant to chapter 9-21.~~

Section 65. That § 9-9-13 be REPEALED.

~~Each meeting of the board is open to the public and the board shall keep a journal of its proceedings.~~

Section 66. That § 9-10-2 be REPEALED.

~~When there has been an election as provided in § 9-10-1 and when the proposition to employ a city manager has failed to receive a majority vote, such proposition shall not be again submitted for the period of one year.~~

Section 67. That § 9-12-9 be REPEALED.

~~Every municipality shall have power to appropriate funds for the proper observance of Memorial Day and Veterans' Day.~~

Signed March 11, 2025

Chapter 39
(Senate Bill 128)

An Act to amend requirements for an official newspaper.

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

Section 1. That § 9-12-6 be AMENDED:

9-12-6. Each municipality shall designate at a meeting of its governing body an official newspaper or newspapers, for all legal and other official notices that must be published by law, for a period of time, not to be less than twelve months, specified by the governing body in a resolution. ~~The newspaper shall be published in the municipality. However, if there is no newspaper published in the municipality, then a newspaper published outside of the municipality may be used if the newspaper serves the municipality.~~

The newspaper must be published in the municipality. If no newspaper is published in the municipality, the municipality shall comply with the requirements provided in § 17-2-11.

Signed March 26, 2025

Chapter 40
(House Bill 1130)

An Act to provide permissible dates for municipal and school district elections.

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

Section 1. That § 9-13-1 be AMENDED:

9-13-1. In each municipality an annual election for the election of officers ~~shall must~~ be held each year on the ~~second Tuesday of April of each year first Tuesday after the first Monday in June or the first Tuesday after the first Monday in November~~, at a place in each ward of the municipality ~~as designated by the governing body shall designate~~. If the governing body of the municipality chooses ~~a different election day as provided in this chapter, the of the municipality~~. The governing body shall establish such the date of the annual election day by January fourteenth of the election year. The polls at the election ~~shall must~~ be kept open continuously from seven a.m. until seven p.m.

Section 2. That § 9-13-1.1 be AMENDED:

9-13-1.1. Any other provision of this chapter notwithstanding, ~~the members of the governing body of a municipality may~~, in odd-numbered years, choose to hold a general municipal election in conjunction with a regular school district election. The combined election ~~is subject to approval by the governing body of the school district~~. The combined election shall be held on the regular date set for either the general municipal election or the school district election and all dates associated with either election pursuant to chapters 9-13 and 13-7 shall be ~~adjusted accordingly~~ must be approved by the board of the school district and

must be held on the first Tuesday after the first Monday in June or the first Tuesday after the first Monday in November.

Expenses and governmental responsibilities of a combined election shall must be shared in a manner agreed upon by the governing bodies body of the municipality and the board of the school district. All other governmental responsibilities associated with holding elections under the provisions of chapters 9-13 and 13-7 shall be shared as agreed upon by the governing bodies.

Section 3. That § 9-13-5 be AMENDED:

9-13-5. No election ~~shall~~ may be held in any municipality, or ward thereof, ~~wherein there is no if:~~

- (1) The number of nominating petitions filed for each vacant position to be filled does not exceed the number of vacancies; and
- (2) No other question is to be submitted to the voters or wherein there are no opposing candidates for any office; in case there are no opposing candidates the.

The auditor or clerk shall issue certificates of election to the unopposed nominees, if any, in the same manner as to successful candidates after election.

Section 4. That § 9-13-6 be AMENDED:

9-13-6. The finance officer of the municipality shall have a notice published in the official newspaper of the municipality setting forth the vacancies ~~which that~~ will occur by termination of the terms of office of elective officers. The notice ~~shall must~~ also state the time and place where nominating petitions may be filed for ~~such the~~ offices. The notice ~~shall must~~ be published once each week for two consecutive weeks between the fifteenth day of January and the thirtieth day of January the month six months before the election.

Section 5. That § 9-13-6.1 be AMENDED:

9-13-6.1. If more than one commissioner or alderman is to be elected for a like term, the governing body ~~before October first in the year preceding the election may, at least six months before the election,~~ approve an ordinance designating requiring that candidates ~~shall~~ run for a specific position ~~such as "A" and "B" with each position representing one of the incumbent seats.~~

Section 6. That § 9-13-7 be AMENDED:

9-13-7. No candidate for elective municipal office may be nominated unless the candidate files a nominating petition ~~is filed~~ with the finance officer no later than five p.m. ~~on the last Friday in February preceding on the Tuesday seventy days before the day date of the election. The A petition shall be is~~ considered filed if it is mailed by registered mail by five p.m. on the last Friday in February ~~before the election. The petition shall contain the name, residence address, and mailing address of the candidate and the office for which the candidate is nominated and shall day to file a petition. The petition must be on the form prescribed by the State Board of Elections. The signer's and must contain:~~

- (1) The name of the candidate;
- (2) The candidate's residential address;
- (3) The candidate's mailing address, if applicable; and
- (4) The office the candidate seeks.

If an individual who signs a petition lives within a second-class or third-class municipality, the individual may give the individual's post office box number may be given in lieu of a street address if the signer lives within a municipality of the second or third class.

The finance officer may only accept a nominating petitions that are petition that is on the prescribed form and were was circulated and submitted pursuant to the provisions in chapters 9-13 of this chapter and chapter 12-6. Upon verification signed by the municipal finance officer or clerk The municipal finance officer or clerk shall verify by signature that the nominating petition contains the minimum number of signatures of registered voters within either the municipality or ward, or both, and that the candidate is a registered voter within either the municipality or ward, or both, Upon verification, the filing of the a nominating petition constitutes nomination.

Section 7. That § 9-13-9 be AMENDED:

9-13-9. In municipalities of the first and second class, if the If a candidate is to be voted for by the voters elected at large in a first-class or second-class municipality, a nominating petition shall must be signed by five percent of the registered voters of the municipality based on the number of registered voters recorded by the county auditor on the second Tuesday in January of the year of the election. No petition need be signed by more than of the month five months before the election, or fifty voters, whichever is less.

If the candidate is to be voted for by the voters of elected for a ward of a first-class or second-class municipality of the first or second class having that has more than one ward, a nominating petition shall must be signed by five percent of the registered voters of the ward based on the number of registered voters recorded by the county auditor on the second Tuesday in January of the year of the election. No petition need be signed by more than of the month five months before the election, or fifty voters, whichever is less.

In municipalities of the third class, if the If a candidate is to be voted for by the voters elected at large in a third-class municipality, the nominating petition shall must be signed by not less than three registered voters of the municipality. If the candidate is to be voted for by the voters of elected for a ward of a third-class municipality having more than one ward, the nominating petition shall must be signed by not less than three registered voters of the ward. A petition signer registered voter in a municipality of the third class is not restricted in the number of petitions which the person may sign more than one petition.

No A nominating petition may not be circulated until on or after the last Friday in January more than four months before the election.

Section 8. That § 9-13-14.1 be AMENDED:

9-13-14.1. If Except as otherwise provided in this section, if a vacancy exists on a municipal governing body, the remaining members shall must appoint a replacement to serve until the next annual municipal election, or the vacancy may be filled by special election. The governing body may call a special election to fill the vacancy for the remainder of the unexpired term, as provided in § 9-13-14.2. In the aldermanic form of municipal government, the appointment shall be a person replacement must be an individual from the same ward of the municipality. If electing a person to fill the remainder of the unexpired term at an annual municipal election, the vacancy shall have occurred prior to the publication required by § 9-13-6.

Section 9. That § 9-13-25 be AMENDED:

9-13-25. In any municipality, Except as otherwise provided in this section, the person having the highest number of votes for any municipal office shall be declared is elected. However, the

The governing board body of any municipality may, on or before the first of October in the year preceding, approve an ordinance requiring by ordinance enacted at least six months before the election, require a runoff election to be conducted pursuant to §§ 9-13-26.1 and 9-13-27.1.

Section 10. That § 9-13-31 be AMENDED:

9-13-31. The governing body shall, within ten days of presentation, order and fix a the date for holding a special election, to be on a Tuesday not less than between thirty nor more than and fifty days from the date of the order of the governing body. If a petition is filed after December thirty first before within six months of the annual municipal election and within sufficient time to comply with the provisions of § 9-13-14, the question of a successor shall must be submitted at that annual election.

The governing body shall have publish a notice of election published in the same manner as provided in § 9-13-13.

Section 11. That § 9-13-37 be AMENDED:

9-13-37. Any other provision of this chapter notwithstanding, the members of the governing body of a municipality may choose to shall, in even-numbered years, hold a the general municipal election in conjunction with the regular June primary election. The combined election is subject to approval by the county commissions of the counties in which the municipality is located. Expenses or the regular November general election. The expenses and governmental responsibilities of a combined election shall must be shared in a manner agreed upon by the governing body of the municipality and the board of county commissions commissioners involved. All other governmental responsibilities associated with holding elections under the provisions of chapters 9-13 and Title 12 shall be shared as agreed upon by the governing bodies. The finance officer shall publish the notice required in § 9-13-6 between February fifteenth and March first.

No A nominating petition may not be circulated for signatures until March first. Nominating petitions shall more than four months before the election. A nominating petition must be filed under the provisions of § 9-13-7 by the last Tuesday in March at least seventy days before the election. The finance officer shall certify to the appropriate county auditor the candidate names and ballot language to be voted on by the first Thursday after the last Tuesday in March sixty-eight days before the election.

Section 12. That a NEW SECTION be added to chapter 9-13:

If a municipality schedules an annual election on the first Tuesday after the first Monday in November, each office holder whose term was to expire earlier in that year shall have the term extended until the office holder or another candidate for the office is duly elected and qualified.

If a municipality schedules an annual election on the first Tuesday after the first Monday in June to elect an office that was previously elected in November, the office holder who was elected in November must be entitled to complete the term of office to which the office holder was elected.

Section 13. That § 13-7-5 be AMENDED:

13-7-5. Between the fifteenth day and the thirtieth day of the month ~~three months preceding six months before~~ the election, except in the case of the joint election as provided in § 13-7-10.1, the business manager of each school district shall publish once each week for two consecutive weeks in the official newspaper, a notice setting forth the vacancies ~~which that~~ will occur by termination of the terms of the elective or appointive school board members. ~~However, if~~

If the vacancies set forth in the notice exist within a new school board of a newly created school district entity pursuant to § 13-6-62, the county auditor of the county having jurisdiction over the election shall must publish the notice once each week for two consecutive weeks at least one month preceding the election. The notice shall must also state the time and place where nominating petitions for school board membership may be filed for the vacancies.

Section 14. That § 13-7-6 be AMENDED:

13-7-6. No candidate for elective school board membership may be nominated unless ~~such person the candidate~~ is a resident voter of the school district and unless the candidate files a nominating petition ~~has been filed on such person's behalf~~ with the business manager of the school district. The candidate must file the nominating petition shall be filed no later than five p.m. on the ~~Friday thirty-nine Tuesday seventy~~ days before the date of the election. The petition is considered timely filed if ~~it the petition~~ is mailed by registered mail by five p.m. on the ~~Friday thirty-nine Tuesday seventy~~ days before the date of the election. ~~A~~

The candidate shall sign a formal declaration of a candidate shall be signed by the candidate of candidacy before the circulation of the petition. The petition shall must be signed by not less than at least twenty voters of the school district or if the school district is divided into school board representation areas, the petition shall must be signed by not less than at least twenty voters who reside within the school board representation area. No A nominating petition may not be circulated until ten weeks prior to more than four months before the election. There shall be added by either the signer

An individual who signs a petition or the petition circulator the signer's shall write the individual's place of residence and date of signing. The petition shall be verified circulator must verify the petition under oath by the person circulating it.

The business manager shall verify by signature that the candidate is a resident voter of the school district and that the nominating petition contains the minimum number of signatures. Upon verification by the business manager, the filing of the nominating petition shall constitute constitutes nomination and will entitle entitles the candidate to have the candidate's name placed on the ballot for the term the candidate specifies on the petition only upon verification signed by the business manager that the nominating petition contains the minimum number of signatures and that the candidate is a resident voter.

Section 15. That § 13-7-9 be AMENDED:

13-7-9. In school districts if only one nominating petition is filed for each board vacancy to be filled and if there are no No election may be held in a school district if:

- (1) The number of nominating petitions filed for each vacant position to be filled does not exceed the number of vacancies; and
- (2) No other questions are to be submitted to the voters, there shall be no

~~election and the notices and publication provided in § 13-7-8 will not be necessary, but the~~

The business manager shall issue certificates of election to the unopposed nominees in the same manner as to successful candidates after election.

Section 16. That § 13-7-10 be AMENDED:

~~13-7-10. The regular election for school districts shall be held between the second Tuesday in April and the third Tuesday in June. Unless otherwise exempted by law, each school district must hold an annual election on the first Tuesday after the first Monday in June or the first Tuesday after the first Monday in November, between the hours of seven a.m. and seven p.m. of the day of the election. The school board shall select the date of the election by resolution no later than the first regular meeting after January first of each year. Voter registration, absentee voting, and procedures used in counting ballots shall must be in accordance with Title title 12, except as specifically otherwise provided in this chapter 13-7.~~

Section 17. That § 13-7-10.1 be AMENDED:

~~13-7-10.1. The members of the governing body board of a school district may, in odd-numbered years, choose to hold a general school district election in conjunction with a regular municipal election. The combined election is subject to approval must be approved by the governing body of the municipality. The combined election shall must be held on the regular date set for either the school district election or the general municipal election first Tuesday after the first Monday in June or the first Tuesday after the first Monday in November. Expenses The expenses and governmental responsibilities of a combined election shall must be shared in a manner agreed upon by the governing bodies body of the municipality and the board of the school district. All other governmental responsibilities associated with holding elections under the provisions of chapters 9-13 and 13-7 shall be shared as agreed upon by the governing bodies.~~

Section 18. That § 13-7-10.3 be AMENDED:

~~13-7-10.3. Any other provision of this chapter notwithstanding, the school board may choose to hold board of a school district shall, in even-numbered years, hold the school board election in conjunction with the regular June primary election. The combined election is subject to approval by the county commissions of the counties in which the school district is located or the regular November general election. Expenses of a combined election shall must be shared in a manner agreed upon by the school board and the boards of county commissions commissioners involved. All other governmental responsibilities associated with holding elections under the provisions of chapter 13-7 and Title 12 shall title 12 and this chapter must be shared as agreed upon by the governing bodies board of the school district and the boards of county commissioners involved. The school election official shall certify to the appropriate county auditor auditors the candidate names and ballot language to be voted on by the first Thursday after the last Tuesday in March sixty-eight days before the election.~~

Section 19. That a NEW SECTION be added to chapter 13-7:

If the board of a school district schedules an annual election on the first Tuesday after the first Monday in November, each office holder whose term was to expire earlier in that year shall have the term extended until the office holder or another candidate for the office is duly elected and qualified.

If the board of a school district schedules an annual election on the first Tuesday after the first Monday in June to elect an office that was previously elected in November, the office holder who was elected in November must be entitled to complete the term of office to which the office holder was elected.

Section 20. That § 13-8-14 be AMENDED:

13-8-14. The Any individual newly elected members of the school to the board of a school district shall qualify and assume membership at the annual first meeting of the school board in July, and following the canvass of the votes. An individual appointed members to the board of a school district shall qualify and assume membership at the next meeting following such the individual's appointment, by taking and subscribing.

Any individual elected or appointed to the board of a school district must take and subscribe to an oath or affirmation to support the laws and Constitution of the United States and the State of South Dakota this state and to faithfully perform the duties of school board membership and by filing. An individual elected or appointed to the board of a school district must file a bond if required by law and having it and must have the bond approved.

Section 21. That § 9-13-1.2 be REPEALED.

If the joint election provided for in §§ 9-13-1.1 and 13-7-10.1 is scheduled for a date other than the second Tuesday in April, all dates associated with the election are those provided in chapter 13-7.

Section 22. That § 9-13-40 be REPEALED.

Any other provision of this chapter notwithstanding, the members of the governing body of a municipality may choose to hold a municipal election on the first Tuesday after the first Monday in June. The finance officer shall publish the notice required in § 9-13-6 between February fifteenth and March first. No nominating petition may be circulated for signature until March first. Nominating petitions shall be filed under the provisions of § 9-13-7 by the last Tuesday in March. All other governmental responsibilities associated with holding elections under the provisions of chapter 9-13 shall be met by the municipality.

Section 23. That § 13-7-10.2 be REPEALED.

If the joint election provided for in § 13-7-10.1 is held on the second Tuesday in April, no candidate for elective school board membership may be nominated unless the candidate is a resident voter of the school district and unless a nominating petition has been filed on the candidate's behalf with the business manager of the school district no later than the last Friday in February at five p.m. prior to the date of the election. If the petition is mailed by registered mail by the last Friday in February at five p.m. before the election, it shall be considered filed. A formal declaration of a candidate shall be signed by the candidate before the circulation of the petition. The petition shall be signed by not less than twenty voters of the school district. No petition may be circulated until the last Friday in January before the election. There shall be added by either the signer or the circulator the signer's place of residence and date of signing. The petition shall be verified under oath by the person circulating the petition. The filing of the nominating petition shall constitute nomination and will entitle the candidate to have the candidate's name placed on the ballot for the term the candidate specifies on the petition only upon verification signed by the business manager that the nominating petition contains the minimum number of signatures and that the candidate is a resident voter.

~~Publication of the notice of the election provided for in § 13-7-10.1 shall be in accordance with § 13-7-8.~~

Section 24. That § 13-7-10.4 be REPEALED.

~~For any school board election held on the first Tuesday after the first Monday in June, the deadlines in this section apply. The school's election official shall publish the notice provided in § 13-7-5 between February fifteenth and March first. No nominating petition may be circulated for signatures until March first. Nominating petitions shall be filed under the provisions of § 13-7-6 by the last Tuesday in March.~~

Section 25. This Act is effective beginning January 1, 2026.

Signed March 25, 2025

**Chapter 41
(Senate Bill 97)**

An Act to allow the governing body of a municipality to change the use of municipally owned parkland by ordinance.

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

Section 1. That a NEW SECTION be added to chapter 9-38:

The governing body of a first or second class municipality may by ordinance authorize a change in the use of land obtained pursuant to § 9-38-31. Any change in the use of land obtained pursuant to § 9-38-31 may only be authorized if the land is to be used for a public purpose.

The governing body must give notice of the proposed ordinance by publishing the proposed ordinance in the municipality's official newspaper once a week for at least two successive weeks. The last publication of the notice must occur at least fourteen days before the meeting at which the ordinance is scheduled to be first read.

Signed March 3, 2025

TAXATION

**Chapter 42
(House Bill 1028)**

An Act to revise certain references to the Internal Revenue Code.

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

Section 1. That § 10-1-47 be AMENDED:

10-1-47. The ~~term, terms~~ terms "United States Internal Revenue Code, ~~or~~" and "Internal Revenue Code, ~~means~~" mean the United States Internal Revenue Code as amended and in effect on January 1, ~~2024~~ 2025. This section applies to §§ 10-4-9.1, 10-4-9.2, 10-4-9.3, 10-4-9.4, 10-4-39, 10-6-157, and 10-43-10.1, and subdivisions 10-6A-1(7), 10-6B-1(5), 10-18A-1(6), 10-43-10.3(6), and 10-45A-1(5).

Signed February 18, 2025

Chapter 43
(House Bill 1194)

**An Act to authorize the cooperation of counties for purposes of operating an
office of county director of equalization.**

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

Section 1. That § 10-3-1 be AMENDED:

10-3-1. The office of county director of equalization is hereby established in each organized county of this state. Counties may enter into an agreement pursuant to chapter 1-24 with another county or counties to perform the services of the county director of equalization.

Signed March 11, 2025

Chapter 44
(Senate Bill 131)

An Act to establish an electronic system for vehicle titles.

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

Section 1. That § 10-4-2 be AMENDED:

10-4-2. Real property, for the purposes of ad valorem taxation, includes:

- (1) Land and all rights and privileges thereto belonging;
- (2) Improvements to land and all rights and privileges thereto belonging, consisting of items permanently affixed to and becoming part of the real estate. The term, permanently affixed, refers to the economic life of the improvement rather than perpetuity;
- (3) Mines, minerals, and quarries;
- (4) Buildings and structures which are on foundations, and improvements to buildings and structures including any heating system, air conditioning, ventilation, sanitation, lighting, or plumbing which is part of the building or structure; and

- (5) Mobile homes as defined in ~~subdivision 32-3-1(8) § 32-3-1~~ which are on foundations.

For assessment purposes, a structure is anything constructed or erected from an assembly of materials, which requires a permanent location on or in the ground.

For assessment purposes, a building is a structure designed to stand permanently and cover a space of land which is enclosed by walls and is covered with a roof.

Section 2. That § 10-4-2.4 be AMENDED:

10-4-2.4. Real property, for the purposes of ad valorem taxation, includes manufactured homes as defined in ~~subdivision 32-3-1(6) § 32-3-1~~ and mobile homes as defined in ~~subdivision 32-3-1(8) § 32-3-1~~. This section does not apply to any manufactured home in the inventory of any dealer as defined in ~~subdivision 32-7A-1(2) § 32-7A-1~~.

Section 3. That § 10-9-1 be AMENDED:

10-9-1. As used in this chapter, unless the context otherwise plainly requires, "mobile home" means a mobile home as that term is defined in ~~subdivision §32-3-1(8) § 32-3-1~~.

Section 4. That § 10-45-2.1 be AMENDED:

10-45-2.1. Sales of sectional homes are subject to sales tax, which shall be based upon the fair market value of the raw materials used to construct each home.

For the purpose of this section, the term, sectional homes, means any home pre-built in whole or in part for the purpose of permanent placement on a foundation. Mobile homes as defined in ~~subdivision 32-3-1(8) § 32-3-1~~ and manufactured homes as defined in ~~subdivision 32-3-1(6) § 32-3-1~~ are not sectional homes.

Section 5. That § 10-46-5.1 be AMENDED:

10-46-5.1. If a sectional home is permanently affixed to real property, it is not a vehicle subject to registration under chapter 32-3, and shall be classified as real property. A contractor who erects such a home shall hold a sales tax or use tax license and pay use tax based upon the fair market value of the raw materials used to construct and erect the home.

For the purpose of this section, the term, sectional home, means any home pre-built in part or in whole for the purpose of permanent placement on a foundation. Mobile homes as defined by ~~subdivision 32-3-1(8) § 32-3-1~~ and manufactured homes as defined in ~~subdivision 32-3-1(6) § 32-3-1~~ are not sectional homes.

Section 6. That § 32-3-1 be AMENDED:

32-3-1. Terms used in chapters 32-3 to 32-5B, inclusive, mean:

- (1) "Approved entity," any person who receives or transfers a vehicle title by sale, gift, or any means, and who is authorized by the department to use the electronic title and registration system to validate ownership and facilitate the assignment, reassignment, or transfer of title custody or ownership of a vehicle without a paper record;

- (2) "Commercial motor vehicle," any motor vehicle used or maintained for the transportation of persons or property for hire, compensation, or profit; or designed, used, or maintained primarily for the transportation of property, and not specifically excluded under § 32-9-3;
- ~~(2)~~(3) "Component part," any part of a motor vehicle, trailer, or semitrailer other than a tire, having a vehicle identification number;
- ~~(3)~~(4) "Dealer," any person who, for commission or with intent to make a profit or gain, sells, exchanges, rents with option to purchase, offers, or attempts to negotiate a sale or exchange of new, or new and used vehicles; or who is engaged wholly or in part in the business of selling new, or new and used vehicles, whether or not the vehicles are owned by that person;
- ~~(4)~~(5) "Department," Department of Revenue;
- ~~(4A)~~(6) "Electric bicycle," as that term is defined in § 32-20B-9;
- ~~(4B)~~(7) "Electronic title and registration system," a system established under § 32-3-69.1 by which title applications, title lien statements, certificates of title, and other supporting documents, signatures, and fees are entered and transmitted through the title application and registration process in an electronic format;
- (8) "ERT provider," a person who operates a program that provides title and registration services and is authorized by the department to act on behalf of the department and county treasurers in receiving, processing, and transmitting to the department registration applications and related fees;
- (9) "Gross vehicle weight rating," the value specified by the manufacturer as the loaded weight of a single vehicle;
- ~~(5)~~(10) "Junking certificate," a certificate of ownership, which may not be restored to a title document that allows highway use, issued by the department to the owner of a vehicle that is going to be dismantled and sold for parts;
- ~~(5A)~~(11) "Low-speed vehicle," a four-wheeled motor vehicle whose speed attainable in one mile is more than twenty miles per hour and not more than twenty-five miles per hour on a paved level surface;
- ~~(6)~~(12) "Manufactured home," a structure, transportable in one or more sections, that is eight body feet or more in width or forty body feet or more in length in the traveling mode, or is three hundred twenty square feet or more when erected on a site; that is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities; and that contains the plumbing, heating, air conditioning, and electrical systems therein. The term includes any structure that meets all the requirements of this subdivision and any other structure that has been certified by the secretary of housing and urban development. The term does not include a recreational park trailer;
- ~~(7)~~(13) "Manufacturer," any person, firm, corporation, limited liability company, or association engaged in the manufacture of new motor vehicles as a regular business;
- ~~(8)~~(14) "Mobile home," a movable or portable unit, designed and constructed to be towed on its own chassis (comprised of frame and wheels), and designed to be connected to utilities for year-round occupancy. The term includes:

- (a) Units containing parts that may be folded, collapsed, or telescoped when being towed and that may be expanded to provide additional cubic capacity; and
- (b) Units composed of two or more separately towable components designed to be joined into one integral unit capable of being separated again into the components for repeated towing.

The term does not include a recreational park trailer;

~~(9)~~(15) "Moped," a motor-driven cycle equipped with two or three wheels. If a combustion engine is used, the maximum piston or rotor displacement is fifty cubic centimeters regardless of the number of chambers in the power source. The power source must be equipped with a power drive system that functions directly or automatically only, not requiring clutching or shifting by the operator after the drive system is engaged. The term does not include an electric bicycle;

~~(10)~~(16) "Motorcycle," includes motorcycles, motorbikes, mopeds, bicycles with a motor attached, and all motor-operated vehicles of the bicycle or tricycle type, whether the motive power be a part thereof or attached thereto, and having a saddle or seat with the driver sitting astride or upon it, or a platform on which the driver stands, but excluding a tractor. The term does not include an electric bicycle;

~~(11)~~(17) "Motor vehicle," automobiles, motor trucks, motorcycles, house trailers, trailers, and all vehicles propelled by power other than muscular power, except traction engines, road rollers, farm wagons, freight trailers, vehicles that run only on rails or tracks, electric bicycles, multi-passenger quadricycle as defined in § 32-14-17, and off-road vehicles as defined in § 32-20-1;

~~(12)~~(18) "New motor vehicle," any motor vehicle to which a manufacturer's statement of origin has not been transferred, or is a motor vehicle on which title was issued from the manufacturer's statement of origin or manufacturer's certificate of origin and is still in the name of the first person who took title to the vehicle;

~~(13)~~(19) "Noncommercial motor vehicle," any motor vehicle not classified as a commercial motor vehicle;

~~(14)~~(20) "Noncommercial trailer or semitrailer," any trailer or semitrailer not used or maintained for the transportation of persons or property for hire, compensation, or profit;

~~(14A)~~(21) "Notation," a physical or electronic process of recording a lien on a certificate of title, a manufacturer's statement of origin, or a manufacturer's certificate of origin;

~~(15)~~(22) "Off-road vehicle," any self-propelled, two-or-more-wheeled vehicle designed primarily to be operated on land other than a highway and includes all terrain vehicles, dune buggies, and any vehicle whose manufacturer's statement of origin or manufacturer's certificate of origin states that the vehicle is not for highway use. The term does not include a farm vehicle or an electric bicycle as defined in this section;

~~(16)~~(23) "Owner," any person, firm, association, trust, or corporation renting a motor vehicle or having the exclusive use thereof, under a lease or otherwise, for a period greater than thirty days; as between contract

vendor and contract vendee, the term, owner, refers to the contract vendee, unless the contrary clearly appears from the context of chapters 32-3 to 32-5B, inclusive, or a person or trust having legal possession or title;

- ~~(17)~~(24) "Rebuilt vehicle," any motor vehicle, trailer, or semitrailer that has been rebuilt by the addition or deletion of assemblies, subassemblies, parts, or component parts so that upon gross visual examination it does not appear to be the vehicle described in the certificate of title last issued for the vehicle, or whose title has been marked as rebuilt by this state or another state or jurisdiction;
- ~~(17A)~~(25) "Recreational park trailer," a vehicle that is primarily designed to provide temporary living quarters for recreational, camping, or seasonal use and which:
- (a) Is built on a single chassis mounted on wheels;
 - (b) Has a gross trailer area not exceeding four hundred square feet in the setup mode;
 - (c) Is certified by the manufacturer as complying with American National Standards Institute Standard No. A119.5 in effect on January 1, 2008; and
 - (d) Has at least a seventeen digit identification number and the manufacturer has designated the vehicle as a recreational park model on the manufacturer statement of origin;
- ~~(18)~~(26) "Recreational vehicle," a vehicular portable structure built on a chassis designed to be used as a temporary dwelling for travel, recreational, vacation, or seasonal uses, and that is permanently identified as a travel trailer or a recreational park trailer by the manufacturer of the trailer;
- ~~(19)~~(27) "Road tractor," any motor vehicle designed and used for drawing other vehicles, except farm or logging tractors used exclusively for farming or logging, and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn;
- ~~(20)~~(28) "Secretary," secretary of revenue;
- ~~(21)~~(29) "Semitrailer," any vehicle of the trailer type, equipped with a kingpin assembly, designed and used in conjunction with a fifth wheel connecting device on a motor vehicle constructed so that some part of its weight and that of its load rests upon or is carried by another vehicle;
- ~~(22)~~(30) "State," includes the territories and the federal districts of the United States;
- ~~(23)~~(31) "Trailer," any vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle;
- ~~(24)~~(32) "Truck tractor," any motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn;
- ~~(25)~~(33) "Used vehicle," any motor vehicle to which title has been issued to someone other than the first person who took title to the motor vehicle from the manufacturer's statement of origin or manufacturer's certificate of origin; and

~~(26)~~~~(34)~~ "Vehicle identification number," the number assigned by the manufacturer or by the department for the purpose of identifying the vehicle. The term includes any number or letters assigned by the manufacturer for the purpose of identifying a component part and any such number stamped on a vehicle or part according to law or the rules promulgated by the department for the purpose of identifying the vehicle or part.

Section 7. That § 32-3-53 be AMENDED:

32-3-53. If any vehicle, trailer, or semitrailer is rebuilt as defined in ~~subdivision 32-3-1(17)~~ § 32-3-1 and is restored to operation, the owner shall submit an application to the Department of Revenue for a rebuilt title. The motor vehicle, trailer, or semitrailer may not be licensed or titled until there is submitted to the department proper affidavits, photo copies of receipts, bills of sale establishing ownership, or titles and the source of all parts and component parts used to rebuild the vehicle. The rebuilt title and registration shall be issued and delivered in accordance with the provisions of this chapter. After the motor vehicle is inspected, the owner shall take his copy of the certificate of inspection to the county treasurer, purchase his license plates and pay any tax owed. Once the department is notified that the inspection is complete and has verified that the correct amount of tax has been paid, it shall issue a rebuilt title. Each new certificate of title shall have noted thereon that the vehicle has been rebuilt. The highway patrol or an employee of the department may inspect rebuilt titles and rebuilt motor vehicles.

Section 8. That § 32-3-57 be AMENDED:

32-3-57. The secretary of revenue may promulgate rules pursuant to chapter 1-26 and issue instructions as are necessary to ensure and obtain uniformity in the administration of the provisions of this chapter. Rules may be adopted in the following areas:

- (1) Application requirements for new vehicles, trailers, snowmobiles, and mobile homes;
- (2) Certificate of title for vehicles previously registered, time limits of making application, duplicate certificates, and transfer of certificate of title;
- (3) Assignment of certificate of title;
- (4) Corrections of titles and procedure when there is a body type change;
- (5) Lien recording, assignment of liens, execution of cancellation of liens, and delivery of certificate of title;
- (6) Transfer of ownership;
- (7) Registration tax dealers guides for used vehicles or mobile homes, older motor vehicles and government vehicles, title and license requirements, nonresident reciprocity, manufacturer's price sticker, wrecked motor vehicles, leased vehicles, and homemade vehicles; ~~and~~
- (8) Establishment of a transaction fee for online access to the title and registration system that does not exceed fifty cents for each transaction;
- (9) Standards and procedures for the electronic title and registration system under § 32-3-69.1, including qualifications, applications, and annual registration fees for approved entities;
- (10) Standards and procedures for the electronic lien filing system under § 32-3-70; and

(11) Requirements for retention of physical documents.

All local officials charged with the administration of the provisions of this chapter are governed in their official acts by the rules promulgated by the secretary.

Section 9. That § 32-3-69.1 be AMENDED:

32-3-69.1. ~~The~~ On or before July 1, 2026, the department ~~may~~ shall establish an electronic title and registration system for motor vehicles, ~~as the term, motor vehicle, is defined in § 32-3-1; boats, as described in chapters 32-3A and 32-7B; vehicles, as defined in § 32-6B-1; snowmobiles, as described in chapter 32-6C; manufactured and mobile homes, as described in chapter 32-7A; commercial motor vehicles, as described in chapter 32-9; and fleet vehicles and fleets, as described in chapter 32-10.~~

The electronic title and registration system required under this section must permit:

- (1) Electronic transmission of data and scans by an approved entity or county treasurer to or from the department in lieu of the transmission of paper documents required under this chapter, including:
 - (a) The manufacturer's statement of origin;
 - (b) The manufacturer's certificate of origin; and
 - (c) Odometer disclosure information;
- (2) Receipt and processing of electronic record transactions from an approved entity;
- (3) The production and submission by an approved entity of title records generated from electronic records of title and registration maintained by the department; and
- (4) Certification and audit by the department of data and scans submitted to the department by an approved entity.

Any approved entity or other participant in the electronic title and registration system shall submit electronic applications for original vehicle titles in a form and format prescribed by the department. A participant shall electronically provide all documentation or information required by the department to process the electronic title application, including the electronic manufacturer's statement of origin or odometer disclosure statement. The department shall verify the authenticity of the electronic information before the electronic title is issued.

Section 10. That a NEW SECTION be added to chapter 32-3:

An entity must submit an application to become an approved entity for purposes of this chapter. An approved entity may charge a customer a fee for services provided under section 11 of this Act.

Section 11. That a NEW SECTION be added to chapter 32-3:

An approved entity using the electronic title and registration system shall transmit all application documents, required electronic signatures, and fees, through the system to the department. Upon receiving an application transmitted through the electronic title and registration system, the county treasurer shall, by close of business on the third business day, either:

- (1) Accept the application and forward it to the department; or
- (2) Reject the application and return it to the approved entity.

Section 12. That a NEW SECTION be added to chapter 32-3:

The department shall enter into contracts with one or more qualified ERT providers to integrate with the electronic title and registration system and other necessary, related state systems to provide software and programs to approved entities, the department, and county treasurers, to facilitate electronic vehicle registration, titling, and filing of lien statements.

An ERT provider that contracts with the department under this section may act on behalf of the department and county treasurers in receiving, processing, and transmitting, to the county treasurer, title and lien applications, title lien statements, and related documents and fees. An ERT provider may charge the approved entity a fee for services provided under this section.

Section 13. That a NEW SECTION be added to chapter 32-3:

Any reference in this chapter to a "certificate of title" also applies to an electronic record of title under the electronic title and registration system required by § 32-3-69.1. The department may allow a person to submit a document required under this chapter by using electronic media deemed feasible by the department, instead of requiring an original document. If a signature on a document is required by law and the document is submitted electronically, the signature requirement is satisfied by an authenticated, electronically submitted signature. An electronically submitted document, once accepted by the department, is deemed the same as an original document and is admissible in all administrative, quasi-judicial, and judicial proceedings.

Section 14. That a NEW SECTION be added to chapter 32-3:

If a title is held electronically, no paper title will be printed, except in the following circumstances:

- (1) The owner is relocating to another state, and there is no electronic system in place to transfer the title electronically between the states;
- (2) The owner has sold the titled property to a new owner in another state, and there is no electronic system in place to transfer the title electronically between the states; or
- (3) The owner requests a paper title to be printed and pays the applicable fee under this chapter.

The owner is required to submit an application to the department to have the paper title printed pursuant to this section. The application must be in a form prescribed by the department. If the title is subject to a lien, the requirements of § 32-3-70 must be met.

Section 15. That § 32-5-85 be AMENDED:

32-5-85. Two number plates shall must be issued, except that as to a motorcycle, recreational vehicle, semitrailer, and trailer, as such terms are defined in subdivisions 32-3-1(10), (18), (21), and (23) § 32-3-1, one number plate shall must be issued.

Section 16. That § 32-10-1 be AMENDED:

32-10-1. Terms used in this chapter mean:

- (1) "Administrator," the secretary of revenue;
- (2) "Commercial vehicle," any vehicle which is operated in interstate commerce in furtherance of any commercial enterprise;
- (3) "Department," the Department of Revenue;
- (4) "Interstate commerce," the movement of a vehicle between jurisdictions but does not include the movement of any vehicle which transports or is being used to transport persons or property, the transportation of which originates in one jurisdiction and passes into or through another jurisdiction or jurisdictions, for delivery in the jurisdiction in which the transportation originated;
- (5) "Jurisdiction," a state, district, territory, or possession of the United States, a foreign country, and a state or province of a foreign country;
- (6) "Motor vehicle," shall have the meaning ascribed to it by § 32-9-1;
- (7) "Owner," as defined in subdivision ~~32-3-1(16)~~ § 32-3-1, except that for the purposes of proportional registration of vehicles as authorized and provided in §§ 32-10-10 and 32-10-15 to 32-10-28, inclusive, "owner" means a person who holds a legal title of a vehicle, or in the event a vehicle is the subject of an agreement for the conditional sale thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee, or in the event while a vehicle is subject to a lease with an immediate right of possession vested in the lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee, lessee or mortgagee is considered to be the owner;
- (8) "Person" shall have the meaning ascribed to it by § 32-9-1;
- (9) "Preceding year," a period of twelve consecutive months fixed by the administrator which period shall be within the sixteen months immediately preceding the commencement of the registration or license year for which proportional registration is sought; and the administrator in fixing such period shall make it conform to the terms, conditions, and requirements of any applicable agreement or arrangement for the proportional registration of vehicles;
- (10) "Properly registered," as applied to place of registration:
 - (a) The jurisdiction where the person registering the vehicle has his legal residence; or
 - (b) In the case of a commercial vehicle, the jurisdiction in which it is registered if the commercial enterprise in which such vehicle is used has a place of business therein, and, if the vehicle is most frequently dispatched, garaged, serviced, maintained, operated, or otherwise controlled in or from such place of business, and, the owner has assigned the vehicle to such place of business; or
 - (c) In the case of a commercial vehicle, the jurisdiction where, because of an agreement or arrangement between two or more jurisdictions, or pursuant to a declaration, the vehicle has been registered as required by said jurisdiction.

In case of doubt or dispute as to the proper place of registration of a vehicle, the administrator shall make final determination, but in making such determination, may confer with administrators of the other states or jurisdictions affected;

- (11) "Vehicle" shall have the meaning ascribed to it by § 32-9-1.

Section 17. That § 32-14-11 be AMENDED:

32-14-11. No person may occupy a house trailer or a recreational vehicle as defined by ~~subdivision 32-3-1(18)~~ § 32-3-1 while it is being towed. A violation of this section is a petty offense. This section does not apply to a recreational vehicle being towed by a truck, truck tractor, or pickup with a fifth-wheel device, if the recreational vehicle is equipped with safety glazing materials wherever glazing materials are used in windows or doors, with an audible or visual signaling device which a passenger inside the recreational vehicle can use to gain the attention of the motor vehicle driver, and with at least one unobstructed exit capable of being opened from both the interior and exterior of the recreational vehicle. The requirement for safety glazing materials does not apply to vehicles manufactured prior to July 1, 1977.

Section 18. That § 32-15-7 be AMENDED:

32-15-7. The windshield on every motor vehicle as defined by subdivision ~~§ 32-3-1(11)~~ § 32-3-1 except farm tractors and motorcycles, shall be equipped with a device for cleaning rain, snow, or other moisture from the windshield, which device shall be operated by the driver of the vehicle. No person may operate a motor vehicle upon the highways unless such vehicle shall be equipped with such device in good working order capable of cleaning the windshield thereof and which device shall provide the driver a clear view of the highway. A violation of this section is a petty offense.

Section 19. That § 32-33-17 be AMENDED:

32-33-17. The driver of any single or combination vehicle weighing in excess of ten thousand pounds gross vehicle weight, who fails to stop at or who knowingly passes or bypasses any state weighing station, upon any public highway, when the station is open and being operated by law enforcement officers or motor carrier inspectors, is guilty of a Class 2 misdemeanor. This section does not apply to any recreational vehicle as defined in ~~subdivision 32-3-1(18)~~ § 32-3-1. For purposes of this section, a combination vehicle is any vehicle consisting of two or more units including a truck, tractor, or towing vehicle, and one or more trailers.

Section 20. That § 37-5-13 be AMENDED:

37-5-13. Terms used in §§ 37-5-13 to 37-5-15, inclusive, mean:

- (1) "Dealer," any person who receives machinery from a manufacturer under a dealership contract and who offers and sells the machinery to the general public from manufacturer authorized facilities in this state. The term, dealer, does not include a single-line dealer or any person with total annual gross sales in this state and elsewhere of one hundred million dollars or more of industrial and construction equipment, attachments, replacement parts, and service related to the equipment, from any one manufacturer or supplier of such equipment;

- (2) "Dealership contract," a written agreement or contract between a manufacturer and dealer which fixes the legal rights and liabilities of the parties to such agreement or contract;
- (3) "Machinery," any farm vehicle as defined by § 32-3-2.4 or any off-road vehicle as defined by ~~subdivision 32-3-1(15)~~ § 32-3-1 or merchandise as defined in ~~subdivision 37-5-12.2(3)~~ § 37-5-12.2;
- (4) "Manufacturer," any person engaged in the manufacturing or distribution of machinery including any person who acts for the manufacturer;
- (5) "Single-line dealer," any person that has purchased seventy-five percent or more of the dealer's total new product inventory from a single manufacturer of industrial and construction equipment under agreements with that manufacturer and has a total annual average sales of industrial and construction equipment volume for the three previous years with that single manufacturer in excess of fifty million dollars for the territory for which that dealer is responsible.

Section 21. That § 37-14-21 be AMENDED:

37-14-21. Except as otherwise agreed to in writing by the purchaser and seller, or unless otherwise provided for by advertised or announced terms at the auction premises on the day of the sale, if the purchaser of any property at an auction sale has not removed the property from the auction premises within ninety days after the date of the sale or has not otherwise taken physical possession of the property within ninety days after the date of the sale, ownership of the property reverts to the seller, and the payment is forfeited to the seller without further notice of action. This section does not apply to any motor vehicle as defined in ~~subdivision 32-3-1(11)~~ § 32-3-1 or to any state auction held pursuant to chapter 5-24A.

Signed March 17, 2025

Chapter 45
(House Bill 1143)

An Act to require that the director of equalization adjust certain agricultural land values.

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

Section 1. That § 10-6-130 be AMENDED:

10-6-130. All soils ~~must be~~ are divided into classes based on soil classification standards developed by the United States Department of Agriculture, Natural Resources Conservation Service. All agricultural land must be categorized as either cropland or noncropland. Soil types with land capability class I, II, and III must be categorized as cropland and soil types with land capability classes V, VI, VII, and VIII must be categorized as noncropland. Soil types with land capability class IV may be categorized by the director of equalization as either cropland or as noncropland. The director of equalization ~~must~~ shall notify the department by November ~~1~~ first of each year of any changes to the categorization of the land capability class IV soil types. Beginning with the 2023 assessment year, the total acres of class IV soil types classified as noncropland in a county may

increase a maximum of twenty percent over the total acres of class IV soil types classified as noncropland in the county in the previous assessment year. The department shall provide each county with soil ratings for all soil types present in the county. The director of equalization shall implement the soil ratings and utilize the ratings as the basis for determining the value of each soil type in the county.

The director may make an adjustment to a parcel pursuant to § 10-6-131.

Nothing in this section prohibits the department from categorizing soil types with land capability class I, II or III as noncropland if one or more of the adjustment factors contained in § 10-6-131 affects the productivity of the soil type, and the reasonable, probable use of the soil type that is physically practical, appropriately supported, financially feasible, and that results in the highest sustainable use of the land, is not harvesting crops or plants produced.

Section 2. That § 10-6-131 be AMENDED:

10-6-131. Before July first each year, the secretary of revenue shall annually provide each director the agricultural income value for each county as computed pursuant to § 10-6-127. The director shall annually determine the assessed value of agricultural land. The director may adjust the assessed value of agricultural land to the extent that one or more of the following factors negatively affect the productivity of the land:

- (1) Location;
- (2) Size;
- (3) Soil survey statistics;
- (4) Terrain;
- (5) Topographical condition;
- (6) Climate;
- (7) Accessibility; or
- (8) Surface obstructions, including shelterbelts.

If the director determines that one or more of the factors provided in this section negatively affects the productivity of the land, the director shall adjust the assessed value of the land.

The director shall document each adjustment by using data from sources reasonably related to the adjustment being made. In addition, the director may use data from comparable sales of agricultural land to document the adjustment concerning productivity for any of the factors listed in this section.

If the actual use of agricultural land varies from the land use category specified by soil classification standards, or if any factors listed in this section exist that affect the productivity of the land, the property owner may request an examination of the land by the director on a form prescribed by the department. The director shall determine whether to adjust the assessed value of the agricultural land pursuant to the factors listed in this section.

The director shall document all supporting evidence for the adjustment determination. The director shall provide any adjustment documentation to the department upon request. The director ~~must~~ shall keep the adjustment documentation in the director's office for the life of the adjustment.

For the purposes of this section, ~~the term~~ "shelterbelt" means field shelterbelts, farmstead windbreaks, wildlife tree plantings, living snow fences, and other tree plantings made specifically for conservation purposes, but excluding trees planted for ornamental or commercial purposes.

Signed March 18, 2025

Chapter 46
(Senate Bill 216)

An Act to reduce the growth in the assessed value of owner-occupied property, limit increases in certain property tax revenues, revise provisions regarding school district excess tax levies, and revise eligibility requirements for a property tax assessment freeze.

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

Section 1. That a NEW SECTION be added to chapter 10-6:

For taxes payable in 2027, 2028, 2029, 2030, and 2031, the total assessed value of all property in a county with an owner-occupied single-family dwelling classification, as defined in § 10-13-39, may not increase more than three percent over the total assessed value of all property in the county with an owner-occupied single-family dwelling classification in the prior year, except as otherwise provided in this section.

A county may further increase the total assessed value of all property with an owner-occupied single-family dwelling classification by an amount equal to the assessed value of all new improvements made to owner-occupied single-family dwellings or property reclassified to the owner-occupied single-family dwelling classification in the county in the prior year.

Notwithstanding the provisions of this section, a county must adjust the total assessed value of all property with an owner-occupied single-family dwelling classification pursuant to § 10-6-121.

Section 2. That § 10-13-35 be AMENDED:

10-13-35. This section does not apply to school districts. ~~For taxes payable in 1997, and each year thereafter, the~~ The total amount of revenue payable from taxes on real property within a taxing district, excluding the levy pursuant to § 10-13-36, may increase no more than the lesser of three percent or the index factor, as defined in § 10-13-38, over the amount of revenue payable from taxes on real property in the preceding year, excluding the amount of taxes levied pursuant to § 10-13-36.

After applying the index factor, a taxing district may increase the revenue payable from taxes on real property above the limitations provided by this section by the percentage increase of value resulting from any improvements or change in use of real property, annexation, minor boundary changes, and any adjustments in taxation of property separately classified and subject to statutory adjustments

and reductions under chapters 10-4, 10-6, 10-6A, and 10-6B, except § 10-6-113, only if assessed the same as property of equal value. For taxes payable in 2027, 2028, 2029, 2030, and 2031, an increase in revenue payable to a taxing district allowed under this paragraph may not exceed three percent.

A taxing district may increase the revenue it receives from taxes on real property above the limit provided by this section for taxes levied to pay the principal, interest, and redemption charges on any bonds ~~issued after January 1, 1997,~~ which are subject to referendum, scheduled payment increases on bonds ~~and, for a levy directed by the order of a court for the purpose of paying a judgment against such the taxing district, upon the termination of a tax increment financing district pursuant to § 11-9-46, or upon the application of any discretionary formula to real property pursuant to § 10-6-137.~~ Any taxing district created after the effective date of this section is exempt from the limitation provided by this section for a period of two years immediately following its creation.

For purposes of this section, an increase in value resulting from an improvement made to an owner-occupied single-family dwelling does not include additions to, or improvements of, existing structures affixed to land that result in an increase in value of forty percent or less to the owner-occupied single-family dwelling.

Section 3. That § 13-16-7 be AMENDED:

13-16-7. The school board of any school district of this state may at the board's discretion authorize an annual levy of a tax not to exceed three dollars per thousand dollars of taxable valuation on the taxable valuation of the district for the capital outlay fund for assets as defined by § 13-16-6 or for the district's obligations under a resolution, lease-purchase agreement, capital outlay certificate, or other arrangement with the Health and Educational Facilities Authority. Taxes collected pursuant to the levy may be irrevocably pledged by the school board to the payment of principal of and interest on installment purchase contracts or capital outlay certificates entered into or issued pursuant to § 13-16-6 or 13-16-6.2 or lease-purchase agreements or other arrangement with the Health and Educational Facilities Authority and, so long as any capital outlay certificates are outstanding, installment agreement payments, lease-purchase agreements, or other arrangements are unpaid, the school board of any district may be compelled by mandamus or other appropriate remedy to levy an annual tax sufficient to pay principal and interest thereon, but not to exceed the three dollars per thousand dollars of taxable valuation in any year authorized to be levied hereby.

The total amount of revenue payable from the levy provided in this section may not increase annually by more than the lesser of three percent or the index factor, as defined in § 10-13-38, over the maximum amount of revenue that could have been generated from the taxes payable in 2016. Starting with taxes payable in 2021, the total amount of revenue payable from the levy provided in this section may not increase annually by more than three percent over the amount of revenue that could have been raised in the prior year.

After applying three percent, a school district may increase the revenue payable from taxes on real property above the limitations provided by this section by the percentage increase of value resulting from any improvements or change in use of real property, annexation, minor boundary changes, and any adjustments in taxation of real property separately classified and subject to statutory adjustments and reductions under chapters 10-4, 10-6, 10-6A, and 10-6B, except § 10-6-113, only if assessed the same as property of equal value. For taxes payable in 2027, 2028, 2029, 2030, and 2031, an increase in revenue payable to a school district allowed under this paragraph may not exceed three percent.

A school district may increase the revenue the district receives from taxes on real property above the limit provided by this section for taxes levied to pay the principal, interest, and redemption charges on any bonds issued after January 1, 2009, which are subject to referendum, scheduled payment increases on bonds ~~and, for a levy directed by the order of a court for the purpose of paying a judgment against the school district, upon the termination of a tax increment financing district pursuant to § 11-9-46, or upon the application of any discretionary formula to real property pursuant to § 10-6-137.~~ Any school district created or reorganized after January 1, 2016, is exempt from the limitation provided by this section for a period of two years immediately following the district's creation.

In no year may the annual tax levy provided in this section exceed three dollars per thousand dollars of taxable valuation of the school district for the current year.

For purposes of this section, an increase in value resulting from an improvement made to an owner-occupied single-family dwelling does not include additions to, or improvements of, existing structures affixed to land that result in an increase in value of forty percent or less to the owner-occupied single-family dwelling.

Section 4. That § 10-6A-2 be AMENDED:

10-6A-2. Any person making an application under the provisions of this chapter is entitled to a real property tax assessment freeze upon the person's single-family dwelling if the person:

- (1) Has a household income of less than ~~thirty-five~~ fifty-five thousand dollars if the household is a single-member household or the person has a household income of less than ~~forty-five~~ sixty-five thousand dollars if the household is a multiple-member household; ~~and~~
- (2) ~~Has been a property owner~~ an owner of an owner-occupied single-family dwelling and a resident of South Dakota for at least ~~one year~~ five years, unless the person has received the assessment freeze in the previous year; ~~and~~
- (3) Has resided for at least two hundred days of the previous calendar year in the single-family dwelling; and
- (4) Has established a base year.

The surviving spouse of a person who has previously qualified is entitled to the real property tax assessment freeze if the surviving spouse meets the other conditions of this chapter.

Beginning on January 1, ~~2023~~ 2026, the household income listed in subdivision (1) of this section ~~shall~~ must increase annually by the index factor. The index factor is the annual percentage change in the consumer price index for urban wage earners and clerical workers as computed by the Bureau of Labor Statistics of the United States Department of Labor for the year before the year immediately preceding the year of adjustment or the annual percentage change in federal social security payments for the preceding year, whichever is greater.

Section 5. That § 10-6A-3 be AMENDED:

10-6A-3. This chapter does not apply to a single-family dwelling with a full and true market value of ~~three~~ five hundred thousand dollars or more unless the applicant has received the freeze on assessments in a preceding year on the single-family dwelling. Beginning on January 1, ~~2023~~ 2026, the eligibility qualification value of the single-family dwelling provided in this section shall be

annually increased by an index factor. The index factor is the annual percentage change in the consumer price index for urban wage earners and clerical workers as computed by the Bureau of Labor Statistics of the United States Department of Labor for the year before the year immediately preceding the year of adjustment or the annual percentage change in federal social security payments for the preceding year, whichever is greater.

Section 6. That § 10-12-43.1 be AMENDED:

10-12-43.1. A school district ~~subject to the tax limitation on each enrolled student pursuant to § 13-16-7.2~~ may raise additional revenues for capital outlay fund purposes through the imposition of an excess tax levy. A school district seeking to impose an excess tax levy pursuant to this section is subject to the same opt out procedures and requirements as provided in § 10-12-43. The opt out decision may be referred to a vote of the people in the same manner as provided in § 10-12-43.

A school district imposing an excess tax levy pursuant to this section shall exclude any additional revenue generated by the excess tax levy from the total tax revenues deposited in the capital outlay fund when calculating the maximum allowable transfer to the school district's general fund authorized under § 13-16-6. Any additional revenue generated by the excess tax levy may only be used for capital outlay fund purposes pursuant to § 13-16-6.

In no year may the annual tax levy for capital outlay fund purposes exceed the levy authorized under § 13-16-7.

Signed March 13, 2025

Chapter 47
(Senate Bill 55)

An Act to revise property tax levies for school districts and to revise the state aid to general and special education formulas.

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

Section 1. That § 10-12-42 be AMENDED:

10-12-42. For taxes payable in ~~2025~~ 2026, and each year thereafter, the levy for the general fund of a school district is as follows:

- (1) The maximum tax levy is five dollars and ~~fifty-four and four-tenths~~ twenty-one and one-tenth cents per thousand dollars of taxable valuation, subject to the limitations on agricultural property as provided in subdivision (2) of this section and owner-occupied property as provided in subdivision (3) of this section;
- (2) The maximum tax levy on agricultural property for the school district is one dollar and ~~nineteen and seven-tenths~~ twelve and five-tenths cents per thousand dollars of taxable valuation. If the district's levies are less than the maximum levies as stated in this section, the levies must maintain the same proportion to each other as represented in the mathematical relationship at the maximum levies; and

- (3) The maximum tax levy for an owner-occupied single-family dwelling pursuant to § 10-13-40 for the school district is two dollars and ~~sixty-seven and nine tenths~~ fifty-one and eight tenths cents per thousand dollars of taxable valuation. If the district's levies are less than the maximum levies as stated in this section, the levies must maintain the same proportion to each other as represented in the mathematical relationship at the maximum levies.

All levies in this section must be imposed on valuations where the median level of assessment represents eighty-five percent of market value as determined by the Department of Revenue. These valuations must be used for all school funding purposes. If the district has imposed an excess levy pursuant to § 10-12-43, the levies must maintain the same proportion to each other as represented in the mathematical relationship at the maximum levies in this section. The school district may elect to tax at less than the maximum amounts set forth in this section.

Section 2. That § 13-13-10.1 be AMENDED:

13-13-10.1. The education funding terms and procedures referenced in this chapter are defined as follows:

- (1) Nonresident students who are in the care and custody of the Department of Social Services, the Unified Judicial System, the Department of Corrections, or other state agencies and are attending a public school may be included in the fall enrollment of the receiving district when enrolled in the receiving district;
- (2) "Fall enrollment," is calculated as follows:
 - (a) Determine the number of kindergarten through twelfth grade students enrolled in all schools operated by the school district on the last Friday of September of the current school year, and add to that number the product of 0.10 multiplied by the number of children who participated in the prior school year in high school interscholastic activities sanctioned or sponsored by the South Dakota High School Activities Association, as permitted by § 13-36-7, while receiving alternative instruction pursuant to § 13-27-3;
 - (b) Subtract the number of students for whom the district receives tuition except for:
 - (i) Nonresident students who are in the care and custody of a state agency and are attending a public school district; and
 - (ii) Students who are being provided an education pursuant to § 13-28-11;
 - (c) Add the number of students for whom the district pays tuition.

When computing state aid to education for a school district pursuant to § 13-13-73, the secretary of the Department of Education shall use the school district's fall enrollment;
- (3) "Target teacher ratio factor," is:
 - (a) For school districts with a fall enrollment of two hundred or less, the target teacher ratio factor is 12;

- (b) For districts with a fall enrollment of greater than two hundred, but less than six hundred, the target teacher ratio factor is calculated as follows:
 - (i) Multiplying the fall enrollment by .00750;
 - (ii) Adding 10.50 to the resulting product;
- (c) For districts with a fall enrollment of six hundred or greater, the target teacher ratio factor is 15.

The fall enrollment used for the determination of the target teacher ratio for a school district may not include any students residing in a residential treatment facility when the education program is operated by the school district;

- (4) "English learner (EL) adjustment," is calculated by multiplying 0.25 times the number of kindergarten-through-twelfth-grade students who, in the prior school year, scored below level four on the state-administered language proficiency assessment as required in the state's consolidated state application pursuant to § 1111(b)(2)(G) of the Every Student Succeeds Act of 2015. ~~For the 2021-2022 calculation only, the EL adjustment is calculated by multiplying 0.25 times the number of kindergarten through twelfth grade students who scored below level four on the state administered language proficiency assessment in school year 2019-2020 or 2020-2021, whichever is greater;~~
- (5) "Index factor," is the annual percentage change in the consumer price index for urban wage earners and clerical workers as computed by the Bureau of Labor Statistics of the United States Department of Labor for the year before the year immediately preceding the year of adjustment or three percent, whichever is less;
- (6) "Target teacher salary," for the school fiscal year beginning July 1, ~~2024~~ 2025, is ~~\$62,045.62~~ \$62,821.19. Each school fiscal year thereafter, the target teacher salary is the previous fiscal year's target teacher salary increased by the index factor;
- (7) "Target teacher benefits," is the target teacher salary multiplied by twenty-nine percent;
- (8) "Target teacher compensation," is the sum of the target teacher salary and the target teacher benefits;
- (9) "Overhead rate," is thirty-eight and seventy-eight-hundredths percent.

Beginning in school fiscal year 2018, the overhead rate must be adjusted to take into account the sum of the amounts that districts exceed the other revenue base amount;

- (10) "Local need," is calculated as follows:
 - (a) Divide the fall enrollment by the target teacher ratio factor;
 - (b) If applicable, divide English Learner (EL) adjustment pursuant to subdivision (4) by the target teacher ratio factor;
 - (c) Add the results of subsections (a) and (b);
 - (d) Multiply the result of subsection (c) by the target teacher compensation;
 - (e) Multiply the product of subsection (d) by the overhead rate;
 - (f) Add the products of subsections (d) and (e);

- (g) When calculating local need at the statewide level, include the amounts set aside for costs related to technology in schools and statewide student assessments; and
 - (h) When calculating local need at the statewide level, include the amounts set aside for sparse school district benefits, calculated pursuant to §§ 13-13-78 and 13-13-79;
- (11) "Alternative per student need," is calculated as follows:
 - (a) Add the total need for each school district for school fiscal year 2016, including the small school adjustment and the English learner adjustment, to the lesser of the amount of funds apportioned to each school district in the year preceding the most recently completed school fiscal year or school fiscal year 2015 pursuant to §§ ~~10-33-24, 10-35-21, 10-36-10, 10-43-77, 11-7-73, 13-13-4, and 23A-27-25, 10-33-24, 10-36-10, 11-7-73, 10-35-21, and 10-43-77~~; and
 - (b) Divide the result of (a) by the September 2015 fall enrollment, excluding any adjustments based on prior year student counts;
- (12) "Alternative local need," is the alternative per student need multiplied by the fall enrollment, excluding any adjustments based on prior year student counts;
- (13) "Local effort," the amount of ad valorem taxes generated in a school fiscal year by applying the levies established pursuant to § 10-12-42. Beginning on July 1, 2017, local effort includes the amount of funds apportioned to each school district in the year preceding the most recently completed school fiscal year pursuant to §§ 10-33-24, 10-35-21 as provided by subdivision (15), 10-36-10, 10-43-77, 11-7-73, 13-13-4, and 23A-27-25 and that exceeds the other revenue base amount;
- (14) "Other revenue base amount," for school districts not utilizing the alternative local need calculation is the amount of funds apportioned to each school district pursuant to §§ 10-33-24, 10-35-21 as provided by subdivision (15), 10-36-10, 10-43-77, 11-7-73, 13-13-4, and 23A-27-25, calculated as follows:
 - (a) Beginning on July 1, 2017, equals the greatest of the amounts of the funds apportioned to each school district pursuant to §§ 10-33-24, 10-35-21 as provided by subdivision (15), 10-36-10, 10-43-77, 11-7-73, 13-13-4, and 23A-27-25 for school fiscal years 2013, 2014, and 2015;
 - (b) Beginning on July 1, 2018, multiply eighty percent times subsection (a);
 - (c) Beginning on July 1, 2019, multiply sixty percent times subsection (a);
 - (d) Beginning on July 1, 2020, multiply forty percent times subsection (a);
 - (e) Beginning on July 1, 2021, multiply twenty percent times subsection (a); and
 - (f) Beginning on July 1, 2022, is zero;

For school districts utilizing the alternative local need calculation, the other revenue base amount is zero until the school district chooses to no longer utilize the alternative local need calculation. At that time, the other revenue base amount is calculated as defined above.

For a school district created or reorganized after July 1, 2016, the other revenue base amount is the sum of the other revenue base amount for each district before reorganization, and the new school district may not utilize the alternative local need calculation.

In the case of the dissolution and annexation of a district, the other revenue base amount of the dissolved school district will be prorated based on the total number of students in the fall enrollment as defined in subdivision (2) who attend each district to which area of the dissolved district were annexed to in the first year of reorganization. The amount apportioned for each district will be added to the annexed districts' other revenue base;

- (15) "Wind energy tax revenue," any wind energy tax revenue apportioned to school districts pursuant to § 10-35-21 from a wind farm producing power for the first time before July 1, 2016, is considered local effort pursuant to subdivision (13) and other revenue base amount pursuant to subdivision (14). However, ~~any~~ for wind energy tax revenue apportioned to a school district from a wind farm producing power for the first time after June 30, 2016, one hundred percent must be retained by the school district to which the tax revenue is apportioned for the first five years of producing power, eighty percent for the sixth year, sixty percent for the seventh year, forty percent for the eighth year, twenty percent for the ninth year, and zero percent thereafter. If a wind farm begins producing power for the first time between October first and December thirty-first in a calendar year, any revenues generated for that time period must be retained by the school district and that time period may not be counted against the first five-year period;
- (16) "Per student equivalent," for funding calculations that are determined on a per student basis, the per student equivalent is calculated as follows:
 - (a) Multiply the target teacher compensation times the sum of one plus the overhead rate; and
 - (b) Divide subsection (a) by 15;
- (17) "Monthly cash balance," the total amount of money for each month in the school district's general fund, calculated by adding all deposits made during the month to the beginning cash balance and deducting all disbursements or payments made during the month;
- (18) "General fund base percentage," is determined as follows:
 - (a) Forty percent for a school district with a fall enrollment as defined in subdivision (2) of two hundred or less;
 - (b) Thirty percent for a school district with fall enrollment as defined in subdivision (2) of more than two hundred but less than six hundred; and
 - (c) Twenty-five percent for a school district with fall enrollment as defined in subdivision (2) greater than or equal to six hundred.

When determining the general fund base percentage, the secretary of the Department of Education shall use the lesser of the school district's fall enrollment as defined in subdivision (2) for the current school year or the school district's fall enrollment from the previous two years; and

- (19) "Allowable general fund cash balance," the general fund base percentage multiplied by the district's general fund expenditures in the previous school year.

Section 3. That § 13-37-16 be AMENDED:

13-37-16. For taxes payable in ~~2025~~ 2026, and each year thereafter, the school board shall levy no more than one dollar and ~~forty-eight~~ forty-six and ~~eight-tenths~~ two-tenths cents per thousand dollars of taxable valuation, as a special levy in addition to all other levies authorized by law for the amount so determined to be necessary, and the levy must be spread against all of the taxable property of the district. The proceeds derived from the levy constitute a school district special education fund of the district for the payment of costs for the special education of all children in need of special education or special education and related services who reside within the district pursuant to the provisions of §§ 13-37-8.4 to 13-37-8.10, inclusive. The levy in this section is based on valuations where the median level of assessment represents eighty-five percent of market value as determined by the Department of Revenue. The total amount of taxes that would be generated at the levy pursuant to this section is considered local effort. Money in the special education fund may be expended for the purchase or lease of any assistive technology that is directly related to special education and specified in a student's individualized education plan. This section does not apply to real property improvements.

Section 4. That § 13-37-35.1 be AMENDED:

13-37-35.1. Terms used in chapter 13-37 mean:

- (1) "Level one disability," a mild disability;
- (2) "Level two disability," cognitive disability or emotional disorder;
- (3) "Level three disability," hearing impairment, deafness, visual impairment, deaf-blindness, orthopedic impairment, or traumatic brain injury;
- (4) "Level four disability," autism;
- (5) "Level five disability," multiple disabilities;
- (5A) "Level six disability," prolonged assistance;
- (6) "Index factor," is the annual percentage change in the consumer price index for urban wage earners and clerical workers as computed by the Bureau of Labor Statistics of the United States Department of Labor for the year before the year immediately preceding the year of adjustment, or three percent, whichever is less;
- (7) "Local effort," must be calculated for taxes payable in ~~2025~~ 2026 and thereafter using a special education levy of one dollar and ~~twenty-eight~~ twenty-six and ~~eight-tenths~~ two-tenths cents per one thousand dollars of valuation;
- (8) "Allocation for a student with a level one disability," for the school fiscal year beginning July 1, ~~2024~~ 2025, is ~~\$7,556.00~~ \$7,650.45. For each school year thereafter, the allocation for a student with a level one disability must be the previous fiscal year's allocation for the child increased by the index factor;

- (9) "Allocation for a student with a level two disability," for the school fiscal year beginning July 1, ~~2024~~ 2025, is ~~\$16,553.00~~ \$16,759.91. For each school year thereafter, the allocation for a student with a level two disability must be the previous fiscal year's allocation for the child increased by the index factor;
- (10) "Allocation for a student with a level three disability," for the school fiscal year beginning July 1, ~~2024~~ 2025, is ~~\$22,854.00~~ \$23,139.68. For each school year thereafter, the allocation for a student with a level three disability must be the previous fiscal year's allocation for the child increased by the index factor;
- (11) "Allocation for a student with a level four disability," for the school fiscal year beginning July 1, ~~2024~~ 2025, is ~~\$17,831.00~~ \$18,053.89. For each school year thereafter, the allocation for a student with a level four disability must be the previous fiscal year's allocation for the child increased by the index factor;
- (12) "Allocation for a student with a level five disability," for the school fiscal year beginning July 1, ~~2024~~ 2025, is ~~\$36,582.00~~ \$37,039.28. For each school year thereafter, the allocation for a student with a level five disability must be the previous fiscal year's allocation for the child increased by the index factor;
- (12A) "Allocation for a student with a level six disability," for the school fiscal year beginning July 1, ~~2024~~ 2025, is ~~\$11,692.00~~ \$11,838.15. For each school year thereafter, the allocation for a student with a level six disability must be the previous fiscal year's allocation for the child increased by the index factor;
- (13) "Child count," is the number of students in need of special education or special education and related services according to criteria set forth in rules promulgated pursuant to §§ 13-37-1.1 and 13-37-46 submitted to the Department of Education;
- (14) "Fall enrollment," the number of kindergarten-through-twelfth-grade students enrolled in all schools operated by the school district on the last Friday of September of the previous school year minus the number of students for whom the district receives tuition, except any nonresident student who is in the care and custody of a state agency and is attending a public school and any student for whom tuition is being paid pursuant to § 13-28-42.1, plus the number of students for whom the district pays tuition;
- (15) "Nonpublic school," a sectarian organization or entity accredited by the secretary of education for the purpose of instructing children of compulsory school age. This definition excludes any school that receives a majority of its revenues from public funds;
- (16) "Nonpublic fall enrollment," the number of children under age eighteen, who are approved for alternative instruction pursuant to § 13-27-3 on the last Friday of September of the previous school year plus:
 - (a) For nonpublic schools located within the boundaries of a public school district with a fall enrollment of six hundred or more on the last Friday of September of the previous school year, the number of kindergarten-through-twelfth-grade students enrolled on the last Friday of September of the previous regular school year in all nonpublic schools located within the boundaries of the public school district;

- (b) For nonpublic schools located within the boundaries of a public school district with a fall enrollment of less than six hundred on the last Friday of September of the previous school year, the number of resident kindergarten-through-twelfth-grade students enrolled on the last Friday of September of the previous school year in all nonpublic schools located within this state;
- (17) "Special education fall enrollment," fall enrollment plus nonpublic fall enrollment;
- (18) "Local need," an amount to be determined as follows:
 - (a) Multiply the special education fall enrollment by 0.1062 and multiply the result by the allocation for a student with a level one disability;
 - (b) Multiply the number of students having a level two disability as reported on the child count for the previous school fiscal year by the allocation for a student with a level two disability;
 - (c) Multiply the number of students having a level three disability as reported on the child count for the previous school fiscal year by the allocation for a student with a level three disability;
 - (d) Multiply the number of students having a level four disability as reported on the child count for the previous school fiscal year by the allocation for a student with a level four disability;
 - (e) Multiply the number of students having a level five disability as reported on the child count for the previous school fiscal year by the allocation for a student with a level five disability;
 - (f) Multiply the number of students having a level six disability as reported on the child count for the previous school fiscal year by the allocation for a student with a level six disability;
 - (g) When calculating local need at the statewide level, include the amount set aside for extraordinary ~~costs~~ expenses defined in § 13-37-40;
 - (h) When calculating local need at the statewide level, include the amount set aside for the South Dakota School for the Blind and Visually Impaired; and
 - (i) Sum the results of subdivisions (18)(a) to (h), inclusive; and
- (19) "Effort factor," the school district's special education tax levy in dollars per thousand divided by ~~\$1.288~~ \$1.262. The maximum effort factor is 1.0.

Signed March 28, 2025

Chapter 48
(Senate Bill 44)

An Act to modify tax refunds for elderly persons and persons with a disability, to make an appropriation therefor, and to declare an emergency.

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

Section 1. That § 10-18A-5 be AMENDED:

10-18A-5. The amount of refund of real property taxes due or paid for a single-member household made pursuant to this chapter is according to the following schedule:

If household income is		The refund of real property taxes due
at least:	but not more than	or paid shall be <u>is</u>
\$ 0	\$10,038 <u>\$10,566</u>	35%
10,039 <u>10,567</u>	10,288 <u>10,816</u>	34%
10,289 <u>10,817</u>	10,538 <u>11,066</u>	33%
10,539 <u>11,067</u>	10,788 <u>11,316</u>	32%
10,789 <u>11,317</u>	11,038 <u>11,566</u>	31%
11,039 <u>11,567</u>	11,288 <u>11,816</u>	30%
11,289 <u>11,817</u>	11,538 <u>12,066</u>	29%
11,539 <u>12,067</u>	11,788 <u>12,316</u>	28%
11,789 <u>12,317</u>	12,038 <u>12,566</u>	27%
12,039 <u>12,567</u>	12,288 <u>12,816</u>	26%
12,289 <u>12,817</u>	12,538 <u>13,066</u>	25%
12,539 <u>13,067</u>	12,788 <u>13,316</u>	24%
12,789 <u>13,317</u>	13,038 <u>13,566</u>	23%
13,039 <u>13,567</u>	13,288 <u>13,816</u>	22%
13,289 <u>13,817</u>	13,538 <u>14,066</u>	21%
13,539 <u>14,067</u>	13,788 <u>14,316</u>	20%
13,789 <u>14,317</u>	14,038 <u>14,566</u>	19%
14,039 <u>14,567</u>	14,288 <u>14,816</u>	18%
14,289 <u>14,817</u>	14,538 <u>15,066</u>	17%
14,539 <u>15,067</u>	14,788 <u>15,316</u>	16%
14,789 <u>15,317</u>	15,038 <u>15,566</u>	15%
15,039 <u>15,567</u>	15,288 <u>15,816</u>	14%
15,289 <u>15,817</u>	15,538 <u>16,066</u>	13%
15,539 <u>16,067</u>	15,788 <u>16,316</u>	12%
15,789 <u>16,317</u>	16,038 <u>16,566</u>	11%
over 16,038 <u>16,566</u>		No refund

Section 2. That § 10-18A-6 be AMENDED:

10-18A-6. The amount of refund of real property taxes due or paid for a multiple-member household made pursuant to this chapter is according to the following schedule:

If household income is		The refund of real property taxes due
at least:	but not more than	or paid shall be <u>is</u>
\$ 0	\$15,392 <u>\$16,184</u>	55%

15,393 <u>16,185</u>	15,742 <u>16,534</u>	53%
15,743 <u>16,535</u>	16,092 <u>16,884</u>	51%
16,093 <u>16,885</u>	16,442 <u>17,234</u>	49%
16,443 <u>17,235</u>	16,792 <u>17,584</u>	47%
16,793 <u>17,585</u>	17,142 <u>17,934</u>	45%
17,143 <u>17,935</u>	17,492 <u>18,284</u>	43%
17,493 <u>18,285</u>	17,842 <u>18,634</u>	41%
17,843 <u>18,635</u>	18,192 <u>18,984</u>	39%
18,193 <u>18,985</u>	18,542 <u>19,334</u>	37%
18,543 <u>19,335</u>	18,892 <u>19,684</u>	35%
18,893 <u>19,685</u>	19,242 <u>20,034</u>	33%
19,243 <u>20,035</u>	19,592 <u>20,384</u>	31%
19,593 <u>20,385</u>	19,942 <u>20,734</u>	29%
19,943 <u>20,735</u>	20,292 <u>21,084</u>	27%
20,293 <u>21,085</u>	20,642 <u>21,434</u>	25%
20,643 <u>21,435</u>	20,992 <u>21,784</u>	23%
20,993 <u>21,785</u>	21,342 <u>22,134</u>	21%
21,343 <u>22,135</u>	21,692 <u>22,484</u>	19%
over 21,692 <u>22,484</u>		No refund

Section 3. That § 10-45A-5 be AMENDED:

10-45A-5. The amount of any claim made pursuant to this chapter by a claimant from a household consisting solely of one person is determined as follows:

- (1) If the claimant's income is ~~ten thousand thirty-eight~~ ten thousand five hundred sixty-six dollars or less, a sum of two hundred fifty-eight dollars;
- (2) If the claimant's income is ~~ten thousand thirty-nine~~ ten thousand five hundred sixty-seven dollars and not more than ~~sixteen thousand thirty-eight~~ sixteen thousand five hundred sixty-six dollars, a sum of forty-six dollars plus three and four-tenths percent of the difference between ~~sixteen thousand thirty-eight~~ sixteen thousand five hundred sixty-six dollars and the income of the claimant; and
- (3) If the claimant's income is more than ~~sixteen thousand thirty-eight~~ sixteen thousand five hundred sixty-six dollars, no refund.

Section 4. That § 10-45A-6 be AMENDED:

10-45A-6. The amount of any claim made pursuant to this chapter by a claimant from a household consisting of more than one person is determined as follows:

- (1) If household income is ~~fifteen thousand three hundred ninety-two~~ sixteen thousand one hundred eighty-four dollars or less, the sum of five hundred eighty-one dollars;
- (2) If household income is ~~fifteen thousand three hundred ninety-three~~ sixteen thousand one hundred eighty-five dollars and not more than ~~twenty-one thousand six hundred ninety-two~~ twenty-two thousand four hundred eighty-four dollars, a sum of seventy-four dollars plus seven and eight-tenths percent of the difference between ~~twenty-one thousand six~~

~~hundred ninety-two~~ twenty-two thousand four hundred eighty-four dollars and total household income; and

- (3) If household income is more than ~~twenty-one thousand six hundred ninety-two~~ twenty-two thousand four hundred eighty-four dollars, no refund.

Section 5. There is appropriated \$425,000 from the general fund, to the Department of Revenue, for providing refunds for real property tax and sales tax to elderly and disabled persons pursuant to chapters 10-18A and 10-45A. A portion of the sum, not exceeding twenty thousand dollars, may be used for the administrative costs of this Act.

Section 6. The secretary of the Department of Revenue shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized in this Act.

Section 7. Any amounts appropriated in this Act not lawfully expended or obligated by June 30, 2026, shall revert in accordance with the procedures prescribed in chapter 4-8.

Section 8. Whereas, this Act is necessary for the support of the state government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

Signed March 11, 2025

Chapter 49
(Senate Bill 90)

An Act to clarify provisions regarding tax deeds.

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

Section 1. That § 10-25-12 be AMENDED:

10-25-12. Any deed acquired pursuant to § 10-25-39.1 or 10-25-39.2 vests in the grantee an absolute estate in fee simple in the real property. However, the real property is subject to any claim that the state or county may have in the real property for taxes, liens, or encumbrances. The real property is also subject to any lien for past-due installments of special assessments for the financing of municipal improvements levied pursuant to chapter 9-43, including principal and interest on the installments except as provided by § 9-43-100. The holder of the deed or the holder's successor in interest is entitled to immediate exclusive possession of the real property described in the deed regardless of the rights of any person to redeem or question exclusive possession thereafter.

Section 2. That § 10-25-39 be AMENDED:

10-25-39. The proceeds of the tax deed sale, after deducting the expenses incurred by the county in the proceeding to take tax deed and in the sale proceeding, must be distributed by prorating the proceeds on the basis of the tax levies for the most recent year for which taxes are included in the proceeds of the sale, until all tax and interest have been paid.

Any surplus proceeds of the tax deed sale that remain after payment of the taxes, penalty, interest, county liens and other costs, must be returned to the prior owner of record. If the prior owner of record cannot be found within one hundred eighty days, the surplus must be transferred to the Unclaimed Property Division pursuant to chapter 43-41B.

Signed March 26, 2025

Chapter 50
(House Bill 1245)

An Act to exempt from the state sales and use tax gross receipts for certain services to a partnership.

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

Section 1. That a NEW SECTION be added to chapter 10-45:

The following are exempt from the provisions of this chapter and from the computation of the tax imposed by this chapter:

- (1) Gross receipts from services rendered by a natural person to a business taxed as a partnership in which the natural person is an owner;
- (2) Gross receipts from services rendered by a limited liability company, which has no employees and is wholly owned by a natural person, to a business taxed as a partnership in which the limited liability company is an owner; and
- (3) Gross receipts from services rendered by a corporation, which is wholly owned by a natural person and has no employees other than its owner, to a business taxed as a partnership in which the corporation is an owner.

Section 2. That a NEW SECTION be added to chapter 10-46:

The following are exempt from the provisions of this chapter and from the computation of tax imposed by this chapter:

- (1) Gross receipts from services rendered by a natural person to a business taxed as a partnership in which the natural person is an owner;
- (2) Gross receipts from services rendered by a limited liability company, which has no employees and is wholly owned by a natural person, to a business taxed as a partnership in which the limited liability company is an owner; and
- (3) Gross receipts from services rendered by a corporation, which is wholly owned by a natural person and has no employees other than its owner, to a business taxed as a partnership in which the corporation is an owner.

Signed March 17, 2025

Chapter 51
(House Bill 1037)

**An Act to suspend the tax collection allowance credit for filing returns and
remitting taxes electronically.**

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

Section 1. Effective July 1, 2025, until June 30, 2028, § 10-45-27.2 is suspended and nonenforceable.

Signed March 28, 2025

Chapter 52
(Senate Bill 54)

An Act to revise the distribution of revenue from the cigarette tax.

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

Section 1. That § 10-50-52 be AMENDED:

10-50-52. The first thirty million dollars in revenue collected annually pursuant to this chapter ~~shall~~ must be deposited in the general fund. The next ~~five~~ two million dollars in excess of thirty million dollars collected annually ~~shall~~ must be deposited in the tobacco prevention and reduction trust fund and ~~shall~~ must be used to implement the tobacco prevention and reduction program. All revenue collected annually pursuant to this chapter in excess of ~~thirty-five~~ thirty-two million dollars ~~shall~~ must be deposited in the general fund.

Signed March 28, 2025

Chapter 53
(Senate Bill 42)

An Act to clarify the wholesale purchase price of tobacco products.

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

Section 1. That § 10-50-61 be AMENDED:

10-50-61. In addition to the tax imposed by § 10-50-3, there is imposed, whether or not a sale occurs, a tax upon all tobacco products in this state and upon any person engaged in business as a licensed distributor or licensed wholesaler thereof, at the rate of thirty-five percent of the wholesale purchase price of ~~such~~ the tobacco products. ~~Such~~ The tax shall be imposed at the time the distributor or wholesaler brings or causes to be brought into this state tobacco products for sale;

makes, manufactures, or fabricates tobacco products in this state for sale in this state; or ships or transports tobacco products to dealers in this state to be sold by those dealers.

For the purposes of this chapter, the wholesale purchase price is the price paid for which a manufacturer sells tobacco products to a by the licensed distributor or licensed wholesaler, exclusive of any discount or other reduction.

Any licensed distributor or licensed wholesaler who has paid tax pursuant to this section and subsequently sells the tobacco products to another licensed distributor or licensed wholesaler for resale, or sells the tobacco products outside of this state, ~~shall be entitled to~~ receive a credit for the tax paid pursuant to this section on ~~such the~~ tobacco products.

Signed February 13, 2025

Chapter 54

(House Bill 1027)

An Act to repeal obsolete provisions pertaining to noncollecting retailers.

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

Section 1. That § 10-63-1 be REPEALED.

Terms used in this chapter mean:

- (1) ~~"De minimis online auction website," any online auction website that facilitates total gross sales in South Dakota in the prior calendar year of less than one hundred thousand dollars and reasonably expects South Dakota sales in the current calendar year will be less than one hundred thousand dollars;~~
- (2) ~~"De minimis retailer," any noncollecting retailer that made total gross sales in South Dakota in the prior calendar year of less than one hundred thousand dollars and reasonably expects South Dakota sales in the current calendar year will be less than one hundred thousand dollars;~~
- (3) ~~"Noncollecting retailer," any retailer, not currently registered to collect and remit South Dakota sales and use tax, who makes sales of tangible personal property, services, and products transferred electronically from a place of business outside of South Dakota to be shipped to South Dakota for use, storage, or consumption and who is not required to collect South Dakota sales or use taxes;~~
- (4) ~~"Online auction website," a collection of web pages on the Internet that allows any person to display tangible personal property, services, or products transferred electronically for sale which is purchased through a competitive process where a participant places a bid with the highest bidder purchasing the property, service, or product when the bidding period ends;~~
- (5) ~~"South Dakota purchaser," any purchaser that purchases tangible personal property, services, or products transferred electronically to be shipped or transferred to South Dakota.~~

Section 2. That § 10-63-2 be REPEALED.

~~Pursuant to this chapter, each noncollecting retailer shall give notice that South Dakota use tax is due on nonexempt purchases of tangible personal property, services, or products transferred electronically and shall be paid by the South Dakota purchaser. The notice shall be readily visible and contain the information as follows:~~

- ~~(1) The noncollecting retailer is not required, and does not collect South Dakota sales or use tax;~~
- ~~(2) The purchase is subject to state use tax unless it is specifically exempt from taxation;~~
- ~~(3) The purchase is not exempt merely because the purchase is made over the Internet, by catalog, or by other remote means;~~
- ~~(4) The state requires each South Dakota purchaser to report any purchase that was not taxed and pay tax on the purchase. The tax may be reported and paid on the South Dakota use tax form; and~~
- ~~(5) The use tax form and corresponding instructions are available on the South Dakota Department of Revenue website.~~

Section 3. That § 10-63-3 be REPEALED.

~~The notice required by § 10-63-2 on a website shall occur on a page necessary to facilitate the applicable transaction. The notice shall be sufficient if the noncollecting retailer provides a prominent linking notice that reads as follows: "See important South Dakota sales and use tax information regarding the tax you may owe directly to the State of South Dakota." The prominent linking notice shall direct the purchaser to the principal notice information required by § 10-63-2.~~

~~The notice required by § 10-63-2 in a catalog shall be part of the order form. The notice shall be sufficient if the noncollecting retailer provides a prominent reference to a supplemental page that reads as follows: "See important South Dakota sales and use tax information regarding the tax you may owe directly to the State of South Dakota on page ____." The notice on the order form shall direct the purchaser to the page that includes the principal notice required by § 10-63-2.~~

Section 4. That § 10-63-4 be REPEALED.

~~For any internet purchase made pursuant to this chapter the invoice notice shall occur on the electronic order confirmation. The notice shall be sufficient if the noncollecting retailer provides a prominent linking notice that reads as follows: "See important South Dakota sales and use tax information regarding the tax you may owe directly to the State of South Dakota." The invoice notice link shall direct the purchaser to the principal notice required by § 10-63-2. If the noncollecting retailer does not issue an electronic order confirmation, the complete notice shall be placed on the purchase order, bill, receipt, sales slip, order form, or packing statement.~~

~~For any catalog or phone purchase made pursuant to this chapter the complete notice shall be placed on the purchase order, bill, receipt, sales slip, order form, or packing statement.~~

Section 5. That § 10-63-5 be REPEALED.

~~For any internet purchase made pursuant to this chapter, notice on the check-out page fulfills both the website and invoice notice requirements~~

~~simultaneously, the notice shall be sufficient if the noncollecting retailer provides a prominent linking notice that reads as follows: "See important South Dakota sales and use tax information regarding the tax you may owe directly to the State of South Dakota." The check-out page notice link shall direct the purchaser to the principal notice required by § 10-63-2.~~

~~If a retailer is required to provide a similar notice for another state in addition to South Dakota, the retailer may provide a consolidated notice so long as the notice includes the information contained in § 10-63-2, specifically references South Dakota, and meets the placement requirements of this section.~~

Section 6. That § 10-63-6 be REPEALED.

~~A noncollecting retailer may not state or display or imply that no tax is due on any South Dakota purchase unless the display is accompanied by the notice required by § 10-63-2 each time the display appears. If a summary of the transaction includes a line designated "sales tax" and shows the amount of sales tax as zero, this constitutes a display implying that no tax is due on the purchase. This display shall be accompanied by the notice required by § 10-63-2 each time it appears.~~

~~Notwithstanding the limitation in this section, if a noncollecting retailer knows that a purchase is exempt from South Dakota tax pursuant to South Dakota law, the noncollecting retailer may display or indicate that no sales or use tax is due even if the display is not accompanied by the notice required by § 10-63-2.~~

Section 7. That § 10-63-7 be REPEALED.

~~With the exception of notification on an invoice, the provisions of this chapter apply to online auction websites.~~

Section 8. That § 10-63-8 be REPEALED.

~~A de minimis retailer and a de minimis online auction website are exempt from the notice requirements provided by this chapter.~~

Section 9. That § 10-63-9 be REPEALED.

~~No criminal penalty or civil liability may be applied or assessed for failure to comply with the provisions of this chapter.~~

Signed February 18, 2025

**Chapter 55
(Senate Bill 43)**

**An Act to establish a timeframe within which a remote seller and
marketplace provider must register and remit sales tax.**

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

Section 1. That a NEW SECTION be added to chapter 10-64:

A seller who meets the criteria of § 10-64-2 is not required to register and remit the tax under the provisions of chapters 10-45, 10-46E, and 10-52, prior to the first day of the first month that begins at least thirty days after meeting the criteria.

Section 2. That a NEW SECTION be added to chapter 10-65:

A marketplace provider who meets the criteria in § 10-65-5 is not required to register and remit the tax under the provisions of chapters 10-45 and 10-52, prior to the first day of the first month that begins at least thirty days after meeting the criteria.

Signed February 13, 2025

PLANNING, ZONING AND HOUSING PROGRAMS

Chapter 56 (Senate Bill 6)

An Act to authorize a loan from the South Dakota housing infrastructure fund to a school district adjoining a federal military installation for the construction or expansion of a school building.

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

Section 1. That § 11-15-6 be AMENDED:

11-15-6. The authority shall promulgate rules, pursuant to chapter 1-26, specifying the criteria and process for the application, approval, and disbursement of ~~loans~~:

- (1) Loans and grants provided in this chapter accordance with §§ 11-15-1 to 11-15-5, inclusive, and § 11-15-7; and
- (2) Loans provided in accordance with section 2 of this Act.

Section 2. That a NEW SECTION be added to chapter 11-15:

In addition to any other loan or grant authorized in § 11-15-2, the authority may make a loan from the South Dakota housing infrastructure fund, as created in § 11-15-2, to a school district adjoining a federal military installation for the purpose of constructing or expanding a school building, as defined in § 34-44-2. The authority must provide the loan to the district at an interest rate of zero percent and may not require collateral from the district. The loan may not exceed an aggregate of fifteen million dollars.

The terms of the loan must require that the payments be based on a straight and level amortization of twenty years and be made annually over a term of twenty years, with the first payment due one year from the date of the funding of the loan.

Any loan issued pursuant to this section must be approved by the authority at a public meeting held pursuant to chapter 1-25 and issued prior to June 30, 2029.

Thirty percent of any loan issued pursuant to this section must be made from moneys that are otherwise available for municipalities having a population of fifty thousand or more, pursuant to subdivision 11-15-3(1), and seventy percent from moneys that are otherwise available in all other areas of the state, pursuant to subdivision 11-15-3(2).

Any loan issued pursuant to this section is exempt from the provisions of chapter 6-8B and §§ 13-19-2 to 13-19-6, inclusive.

All moneys received by the authority in repayment of a loan issued pursuant to this section must be deposited in the South Dakota housing infrastructure fund and used for making new loans, pursuant to § 11-15-2.

Signed March 28, 2025

ELECTIONS

Chapter 57 (House Bill 1066)

An Act to revise residency requirements for the purposes of voter registration.

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

Section 1. That § 12-1-4 be AMENDED:

12-1-4. ~~For the purposes of this title, the term, residence, "resident" means the place in which a person is domiciled as shown by an individual who maintains an actual fixed permanent dwelling, establishment, or any other abode where the individual lives and usually sleeps to which the person returns for at least thirty consecutive days. An individual who is a resident of this state remains a resident during an absence from this state, if the individual intends to return to this state after a period of absence. An individual may only be a resident of one place.~~

~~A person who leaves the residence and~~If an individual who is a resident of a county of this state, goes into another county of this state or another state or territory for a temporary purpose has not changed residence, the individual remains a resident of the county.

~~A person~~An individual is considered to have gained residence in any be a resident of the county or municipality of this state in which the person individual actually lives, if the person individual has no present intention of leaving.

~~A person~~An individual retains residence in remains a resident of this state until another residence has been gained the individual becomes a resident of

~~another state. If a person an individual moves from this state to another state or territory with the intention of making it the person's permanent home, the person becoming a resident of that state or territory for any purpose, the individual loses residence in is no longer a resident~~ this state.

Section 2. That § 12-4-1 be AMENDED:

~~12-4-1. A person An individual who maintains residence, as provided in is a resident of this state, as defined in § 12-1-4, within the state for at least thirty days prior to submitting the registration form, and who has or will have the qualifications of a voter prescribed by § 12-3-1 or 12-3-1.1, or who will have such qualifications at the next ensuing municipal, primary, general, or school district election, is entitled to be registered as a voter in the election precinct in which the person maintains residence.~~

~~A person~~ An individual eligible to vote may vote only in the election precinct where the person maintains residence.

Section 3. That § 12-4-1.2 be AMENDED:

12-4-1.2. The voter registration form must include a certification of voter eligibility by which the applicant attests, under the penalty of perjury, that the applicant:

- (1) Is a citizen of the United States;
- (2) Will be eighteen years or older on or before the next election;
- (3) ~~Has maintained residence in South Dakota for at least thirty days prior to submitting the registration form~~ Is a resident of the state of South Dakota;
- (4) Has not been judged mentally incompetent;
- (5) Is not currently serving a sentence for a felony conviction; and
- (6) Authorizes the cancellation of a previous registration, if applicable.

Signed March 25, 2025

Chapter 58
(House Bill 1208)

An Act to designate an individual using the address of a mail forwarding service or post office box when applying to register as a voter or vote by absentee ballot as a federal voter.

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

Section 1. That § 12-1-4 be AMENDED:

12-1-4. For the purposes of this title, ~~the term, residence, means the place in which a person is domiciled as shown by~~ "resident" means an individual who maintains an actual fixed permanent dwelling, establishment, or any other abode to which the person returns where the individual lives and usually sleeps, for at least thirty consecutive days. An individual who is a resident of this state

remains a resident during an absence from this state, if the individual intends to return to this state after a period of absence. An individual may only be a resident of one place.

~~A person who leaves the residence and~~ If an individual who is a resident of a county of this state, goes into another county of this state or another state or territory for a temporary purpose ~~has not changed residence, the individual remains a resident of the county.~~

~~A person is considered to have gained residence in any~~ An individual is a resident of the county or municipality of this state in which the person individual actually lives, if the person individual has no present intention of leaving.

~~A person retains residence in~~ An individual remains a resident of this state until another residence has been gained. If a person the individual becomes a resident of another state or territory. If an individual moves from this state to another state or territory with the intention of making it the person's permanent home, the person loses residence in this state becoming a resident of that state or territory for any purpose, the individual is no longer a resident of this state.

Section 2. That a NEW SECTION be added to chapter 12-4:

If an individual applies to register as a voter of this state or to vote by absentee ballot, using only the address of a commercial mail receiving agency, mail forwarding service, or other post office box as the individual's residence address, without providing a description of the location of the individual's habitation, the individual does not meet the requirements to be a resident of this state for the purposes of this title, and may be registered only as a federal voter. If an individual who does not meet the requirements to be a resident of this state is eligible to vote pursuant to this section, the county auditor must indicate that the individual is eligible to vote only as a federal voter.

The county auditor shall prepare a ballot that lists only the names of the candidates for United States senator, United States representative, and president and vice president of the United States, as certified by the secretary of state pursuant to § 12-8-8, and the names of the presidential electors designated for each candidate. The county auditor or member of the precinct election board shall provide the ballot to any individual who has been designated as a federal voter, by the county auditor.

For the purposes of this section, "federal voter" means an individual who is eligible to vote in elections for presidential electors, United States senator, or United States representative at a primary, runoff, special, or general election.

Section 3. That a NEW SECTION be added to chapter 12-20:

The ballot of a federal voter, as defined in section 2 of this Act, must be counted with the resident voter ballots of the precinct where the federal voter is registered, or in an absentee precinct.

Section 4. This Act is effective beginning January 1, 2026.

Signed March 25, 2025

Chapter 59
(Senate Bill 68)

**An Act to require an individual be a citizen of the United States before being
eligible to vote and to provide a penalty therefor.**

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

Section 1. That § 12-3-1 be AMENDED:

~~12-3-1. Every person who, at the time of an election, maintains~~ An individual may vote at an election in this state only if, at the time of the election, the individual:

- ~~(1) Is a citizen of the United States;~~
- ~~(2) Maintains residence in this state, will be as defined in § 12-1-4;~~
- ~~(3) Is at least eighteen years of age or older on or before the next election, is;~~
- ~~(4) Is not otherwise disqualified, and complies; and~~
- ~~(5) Complies with the law regarding the registration of voters, pursuant to chapter 12-4, may vote at any election in this state.~~

Section 2. That § 12-26-3 be AMENDED:

~~12-26-3. Any person who, at the time of requesting his name to be registered as a voter, or who at the time of offering his vote at any election, knowingly makes any false statement or employs any false representation to procure his name to be registered or his vote to be received, is guilty of a Class 2 misdemeanor. A false statement or representation made or used in the presence and to the knowledge of a person requesting his name to be registered, or offering his vote, is to be deemed made by himself if it appears that it was made or used in support of his claim to be registered or to vote, that he knew it to be false and that he allowed it to pass uncontradicted.~~

An individual is guilty of a Class 1 misdemeanor if the individual:

- ~~(1) Knowingly makes a false statement or representation to register as a voter or cast a ballot at an election; or~~
- ~~(2) Is in the presence of and knowingly allows another individual to make a false statement or representation to register as a voter or cast a ballot at an election.~~

This section does not apply to a state employee submitting voter registration information to another entity pursuant to federal law.

Section 3. That § 12-26-4 be AMENDED:

~~12-26-4. Any person knowing himself not to be a qualified voter who votes or offers to vote at any election is guilty of a Class 2 misdemeanor.~~

An individual is guilty of a Class 1 misdemeanor if the individual:

- ~~(1) Knows that the individual is not a qualified voter of this state; and~~
- ~~(2) Votes or offers to vote at any election held in this state.~~

Section 4. That § 12-26-7 be AMENDED:

~~12-26-7. A person who impersonates a registered voter and, as such, offers to vote at any election, is guilty of a Class 5 felony.~~

An individual is guilty of a Class 6 felony if the individual:

- (1) Impersonates a registered voter; and
- (2) Votes or offers to vote at any election held in this state.

Section 5. That § 12-26-8 be AMENDED:

~~12-26-8. A person who votes more than once at any election or who offers to vote after having once voted, either in the same or in another election precinct in South Dakota or elsewhere, is guilty of a Class 6 felony.~~

An individual is guilty of a Class 6 felony if the individual:

- (1) After having voted in this state, votes or offers to vote in the same or in another election precinct in this state; or
- (2) After having voted in another state or territory, votes or offers to vote in this state.

Signed March 25, 2025

Chapter 60
(House Bill 1062)

**An Act to amend provisions pertaining to the maintenance and publication of
the statewide voter registration file.**

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

Section 1. That § 12-4-9 be AMENDED:

~~12-4-9. The county auditor shall maintain and safeguard a file of voters in computer format that contains the information of each person registered in each voting precinct within the county. This file shall be known as the master registration file and shall be, at all times during office hours, open to public inspection. However, public access to social security numbers, driver license numbers, and dates of birth contained in the master registration file is prohibited. The master registration file shall contain all information from each voter's registration card. The master registration file shall also include the date of the last election the voter has voted in and when the voter's information was last updated. The master registration file may also contain additional voter history information. Any digital master registration file that contains:~~

- (1) The information from the voter registration card of each individual registered to vote in the county;
- (2) The date of the last election at which the individual has voted;
- (3) The date when the individual's voter information was last updated; and
- (4) Any application made by an individual to vote by absentee ballot, including:

- (a) The mailing address listed on the absentee ballot application form;
- (b) The absentee ballot requested on the application;
- (c) The date the absentee ballot was requested;
- (d) The date that the absentee ballot was returned; and
- (e) The method of absentee voting employed by the individual.

The master registration file must be open to public inspection, free of charge. An individual's social security number, driver license number, South Dakota nondriver identification number, or month and day of birth is not open to public inspection.

The county auditor shall produce a record of all the information contained in the master registration file the day before any primary or general election scheduled within the county by 11:59 p.m. The county auditor shall maintain a rolling five-year archive of historical information from the master registration file.

The county auditor shall keep a voter registration form for a purged or unregistered voter shall be kept for twenty-two months. No purged or unregistered voter may be included in the master registration file.

Section 2. That § 12-4-37 be AMENDED:

12-4-37. ~~The secretary of state shall establish and maintain a computerized system for maintaining and utilizing the voter registration file and transmitting voter registration information from each county auditor to the Office of the Secretary of State. The State Board of Elections shall promulgate rules, pursuant to chapter 1-26, to develop and implement procedures to secure the computerized system used for the voter registration file from external threats that could damage the integrity of the voter registration system.~~

Each county auditor shall transmit daily any changes to the master registration file or the absentee voter log to the secretary of state ~~on a daily basis using the computerized system maintained by the secretary of state.~~ The county auditor shall transmit updated information contained in the county voter registration system, including voter registration information and voter election history information, to the ~~Office of the Secretary of State~~ secretary of state not later than July fifteenth after each primary election and December fifteenth after each general election.

The secretary of state shall post a weekly update to the statewide voter registration file to the secretary's website. The weekly update to the statewide voter registration file must be recorded each Monday by 11:59 p.m. and must contain any updates to the information in the county master registration file, pursuant to § 12-4-9.

Section 3. That a NEW SECTION be added to chapter 12-4:

The secretary of state shall establish and maintain a rolling five-year historical archive of the complete statewide voter registration file, including the weekly updates published by the secretary pursuant to this section.

The information contained in the historical archive of the statewide voter registration file must be made available free of charge.

An individual's social security number, driver license number, South Dakota nondriver identification number, and month and day of birth contained in the historical archive of the statewide voter registration file are not open to public inspection.

Section 4. That § 12-4-39 be AMENDED:

12-4-39. The secretary of state ~~may~~ shall promulgate rules, pursuant to chapter 1-26 ~~concerning,~~ providing for:

- (1) ~~Procedures for the establishing~~ The establishment and maintenance of the statewide voter registration file;
- (2) ~~Transmission of~~ The transmission of the voter registration information from the county auditor to the Office of the Secretary of State secretary of state;
- (3) ~~Procedures for determining~~ The identification of duplicate voter registration;
- (4) ~~Dissemination of~~ The publishing of the information from the statewide voter registration file; and
- (5) ~~Establishment~~ The establishment of fees for information provided from the statewide voter registration file not to exceed:
 - (a) One thousand dollars per paper copy of a list of the registered voters in the state;
 - (b) One hundred dollars per paper copy of a list of the registered voters in a legislative district;
 - (c) Fifty dollars per paper copy of a list of registered voters in a county or other political subdivision;
 - (d) One hundred dollars per paper copy of an updated partial list that contains only changes made to the list of the registered voters in the state within a year of the purchase of the complete list;
 - (e) Seventy-five dollars per paper copy of an updated partial list that contains only changes made to the list of the registered voters in a legislative district, county, or other political subdivision, within a year of the purchase of the complete list; and
 - (f) Two hundred twenty-five dollars for an electronic data file containing a list of the registered voters in the state.

Section 5. That § 12-4-41 be AMENDED:

12-4-41. Any information obtained from the statewide voter registration file or any county voter registration file ~~may not be used or sold only for election purposes,~~ may not be used for any commercial purpose, and may not be placed for unrestricted access on the internet.

~~For the purpose~~ purposes of this section, ~~the term, commercial purpose,~~ "commercial purpose" does not include campaign or political polling activities.

For the purposes of this section, "sold" does not include any fee charged by the secretary of state for a paper copy of a list of registered voters, as provided in § 12-4-39.

Any violation of this section is a Class 1 misdemeanor. In addition to any criminal sanctions, the court may impose a civil penalty not to exceed two thousand dollars for each violation. Any civil penalty collected pursuant to this section ~~shall~~ must be deposited in the general fund.

Signed March 25, 2025

Chapter 61
(Senate Bill 185)

**An Act to amend provisions pertaining to the process by which the
qualifications of a registered voter are verified.**

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

Section 1. That a NEW SECTION be added to chapter 12-4:

The secretary of state, a county auditor, or any individual registered as a voter of this state may file an application for the correction of any precinct registration list or to challenge the right to vote of any registered voter not later than the thirtieth day before the day of a primary, runoff, special, or general election. The application for correction filed pursuant to this section may only challenge whether the individual:

- (1) Is disqualified from voting, pursuant to § 12-4-18; or
- (2) Is deceased.

Section 2. That a NEW SECTION be added to chapter 12-4:

An application for the correction of any precinct registration list or to challenge the right to vote of any registered voter may be filed by the secretary of state, the auditor of the county where the challenged voter is registered, or any other individual who is registered as a voter in the same county where the challenged voter is registered, not later than the ninetieth day before the day of a primary, runoff, special, or general election. The application for correction filed pursuant to this section may only challenge whether a voter:

- (1) Has voted or has registered to vote in another state; or
- (2) Is a resident of this state, pursuant to § 12-1-4.

Section 3. That a NEW SECTION be added to chapter 12-4:

To file an application for correction, the individual must sign and file an affidavit attesting that, to the best of the individual's personal knowledge and belief, having exercised due diligence to personally verify the evidence presented, the challenged voter is not qualified to vote based on one of the reasons set forth in section 1 or 2 of this Act.

The individual must provide the factual basis for filing the application, including the information required by this section, in the signed affidavit. The application may not be based on an unsupported allegation or the allegation of an anonymous third party. The application must be in a form prescribed by the State Board of Elections, and must contain the:

- (1) Name of the challenged individual;

- (2) Address of the challenged individual;
- (3) Name of the individual filing the application;
- (4) Address, phone number, and email address of the individual filing the application;
- (5) Date of the affidavit; and
- (6) Reason for the challenge, pursuant to section 1 or 2 of this Act.

The individual who files the application shall include documented evidence related to the challenge as an attachment to the affidavit. The State Board of Elections shall promulgate rules, pursuant to chapter 1-26, establishing the form of the affidavit and the documentation that must be included with the affidavit as evidence of the voter's qualifications.

An individual's social security number, driver license number, South Dakota nondriver identification card number, passport number, or contact information, may not be made public as part of a challenge. An individual who intentionally makes public any information that is confidential, pursuant to this section, is guilty of a Class 2 misdemeanor.

Section 4. That a NEW SECTION be added to chapter 12-4:

If a county auditor receives an application for correction, pursuant to section 3 of this Act, and, after researching the voter, determines the affidavit raises a valid challenge, the auditor must send a verification request to the voter named in the application. The verification request must be sent by forwardable mail in compliance with the National Voter Registration Act, 52 U.S.C. §§ 20501 to 20511, inclusive (January 1, 2025).

The verification request must be returned to the auditor within thirty days of the postmark date and must include documentation sufficient to demonstrate the voter's qualifications as a registered voter. The voter named in the application may request a hearing before the county auditor to demonstrate the voter's qualifications as a registered voter.

The county auditor must cancel a voter's registration if the voter:

- (1) Fails to produce documentation sufficient to demonstrate the voter's qualifications; and
- (2) Has not voted or appeared to vote in an election during the period between:
 - (a) The date that the verification request was sent; and
 - (b) The day after the first general election following the date of the verification request.

The county auditor may not cancel the voter registration of an individual challenged pursuant to section 2 of this Act, within the ninety days immediately prior to the date of an election.

The State Board of Elections shall promulgate rules, pursuant to chapter 1-26, establishing the process by which a county auditor must research a registered voter to establish the validity of a challenge.

Section 5. That a NEW SECTION be added to chapter 12-4:

If a voter's registration is canceled, pursuant to section 4 of this Act, the voter may appeal the auditor's decision to the board of county commissioners or circuit court. Any decision of the board may be appealed to the circuit court.

Section 6. That a NEW SECTION be added to chapter 12-4:

Records of an application of correction filed pursuant to section 3 must be retained by the county auditor for at least twenty-two months. Thereafter, if the auditor chooses to destroy the records, the records must be destroyed in a secure manner.

Section 7. That § 12-4-54 be AMENDED:

12-4-54. By March first of each year, the secretary of state shall submit a report to the State Board of Elections providing the number of voters removed from a county's voter registration list ~~from~~ during the previous year due to inactivity, death, felony conviction, mental incompetence, ~~or~~ relocation to another jurisdiction, or as the result of an application for correction, pursuant to section 3 of this Act.

The content of the report must be published on the official website of the secretary of state.

Signed March 25, 2025

Chapter 62
(House Bill 1164)

An Act to revise the process for nominating candidates for lieutenant governor.

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

Section 1. That § 12-5-21 be AMENDED:

12-5-21. ~~The~~ In a year when the Governor is to be elected, the delegates selected to participate in the state convention shall nominate candidates for lieutenant governor, attorney general, secretary of state, state auditor, state treasurer, commissioner of school and public lands, and public utilities commissioner ~~and in.~~ In the years when a President of the United States is to be elected, the delegates shall nominate a candidate for public utilities commissioner, presidential electors, and national committeeman and national committeewoman of the party.

Section 2. That chapter 12-5 be amended with a NEW SECTION:

A candidate for Governor shall nominate a candidate for lieutenant governor by certifying the nomination to the secretary of state no later than five p.m. central time on the second Tuesday in August in the year of the election. The candidate for Governor and the candidate's nominee for lieutenant governor shall sign the certification.

A candidate for lieutenant governor may withdraw from the nomination by filing a request under oath with the secretary of state. If a candidate for lieutenant

governor withdraws, the candidate for Governor must nominate a replacement by certifying the nomination to the secretary of state no later than five p.m. central time on the second Tuesday in August in the year of the election. The candidate for Governor and the candidate's replacement nominee for lieutenant governor shall sign the certification.

The secretary of state may not place the name of the candidate for Governor on the general election ballot until a candidate for lieutenant governor has been certified.

The State Board of Elections shall promulgate rules, pursuant to chapter 1-26, prescribing the forms of the certification and withdrawal of a candidate for lieutenant governor.

Section 3. That § 12-7-1.2 be AMENDED:

~~12-7-1.2. An independent candidate for Governor shall certify the candidate's selection nominate a candidate for lieutenant governor by certifying the nomination to the secretary of state with the candidate's nominating petition no later than five p.m. central time on the second Tuesday in August in the year of election. The candidate and the candidate's selection nominee for lieutenant governor shall sign the certification before the nominating petitions are circulated. If an~~

An independent candidate for lieutenant governor withdraws, no may withdraw from the nomination by filing a request under oath with the secretary of state. If an independent candidate for lieutenant governor withdraws, the independent candidate for Governor may have the candidate's name printed upon a ballot unless must nominate a replacement selection candidate for lieutenant governor is certified by certifying the nomination to the secretary of state by the second Tuesday in August. The State Board of Elections shall promulgate rules, pursuant to chapter 1-26, prescribing the forms for the certification for lieutenant governor no later than five p.m. central time on the second Tuesday in August in the year of the election. The independent candidate for Governor and the candidate's replacement nominee for lieutenant governor shall sign the certification.

The secretary of state may not place the name of the candidate for Governor on the general election ballot until a candidate for lieutenant governor has been certified.

Signed March 25, 2025

**Chapter 63
(Senate Bill 92)**

An Act to require that the director of the Legislative Research Council and the secretary of state review an initiated measure and determine if the measure embraces more than one subject.

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

Section 1. That § 12-13-25 be AMENDED:

12-13-25. The sponsors of each initiated measure or initiated

amendment to the Constitution shall submit a copy of each version of the initiated measure or initiated amendment to the Constitution to the director of the Legislative Research Council for review and comment not more than six months before it may be circulated for signatures under § 2-1-1.1 or 2-1-1.2. The director shall review each version of the submitted initiated measure or initiated amendment to the Constitution to determine if the requirements of § 12-13-24 are satisfied and if the initiated measure or initiated amendment to the Constitution may have any impact on revenues, expenditures, or fiscal liability of the state or its agencies and subdivisions.

Unless as otherwise provided under § 12-13-25.2, not more than fifteen workdays following receipt of an initiated measure or initiated amendment to the Constitution, the director shall provide written comments on the initiated measure or initiated amendment to the Constitution to the sponsors of the initiated measure or initiated amendment, the attorney general, and the secretary of state for the purpose of assisting the sponsors in complying with § 12-13-24. The director's written comments under this section shall include assistance regarding the substantive content of the initiated measure or initiated amendment in order to minimize any conflict with existing law and to ensure the measure's or amendment's effective administration. ~~If the sponsors submit an initiated amendment to the Constitution, the~~

~~The director shall~~ must provide, with the written comments, a written opinion to the sponsors, the attorney general, and the secretary of state as to ~~whether the initiated amendment embraces:~~

- (1) If an initiated measure, whether the initiated measure embraces only one subject under S.D. Const., Art. III, § 21; or
- (2) If an initiated amendment, whether the initiated amendment:
 - (a) Embraces only one subject under S.D. Const., Art. XXIII, § 1 and whether it is; and
 - (b) Is an amendment under S.D. Const., Art. XXIII, § 1 or a revision under S.D. Const., Art. XXIII, § 2.

The sponsors may, but are not required to, amend the initiated measure or initiated amendment to the Constitution to comply with the director's comments.

Section 2. That § 12-13-26.2 be AMENDED:

12-13-26.2. If the secretary of state does not certify a proposal for an initiated amendment to the South Dakota Constitution pursuant to § 12-13-26.1 or an initiated measure pursuant to section 3 of this Act, any interested party may directly appeal the secretary of state's decision to the Supreme Court within fifteen days of the secretary of state publishing notice of the decision not to certify on the secretary of state's website.

Any interested party may directly appeal the secretary of state's certification of a proposal for an initiated amendment to the Constitution pursuant to § 12-13-26.1 or an initiated measure pursuant to section 3 of this Act to the Supreme Court within fifteen days of the secretary of state publishing notice of certification on the secretary of state's website.

The Supreme Court shall promulgate rules, pursuant to chapter 16-3, defining the procedures for an appeal taken under this section.

Section 3. That a NEW SECTION be added to chapter 12-13:

Upon receiving a proposal for an initiated measure, the secretary of state shall determine if the proposal embraces more than one subject, in violation of S.D. Const., Art. III, § 21.

If the secretary of state determines that the proposed initiated measure complies with the single subject requirement, the secretary of state must provide a written certification to the petition sponsor, the attorney general, and the director of the Legislative Research Council, stating that the proposed initiated measure embraces only one subject. The secretary of state shall publish on the secretary's website notice of this certification not more than fifteen working days following receipt of the proposed initiated measure.

The secretary of state may not certify the proposed initiated measure if the secretary of state determines that the proposed initiated measure embraces more than one subject in violation of S.D. Const., Art. III, § 21. If the secretary of state determines that the proposed initiated measure embraces more than one subject, the secretary of state must provide written notice to the petition sponsor explaining the reason that the proposed initiated measure was not certified. The secretary of state shall publish the notice on the secretary of state's website not more than fifteen working days following receipt of the proposed initiated measure.

The sponsor of a proposed initiated measure may amend the initiated measure in accordance with the secretary of state's explanation and may resubmit the amended initiated measure to the director of the Legislative Research Council for review under § 12-13-25.

Signed March 25, 2025

**Chapter 64
(Senate Bill 89)**

An Act to repeal the requirement that judicial officers be listed on a separate nonpolitical ballot.

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

Section 1. That § 12-16-1 be AMENDED:

12-16-1. The county auditor shall provide printed ballots for each election in which the voters of the entire county participate. Except as provided in § 12-6-9, printed ballots for a primary election ~~shall~~ must contain the name of each candidate who has filed for nomination and is approved. The printed ballots for the election of officers ~~shall~~ must contain the name of each candidate whose nomination has been certified or filed with the county auditor in the manner provided by law, unless the candidate is deemed elected by having no opposition. The names of the candidates ~~shall~~ must appear on the ballot exactly as listed in the declaration of candidacy of the candidates' nominating petitions.

Sample ballots ~~shall~~ must be printed on paper of a different color from the official ballot but in the same form. The sample ballots and official ballots ~~shall~~ must be printed and in the possession of the county auditor not later than forty-eight days prior to a primary or general election. ~~However, if~~ If there is a challenge

pursuant to § 12-1-13 or 12-1-16, official ballots may not be printed until the challenge has been resolved or until sixty days prior to the primary or general election, whichever occurs first.

The county auditor shall ~~also~~ prepare the necessary ballots, if any question is required to be submitted to the voters of the county. Ballots for general elections ~~shall must~~ be of the style and form prescribed in §§ 12-16-2 to ~~12-16-11~~ 12-16-10.1, inclusive.

Section 2. That § 12-16-11 be REPEALED.

~~At each general election when judicial officers are elected, there shall be a separate ballot entitled "nonpolitical judiciary ballot" which shall be prescribed by the State Board of Elections.~~

Signed March 25, 2025

Chapter 65
(House Bill 1127)

An Act to require that notice of a county's canvass, post-election audit, and testing of automatic tabulating equipment be posted to the secretary of state's website.

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

Section 1. That § 12-17B-5 be AMENDED:

12-17B-5. Not more than ten days prior to an election, the person in charge of the election shall conduct a test of the automatic tabulating equipment to ascertain that the equipment will correctly count the votes cast for all offices and on all measures. The test must be open to the public. The person in charge of the election shall notify the county chair of each political party with a candidate on the ballot, any independent candidate or candidate without party affiliation on the ballot, and the ballot question committees for or against an initiated or referred measure or initiated constitutional amendment, of the testing of the automatic tabulating equipment, one week before the test is conducted. The person in charge of the election shall post notice of the time and place of the test in the same manner as a public meeting agenda, pursuant to § 1-25-1.1. The person in charge of the election shall post the notice of the time and place of the test to the secretary of state's website.

If an errorless count by an automatic tabulating machine is achieved by the test, the person in charge of the election shall certify the machine. The State Board of Elections shall promulgate rules, pursuant to chapter 1-26, prescribing the certification of properly functioning automatic tabulating equipment under this section.

If an error is detected, the cause of the error shall be determined and corrected. Once the error is corrected, the person in charge of the election shall conduct a new test of the automatic tabulating equipment. The person in charge of the election may not approve the automatic tabulating equipment until an errorless count is made.

Any additional testing required to achieve an errorless count must be open to the public. The person in charge of the election shall post notice of the time and place of an additional test in the same manner as a public meeting agenda, pursuant to § 1-25-1.1. The person in charge of the election shall notify the county chair of each political party with a candidate on the ballot, any independent candidate or candidate without party affiliation on the ballot, and the ballot question committees for or against an initiated or referred measure or initiated constitutional amendment of the testing of the automatic tabulating equipment twenty-four hours prior to the test. The person in charge of the election shall post the notice of the time and place of the additional test to the secretary of state's website.

The secretary of state shall provide each county auditor with the contact information for any independent candidate, candidate without party affiliation appearing on the ballot, and the ballot question committees for or against an initiated or referred measure or initiated constitutional amendment in the auditor's county.

Section 2. That § 12-17B-21 be AMENDED:

12-17B-21. A post-election audit conducted pursuant to §§ 12-17B-18 to 12-17B-25, inclusive, must be open to the public. Members of the public shall keep a reasonable distance so as to not interfere with the audit process. The county auditor shall post notice of the time and place of the audit in the same manner as a public meeting agenda pursuant to § 1-25-1.1 and provide the notice to the county chair of each political party that has a candidate on the ballot. The person in charge of the election shall post the notice of the time and place of the audit to the secretary of state's website.

Section 3. That § 12-20-36 be AMENDED:

12-20-36. Within six calendar days after the close of any election, the officer in charge of the election, with the assistance of a majority of the governing board as the canvassing board, shall make the canvass of votes. Each member of the governing board may name and have on file with the officer in charge of the election a person to represent the member at the official canvass in the event of the member's absence for cause.

The person in charge of the election shall post the time and place of the canvass to the secretary of state's website.

Signed March 25, 2025

Chapter 66
(House Bill 1126)

An Act to modify provisions pertaining to the compensation of a recount board.

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

Section 1. That § 12-21-4 be AMENDED:

12-21-4. The recount referee shall receive compensation in the same amount ~~as court-appointed~~ court-appointed counsel, and the other two members

~~so~~ appointed to the recount board shall each receive compensation ~~in the amount of twenty five dollars per day or in an amount equal to the state minimum hourly wage, whichever is the greatest~~ an amount determined by the governing body of the jurisdiction in which the election is held.

Section 2. That § 12-21-4.1 be AMENDED:

~~12-21-4.1. The members of the~~ Each member of a recount board shall receive mileage for the miles traveled each day of the recount from ~~their~~ the member's point of residence at the rate set pursuant to § 3-9-1; ~~however, this provision shall not apply to the first ten miles traveled each day.~~

Signed March 25, 2025

Chapter 67
(Senate Bill 173)

An Act to revise the process by which a recount may be requested.

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

Section 1. That § 12-21-11 be AMENDED:

12-21-11. If any legislative district comprises more than one county, any candidate for election to or nomination for the Legislature who, according to the official returns, has been defeated by a margin not exceeding two percent of the total vote cast for all candidates for ~~such the~~ office may, within three days after completion of the official canvass ~~of the returns, file a petition as set forth in § 12-21-10 with the county auditor of each county by the State Board of Canvassers,~~ file a petition with the secretary of state, setting forth that the candidate believes a recount will change the result and that all the votes cast for the office or nomination should be recounted. The secretary of state shall notify the county auditor of each county that has precincts included in the petition. Each county auditor shall then conduct a recount.

Notwithstanding § 12-21-20, if the recount is for a legislative district comprising more than one county and the candidate expresses to the county auditor in writing to be present at each county's recount, the board shall convene at the time and date determined by mutual agreement between the county auditor and candidate. ~~All such recounts shall~~

A recount conducted pursuant to this section must be completed within fourteen days following the filing of the petition.

Section 2. That § 12-21-12 be AMENDED:

12-21-12. If any candidate for an office, position, or nomination other than the Legislature is voted upon in more than one county, and has been defeated, according to the official returns, by a margin which does not exceed one-fourth of one percent of the total vote cast for all candidates for ~~such the~~ office, position, or nomination, the candidate may, within three days after completion of the official canvass by the State Board of Canvassers, file a petition with the secretary of state, setting forth that the candidate believes a recount will

change the result and that all of the votes cast for the office, position, or nomination should be recounted. The secretary of state shall, ~~by registered or certified mail~~, notify each county auditor that has precincts included in the petition. Each county auditor shall then conduct a recount.

Section 3. That § 12-21-14 be AMENDED:

12-21-14. Whenever any referred or submitted question is voted upon throughout the state and is determined according to the official canvass by a margin of not exceeding one-fourth of one percent of the total vote cast for and against on such question, there may be filed with the secretary of state within ten days after the completion of the official canvass by the State Board of Canvassers, a petition signed by not less than one thousand registered voters of the state, and representing at least five counties of the state, setting forth that petitioners believe a recount will change the result and ~~praying that such recount shall be had in all the precincts involved. Such that all votes cast on the question should be recounted.~~

The petition may consist of different petitions bound together and signed and verified substantially as provided by law with regard to petitions to invoke the referendum. Upon the filing of ~~such the~~ petition, the secretary of state shall ~~forthwith by registered or certified mail~~ notify each county auditor whose county voted upon the question and ~~such the~~ recount ~~shall then must~~ be conducted in all of the precincts in each of ~~such the~~ counties.

Section 4. That § 12-21-15 be AMENDED:

12-21-15. Whenever according to the official returns as publicly announced and compiled, although not yet officially canvassed, it fairly appears that one group of candidates for presidential electors has been elected over another group of ~~such~~ candidates by a margin not exceeding one-fourth of one percent of the total of votes cast for both ~~such~~ groups of candidates, the chairman of the state central committee of the political party ~~which nominated either of such that nominated the groups of candidates~~, or any two or more candidates of either ~~such~~ group, may file with the secretary of state at any time after the election and prior to the canvass by the State Board of Canvassers, a petition setting forth that in the opinion of the petitioner or petitioners all votes cast for presidential electors should be recounted.

Upon the filing of ~~such the~~ petition, the secretary of state shall ~~forthwith by registered or certified mail~~ notify each county auditor in the state ~~thereof, and such, and the~~ recount ~~shall then must~~ be conducted in all of the precincts in all of ~~such the~~ counties.

Signed March 25, 2025

Chapter 68
(Senate Bill 164)

**An Act to prohibit the use of a deepfake to influence an election and to
provide a penalty therefor.**

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

Section 1. That a NEW SECTION be added to chapter 12-26:

Terms used in this Act mean:

- (1) "Artificial intelligence," any machine-based system that, for any explicit or implicit objective, infers from the inputs received by the system how to generate content, decisions, predictions, recommendations, or other outputs, which can influence physical or virtual environments; and
- (2) "Deepfake," any image, audio recording, or video recording created or manipulated with the use of artificial intelligence or other digital technology that is so realistic, a reasonable person would believe it depicts the speech or conduct of an actual individual who did not in fact engage in the speech or conduct.

Section 2. That a NEW SECTION be added to chapter 12-26:

No person, with the intent to injure a candidate, may disseminate a deepfake or enter into a contract or other agreement to disseminate a deepfake, within ninety days of an election, if the person knows or reasonably should know the item being disseminated is a deepfake and does not include with the deepfake the disclosure described in section 6 of this Act.

A violation of this section is a Class 1 misdemeanor.

Section 3. That a NEW SECTION be added to chapter 12-26:

Section 2 of this Act does not apply:

- (1) If the deepfake constitutes satire or parody;
- (2) To a radio or television broadcasting system, or cable or satellite television operator, programmer, or producer that:
 - (a) Broadcasts a deepfake as part of a bona fide newscast, news interview, news documentary, or on-the-spot coverage of a bona fide news event, if the broadcast clearly acknowledges through content or disclosure, in a manner easily heard or read by the average listener or viewer, that there are questions about the authenticity of the deepfake; or
 - (b) Is paid to broadcast or publish a deepfake;
- (3) To an internet website or regularly published newspaper, magazine, or other periodical of general circulation, including an internet or electronic publication, that routinely carries news and commentary of general interest and is paid to publish or otherwise disseminate a deepfake; or
- (4) To an internet computer service, as defined in 47 U.S.C. § 230 (January 3, 2024), internet service provider, domain provider, cloud service provider, or other provider that hosts, receives, transmits, stores, or provides access or connection to a website, network, system, or other content on the internet that features a deepfake, to the extent that the provider acts in a merely technical, automatic, or intermediate nature.

Section 4. That a NEW SECTION be added to chapter 12-26:

The attorney general, a candidate who is injured or likely to be injured by the dissemination of a deepfake in violation of section 2 of this Act, or the individual depicted in a deepfake disseminated in violation of section 2 of this Act may seek injunctive or other equitable relief prohibiting the dissemination of the deepfake.

Section 5. That a NEW SECTION be added to chapter 12-26:

A person who disseminates a deepfake in violation of section 2 of this Act is liable to the candidate and the individual depicted in the deepfake for damages, reasonable costs and attorney fees, and any other relief the court deems proper. The plaintiff bears the burden of establishing the person knowingly made use of a deepfake by clear and convincing evidence in any action brought pursuant to this section.

Nothing in this section limits any other cause of action from being brought against a person who disseminates a deepfake in violation of section 2 of this Act.

Section 6. That a NEW SECTION be added to chapter 12-26:

It is an affirmative defense for any action brought pursuant to this Act that the deepfake includes a disclosure stating: "This (image/video/audio) has been manipulated or generated by artificial intelligence." For an image or video recording, the text of the disclosure must appear in a size that is easily readable by the average viewer and no smaller than the largest font size of other text appearing in the image or video recording. The disclosure must be superimposed over each deepfake. For an audio recording, the disclosure must be read in a clearly spoken manner and in a pitch that is easily heard by the average listener at the beginning and end of the audio recording.

Signed March 25, 2025

**Chapter 69
(Senate Bill 12)**

An Act to limit the amount of money that may be loaned to a candidate or political committee.

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

Section 1. That a NEW SECTION be added to chapter 12-27:

A candidate or political committee may not accept a loan from a person if the principal of which, or any combination of the principal and contributions made by the person, exceeds the limit to the amount of money that the candidate or political committee may accept as a contribution pursuant to §§ 12-27-7 to 12-27-10, inclusive. Any loan made by a person to a candidate or political committee must be counted toward the amount that the person may contribute, as an individual or entity, to a candidate or political committee pursuant to §§ 12-27-7 to 12-27-10, inclusive.

Signed February 18, 2025

Chapter 70
(Senate Bill 17)

**An Act to clarify when a political committee must file certain campaign
finance disclosure statements.**

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

Section 1. That § 12-27-22 be AMENDED:

12-27-22. ~~A The treasurer of a political committee listed below shall file a campaign finance disclosure statement shall be submitted to or a report with the secretary of state. The treasurer of each as follows:~~

- (1) ~~Candidate or~~ For a candidate or candidate campaign committee for any statewide office ~~shall~~ file a pre-primary, pre-general, year-end, and, if applicable, supplemental report and amendments in even numbered years. ~~In and in~~ odd numbered years ~~shall~~ file a year-end report and, if applicable, amendments. ~~A termination report may be submitted at any time;~~
- (2) ~~All candidates running~~ For a candidate or candidate campaign committee for a legislative or county office with a recognized political party ~~shall~~ file a pre-primary report if there is any primary race for that particular office in the legislative district or county, and all candidates or candidate campaign committees for a legislative or county office shall file, a pre-general, year-end and, if applicable, supplemental report and amendments in even numbered years. ~~A termination report may be submitted at any time;~~
- (3) ~~Statewide~~ For a statewide political action committee ~~shall~~ file a pre-primary, pre-general, year-end, and, if applicable, supplemental report and amendments in even numbered years. ~~In and in~~ odd numbered years ~~shall~~ file a year-end ~~or~~ report and, if applicable, amendments. ~~A termination report may be submitted at any time;~~
- (4) ~~Statewide~~ For a statewide political party ~~shall~~ file a pre-primary, pre-general, year-end and, if applicable, supplemental report and amendments in even numbered years. ~~In and in~~ odd numbered years ~~shall~~ file a year-end or amendments, if applicable. ~~A termination report may be submitted at any time. A political party that loses its status as a qualified party shall file a termination statement by 5:00 p.m. central time the last Friday in January following the calendar year in which qualified party status was lost;~~
- (5) ~~County~~ For a county political party and auxiliary organization ~~shall~~ file a pre-general and, if applicable, supplemental report and amendments in even numbered years. ~~A termination report may be submitted at any time; and~~
- (6) ~~Statewide~~ For a statewide ballot question committee ~~shall~~ file a pre-primary, pre-general, year-end and, if applicable, supplemental report and amendments in even numbered years. ~~In and in~~ odd numbered years ~~shall~~ file a year-end and, if applicable, amendments. ~~A termination report may be submitted at any time. If a statewide ballot question committee does not list any activity on the next required campaign finance report submitted to the secretary of state, that committee has until the next reporting period to report activity. If that committee does not have any~~

~~activity to report by the next reporting period, the committee shall submit a termination report by that reporting period deadline.~~

~~A campaign finance disclosure statement shall be submitted to the secretary of state by the treasurer of each committee who shall file the following financial disclosure reports in accordance with the time frames stated in this chapter: pre primary, pre general, year end, amendment, supplemental, and a termination when a committee is terminating its existence. The treasurer of a political committee listed in this section may submit a termination report at any time.~~

If a political party loses the status of a qualified party, the party must file a termination report by five p.m. central time on the last Friday in January following the calendar year in which the qualified party status was lost. If a statewide ballot question committee does not list any activity on the next required campaign finance report submitted to the secretary of state, that committee has until the next reporting period to report activity. If that committee does not have any activity to report by the next reporting period, the committee must submit a termination report by that reporting period deadline.

A violation of this section is a Class 2 misdemeanor. A subsequent offense within a calendar year is a Class 1 misdemeanor.

Signed February 13, 2025

Chapter 71
(House Bill 1264)

**An Act to require the disclosure of an outstanding loan balance on a
campaign finance disclosure report.**

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

Section 1. That § 12-27-24 be AMENDED:

12-27-24. A campaign finance disclosure report ~~shall~~ must include the following information:

- (1) The political committee name, mailing address, telephone number, and, if applicable, e-mail address;
- (2) Name, mailing address, telephone number, and, if applicable, an e-mail address, if any, of the political committee's treasurer;
- (3) ~~The type of campaign report (pre primary, pre general, year end, amendment, supplement, or termination)~~ Whether the campaign report is a pre-primary, pre-general, year-end, amendment, supplement, or termination report;
- (4) For any ballot question committee, the ballot question name and whether the committee supports or opposes the ballot question;
- (5) The balance of cash and cash equivalents on hand at the beginning of the reporting period;
- (6) The total amount of all contributions received during the reporting period;

- (7) The total amount of any donated good or service received during the reporting period;
- (8) The total of refunds, rebates, interest, or other income not previously identified during the reporting period;
- (9) The total of expenditures made during the reporting period;
- (10) The cash balance on hand as of the close of the reporting period;
- (11) All contributions of one hundred dollars or less ~~shall either~~ must be aggregated and reported as a lump sum or the contributions ~~shall~~ must be listed individually;
- (12) The name, mailing address, city, and state of each person making a contribution of more than one hundred dollars in the aggregate during any calendar year and the amount of the contribution. Any contribution from an entity after July 1, 2017, or from a political committee ~~shall~~ must be itemized. Any contribution from a federal political committee or a political committee organized outside this state ~~shall~~ must also include the name and website address of the filing office where campaign finance disclosure reports are regularly filed for the committee. If any information required by the section is unknown to the political committee, the political committee may not deposit the contribution;
- (13) Any donated good or service contribution ~~shall~~ must contain the same information as for any monetary contribution, and ~~shall~~ must also include a description of the donated good or service contribution;
- (14) Any monetary or donated good or service contribution made by a political committee to any political committee or nonprofit charitable entity ~~shall~~ must be itemized;
- (15) A categorical description and amount of any refunds, rebates, interest, sale of property, or other receipts not previously identified during the reporting period;
- (16) A categorical description and amount of any funds or donations by any entity to its political committee for establishing and administering the political committee and for any solicitation costs of the political committee;
- (17) Each loan received ~~shall~~ must be reported in the same manner as a contribution;
- (18) The outstanding balance of each loan received;
- (19) Each loan repayment ~~shall~~ must be reported in the same manner as an expenditure;
- ~~(19)~~(20) Any expenditure made during the reporting period ~~shall~~ must be categorized as disbursements and itemized by expense categories. A miscellaneous expense category is prohibited. Any contribution made by the political committee that is not in exchange for any item of value or service ~~shall~~ must be itemized;
- ~~(20)~~(21) The amount of any independent communication expenditure from a political committee made during the reporting period, ~~and lists~~ listing the name of the candidate, public office holder, or ballot question related to the independent communication expenditure and a description of the independent communication expenditure;

~~(21)~~(22) ~~A~~For a ballot question committee ~~shall provide~~, the information contained in any statement provided pursuant to § 12-27-19; and

~~(22)~~(23) A certification that the contents of the statement are true and correct signed by the treasurer of the political committee.

Section 2. That § 12-27-29 be AMENDED:

12-27-29. The treasurer of a political committee shall maintain and preserve detailed and accurate records of the following:

- (1) Each contribution received by the political committee. Any contribution of one hundred dollars or less ~~shall~~ must be noted on the political committee's books and a running total of each contributor ~~shall~~ must be maintained;
- (2) Each donated good or service contribution received by the political committee. Upon request of the treasurer, any person making a donated good or service contribution ~~shall~~ must provide all necessary information to the treasurer, including the value of the contribution;
- (3) In the case of a ballot question committee, the information required by § 12-27-19 for any entity contribution;
- (4) Each loan received or made by the political committee;
- (5) The outstanding balance of each loan received by the political committee;
- ~~(6)~~ Each refund, rebate, interest, or other income received by the political committee;
- ~~(6)~~(7) All receipts, invoices, bills, canceled checks, or other proofs of payment, with an explanation of each, for each expenditure; and
- ~~(7)~~(8) The name and address of any financial institution where an account or depository for the political committee is maintained including the account number.

The treasurer shall maintain and preserve the records for a period of seven years or three years past the date of filing the termination statement for the election for which the contribution or expenditure was made, whichever is earlier. A violation of this section is a Class 2 misdemeanor. Any subsequent offense within a calendar year is a Class 1 misdemeanor.

Signed March 25, 2025

EDUCATION

Chapter 72
(House Bill 1002)

**An Act to require that all certified educators take a course in South Dakota
Indian Studies.**

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

Section 1. That § 13-1-48 be AMENDED:

13-1-48. ~~Any teacher~~ All certified educators new to the profession, ~~or from out-of-state, or certified after 1993~~ shall complete a three-credit-hour course in South Dakota Indian studies. The course shall include components specific to:

- (1) Language and cultural awareness;
- (2) History;
- (3) Educational theory and background of the traditional tribal education; and
- (4) Implementation and strategies of Indian learning styles, curriculum development and authentic assessment.

Signed February 18, 2025

Chapter 73
(House Bill 1039)

An Act to amend the programs reimbursing a teacher or school counselor for earning national board certification.

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

Section 1. That § 13-1-54 be AMENDED:

13-1-54. The Department of Education may establish a program to reimburse public school counselors for the fees associated with the application and examination process necessary to earn the credential of National Certified School Counselor from the National Board for Counselor Certification. The program may not accept any new people into the program after July 1, 2025. The reimbursement shall include any federal funds that may be available through a candidate subsidy program. The reimbursement shall be paid upon receipt of documentation that the public school counselor successfully completed all of the certification requirements which took effect on January 1, 2004, and was awarded the credential.

In addition to the reimbursement provided in this section, a counselor who is employed by a school district and who has earned the credential of National Certified School Counselor from the National Board for Counselor Certification may receive a payment of two thousand dollars per year. The stipend shall be paid as follows:

- (1) One thousand dollars from the Department of Education; and
- (2) One thousand dollars from the school district that employs the counselor.

The department is not required to pay a teacher a stipend pursuant to this section unless the school district employing the counselor opts to pay a stipend.

Section 2. That § 13-42-26 be AMENDED:

13-42-26. The Department of Education shall establish a program to reimburse public school teachers for the application and processing fee for the National Board for Professional Teaching Standards certification process. The program may not accept any new people into the program after July 1, 2025. The reimbursement shall include any federal funds that may be available through a candidate subsidy program. The reimbursement shall be paid upon receipt of

documentation that the teacher successfully completed all certification requirements and was awarded the credential.

In addition to the reimbursement provided pursuant to this section, a teacher who teaches in a public school and who has obtained certification by the National Board for Professional Teaching Standards shall receive a payment of two thousand dollars per year for five years. The stipend shall be paid as follows:

- (1) One thousand dollars from the Department of Education;
- (2) One thousand dollars from the school district where the teacher is employed.

Once the first five years is complete, the school district that employs the teacher may opt to continue payments during the period of the next five years. If, during that period, the school district pays the teacher a stipend, the Department of Education shall also pay the teacher a stipend equal to the amount offered by the school district, up to a maximum of one thousand dollars. However, the department is not required to pay a teacher a stipend pursuant to this section during years six to ten unless the school district employing the teacher opts to pay a stipend.

The Board of Education Standards shall adopt rules, pursuant to chapter 1-26, to establish guidelines necessary to implement the program.

Signed March 19, 2025

Chapter 74
(House Bill 1068)

An Act to allow a student to wear certain military decorations at a school graduation ceremony and to declare an emergency.

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

Section 1. That a NEW SECTION be added to chapter 13-1:

A student who is enrolled in a school district and has enlisted in the South Dakota National Guard or in a branch of the armed forces, as defined in § 36-1-2, may wear a sash, stole, or other military decoration at a school graduation ceremony, if the sash, stole, or decoration was issued to the student by the South Dakota National Guard or a branch of the armed forces, for the purposes of being worn at the graduation ceremony.

Section 2. Whereas, this Act is necessary for the immediate preservation of the public peace, health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

Signed March 11, 2025

Chapter 75
(Senate Bill 219)

An Act to require the acceptance of a cash payment for admission to a school-affiliated event.

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

Section 1. That a NEW SECTION be added to chapter 13-1:

A qualifying school that refuses to accept a cash payment from an individual for admission to a school-affiliated event on the day of the event, must grant the individual admission to the event without charge if:

- (1) The individual demonstrates that the individual has an amount of cash sufficient to pay for the admission fee; and
- (2) Seating to the event is available.

For the purposes of this section, "cash" means any physical coin, currency, or note that is designated as legal tender by federal law.

For the purposes of this section, "qualifying school" means any school district or accredited nonpublic school.

For the purposes of this section, "school-affiliated event" means any athletic competition, play, musical, concert, performance, or other activity occurring in this state, which is conducted or sponsored by the qualifying school, or in which the qualifying school participates, and for which an admission fee that is less than two hundred dollars per individual is charged.

Signed March 11, 2025

Chapter 76
(House Bill 1003)

An Act to amend definitions pertaining to the school funding formula.

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

Section 1. That § 13-13-10.1 be AMENDED:

13-13-10.1. The education funding terms and procedures referenced in this chapter are defined as follows:

- (1) Nonresident students who are in the care and custody of the Department of Social Services, the Unified Judicial System, the Department of Corrections, or other state agencies and are attending a public school may be included in the fall enrollment of the receiving district when enrolled in the receiving district;
- (2) "Fall enrollment," is calculated as follows:
 - (a) Determine the number of kindergarten through twelfth grade students enrolled in all schools operated by the school district on the last Friday of September of the current school year, ~~and add~~

~~to that number the product of 0.10 multiplied by the number of children who participated in the prior school year in high school interscholastic activities sanctioned or sponsored by the South Dakota High School Activities Association, as permitted by § 13-36-7, while receiving alternative instruction pursuant to § 13-27-3;~~

- (b) Subtract the number of students for whom the district receives tuition except for:
 - (i) Nonresident students who are in the care and custody of a state agency and are attending a public school district; and
 - (ii) Students who are being provided an education pursuant to § 13-28-11; and
- (c) Add the number of students for whom the district pays tuition.

When computing state aid to education for a school district pursuant to § 13-13-73, the secretary of the Department of Education shall use the school district's fall enrollment;

- (3) "Target teacher ratio factor," is:
 - (a) For school districts with a fall enrollment of two hundred or less, the target teacher ratio factor is 12;
 - (b) For districts with a fall enrollment of greater than two hundred, but less than six hundred, the target teacher ratio factor is calculated as follows:
 - (i) Multiplying the fall enrollment by .00750; and
 - (ii) Adding 10.50 to the resulting product; and
 - (c) For districts with a fall enrollment of six hundred or greater, the target teacher ratio factor is 15.

The fall enrollment used for the determination of the target teacher ratio for a school district may not include any students residing in a residential treatment facility when the education program is operated by the school district;

- (4) "English learner (EL) adjustment," is calculated by multiplying 0.25 times the number of kindergarten-through-twelfth-grade students who, in the prior school year, scored below level four on the state-administered language proficiency assessment as required in the state's consolidated state application pursuant to § 1111(b)(2)(G) of the Every Student Succeeds Act of 2015. ~~For the 2021-2022 calculation only, the EL adjustment is calculated by multiplying 0.25 times the number of kindergarten-through-twelfth-grade students who scored below level four on the state-administered language proficiency assessment in school year 2019-2020 or 2020-2021, whichever is greater;~~
- (5) "Index factor," is the annual percentage change in the consumer price index for urban wage earners and clerical workers as computed by the Bureau of Labor Statistics of the United States Department of Labor for the year before the year immediately preceding the year of adjustment or three percent, whichever is less;
- (6) "Target teacher salary," for the school fiscal year beginning July 1, 2024, is \$62,045.62. Each school fiscal year thereafter, the target teacher salary

is the previous fiscal year's target teacher salary increased by the index factor;

- (7) "Target teacher benefits," is the target teacher salary multiplied by twenty-nine percent;
- (8) "Target teacher compensation," is the sum of the target teacher salary and the target teacher benefits;
- (9) "Overhead rate," is thirty-eight and seventy-eight-hundredths percent. Beginning in school fiscal year 2018, the overhead rate must be adjusted to take into account the sum of the amounts that districts exceed the other revenue base amount;
- (10) "Local need," is calculated as follows:
 - (a) Divide the fall enrollment by the target teacher ratio factor;
 - (b) If applicable, divide the English Learner ~~(EL)~~ adjustment pursuant to subdivision (4) by the target teacher ratio factor;
 - (c) Add the results of subsections (a) and (b);
 - (d) Multiply the result of subsection (c) by the target teacher compensation;
 - (e) Multiply the product of subsection (d) by the overhead rate;
 - (f) Add the products of subsections (d) and (e) and subdivision (20);
 - (g) When calculating local need at the statewide level, include the amounts set aside for costs related to technology in schools and statewide student assessments; ~~and~~
 - (h) When calculating local need at the statewide level, include the amounts set aside for sparse school district benefits, calculated pursuant to §§ 13-13-78 and 13-13-79; and
 - ~~(i) When calculating local need at the statewide level, include the amounts set aside for career and technical education calculated pursuant to §§ 13-13-81 and 13-13-82;~~
- (11) "Alternative per student need," is calculated as follows:
 - (a) Add the total need for each school district for school fiscal year 2016, including the small school adjustment and the English learner adjustment, to the lesser of the amount of funds apportioned to each school district in the year preceding the most recently completed school fiscal year or school fiscal year 2015 pursuant to §§ 13-13-4, 23A-27-25, 10-33-24, 10-36-10, 11-7-73, 10-35-21, and 10-43-77; and
 - (b) Divide the result of (a) by the September 2015 fall enrollment, excluding any adjustments based on prior year student counts;
- (12) "Alternative local need," may only be used by a school district created or reorganized before July 1, 2016, and is the alternative per student need multiplied by the fall enrollment, excluding any adjustments based on prior year student counts;
- (13) "Local effort," the amount of ad valorem taxes generated in a school fiscal year by applying the levies established pursuant to § 10-12-42. Beginning on July 1, 2017, local effort includes the amount of funds apportioned to each school district in the year preceding the most recently completed school fiscal year pursuant to §§ 10-33-24, 10-35-21 as provided by

subdivision (15), 10-36-10, 10-43-77, 11-7-73, 13-13-4, and 23A-27-25 and that exceeds the other revenue base amount;

- (14) ~~"Other revenue base amount," for school districts not utilizing the alternative local need calculation is the amount of funds apportioned to each school district pursuant to §§ 10-33-24, 10-35-21 as provided by subdivision (15), 10-36-10, 10-43-77, 11-7-73, 13-13-4, and 23A-27-25, calculated as follows:~~

~~(a) Beginning on July 1, 2017, equals the greatest of the amounts of the funds apportioned to each school district pursuant to §§ 10-33-24, 10-35-21 as provided by subdivision (15), 10-36-10, 10-43-77, 11-7-73, 13-13-4, and 23A-27-25 for school fiscal years 2013, 2014, and 2015;~~

~~(b) Beginning on July 1, 2018, multiply eighty percent times subsection (a);~~

~~(c) Beginning on July 1, 2019, multiply sixty percent times subsection (a);~~

~~(d) Beginning on July 1, 2020, multiply forty percent times subsection (a);~~

~~(e) Beginning on July 1, 2021, multiply twenty percent times subsection (a); and~~

~~(f) Beginning on July 1, 2022, is zero;~~

~~For school districts utilizing the alternative local need calculation, the other revenue base amount is zero until the school district chooses to no longer utilize the alternative local need calculation. At that time, the other revenue base amount is calculated as defined above.~~

~~For a school district created or reorganized after July 1, 2016, the other revenue base amount is the sum of the other revenue base amount for each district before reorganization, and the new school district may not utilize the alternative local need calculation.~~

~~In the case of the dissolution and annexation of a district, the other revenue base amount of the dissolved school district will be prorated based on the total number of students in the fall enrollment as defined in subdivision (2) who attend each district to which area of the dissolved district were annexed to in the first year of reorganization. The amount apportioned for each district will be added to the annexed districts' other revenue base is zero;~~

- (15) "Wind energy tax revenue," any wind energy tax revenue apportioned to school districts pursuant to § 10-35-21 from a wind farm producing power for the first time before July 1, 2016, is considered local effort pursuant to subdivision (13) and other revenue base amount pursuant to subdivision (14). However, any wind energy tax revenue apportioned to a school district from a wind farm producing power for the first time after June 30, 2016, one hundred percent must be retained by the school district to which the tax revenue is apportioned for the first five years of producing power, eighty percent for the sixth year, sixty percent for the seventh year, forty percent for the eighth year, twenty percent for the ninth year, and zero percent thereafter. If a wind farm begins producing power for the first time between October first and December thirty-first in a calendar year, any revenues generated for that time period must be retained by the school district and that time period may not be counted against the first five-year period;

- (16) "Per student equivalent," for funding calculations that are determined on a per student basis, the per student equivalent is calculated as follows:
- (a) Multiply the target teacher compensation times the sum of one plus the overhead rate; and
 - (b) Divide subsection (a) by 15;
- (17) "Monthly cash balance," the total amount of money for each month in the school district's general fund, calculated by adding all deposits made during the month to the beginning cash balance and deducting all disbursements or payments made during the month;
- (18) "General fund base percentage," is determined as follows:
- (a) Forty percent for a school district with a fall enrollment as defined in subdivision (2) of two hundred or less;
 - (b) Thirty percent for a school district with fall enrollment as defined in subdivision (2) of more than two hundred but less than six hundred; and
 - (c) Twenty-five percent for a school district with fall enrollment as defined in subdivision (2) greater than or equal to six hundred.
- When determining the general fund base percentage, the secretary of the Department of Education shall use the lesser of the school district's fall enrollment as defined in subdivision (2) for the current school year or the school district's fall enrollment from the previous two years; ~~and~~
- (19) "Allowable general fund cash balance," the general fund base percentage multiplied by the district's general fund expenditures in the previous school year; and
- (20) "Alternative instruction participation adjustment," is calculated by multiplying 0.10 times the number of children who participated in the prior school year in high school interscholastic activities sanctioned or sponsored by the South Dakota High School Activities Association, as permitted by § 13-36-7, while receiving alternative instruction pursuant to § 13-27-3, multiplied by the per student equivalent defined in this section.

Signed February 18, 2025

Chapter 77
(Senate Bill 70)

An Act to modify the maximum sparsity benefit a sparse school district is eligible to receive.

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

Section 1. That § 13-13-79 be AMENDED:

13-13-79. At the same time that state aid is distributed to school districts pursuant to §§ 13-13-10.1 to 13-13-41, inclusive, the secretary of the Department of Education ~~shall~~ must distribute funds to sparse school districts by multiplying the result of the calculation in either subdivision 13-13-78(2) or subdivision

13-13-78(3) by seventy-five percent of the per student equivalent as defined in § 13-13-10.1. ~~However, provided that no sparse school district may receive~~ receives a sparsity benefit ~~that exceeds~~ exceeding one hundred ~~ten~~ thirty-seven thousand dollars in any fiscal year.

Signed March 19, 2025

Chapter 78
(Senate Bill 56)

An Act to authorize the payment of lease rental obligations to the South Dakota Building Authority by the Bureau of Finance and Management, to make an appropriation therefore, and to declare an emergency.

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

Section 1. There is appropriated \$53,713,826 from the general fund, to the Bureau of Finance and Management to be transferred to the South Dakota Building Authority public building fund, for the purpose of paying or prepaying lease rental obligations.

Section 2. From the funds transferred to the South Dakota Building Authority public building fund in section 1 of this Act, \$36,628,248 must be used to pay or prepay lease rental and associated fees relating to the leases between the South Dakota Building Authority and the State Animal Industry Board for the Animal Disease Research and Diagnostic Laboratory.

Section 3. From the funds transferred to the South Dakota Building Authority public building fund in section 1 of this Act, \$15,496,237 must be used to pay or prepay lease rental and associated fees relating to the leases between the South Dakota Building Authority and the Board of Regents for the Precision Agriculture Building.

Section 4. From the funds transferred to the South Dakota Building Authority public building fund in section 1 of this Act, \$1,589,341 must be used to pay or prepay lease rental and associated fees relating to the leases between the South Dakota Building Authority and the Department of Game, Fish and Parks for statewide fish hatcheries.

Section 5. The commissioner of the Bureau of Finance and Management shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized in this Act.

Section 6. Any amounts appropriated in this Act not lawfully expended or obligated shall revert in accordance with the procedures described in chapter 4-8.

Section 7. Whereas, this Act is necessary for the support of the state government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

Section 8. That § 13-13-92 be AMENDED:

13-13-92. The state general fund savings obtained through the state aid to education formula from the difference between the school general fund levy for agriculture property for taxes payable in 2018 pursuant to §§ 13-13-71, 13-13-72,

and 13-13-72.1 and the agriculture property levy adopted by legislative action for taxes payable in 2018, ~~shall be directed to the state animal disease research and diagnostic laboratory bond redemption and operations fund. Pursuant to this section, the savings amount dedicated to the state animal disease research and diagnostic laboratory bond redemption and operations fund in fiscal year 2019 shall be one million six hundred fifteen thousand dollars. In fiscal year 2019 and each year thereafter, the savings amount dedicated from the general fund to the state animal disease research and diagnostic laboratory bond redemption and operations fund shall be three million three hundred fifty thousand dollars are in place until July 1, 2040.~~

Section 9. That 2017 Session Laws, Chapter 43, § 8 be AMENDED:

Section 7 of this Act is repealed on ~~the first day of the fiscal year following a determination by the Animal Industry Board that bonds issued for the State Animal Disease Research and Diagnostic Laboratory are satisfied and paid in full July 1, 2040.~~

Signed March 28, 2025

Chapter 79
(House Bill 1093)

An Act to modify the permissible dates for a school district bond election.

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

Section 1. That § 13-16-6.4 be AMENDED:

13-16-6.4. Approval to enter into an agreement or issue capital outlay certificates ~~to which § 13-16-6.3 applies pursuant to § 13-16-6.3~~ is subject to a referendum if five percent of the registered voters, based upon the total number of registered voters at the last preceding general election, petition, within twenty days thereafter, to have the question of approval ~~or disapproval of to enter into the agreement or issue of capital outlay certificates or the lease purchase agreement~~ placed upon the ballot at ~~the next regular election or at a special election called for that purpose and held on:~~

- (1) The first Tuesday after the first Monday in March;
- (2) The first Tuesday after the first Monday in June; or
- (3) The first Tuesday after the first Monday in November.

If the bond election is held on a date listed in subdivision (2) or (3) in an even-numbered year, the election must be held in conjunction with the regular primary or general election, respectively. When the election is held in conjunction with the primary or general election, the expenses and governmental responsibilities of a combined election must be shared in a manner agreed upon by the board of the school district and the boards of county commissioners involved.

The business manager shall give notice ~~of the fact~~ that the question ~~will is~~ to be on the ballot at ~~a the~~ regular or special election as provided by law for school elections and prepare official ballots therefor according to the provisions of this

~~title relating to elections and the issue shall be decided by sixty percent of those voting thereon. Approval of the question to enter into an agreement or issue capital outlay certificates requires an affirmative vote of at least sixty percent of those voting on the question.~~

~~If the question submitted to the voters at an election is not approved by the voters, the school board may, by resolution, place the question on the ballot at the next available election provided by this section.~~

Signed March 11, 2025

Chapter 80
(Senate Bill 71)

An Act to revise provisions pertaining to the compulsory age for school attendance.

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

Section 1. That § 13-27-1 be AMENDED:

~~**13-27-1.** Any person having control of a child, who is not younger than five or older than six years old by the first day of September, or any child who, by the first day of September, is at least six years old, but who has not exceeded the age of eighteen, shall cause the child to regularly attend school, either public, nonpublic, or alternative instruction as set forth in § 13-27-3, until the child reaches the age of eighteen years, unless the child has graduated or is excused as provided in this chapter. However, the requirements of this section are met if a child who is at least sixteen years of age enrolls in a high school equivalency test preparation program and the child successfully completes the test or reaches the age of eighteen years.~~

~~A child is eligible to enroll in a school-based or school-contracted high school equivalency test preparation program or take the high school equivalency test if the child is sixteen or seventeen years of age, and the child presents written permission from the child's parent or guardian and one of the following:~~

- ~~(1) Verification from a school administrator that the child will not graduate with the child's cohort class because of credit deficiency;~~
- ~~(2) Authorization from a court services officer;~~
- ~~(3) A court order requiring the child to enter the program;~~
- ~~(4) Verification that the child is under the direction of the Department of Corrections; or~~
- ~~(5) Verification that the child is enrolled in Job Corps as authorized by Title I-C of the Workforce Investment Act of 1998, as amended to January 1, 2009.~~

~~Any child who is sixteen or seventeen years of age and who completes the high school equivalency test preparation program may take a high school equivalency test immediately following release from the school program or when~~

~~ordered to take the test by a court. Any such child who fails to successfully complete the test shall re-enroll in the school district and may continue the high school equivalency preparation program or other suitable program as determined by the school district.~~

~~All children~~ A parent, guardian, or other custodian of a child, who is not younger than five or older than six by the first day of September, or any child who, by the first day of September, is at least six years old, shall cause the child to regularly attend a public or nonpublic school or receive alternative instruction, as set forth in § 13-27-3, until the child is eighteen years old, has graduated, or is excused or withdraws as provided in this chapter.

Each child shall attend kindergarten prior to age seven. Any child who transfers from another state may proceed in a continuous educational program without interruption if the child has not previously attended kindergarten.

Section 2. That a NEW SECTION be added to chapter 13-27:

A child may withdraw from attending a school at the age of seventeen if the child has the written consent of a parent, guardian, or other custodian. The school district shall keep the documentation presented pursuant to this section. The school district shall forward a copy of the documentation to the Department of Education within thirty days of receipt.

Section 3. That a NEW SECTION be added to chapter 13-27:

A child who is at least sixteen years old may enroll in a school-based or school-contracted high school equivalency test preparation program or take the high school equivalency test if the child presents any one of the following:

- (1) The written consent of a parent, guardian, or other custodian;
- (2) Verification that the child will not graduate with the child's cohort class because of a credit deficiency;
- (3) Authorization from a court services officer;
- (4) A court order requiring the child to enter the program;
- (5) Verification that the child is under the direction of the Department of Corrections; or
- (6) Verification that the child is enrolled in Job Corps as authorized by 29 U.S.C. §§ 3191 to 3212, inclusive, (January 1, 2009).

Any child who is at least sixteen years old and who completes the high school equivalency test preparation program may take a high school equivalency test immediately following release from the school program or when ordered to take the test by a court.

Any child who fails to successfully complete the test shall re-enroll in the school district, unless the child has withdrawn from school pursuant to section 2 of this Act. Any child who fails to successfully complete the test may continue the high school equivalency preparation program or other suitable program as determined by the school district.

Section 4. That § 13-27-15 be AMENDED:

13-27-15. Each superintendent, or the president of the school board in districts without a superintendent, is responsible for maintaining an accurate record of the attendance of all ~~persons~~ individuals of compulsory school age who are enrolled in an accredited school under ~~his or her~~ the supervision of the

superintendent or president. The superintendent or president shall, at regular intervals, report to the truancy officer ~~the names of all~~ name of any enrolled persons ~~who are individual who~~.

- (1) Is of compulsory school age;
- (2) Is not excused from school,~~who do;~~
- (3) Has not:
 - (a) Withdrawn from school, pursuant to section 2 of this Act; or
 - (b) Successfully completed a high school equivalency test, pursuant to section 3 of this Act; and
- (4) Does not attend ~~or who irregularly attend~~ attends an accredited school ~~to the truancy officer.~~

The superintendent or president shall include reasons for the absences in the report.

Section 5. That § 13-27-18 be AMENDED:

13-27-18. ~~Any~~ It is a Class 2 misdemeanor if:

- (1) ~~A superintendent or school board president who fails to make prompt reports on attendance as required by law; any person who harbors or employs a child of compulsory school age who is not legally excused during the school term or being provided alternative instruction pursuant to § 13-27-3; the~~
- (2) ~~The members of any a school board who neglect or refuse to provide school facilities for children enrolled in their school district for at least nine months during the school year, or neglect to perform any other duties enumerated under the compulsory school attendance laws of this state; any~~
- (3) ~~A truancy officer who neglects to perform the duties of his or her the office; or any person who hampers or hinders;~~
- (4) An individual:
 - (a) Harbors or employs a child of compulsory school age who is not legally excused during the school term, has not withdrawn from the school pursuant to section 2 of this Act, has not successfully completed a high school equivalency test, pursuant to section 3 of this Act, or is not being provided alternative instruction pursuant to § 13-27-3;
 - (b) Hinders or attempts to hinder a child of compulsory school age from attending a the school in which the child is enrolled ~~that meets all legal requirements, or who interferes;~~ or
 - (c) Interferes or attempts to interfere with the child's attendance at the school in which the child is enrolled ~~is guilty of a Class 2 misdemeanor.~~

Section 6. That § 13-27-19 be AMENDED:

13-27-19. ~~Each~~ A truancy officer has the powers of a deputy sheriff in the exercise of the officer's duties, and ~~shall~~ may apprehend without warrant-

~~children, a child~~ of compulsory school age who ~~is absent themselves~~ from the place ~~where the children are~~ in which the child is enrolled and required by law to attend without an excuse, and, unless the child:

- (1) Is excused;
- (2) Has withdrawn from school, pursuant to section 2 of this Act; or
- (3) Has successfully completed a high school equivalency test, pursuant to section 3 of this Act.

A truancy officer shall place the children, child in the custody of the ~~person individual~~ having charge of the place where the ~~children are~~ child is enrolled and ~~by law~~ required by law to attend.

In the administration of the officer's duties, each truancy officer is subject to the general supervisory control of the secretary of the Department of Education.

Section 7. That § 13-27-16 be AMENDED:

13-27-16. ~~Each school—~~The board of a school district shall warn a noncompliant parent or persons in control of children, parent, guardian, or other custodian of a child of compulsory school age who has not been excused, withdrawn pursuant to section 2 of this Act, or successfully completed a high school equivalency test pursuant to section 3 of this Act, that the ~~children, child~~ must enter school and attend regularly, ~~or enroll in a high school equivalency test preparation program in accordance with § 13-27-1, or comply with § 13-27-3, and shall.~~

The board must report the parents or persons in control of the ~~children, child~~ to the truancy officer for the district if the warning is not heeded. All school board members, superintendents, and teachers shall cooperate in the enforcement of the school attendance laws.

Signed March 5, 2025

Chapter 81
(House Bill 1004)

An Act to provide tuition for a student who is placed in a residential treatment center that provides educational programming.

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

Section 1. That § 13-28-11 be AMENDED:

13-28-11. If a child is residing in a residential treatment center or an intensive residential treatment center that provides an educational program through a school district, the school district in which the residential treatment center or intensive residential treatment center is located is responsible for providing an educational program for the child.

Tuition for a child who is entitled to free public school, pursuant to § 13-28-5, and is not placed by an individualized education program team ~~but is, at the time of placement, enrolled in a school district or state-operated school~~ must be paid as provided in § 13-13-87.

The provisions of this section and § 13-13-87 do not apply to any placement by the Department of Corrections or the Department of Social Services.

~~For purposes of this section, the term, school district, means a political subdivision of this state created in accordance with chapter 13-5.~~

~~For purposes of this section, the term, state operated school, means the South Dakota Human Services Center academic program, the South Dakota School for the Blind and Visually Impaired, or any school so designated by the South Dakota Board of Education Standards.~~

Signed February 18, 2025

Chapter 82
(House Bill 1040)

An Act to reduce the state's contribution to a subsidized high school dual credit program.

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

Section 1. That § 13-28-37.1 be AMENDED:

13-28-37.1. A state subsidized high school dual credit program must be established for any student in ~~grades~~ grade eleven or twelve. The public institution of higher education or technical college offering the credit shall set the admission standards. A participating institution shall regularly submit course availability, enrollment, and completion data to the Department of Education.

If a student receives a failing grade in any course or withdraws from a course after the deadline and does not receive credit for the course, the student may no longer participate in the program. The Board of Regents or the South Dakota Board of Technical Education may reinstate a student who is prohibited from participating in the dual credit program, if the student demonstrates good cause for failing a course or withdrawing from a course, or if, at the student's expense, the student retakes and passes the course that the student withdrew from or failed.

The dual credit program may not be used for remedial courses.

The Board of Regents shall set a high school dual credit tuition rate equivalent to forty-three percent of the undergraduate tuition rate. The student taking the course shall pay an amount equal to ~~thirty-three and three tenths~~ fifty percent of the total high school dual credit tuition rate and a school district may pay any portion of the student's share. The state shall pay an amount equal to ~~sixty-six and seven tenths~~ fifty percent of the total high school dual credit tuition rate. No public institution of higher education or technical college offering the credit may require any additional fees.

The student is responsible for any other costs involved with attending a postsecondary institution.

For the purposes of this section, ~~the term, undergraduate tuition rate,~~ "undergraduate tuition rate" means the per-credit rate, as set by the Board of Regents, that was in effect on January first of the previous fiscal year.

Signed March 19, 2025

Chapter 83
(House Bill 1222)

An Act to expand the authorized carrying, possession, and storage of a concealed pistol.

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

Section 1. That § 13-32-7 be AMENDED:

13-32-7. Any person who intentionally carries, possesses, stores, keeps, leaves, places, or puts into the possession of another person, any dangerous weapon, firearm, or air gun, whether or not the firearm or air gun is designed, adapted, used, or intended to be used primarily for imitative or noisemaking purposes, on or in any public elementary or secondary school premises, vehicle, or building, or on or in any premises, vehicle, or building used or leased for public elementary or secondary school functions, whether or not any person is endangered by any action under this section, is guilty of a Class 1 misdemeanor.

This section does not apply to:

- (1) A law enforcement officer;
- (2) An individual who has completed a school sentinel training course, in accordance with chapter 13-64;
- (3) An individual who:
 - (a) Is twenty-one years of age or older;
 - (b) Holds an enhanced permit to carry a concealed pistol, issued in accordance with chapter 23-7; and
 - (c) Has written permission from the principal of the school or other person who has general control and supervision of the building or grounds;
- (4) An individual who holds any permit to carry a concealed pistol, issued in accordance with chapter 23-7, while that individual is:
 - (a) Inside a motor vehicle; or
 - (b) Outside a motor vehicle and securing a pistol in, or retrieving a pistol from, the vehicle;
- (5) The use of a starting gun at an athletic event;
- ~~(5)(6)~~ Any firearm or air gun at a:
 - (a) Firing range;
 - (b) Gun show; or
 - (c) Supervised school or session for training in the use of firearms;

- ~~(6)~~(7) The ceremonial presence of an unloaded weapon at a color guard ceremony;
- ~~(7)~~(8) A nonpublic school;
- ~~(8)~~(9) A church or other house of worship; or
- ~~(9)~~(10) A nonpublic school located on the premises of a church or other house of worship.

Signed March 24, 2025

Chapter 84
(House Bill 1259)

An Act to prohibit unauthorized access to certain multi-occupancy rooms.

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

Section 1. That a NEW SECTION be added to chapter 13-32:

Terms used in sections 1 to 5, inclusive of this Act mean:

- (1) "Changing room," a room or area in which an individual may be in a state of undress in the presence of others, including a multi-occupancy locker room or shower room;
- (2) "Female," an individual who naturally has, had, will have, or would have, but for a congenital anomaly or intentional or unintentional disruption, the reproductive system that produces, transports, and utilizes eggs for fertilization;
- (3) "Male," an individual who naturally has, had, will have, or would have, but for a congenital anomaly or intentional or unintentional disruption, the reproductive system that produces, transports, and utilizes sperm for fertilization;
- (4) "Public school," a school under the authority of the board of a school district;
- (5) "Reasonable accommodation," access to:
 - (a) A unisex or family room; or
 - (b) A single-occupancy changing room or restroom which has been designated for employees of the district, provided the room is not available to the employees while being used by the student; and
- (6) "Restroom," a room that includes one or more toilets or urinals;
- (7) "Sleeping quarters," a room that contains a bed and in which more than one individual is housed overnight;
- (8) "Sex," an individual's biological sex, either male or female; and
- (9) "Unisex or family room," a changing room or restroom that:
 - (a) Is intended for use by a single occupant, a single occupant and the occupant's caregiver, or members of the same family;
 - (b) Is enclosed by means of floor-to-ceiling walls; and

- (c) Is accessible by means of a full door, with a secure lock that prevents entry by another individual while the room is in use.

Section 2. That a NEW SECTION be added to chapter 13-32:

A public school must designate any multi-occupancy changing room, restroom, or sleeping quarters in each facility or space owned or rented by the public school for use exclusively by females or for use exclusively by males.

If any student is unable or unwilling to use a multi-occupancy changing room, restroom, or sleeping quarters, in accordance with the designation set forth in this section, and the student, or the student's parent in the case of a student under the age of eighteen, files a written notice with the administrator of the school, the administrator may grant a request for a reasonable accommodation.

A reasonable accommodation granted under this section must be for a stated period of time and may not:

- (1) Exceed the conclusion of the school year; or
- (2) Include access to a facility designated for use exclusively by members of the opposite sex.

Section 3. That a NEW SECTION be added to chapter 13-32:

A male may not enter a changing room or restroom designated exclusively for females.

A female may not enter a changing room or restroom designated exclusively for males.

A public school must take reasonable steps to provide individuals with privacy in changing rooms, restrooms, and sleeping quarters by designating each as available for use exclusively by female students or for use exclusively by male students.

The prohibitions set forth in this section do not apply to:

- (1) The accommodation of an individual protected under the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101, et seq. (January 1, 2025) or the Rehabilitation Act of 1973, 29 U.S.C. § 701, et seq. (January 1, 2025);
- (2) An individual who accompanies a student requiring assistance because of age;
- (3) A law enforcement officer, fire official, or employee of the district, acting in an official capacity;
- (4) An individual providing emergency medical assistance; or
- (5) An individual providing custodial, maintenance, or inspection services, provided the changing room or restroom is unoccupied.

Section 4. That a NEW SECTION be added to chapter 13-32:

Any multi-occupancy changing room or restroom that is located in a public school and normally reserved for use by employees of the district is governed by the provisions of sections 6 to 11, inclusive, of this Act.

Section 5. That a NEW SECTION be added to chapter 13-32:

If a public school sponsors or sanctions any event that requires students to be provided with changing rooms or sleeping quarters, the school must

designate all multi-occupancy changing rooms and sleeping quarters as being for use exclusively by females or exclusively by males. A student may not be required to share sleeping quarters with a member of the opposite sex, unless the individuals are members of the same family.

In any other setting in a public school where an individual may be in a state of undress in the presence of others, the school must provide separate, private areas designated for use by individuals based on the individual's sex. Except as otherwise provided in section 3 of this Act, no individual may enter private areas unless the individual is a member of the designated sex.

If a student is unable or unwilling to use a room for overnight sleeping quarters, in accordance with the exclusive designation set forth in this section, that student, or the student's parent in the case of a student under the age of eighteen, may file, with the school administrator, a request to be reassigned to single-occupancy room.

An individual who encounters a member of the opposite sex in a restroom or changing room while making use of a restroom or changing room designated by the public school for use by the individual's sex, has a private cause of action for declaratory and injunctive relief against the school district that:

- (1) Provided the member of the opposite sex permission to use a restroom or changing room of the individual's sex; or
- (2) Failed to take reasonable steps to prohibit the member of the opposite sex from using the restroom or changing room of the individual's sex.

An individual who is assigned by a public school to share sleeping quarters with an individual of the opposite sex has a private cause of action for declaratory and injunctive relief against the school district.

Any civil action brought pursuant to this section must be initiated within two years of the violation. An individual who is aggrieved under this section and prevails in court may recover reasonable attorney fees and costs from the offending school district.

Section 6. That a NEW SECTION be added to chapter 20-13:

Terms used in sections 6 to 11, inclusive, of this Act mean:

- (1) "Changing room," a room or area in which an individual may be in a state of undress in the presence of others, including a multi-occupancy locker room or shower room;
- (2) "Female," an individual who naturally has, had, will have, or would have had, but for a congenital anomaly or intentional or unintentional disruption, the reproductive system that produces, transports, and utilizes eggs for fertilization;
- (3) "Male," an individual who naturally has, had, will have, or would have had, but for a congenital anomaly or intentional or unintentional disruption, the reproductive system that produces, transports, and utilizes sperm for fertilization;
- (4) "Restroom," a room that includes at least one toilet or urinal;
- (5) "Sleeping quarters," a room that contains a bed and in which more than one individual is housed overnight;
- (6) "Sex," an individual's biological sex, either male or female; and
- (7) "Unisex or family room," a changing room or restroom that:

- (a) Is intended for use by a single occupant, a single occupant and the occupant's caregiver, or members of the same family;
- (b) Is enclosed by means of floor-to-ceiling walls; and
- (c) Is accessible by means of a full door, with a secure lock that prevents entry by another individual while the room is in use.

Section 7. That a NEW SECTION be added to chapter 20-13:

Except as otherwise provided in sections 2 and 3 of this Act, the state or a political subdivision of this state must designate, as being for the exclusive use of females or males, any multi-occupancy changing room, restroom, or sleeping quarters in:

- (1) A building or facility owned by the state or by a political subdivision of this state; or
- (2) A space leased to or occupied by the state or by a political subdivision of this state.

Section 8. That a NEW SECTION be added to chapter 20-13:

Except as otherwise provided in section 10 of this Act, a male may not enter a changing room or restroom designated exclusively for females.

Except as otherwise provided in section 10 of this Act, a female may not enter a changing room or restroom designated exclusively for males.

The state or a political subdivision of the state shall take reasonable steps to prohibit a member of the opposite sex from using restrooms, changing rooms, and sleeping quarters designated for the exclusive use of males or females, in:

- (1) A building or facility owned by the state or by a political subdivision of this state; or
- (2) A space leased to or occupied by the state or by a political subdivision of this state.

Section 9. That a NEW SECTION be added to chapter 20-13:

An individual who encounters a member of the opposite sex in a restroom or changing room while making use of a restroom or changing room designated for use by the individual's sex, has a private cause of action for declaratory and injunctive relief against the state or political subdivision, if the state or political subdivision of this state:

- (1) Provided the member of the opposite sex permission to use the restroom or changing room of the individual's sex; or
- (2) Failed to take reasonable steps to prohibit the member of the opposite sex from using the restroom or changing room of the individual's sex.

An individual who is assigned by the state or a political subdivision to share sleeping quarters with an individual of the opposite sex has a private cause of action for declaratory and injunctive relief against the state or political subdivision.

Any civil action brought pursuant to this section must be initiated within two years of the violation. An individual who is aggrieved under this section and prevails in court may recover reasonable attorney fees and costs from the state or offending political subdivision.

Section 10. That a NEW SECTION be added to chapter 20-13:

The prohibitions set forth in section 8 of this Act do not apply to:

- (1) An individual who accompanies a child under the age of ten, if the individual is the child's parent or lawful chaperone;
- (2) An individual who accompanies another individual requiring assistance because of age or a disability;
- (3) A law enforcement officer, fire official, or other state or county employee acting in an official capacity;
- (4) An individual providing emergency medical assistance;
- (5) An individual providing custodial, maintenance, or inspection services, provided the changing room or restroom is unoccupied; or
- (6) An individual providing services or rendering aid:
 - (a) During a natural disaster or declared emergency; or
 - (b) When necessary to maintain order and safety.

Section 11. That a NEW SECTION be added to chapter 20-13:

Neither the state nor a political subdivision of the state is liable to any person for complying with sections 6 to 10, inclusive, of this Act.

In any lawsuit or complaint filed against the state as a result of compliance with sections 6 to 10, inclusive, of this Act, the attorney general shall provide legal representation to the state without charge.

Signed March 20, 2025

Chapter 85
(Senate Bill 109)

An Act to permit a school district to implement a new or revised section 504 plan, individualized family service plan, or individualized education program for a student who is the child of an active-duty member of the United States armed forces.

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

Section 1. That a NEW SECTION be added to chapter 13-37:

Within thirty calendar days after the date on which the student is enrolled in a school district, the district must implement a new or revised plan under section 504 of the Rehabilitation Act, 20 U.S.C. § 794 (January 1, 2025), a new or revised individualized family service plan under 20 U.S.C. § 1436 (January 1, 2025), or a new or revised individualized education program under 20 U.S.C. § 1401 (January 1, 2025) if:

- (1) The student is the child of an active-duty member of the United States armed forces, as defined in § 13-55-7, and the member is the subject of a military transfer to this state;

- (2) The student currently has a section 504 plan, individualized family service plan, or an individualized education program implemented by the district in which the student was previously enrolled; and
- (3) The appropriate school district staff member does not implement the current section 504 plan, individualized family service plan, or individualized education program.

At the time the student is enrolled in the school district, the inbound active-duty member of the United States armed forces shall indicate that the student is the child of an active-duty member of the United States armed forces who is the subject of a military transfer to this state. The school district shall accept unofficial records provided by the student's parent or guardian pending validation by the official records, pursuant to § 13-53E-1(IV)(A). When the student is enrolled and receives conditional placement, the school district shall take reasonable steps to request the student's official education record from the district in which the student was previously enrolled, pursuant to § 13-53E-1(IV)(B).

The student's parent or guardian and the school district may, by mutual agreement, extend the deadline for implementation of a new or revised program.

Signed March 5, 2025

Chapter 86 (Senate Bill 100)

An Act to limit the imposition of restrictions on the carrying of a concealed pistol and other items of self-defense while on the campus of a public institution of higher education.

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

Section 1. That a NEW SECTION be added to chapter 13-39A:

Except as otherwise provided in section 2 of this Act, neither the South Dakota Board of Technical Education nor any institution under the control of the board may restrict or limit the lawful carrying, possession, storage, or transportation of:

- (1) A concealed pistol, as defined in § 22-1-2, and compatible ammunition, by any individual holding an enhanced permit, a restricted enhanced permit, or a reciprocal permit in accordance with chapter 23-7, within the boundaries of the institution, or while in any building or structure owned or leased by the board or the institution;
- (2) A stun gun, as defined in § 22-1-2, by any individual within the boundaries of the institution, or while in any building or structure owned or leased by the board or the institution; or
- (3) Mace, pepper spray, or other chemical irritant by any individual within the boundaries of the institution, or while in any building or structure owned or leased by the board or the institution.

Section 2. That a NEW SECTION be added to chapter 13-39A:

The South Dakota Board of Technical Education or an institution under the

control of the board may restrict or limit the lawful carrying or possession of any item referenced in subdivision (1), (2), or (3) of section 1 of this Act:

- (1) In a clearly designated portion of a building or structure, only if any of the following are present:
 - (a) More than fifty-five gallons of flammable liquid, as identified in 29 C.F.R. § 1910.106 (January 1, 2025);
 - (b) Significant quantities of hazardous materials classified as Category 3 or higher by the 704 Hazard Identification System of the National Fire Protection Association;
 - (c) K-size cylinders containing corrosive, reactive, flammable, toxic, or oxidizer gases classified as Category 2 or higher by the 704 Hazard Identification System of the National Fire Protection Association;
 - (d) L-size cylinders of acetylene gas; or
 - (e) Magnetic resonance imaging equipment or nuclear magnetic resonance equipment;
- (2) In a room used for manufacturing or scientific research, if the concentration of airborne particles is controlled in order to maintain an environment with minimal pollutants;
- (3) In a clearly designated portion of a building or structure to which a facility security clearance applies or for which a federal security clearance is required; or
- (4) In a building or structure during a special event, provided metal detectors and armed security personnel are present at every public entrance to restrict the possession of any dangerous weapon.

Whenever an individual is not carrying or in possession of any item referenced in subdivision (1), (2), or (3) of section 1 of this Act, the individual shall store the item in a locked case or safe.

Nothing in this section may be construed to prohibit, restrict, or limit the lawful carrying of any item referenced in subdivision (1), (2), or (3) of section 1 of this Act, beyond that which is necessary to maintain safety, security, or cleanliness within the designated area.

Section 3. That a NEW SECTION be added to chapter 13-53:

Except as otherwise provided in section 4 of this Act, neither the Board of Regents nor any institution under the control of the board may restrict or limit the lawful carrying, possession, storage, or transportation of:

- (1) A concealed pistol, as defined in § 22-1-2, and compatible ammunition, by any individual holding an enhanced permit, a restricted enhanced permit, or a reciprocal permit in accordance with chapter 23-7, within the boundaries of the institution, or while in any building or structure owned or leased by the board or the institution;
- (2) A stun gun, as defined in § 22-1-2, by any individual within the boundaries of the institution, or while in any building or structure owned or leased by the board or the institution; or
- (3) Mace, pepper spray, or other chemical irritant by any individual within the boundaries of the institution, or while in any building or structure owned or leased by the board or the institution.

Section 4. That a NEW SECTION be added to chapter 13-53:

The Board of Regents or an institution under the control of the board may restrict or limit the lawful carrying or possession of any item referenced in subdivision (1), (2), or (3) of section 3 of this Act:

- (1) In a clearly designated portion of a building or structure, only if any of the following are present:
 - (a) More than fifty-five gallons of flammable liquid, as identified in 29 C.F.R. § 1910.106 (January 1, 2025);
 - (b) Significant quantities of hazardous materials classified as Category 3 or higher by the 704 Hazard Identification System of the National Fire Protection Association;
 - (c) K-size cylinders containing corrosive, reactive, flammable, toxic, or oxidizer gases classified as Category 2 or higher by the 704 Hazard Identification System of the National Fire Protection Association;
 - (d) L-size cylinders of acetylene gas; or
 - (e) Magnetic resonance imaging equipment or nuclear magnetic resonance equipment;
- (2) In a room used for manufacturing or scientific research, if the concentration of airborne particles is controlled in order to maintain an environment with minimal pollutants;
- (3) In a clearly designated portion of a building or structure to which a facility security clearance applies or for which a federal security clearance is required; or
- (4) In a building or structure during a special event, provided metal detectors and armed security personnel are present at every public entrance to restrict the possession of any dangerous weapon.

Whenever an individual is not carrying or in possession of any item referenced in subdivision (1), (2), or (3) of section 3 of this Act, the individual shall store the item in a locked case or safe.

Nothing in this section may be construed to prohibit, restrict, or limit the lawful carrying of any item referenced in subdivision (1), (2), or (3) of section 3 of this Act, beyond that which is necessary to maintain safety, security, or cleanliness within the designated area.

Signed March 24, 2025

Chapter 87
(House Bill 1001)

**An Act to update a reference to the Internal Revenue Code for purposes of
higher education savings plans.**

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

Section 1. That § 13-63-1 be AMENDED:

13-63-1. Terms used in this chapter mean:

- (1) "Account," an account established as prescribed in this chapter;
- (2) "Account owner," the person who, under this chapter or rules promulgated by the council pursuant to chapter 1-26, is entitled to select or change the designated beneficiary of an account, to designate any person other than the designated beneficiary to whom funds may be paid from the account, or to receive distributions from the account if no such other person is designated;
- (3) "Cash," currency, bills, and coins in circulation. A negotiable instrument may be converted to cash if properly endorsed and presented to a financial institution for deposit. An automatic transfer, cashier's check, certified check, money order, payroll deposit, traveler's check, personal check, and wire transfer may also be converted to cash if presented to a financial institution for deposit;
- (4) "Contribution," any payment directly allocated to an account for the benefit of a designated beneficiary or used to pay late fees or administrative fees associated with an account, and that portion of any rollover amount treated as a contribution under section 529 of the Internal Revenue Code;
- (5) "Contributor," any person making a contribution to an account;
- (6) "Council," the South Dakota Investment Council;
- (7) "Designated beneficiary," except as provided in § 13-63-25, the individual designated at the time the account is opened as the individual whose higher education expenses are expected to be paid from the account or, if this designated beneficiary is replaced in accordance with § 13-63-12, 13-63-13, or 13-63-14, the replacement beneficiary;
- (8) "Eligible education institution," as defined in section 529(e)(5) of the Internal Revenue Code;
- (9) "Financial institution," any bank, commercial bank, national bank, savings bank, savings and loan association, credit union, an insurance company, brokerage firm, or other similar entity that is authorized to do business in this state;
- (10) "Investment direction," specifying or attempting to specify the particular financial instruments or ownership interests either individually, or within a fund family or other group of financial instruments or ownership interests held as an investment group, into which the contributions or earnings are invested. Selecting an initial type of investment program if more than one program is offered does not constitute an investment direction;
- (11) "Internal Revenue Code," the United States Internal Revenue Code, ~~as amended and in effect on~~ (January 1, ~~2024~~, 2025);
- (12) "Member of the family," as defined in section 529(e)(2) of the Internal Revenue Code;
- (13) "Person," an individual, a corporation, a partnership, a trust or estate, a joint-stock company, an association, or a syndicate, group, pool, joint venture, or other unincorporated organization or group;
- (14) "Program," the higher education savings program established under this chapter;

- (15) "Program manager," any financial institution selected by the council to act as the depository and manager for an account;
- (16) "Qualified higher education expenses," as defined in section 529(e)(3) of the Internal Revenue Code;
- (17) "Qualified tuition program," as defined in section 529(b) of the Internal Revenue Code; and
- (18) "Rollover," a disbursement or transfer from an account of a designated beneficiary that is transferred to or deposited within sixty days into an account of the same designated beneficiary or another individual who is a member of the family of the designated beneficiary, if the transferee account was created under this chapter or under a qualified tuition program maintained by another state in accordance with section 529 of the Internal Revenue Code, or any other rollover allowed by section 529 of the Internal Revenue Code.

Signed March 11, 2025

Chapter 88
(House Bill 1041)

**An Act to revise and repeal certain provisions pertaining to the state library
and State Library Board.**

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

Section 1. That § 2-13-12 be AMENDED:

2-13-12. In addition to the distribution authorized by § 2-13-7, the Bureau of Human Resources and Administration shall deliver to the Supreme Court, and the director of the Legislative Research Council, ~~and the state library board,~~ upon proper requisition from time to time, copies of the session laws, which may be used in their discretion in exchange for the statutes, codes, or reports of other states, territories, or countries, or for textbooks or other works on law, for the purpose of completing and improving the Supreme Court and legislative reference libraries, ~~for distribution to public and academic libraries in this state and for fulfilling the requirements of chapter 14-1A.~~

Section 2. That § 14-1-40 be AMENDED:

14-1-40. The policy of the State of South Dakota ~~shall be~~ is that:

- (1) Library services should be available widely throughout the state to bring within convenient reach of the people cultural, informational, and educational resources essential to the improvement of their quality of life;
- (2) The provision and support of library services should be a necessary function of government at all levels;
- (3) The joint exercise of governmental powers under chapter 1-24 ~~shall be~~ is encouraged where ~~such joint~~ action will increase the extent of library materials and services in a fair and equitable manner, through cooperation between units of government and between and among libraries; and

- (4) Cooperation among and between libraries ~~shall~~ must be encouraged and promoted by the state library agency; ~~and~~
- (5) ~~Library services suitable to support informed decisions by the Legislature and the personnel of government shall be provided by the State Library Agency.~~

Section 3. That § 14-1-44 be AMENDED:

14-1-44. The State Library Office shall execute the library policy of the ~~State of South Dakota~~ state and shall:

- (1) Promote adequate library service for all the people of the state;
- (2) Supplement the services of libraries throughout the state;
- (3) Increase the proficiency of library personnel through provision of in-service and continuing education programs for library personnel employed in the state;
- (4) ~~Provide for the citizens of the state specialized library services and materials not generally appropriate, economical, or available in other libraries of the state;~~
- (5) ~~Establish and operate a state publications library distribution program; and~~
- (6) ~~Collect and publish annual statistical data of libraries in the state; and~~
- (5) Provide Braille and talking book services to make reading resources more generally accessible.

Section 4. That § 1-45-26 be REPEALED.

~~The State Library Office of the Division of Library Services includes the State Library Board created by § 14-1-55.~~

Section 5. That § 14-1-45 be REPEALED.

~~The State Library Office shall provide library service to the Legislature and to the personnel of state government.~~

Section 6. That § 14-1-47 be REPEALED.

~~The State Library Office shall maintain appropriate collections of library materials to supplement the collections of other libraries in the state and to meet the research and informational needs of the Legislature and the employees of state government.~~

Section 7. That § 14-1-51 be REPEALED.

~~The State Library Office shall establish and support suitable libraries in the special schools supported in whole or in part by the state, with the consent and subject to any rules and regulations as may be made by the boards responsible for the institutions.~~

Section 8. That § 14-1-55 be REPEALED.

~~The Governor shall appoint a State Library Board to perform all functions of the former State Library Commission. The board shall consist of six members appointed by the Governor for three year terms. The members may not be of all the same political party. The initial terms of the members of the board shall be set~~

~~by the Governor in such a manner that no more than two members' terms expire in the same year. One member shall be the executive director of the Board of Regents or the executive director's designee. The members shall represent, as nearly as practical, all geographic areas of the state.~~

~~The terms of members begin on October thirty first of the calendar year in which the Governor appoints the member, unless otherwise designated by the Governor. The appointee's term expires on October thirtieth in the third year of appointment.~~

~~Any member's term ending June 30, 2013, or thereafter is extended to October thirtieth in the year the term is to expire.~~

Section 9. That § 14-1-56 be REPEALED.

~~The State Library Board shall maintain its office in the State Library at the capital of the state.~~

Section 10. That § 14-1-59 be REPEALED.

~~The State Library Board is the policy making body of the State Library Office and shall:~~

- ~~(1) Approve general policies for the State Library;~~
- ~~(2) Promulgate rules, pursuant to chapter 1-26, under which state library services and materials may be used by citizens and by libraries in the state, under which administration and execution of federal or private funds or programs that may be received by the State Library may be carried out, and under which libraries of the state may have access to systems and networks provided outside the state by the State Library; and~~
- ~~(3) Adopt a long range plan for the statewide coordination and development of library services.~~

Section 11. That § 14-1-60 be REPEALED.

~~The State Library Board may:~~

- ~~(1) Recommend agreements, under such terms and conditions as may be suitable, with any person, any library, any state department, any unit of local government empowered to establish a library, or any library board to provide library services, to extend, improve, or coordinate library services, or to demonstrate appropriate programs of library service;~~
- ~~(2) Recommend library agreements pursuant to the Interstate Library Compact;~~
- ~~(3) Appoint any advisory councils it may deem necessary or may find are required for receipt of federal or private funds or programs; and~~
- ~~(4) Accept gifts of library materials, money, or property for the use of the State Library.~~

Section 12. That § 14-1-64 be REPEALED.

~~The State Library Board shall exercise the advisory function as defined in subdivision 1-32-1(2) and consistent with § 1-45-4. The state librarian shall perform administrative functions in accordance with the general policies of the State Library Board and the executive branch of government.~~

Section 13. That § 14-1A-2 be REPEALED.

~~There is created as a section of the State Library, and under the direction of the state librarian, a state publications library distribution program. The program shall promote the distribution and use of state publications in libraries throughout the state. The State Library Board shall promulgate rules pursuant to chapter 1-26 necessary to carry out this chapter.~~

Signed March 26, 2025

COURTS AND JUDICIARY

**Chapter 89
(House Bill 1011)****An Act to revise provisions related to the stenographic recording of certain proceedings.**

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

Section 1. That § 16-12B-15 be AMENDED:

16-12B-15. Except in a small claims proceedings proceeding, a verbatim record of all proceedings and evidence at trials trial before a magistrate court, with a magistrate judge presiding ~~shall~~, must be maintained either by ~~electrical devices~~ an electronic device or by stenographic means, as the magistrate may direct. ~~However, if any party to the action requests stenographic reporting of the proceedings, the reporting shall be done stenographically. The requesting party in a civil matter shall pay the costs of reporting the proceedings. If no record is kept, the appeal, if appeal is authorized by law, shall be is de novo in circuit court.~~

Section 2. That § 16-12C-14 be AMENDED:

16-12C-14. Except in a small claims proceedings proceeding, a verbatim record of all proceedings and evidence at trials trial before a clerk magistrate ~~shall~~ must be maintained either by ~~electrical devices~~ an electronic device or by stenographic means, as the magistrate may direct. ~~However, if any party to the action requests stenographic reporting of the proceedings, the reporting shall be done stenographically. The requesting party in a civil matter shall pay the costs of reporting the proceedings. If no record is kept, the appeal, if appeal is authorized by law, shall be is de novo in circuit court.~~

Signed February 10, 2025

OATHS AND ACKNOWLEDGMENTS

Chapter 90 (House Bill 1133)

An Act to amend bond requirements.

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

Section 1. That § 18-1-2 be AMENDED:

18-1-2. Each notary public, before performing the duties of the office, shall take an oath as required by § 3-1-5, ~~and shall give a bond to this state, to be approved by the attorney general, in the penal sum of five thousand dollars, conditioned for the faithful discharge of the duties of the office.~~

Section 2. That § 18-1-3 be AMENDED:

18-1-3. ~~Every~~ Each notary public, before entering upon the duties of his the office, shall ~~provide~~ obtain an official seal and file an impression of the same, together with his ~~oath and bond~~ the oath described in § 18-1-2, in the Office of the Secretary of State.

Section 3. That § 29A-3-603 be AMENDED:

29A-3-603. ~~Bond~~ A bond is not required of a personal representative unless: (a) ~~the will expressly waives bond, directs that there be no bond, or waives the requirement of surety thereon;~~ (b) ~~all of the heirs, if no will has been probated, or all of the devisees file a written waiver of the bond requirement;~~ (c) ~~the personal representative is a bank or trust company qualified to do trust business or exercise trust powers in this state; or~~ (d) ~~the court concludes that a bond is not in the best interests of the estate.~~

Section 4. That § 29A-3-604 be AMENDED:

29A-3-604. (a) If bond is required and the provisions of the will or order of appointment do not specify the amount, unless stated in the application or petition, the person qualifying as personal representative shall file a statement under oath with the clerk indicating the person's best estimate of the value of the personal estate of the decedent and of the income expected from the personal and real estate during the next year, and shall execute and file a bond with the clerk, or give other suitable security, in an amount not less than the estimate. The clerk shall determine that the bond is duly executed by a corporate surety, or one or more individual sureties whose performance is secured by pledge of personal property, mortgage on real property, or other adequate security.

(b) The clerk may permit the amount of the bond to be reduced by the value of assets of the estate deposited with a financial institution ~~(as defined in § 29A-6-101)~~, that is located in this state and in a manner that prevents their unauthorized disposition.

(c) On petition of the personal representative or another interested person ~~and subject to § 29A-3-603~~, the court may require bond, ~~excuse bond~~, increase or reduce the amount of the bond, release sureties, or permit the substitution of another bond with the same or different sureties.

Section 5. That § 21-41-24 be REPEALED.

~~Before the entry of judgment in such action, the plaintiff must execute a bond of indemnity to the defendants in the action who shall be served by publication, with sufficient surety to be approved by the court, in such sum as the court shall direct, conditioned that if any defendant shall be permitted to defend after judgment, as provided in § 21-41-25, and such defense shall be successful, that the plaintiff will pay to such defendant the value of his interest in said premises, and his costs of defending the action. Provided, however, that personal service of the summons and complaint outside of this state, in the manner provided by the laws of this state, shall, for the purposes of this section, be deemed personal service and not service by publication.~~

Signed March 11, 2025

Chapter 91
(House Bill 1192)**An Act to remove the maximum fee permitted to be charged by a notary.**

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

Section 1. That § 18-1-9 be AMENDED:

18-1-9. A notary public may charge and receive a fee ~~not to exceed ten dollars~~ for each instrument notarized, except that no notary public may charge a fee for notarizing a request for an absentee ballot.

Signed March 12, 2025

CRIMES

Chapter 92
(Senate Bill 8)**An Act to establish certain criminal offenses for boat operators and to provide penalties therefor.**

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

Section 1. That a NEW SECTION be added to chapter 22-16:

Any person who, while under the influence of alcohol, drugs, or substances, in a manner and to a degree prohibited by § 42-8-45, without design to effect death, operates a boat, as defined by § 42-8-2, in a negligent manner and thereby causes the death of another person, including an unborn child, is guilty of watercraft homicide, a Class 3 felony.

Section 2. That a NEW SECTION be added to chapter 22-18:

Any person who, while under the influence of alcohol, drugs, or substances, in a manner and to a degree prohibited by § 42-8-45, without design to effect serious bodily injury, operates a boat, as defined by § 42-8-2, in a negligent manner and thereby causes the serious bodily injury of another person, including an unborn child, is guilty of watercraft battery, a Class 4 felony.

Section 3. That a NEW SECTION be added to chapter 42-8:

Any operator of a boat involved in an accident resulting in injury or death to any person, who fails to immediately stop the boat at the scene of the accident and comply with the provisions of §§ 42-8-56 through 42-8-58, inclusive, is guilty of a Class 6 felony.

Signed March 11, 2025

Chapter 93
(Senate Bill 115)

An Act to revise a provision related to sexual contact with a child under eighteen.

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

Section 1. That § 22-22-7.8 be AMENDED:

22-22-7.8. A person is guilty of a Class 6 felony if the person:

- (1) ~~(a)~~—Is at least eighteen years of age; ~~and~~
- ~~(b)~~—
- (2) Is at least five years older than the victim;
- ~~(2)(3)~~ Is in a position of authority, as defined in this section, or is a family member related by consanguinity or affinity within the fifth degree, as defined by § 23A-20-30, to the victim; and
- ~~(3)(4)~~ Knowingly engages in sexual contact, or touches the buttocks or upper inner thighs of the victim with the intent to arouse or gratify the sexual desire of ~~either party~~ the person or the victim, with ~~another~~ a victim who is:
 - (a) Less than eighteen years of age; and
 - (b) Not the person's spouse.

For purposes of this section, a person is in a position of authority if the person, at the time of the sexual contact, or within the one-hundred-twenty-day period immediately preceding the sexual contact, interacts, no matter how briefly, with the victim as a coach, child care provider, disability services provider, guardian ad litem, health care provider, law enforcement officer, mental health counselor, probation officer, religious leader, school administrator, social worker, teacher, therapist, or youth leader.

Notwithstanding § 23A-42-2, a charge pursuant to this section may be brought at any time before the victim reaches the age of twenty-five or within seven years from the commission of the crime, whichever is longer.

Signed March 20, 2025

Chapter 94
(Senate Bill 123)

An Act to revise provisions related to forensic medical examinations.

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

Section 1. That § 22-22-26 be AMENDED:

22-22-26. The county where an alleged rape or sexual offense occurred ~~shall~~ must pay the cost of any forensic medical examination performed by a physician, hospital, or clinic on the victim of the alleged rape or sexual offense. ~~For purposes of the provisions of §§ 22-22-26 to 22-22-26.2, inclusive, the term, forensic medical examination, includes:~~

- ~~(1) Examination of physical trauma;~~
- ~~(2) Patient interview, including medical history, triage, and consultation;~~
- ~~and~~
- ~~(3) Collection and evaluation of evidence, including any photographic documentation; preservation and maintenance of the chain of custody of evidence; medical specimen collection; and any alcohol or drug facilitated sexual assault assessment and toxicology screening deemed necessary by the physician, hospital, or clinic. The cost of a forensic medical examination includes:~~

- (1) Physician, hospital, or clinic services directly related to the forensic medical examination;
- (2) Necessary forensic supplies;
- (3) Scope procedures directly related to the forensic medical examination, including anoscopy and colposcopy;
- (4) Laboratory testing directly related to the forensic medical examination, including drug screening, urinalysis, pregnancy screening, syphilis screening, chlamydia culture, gonorrhea coverage culture, HIV screening, hepatitis B and C screening, herpes culture, and any other sexually transmitted disease testing directly related to the examination;
- (5) Any medication provided during the forensic medical examination; and
- (6) Any radiology service directly related to the forensic medical examination.

Section 2. That § 22-22-26.1 be AMENDED:

22-22-26.1. A person who is convicted of a rape or sexual offense ~~shall~~ be is required, as part of the sentence imposed by the court, to reimburse the county for the cost of any forensic medical examination ~~performed under, pursuant~~

~~to § 22-22-26 resulting from, that was conducted as a result of the rape or sexual offense for which the defendant is convicted. The cost of a forensic medical examination to be paid by the county under § 22-22-26 and reimbursed to the county under this section shall include:~~

~~(1) Physician, hospital, or clinic services and fees directly related to the forensic medical examination, including integral forensic supplies;~~

~~(2) Scope procedures directly related to the forensic medical examination, including anoscopy and colposcopy;~~

~~(3) Laboratory testing directly related to the forensic medical examination, including drug screening, urinalysis, pregnancy screening, syphilis screening, chlamydia culture, gonorrhea coverage culture, blood test for HIV screening, hepatitis B and C, herpes culture, and any other sexually transmitted disease testing directly related to the examination;~~

~~(4) Any medication provided during the forensic medical examination;~~
and

~~(5) Any radiology service directly related to the forensic medical examination.~~

Section 3. That § 22-22-26.3 be AMENDED:

22-22-26.3. A minor age sixteen or older may consent to a forensic medical examination, as defined under ~~§ 22-22-26~~ section 5 of this Act. The minor's consent is not subject to disaffirmance because of minority, and consent of a parent or guardian is not required under this section. The physician, hospital, or clinic shall take reasonable steps to notify a minor's parent or guardian that an examination has taken place, unless the parent or guardian is the suspected perpetrator.

Section 4. That § 22-22-26.4 be AMENDED:

22-22-26.4. A physician, hospital, or clinic may provide a forensic medical examination, as defined under ~~§ 22-22-26~~ section 5 of this Act, without the consent of a guardian of a protected person, as defined under § 29A-5-102, to any protected person who provides informed consent. If a patient has a guardian, the physician, hospital, or clinic ~~shall~~ must make a good faith effort to notify the guardian, before the forensic medical examination, that the patient provided informed consent for the examination and the examination will take place, unless the guardian is the suspected perpetrator.

~~A physician, hospital, or clinic who in~~ If the attending physician, physician assistant, nurse practitioner, or sexual assault nurse examiner makes a good faith believes determination that a patient is incapable of giving informed consent under this section, ~~neither the physician, physician assistant, nurse practitioner, or nurse examiner, nor the hospital or clinic,~~ may not be subject to criminal prosecution, civil liability, or professional discipline for failing to follow the patient's direction or for making the determination.

~~A physician, hospital, or clinic who in~~ If the attending physician, physician assistant, nurse practitioner, or sexual assault nurse examiner makes a good faith believes determination that a patient is capable of giving informed consent under this section, ~~neither the physician, physician assistant, nurse practitioner, or nurse examiner, nor the hospital or clinic,~~ may not be subject to criminal prosecution, civil liability, or professional discipline for following a patient's direction or for making the determination.

For purposes of this section, the term, "informed consent," means consent voluntarily, knowingly, and competently given without any element of force, fraud, deceit, duress, threat, or other form of coercion after conscientious explanation of all information that a reasonable person would consider significant to the decision in a manner reasonably comprehensible to general lay understanding.

Section 5. That a NEW SECTION be added to chapter 22-22:

For the purposes of §§ 22-22-26 to 22-22-26.4, inclusive, the term "forensic medical examination" includes:

- (1) Examination of physical trauma;
- (2) Patient interview, determination of medical history, triage, and consultation; and
- (3) Collection and evaluation of any evidence, including any photographic documentation; preservation and maintenance of the chain of custody of evidence; medical specimen collection; and any assessment of whether an alcohol-facilitated sexual assault or a drug-facilitated sexual assault occurred and any toxicology screening deemed necessary by the attending physician, physician assistant, nurse practitioner, or sexual assault nurse examiner.

Signed March 11, 2025

Chapter 95
(House Bill 1053)

An Act to require age verification by websites containing material that is harmful to minors, and to provide a penalty therefor.

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

Section 1. That § 22-24-27 be AMENDED:

22-24-27. Terms used in §§ 22-24-25 to 22-24-37, inclusive, and sections 4 to 8, inclusive, of this Act, mean:

- (1) "Contemporary community standard," the contemporary community standard of the state in which the question of obscenity is to be tested, by the average person, of the state;
- (2) "Covered platform," a website for which it is in the regular course of the website's trade or business to create, host, or make available material that is harmful to minors;
- ~~(2)~~(3) "Distributed," to transfer possession of, whether with or without consideration;
- ~~(3)~~(4) "Exhibit," to show or display;
- ~~(4)~~(5) "Harmful to minors," includes in its meaning the quality of any material or of any performance or of any description or representation, in whatever form, of nudity, sexual conduct, sexual excitement, or sado-masochistic abuse, if it:

- (a) Predominantly appeals to the prurient, shameful, or morbid interest of minors;~~and~~
 - (b) Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors; and
 - (c) Is without serious literary, artistic, political, or scientific value;
- ~~(5)(6)~~ "Magistrate," any circuit court or magistrate judge;
- ~~(6)(7)~~ "Material," anything tangible~~which~~ that is harmful to minors, whether derived through the medium of reading, observation, or sound;
- ~~(7)(8)~~ "Matter" or "material," any book, magazine, newspaper, or other printed or written material;~~or~~ any picture, drawing, photograph, motion picture, or other pictorial representation;~~or~~ any statue or other figure;~~or~~ recording, transcription or mechanical, chemical, or electrical reproduction; or any other articles, equipment, machines, or materials;
- ~~(8)(9)~~ "Minor," any person less than eighteen years of age;
- ~~(9)(10)~~ "Nudity," within the meaning of subdivision~~(4)(5)~~ of this section, the showing of the human male or female genitals, pubic area, or buttocks with less than a full opaque covering,~~or~~ the showing of the female breast with less than a full opaque covering or any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state;
- ~~(10)(11)~~ "Obscene live conduct," any physical human body activity, whether performed or engaged in alone or with other persons, including singing, speaking, dancing, acting, simulation, or pantomiming, where:
- (a) The dominant theme of such conduct, taken as a whole, appeals to a prurient interest;
 - (b) The conduct is patently offensive because it affronts contemporary community standards relating to the description or representation of sexual matters; and
 - (c) The conduct is without serious literary, artistic, political, or scientific value.
- In prosecutions under §§ 22-24-27 to 22-24-37, inclusive, if circumstances of production, presentation, advertising, or exhibition indicate that live conduct is being commercially exploited by the defendant for the sake of its prurient appeal,~~such~~ the evidence is probative with respect to the nature of the conduct;
- ~~(11)(12)~~ "Obscene material," material:
- (a) The dominant theme of which, taken as a whole, appeals to the prurient interest;
 - (b) ~~Which~~ That is patently offensive because it affronts contemporary community standards relating to the description or representation of sado-masochistic abuse or sexual conduct; and
 - (c) ~~Lacks~~ That lacks serious literary, artistic, political, or scientific value.

In prosecutions under §§ 22-24-27 to 22-24-37, inclusive, if circumstances of production, presentation, sale, dissemination, or publicity indicate that the matter is being commercially exploited by the

defendant for the sake of its prurient appeal, ~~such the~~ evidence is probative with respect to the nature of the matter;

~~(12)~~(13) "Prurient interest," a shameful or morbid interest in nudity, sex, or excretion, ~~which that~~ goes substantially beyond customary limits of candor in description or representation of such matters. If it appears from the character of the material or the circumstances of its dissemination that the subject matter is designed for a specially susceptible audience or clearly defined deviant sexual group, the appeal of the subject matter ~~shall~~ must be judged with reference to such audience or group;

(14) "Reasonable age verification," any method by which a covered platform confirms that an individual attempting to access material that is harmful to minors is at least eighteen years of age by verifying:

(a) A state-issued driver license or non-driver identification card;

(b) The individual's bank account information;

(c) A debit or credit card from the individual that requires the individual in ownership of the card to be at least eighteen years of age; or

(d) Any other method or document that reliably and accurately indicates if a user of a covered platform is a minor and prevents a minor from accessing the content of a covered platform;

~~(13)~~(15) "Sado-masochistic abuse," flagellation or torture by or upon a person who is nude or clad in undergarments, a mask, or bizarre costume; or the condition of being fettered, bound, or otherwise physically restrained on the part of one who is nude or so clothed;

~~(14)~~(16) "Sexual conduct," within the meaning of subdivision ~~(4)~~ (5) of this section, any act of masturbation, homosexuality, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or if such person be a female, the breast; and

~~(15)~~(17) "Sexual excitement," the condition of human male or female genitals when in a state of sexual stimulation or arousal.

Section 2. That § 22-24-29 be AMENDED:

22-24-29. A person is guilty of disseminating material that is harmful to minors if ~~that the~~ the person knowingly gives or makes available to a minor or promotes or possesses with intent to promote to minors, or if ~~that the~~ the person knowingly sells or loans to a minor for monetary consideration, any material described that is harmful to minors as described in subdivision § 22-24-27(4) subdivision 22-24-27(5).

Section 3. That § 22-24-58 be AMENDED:

22-24-58. For the purposes of §§ 22-24-55 to 22-24-59, inclusive, obscene material is defined pursuant to ~~subdivision 22-24-27(11)~~ subdivision 22-24-27(12).

Section 4. That a NEW SECTION be added to chapter 22-24:

A covered platform must implement reasonable age verification on the platform to verify the age of any individual who attempts to access material that is harmful to minors on the platform and prevent a minor's access to that material.

A violation of this section is a Class 1 misdemeanor. A subsequent violation of this section by the same covered platform is a Class 6 felony.

Section 5. That a NEW SECTION be added to chapter 22-24:

A covered platform or third party that performs the age verification required by section 4 of this Act, on behalf of a covered platform, may not sell or retain any identifying information of an individual collected by the covered platform or third party for the age verification.

A violation of this section is a Class 1 misdemeanor. A subsequent violation of this section is a Class 6 felony.

Section 6. That a NEW SECTION be added to chapter 22-24:

If a covered platform is not in substantial compliance with the requirements of section 4 or 5 of this Act, the attorney general must provide written notice to the covered platform before initiating an action pursuant to section 4, 5, or 7 of this Act. The attorney general shall identify in the notice the specific provision that is alleged to have been violated, and what measures must be implemented by the covered platform to prevent future violations.

If the covered platform implements the measures stated in the notice and provides the attorney general a written statement under oath that the measures stated in the notice have been implemented, within ninety days of the notice provided under this section, the covered platform is not criminally liable or liable for a civil penalty for any cured violation of section 4 or 5 of this Act.

Section 7. That a NEW SECTION be added to chapter 22-24:

Any covered platform found to be in violation of section 4 or 5 of this Act is subject to an injunction and liable for a civil penalty of not more than five thousand dollars for each separate instance that the covered platform fails to perform reasonable age verification. The civil penalty may be assessed and recovered only in a civil action brought by the attorney general. The attorney general shall forward any civil penalty collected under this section to the state treasurer, for deposit in the state general fund.

Nothing in this section may be construed to serve as the basis for a new private right of action under sections 4 or 5 of this Act.

Section 8. That a NEW SECTION be added to chapter 22-24:

The provisions of sections 4 to 7, inclusive, of this Act do not apply to any general-purpose search engine, internet service provider or its affiliates or subsidiaries, or cloud service provider.

Signed February 27, 2025

Chapter 96
(House Bill 1239)

**An Act to revise certain provisions related to the restriction of access to
obscene materials in a public library or public school library.**

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

Section 1. That § 22-24-55 be AMENDED:

22-24-55. Each public school in the state shall:

- (1) Equip each public access computer with software that will limit minors' ability to gain access to obscene matter or materials, as defined by § 22-24-27, or purchase internet connectivity from an internet service provider that provides filter services to limit access to obscene materials; and
- (2) Develop and implement, by January 1, 2025, a local policy that establishes measures to restrict minors from accessing obscene matter or materials. The policy must allow for an individual to appeal to the school board to determine whether any matter or material is obscene. Any determination made by the school board as to whether any matter or material is obscene is subject to judicial review in a court of competent jurisdiction. The school board shall:
 - (a) Publish the policy on the school district's website; or
 - (b) Publish the policy annually in the legal newspaper designated by the school board pursuant to § 13-8-10.

Section 2. That § 22-24-56 be AMENDED:

22-24-56. Each public library in the state shall:

- (1) Equip each public access computer with software that will limit minors' ability to gain access to obscene matter or material, as defined by § 22-24-27, or purchase internet connectivity from an internet service provider that provides filter services to limit access to obscene material; and
- (2) Develop and implement, by January 1, 2025, a local policy that establishes measures to restrict minors from accessing obscene matter or materials. The policy must allow for an individual to appeal to the governing body of the public library, as defined in § 14-2-27, to determine whether any matter or material is obscene. Any determination made by the governing body as to whether any matter or material is obscene is subject to judicial review in a court of competent jurisdiction. The public library shall:
 - (a) Publish the policy on the official website of the political subdivision that maintains the library; or
 - (b) Publish the policy annually in a legal newspaper designated by the governing body of the political subdivision that maintains the library pursuant to § 7-18-3 or 9-12-6.

Signed March 20, 2025

Chapter 97
(House Bill 1230)

**An Act to revise a provision related to unauthorized distribution of fentanyl
and provide a penalty therefor.**

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

Section 1. That § 22-42-2 be AMENDED:

22-42-2. Except as authorized by this chapter or chapter 34-20B, no person may manufacture, distribute, or dispense a substance listed in Schedules I or II; possess with intent to manufacture, distribute, or dispense a substance listed in Schedules I or II; create or distribute a counterfeit substance listed in Schedules I or II; or possess with intent to distribute a counterfeit substance listed in Schedules I or II. A violation of this section is a Class 4 felony. ~~However, a~~

A violation of this section is a Class 3 felony if three or more of the following aggravating circumstances apply:

- (1) The person is in possession of three hundred dollars or more in cash;
- (2) The person is in possession of a firearm or other weapon pursuant to §§ 22-14-6, 22-14-15, 22-14-15.1, 22-14-15.3, and subdivision 22-1-2(8);
- (3) The person is in possession of bulk materials used for the packaging of controlled substances;
- (4) The person is in possession of a pill press;
- (5) The person is in possession of materials used to manufacture a controlled substance including recipes, precursor chemicals, laboratory equipment, lighting, ventilating or power generating equipment; or
- ~~(5)~~(6) The person is in possession of drug transaction records or customer lists.

A violation of this section is a Class 2 felony if the offense involves four milligrams or more of fentanyl. Unless a higher mandatory sentence applies, a conviction involving four milligrams but fewer than fourteen milligrams of fentanyl shall be punished by a mandatory sentence of at least three years in a state correctional facility. Unless a higher mandatory sentence applies, a conviction involving fourteen milligrams or more of fentanyl shall be punished by a mandatory sentence of at least ten years in a state correctional facility.

The distribution of a substance listed in Schedules I or II to a minor is a Class 2 felony. A first conviction under this section shall be punished by a mandatory sentence in a state correctional facility of at least one year, which sentence may not be suspended. Probation, suspended imposition of sentence, or suspended execution of sentence may not form the basis for reducing the mandatory time of incarceration required by this section. A second or subsequent conviction under this section shall be punished by a mandatory sentence in a state correctional facility of at least ten years, which sentence may not be suspended. Probation, suspended imposition of sentence, or suspended execution of sentence may not form the basis for reducing the mandatory time of incarceration required by this section. However, a first conviction for distribution to a minor under this section shall be punished by a mandatory sentence in a state correctional facility of at least five years, which sentence may not be suspended. Probation, suspended imposition of sentence, or suspended execution of sentence may not form the basis for reducing the mandatory time of incarceration required by this section. A second or subsequent conviction for distribution to a minor under this section shall be punished by a mandatory sentence in a state correctional facility of at least fifteen years, which sentence may not be suspended. Probation, suspended imposition of sentence, or suspended execution of sentence, may not form the basis for reducing the mandatory time of incarceration required by this section.

Any conviction for, or plea of guilty to, an offense in another state which, if committed in this state, would be a violation of this section, and occurring within fifteen years prior to the date of the violation being charged, must be used to determine if the violation being charged is a second or subsequent offense.

Any person who, for consideration, intentionally distributes any controlled substance or counterfeit substance in violation of this section and another person dies as a direct result of using that substance is guilty of a Class 2 felony. If three or more of the above aggravating circumstances apply, the person is guilty of a Class 1 felony. If the substance is fentanyl and the person knew the substance was fentanyl, the person is guilty of a Class 1 felony. If the decedent is a minor, the person is guilty of a Class C felony.

A civil penalty may be imposed, in addition to any criminal penalty, upon a conviction of a violation of this section not to exceed ten thousand dollars. A conviction for the purposes of the mandatory sentence provisions of this chapter is the acceptance by a court of any plea, other than not guilty, including nolo contendere, or a finding of guilt by a jury or court.

Signed March 20, 2025

Chapter 98
(Senate Bill 83)

**An Act to revise the penalty and provide treatment for the ingestion of
certain controlled substances.**

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

Section 1. That § 22-42-5.1 be AMENDED:

22-42-5.1. No person may knowingly ingest a controlled drug or substance or have a controlled drug or substance in an altered state in the body unless the substance was obtained directly or pursuant to a valid prescription or order from a practitioner, ~~while acting in the course of the practitioner's professional practice, or except as otherwise authorized by chapter 34-20B.~~ A The following penalties apply to a violation of this section for a substance in Schedules I or II is a Class 5 felony. A violation of this section for a substance in Schedules III or IV is a Class 6 felony.:

- (1) A first violation is a Class 1 misdemeanor, and the court, in addition to any other sentence, shall order that the person complete a drug and alcohol evaluation and complete supervised probation using evidence-based sentencing practices, which may include the HOPE probation program and other programs as established in chapter 16-22;
- (2) A second violation is a Class 1 misdemeanor, and the court, in addition to any other sentence, may sentence the person to a period of up to one year in jail, and shall sentence the person to a period of supervised probation using evidence-based practices, which may include the HOPE probation program and other programs as established in chapter 16-22, and order that the person complete a drug and alcohol evaluation and complete any other recommended course of treatment; and
- (3) A third or subsequent violation, occurring within ten years of the person's first conviction, is a Class 6 felony.

Signed March 12, 2025

Chapter 99
(Senate Bill 58)

An Act to revise provisions related to human trafficking, to prohibit the obstruction of human trafficking enforcement, and to provide a penalty therefor.

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

Section 1. That § 22-49-1 be AMENDED:

22-49-1. No person may knowingly recruit, entice, harbor, transport, provide, receive, purchase, advertise, maintain, solicit, or obtain, by any means, another person knowing that force, fraud, or coercion will be used to cause the person to engage in ~~prostitution~~ a commercial sex act, forced labor, or involuntary servitude.

No person may benefit financially, or by receiving anything of value, from participation in a venture that has engaged in acts set forth in this section, or knowingly or in reckless disregard of the fact that the venture has engaged in acts set forth in this section.

Any violation of this section constitutes the crime of human trafficking.

If the victim is under eighteen years of age, the crime of human trafficking need not involve force, fraud, or coercion.

For purposes of this section and §§ 22-49-2 and 22-49-3, the term, "coercion," may include:

- (1) Threats of serious harm to or physical restraint against any person;
- (2) The use of a plan, statement, or pattern of behavior, with the intent of causing a person to believe that failure to perform an act will result in serious harm to, or the use of physical force or violence against, the person, or will result in the person's restraint, isolation, confinement, or abduction of any person;
- ~~(2)(3)~~ Inducing a person to ~~provide~~ engage in a commercial-sexual-activity sex act, forced labor, or involuntary servitude as payment toward, or in satisfaction of, a real or purported debt; ~~and~~
- ~~(3)(4)~~ The use of a person's physical or mental impairment, if that impairment has a substantial adverse effect on the person's cognitive or volitional function; or
- (5) The abuse or threatened abuse of law or legal process, whether administrative, civil, or criminal, in any manner or for any purpose for which the law is not designed, to exert pressure on another person to cause that person to take some action or refrain from taking some action.

Section 2. That § 22-49-2 be AMENDED:

22-49-2. ~~If a person is guilty of human trafficking under~~ A person is guilty of human trafficking in the first degree if the person commits human trafficking, as set forth in § 22-49-1, and the act:

- (1) ~~Involves committing or attempting to commit kidnapping any means of force, threat of force, fraud, coercion, or any combination of means to cause the person to engage in a commercial sex act;~~
- (2) ~~Involves a victim under the age of eighteen years; or~~
- (3) ~~Involves prostitution or procurement for prostitution; or~~
- (4) ~~Results in the death of a victim;~~

~~the person has committed human~~ Human trafficking in the first degree. ~~A violation of the provisions of this section is a Class 2 felony.~~

A conviction under this section for a first offense must be punished by a mandatory sentence of at least fifteen years in a state correctional facility, which sentence may not be suspended. A conviction under this section for a second or subsequent offense must be punished by a mandatory sentence of at least twenty years in a state correctional facility, which sentence may not be suspended.

Consent to performing any act prescribed in § 22-49-1 by a minor or a minor's parent, guardian, or custodian, or any mistake as to the minor's age is not a defense to a charge of violating this section.

Notwithstanding the provisions of § 22-4-1, any attempt to commit a violation of this section against a victim who is a minor is punishable in the same manner as the completed violation.

Section 3. That § 22-49-3 be AMENDED:

22-49-3. A person is guilty of human trafficking in the second degree if ~~that the~~ the person:

(1) ~~Recruits, harbors, transports, provides, receives, purchases, or obtains, by any means, another person knowing that force, fraud, or coercion, as defined in § 22-49-1, will be used to cause the person to engage in prostitution, forced labor, or involuntary servitude; or~~

(2) ~~Benefits financially or by receiving anything of value from participation in a venture that has engaged in acts set forth in this section, commits human trafficking, as set forth in § 22-49-1, and the act involves any means of force, threat of force, fraud, coercion, or any combination of means to cause the person to engage in forced labor or involuntary servitude.~~

Human trafficking in the second degree is a ~~Class 4~~ Class 3 felony.

A conviction under this section for a first offense must be punished by a mandatory sentence of at least five years in a state correctional facility, which sentence may not be suspended. A conviction under this section for a second or subsequent offense must be punished by a mandatory sentence of at least ten years in a state correctional facility, which sentence may not be suspended.

Section 4. That a NEW SECTION be added to chapter 22-49:

Any person who obstructs, attempts to obstruct, or in any way interferes with or prevents the enforcement of §§ 22-49-1 to 22-49-3, inclusive, is guilty of a Class 4 felony.

Signed March 12, 2025

LAW ENFORCEMENT

Chapter 100 (Senate Bill 7)

An Act to prohibit the adoption or implementation of certain policies related to immigration enforcement.

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

Section 1. That a NEW SECTION be added to chapter 23-3:

Notwithstanding any other provision of law, no state entity or political subdivision may adopt or implement a policy, order, or ordinance that:

- (1) Limits or prohibits an individual from communicating or cooperating with a federal agency or official to verify or report the immigration status of another individual; or
- (2) Grants a noncitizen unlawfully present in the United States the right to lawful presence or status within the state or political subdivision.

Any policy, order, or ordinance adopted or implemented in violation of this section is void. No state entity or political subdivision may take disciplinary action against a law enforcement officer based upon the officer's refusal to comply with or enforce any policy, order, or ordinance in violation of this section.

Signed February 7, 2025

Chapter 101 (Senate Bill 72)

An Act to revise the payor of autopsy costs in certain circumstances.

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

Section 1. That § 23-14-9.2 be AMENDED:

23-14-9.2. A physician or surgeon appointed under § 23-14-9.1, or the coroner if the coroner is a physician or surgeon providing services pursuant to § 23-14-9.1, shall receive a reasonable fee for his services to be ascertained and rendered, as approved by the board of county commissioners and paid. The board shall pay the fee out of the general fund of the county. If the coroner is a physician or surgeon, he may personally perform such autopsy; and he shall receive a reasonable fee for his services to be ascertained and approved by the board of county commissioners and paid out of the general fund of the county.

If the The decedent's county of residence must reimburse the county in which the autopsy occurred for the cost of the autopsy if:

- (1) ~~The death or autopsy occurs~~ occurred in a county other than the ~~decedents' decedent's~~ county of residence; ~~the county of residence shall reimburse the county where the autopsy occurred for the cost of the autopsy, provided that the;~~ and
- (2) ~~The county of residence either requested~~ requested the autopsy or is the site where the accident or injury leading to the death occurred.

If a perpetrator of a crime dies during the commission of the crime, or the perpetrator commits suicide subsequent to the commission of the crime, the county that paid for the autopsy may recover the cost of the autopsy and any other related expenses from the perpetrator's estate.

Signed March 3, 2025

CRIMINAL PROCEDURE

Chapter 102 (House Bill 1096)

An Act to prohibit eligibility for a suspended imposition of sentence for certain rape offenses.

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

Section 1. That § 23A-27-13 be AMENDED:

23A-27-13. ~~Upon~~ Except as provided in section 2 of this Act, upon receiving a verdict or plea of guilty for a felony not punishable by death or life imprisonment by a person never before convicted of a crime ~~which that~~ at the time of conviction ~~thereof would constitute~~ constitutes a felony in this state, a court having jurisdiction of the defendant, if satisfied that the ends of justice and the best interest of the public as well as the defendant will be served thereby, may, without entering a judgment of guilt, and with the consent of the defendant, suspend the imposition of sentence and place the defendant on probation for ~~such~~ a period and upon ~~such~~ any terms and conditions as the court may deem best. No person who has previously been granted, whether in this state or any other, a suspended imposition of sentence for a felony, is eligible to be granted a second suspended imposition of sentence for a felony. A court may revoke ~~such the~~ suspension at any time during the probationary period and impose and execute sentence without diminishment or credit for any of the probationary period.

Section 2. That a NEW SECTION be added to chapter 23A-27:

No person who has been convicted of, or pled guilty or nolo contendere to, rape under subdivision 22-22-1(2) or (3) may be granted a suspended imposition of sentence under § 23A-27-13. This section does not apply to a person adjudicated as a juvenile or a juvenile tried as an adult for a crime under subdivisions 22-22-1(2) or (3).

Signed March 20, 2025

CORRECTIONAL FACILITIES AND PAROLE

Chapter 103 (Senate Bill 59)

An Act to revise provisions relating to the delivery, possession with intent to deliver, and possession of unauthorized articles in a state correctional facility, and to provide a penalty therefor.

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

Section 1. That § 24-2-14 be AMENDED:

~~24-2-14. No alcoholic beverage, marijuana, or weapon, as defined in subdivision 22-1-2(10), may be possessed by any inmate of a state correctional facility. No prescription or nonprescription drug, controlled substance as defined by chapter 34-20B, or any article of indulgence may be possessed by any inmate of a state correctional facility except by order of a physician, physician assistant, or licensed nurse practitioner, as defined in chapters 36-4, 36-4A, and 36-9A, respectively. Such order must be in writing and for a definite period. Any violation of this section constitutes Possession of the following articles by an inmate of a state correctional facility, unless directly issued by the Department of Corrections and used in accordance with the department's policies and procedures, is a felony pursuant to the following schedule:~~

- (1) Possession of any alcoholic beverage or marijuana is a Class 6 felony;
- (2) Possession of a cell phone or any other electronic communication device prohibited by Department of Corrections policy is a Class 4 felony;
- (3) Possession of any prescription or nonprescription drug or controlled substance, as defined by chapter 34-20B, except by written order for a definite period from a physician, physician assistant, or certified nurse practitioner, as defined in chapters 36-4, 36-4A, and 36-9A, is a Class 4 felony; ~~and~~
- ~~(3)(4)~~ (4) Possession of a dangerous weapon as defined in ~~subdivision 22-1-2(10) by § 22-1-2~~ is a Class 2 felony; and
- (5) Possession of any article, not proscribed by this section, that is not provided by or authorized by the facility in any form, is a Class 6 felony.

Section 2. That § 24-2-22 be AMENDED:

~~24-2-22. Any employee or other person who delivers or procures to be delivered, or possesses with the intention intent to deliver, to any inmate in a state correctional facility, or who deposits or conceals in or around any facility or place used to house inmates, or in any mode of transport entering upon the grounds of any facility or place and its ancillary facilities used to house inmates, any article which is unlawful for an inmate to possess pursuant to state law or the rules of the Department of Corrections of the following articles, with the intent that any inmate obtain or receive such the article, is guilty of a Class 6 felony pursuant to the following schedule:~~

- (1) Any alcoholic beverage or marijuana is a Class 6 felony;

- ~~(2) A cell phone or any other electronic communication device prohibited by Department of Corrections policy is a Class 4 felony;~~
- ~~(3) Any prescription or nonprescription drug or controlled substance, as defined by chapter 34-20B, except as authorized by the Department of Corrections, is a Class 4 felony; and~~
- ~~(4) A dangerous weapon, as defined by § 22-1-2, is a Class 2 felony; and~~
- ~~(5) Any article, not proscribed by this section, that is not provided by or authorized by the facility in any form, is a Class 6 felony.~~

Signed March 12, 2025

Chapter 104
(Senate Bill 64)

An Act to revise provisions related to the establishment of an initial parole date.

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

Section 1. That § 24-15-4.1 be AMENDED:

24-15-4.1. For the purposes of this section, the term, "offense," means any of the following:

- ~~(1) Manslaughter in the first degree, as defined in § 22-16-15~~First degree murder, as defined in § 22-16-4;
- ~~(2) Second degree murder, as defined in § 22-16-7;~~
- ~~(2)(3) Kidnapping in the first degree, as defined in § 22-19-1;~~
- ~~(3)(4) An act of terrorism, as defined in § 22-8-12;~~
- ~~(5) Manslaughter in the first degree, as defined in § 22-16-15;~~
- ~~(6) Rape in the first degree, as defined in § 22-22-1;~~
- ~~(4) Rape in the second degree, as defined in § 22-22-1;~~
- ~~(5)(7) Attempted first degree murder of a law enforcement officer, as defined in § 22-4-3;~~
- ~~(8) Aggravated kidnapping in the second degree, as defined in § 22-19-1.1;~~
- ~~(9) Rape in the second degree, as defined in § 22-22-1;~~
- ~~(10) Torture of a human trafficking victim, as defined in § 22-49-5;~~
- ~~(6)(11) Commission of a felony while armed with firearms, as defined in § 22-14-12;~~
- ~~(7)(12) Aggravated assault against a law enforcement officer, firefighter, ambulance personnel, Department of Corrections employee or contractor, health care personnel, or other public officer, as defined in § 22-18-1.05;~~
- ~~(8)(13) Aggravated battery of an infant, as defined in § 22-18-1.4;~~

- ~~(9)~~(14) Assault with intent to cause serious permanent disfigurement, as defined in § 22-18-1.5;
- ~~(10)~~(15) Robbery in the first degree, as defined in § 22-30-6;
- ~~(11)~~(16) First degree burglary, as defined in § 22-32-1;
- ~~(12)~~(17) First degree arson, as defined in § 22-33-9.1; and
- ~~(13)~~(18) First degree human trafficking, as defined in § 22-49-2.

An inmate convicted of and sentenced for an offense as specified in this section, for a crime committed on or after July 1, 2023, is not eligible for parole by the Board of Pardons and Paroles, except as provided in §§ 24-15A-55 to 24-15A-68, inclusive. An inmate shall serve the full term of imprisonment imposed by the court for the offense. The court ~~shall retain~~ retains the discretion to suspend a portion of the prison sentence ~~required~~. If the court suspends a portion of the prison sentence, the Board of Pardons and Paroles ~~shall must~~ supervise the suspended time and ~~has the authority to may~~ revoke the suspended portion of the sentence for ~~failing the inmate's failure~~ to follow the conditions of release.

An inmate may earn any credit for which the inmate is eligible. However, ~~such credits the credit~~ may only be used for increased privileges and may not be used to reduce the sentence imposed by the court.

Section 2. That § 24-15-4.2 be AMENDED:

24-15-4.2. For the purposes of this section, the term, "offense," means any of the following:

- (1) Vehicular homicide, as defined in § 22-16-41;
- (2) Aggravated assault, as defined in § 22-18-1.1;
- (3) Aggravated criminal battery of an unborn child, as defined in § 22-18-1.3;
- (4) Kidnapping in the second degree, as defined in § 22-19-1.1;
- (5) Second degree burglary, as defined in § 22-32-3;
- (6) Riot, as defined in § 22-10-1;
- (7) Manslaughter in the second degree, as defined in § 22-16-20;
- (8) Second degree robbery, as defined in § 22-30-6;
- (9) Second degree human trafficking, as defined in § 22-49-3;
- ~~(9)~~(10) Felony child abuse, as defined in § 26-10-1; and
- ~~(10)~~(11) Attempt to commit, or a conspiracy to commit, or a solicitation to commit any offense enumerated in § 24-15-4.1.

An inmate convicted of and sentenced for an offense as specified in this section, for a crime committed on or after July 1, 2023, is not eligible for parole by the Board of Pardons and Paroles except as provided in §§ 24-15A-55 to 24-15A-68, inclusive. An inmate shall serve the full term of imprisonment imposed by the court for the offense. The court ~~shall retain~~ retains the discretion to suspend a portion of the prison sentence ~~required~~. If the court suspends a portion of the prison sentence, the Board of Pardons and Paroles ~~shall must~~ supervise the suspended time and ~~has the authority to may~~ revoke the suspended portion of the sentence for ~~failing the inmate's failure~~ to follow the conditions of release.

An inmate may earn any credit for which the inmate is eligible. However, ~~such credits the credit~~ may only be used for increased privileges and may not be

used to reduce the sentence imposed by the court, except as otherwise provided in this section.

Discharge credits earned pursuant to §§ 24-15A-50 and 24-15A-50.1 may be used to reduce an inmate's sentence by up to fifteen percent of the sentence imposed by the court that the inmate must serve before becoming eligible for release on parole. Discharge credits may not be used to alter the inmate's sentence expiration date.

Section 3. That § 24-15A-32 be AMENDED:

24-15A-32. For a crime committed before July 1, 2023, each inmate sentenced to a state incarceration term, except those under a sentence of life or death, or determined to be ineligible for parole as authorized in § 24-15A-32.1, must have an initial parole date set by the department. This date must be calculated by applying the percentage indicated in the following grid to the full term, minus any suspended time. ~~The following crimes~~ A crime listed below, or an attempt to commit, a conspiracy to commit, or a solicitation to commit any ~~of the following crimes shall be considered~~ crime listed below, is a violent crime for purposes of setting an initial parole date: murder, manslaughter, rape, aggravated assault, riot, robbery, burglary in the first degree, burglary in the second degree if committed before July 1, 2006, arson, kidnapping, felony sexual contact as defined in §§ 22-22-7 and 22-22-7.2, child abuse, ~~felony sexual contact as defined in § 22-22-7.2,~~ felony stalking as defined in §§ 22-19A-2 and 22-19A-3, photographing a child in an obscene act as previously set forth in § 22-22-23, felony assault as defined in §§ 22-18-26 and 22-18-29, felony simple assault as defined in § 22-18-1, aggravated criminal battery of an unborn child as defined in § 22-18-1.3, aggravated battery of an infant as defined in § 22-18-1.4, assault with intent to cause serious permanent disfigurement as defined in § 22-18-1.5, commission of a felony while armed as defined in § 22-14-12, discharging a firearm at an occupied structure or motor vehicle as defined in § 22-14-20, discharging a firearm from a moving vehicle as defined in § 22-14-21, criminal pedophilia as previously set forth in § 22-22-30.1, threatening to commit a sexual offense as defined in § 22-22-45, abuse or neglect of a disabled adult as defined in § 22-46-2, and aggravated incest as defined in §§ 22-22A-3 and 22-22A-3.1:

Felony Convictions

Felony Class	First	Second	Third
Nonviolent			
Class 6	.25	.30	.40
Class 5	.25	.35	.40
Class 4	.25	.35	.40
Class 3	.30	.40	.50
Class 2	.30	.40	.50
Class 1	.35	.40	.50
Class C	.35	.40	.50
Violent			
Class 6	.35	.45	.55
Class 5	.40	.50	.60
Class 4	.40	.50	.65
Class 3	.50	.60	.70
Class 2	.50	.65	.75

Class 1	.50	.65	.75
Class C	.50	.65	.75
Class B	1.0	1.0	1.0
Class A	1.0	1.0	1.0

The application of the violent or nonviolent column of the grid is based on whether the inmate's current sentence is for a violent or nonviolent crime. The department shall consider any prior felony regardless of whether the crime is violent or nonviolent when determining which percentage to apply to the inmate's parole date calculation. Each inmate shall serve at least sixty days prior to parole release. An inmate with a life sentence is not eligible for parole except as provided in §§ 24-15A-55 to 24-15A-68, inclusive. An initial parole date through the application of this grid may be applied to a life sentence only after the sentence is commuted to a term of years. A Class A or B felony commuted to a number of years ~~shall~~ must be applied to the Class C violent column of the grid. An inmate convicted of a Class A or B felony who was a juvenile at the time of the offense and receives a sentence of less than life ~~shall~~ must be applied to the Class C violent column of the grid.

For a crime committed on or after July 1, 2023, each inmate sentenced to a penitentiary term, except those under a sentence of life or death, or determined to be ineligible for parole as authorized in §§ 24-15-4.1, 24-15-4.2, and 24-15A-32.1, must have an initial parole date set by the department. The date must be calculated by applying the percentage indicated in the following grid to the full term of the sentence, minus any suspended time. Any of the following crimes, or any attempt to commit, a conspiracy to commit, or a solicitation to commit any of the following crimes is considered a violent crime for the purpose of setting an initial parole date: arson in the second degree as defined in § 22-33-9.2, rape in the third or fourth degree as defined in § 22-22-1, felony sexual contact as defined in §§ 22-22-7 and 22-22-7.2, felony stalking as defined in §§ 22-19A-2 and 22-19A-3, felony assault as defined in §§ 22-18-26 and 22-18-29, felony simple assault as defined in § 22-18-1, discharging a firearm at an occupied structure or motor vehicle as defined in § 22-14-20, discharging a firearm from a moving vehicle as defined in § 22-14-21, threatening to commit a sexual offense as defined in § 22-22-45, abuse or neglect of a disabled adult as defined in § 22-46-2, and aggravated incest as defined in §§ 22-22A-3 and 22-22A-3.1:

Felony Convictions

Felony Class	First	Second	Third
Nonviolent			
Class 6	.25	.30	.40
Class 5	.25	.35	.40
Class 4	.25	.35	.40
Class 3	.30	.40	.50
Class 2	.30	.40	.50
Class 1	.35	.40	.50
Class C	.35	.40	.50
Violent			
Class 6	.35	.45	.55
Class 5	.40	.50	.60
Class 4	.40	.50	.65
Class 3	.50	.60	.70

Class 2	.50	.65	.75
Class 1	.50	.65	.75
Class C	.50	.65	.75
Class B	1.0	1.0	1.0
Class A	1.0	1.0	1.0
§ 24-15-4.1	1.0	1.0	1.0
§ 24-15-4.2	1.0-.85	1.0-.85	1.0-.85

The application of the violent or nonviolent column of the grid is based on whether the inmate's current sentence is for a violent or nonviolent crime. The department shall consider any prior felony regardless of whether the crime is violent or nonviolent when determining which percentage to apply to the inmate's parole date calculation. Each inmate shall serve at least sixty days prior to parole release. An inmate with a life sentence and an inmate who commits an offense as defined in § 24-15-4.1 is not eligible for parole except as provided in §§ 24-15A-55 to 24-15A-68, inclusive. An inmate who commits an offense as defined in § 24-15-4.2 is not eligible for parole except as provided in §§ 24-15-4.2 and 24-15A-55 to 24-15A-68, inclusive. The provisions set forth in §§ 24-15-4.1 and 24-15-4.2 apply to a life sentence that has been commuted to a term of years.

Signed March 20, 2025

Chapter 105 (Senate Bill 140)

An Act to revise a provision related to the reimbursement of expenses incurred by a county in detaining a parolee.

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

Section 1. That § 24-15-28 be AMENDED:

24-15-28. The state shall reimburse any county of this state for expenses the county incurs for the detention of a parolee pursuant to §§ 24-15-19 and 24-15-21. The reimbursement may not exceed ninety-five dollars per day, unless the county incurs costs for the parolee's medication and medical care, in which case those costs must also be reimbursed in full. Upon receipt of the bill, the state shall make reimbursement within thirty days.

No county may be reimbursed by the state for costs incurred from detaining a parolee held for criminal charges unrelated to the parolee's current conviction and sentence.

Signed March 11, 2025

DOMESTIC RELATIONS

Chapter 106 (Senate Bill 111)

An Act to permit a court to order family therapy or reunification therapy in a custody or visitation dispute.

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

Section 1. That a **NEW SECTION** be added to chapter 25-4:

In any custody or visitation dispute between parents, the court may order family therapy or reunification therapy to assist the parties in formulating or modifying a plan, or in implementing a plan, for custody or visitation. The court shall allocate the cost of any therapy ordered between the parties.

There is a rebuttable presumption that, in a custody or visitation dispute between parents, it is not in the best interest of the child for the court to order family therapy or reunification therapy if the court finds:

- (1) One party has been the victim of domestic abuse, as defined in § 25-10-1, perpetrated by the other party; or
- (2) A child involved in the action has been a victim of domestic abuse, as defined in § 25-10-1, perpetrated by one of the parties.

Signed March 6, 2025

Chapter 107 (House Bill 1044)

An Act to authorize the use of a newborn safety device for the voluntary surrender of a newborn and to make clarifying changes.

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

Section 1. That § 25-5A-27 be **AMENDED**:

25-5A-27. ~~An emergency-medical services provider or licensed child placement agency shall take possession~~ must accept physical custody of a child who appears to be sixty days of age or younger newborn if the child:

- (1) The newborn is voluntarily delivered to surrendered by the newborn's parent:
 - (a) To an agent of the provider or agency by the child's parent and the; or
 - (b) In a newborn safety device, as provided in section 2 of this Act; and
- (2) The parent does not express an intent to return for the child newborn.

~~Any provider or agency who takes possession that accepts physical custody of a child newborn~~ pursuant to this section shall perform any act necessary to protect the physical health and safety of the ~~child newborn~~.

Section 2. That a NEW SECTION be added to chapter 25-5A:

An emergency services provider or a licensed child placement agency may install and maintain a newborn safety device on its premises, if the premises are staffed twenty-four hours per day, seven days per week. The newborn safety device must:

- (1) Be in a conspicuous location on the provider's or agency's premises;
- (2) Have a climate-controlled and padded receptacle that is appropriately sized for a newborn;
- (3) Have an exterior door that automatically locks upon placement of a newborn inside; and
- (4) Be equipped with an alarm system that notifies the provider's or agency's staff and a 911 service when:
 - (a) The exterior door of the device is opened; and
 - (b) Movement is detected within the device.

A provider or agency that installs a newborn safety device shall test the alarm system weekly.

Section 3. That § 25-5A-28 be AMENDED:

25-5A-28. It is not a crime for a parent to ~~deliver~~ surrender a ~~child newborn~~ to an emergency ~~medical~~ services provider or a licensed child placement agency, as provided in § 25-5A-27, if the ~~child newborn~~ has not been harmed prior to being ~~left with the emergency medical services provider or a licensed child placement agency~~ surrendered.

Section 4. That § 25-5A-29 be AMENDED:

25-5A-29. ~~If a parent of a child relinquishes custody of the child~~ Fourteen days after a parent surrenders a newborn to an emergency ~~medical~~ services provider or a licensed child placement agency, as provided in § 25-5A-27, ~~then, after fourteen days, by operation of law:~~

- ~~All of that~~ The parent's rights with respect to the child newborn are terminated; and
- ~~The child becomes a ward of the~~ legal and physical custody of the newborn is assumed:
 - (a) By the state; or
 - (b) By the licensed child placement agency, if the newborn was surrendered to an agency.

Section 5. That § 25-5A-30 be AMENDED:

25-5A-30. Any emergency ~~medical~~ services provider or licensed child placement agency that accepts physical custody of a ~~child newborn~~ pursuant to § 25-5A-27 may ask the ~~child's newborn's~~ parent for ~~pertinent medical~~ information relating to the ~~child's newborn's~~ medical history and the names of the parents. ~~However, the~~ The parent ~~leaving the child~~ is not required to provide any information, ~~including the name of the parents.~~

Section 6. That § 25-5A-31 be AMENDED:

25-5A-31. Any emergency-medical services provider or licensed child placement agency that accepts physical custody of a child newborn pursuant to § 25-5A-27 is immune from civil, criminal, and administrative liability for any act of commission or omission in connection with the acceptance of that custody or the provision of care for the child newborn while the child newborn is in the provider's or agency's custody.

Nothing in this section grants any relief for injury caused by a willful, wanton, or reckless act of commission or omission.

Section 7. That § 25-5A-32 be AMENDED:

25-5A-32. ~~The~~ If an emergency-medical services provider or a licensed child placement agency shall accepts physical custody of a newborn, pursuant to § 25-5A-27, the provider or agency must immediately notify the Department of Social Services that the provider or agency has taken possession of the child.

The ~~Except as otherwise provided in this section, the department or licensed child placement agency shall must~~ assume the care, custody, and control of the child newborn immediately upon receipt of the notice. ~~However, If a licensed child placement agency that has taken possession of a child accepted physical custody, the agency may assume the care, custody, and control of the child newborn.~~

The department or licensed child placement agency may not attempt to identify, contact, or investigate the parent who ~~voluntarily delivered~~ surrendered the child to an emergency medical services provider or a licensed child placement agency newborn, unless it appears the child newborn has been harmed.

Section 8. That § 25-5A-33 be AMENDED:

25-5A-33. If one parent of a child ~~relinquishes custody of~~ surrenders the child newborn to an emergency-medical services provider or a licensed child placement agency, as provided in § 25-5A-27, the ~~other non-surrendering~~ parent may file an action for custody of the child newborn. ~~The nonrelinquishing non-surrendering~~ parent shall file ~~such an~~ the action within thirty days after the provider or agency accepts physical custody of the child newborn from the ~~relinquishing surrendering~~ parent. In ~~such an~~ the action, the ~~nonrelinquishing non-surrendering~~ parent shall must prove ~~the following~~ by a preponderance of the evidence that:

- (1) ~~He or she~~ The non-surrendering parent is the parent of the child newborn; and
- (2) ~~He or she~~ The non-surrendering parent did not consent to ~~relinquishment of the child's custody~~ surrender of the newborn to the provider or agency.

Section 9. That § 25-5A-34 be AMENDED:

25-5A-34. For the purposes of §§ 25-5A-27 to 25-5A-35, inclusive, ~~an emergency medical services provider is a licensed health care facility or a clinic, any agent of a licensed health care facility or a clinic, a law enforcement officer, an emergency medical technician, or a firefighter~~ the following terms mean:

- (1) "Emergency services provider":
 - (a) An ambulance service licensed in accordance with chapter 34-11;
 - (b) A fire department;

- (c) A health care facility licensed in accordance with chapter 34-12;
or
(d) A law enforcement agency; and
(2) "Newborn," a child who appears to be sixty days of age or younger.

Section 10. That § 25-5A-35 be AMENDED:

25-5A-35. Sixty days after the emergency-medical services provider or licensed child placement agency ~~takes possession~~ accepts physical custody of the ~~child~~ newborn, a hearing ~~shall~~ must be held in circuit court to terminate parental rights.

Signed March 6, 2025

Chapter 108
(House Bill 1174)

**An Act to revise certain provisions related to the rights and obligations of a
father of a child born to an unmarried mother.**

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

Section 1. That § 25-6-1 be AMENDED:

25-6-1. ~~The father of an illegitimate child by publicly acknowledging it as his own, receiving it as such into his family, with the consent of his wife if he is married and otherwise treating it as if it were a legitimate child, thereby adopts it as such, and such child is thereupon deemed for all purposes legitimate from the time of its birth. The other provisions of law relating to adoption shall not apply in such cases. If the biological mother of a child is not married to the father of the child at the time of the conception or birth of the child, or at any time between conception and birth of the child, the father becomes an acknowledged father of the child and adopts the child only by:~~

- (1) Openly holding out the child as the father's own by receiving the child into the father's household;
(2) Voluntarily contributing to the financial support of the child; or
(3) Voluntarily contributing to the daily supervision, protection, education, and care of the child.

Following a father's adoption of a child pursuant to this section, the child is deemed for all purposes to be the child of the father from the time of the child's birth. No other provision of law relating to adoption shall apply.

Section 2. That § 25-6-1.1 be AMENDED:

25-6-1.1. Notwithstanding any other provision of law or court rule ruling, if the biological mother of a child is not married to the father at the time of conception or birth of the child, or at any time between conception and birth of the child, the father of an illegitimate the child shall, as a requirement of due process, have has no rights to the service of process or notice in an adoption, dependency, delinquency, or termination of parental rights proceedings proceeding, unless he the father is known and identified by the mother to the court, or unless he the

~~father, prior to the entry of a final order, in any of the three proceedings, shall have acknowledged in the proceeding, acknowledges the child as his the father's~~ own by affirmatively asserting paternity, within ~~sixty~~ fifteen days after the birth of the child, by:

- (1) ~~As outlined~~ Becoming an acknowledged father as provided in § 25-6-1; or
- (2) ~~By causing his~~ Causing the father's name to be affixed to the birth certificate as provided by § 34-25-13.2; or
- (3) ~~Otherwise by commencing a judicial proceeding claiming a parental right~~ Commencing an action for paternity pursuant to chapter 25-8.

A man who has sexual intercourse with a woman to whom the man is not married is deemed to be on notice that a child may be conceived as a result and is entitled to notice of an adoption proceeding or voluntary termination of parental rights proceeding only as provided in this chapter. It is the duty of the father to affirmatively assert and protect the father's rights and interest in the child.

The mother has the right to not identify the father or any other potential father of the child to the court or to any other person in an adoption or voluntary termination of parental rights proceeding. No inquiry may be made into the sexual history of the mother in an adoption or voluntary termination of parental rights proceeding. The mother's failure to inform the father of the mother's pregnancy is not a defense to the father's failure to timely assert paternity as provided in this chapter.

Signed March 20, 2025

Chapter 109
(House Bill 1005)

**An Act to modify the requirement for payment of a private home study by
the Department of Social Services.**

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

Section 1. That § 25-6-9.1 be AMENDED:

25-6-9.1. A person may not place a child in a home for adoption until a home study has been completed by a licensed child placement agency, as defined in § 26-6-14, the Department of Social Services, or a certified social worker eligible to engage in private independent practice, as defined in § 36-26-17. Any person who submitted home studies under this section or under § 26-4-15 prior to July 1, 1990, may continue to submit home study reports without meeting the above requirements.

A home study must include a fingerprint-based criminal record check completed by the Division of Criminal Investigation and a central registry screening completed by the ~~Department of Social Services~~ department.

A child who is in the custody of the ~~Department of Social Services~~ department may not be placed in a home for adoption until a fingerprint-based criminal record check has been completed by the Federal Bureau of Investigation, for each adopting parent.

~~The cost of a home study required under this section is the responsibility of the Department of Social Services. The department shall contribute one thousand five hundred dollars towards the cost of each home study required under this section. The necessary funding must be budgeted and expended through the general appropriations act appropriation bill, pursuant to chapter 4-7. The Department shall make rules pursuant to chapter 1-26 to establish a cap on the cost to be reimbursed.~~

Any person who violates this section is guilty of a Class 1 misdemeanor.

Signed March 27, 2025

MINORS

Chapter 110 (House Bill 1195)

An Act to revise a provision related to the termination of parental rights of a child adjudicated abused or neglected.

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

Section 1. That § 26-8A-26.1 be AMENDED:

26-8A-26.1. In addition to the provisions of § 26-8A-26, the court may find that good cause exists for termination of parental rights of a parent who:

- (1) Committed a crime defined in § 22-16-4, 22-16-7, 22-16-15, 22-16-20, 22-22-1, 22-22-24.3, 22-22A-2, 22-22A-3, 26-10-1, or subdivision 22-19-1(5), or committed conduct described ~~by any of those statutes that violated the~~ in these sections, in violation of a law or ordinance of another jurisdiction having elements similar to an offense described ~~by any of those statutes in these sections;~~
- (2) Aided or abetted, attempted, conspired, or solicited to commit a crime defined in § 22-16-4, 22-16-7, 22-16-15, or 22-16-20, ~~or the defined in~~ a law or ordinance of another jurisdiction having elements similar to an offense described ~~by any of those statutes in these sections;~~
- (3) Committed a crime defined in § 22-18-1.1, 22-22-7, or subdivision 22-23-2(2) against the child or another child of ~~such the~~ parent, or committed conduct described ~~by those in these sections that violated the~~ in violation of a law or ordinance of another jurisdiction having elements similar to the offense described ~~by those sections in these sections;~~
- (4) Has been determined by a court by clear and convincing evidence to have subjected the child or another child to torture, sexual abuse, abandonment for at least six months, chronic physical, mental, or emotional injury, or chronic neglect, if the neglect was a serious threat to the safety of the child or another child;

- (5) Is incarcerated and is unavailable to care for the child during a significant period of the child's minority, considering the child's age and the child's need for care by an adult;
- (6) Has had parental rights to another child involuntarily terminated by a prior legal proceeding;
- (7) Has a documented history of abuse and neglect associated with chronic alcohol or drug abuse;
- (8) Has exposed the child to or demonstrated an inability to protect the child from substantial harm or the risk of substantial harm, and the child or another child has been removed from the parent's custody because the removed child was adjudicated abused and neglected by a court on at least one previous occasion;
- (9) Has exposed the child to or demonstrated an inability to protect the child from substantial harm or the risk of substantial harm, the child has been removed from the parent's custody on two separate occasions, and the Department of Social Services offered or provided family services on each of the two separate occasions the child was removed;
- (10) Has exposed the child to or demonstrated an inability to protect the child from substantial harm or risk of harm resulting from a crime, act, or omission as specified in subdivision (1), (2), or (3) of this section;~~or~~
- (11) Is required to register as a sex offender pursuant to chapter 22-24B; or
- (12) Files a petition for voluntary termination of parental rights pursuant to § 25-5A-6. This subdivision only applies if:
 - (a) The court finds the voluntary termination of parental rights is in the best interest of the child; and
 - (b) Due regard is afforded to the Indian Child Welfare Act (25 U.S.C. §§ 1901-1963), if that Act is applicable.

Signed March 12, 2025

PUBLIC WELFARE AND ASSISTANCE

Chapter 111 (House Bill 1106)

An Act to require a report regarding refugee resettlement services.

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

Section 1. That a NEW SECTION be added to chapter 28-1:

Any resettlement agency that is authorized to do business in this state and provides programs, services, or other resources in support of refugee resettlement in this state shall, on or before October first of each year, provide a report to the Governor and the Legislature setting forth the following for the preceding fiscal year:

- (1) A detailed description of each program, service, or resource provided by the agency in support of refugee resettlement;
- (2) The number of resettled refugees who were provided with programs, services, or other resources in each political subdivision; and
- (3) Demographic information pertaining to the resettled refugees who were provided with programs, services, or other resources, including:
 - (a) Age;
 - (b) Country of origin;
 - (c) Education; and
 - (d) Gender.

The report must also include the number of refugees that the entity anticipates will arrive and receive resettlement services by or through the agency during the current fiscal year.

Signed March 26, 2025

HIGHWAYS AND BRIDGES

Chapter 112 (Senate Bill 39)

An Act to revise the description of highways included in the state trunk highway system.

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

Section 1. That § 31-4-136 be AMENDED:

31-4-136. The state trunk highway system includes ~~the following in Hughes and Brookings counties:~~

~~(1) From a point on U.S. Highway 14 easterly to State Highway 34, thence north via Pierre to U.S. Highway 14;~~

~~(2) From a highway in Brookings County stretching from a point on U.S. Highway 14 west of the city of Brookings, thence easterly via Brookings to U.S. Highway 14 east of Brookings.~~

Section 2. That § 31-4-246 be AMENDED:

31-4-246. The state trunk highway system includes the following in Charles Mix, Hughes, Sully, Potter, Walworth, and Campbell counties:

- (1) From a point south of State Highway 50 near the southwest corner of section nineteen, township ninety-six north, range sixty-six west, thence northerly to State Highway 50 near the southwest corner of section thirty-one, township ninety-seven north, range sixty-six west;

- (2) From a point south of State Highway 44 near the southwest corner of section thirteen, township ninety-eight north, range sixty-nine west, thence northwesterly to State Highway 44 west of Platte near the northwest corner of section twenty-two, township ninety-nine north, range sixty-nine west;
- (3) From a point on U.S. Highway 14 in Pierre in the ~~southwest~~ southeast quarter of section ~~twenty-eight~~ twenty-two, township one hundred eleven north, range seventy-nine west, thence southwesterly, thence northerly along Oahe Reservoir to U.S. Highway 212 west of Gettysburg in section twenty-nine, township one hundred eighteen north, range seventy-eight west;
- (4) From a point on U.S. Highway 212 west of Gettysburg near the southwest corner of section twenty-four, township one hundred eighteen north, range seventy-eight west, thence northerly to a point near the northwest corner of section two, township one hundred eighteen north, range seventy-eight west;
- (5) From a point south of U.S. Highway 12 near the northeast corner of section thirty-five, township one hundred twenty-three north, range seventy-eight west, thence northwesterly along Oahe Reservoir to U.S. Highway 12 east of Mobridge west of the northeast corner of section twenty-six, township one hundred twenty-four north, range seventy-nine west; and
- (6) From a point on U.S. Highway 12 in Mobridge near the southwest corner of section twenty, township one hundred twenty-four north, range seventy-nine west, thence northerly along Oahe Reservoir via Mobridge and Pollock to the North Dakota state line west of the northeast corner of section five, township one hundred twenty-eight north, range seventy-nine west.

Signed February 10, 2025

Chapter 113
(House Bill 1173)

An Act to eliminate the cap on assessment amounts for road improvements.

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

Section 1. That § 31-13-17 be AMENDED:

31-13-17. ~~At the time and place of hearing pursuant to § 31-13-16, the~~The board of supervisors shall consider the petition. ~~If the supervisors determine it advisable, the~~at the time of the hearing pursuant to § 31-13-16. The supervisors may, by resolution, assess ~~such~~the properties in the road district for ~~purposes~~the purpose of road improvement for an amount as the supervisors determine advisable. The assessment may not exceed the amount set forth in the petition ~~and in no event may the assessment exceed two dollars a foot front in any one calendar year.~~ The assessment ~~shall~~must be certified to the county and collected as a part of the real estate taxes against the property so assessed ~~and pursuant to § 31-13-52. The assessment~~ may only be used by the township for the purpose of road improvement in the road district, or part thereof, ~~in which~~ assessed.

Section 2. That § 31-13-51 be AMENDED:

31-13-51. The township board of supervisors or, ~~in the case of any~~ if a township ~~which is no longer organized~~, the board of county commissioners, prior to the assessment of real property within the township, or unorganized township, for the next fiscal year, may levy annually for the purpose of maintaining ~~or, repairing street surfaces, or repaving a street surface or non-section line road,~~ whether of a permanent type or not, a special front foot assessment ~~not to exceed two dollars~~ per front foot upon the real property fronting and abutting the roadway. ~~Such~~ The assessment shall be apportioned must be:

- (1) Apportioned on a front foot basis;
- (2) In an amount set by the board of supervisors, or the board of commissioners if the township is no longer organized, at the annual meeting of the township; and shall be levied
- (3) Levied pursuant to § 31-13-52.

If the board of county commissioners is levying a special assessment on real property pursuant to this section, the board of county commissioners ~~shall~~ must perform the duties, as applicable, that are required of the township board of supervisors pursuant to §§ 31-13-32 to 31-13-54, inclusive.

Signed March 5, 2025

MOTOR VEHICLES

Chapter 114
(Senate Bill 45)

An Act to impose a motor vehicle technology fee.

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

Section 1. That a NEW SECTION be added to chapter 32-1:

There is imposed an additional, nonrefundable motor vehicle technology fee on any transaction performed pursuant to chapters 32-3, 32-3A, 32-5, 32-9, and 32-10, which is subject to an existing fee. The additional fee is two dollars per transaction.

Fees collected under this section must be deposited into the motor vehicle fund.

Signed March 26, 2025

Chapter 115
(Senate Bill 135)

An Act to exempt a motor vehicle insurer from a certain title fee.

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

Section 1. That § 32-3-18.2 be AMENDED:

32-3-18.2. Any owner who chooses to title a motor vehicle, off-road vehicle, or snowmobile in South Dakota, but who does not have a South Dakota-issued driver license or identification card, or a physical address in South Dakota, shall pay a one-hundred-dollar fee in addition to the title application fee imposed by § 32-3-18. For the purposes of this section, a physical address does not include a post office mailbox or a mail forwarding address. The additional fee does not apply to title correction transactions ~~or~~, duplicate title transactions, to an insurer taking title to a vehicle pursuant to the payment of a covered loss, a manufacturer taking title due to a manufacturer buy back, or a lienholder taking title due to a repossession.

Half of the fee must be deposited into the state motor vehicle fund and half must be deposited into the county general fund.

Signed March 12, 2025

Chapter 116
(House Bill 1129)

An Act to provide for the transfer of motor vehicles and boats upon death.

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

Section 1. That chapter 32-3 be amended with a NEW SECTION:

Any person who owns a motor vehicle, off-road vehicle, snowmobile, or boat as defined in § 32-3A-2, may submit to the department an application to provide for the transfer of the property upon the person's death or the death of the last survivor of a joint tenancy with the right of survivorship by designating on the certificate of title a beneficiary to whom the property will be transferred on the death of the owner or the last survivor.

A trust may be the beneficiary of a transfer on death certificate of title. The certificate of title must include the name of the owner, the name of any joint tenant with the right of survivorship, and the designated beneficiary of the transfer on death.

A beneficiary may be designated on the certificate of title only if all owners of the property provide written approval on the application submitted under this section.

Section 2. That a NEW SECTION be added to chapter 32-3:

Upon the death of the owner of property with a certificate of title containing a designation of beneficiary, or upon the death of the last survivor of a

joint tenancy with the right of survivorship, the designated beneficiary may submit to the department an affidavit verifying the death of the owner or the death of the last survivor of a joint tenancy with the right of survivorship.

Upon verifying an affidavit received from a designated beneficiary, the department shall issue a certificate of title reflecting the transfer of ownership of the property.

Section 3. That chapter 32-3 be amended with a NEW SECTION:

A designated beneficiary of the transfer on death has no interest in the property until the death of the owner or the last survivor of the joint tenancy with the right of survivorship.

An owner or joint tenant with the right of survivorship may change a designation of beneficiary without the consent of any beneficiary by applying for a subsequent certificate of title, pursuant to section 1 of this Act.

Section 4. That a NEW SECTION be added to chapter 32-3:

An owner of property may not designate a beneficiary, pursuant to section 1 of this Act, if the property is subject to any lien or other encumbrance.

The department may not issue a certificate of title reflecting the transfer of ownership, pursuant to section 2 of this Act, if the property is subject to any lien or other encumbrance.

Section 5. That chapter 32-3 be amended with a NEW SECTION:

Ownership of a motor vehicle, off-road vehicle, snowmobile, or boat as defined in § 32-3-2, with a certificate of title that has a beneficiary designation, pursuant to section 1 of this Act, and on which an application for a subsequent certificate of title has not been filed, vests in the designated beneficiary upon the death of the owner or the last survivor of the joint tenancy with the right of survivorship, if the property is not subject to any lien or other encumbrance.

Signed March 11, 2025

Chapter 117
(Senate Bill 46)

An Act to specify the funds into which certain boat fees are deposited.

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

Section 1. That § 32-3A-4 be AMENDED:

32-3A-4. A boat requiring numbering by this state ~~shall~~ must be registered with the department. ~~The An~~ An application ~~shall~~ for registration must be accompanied by a fee to be set by rules promulgated by the Game, Fish and Parks Commission pursuant to chapter 1-26. The new owner of the boat ~~shall~~ must present ~~a to the county treasurer in the county of the owner's residence or, if the new owner is a nonresident, to any county treasurer:~~

(1) A manufacturer's statement of origin or assigned certificate of title if a title has been previously issued for the large boat, or if no title is required, the ownership document issued by that jurisdiction; ~~a~~

- (2) A bill of sale containing a complete description of the large boat; the
- (3) The purchaser's name and address; the
- (4) The previous owner's name and address; the
- (5) The full purchase price as defined by this chapter and how computed; the
- (6) The trade-in allowance and description of the trade, if any; and any
- (7) Any other relevant information the department may require to the county treasurer in the county of the owner's residence or if the new owner is a nonresident to any county treasurer.

All fees collected pursuant to this section must be deposited into the parks and recreation fund.

If a person intentionally falsifies information on the certificate, the person is guilty of a Class 6 felony.

Section 2. That § 32-3A-12 be AMENDED:

32-3A-12. If one of the validation decals or the registration is lost, or if the information for the validation decal or registration has changed and the owner needs to update the validation decal or registration, the owner of a boat numbered under this chapter shall must apply for replacement of the lost validation decal or registration. The fee for replacement of the registration is two dollars and the fee for a replacement set of validation decals is two dollars. Application for the duplicates shall replacement must be made to, and fees paid to, the county treasurer's office treasurer in the county of the boat owner's county of residence or, if the owner is a nonresident, to any county treasurer.

All fees collected pursuant to this section must be deposited in the state motor vehicle fund.

Section 3. That § 32-3A-60 be AMENDED:

32-3A-60. All Unless otherwise provided by the provisions of this chapter, all revenues received pursuant to this chapter shall be deposited in the state general fund.

Signed March 11, 2025

Chapter 118
(House Bill 1125)

An Act to create a share the road bicyclist safety emblem for use on an emblem specialty plate.

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

Section 1. That § 32-5-167 be AMENDED:

32-5-167. Any owner of a motor vehicle may apply for an emblem specialty plate if the owner meets the requirements of §§ 32-5-168 to 32-5-178. The available ~~emblem specialty plates~~ plate emblems are as follows:

- (1) Organization;

- (2) First responder; ~~or~~
- (3) Organ donor; and
- (4) Share the road bicyclist safety.

Signed February 25, 2025

Chapter 119
(Senate Bill 179)

An Act to modify requirements for off-road vehicle dealers at special events.

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

Section 1. That § 32-6B-88 be AMENDED:

32-6B-88. ~~Notwithstanding any other provisions of this chapter, an off-road vehicle dealer is not required to purchase a permit or license to attend any two-day temporary special event location in the county or adjoining the county the dealer is located in. Any fees or taxes imposed by this title do not apply to any off-road vehicle dealer attending any two-day temporary special event location pursuant to this section.~~ a vehicle dealer licensed under this chapter may apply to the department for a special permit to sell or offer to sell an off-road vehicle at an event located outside the county where the dealer's principal place of business is located, if:

- (1) The event does not exceed seven days;
- (2) The dealer has a franchise for the off-road vehicle; and
- (3) No dealer in the county where the event is located has a franchise for the same make of the off-road vehicle.

The dealer shall apply for the permit on a form provided by the department. The dealer shall submit the application to the department at least twenty days before the event. If the application satisfies the requirements of this section, the department shall issue a special permit to the dealer. The dealer is not required to pay a fee for the permit.

The dealer shall prominently display the permit during the event.

Signed March 12, 2025

Chapter 120
(Senate Bill 3)

An Act to increase driver license fees.

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

Section 1. That § 32-12-16 be AMENDED:

32-12-16. The application fee for an original driver license or a renewal

of a driver license is ~~twenty-eight~~ thirty-eight dollars. The fee for a duplicate license, a name change, or an address change is ~~fifteen~~ twenty dollars. The fee ~~shall~~ must be credited to the state motor vehicle fund.

Five dollars of every fee for an original or renewal license collected pursuant to this section ~~shall~~ must be used to administer the Division of Highway Patrol.

Section 2. That § 32-12-47.1 be AMENDED:

32-12-47.1. Any ~~person~~ individual whose license or privilege to drive a motor vehicle on public highways has been revoked, suspended, or disqualified may not have the license or privilege renewed or restored unless the period of revocation, suspension, or disqualification has expired. The period ~~of revocation, suspension, or disqualification shall begin~~ begins on the date ordered by the court, on the date specified in the notice from the department, or on the date the suspension order is effective for failure to comply with a citation, whichever date is earlier. At the expiration of the period of revocation, suspension, or disqualification, ~~a person may make application~~ an individual may apply for license reinstatement ~~as provided by law and shall pay a license fee of fifty dollars plus application fees pursuant to § 32-12-16; a license fee of seventy-five dollars plus application fees pursuant to § 32-12-16 if revocation of the license was a result of a conviction for a violation of § 32-23-2; a license fee of one hundred dollars plus application fees pursuant to § 32-12-16 if revocation of the license was a result of a conviction for a violation of § 32-33-18, or a second or subsequent conviction for a violation of § 32-24-1 within a period of one year; a license fee of one hundred twenty-five dollars plus application fees pursuant to § 32-12-16 if revocation of the license was a result of a conviction for a violation of § 32-23-3; a license fee of one hundred seventy-five dollars plus application fees pursuant to § 32-12-16 if revocation of the license was a result of a conviction for a violation of § 32-23-4, 32-23-4.6, or 32-23-4.7; or a license fee of two hundred dollars plus application fees pursuant to § 32-12-16 if revocation of the license was the result of a conviction for a violation of § 22-16-41 or 22-18-36. A person making application following a revocation shall fulfill all knowledge examination requirements of a new applicant by:~~

- (1) Paying the following, applicable licensing fee, in addition to an application fee pursuant to § 32-12-16:
 - (a) If revocation of the license was a result of a conviction for a violation of § 32-23-2, one hundred dollars;
 - (b) If revocation of the license was a result of a conviction for a violation of § 32-33-18, or a second or subsequent conviction for a violation of § 32-24-1 within one year, one hundred twenty-five dollars;
 - (c) If revocation of the license was a result of a conviction for a violation of § 32-23-3, one hundred fifty dollars;
 - (d) If revocation of the license was a result of a conviction for a violation of § 32-23-4, 32-23-4.6, or 32-23-4.7, two hundred dollars;
 - (e) If revocation of the license was the result of a conviction for a violation of § 22-16-41 or 22-18-36, two hundred twenty-five dollars; and
 - (f) If none of the preceding subdivisions apply, seventy-five dollars; and

- (2) Fulfilling a knowledge examination requirement of a new applicant for a revocation listed in subsections (a) to (e), inclusive.

~~A person~~An individual who had a restricted minor's permit, motorcycle restricted minor's permit, instruction permit, or motorcycle instruction permit, or privilege to apply for a permit or license suspended pursuant to § 32-12-15 ~~need not~~ is not required to pay the fee prior to reinstatement of the ~~license permit,~~ unless the suspension is for a conviction of a moving traffic offense assessed six or more points ~~by pursuant to~~ § 32-12-49.1.

Section 3. That § 32-12-48 be AMENDED:

32-12-48. If a defendant is convicted under § 32-23-2, 32-23-3, 32-23-4, 32-23-4.6, ~~or 32-23-4.7, or 32-23-4.9,~~ the period of revocation ~~shall begin~~ begins on the date ordered by the court or on the date specified in the notice from the department, whichever date is earlier. At the conclusion of the period of revocation ordered by the court, and if future proof is filed with the Department of Public Safety as required by chapter 32-35, the defendant may submit an application to reinstate the defendant's driver license, accompanied by ~~a fee of seventy five dollars if revocation of the license was for a conviction under § 32-23-2, one hundred twenty five dollars if revocation of the license was for a conviction under § 32-23-3, or one hundred seventy five dollars if revocation of the license was for a conviction under § 32-23-4, 32-23-4.6, or 32-23-4.7~~ the following applicable fee:

- (1) If revocation of the license was a result of a conviction under § 32-23-2, one hundred dollars;
- (2) If revocation of the license was a result of a conviction under § 32-23-3, one hundred fifty dollars; and
- (3) If revocation of the license was a result of a conviction under § 32-23-4, 32-23-4.6, or 32-23-4.7, two hundred dollars.

The department may issue a driver license to the defendant, if, after an investigation of the character, habits, and driving ability of the defendant, the department is satisfied it is safe to grant the privilege of driving a motor vehicle to the defendant. A driver license issued under the provisions of this section ~~shall~~ must show the restrictions, if any, imposed by the court and the date when the restrictions ~~are to cease~~ expire.

Section 4. That § 32-12-61.1 be AMENDED:

32-12-61.1. The Department of Public Safety shall furnish to any authorized ~~person~~ individual, upon request, a problem driver point system abstract. The request ~~shall~~ must indicate all adverse driver license actions maintained by a jurisdiction and ~~shall~~ must be released according to 23 C.F.R. ~~Parts 1325 and § 1327 in effect~~ (January 1, 1995). The department shall collect ~~four~~ seven dollars for each inquiry. The fee ~~shall~~ must be credited to the state motor vehicle fund. Any governmental entity or subdivision is exempt from this fee.

Section 5. That § 32-12A-15 be AMENDED:

32-12A-15. The application fee for a commercial driver license is ~~thirty-three~~ forty-three dollars. For each commercial driver license endorsement knowledge test administered, the fee is ~~fifteen~~ twenty dollars. The fee for a duplicate license, a name change, or an address change is ~~fifteen~~ twenty dollars.

~~The fee shall~~ Any fee that is collected must be credited to the state motor vehicle fund.

Section 6. That § 32-12A-63 be AMENDED:

32-12A-63. The department shall furnish to any person, upon request, a certified abstract of the operating record for the ~~last previous~~ three years of any ~~person individual~~ subject to the provisions of chapter 32-35. The abstract ~~shall include enumeration of~~ must list any motor vehicle accident in which the ~~person individual~~ individual has been involved, the ~~person's individual's~~ individual's medical certification status, and ~~reference to any conviction of the person individual for a violation of any motor vehicle law as reported to the department.~~ reference to any conviction of the person individual for a violation of any motor vehicle law as reported to the department. The department shall collect ~~five~~ seven dollars for each abstract. The fee ~~shall must~~ must be credited to the state motor vehicle fund. No governmental entity or subdivision is subject to this fee.

The department shall furnish, upon request and a payment of a fee of ~~five~~ seven dollars, full information regarding the driver record for the ~~last previous~~ three years of ~~a person an individual~~ who has been issued a commercial learner's permit or commercial driver license, to an employer or to a prospective employer, if the ~~person individual~~ individual has given written consent to the employer or prospective employer to obtain this information. The department shall furnish this same information regarding the driver record to the driver upon the payment of a fee of ~~five~~ seven dollars. The information ~~shall must~~ must include the ~~person's individual's~~ individual's medical certification status, any disqualification, and any other licensing action for a violation of any state or local law relating to motor vehicle traffic control, other than a parking violation committed in any type of vehicle. The fee ~~shall must~~ must be credited to the state motor vehicle fund. No governmental entity or subdivision is subject to this fee.

Signed March 26, 2025

Chapter 121
(Senate Bill 75)

An Act to require an indication of United States citizenship status on a motor vehicle operator's license or permit, and on a nondriver identification card.

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

Section 1. That § 32-12-17.10 be AMENDED:

32-12-17.10. An operator's license, motorcycle operator's license, restricted minor's permit, motorcycle restricted minor's permit, instruction permit, and motorcycle instruction permit ~~shall must~~ must bear ~~a~~ the:

- (1) A distinguishing number assigned to the licensee, ~~the~~;
- (2) The full legal name or any name lawfully taken,;
- (3) The holder's date of birth,;
- (4) The holder's gender, ~~sex~~;
- (5) The holder's principal residence address, ~~an~~;
- (6) An indication if the licensee is a donor pursuant to chapter 34-26, ~~an~~;

- (7) An indication if the licensee has a living will pursuant to chapter 34-12D or a durable power of attorney for health care pursuant to chapter 59-7; ~~an;~~
- (8) An indication if the licensee is a veteran pursuant to the provisions of § 32-12-17.15; ~~a;~~
- (9) A full facial digital photograph; ~~a;~~
- (10) A brief description of the licensee; ~~the;~~
- (11) The licensee's signature; ~~security;~~
- (12) Security features designed to deter forgery and counterfeiting, to promote an adequate level of confidence in the authenticity of the cards, and to facilitate detection of fraudulent cards; ~~the;~~
- (13) The issue date of the license; ~~the;~~
- (14) The expiration date of the license; ~~an;~~
- (15) An indication that the license is temporary or for a limited term if the holder has temporary lawful status in the United States; ~~the;~~
- (16) An indication if the holder is a United States citizen;
- (17) The name of this state; ~~and a~~
- (18) A security marking approved by the United States Department of Homeland Security reflecting the level of compliance with 6 C.F.R. Part 37 ~~as amended through (January 1, 2015. The department shall indicate upon each license); and~~
- (19) An indication of the general class of vehicles that the licensee may drive.

The back of the license ~~shall~~ must contain a barcode. The department shall include in the barcode the name of this state, the information printed on the license, the card design revision date indicating the most recent change or modification to the visible format of the card, and an indicator if the license is temporary or limited term. No barcode, or other means by which information may be retrieved electronically, may contain the licensee's social security number.

Section 2. That § 32-12-17.2 be AMENDED:

32-12-17.2. The Department of Public Safety may issue upon application a nondriver identification card, similar in form but distinguishable in color from a driver license, to any resident of this state. Each applicant for a nondriver identification card shall, as part of the application, present to the department a certified copy of a certificate of birth or another form of evidence of date of birth and identity as allowed by § 32-12-3.1.

Except as provided in § 32-12-17.16, the fees for a nondriver identification card are the same as prescribed for a driver license in § 32-12-16. Each nondriver identification card expires on the holder's birthday in the fifth year following the issuance of the nondriver identification card, or on the date of expiration of the applicant's authorized stay in the United States as determined by the systematic alien verification for entitlements system or alternate method approved by the United States Department of Homeland Security or, if there is no expiration date, for a period no longer than one year from date of issuance, whichever occurs first. Each nondriver identification card is renewable one hundred eighty days before its expiration upon application and payment of the required fee. Any nondriver identification card renewed before its expiration expires five years after the holder's ensuing birthday, or on the date of expiration of the applicant's

authorized stay in the United States as determined by the systematic alien verification for entitlements system or alternate method approved by the United States Department of Homeland Security or, if there is no expiration date, for a period no longer than one year from date of issuance, whichever occurs first.

The nondriver identification card must bear an indication if the holder ~~has~~:

- (1) Has a living will pursuant to chapter 34-12D or a durable power of attorney for health care pursuant to chapter 59-7 and an indication if the holder is;
- (2) Is a veteran pursuant to the provisions of § 32-12-17.15; and
- (3) Is a United States citizen.

Any nondriver identification card renewed during the thirty-day period following the date of expiration expires five years from the holder's previous birthday, or on the date of expiration of the applicant's authorized stay in the United States as determined by the systematic alien verification for entitlements system or alternate method approved by the United States Department of Homeland Security or, if there is no expiration date, for a period no longer than one year from date of issuance, whichever occurs first.

Signed March 25, 2025

Chapter 122

(House Bill 1075)

An Act to modify the persons eligible to sign an affidavit for proof of homelessness for purposes of waiving the fee for a nondriver identification card.

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

Section 1. That § 32-12-17.16 be AMENDED:

32-12-17.16. The Department of Public Safety shall waive the fee ~~one time~~ one time for an original nondriver identification card or a duplicate nondriver identification card if the applicant is homeless.

In order for the fee to be waived, the applicant must submit, with the application, an affidavit ~~from~~ signed by a homeless services provider attesting that the applicant is homeless. ~~The affidavit must be signed by an employee of the homeless service provider.~~

For the purposes of this section, the term "homeless" means an individual who:

- (1) Lacks a fixed, regular, and adequate nighttime residence;
- (2) Has a primary nighttime residence that is a place not ordinarily used as a regular sleeping accommodation for human beings; or
- (3) Is living in a homeless shelter.

For ~~the~~ purposes of this section, "homeless services provider" means an official or employee of any government or nonprofit agency that provides a food bank, homeless shelter, housing assistance program, or homeless outreach or advocacy program, or any similar program; a homeless liaison designated by a

school district, as described by 42 U.S.C. § 11432 (January 1, 2025); a school counselor, certified by the Department of Education; a school nurse, licensed in accordance with chapter 36-9; or a social worker, licensed in accordance with chapter 36-26.

Signed February 25, 2025

Chapter 123
(House Bill 1160)

An Act to waive the driver license renewal period for members of the military and their families, and employees of the state department.

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

Section 1. That § 32-12-42 be AMENDED:

32-12-42. ~~Each~~ An operator's license, motorcycle operator's license, restricted minor's permit, or motorcycle restricted minor's permit expires on the licensee's birthday in the fifth year following the issuance of the license, or on the date of expiration of the applicant's authorized stay in the United States, as determined by the systematic alien verification for entitlements system or an alternate method approved by the United States Department of Homeland Security or, if there is no expiration date, for a period no longer than one year from the date of issuance, whichever occurs first.

~~Each~~ Except as provided in section 2 of this Act, an operator's license, motorcycle operator's license, restricted minor's permit, or motorcycle restricted minor's permit is renewable one hundred eighty days before its expiration, upon application and payment of the required fee.

~~Any~~ A license renewed before its expiration expires five years after the licensee's ensuing birthday, or on the date of expiration of the applicant's authorized stay in the United States, as determined by the systematic alien verification for entitlements system or an alternate method approved by the United States Department of Homeland Security or, if there is no expiration date, for a period no longer than one year from date of issuance, whichever occurs first.

~~However, the~~ The department ~~shall~~ must waive the knowledge and driving tests for renewal, if the licensee applies and makes payment of the required fee within thirty days following the expiration date. If the licensee applies and makes payment of the required fee thirty-one or more days after the expiration date of the license, the licensee ~~shall~~ must take the knowledge test as required by § 32-12-4.

~~Any~~ A license renewed during the thirty-day period following the date of expiration expires five years from the licensee's previous birthday, or on the date of expiration of the applicant's authorized stay in the United States, as determined by the systematic alien verification for entitlements system or an alternate method approved by the United States Department of Homeland Security or, if there is no expiration date, for a period no longer than one year from date of issuance, whichever occurs first.

Section 2. That a NEW SECTION be added to chapter 32-12:

A valid operator's license, motorcycle operator's license, restricted minor's

permit, motorcycle restricted minor's permit, instruction permit, or motorcycle instruction permit is not subject to the one hundred eighty-day renewable period in § 32-12-42 and may be renewed at any time regardless of the expiration date, if held by:

- (1) An active-duty member of the armed forces of the United States, as defined in § 33-1-1;
- (2) An employee of the United States Department of State serving outside of the United States; or
- (3) A spouse or a dependent of an active-duty member of the armed forces of the United States.

Signed March 3, 2025

Chapter 124
(Senate Bill 193)

An Act to allow an applicant to have an interpreter present during the driving portion of a driver license exam.

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

Section 1. That § 32-12-126 be AMENDED:

32-12-126. For noncommercial driver licenses and permits, the Department of Public Safety shall:

- (1) Provide the applications in Spanish and English;
- (2) Provide the examination materials in Spanish and English; and
- (3) Allow an applicant to take the written knowledge test in Spanish or English.

Any instructions given to the applicant during the driving test must be administered in English. An applicant who is a native speaker of any language other than English may bring an interpreter along during the driving test, provided the interpreter is approved by the department and the applicant is solely responsible for recruiting the interpreter and paying the interpreter's fees.

Signed March 12, 2025

Chapter 125
(Senate Bill 73)

An Act to require that an individual registering as a voter when applying for a driver license be a resident of this state for the purposes of voting.

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

Section 1. That a NEW SECTION be added to chapter 32-12:

An individual who registers as a voter when applying for a South Dakota driver license must be a resident of this state, as defined in § 12-1-4.

Nothing prohibits an individual who does not meet the definition of a resident in § 12-1-4 from applying for a South Dakota driver license without applying to register as a voter.

Signed March 25, 2025

Chapter 126
(Senate Bill 2)

An Act to increase civil penalties for commercial driver violations.

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

Section 1. That § 32-12A-5.1 be AMENDED:

32-12A-5.1. The state's attorney for the county in which a violation of subdivision 32-12A-5(4) occurs shall commence a civil in rem proceeding of not more than ~~nineteen thousand three hundred eighty nine~~ twenty thousand five hundred and thirty-seven dollars against the employer.

Section 2. That § 32-12A-56 be AMENDED:

32-12A-56. In addition to disqualification, a driver who is convicted of violating an out-of-service order pursuant to § 32-12A-8.1 is subject to a civil penalty of not less than ~~three thousand seven hundred forty three thousand nine hundred and sixty-one~~ dollars for a first conviction and not less than ~~seven thousand four hundred eighty-one~~ seven thousand nine hundred and twenty-four dollars for a second or subsequent conviction.

Section 3. That § 32-12A-57 be AMENDED:

32-12A-57. The state's attorney for the county in which the violation of subdivision 32-12A-5(3) occurs shall commence a civil in rem proceeding of not less than ~~six thousand seven hundred fifty five~~ seven thousand one hundred and fifty-five dollars ~~not and not~~ more than ~~thirty seven thousand four hundred thirty-nine thousand six hundred and fifteen~~ dollars against the employer.

Signed February 10, 2025

Chapter 127
(House Bill 1161)

An Act to allow additional forms to verify military service for a veteran designation on a commercial driver license or commercial learner's permit.

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

Section 1. That § 32-12A-20.2 be AMENDED:

32-12A-20.2. A designation that the licensee is a veteran ~~shall~~ must be indicated on ~~the a commercial driver license or a commercial learner's permit~~ issued pursuant to this chapter if the licensee or permit holder:

- (1) ~~Is an honorably discharged veteran having served in the armed forces of the United States~~ Is a veteran as defined in § 33A-1-1;
- (2) Has requested the designation on the license or permit; and
- (3) Has provided proof of the veteran's military service and honorable discharge by ~~either submitting the U.S. military Form DD-214, DD Form 2 (Retired), DD Form 2A (Reserve Retired), or a certificate signed by a county veterans service officer on a form prescribed by the South Dakota Department of Veterans Affairs~~ submitting to the department:
 - (a) A certificate signed by a county veterans service officer on a form prescribed by the Department of Veterans Affairs;
 - (b) National Guard Form NGB-22;
 - (c) A Uniformed Services Identification card;
 - (d) United States military Form DD-2;
 - (e) United States military Form DD-2A; or
 - (f) United States military Form DD-214.

Signed March 28, 2025

Chapter 128
(Senate Bill 77)

An Act to update terminology related to ambulance operators.

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

Section 1. That § 32-17-42 be AMENDED:

32-17-42. ~~Any~~ A motor vehicle ~~authorized~~ may be equipped with blue lights if it is:

- (1) Authorized by the Department of Transportation, ~~or~~;
- (2) A tow truck or wrecker as defined in § 32-17-10, ~~or a vehicle operated~~
- (3) Operated by ~~a:~~
 - (a) A member of an organized a fire department or organized search and rescue unit ~~or by a person who is an;~~ or
 - (b) An ambulance driver, attendant, or emergency medical technician affiliated with a licensed ambulance service may be equipped with blue lights operator certified in accordance with chapter 36-4B.

This provision does not relieve the driver of the vehicle from the duty to drive with due regard for the safety of all persons using the street, nor does it protect the driver from the consequence of a reckless disregard ~~of~~ for the safety of others.

No person may use a blue light unless the person is authorized by this chapter and is operating a Department of Transportation vehicle or a county highway vehicle in performance of winter highway maintenance duties, or the person is actually en route to the scene of a fire or other emergency requiring the person's services and the person has been authorized in writing to ~~so~~ use a blue light. Authorization for use of a blue light in accordance with this chapter may be given by the Department of Transportation, the highway patrol, a county highway superintendent, the chief of a fire department, the coordinator of a search and rescue unit, ~~or operator or ambulance service~~ the director of an ambulance service, and only to members of the department or service who are in good standing.

The use of a blue light in violation of this section is a Class 2 misdemeanor.

Section 2. That § 32-31-4 be AMENDED:

32-31-4. The speed ~~limit~~ limits set-out forth in §§ 32-25-1.1 to 32-25-17, inclusive, ~~does do~~ not apply to any authorized emergency vehicle responding to an emergency call if the driver sounds an audible siren or air horn, or both, or displays flashing, oscillating, or rotating beams of red light, or combinations of red, blue, or white light, visible one hundred eighty degrees to the front of the vehicle. The lights must be capable of warning the public of the presence of an emergency vehicle under normal atmospheric conditions.

The speed ~~limit~~ limits set-out forth in §§ 32-25-1.1 to 32-25-17, inclusive, ~~does do~~ not apply to authorized emergency vehicles operated by law enforcement officers who are measuring the speed of other vehicles by use of the emergency vehicle speedometer.

An ambulance ~~driver who is operator~~ certified pursuant to chapter 36-4B may operate an ambulance in excess of the speed limit without audible signals while operating outside the city limits of a municipality.

Section 3. That § 34-11-12 be AMENDED:

34-11-12. Each ambulance run must include:

- (1) One emergency medical technician or one advanced life support personnel, licensed pursuant to chapter 36-4B; and
- (2) One ~~driver~~ ambulance operator certified in accordance with chapter 36-4B.

Section 4. That § 34-20A-100 be AMENDED:

34-20A-100. For the purposes of §§ 34-20A-98 to 34-20A-103, inclusive, ~~the term, "first responder," includes~~ means:

- (1) A law enforcement officer as defined by ~~subdivision 22-1-2(22)~~ § 22-1-2;
- (2) ~~A driver and attendant~~ An individual responding to an emergency call as part of an ambulance service licensed pursuant to chapter 34-11; ~~and or~~
- (3) A firefighter.

Section 5. That § 36-4B-1 be AMENDED:

36-4B-1. Terms used in this chapter mean:

- (1) "Advanced life support," a level of emergency care consisting of basic life support procedures and definitive therapy;
- (2) "Advanced life support personnel," a person licensed by the board as:
 - (a) An emergency medical technician-intermediate/85;

- (b) An emergency medical technician-intermediate/99;
 - (c) An advanced emergency medical technician; or
 - (d) A paramedic;
- (3) "Basic life support personnel," a person:
 - (a) Certified by the board as an ambulance ~~driver~~ operator;
 - (b) Licensed by the board as an emergency medical responder; or
 - (c) Licensed by the board as an emergency medical technician;
- (4) "Board," the State Board of Medical and Osteopathic Examiners;
- (5) "Direct control," real-time communications during an ambulance run between emergency medical services personnel and a physician, physician assistant, or nurse practitioner, licensed in this state;
- (6) "Emergency medical services," health care provided to a patient by emergency medical services personnel;
- (7) "Emergency medical services personnel," a person licensed by the board as:
 - (a) An emergency medical responder;
 - (b) An emergency medical technician;
 - (c) An emergency medical technician-intermediate/85;
 - (d) An emergency medical technician-intermediate/99;
 - (e) An advanced emergency medical technician; or
 - (f) A paramedic; and
- (8) "Indirect control," the establishment and implementation of guidelines, policies, and protocols approved by a physician, physician assistant, or nurse practitioner, licensed in this state.

Section 6. That § 36-4B-35 be AMENDED:

36-4B-35. The board shall promulgate rules, pursuant to chapter 1-26, to:

- (1) Provide for an application form and process for the licensure of emergency medical services personnel and the certification of ambulance ~~drivers~~ operators;
- (2) Set forth criteria for educational and training program approval, including instructor qualifications, student acceptance, and clinical requirements;
- (3) Establish the educational and training requirements, and the National Registry of Emergency Medical Technicians requirements, for applicants seeking licensure as emergency medical services personnel;
- (4) Provide for the renewal of ambulance ~~driver~~ operator certification and continuing education requirements;
- (5) Establish procedures for the administration of the emergency medical services personnel program;
- (6) Regulate the professional conduct of emergency medical services personnel and ambulance ~~drivers~~ operators;

- (7) Establish the educational and training requirements, and conditions for issuance of a critical care endorsement, as provided for in § 36-4B-18.1;
- (8) Establish the:
 - (a) Educational and training requirements and conditions for issuance of a community paramedic endorsement; and
 - (b) Practice protocols and supervisory requirements for a person with a community paramedic endorsement; and
- (9) Establish the allowable skills and techniques performed by emergency medical services personnel under direct and indirect control.

Section 7. That § 36-4B-41 be AMENDED:

36-4B-41. The board may issue a certification as an ambulance~~driver~~
~~operator~~ to a person who:

- (1) Completes an emergency care course approved by the board; and
- (2) Applies on a form prescribed by the board.

Signed March 12, 2025

Chapter 129
(Senate Bill 116)

**An Act to revise and repeal provisions related to street racing prohibitions
and to provide a penalty therefor.**

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

Section 1. That a NEW SECTION be added to chapter 32-24:

For the purposes of sections 2 to 7 of this Act, the following terms mean:

- (1) "Burnout," a maneuver performed while operating a motor vehicle whereby the motor vehicle is kept stationary, or is in motion, while the wheels are spun, resulting in friction that causes the motor vehicle's tires to heat up and emit smoke;
- (2) "Doughnut," a maneuver performed while operating a motor vehicle whereby the front or rear of the motor vehicle is rotated around the opposite set of wheels in a continuous motion that may cause one or both of the following:
 - (a) A circular skid-mark pattern of rubber on the driving surface; or
 - (b) The tires to heat up and emit smoke from friction;
- (3) "Drag race," the operation of two or more vehicles, from a point, side by side, at accelerating speeds, in a competitive attempt to outdistance each other, or the operation of one or more motor vehicles over a common selected course, from the same point to the same point, for the purpose of comparing the relative speeds or power of acceleration of the motor vehicles within a certain distance or time limit;

- (4) "Drifting," a maneuver performed while operating a motor vehicle whereby the motor vehicle is steered so that it makes a controlled skid sideways through a turn with the front wheels pointed in a direction opposite to that of the turn;
- (5) "Race," the use of one or more vehicles in an attempt to:
 - (a) Outgain, outdistance, or prevent another vehicle from passing; or
 - (b) Arrive at a given destination ahead of another vehicle;
- (6) "Street takeover," the taking over of a portion of a public highway, roadway, or parking lot by blocking or impeding the regular flow of traffic to perform a race, drag race, or stunt driving;
- (7) "Stunt driving," to perform or engage in a burnout, doughnut, drifting, wheelie, or other dangerous motor vehicle activity on a public highway, roadway, or parking lot; and
- (8) "Wheelie" a maneuver performed while operating a motor vehicle whereby a motor vehicle is ridden for a distance with the front wheel or wheels raised off the ground.

Section 2. That a NEW SECTION be added to chapter 32-24:

It is a Class 2 misdemeanor for any person to:

- (1) Drive any motor vehicle on a public highway in a race, speed competition or contest, acceleration race or contest, or exhibition of speed or acceleration, or to make a speed record; or
- (2) Participate in any manner in any race, competition, contest, or exhibition prohibited by subdivision (1).

Upon conviction under this section, the sentencing court may revoke the defendant's driver license or privilege to drive for a period of time not to exceed thirty days. The court may issue an order, upon proof of financial responsibility pursuant to § 32-35-43.1, permitting the defendant to operate a motor vehicle for purposes of employment, attendance at school, or attendance at a counseling program.

Section 3. That a NEW SECTION be added to chapter 32-24:

It is a Class 1 misdemeanor for any person to:

- (1) Drive any vehicle on a public highway in a race, speed competition or contest, acceleration race or contest, or exhibition of speed or acceleration, or to make a speed record, if the conduct is organized or occurs as a result of a competitive response to conduct on the part of one or more drivers that, under the totality of the circumstances, can reasonably be interpreted as a challenge to a race; or
- (2) Participate in any manner in any race, competition, contest, or exhibition prohibited by subdivision (1).

Upon conviction under this section, the court must revoke the defendant's driver license for a period of eighteen months. The court may issue an order, upon proof of financial responsibility pursuant to § 32-25-43.1, permitting the defendant to operate a motor vehicle for purposes of employment, attendance at school, or attendance at a counseling program.

Section 4. That a NEW SECTION be added to chapter 32-24:

It is a Class 6 felony for any person to coordinate or facilitate, or collect money incident to any of the following involving the operation of a motor vehicle on a public highway:

- (1) A race;
- (2) A drag race;
- (3) An organized race prohibited by section 3 of this Act;
- (4) A speed competition or contest;
- (5) An acceleration race or contest;
- (6) An exhibition of speed or acceleration;
- (7) An exhibition of stunt driving; or
- (8) A street takeover.

Section 5. That a NEW SECTION be added to chapter 32-24:

If the driver of a motor vehicle used in violation of section 2 or 3 of this Act is unknown, the vehicle is subject to a civil penalty of one thousand dollars.

Section 6. That a NEW SECTION be added to chapter 32-24:

The state's attorney for the county in which a violation of section 2 or 3 of this Act occurs may commence a civil in rem proceeding against the vehicle used in conjunction with the violation. If it is established by a preponderance of the evidence that the charged vehicle was used in violation of section 2 or 3 of this Act, a civil penalty of one thousand dollars must be assessed against the vehicle, which shall constitute a lien on the vehicle until the penalty is satisfied.

Section 7. That a NEW SECTION be added to chapter 32-24:

The lien imposed under sections 5 and 6 of this Act does not apply to a vehicle that, at the time of the violation, is leased, loaned, or being used without the owner's permission. The lien is subordinate to a perfected security interest or lien registered on the title at the time of the violation.

Section 8. That a NEW SECTION be added to chapter 32-24:

The provisions of sections 2 to 6, inclusive, of this Act do not prohibit any person or motor vehicle from participating in, or any person from coordinating, facilitating, or collecting money incident to, a public or private race, competition, contest, or exhibition that is licensed, permitted, or otherwise authorized by the Transportation Commission, as established in chapter 1-44, or other local authorities on a public highway, roadway, or parking lot under their jurisdictions.

Section 9. That a NEW SECTION be added to chapter 32-24:

The Transportation Commission, as established in chapter 1-44, or local authorities, may exempt any person or motor vehicle from compliance with a traffic law if:

- (1) The driver or vehicle is participating in a race, competition, contest, or exhibition that is approved by the Transportation Commission or local authorities pursuant to section 8 of this Act, occurring on a public highway, roadway, or parking lot under the jurisdiction of the Transportation Commission or local authorities; and

- (2) Traffic control is adequate to reasonably assure the safety of all public highway, roadway, or parking lot users and spectators.

Section 10. That § 32-20B-7 be AMENDED:

32-20B-7. ~~Notwithstanding the provisions of § 32-25-23, a~~ A person may race a bicycle on a highway when competing in a racing event ~~which that~~ has been approved by the ~~transportation commission~~ Transportation Commission or local authorities on a highway under their jurisdictions. Approval of a bicycle highway racing event ~~shall may~~ be granted only under conditions ~~which that~~ assure reasonable safety for all race participants, spectators, and other highway users, and ~~which~~ prevent unreasonable interference with traffic flow, which would seriously inconvenience other highway users. Tests of endurance are not considered bicycle racing.

Section 11. That § 32-25-23 be REPEALED.

~~No person may drive any vehicle on a highway in any race, speed competition or contest, acceleration race or contest, test of physical endurance, exhibition of speed or acceleration, or for the purpose of making a speed record, and no person may in any manner participate in any such race, competition, contest, test, or exhibition. A violation of this section is a Class 2 misdemeanor.~~

Section 12. That § 32-25-25 be REPEALED.

~~Racing is defined as the use of one or more vehicles in an attempt to outgain, outdistance, or prevent another vehicle from passing, to arrive at a given destination ahead of another vehicle or vehicles, or to test the physical stamina or endurance of drivers over long distance driving routes.~~

Signed March 12, 2025

Chapter 130
(Senate Bill 38)

An Act to modify requirements for a vehicle approaching a vehicle that is stopped or occupying the shoulder of the highway with warning lights flashing.

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

Section 1. That § 32-31-6.1 be AMENDED:

32-31-6.1. Upon approaching from any direction any stopped authorized emergency vehicle making use of red visual signals meeting the requirements of this title, the driver of ~~every other a motor~~ vehicle shall come to a complete stop before reaching the stopped emergency vehicle and may, unless otherwise directed, proceed with caution only after ascertaining that it is safe to do so, ~~and upon.~~

Upon approaching from any direction any ~~stopped~~ vehicle ~~making use of that is either stopped or occupying the shoulder of the highway, and using~~ amber, yellow, or blue warning lights, the driver of ~~every any other motor vehicle shall must:~~

- (1) If driving on an interstate highway or other highway with two or more lanes traveling in the same direction as the vehicle, merge into the lane farthest from the vehicle at least three hundred feet before the vehicle and proceed with caution, unless otherwise directed; or
- (2) If driving on a ~~two-lane~~ two-lane highway, at least three hundred feet before the vehicle, slow to a speed that is at least twenty miles per hour less than the posted speed limit or five miles per hour when the speed limit is posted at twenty miles per hour or less and proceed with caution, unless otherwise directed.

A violation of this section is a Class 2 misdemeanor and has a minimum fine of two hundred seventy dollars.

Section 2. That § 32-31-6.2 be AMENDED:

32-31-6.2. Any ~~person~~ driver of a motor vehicle who, while violating § 32-31-6.1, causes an accident, ~~is guilty of a Class 1 misdemeanor if the:~~

- (1) ~~The~~ The accident is with a stopped emergency vehicle making use of its red visual signals; or
- (2) ~~The accident is with any stopped~~ The accident is with any stopped vehicle making use of amber, yellow, or blue warning lights and the vehicle is either stopped or occupying the shoulder of the highway.

Signed February 10, 2025

Chapter 131
(House Bill 1094)

An Act to modify laws regarding school bus safety and to provide a penalty therefor.

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

Section 1. That § 32-32-6 be AMENDED:

32-32-6. The operator of a motor vehicle on a highway that has less than two lanes of travel in each direction, ~~or on a private road,~~ when approaching a school bus that has its amber warning lights flashing, ~~shall reduce the speed of the vehicle not to exceed to fifteen miles per hour or less and proceed past the school bus with caution.~~ The operator of a motor vehicle approaching a school bus that has its red signal lights flashing shall make a complete stop. The stopped vehicle ~~shall must~~ shall must be at least fifteen feet from the school bus and ~~shall must~~ remain stopped until the flashing red signal lights are extinguished. A lane that is designated solely for the purpose of turning is not considered a lane of travel for purposes of this section.

The operator of a motor vehicle on a highway providing two or more lanes of travel in each direction does not need to reduce the speed of the vehicle when approaching a school bus that is traveling in the opposite direction if the school bus has its amber warning lights flashing. The operator of a motor vehicle on a highway providing two or more lanes of travel in each direction does not need to stop when approaching a school bus that is traveling in the opposite direction even though the school bus is stopped and has its red signal lights flashing.

The operator of a motor vehicle on a highway providing two or more lanes of travel in each direction, when approaching a school bus that is traveling in the same direction and has its amber warning lights flashing, shall reduce the speed of the vehicle ~~not to exceed~~ to fifteen miles per hour ~~or less~~ and proceed past the school bus with caution. The operator of a motor vehicle on a highway providing two or more lanes of travel in each direction ~~shall~~ must make a complete stop when approaching a school bus traveling in the same direction if the school bus is stopped and its red signal lights are flashing.

A violation of this section is a ~~Class 2~~ Class 1 misdemeanor.

Section 2. That a NEW SECTION be added to chapter 32-32:

If any school bus, as defined in § 32-32-1, is transporting students enrolled in a school district in this state and is equipped with an external video system capable of recording traffic activity around the bus, any recording from that video system is discoverable and may be entered into evidence in any civil or criminal action.

No district or bus company is required to install an external video system under this Act.

Signed March 12, 2025

Chapter 132
(Senate Bill 174)

An Act to include certain types of vehicles in the abandoned titling process.

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

Section 1. That § 32-36-2 be AMENDED:

32-36-2. Terms used in this chapter mean:

- (1) "Abandoned motor vehicle," any motor vehicle left on a public street or highway or left on private property without the permission of the landowner or tenant;
- (2) "Impounded vehicle," any motor vehicle removed or caused to be removed from a public highway pursuant to § 32-30-19;
- (3) "Junk motor vehicle," any motor vehicle ~~which that~~ has been placed on the property of a recognized junk dealer for the purposes of salvage;
- (4) "Motor vehicle," ~~automobiles, motor trucks, motorcycles, house trailers, trailer coaches, cabin trailers, and all vehicles propelled by power other than muscular power, except traction engines, road rollers, fire trucks, wagons and engines, police and patrol wagons, farm wagons, freight trailers, and such vehicles as run only on rails or tracks~~ automobile, boat as defined by § 32-3A-2, house trailer, moped as defined by § 32-3-1, motor truck, motorcycle, off-road vehicle as defined by § 32-20-1, snowmobile as defined by § 32-20A-1, trailer as defined by § 32-3-1, and all vehicles propelled by power other than muscular power, but not a:

(a) Engine;

(b) Farm wagon;

- (c) Road roller;
- (d) Traction engine; or
- (e) Vehicle that runs only on rails or tracks;
- (5) "Removal agency," any public body, or private or nonprofit organization, authorized to remove and salvage abandoned and junk motor vehicles and other scrap metals. ~~The A~~ removal agency may be authorized by chapter 32-30 to remove vehicles, may be hired or appointed by a public body, and may be in the business of removing or salvaging vehicles; and
- (6) "Scrap metals," waste or refuse metals that have been in actual use and have been abandoned and are fit only to be remanufactured or recycled.

Signed March 12, 2025

VETERANS AFFAIRS

Chapter 133 (House Bill 1238)

An Act to establish protections for a veteran seeking assistance in a veterans' benefit matter.

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

Section 1. That a NEW SECTION be added to chapter 33A-2:

For the purposes of this Act, terms mean:

- (1) "Compensation," any money, thing of value, or economic benefit conferred on, or received by, any person in return for services rendered, or to be rendered, by any person;
- (2) "Veterans' benefits matter," the preparation, presentation, or prosecution of any claim affecting any individual who has filed, or has expressed an intent to file, a claim for any benefit, commodity, entitlement, function, program, service, or status, for which a veteran, a dependent of a veteran, a survivor of a veteran, or any other individual is eligible under the laws and regulations administered by the United States Department of Veterans Affairs or the South Dakota Department of Veterans Affairs.

Section 2. That a NEW SECTION be added to chapter 33A-2:

Before rendering a service to advise, assist, or consult an individual in connection with a veterans' benefits matter, a person shall disclose the terms of the service and compensation for the service, in a written agreement that is signed by both parties. The person offering the services shall retain a copy of the written agreement for one year following the termination of the service.

In an easily identifiable place in the written agreement, the person offering services shall disclose that:

- (1) The person is not sponsored by or affiliated with:

- (a) The United States Department of Veterans' Affairs;
- (b) The South Dakota Department of Veterans' Affairs; or
- (c) Any other federally chartered veterans' service organization;
- (2) Other organizations may provide the same service free of charge;
- (3) The products or services offered by the person are not necessarily endorsed by any veterans' organization; and
- (4) The individual receiving the service may qualify for other veterans' benefits beyond those offered by the person.

Section 3. That a NEW SECTION be added to chapter 33A-2:

When providing a service to advise, assist, or consult an individual in connection with a veterans' benefits matter, a person may not:

- (1) Charge:
 - (a) An initial fee; or
 - (b) A nonrefundable fee;
- (2) Guarantee, either directly or by implication:
 - (a) A successful outcome;
 - (b) The reception of a specific veterans' benefit; or
 - (c) The reception of a level, percentage, or amount of a veterans' benefit;
- (3) Receive compensation for a service rendered in connection with a claim filed within the one-year presumptive period of release from active duty, unless the individual requesting the service signs a waiver stating that the individual:
 - (a) Is within the one-year presumptive period of active duty release; and
 - (b) Has chosen to deny free services available to the individual; or
- (4) Use:
 - (a) International call centers or data centers for processing veterans' personal information; or
 - (b) A veteran's personal log-in, username, or password information to access that veteran's medical, financial, or government benefits information.

Any compensation received for a service to advise, assist, or consult an individual in connection with a veterans' benefits matter must be contingent upon an increase in the benefit awarded to the individual and must not exceed an amount equal to five times the monthly increase in benefits awarded based on the claim.

No person may receive compensation for referring an individual to another person to advise or assist the individual with any veterans' benefits matter.

Section 4. That a NEW SECTION be added to chapter 33A-2:

Before a person may be authorized to access veterans' medical or financial information, the person must submit to and pass a background check. The

background check must be conducted by a reputable source and include identity verification and a criminal records check.

Section 5. That a NEW SECTION be added to chapter 33A-2:

The attorney general may impose a civil penalty against a person for violating sections 2 to 4, inclusive, of this Act. The amount of the civil penalty may not exceed five thousand dollars. The attorney general shall forward any civil penalty collected under this section to the state treasurer for deposit in the veterans affairs department special revenue fund.

Section 6. That a NEW SECTION be added to chapter 33A-2:

Nothing in this Act applies to, limits, or expands the requirements imposed on agents, attorneys, or other representatives accredited or regulated by the United States Department of Veterans Affairs.

Signed March 28, 2025

PUBLIC HEALTH AND SAFETY

**Chapter 134
(Senate Bill 76)**

An Act to repeal reporting and testifying requirements to the committees on health and human services regarding nursing facilities and long-term healthcare needs.

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

Section 1. That § 34-12-35.11 be REPEALED.

~~The Department of Health and the Department of Human Services shall, before the fourth Tuesday in January of each year, submit a written report to and testify before the Senate and House standing committees on health and human services concerning the consideration of additional nursing facility beds or additional new nursing facilities and long term healthcare needs pursuant to § 34-12-35.7.~~

Signed March 12, 2025

**Chapter 135
(House Bill 1225)**

An Act to update and repeal provisions related to the reporting of hospital charge information.

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

Section 1. That § 34-12E-11 be AMENDED:

34-12E-11. Any hospital licensed pursuant to chapter 34-12 shall annually report-annually charge information to the South Dakota Association of Healthcare Organizations ~~the charge information as described in § 34-12E-13 for that hospital's All Patient Refined Diagnosis-Related Groups for which that hospital had at least ten cases during the twelve months preceding the report, using the hospital's All Patient Refined Diagnosis-Related Groups or the Medicare Severity Diagnosis Related Groups.~~

The Department of Health shall promulgate rules pursuant to chapter 1-26 to provide for the reporting of ~~the charge information by hospitals. The rules shall must~~ include:

(1) ~~The the~~ method for hospitals to report charges; and

(2) ~~Standards that provide standards~~ for the validity and comparability of ~~charge reports reported charges.~~

For the purposes of this section, "charge information" means:

(1) The number of discharges;

(2) The average length of stay;

(3) The average charge;

(4) The median charge;

(5) Demographic information;

(6) Payer mix;

(7) Charges not paid;

(8) Charges paid by medicare, medicaid, other governmental programs, and private insurance; and

(9) Uncompensated care.

Section 2. That § 34-12E-11.1 be REPEALED.

~~The South Dakota Association of Healthcare Organizations shall develop a web-based system, available to the public at no cost, for reporting the charge information of hospitals. The charge information shall include disclaimers regarding factors, including case severity ratings and individual patient variations, which may affect actual charges to a patient for services rendered. The website shall provide information that compares hospital-specific data to hospital statewide data. The website shall be established by June 1, 2009, and shall be updated no less than annually.~~

Section 3. That § 34-12E-12 be REPEALED.

~~The Department of Health shall provide a link to the web-based system developed pursuant to § 34-12E-11.1 on its website.~~

Section 4. That § 34-12E-13 be REPEALED.

~~For the purposes of §§ 34-12E-11 and 34-12E-11.1, the term, charge information, includes the number of discharges; average length of stay; average-~~

~~charge; median charge; demographic information; payer mix; charges not paid and charges paid by medicare, medicaid, and other government programs, and private insurance; and uncompensated care.~~

Signed March 26, 2025

Chapter 136
(Senate Bill 36)

An Act to repeal the oath requirement for an application for a lodging establishment, campground, food service establishment, or mobile food service establishment license.

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

Section 1. That § 34-18-10 be AMENDED:

34-18-10. Every owner of a lodging establishment, campground, food service establishment, or mobile food service establishment shall ~~annually secure obtain a license before beginning the operation of the establishment or campground. The license must be renewed annually on or before the first day of the license renewal period or before beginning the operation of the establishment or campground after making proper application December thirty-first. To obtain or renew a license, an owner must apply~~ on a form provided by the department, accompanied by the proper license fee.

The initial application form ~~shall be verified under oath and shall must~~ contain the following:

- (1) The name and address of the establishment or campground and previous name, if changed due to a change in ownership;
- (2) The name, address, and telephone number of the owner and operator of the establishment or campground;
- (3) A specification of the type of license applied for;
- (4) If for a lodging establishment license, a description of the size of the establishment and whether it has a water recreational facility;
- (5) If for a campground license, a description of the size and type of the campground and whether it has a water recreational facility;
- (6) If for a food service or mobile food service establishment license, a description of the size of the establishment;
- (7) A license fee schedule; and
- (8) A certification of consent to allow inspections of the establishment or campground by authorized department inspectors during business hours upon the presentation of identification.

Section 2. That § 34-18-10.3 be REPEALED.

~~Unless there has been a change in the information or consent provided in the initial or any subsequent license application provided for in § 34-18-10, an application for annual renewal of the license does not have to be verified under oath.~~

Signed February 10, 2025

Chapter 137
(House Bill 1141)**An Act to provide an exception for employers to acquire and distribute opioid antagonists that are available over the counter.**

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

Section 1. That § 34-20A-105.1 be AMENDED:

34-20A-105.1. A licensed health care professional may, directly or by standing order, dispense or distribute an opioid antagonist that requires a prescription to an employer.

An employer may acquire and make available on the employer's premises an opioid antagonist ~~that is dispensed or distributed by a licensed health care professional, in accordance with this section, requires a prescription~~ if the employer:

- (1) Develops a protocol for the transport, storage, maintenance, and location of the opioid antagonist;
- (2) Provides training and instruction, developed by the Department of Health and made available on the Department of Health website, to employees or personnel authorized to administer an opioid antagonist on the employer's premises; and
- (3) Prominently posts instructions on the administration of an opioid antagonist and post-administration protocol, if the employer makes it accessible to the public.

The requirements of this section do not apply to an opioid antagonist that is available over the counter. An employer may acquire and distribute an opioid antagonist that is available over the counter to any person.

An employer, employee, or other authorized personnel of an employer may not be held liable for any death, injury, or damage that arises out of the administration of, the self-administration of, or the failure to administer an opioid antagonist, if such action or inaction constitutes ordinary negligence.

Signed March 11, 2025

Chapter 138
(House Bill 1056)

An Act to prohibit the preparation, sale, and distribution of certain kratom products and to provide a penalty therefor.

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

Section 1. That § 34-20B-1 be AMENDED:

34-20B-1. Terms as used in this chapter mean:

- (1) "Administer," to deliver a controlled drug or substance to the ultimate user or human research subject by injection, inhalation, or ingestion, or by any other means;
- (2) "Agent," an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser and includes a common or contract carrier, public warehouseman, or employee thereof;
- (3) "Chemically derived cannabinoid," a chemical substance created by a chemical reaction that changes the molecular structure of any chemical substance derived from the cannabis plant. The term does not include:
 - (a) Cannabinoids produced by decarboxylation from a naturally occurring cannabinoid acid without the use of a chemical catalyst;
 - (b) Non-psychoactive cannabinoids; or
 - (c) Cannabinoids in a topical cream product;
- (4) "Control," to add, remove, or change the placement of a drug, substance, or immediate precursor under §§ 34-20B-27 and 34-20B-28;
- (5) "Controlled substance analogue," any of the following:
 - (a) A substance that differs in its chemical structure from a controlled substance listed in or added to Schedule I or II only by substituting one or more hydrogens with halogens, or by substituting one halogen with a different halogen;
 - (b) A substance that is an alkyl homolog of a controlled substance listed in or added to Schedule I or II; or
 - (c) A substance intended for human consumption:
 - (i) The chemical structure of which is substantially similar to the chemical structure of a controlled substance in Schedule I or II; or
 - (ii) That has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to, or greater than, the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II;

The term, controlled substance analogue, does not include a controlled substance or any substance for which there is an approved new drug application;

- (6) "Counterfeit substance," a controlled drug or substance ~~which that~~, or the container or labeling of ~~which a controlled drug or substance that~~, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number, or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person or persons who manufactured, distributed, or dispensed ~~such the~~ substance, and ~~which~~ thereby falsely purports or is represented to be the product of, or to have been distributed by, ~~such the~~ other manufacturer, distributor, or dispenser;
- (7) "Deliver" or "delivery," the actual, constructive, or attempted transfer of a controlled drug, substance, or marijuana, whether or not there exists an agency relationship;
- (8) "Department," the Department of Health created by chapter 1-43;
- (9) "Dispense," to deliver a controlled drug or substance to the ultimate user or human research subject by or pursuant to the lawful order of a practitioner, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for such delivery, ~~and a dispenser is one who dispenses~~;
- (10) "Distribute," to deliver a controlled drug, substance, or marijuana. ~~A distributor is a person who delivers a controlled drug, substance, or marijuana~~;
- (11) "Hashish," the resin extracted from any part of any plant of the genus cannabis that contains a delta-9 tetrahydrocannabinol concentration of more than three-tenths of one percent on a dry weight basis;
- (12) "Imprisonment," imprisonment in a state correctional facility unless the penalty specifically provides for imprisonment in the county jail;
- (13) "Kratom," any part of the leaf of the plant *Mitragyna speciosa*;
- ~~(14)~~ "Kratom product," a food as defined in § 39-4-1, or dietary ingredient, containing kratom;
- ~~(15)~~ "Manufacture," the production, preparation, propagation, compounding, or processing of a controlled drug or substance, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis. A manufacturer includes any person who packages, repackages, or labels any container of any controlled drug or substance, except practitioners who dispense or compound does not include a practitioner who dispenses or compounds prescription orders for delivery to the ultimate consumer;
- ~~(14)~~(16) "Marijuana," all parts of any plant of the genus cannabis, whether growing or not; the seeds thereof; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seeds. The term does not include fiber produced from the mature stalks of the plant, or oil or cake made from the seeds of the plant, or the resin when extracted from any part of the plant, or a drug product approved by the United States Food and Drug Administration. The term does not include the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent on a dry weight basis;

~~(15)~~(17) "Narcotic drug," any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

- (a) Opium, coca leaves, or opiates;
- (b) A compound, manufacture, salt, derivative, or preparation of opium, coca leaves, or opiates;
- (c) A substance, and any compound, manufacture, salt, derivative, or preparation thereof, that is chemically identical to any of the substances referred to in subsections (a) and (b) of this subdivision;

The term, narcotic drug, does not include decocainized coca leaves or extracts of coca leaves, which extracts do not contain cocaine or ecgonine;

~~(16)~~(18) "Opiate" or ~~"Opoid,"~~ "opioid," any controlled drug or substance having an addiction-sustaining liability similar to morphine or being capable of conversion into a drug having such addiction-forming or addiction-sustaining liability;

~~(17)~~(19) "Opium poppy," the plant of the species *papaver somniferum* L., except the seeds thereof;

~~(18)~~(20) "Person," any corporation, association, limited liability company, partnership, or one or more individuals;

~~(19)~~(21) "Poppy straw," all parts, except the seeds, of the opium poppy, after mowing;

~~(20)~~(22) "Practitioner,":

- (a) A physician licensed pursuant to chapter 36-4, a physician assistant licensed pursuant to chapter 36-4A, a dentist licensed pursuant to chapter 36-6A, an optometrist licensed pursuant to chapter 36-7, a podiatrist licensed pursuant to chapter 36-8, a certified registered nurse anesthetist licensed pursuant to chapter 36-9, a certified nurse practitioner or certified nurse midwife licensed pursuant to chapter 36-9A, a pharmacist licensed pursuant to chapter 36-11, or a veterinarian licensed pursuant to chapter 36-12;
- (b) A government employee acting within the scope of employment; and
- (c) A person permitted by a certificate issued by the department to distribute, dispense, conduct research with respect to, or administer a substance controlled by this chapter;

~~(21)~~ ~~"Prescribe,"~~ ~~(23)~~ "Prescription," an order of a practitioner for a controlled drug or substance;

~~(22)~~(24) "Production," the manufacture, planting, cultivation, growing, or harvesting of a controlled drug or substance;

~~(23)~~(25) "Ultimate user," a person who lawfully possesses a controlled drug or substance for personal use or for the use of a member of the person's household, or for administration to an animal owned by the person or by a member of the person's household.

Section 2. That § 34-20B-115 be AMENDED:

34-20B-115. ~~The~~ Any of the following actions are unlawful:

- (1) To knowingly sell or distribute a kratom product to a person under the age of twenty-one;
- (2) The purchase or attempt to purchase, the receipt or attempt to receive, the possession, or the consumption of a kratom product by a person under the age of twenty-one; ~~and or~~
- (3) To purchase a kratom product on behalf of, or to give a kratom product to, any person under the age of twenty-one, unless the purchaser is a parent or guardian of the person under the age of twenty-one.

~~Kratom, for the purposes of this section, is a substance that contains 7-hydroxymitragynine, Mitragynine, or Mitragynine pseudoindoxyl. A violation of this section is a Class 2 misdemeanor.~~

Section 3. That a NEW SECTION be added to chapter 34-20B:

No person may prepare, sell, or distribute a kratom product that:

- (1) Contains a level of 7-hydroxymitragynine in the alkaloid fraction that is greater than two percent of the alkaloid composition of the product;
- (2) Contains synthetic mitragynine, synthetic 7-hydroxymitragynine, or any other synthetic alkaloid or synthetically derived compound from the Mitragyna speciosa plant;
- (3) Contains a poisonous or otherwise deleterious non-kratom substance, including any substance designated as a controlled substance by this chapter;
- (4) Is mixed or packed with a non-kratom substance that affects the quality or strength of the kratom product, rendering the product injurious to a customer;
- (5) Does not include on its package or label the recommended serving size of the kratom product, a recommended number of servings that can be safely consumed in a twenty-four-hour period, and a list of servings per container;
- (6) Does not include on its package or label the amount of mitragynine and 7-hydroxymitragynine contained in the kratom product; or
- (7) Does not include on its package or label the following warning statement: "Consult a licensed, qualified healthcare professional before consuming this product. Not for use by women who are pregnant, nursing, or trying to become pregnant."

A violation of this section is a Class 2 misdemeanor.

Signed February 25, 2025

Chapter 139
(Senate Bill 35)

**An Act to modify substances listed on the controlled substances schedule
and to declare an emergency.**

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

Section 1. That § 34-20B-13 be AMENDED:

34-20B-13. Any of the following opium derivatives and opiates, their salts, isomers, esters, ethers, and salts of isomers, esters, and ethers, is included in Schedule I, unless specifically excepted, whenever the existence of ~~such the~~ salts, isomers, esters, ethers, and salts of isomers, esters, and ethers is possible within the specific chemical designation:

- (1) Acetylcodeine;
- (2) Benzylmorphine;
- (3) Codeine methylbromide;
- (4) Codeine-N-Oxide;
- (5) Desomorphine;
- (6) Drotebanol;
- (7) Heroin;
- (8) Hydromorphenol;
- (9) Methyldesorphine;
- (10) Methylhydromorphine;
- (11) Morphine methylbromide;
- (12) Morphine methylsulfonate;
- (13) Morphine-N-Oxide;
- (14) Myrophine;
- (15) Nicocodeine;
- (16) Nicomorphine;
- (17) Normorphine;
- (18) Thebacon;
- (19) 3-Methylfentanyl;
- (20) Fentanyl analogs. Any substituted derivatives of fentanyl unless specifically excepted, listed in another schedule, or contained within a pharmaceutical product approved by the United States Food and Drug Administration, that is structurally related to fentanyl by modification in any one or more of the following ways:
 - (a) By replacement of the phenyl portion of the phenethyl group by any monocycle whether or not further substituted in or on the monocycle;

- (b) By substitution in or on or replacement of the phenethyl group with alkyl, alkenyl, alkoxyl, hydroxyl, halo, haloalkyl, amino, or nitro groups;
- (c) By substitution in or on the piperadine ring with alkyl, alkenyl, alkoxyl, ester, ether, hydroxyl, halo, haloalkyl, amino, phenyl, substituted phenyl, or nitro groups;
- (d) By replacement of the aniline ring with any aromatic monocycle whether or not further substituted in or on the aromatic monocycle; or
- (e) By the replacement of the N-propionyl group by another acyl group.

Some trade and other names: N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide (acetyl fentanyl); N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide (furanyl fentanyl); N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide (acryl fentanyl, acryloylfentanyl); N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide (ortho-fluorofentanyl or 2-fluorofentanyl); N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide (tetrahydrofuranyl fentanyl); 2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide (methoxyacetyl fentanyl); N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide (cyclopropyl fentanyl), N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-pentanamide (valeryl fentanyl); N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide (butyrl fentanyl); N-[1-(2-hydroxy-2-thiophen-2-ylethyl)piperidin-4-yl]-N-phenylpropanamide (Beta-Hydroxythiofentanyl); N-(4-fluorophenyl)-N-[1-(2-phenylethyl)piperidin-4-yl]butanamide (para-fluorobutyryl fentanyl); N-(4-methoxyphenyl)-N-[1-(2-phenylethyl)piperidin-4-yl]butanamide (paramethoxybutyryl fentanyl); N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide (para-chloroisobutyryl fentanyl); N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide (isobutyryl fentanyl); N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide (cyclopentyl fentanyl); N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)acetamide (ocfentanyl); N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide (para-fluoroisobutyryl fentanyl); (E)-N-(1-phenethylpiperidin-4-yl)-N-phenylbut-2-enamide (Crotonyl fentanyl);

- (21) 1-Methyl-4-phenyl-4-propionoxypiperidine;
- (22) 1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine;
- (23) 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide (U-47700);
- (24) 1-cyclohexyl-4-(1,2-diphenylethyl)piperazine (MT-45);
- (25) 3,4-dichloro-N-[(1dimethylamino)cyclohexylmethyl]benzamide (AH-7921);
- (26) 2-(2,4-dichlorophenyl)-N-2-(dimethylamino)cyclohexyl)-N-methylacetamide (U-48800);
- (27) Trans-3,4-dichloro-N-[2-(diethylamino)cyclohexyl]-N-methyl-benzamide (U-49900);
- (28) N-[2-(dimethylamino)cyclohexyl]-N-methyl-1,3-benzodioxole-5-carboxamide (Methylenedioxy-U-47700);
- (29) 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-isopropylbenzamide (Isopropyl-U-47700);

- (30) 1-(1,2-Diphenylethyl)piperidine (Diphenidine);
- (31) N-Ethyl-1,2-diphenylethylamine (Ephenidine);
- (32) 1-(1-(1-(4-bromophenyl)ethyl)piperidin-4-yl)-1,3-dihydro-2H-benzo[d]imidazol-2-one (Borophine); ~~and~~
- (33) 1-methoxy-3-[4-(2-methoxy-2-phenylethyl)piperazin-1-yl]-1-phenylpropan-2-ol (Zipeprol); and
- (34) 2-Methyl AP-237 (1Methyl-4(3Phenylprop-2-en-1-yl)Piperizin-1-yl)Butan-1-one).

Section 2. That § 34-20B-14 be AMENDED:

34-20B-14. Any material, compound, mixture, or preparation that contains any quantity of the following hallucinogenic substances, their salts, isomers, and salts of isomers, is included in Schedule I, unless specifically excepted, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) Bufotenine;
- (2) Diethyltryptamine (DET);
- (3) Dimethyltryptamine (DMT);
- (4) 5-methoxy-N, N-Dimethyltryptamine (5-MeO-DMT);
- (5) 5-methoxy-3, 4-methylenedioxy amphetamine;
- (6) 4-bromo-2, 5-dimethoxyamphetamine;
- (7) 4-methoxyamphetamine;
- (8) 4-methoxymethamphetamine;
- (9) 4-methyl-2, 5-dimethoxyamphetamine;
- (10) Hashish and hash oil;
- (11) Ibogaine;
- (12) Lysergic acid diethylamide;
- (13) Mescaline;
- (14) N-ethyl-3-piperidyl benzilate;
- (15) N-methyl-3-piperidyl benzilate;
- (16) 1-(2-thienyl)cyclohexyl piperidine (TCP);
- (17) Peyote, except that when used as a sacramental in services of the Native American church in a natural state which is unaltered except for drying or curing and cutting or slicing, it is hereby excepted;
- (18) Psilocybin;
- (19) Psilocyn;
- (20) Tetrahydrocannabinol, except that which occurs in industrial hemp as defined in § 38-35-1; in a drug product approved by the United States Food and Drug Administration; or marijuana in its natural and unaltered state; including any compound, except nabilone or compounds listed under a different schedule, structurally derived from 6,6N dimethylbenzo[c]chromene by substitution at the 3-position with either alkyl (C3

to C8), methyl cycloalkyl, or adamantyl groups, whether or not the compound is further modified in any of the following ways:

- (a) By partial to complete saturation of the C-ring; or
- (b) By substitution at the 1-position with a hydroxyl or methoxy group; or
- (c) By substitution at the 9-position with a hydroxyl, methyl, or methylhydroxyl group; or
- (d) By modification of the possible 3-alkyl group with a 1,1N dimethyl moiety, a 1,1N cyclic moiety, an internal methylene group, an internal acetylene group, or a terminal halide, cyano, azido, or dimethylcarboxamido group.

Some trade and other names: JWH-051; JWH-057; JWH-133; JWH-359; HHC; AM-087; AM-411; AM-855, AM-905; AM-906; AM-2389; HU-210; HU-211; HU-243; HU-336;

- (21) 3, 4, 5-trimethoxy amphetamine;
- (22) 3, 4-methylenedioxy amphetamine;
- (23) 3-methoxyamphetamine;
- (24) 2, 5-dimethoxyamphetamine;
- (25) 2-methoxyamphetamine;
- (26) 2-methoxymethamphetamine;
- (27) 3-methoxymethamphetamine;
- (28) Phencyclidine;
- (29) 3, 4-methylenedioxymethamphetamine (MDMA);
- (30) 3, 4-methylenedioxy-N-ethylamphetamine;
- (31) N-hydroxy-3, 4-methylenedioxyamphetamine;
- (32) 4-methylaminorex (also known as 2-Amino-4-methyl/x-5-phenyl-2-oxazoline);
- (33) 2,5 Dimethoxy-4-ethylamphetamine;
- (34) N,N-Dimethylamphetamine;
- (35) 1-(1-(2-thienyl)cyclohexyl)pyrrolidine;
- (36) Aminorex;
- (37) 4,4'-Dimethylaminorex (4,4'-DMAR; 4,5-dihydro-4-methyl-5-(4-methylphenyl)-2-oxazolamine; 4-methyl-5-(4-methylphenyl)-4,5-dihydro-1,3-oxazol-2-amine);
- (38) Cathinone and other variations, defined as any compound, material, mixture, preparation or other product unless listed in another schedule or an approved FDA drug, structurally derived from 2-aminopropan-1-one by substitution at the 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the compound is further modified in any of the following ways:

- (a) By substitution in the ring system to any extent with alkyl, alkylendioxy, alkoxy, haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring system by one or more other univalent substituents;
- (b) By substitution at the 3-position with an acyclic alkyl substituent;
or
- (c) By substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups or by inclusion of the 2-amino nitrogen atom in a cyclic structure.

Some trade or other names: methcathinone, 4-methyl-N-methylcathinone (mephedrone); 3,4-methylenedioxy-N-methylcathinone (methylone); 3,4-methylenedioxypropylvalerone (MDPV); Naphthylpyrovalerone (naphyrone); 4-fluoromethcathinone (flephedrone); 4-methoxymethcathinone (methedrone; Bk-PMMA); Ethcathinone (N-Ethylcathinone); 3,4-methylenedioxyethcathinone (ethylone); Beta-keto-N-methyl-3,4-benzodioxolylbutanamine (butylone); N,N-dimethylcathinone (metamfepramone); Alpha-pyrrolidinopropiophenone (alpha-PPP); 4-methoxy-alpha-pyrrolidinopropiophenone (MOPPP); 3,4-methylenedioxyalphapyrrolidinopropiophenone (MDPPP); Alpha-pyrrolidinoveralphenone (alpha-PVP); 3-fluoromethcathinone; 4N-Methyl-alpha-pyrrolidinobutiophenone (MPBP); Methyl-alpha-pyrrolidinopropiophenone (MPPP); Methyl-alpha-pyrrolidino-hexanophenone (MPHP); Buphedrone; Methyl-N-ethylcathinone; Pentadone; Dimethylmethcathinone (DMMC); Dimethylethcathinone (DMEC); Methylenedioxy-methcathinone (MDMC); Pentylone; Ethylethcathinone; Ethylmethcathinone; Fluoroethcathinone; methyl-alpha-pyrrolidinobutiophenone (MPBP); Methylecathinone (MEC); Methylenedioxy-alpha-pyrrolidinobutiophenone (MDPBP); Methoxymethcathinone (MOMC); Methylbuphedrone (MBP); Benzedrone (4-MBC); Dibutylone (DMBDB); Dimethylone (MDDMA); Diethylcathinone; Eutylone (EBDB); N-ethyl-N-Methylcathinone; N-ethylbuphedrone, 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)pentan-1-one (N-Ethylpentylone); 4'-Methyl-alpha-pyrrolidinopropiophenone (4-MEPPP, MPPP or MaPPP); alpha-Pyrrolidinobutiophenone (α -PBP); 1-(1,3-benzodioxol-5-yl)-2-(tert-butylamino)propan-1-one (Tertylone); 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)hexan-1-one (N-ethyl Hexylone); 1-(1,3-benzodioxol-5-yl)-2-(methylamino)pentan-1-one (Pentylone); N-ethylhexedrone (α ethylaminohexanophenone); alpha-pyrrolidinohexanophenone (α -PHP); 4-methyl-alpha-ethylaminopentiophenone (4-MEAP); 4'-methyl-alpha-pyrrolidinohexiophenone (MPHP); alpha-pyrrolidinoheptaphenone (PV8); 4'-chloro-alpha-pyrrolidinoveralphenone (4-chloro- α -PVP); Alpha-PIHP (4-methyl-1-phenyl-2-(pyrrolidin-1-yl)pentan-1-one;

- (39) 2,5-Dimethoxy-4-ethylamphetamine (DOET);
- (40) Alpha-ethyltryptamine;
- (41) 4-Bromo-2,5-dimethoxy phenethylamine;
- (42) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7);
- (43) 1-(3-trifluoromethylphenyl) piperazine (TFMPP);
- (44) Alpha-methyltryptamine (AMT);
- (45) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT);
- (46) 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT);

- (47) Synthetic cannabinoids. Any material, compound, mixture, or preparation that is not listed as a controlled substance in another schedule, is not an FDA-approved drug, and contains any quantity of the following substances, their salts, isomers (whether optical, positional, or geometric), homologues, modifications of the indole ring by nitrogen heterocyclic analog substitution or nitrogen heterocyclic analog substitution of the phenyl, benzyl, naphthyl, adamantly, cyclopropyl, cumyl, or propionaldehyde structure, and salts of isomers, homologues, and modifications, unless specifically excepted, whenever the existence of these salts, isomers, homologues, modifications, and salts of isomers, homologues, and modifications is possible within the specific chemical designation:

- (a) Naphthoylindoles. Any compound containing a 2-(1-naphthoyl)indole or 3-(1-naphthoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, cyanoalkyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, benzyl, or halobenzyl group, whether or not further substituted on the indole ring to any extent and whether or not substituted on the naphthyl ring to any extent.

Some trade or other names: JWH-015; 1-pentyl-3-(1-naphthoyl)indole (JWH-018); 1-hexyl-3-(1-naphthoyl)indole (JWH-019); 1-butyl-3-(1-naphthoyl)indole (JWH-073); 1-pentyl-3-[1-(4-methoxynaphthoyl)]indole (JWH-081); 1-pentyl-3-(4-methyl-1-naphthoyl)indole (JWH-122); 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200); JWH-210; JWH-398; 1-pentyl-3-(1-naphthoyl)indole (AM-678); 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM-2201); WIN 55-212; JWH-004; JWH-007; JWH-009; JWH-011; JWH-016; JWH-020; JWH-022; JWH-046; JWH-047; JWH-048; JWH-049; JWH-050; JWH-070; JWH-071; JWH-072; JWH-076; JWH-079; JWH-080; JWH-082; JWH-094; JWH-096; JWH-098; JWH-116; JWH-120; JWH-148; JWH-149; JWH-164; JWH-166; JWH-180; JWH-181; JWH-182; JWH-189; JWH-193; JWH-198; JWH-211; JWH-212; JWH-213; JWH-234; JWH-235; JWH-236; JWH-239; JWH-240; JWH-241; JWH-258; JWH-262; JWH-386; JWH-387; JWH-394; JWH-395; JWH-397; JWH-399; JWH-400; JWH-412; JWH-413; JWH-414; JWH-415; JWH-424; AM-678; AM-1220; AM-1221; AM-1235; AM-2232, THJ-2201;

- (b) Naphthylmethylindoles. Any compound containing a 1H-indol-2-yl-(1-naphthyl)methane or 1H-indol-3-yl-(1-naphthyl)methane structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, cyanoalkyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, benzyl, or halobenzyl group, whether or not further substituted on the indole ring to any extent and whether or not substituted on the naphthyl ring to any extent.

Some trade or other names: JWH-175; JWH-184; JWH-185; JWH-192; JWH-194; JWH-195; JWH-196; JWH-197; JWH-199;

- (c) Phenylacetylindoles. Any compound containing a 2-phenylacetylindole or 3-phenylacetylindole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl, cyanoalkyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, benzyl, or halobenzyl group, whether or not further substituted on the indole ring to any extent and whether or not substituted on the phenyl ring to any extent.

Some trade or other names: 1-cyclohexylethyl-3-(2-methoxyphenylacetyl)indole (SR-18); 1-cyclohexylethyl-3-(2-methoxyphenylacetyl)indole (RCS-8); 1-pentyl-3-(2-methoxyphenylacetyl)indole (JWH-250); 1-pentyl-3-(2-chlorophenylacetyl)indole (JWH-203); JWH-167; JWH-201; JWH-202; JWH-204; JWH-205; JWH-206; JWH-207; JWH-208; JWH-209; JWH-237; JWH-248; JWH-249; JWH-251; JWH-253; JWH-302; JWH-303; JWH-304; JWH-305; JWH-306; JWH-311; JWH-312; JWH-313; JWH-314; JWH-315; JWH-316; Cannabipiperidiethanone;

- (d) Benzoylindoles. Any compound containing a 2-(benzoyl)indole or 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, cyanoalkyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, benzyl, or halobenzyl group, whether or not further substituted on the indole ring to any extent and whether or not substituted on the phenyl ring to any extent.

Some trade or other names: 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (AM-694); 1-pentyl-3-[(4-methoxy)-benzoyl]indole (SR-19); Pravadolone (WIN 48,098); 1-pentyl-3-[(4-methoxy)-benzoyl]indole (RCS-4); AM-630; AM-661; AM-2233; AM-1241;

- (e) Naphthoypyrroles. Any compound containing a 2-(1-naphthoyl)pyrrole or 3-(1-naphthoyl)pyrrole structure with substitution at the nitrogen atom of the pyrrole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, cyanoalkyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, benzyl, or halobenzyl group, whether or not further substituted on the pyrrole ring to any extent and whether or not substituted on the naphthyl ring to any extent.

Some trade or other names: JWH-307; JWH-030; JWH-031; JWH-145; JWH-146; JWH-147; JWH-150; JWH-156; JWH-242; JWH-243; JWH-244; JWH-245; JWH-246; JWH-292; JWH-293; JWH-308; JWH-309; JWH-346; JWH-348; JWH-363; JWH-364; JWH-365; JWH-367; JWH-368; JWH-369; JWH-370; JWH-371; JWH-373; JWH-392;

- (f) Naphthylmethylindenes. Any compound containing a naphthylideneindene structure with substitution at the 3-position of the indene ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-

piperidinyl)methyl, 2-(4-morpholinyl)ethyl, cyanoalkyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, benzyl, or halobenzyl group, whether or not further substituted on the indene ring to any extent and whether or not substituted on the naphthyl ring to any extent.

Some trade or other names: JWH-171; JWH-176; JWH-220;

- (g) Cyclohexylphenols. Any compound containing a 2-(3-hydroxycyclohexyl)phenol structure with substitution at the 5-position of the phenolic ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, benzyl, or halobenzyl group, whether or not substituted on the cyclohexyl ring to any extent.

Some trade or other names: 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP 47, 497 and homologues, which includes C8); cannabicyclohexanol; CP-55,490; CP-55,940; CP-56,667;

- (h) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl) 6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol. Some trade or other names: HU-210;

- (i) 2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-naphthalenyl. Some trade or other names: WIN 55, 212-2;

- (j) Substituted Acetylindoles. Any compound containing a 2-acetyl indole or 3-acetyl indole structure substituted at the acetyl by replacement of the methyl group with a tetramethylcyclopropyl, adamantyl, benzyl, cumyl, or propionaldehyde substituent whether or not further substituted on the tetramethylcyclopropyl, adamantyl, benzyl, cumyl, or propionaldehyde substituent to any extent and whether or not further substituted at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, benzyl, or halobenzyl group whether or not further substituted on the indole ring to any extent.

Some trade and or names: (1-Pentylindol-3-yl)-(2,2,3,3-tetramethylcyclopropyl)methanone (UR-144); (1-(5-fluoropentyl)indol-3-yl)-(2,2,3,3-tetramethylcyclopropyl)methanone (XLR-11); (1-(2-morpholin-4-ylethyl)-1H-indol-3-yl)-(2,2,3,3-tetramethylcyclopropyl)methanone (A-796,260); 1-[(N-methylpiperidin-2-yl)methyl]-3-(adamant-1-oyl)indole (AM-1248); 1-Pentyl-3-(1-adamantoyl)indole (AB-001 and JWH-018 adamantyl analog); AM-679; (1-(4-fluorobenzyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone (FUB-144);

- (k) Substituted Carboxamide Indole. Any compound containing a 2-carboxamide indole or 3-carboxamide indole structure substituted at the nitrogen of the carboxamide with a tetramethylcyclopropyl,

naphthyl, adamantyl, cumyl, phenyl, or propionaldehyde substituent, whether or not further substituted on the tetramethylcyclopropyl, adamantyl, cumyl, naphthyl, phenyl, or propionaldehyde substituent to any extent and whether or not further substituted at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, benzyl, or halobenzyl group whether or not further substituted on the indole ring to any extent.

Some trade and other names: JWH-018 adamantyl carboxamide; STS-135; MN-18; 5-Fluoro-MN-18, 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-pyrrolo[2,3-b]pyridine-3-carboxamide (5F-CUMYL-P7AICA) ; N-(Adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide (5F-APINACA); methyl (2R)-2-[[1-(5-fluoropentyl)indazole-3-carbonyl]amino]-3,3-dimethylbutanoate (5F-ADB); N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide (AB-CHMINACA); 1-(4-cyanobutyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide (4-CN-CUMYL-BUTINACA); N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide (ADB-CHMINACA or MAB-CHMINACA); methyl (2S)-2-[[1-[4-fluorophenyl)methyl]indazole-3-carbonyl]amino]-3,3-dimethylbutanoate (MDMB-FUBINACA); methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3-methylbutanoate (MMB-CHMICA); methyl (2S)-2-[[1-[4-fluorophenyl)methyl]indazole-3-carbonyl]amino]-3-methylbutanoate (AMB-FUBINACA); Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate (5F-AMB); methyl 2-(1-(5-fluoropentyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate (5F-MDMB-PICA); methyl (S)-3,3-dimethyl-2-[(1-(pent-4-enyl)indazole-3-carbonyl)amino]butanoate (MDMB-4en-PINACA); methyl 2-(1-(4-fluorobutyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate (4F-MDMB-BUTINACA); Ethyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate (5F-EDMB-PINACA); Methyl 2-(1-(5-fluoropentyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate (5F-MDMB-PICA); N-(adamantan-1-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide (FUB-APINACA); 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide (5F-CUMYL-PINACA);

- (I) Substituted Carboxylic Acid Indole. Any compound containing a 1H-indole-2-carboxylic acid or 1H-indole-3-carboxylic acid substituted at the hydroxyl group of the carboxylic acid with a phenyl, benzyl, naphthyl, adamantyl, cyclopropyl, quinolinyl, isquinolinyl, cumyl, or propionaldehyde substituent whether or not further substituted on the phenyl, benzyl, naphthyl, adamantyl, cyclopropyl, cumyl, quinolinyl, isquinolinyl, or propionaldehyde substituent to any extent and whether or not further substituted at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, tetrahydropyranylmethyl, benzyl,

or halo benzyl group whether or not further substituted on the indole ring to any extent.

Some trade and other names: Naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate (NM2201);

- (48) 6,7-dihydro-5H-indeno-(5,6-d)-1,3-dioxol-6-amine) (MDAI);
- (49) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E);
- (50) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D);
- (51) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C);
- (52) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I);
- (53) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2);
- (54) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4);
- (55) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H);
- (56) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N);
- (57) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P);
- (58) Substituted phenethylamine. Any compound, unless specifically exempt, listed as a controlled substance in another schedule or an approved FDA drug, structurally derived from phenylethan-2-amine by substitution on the phenyl ring in any of the following ways: by substitution with a fused methylenedioxy, fused furan, or fused tetrahydrofuran ring system; by substitution with two alkoxy groups; by substitution with one alkoxy and either one fused furan, tetrahydrofuran, or tetrahydropyran ring system; by substitution with two fused ring systems from any combination of the furan, tetrahydrofuran, or tetrahydropyran ring systems; whether or not the compound is further modified in any of the following ways:
 - (a) By substitution on the phenyl ring by any halo, hydroxyl, alkyl, trifluoromethyl, alkoxy, or alkylthio groups;
 - (b) By substitution on the 2-position by any alkyl groups; or
 - (c) By substitution on the 2-amino nitrogen atom with acetyl, alkyl, dialkyl, benzyl, methoxybenzyl, or hydroxybenzyl groups.

Some trade and other names: 2-(2,5-dimethoxy-4-(methylthio)phenyl)ethanamine (2C-T or 4-methylthio-2,5-dimethoxyphenethylamine); 1-(2,5-dimethoxy-4-iodophenyl)-propan-2-amine (DOI or 2, 5-Dimethoxy-4-iodoamphetamine); 1-(4-Bromo-2,5-dimethoxyphenyl)-2-aminopropane (DOB or 2,5-Dimethoxy-4-bromoamphetamine); 1-(4-chloro-2,5-dimethoxy-phenyl)propan-2-amine (DOC or 2,5-Dimethoxy-4-chloroamphetamine); 2-(4-bromo-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine (2C-B-NBOMe; 25B-NBOMe or 2,5-Dimethoxy-4-bromo-N-(2-methoxybenzyl)phenethylamine); 2-4-iodo-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine (2C-I-NBOMe; 25I-NBOMe or 2,5-Dimethoxy-4-iodo-N-(2-methoxybenzyl)phenethylamine); N-(2-Methoxybenzyl)-2-(3,4,5-trimethoxyphenyl) (Mescaline-NBOMe or 3,4,5-trimethoxy-(2-methoxybenzyl)phenethylamine); 2-(4-chloro-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine (2C-C-NBOMe; 25C-NBOMe or 2,5-Dimethoxy-4-chloro-N-(2-methoxybenzyl)phenethylamine); 2-(7-Bromo-5-methoxy-2,3-dihydro-1-benzofuran-4-yl)ethanamine (2CB-5-hemiFLY); 2-(8-bromo-2,3,6,7-tetrahydrofuro [2,3-f][1]benzofuran-4-yl)ethanamine (2C-B-FLY); 2-(10-

Bromo-2,3,4,7,8,9-hexahydropyrano[2,3-g]chromen-5-yl)ethanamine (2C-B-butterFLY); -(2-Methoxybenzyl)-1-(8-bromo-2,3,6,7-tetrahydrobenzo[1,2-b:4,5-bN]difuran-4-yl)-2-aminoethane (2C-B-FLY-NBOMe); 1-(4-Bromofuro[2,3-f][1]benzofuran-8-yl)propan-2-amine (bromo-benzodifuranyl-isopropylamine or bromo-dragonFLY); -(2-Hydroxybenzyl)-4-iodo-2,5-dimethoxyphenethylamine (2C-I-NBOH or 25I-NBOH); 5-(2-Aminopropyl)benzofuran (5-APB); 6-(2-Aminopropyl)benzofuran (6-APB); 5-(2-Aminopropyl)-2,3-dihydrobenzofuran (5-APDB); 6-(2-Aminopropyl)-2,3-dihydrobenzofuran (6-APDB); para-methoxymethamphetamine (PMMA);

- (59) Substituted tryptamines. Any compound, unless specifically exempt, listed as a controlled substance in another schedule or an approved FDA drug, structurally derived from 2-(1H-indol-3-yl)ethanamine by mono- or di-substitution of the amine nitrogen with alkyl or alkenyl groups or by inclusion of the amino nitrogen atom in a cyclic structure whether or not the compound is further substituted at the alpha-position with an alkyl group or whether or not further substituted on the indole ring to any extent with any alkyl, alkoxy, halo, hydroxyl, or acetoxy groups.

Some trade and other names: 5-methoxy-N,N-diallyltryptamine (5-MeO-DALT); 4-acetoxy-N,N-dimethyltryptamine (4-AcO-DMT or O-Acetylpsilocin); 4-hydroxy-N-methyl-N-ethyltryptamine (4-HO-MET); 4-hydroxy-N,N-diisopropyltryptamine (4-HO-DIPT); 5-methoxy-N-methyl-N-isopropyltryptamine (5-MeO-MIPT);

- (60) Naphthalen-1-yl-(4-pentyloxynaphthalen-1-yl)methanone (CB-13);
- (61) N-Adamantyl-1-pentyl-1H-Indazole-3-carboxamide (AKB 48);
- (62) 1-(4-Fluorophenyl)piperazine (pFPP);
- (63) 1-(3-Chlorophenyl)piperazine (mCPP);
- (64) 1-(4-Methoxyphenyl)piperazine (pMeOPP);
- (65) 1,4-Dibenzylpiperazine (DBP);
- (66) Isopentedrone;
- (67) Fluoromethamphetamine;
- (68) Fluoroamphetamine;
- (69) Fluorococaine;
- (70) 1-pentyl-8-quinolinyl ester-1H-indole-3-carboxylic acid (PB-22);
- (71) 1-(5-fluoropentyl)-8-quinolinyl ester-1H-indole-3-carboxylic acid (5 Fluoro-PB-22);
- (72) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide (AB-PINACA);
- (73) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide (5 Fluoro-AB-PINACA);
- (74) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide (AB-FUBINACA);
- (75) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indole-3-carboxamide (ADB-PINACA (ADBICA));
- (76) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indole-3-carboxamide (5 Fluoro-ADB-PINACA (5 Fluoro-ADBICA));

- (77) N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide (ADB-FUBINACA);
- (78) N-(1-carbamoyl-2-methyl-propyl)-2-(5-fluoropentyl)-5-(4-fluorophenyl)pyrazole-3-carboxamide (5-Fluoro-3,5-AB-PFUPPYCA); and
- (79) 2-(ethylamino)-2-(3-methoxyphenyl)cyclohexan-1-one (methoxetamine).

Section 3. Whereas, this Act is necessary for the immediate preservation of the public peace, health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

Signed February 18, 2025

Chapter 140
(House Bill 1074)

An Act to modify the individuals eligible to sign an affidavit of homelessness for purposes of obtaining a free copy of a birth certificate.

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

Section 1. That § 34-25-52.7 be AMENDED:

34-25-52.7. Notwithstanding § 34-25-52, the department must provide, at no cost, a certified copy of ~~a person's~~ an individual's South Dakota birth certificate, limited to one, upon application and proof of that person's homelessness. The ~~person individual~~ or the ~~person's individual's~~ spouse, child, parent, guardian, next of kin, or authorized representative may apply for a certified copy of the ~~person's individual's~~ birth certificate pursuant to this section.

An affidavit developed by the department attesting to the ~~person's individual's~~ housing status is proof of homelessness for the purposes of this section. The department may not accept an affidavit as proof of homelessness unless signed by the ~~person individual~~ experiencing homelessness and a homeless services provider with knowledge of the ~~person's individual's~~ housing status.

For the purposes of this section, the term "homeless services provider" means any: ~~government~~

- (1) Government or nonprofit agency that provides a food bank, homeless shelter, housing assistance program, homeless outreach or advocacy program, or any similar program; ~~any human~~
- (2) Human services or social services agency, public or private, providing health services, behavioral health services, substance use disorder services, or employment or public assistance services to homeless ~~persons individuals~~; ~~or any law~~
- (3) Law enforcement officer designated as a liaison to the homeless population by a local police department or sheriff's department;
- (4) Homeless liaison designated by a school district, as described by 42 U.S.C. § 11432 (January 1, 2025);
- (5) School counselor, certified by the Department of Education;

(6) School nurse, licensed in accordance with chapter 36-9; or

(7) Social worker, licensed in accordance with chapter 36-26.

Signed February 25, 2025

Chapter 141
(House Bill 1265)

**An Act to establish provisions related to the sharing of information with the
national marrow donor program.**

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

Section 1. That § 34-26-21.1 be AMENDED:

34-26-21.1. The Department of Public Safety shall provide each ~~person~~ individual renewing or applying for a driver license or nondriver identification card an opportunity to review information about organ donation, ~~such as information available from the organ procurement organization designated by the federal government for this state and the national marrow donor program.~~

The department shall distribute this information:

- (1) On the ~~Department of Public Safety~~ department's website;
- (2) ~~Through information mailed with~~ With each driver license and identification card renewal notice mailing;
- (3) On posters and brochures made available at each driver license exam station;
- (4) Through each driver license manual published after July 1, 2013; and
- (5) Through any other means the ~~Department of Public Safety~~ department deems appropriate.

Signed March 11, 2025

Chapter 142
(Senate Bill 34)

**An Act to update the roles of the Department of Agriculture and Natural
Resources and the Department of Public Safety regarding burning and burn
permit issuing authority.**

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

Section 1. That § 1-41-4 be AMENDED:

1-41-4. The Department of Agriculture and Natural Resources shall, under the direction and control of the secretary of agriculture and natural resources, perform all the functions of the Department of Agriculture created by

chapters 38-1, ~~34-35~~, 39-1, 40-37, 41-20, 54-13, and ~~all~~ the functions of the former Department of Environment and Natural Resources created by ~~Title~~ titles 34, 34A, 45, 46, and 46A, except the inspection functions vested in the Department of Public Safety by §§ 34-39-3.1 and 39-1-1.1 and South Dakota Wildland Fire functions vested in the Department of Public Safety by Executive Reorganization Order 2021-03.

Section 2. That § 34-35-17 be AMENDED:

34-35-17. Any United States forest service supervisor or the secretary of ~~agriculture and natural resources~~ public safety may ~~issue a permit~~, upon an application, ~~issue a permit to any a person to start an open fire within the Black Hills Forest Fire Protection District, if the fire is not expected to endanger the life or property of another. The permit may be denied if the climatic conditions or location of the material to be burned is such that the burning would endanger the life or property of others. A permit may be issued subject to conditions and restrictions, as determined necessary to prevent the spread of the fire permitted. A permit permitted fire, and may be revoked upon the change of climatic or other if changing conditions which is determined to make the burning unsafe.~~

Section 3. That § 34-35-18 be AMENDED:

34-35-18. The secretary of ~~agriculture and natural resources~~ public safety or ~~his the secretary's~~ designee may set fires in woods or prairie for the purposes of forest and range management, provided that ~~he has~~ reasonable forces and equipment are available to suppress the spread of the fire.

Signed March 11, 2025

Chapter 143
(Senate Bill 37)

An Act to revise and repeal provisions related to the 911 emergency surcharge and the 911 Coordination Board.

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

Section 1. That § 34-45-4.4 be AMENDED:

34-45-4.4. Each governing body of a public safety answering point shall submit an annual report to the board by ~~July thirty first~~ March thirty-first of each year. The report must cover the period of ~~July first through July first~~ January first through December thirty-first immediately preceding the report deadline and be available for public inspection. The annual report for each answering point must include the following:

- (1) Number of ~~unique~~ emergency service calls made for ambulance, fire, and law enforcement;
- (2) Total number of employees;
- (3) Operational budget;
- (4) Total amount of dollars received by the 911 emergency surcharge pursuant to § 34-45-4 from each jurisdiction in the system;

- (5) Description of the geographic territory of the public safety answering point; and
- (6) Hours of operation for the public safety answering point.

The Department of Public Safety may promulgate rules, pursuant to chapter 1-26, to require additional information from a public safety answering point for the purposes of the annual report.

Section 2. That 2024 Session Laws, chapter 144, § 4 be REPEALED:

~~**Section 4.** Section 1 of this Act expires on July 1, 2026.~~

Signed March 11, 2025

Chapter 144
(House Bill 1139)

An Act to allow individualized investigative treatments for patients with life-threatening or debilitating diseases or conditions.

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

Section 1. That § 34-51-1 be AMENDED:

34-51-1. Terms used in this chapter mean:

- (1) ~~"Advanced illness," any progressive disease, medical, or surgical condition that entails significant functional impairment, that is not considered by a treating physician to be reversible even with administration of current federally approved and available treatments, and that without life sustaining procedures, would result in death;~~
- ~~(2) "Eligible facility," an institution operating under a federalwide assurance for the protection of human subjects, pursuant to 45 C.F.R. Part 46 (January 1, 2025);~~
- ~~(2) "Eligible patient," an individual who has:~~
 - ~~(a) A disease or condition that is life-threatening or severely debilitating, as those terms are defined in 21 C.F.R. § 312.81 (January 1, 2025), attested by the patient's treating physician;~~
 - ~~(b) Considered all other treatment options approved by the United States Food and Drug Administration;~~
 - ~~(c) Received a recommendation from the individual's treating physician for a general investigative treatment, or an individualized investigative treatment based on an analysis of the individual's genomic sequence, human chromosomes, deoxyribonucleic acid, ribonucleic acid, genes, gene products, or metabolites;~~
 - ~~(d) Given informed consent for the general or individualized investigative treatment; and~~
 - ~~(e) Documentation from the individual's treating physician that the individual meets the requirements of this chapter;~~

- (3) ~~"Investigational drug, biological product, or device"~~General investigative treatment, any drug, biological product, or device that has successfully completed phase ~~1~~one of a clinical trial but has not yet been approved for general use by the United States Food and Drug Administration and remains under investigation in a clinical trial approved by the United States Food and Drug Administration-approved clinical trial;
- (4) ~~"Individualized investigative treatment," any drug, biological product, or device, from a manufacturer operating within an eligible facility, which is unique to and produced exclusively for an individual patient's use based on the patient's genetic profile; and~~
- ~~(3)~~(5) "Physician," ~~any person who is individual~~ licensed pursuant to ~~the provisions of chapter 36-4.~~

Section 2. That § 34-51-3 be AMENDED:

34-51-3. ~~For purposes of this chapter, the term, written,~~ To receive a general or individualized investigative treatment, an eligible patient must give informed consent, consists of a signed writing executed,

For the purposes of this section, "informed consent," means a written document that:

- (1) Is signed by the eligible patient,; the patient's parent, or legal guardian, if the patient is a minor,; or substitute informed consent from an appointed guardian, an attorney-in-fact, or a person with authority pursuant to chapter 34-12C, if the patient is incapacitated as defined in § 34-12C-1, and,;
- (2) Is attested to by the treating physician, that,;
- ~~(1)~~(3) Explains the currently approved products and treatments for the disease or condition from which the patient suffers;
- ~~(2)~~(4) Attests to the fact that the patient concurs with his or her ~~Contains the patient's concurrence with the treating physician that no current treatment approved by the United States Food and Drug Administration approved treatment would likely prolong the patient's life;~~
- ~~(3)~~(5) Clearly identifies the specific proposed ~~investigational drug, biological product, or device~~ general or individualized investigative treatment that the patient is seeking to use;
- ~~(4)~~(6) Describes, based on the treating physician's knowledge of the general or individualized investigative treatment and the patient's condition, the potential outcomes of using ~~investigational drug, biological product, or device. The description shall include the treatment, and any possibility of worsening symptoms and or death hastened by the treatment;~~
- ~~(5)~~(7) Contains a statement ~~States~~ that the patient's:
 - (a) Patient's health insurance carrier is not obligated to pay for any care or treatments consequent to the use of the ~~investigational drug, biological product, or device~~ general or individualized investigative treatment; and
 - (b) Patient understands that the patient is liable for all expenses consequent to the use of the treatment; and
- ~~(6)~~(8) Makes clear ~~States~~ that the patient's eligibility for hospice care may be withdrawn if the patient begins curative treatment with the ~~investigational drug, biological product, or device~~ general or individualized investigative

treatment, and that care may be reinstated if this treatment ends and the patient meets hospice eligibility requirements; ~~and~~

- (7) ~~Makes clear that the patient understands that he or she is liable for all expense consequent to the use of the investigational drug, biological product, or device.~~

Section 3. That § 34-51-4 be AMENDED:

34-51-4. ~~A manufacturer of an investigational drug, biological product, or device~~ a general investigative treatment, or a manufacturer of an individualized investigative treatment operating within an eligible facility, may make the treatment available, ~~and an~~ to an eligible patient, with or without compensation. An eligible facility, or a manufacturer operating within an eligible facility, may require an eligible patient to pay the costs of, or the costs associated with, the manufacture of the individualized investigative treatment.

~~An eligible patient may request the manufacturer's investigational drug, biological product, or device for~~ a general or individualized investigative treatment pursuant to this chapter.

~~This chapter does not require that a manufacturer or eligible facility to make available an investigational drug, biological product, or device~~ the general or individualized investigative treatment to an eligible patient.

Section 4. That § 34-51-6 be AMENDED:

34-51-6. ~~If a patient dies while being treated by an investigational drug, biological product, or device, receiving a general or individualized investigative treatment,~~ the manufacturer or eligible facility may not seek reimbursement for any outstanding debt related to the treatment or lack of insurance due to the treatment from the patient's or caretaker's estate.

Section 5. That § 34-51-7 be AMENDED:

34-51-7. No licensing board may revoke, fail to renew, suspend, or take any action against a ~~health care provider's physician's~~ physician's license pursuant to the ~~provisions of chapter 36-4, based solely on the health care provider's physician's~~ recommendations to an eligible patient regarding access to or treatment with an investigational drug, biological product, or device receipt of a general or individualized investigative treatment. No entity responsible for ~~Medicare~~ medicare certification may take action against a ~~health care provider's Medicare physician's~~ medicare certification based solely on the ~~health care provider's physician's~~ recommendation regarding an investigational drug, biological product, or device a general or individualized investigative treatment.

Section 6. That § 34-51-9 be AMENDED:

34-51-9. No official, employee, or agent of this state may block or attempt to block an eligible patient's access to ~~an investigational drug, biological product, or device~~ a general or individualized investigative treatment. Counseling, advice, or a recommendation consistent with medical standards of care from a licensed health care provider is not a violation of this section.

Section 7. That § 34-51-10 be AMENDED:

34-51-10. This chapter does not create a private cause of action against a manufacturer of ~~an investigational drug, biological product, or device,~~ a general or individualized investigative treatment, or against another person or entity involved in the care of an eligible patient ~~using~~ receiving the ~~investigational drug,~~

~~biological product, or device treatment,~~ for any harm done to the eligible patient resulting from treatment if the manufacturer or other person or entity is complying in good faith with the terms of this chapter and exercised reasonable care.

Section 8. That a NEW SECTION be added to chapter 34-51:

Nothing in this chapter requires:

- (1) A governmental agency to pay any costs associated with the use, care, or treatment of an eligible patient with an individualized investigative treatment;
- (2) A health plan, health carrier, or third-party administrator to provide coverage for the cost of an individualized investigative treatment or other costs of services related to the treatment; or
- (3) A health care facility, licensed in accordance with chapter 34-12, to provide new or additional services, unless approved by the facility.

Section 9. That § 34-51-2 be REPEALED.

~~For the purposes of this chapter, the term, eligible patient, means a patient who meets all the following qualifications:~~

- ~~(1) Has an advanced illness, attested by the patient's treating physician;~~
- ~~(2) Has considered all other treatment options currently approved by the United States Food and Drug Administration;~~
- ~~(3) Has received a recommendation from the patient's treating physician for an investigational drug, biological product, or device;~~
- ~~(4) Has given written, informed consent for the use of the investigational drug, biological product, or device; and~~
- ~~(5) Has documentation from the patient's treating physician that the patient meets requirements pursuant to this chapter.~~

Section 10. That § 34-51-5 be REPEALED.

~~A manufacturer may provide an investigational drug, biological product, or device to an eligible patient without receiving compensation.~~

Signed March 27, 2025

ENVIRONMENTAL PROTECTION

Chapter 145
(House Bill 1021)

**An Act to modify the annual fee for concentrated animal feeding operations
and to establish an application fee.**

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

Section 1. That a NEW SECTION be added to chapter 34A-2:

In addition to any other tax or fee levied by law, there is hereby imposed on any concentrated animal feeding operation or any operation that processes or stores manure or process wastewater and is required to operate under a water pollution control permit pursuant to § 34A-2-36.2 or 34A-2-36.3 an annual fee as provided for in this section and section 2.

In the case of an operation with a water pollution control permit that includes a nutrient management plan, other than a livestock auction, an operation located outside of this state, or an operation located in Indian country, as defined in 40 C.F.R § 122.2 (April 21, 2020), the fee is based on the maximum permitted number of animals and is as follows:

- (1) \$0.172 per mature dairy cow, milked or dry;
- (2) \$0.12 per other cattle or bison;
- (3) \$0.24 per horse;
- (4) \$0.012 per weaned swine less than fifty-five pounds;
- (5) \$0.048 per swine equal to or greater than fifty-five pounds;
- (6) \$0.012 per sheep or weaned lamb;
- (7) \$0.0022 per turkey;
- (8) \$0.0011 per chicken; and
- (9) \$0.004 per duck or goose.

Section 2. That a NEW SECTION be added to chapter 34A-2:

The annual fee for a permitted livestock auction or an operation required to obtain a water pollution control permit by § 34A-2-36.3 without a nutrient management plan is one thousand dollars.

The annual fee for a permitted large concentrated animal feeding operation that is located in another state or in Indian country and that stockpiles or applies unmanipulated manure or process wastewater on land under the jurisdiction of this state, is two hundred fifty dollars.

An annual fee required by sections 1 and 2 of this Act accrues on July first of each year. No later than August first of each year, the Department of Agriculture and Natural Resources shall submit a bill to each person obligated to pay the fee. The fee is due and payable no later than September thirtieth and must be remitted to the department.

Section 3. That a NEW SECTION be added to chapter 34A-2:

The concentrated animal feeding operation administrative subfund is established within the environment and natural resources fee fund, as created in § 1-41-23.

The subfund consists of moneys from public and private sources, including legislative appropriations, federal grants, gifts, and fees received pursuant to sections 1, 2, and 4 of this Act. The Department of Agriculture and Natural Resources shall maintain the subfund separately to defray expenses associated with administering the concentrated animal feeding operation program. Expenditures from the subfund are appropriated by the Legislature through the normal budget process. Unexpended funds and interest remain in the subfund until appropriated by the Legislature.

Section 4. That a NEW SECTION be added to chapter 34A-2:

In addition to any other tax or fee levied by law, there is hereby imposed a water pollution control permit application fee of six hundred dollars on an operation that is required to obtain a water pollution control permit under § 34A-2-36.2 or 34A-2-36.3. The fee is applicable for each submission to the Department of Agriculture and Natural Resources of one or more of the following:

- (1) An application for a new operation;
- (2) An application to increase the maximum animal numbers at an operation;
- (3) An application to increase the manure or process wastewater containment structure volume at an operation;
- (4) A second or any subsequent application, submitted in a calendar year, adding land application fields to the permit of an operation;
- (5) An application submitted for an individual permit; or
- (6) An application for coverage under a general permit submitted after July 1, 2027.

The fee does not apply to as-built plans.

The person filing the application for the water pollution control permit shall submit the fee with the application. The department shall deposit the fee in the concentrated animal feeding operation administrative subfund, as established in section 3 of this Act.

Section 5. That § 34A-2-125 be REPEALED.

~~In addition to any other tax or fee levied by law, and notwithstanding the provisions of § 34A-2-117, there is hereby imposed an annual fee on all concentrated animal feeding operations that are required to operate under a general or individual water pollution control permit issued under chapter 34A-2 or required to obtain approval of plans and specifications submitted after July 1, 1997, pursuant to § 34A-2-27. The fee is two hundred fifty dollars for operations with two thousand or more animal units, one hundred seventy five dollars for operations with one thousand to one thousand nine hundred ninety nine animal units, and one hundred dollars for operations with less than one thousand animal units. The obligation to pay the fee is on the person filing the application for the water pollution control permit or the person required to obtain plans and specifications approval and accrues on July first of each year. By August first of each year, the Department of Agriculture and Natural Resources shall submit a billing to each person obligated to pay the fee. The fee is due and payable by September thirtieth and shall be remitted to the Department of Agriculture and Natural Resources.~~

~~There is hereby established in the environment and natural resources fee fund established in § 1-41-23 the concentrated animal feeding operation administrative subfund. The subfund consists of moneys from public and private sources including legislative appropriations, federal grants, gifts, and fees received pursuant to this section. The subfund shall be maintained separately and be administered by the Department of Agriculture and Natural Resources in order to defray the expenses associated with administering the concentrated animal feeding operation program. Expenditures from the subfund shall be appropriated through the normal budget process. Unexpended funds and interest shall remain in the subfund until appropriated by the Legislature.~~

Signed March 18, 2025

ALCOHOLIC BEVERAGES

Chapter 146
(House Bill 1079)**An Act to increase the number of off-sale licenses from two to three in municipalities and counties of one thousand or less.**

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

Section 1. That § 35-4-10 be AMENDED:

35-4-10. No more than ~~two~~ three off-sale licenses issued pursuant to subdivisions 35-4-2(3) and (5) may be issued under this chapter to operate in a municipality of one thousand or less ~~and not exceeding. Above this population limit, no more than one license may be issued~~ for every additional fifteen hundred of population or fraction thereof. The number of off-sale licenses may not be less than the total number of licenses allowable as of July 1, 1981, ~~and that which~~ have never been revoked or not reissued.

For ~~the~~ purposes of this section, ~~population is~~ "population" means an amount equal to the population estimates published by the United States Census Bureau for each even-numbered year, except for the decennial year. For a decennial year, population is equal to the amount determined by the decennial federal census.

~~No license issued pursuant to this section that exceeds the number of licenses that would have been issued upon the decennial federal census may be denied or revoked solely by reason that the license issued exceeds the number of licenses authorized by the decennial federal census.~~ If a license issued pursuant to this section exceeds the number of licenses permissible in accordance with the decennial federal census, the license may not be revoked or denied renewal solely because issuance of the license exceeded the permissible number.

Section 2. That § 35-4-11.1 be AMENDED:

35-4-11.1. If not previously fixed by ordinance or continuing resolution, the board of county commissioners ~~shall~~ must, before the second of September in each year, determine the number of on-sale and off-sale licenses it will approve for the ensuing calendar year and the fees to be charged for the various classifications of licenses. The number of licenses issued pursuant to subdivision 35-4-2(6) may not exceed three for the first one thousand of population and may not exceed one for each additional fifteen hundred of population or fraction thereof. The number of licenses issued pursuant to subdivision 35-4-2(3) may not exceed ~~two~~ three for the first one thousand of population and may not exceed one for each additional fifteen hundred of population or fraction thereof. ~~No~~ A county off-sale license may not be issued for a retailer located within three miles of the exterior boundary of an incorporated municipality. The population includes only those residing within the county, but outside the incorporated municipalities and improvement districts, created pursuant to chapter 7-25A, within the county. ~~No~~ A licensee regularly licensed to do business on July 1, 1981, may not be denied reissuance of a license in subsequent years solely by reason of any limitations, based upon population quotas, of the number of licenses authorized or established under the provisions of this title. Licenses issued to concessionaires, and lessees of the State of South Dakota this state, within the boundaries of state parks, prior

to January 1, 1983, may be subtracted when calculating the total number of licenses permitted in this section.

Signed March 11, 2025

PROFESSIONS AND OCCUPATIONS

Chapter 147 (House Bill 1061)

An Act to prohibit a health care provider from restricting or denying a parent or guardian's access to certain medical records and other health information of a minor.

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

Section 1. That a NEW SECTION be added to chapter 36-2:

A health care provider may not restrict or deny, to a parent or guardian who has authority to make health care decisions on behalf of a minor, access to the minor's:

- (1) Electronic health information;
- (2) Medical record; or
- (3) Patient portal.

Any agreement between a health care provider and a parent or guardian that restricts or denies access to the parent or guardian in violation of this section is void and unenforceable.

This section does not apply to a minor who has lawfully obtained a health care service without the consent or notification of a parent or guardian, or as provided in 45 C.F.R. § 164.502(g)(5) (January 1, 2025).

Signed March 27, 2025

Chapter 148 (House Bill 1097)

An Act to establish and modify provisions for the temporary training of nonresident physicians.

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

Section 1. That a NEW SECTION be added to chapter 36-4:

A physician who holds an unrestricted license to practice medicine or

osteopathy in another state is not required to obtain a license from the State Board of Medical and Osteopathic Examiners to receive training, for a period of ninety days or less, at a facility in this state under the direct supervision of a physician licensed in good standing in accordance with this chapter. Before training at the facility, the nonresident physician shall:

- (1) Register with the board, on a form prescribed by the board, indicating the:
 - (a) Physician who shall directly supervise the nonresident physician;
 - (b) Purpose of the training; and
 - (c) Length of time anticipated for the training;
- (2) Provide evidence to the board that the nonresident physician possesses malpractice insurance; and
- (3) Pay to the board a fifty-dollar fee.

For the purposes of this section, "direct supervision" means that the supervising physician is physically present and readily available in the same facility as the nonresident physician.

Section 2. That § 36-4-40 be AMENDED:

36-4-40. Any physician practicing medicine or osteopathy under the circumstances permitted by § 36-4-39 ~~shall be or section 1 of this Act is~~ subject to supervision and discipline by the State Board of Medical and Osteopathic Examiners ~~under this chapter~~ in the same manner as any other licensee under this chapter, ~~and practice by a nonresident physician under the terms of § 36-4-39 is considered to constitute or section 1 of this Act constitutes~~ submission by ~~such the~~ physician to ~~the board's jurisdiction by the board.~~

Signed March 11, 2025

Chapter 149
(House Bill 1071)

An Act to modify practice criteria for physician assistants.

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

Section 1. That § 36-4A-1 be AMENDED:

36-4A-1. Terms as used in this chapter mean:

- (1) "Board," the State Board of Medical and Osteopathic Examiners;
- (2) "Collaboration," the consultation with, or referral to, an appropriate physician or other licensed health care provider by a physician assistant, as indicated by:
 - (a) The patient's condition;
 - (b) The education, competencies, and experience of the physician assistant; and
 - (c) The standard of care; and

- ~~(3) "Physician assistant," a health-professional care provider who meets the qualifications defined set forth in this chapter and is licensed by the board;~~
- ~~(3) "Supervising physician," a doctor of medicine or doctor of osteopathy licensed by the board who supervises a physician assistant;~~
- ~~(4) "Supervision," the act of overseeing the activities of, and accepting responsibility for, the medical services rendered by a physician assistant.~~

Section 2. That § 36-4A-1.1 be AMENDED:

36-4A-1.1. The term, practice "collaborative agreement," as used in this chapter, means a ~~written agreement authored and~~ contract that:

- ~~(1) Is signed by the a physician assistant and the supervising physician. The practice agreement shall prescribe the delegated activities which the physician assistant may perform, consistent with § 36-4A-26.1 and contain such other information as required by the board to describe the physician assistant's level of competence and the supervision provided by the physician, who has not filed an affidavit with the board attesting to the completion of at least six thousand practice hours, and a physician licensed in accordance with chapter 36-4; and~~
- ~~(2) Contains the terms and conditions governing the collaboration of the providers.~~

A physician who is entering into a collaborative agreement must be free from any disciplinary action that would restrict the ability to collaborate.

A physician assistant, for whom a collaborative agreement has been signed, shall keep a copy of the practice agreement shall be kept on file at the physician assistant's primary practice site and be filed with and approved by the board prior to beginning practice. No physician assistant may practice without an approved practice agreement. The physician assistant shall provide a copy of the signed collaborative agreement to the board, upon request.

Section 3. That chapter 36-4A be amended with a NEW SECTION:

A physician assistant may practice without a collaborative agreement if the physician assistant:

- ~~(1) Is certified by the National Commission on Certification of Physician Assistants; and~~
- ~~(2) Files an affidavit with the board attesting to the completion of at least six thousand practice hours.~~

The physician assistant shall provide documentation of national certification and the successful completion of the six thousand practice hours to the board, upon request.

Section 4. That § 36-4A-4 be AMENDED:

36-4A-4. Except as provided in §§ 36-4A-5 and 36-4A-6, any ~~person~~ individual who practices as a physician assistant in this state, ~~without a license issued by the board and a practice agreement approved by the board,~~ is guilty of a Class 1 misdemeanor. Each violation ~~shall be considered~~ is a separate offense.

Section 5. That chapter 36-4A be amended with a NEW SECTION:

Except as provided in § 36-4A-6, an individual who is not licensed under this chapter, but meets the qualifications for licensure under this chapter, may use the title of physician assistant, but may not practice as a physician assistant.

Section 6. That § 36-4A-5 be AMENDED:

36-4A-5. Nothing in this chapter limits the activities and services of a physician assistant in pursuing an approved course of study at an accredited student enrolled in a physician assistant program accredited by the Accreditation Review Commission on Education for the Physician Assistant.

Section 7. That § 36-4A-8 be AMENDED:

36-4A-8. The board may grant a license to an applicant who:

- (1) Is of good moral character;
- (2) Has successfully completed an educational program for physician assistants accredited by the Accreditation Review Commission on Education for the Physician Assistant or its successor agency, or, prior to 2001, either by the Committee on Allied Health Education and Accreditation or the Commission on Accreditation of Allied Health Education-Program Programs;
- (3) Has passed the Physician Assistant National-Certification Certifying Examination administered by the National-Committee on Education for Commission on Certification of Physician Assistants; and
- (4) Has submitted verification that the physician assistant applicant is not subject to any disciplinary proceeding or pending complaint before any medical or other licensing board-unless, or has notified the board-considers such proceedings of a disciplinary proceeding or pending complaint and the board, after consideration, agrees to licensure; and
- (5) Has:
 - (a) Filed an affidavit with the board attesting to the completion of at least six thousand practice hours; or
 - (b) Entered into a collaborative agreement, as provided for in this chapter.

Section 8. That § 36-4A-8.1 be AMENDED:

36-4A-8.1. The board may issue a temporary license to an applicant who has successfully completed an approved accredited program, as referenced in § 36-4A-8, and has submitted evidence to the board that the applicant is a candidate accepted to write the examination required by § 36-4A-8 or is awaiting the results of the first examination for which the applicant is eligible after graduation from an approved physician assistant accredited program.

A temporary license may be issued only once and, except as otherwise provided in this section, is effective for a term of not more period no longer than one hundred twenty days. A temporary license otherwise expires on the occurrence of the following upon:

- (1) Issuance of a regular license to the applicant; or
- (2) Failure of the applicant to pass the licensing examination; or
- (3) Expiration of the term for which the temporary license was issued.

The period of effectiveness set forth in this section for a temporary license does not apply to an applicant who has passed the licensing examination, has a collaborative agreement, and has an application for licensure pending before the board.

The period of effectiveness set forth in this section for a temporary license and the requirement for evidence of acceptance to write the examination required by § 36-4A-8, upon graduation from an accredited program, do not apply to an otherwise eligible applicant, if the examination is delayed or cancelled due to a natural disaster or gubernatorially declared emergency.

Section 9. That chapter 36-4A be amended with a NEW SECTION:

Upon application and payment of the fee established by the board in accordance with § 36-4A-34, the board may issue a license to practice, as a physician assistant, to an individual licensed under the laws of another state or territory, if the requirements for licensure of that other state or territory meet the requirements of this state and if the individual is not otherwise disqualified under § 36-4A-8.

Upon application and payment of the fee established by the board in accordance with § 36-4A-34, the board may issue a temporary license to an individual awaiting licensure under this section. A temporary license issued under this section must state the period during which the license is effective. The period may not exceed one hundred twenty days, except in the case of a natural disaster or gubernatorially declared emergency.

Section 10. That § 36-4A-20.1 be AMENDED:

~~36-4A-20.1. The board may not approve any practice agreement that includes abortion as a permitted procedure.~~Nothing in this chapter authorizes a physician assistant to effectuate an abortion.

Section 11. That § 36-4A-26.1 be AMENDED:

~~36-4A-26.1. A physician assistant shall be considered an agent of the supervising physician in the performance of all practice related activities. A physician assistant may provide those medical services that are delegated by the supervising physician pursuant to § 36-4A-1.1 if the service is within the physician assistant's skills, forms a component of the physician's scope of practice, and is provided with supervision including~~may provide the following medical and surgical services, for which the physician assistant has been prepared by education, training, and experience, and for which the physician assistant is competent to perform:

- (1) ~~Initial medical diagnosis and institution of a plan of therapy or referral;~~
- (2) ~~Prescribing and provision of drug samples or a limited supply of labeled medications, including controlled substances listed on Schedule II in chapter 34-20B for one period of not more than thirty days, for treatment of causative factors and symptoms. Medications or sample drugs provided to patients shall be accompanied with written administration instructions and appropriate documentation shall be entered in the patient's record. Physician assistants may request, receive, and sign for professional samples of drugs provided by the manufacturer;~~
- (3) ~~Responding~~

Evaluate, diagnose, manage, and provide medical treatment;

- (2) Obtain and perform comprehensive health histories and physical examinations;
- (3) Order, perform, and interpret diagnostic procedures;
- (4) Order and perform therapeutic procedures;
- (5) Plan and initiate therapeutic regimens that involve ordering and prescribing non-pharmacological interventions;
- (6) Order, prescribe, dispense, and administer medical devices, legend drugs, and prescription drugs not listed in § 34-20B-12;
- (7) Respond to emergencies and ~~the institution of~~ institute emergency treatment measures ~~including the writing of~~;
- (8) Write a chemical or physical restraint order ~~when~~ if the patient may do personal harm or harm others;
- ~~(4)(9) Completing~~ Complete and signing of official documents such as sign birth and death certificates and ~~similar~~ other official documents required by law;
- ~~(5)(10) Taking X-rays~~ Take x-rays and ~~performing~~ perform radiologic procedures; and
- ~~(6)(11) Performing~~ Perform physical examinations for participation in athletics and ~~certifying~~ certify that the patient is healthy and able to participate in athletics;
- (12) Certify the health or disability of a patient, as required by any local, state, or federal program;
- (13) Educate patients on health promotion and disease prevention;
- (14) Write medical orders;
- (15) Obtain informed consent;
- (16) Assist in surgery;
- (17) Perform routine clinical office surgical procedures;
- (18) Supervise, delegate, and assign therapeutic and diagnostic measures to assistive personnel; and
- (19) Provide consultation upon request.

Whenever a physician assistant orders, prescribes, dispenses, or administers drugs and medical devices, as permitted by subdivision (6), the physician assistant shall ensure that medications or sample drugs provided to a patient are accompanied by written administration instructions, and the physician assistant shall enter appropriate documentation in the patient's record. A physician assistant may request, receive, and sign for professional samples of drugs provided by the manufacturer.

A physician assistant shall collaborate with other health care providers and refer or transfer patients, as necessary and appropriate. Collaboration does not require the physical presence of the appropriate health care provider at the time or place the physician assistant provides services.

The degree of collaboration between a physician assistant and the appropriate health care provider is determined by the policies of the facility at which or practice setting in which the physician assistant is employed.

Section 12. That § 36-4A-26.2 be AMENDED:

36-4A-26.2. ~~A~~ If any physician assistant, licensed in this state or, licensed or authorized to practice in any other state or territory of the United States jurisdiction or who is, or credentialed as a physician assistant by a federal employer who, is responding to a need for medical care created by an emergency or a state or local disaster (not to be defined as an emergency situation which occurs in the place of one's employment) a natural disaster or other gubernatorially declared emergency, that physician assistant may render such the care that he or she the physician assistant is able to provide without supervision as it is defined in this chapter, or with such supervision as is available.

~~No physician who supervises a physician assistant providing medical care in response to such an emergency or state or local disaster is required to meet the requirements set forth in this chapter for a supervising physician.~~

Section 13. That § 36-4A-26.3 be AMENDED:

36-4A-26.3. ~~No~~ A physician assistant licensed in this state, or licensed or authorized to practice in other states another state or territory of the United States who voluntarily and gratuitously, and other than in the ordinary course of employment or practice, renders emergency medical assistance, is not liable for civil damages for any personal injuries which that result from the physician assistant's acts or omissions by those persons in rendering emergency care which constitute ordinary negligence.

~~The immunity granted by this section does not apply to acts or omissions constituting willful, or wanton negligence or, and does not apply if the medical assistance is rendered at any hospital, physician's office, or other health care delivery entity, where those services are normally rendered.~~

~~No~~ A physician who supervises collaborating with a physician assistant voluntarily and gratuitously providing who renders emergency care, as described in this section, is not liable for civil damages for any personal injuries which that result from acts or omissions by the physician assistant rendering the emergency care.

Section 14. That a NEW SECTION be added to chapter 36-4A:

A physician assistant may authenticate any document with the physician assistant's signature, certification, stamp, verification, affidavit, or endorsement, if the document may be authenticated by the signature, certification, stamp, verification, affidavit, or endorsement of a physician.

Section 15. That § 36-4A-30 be AMENDED:

36-4A-30. ~~Nothing in this chapter relieves the physician of the professional or legal responsibility. A physician assistant is professionally and legally responsible for the care and treatment of patients cared for by that the physician assistant provides.~~

Section 16. That § 36-4A-31 be AMENDED:

36-4A-31. ~~The~~ A physician assistant license of every person licensed under the provisions of this chapter shall issued by the board must be renewed annually on a date set by the board. The request for renewal shall be made on To renew a license, a physician assistant shall:

- (1) Apply on a form furnished prescribed by the board and shall include such proof, as may be required by the board, of continuance of the

~~qualifications for original licensure including the information set forth in subdivision 36-4A-8(2) and payment of;~~

- ~~(2) Submit the renewal fee established in accordance with § 36-4A-34; and~~
- ~~(3) Submit evidence satisfactory to the board of the completion, during the preceding twelve months, of at least thirty hours of post-graduate studies approved by the board.~~

A physician assistant may document compliance with subdivision (3) by providing proof of current certification from the National Commission on Certification of Physician Assistants.

Section 17. That § 36-4A-37 be AMENDED:

~~**36-4A-37.** The board may deny the issuance or renewal of a license.~~

The board may deny the issuance or renewal of a physician assistant license, or suspend, or revoke a license, or impose other disciplinary actions upon the license of any physician assistant issued under this chapter action on a licensee, upon satisfactory proof, in compliance with chapter 1-26, of the applicant's or licensee's:

- ~~(1) Professional incompetence or unprofessional or dishonorable conduct, as defined in §§ 36-4-29 and 36-4-30;~~
- ~~(2) Violation of this chapter in any respect;~~
- ~~(3) Failure to maintain on file with the board a copy of each practice agreement containing the current information regarding the licensee's practice status as required by:~~
 - ~~(a) Maintain a collaborative agreement, as required by this chapter;~~
 - ~~or~~
 - ~~(b) Provide the agreement to the board, upon request; or~~
- ~~(4) Rendering of medical services beyond those delegated to the physician assistant in the practice agreement; or~~
- ~~(5) Rendering medical services without supervision of a physician as required by law and the rules of the board permitted by this chapter.~~

Section 18. That § 36-4A-42 be AMENDED:

~~**36-4A-42.** The board shall promulgate rules pursuant to chapter 1-26 pertaining to fees, the licensure of physician assistants, and supervision requirements.~~

Section 19. That chapter 36-4A be amended with a NEW SECTION:

A physician assistant may bill for and receive direct payment for any medically necessary service delivered.

Section 20. That § 36-4A-29 be REPEALED:

~~The physician, by supervision, continuous monitoring, and evaluation accepts initial and continuing responsibility for the physician assistant or assistants responsible to the physician until such relationship is terminated. Supervision may be by direct personal contact, or by a combination of direct personal contact and contact via telecommunication, as may be required by the board. If the office of a physician assistant is separate from the main office of the supervising physician, the supervision shall include on-site personal supervision by a supervising~~

physician as required by the board. A physician assistant who is issued a temporary license pursuant to § 36-4A-8.1 shall initially receive thirty days of on-site, direct supervision by a supervising physician. Thereafter, and until expiration of the temporary license, the supervision shall include at least two one-half business days per week of on-site personal supervision by a supervising physician.

Section 21. That § 36-4A-29.1 be REPEALED:

~~The board may authorize modifications in the method and frequency of supervision of a physician assistant required by § 36-4A-29 that it considers appropriate based upon its finding of adequate supervision, training, and proficiency.~~

~~A supervising physician may apply to the board for permission to supervise more than one physician assistant. The board shall establish the number of physician assistants, up to four FTE, to be supervised by a supervising physician based upon its finding that adequate supervision will exist under the arrangement proposed by the supervising physician.~~

~~The board may consider a joint application for both modification of supervision and the number of physician assistants supervised as provided in this section.~~

Section 22. That § 36-4A-29.2 be REPEALED.

~~In order to supervise a physician assistant, a physician shall:~~

- ~~(1) Be licensed as a physician by the board pursuant to chapter 36-4;~~
- ~~(2) Be free from any restriction on his or her ability to supervise a physician assistant that has been imposed by board disciplinary action; and~~
- ~~(3) Maintain a written practice agreement with the physician assistant as described in § 36-4A-1.1.~~

Section 23. That § 36-4A-32 be REPEALED.

~~A renewal request shall be accompanied by the prescribed fee together with evidence satisfactory to the board of the completion during the preceding twelve months of at least thirty hours of post-graduate studies approved by the board. Any physician assistant who maintains current certification by the National Commission on Certification of Physician Assistants (NCCPA) may document compliance with this requirement by providing proof of current certification by the NCCPA.~~

Section 24. That § 36-4A-38 be REPEALED.

~~The terms "unprofessional or dishonorable conduct" as used in this chapter shall be as those terms are defined in § 36-4-30.~~

Signed March 27, 2025

Chapter 150
(House Bill 1014)

**An Act to modify provisions related to emergency medical services
personnel and to declare an emergency.**

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

Section 1. That § 36-1D-4 be AMENDED:

36-1D-4. The provisions of this chapter apply to any of the following:

- (1) Any occupation licensed pursuant to title 36;
- (2) ~~Emergency medical technicians and emergency medical responders licensed pursuant to chapter 34-11;~~
- ~~(3)~~ Water and wastewater operators licensed pursuant to chapter 34A-3;
- ~~(4)~~(3) Teachers, administrators, and other educational professionals licensed pursuant to chapter 13-42; and
- ~~(5)~~(4) Commercial pesticide applicators licensed pursuant to chapter 38-21.

Section 2. That § 36-4B-15 be AMENDED:

36-4B-15. Except as otherwise provided in this section, ~~emergency medical services advanced life support~~ personnel must, through the use of direct and indirect control, be supervised by a physician licensed in accordance with chapter 36-4.

~~If emergency medical services advanced life support~~ personnel are affiliated with an ambulance service that has been granted a hardship exemption in accordance with chapter 34-11, the personnel must, through the use of direct and indirect control, be supervised by a:

- (1) Physician licensed in accordance with chapter 36-4;
- (2) Physician assistant licensed in accordance with chapter 36-4A; or
- (3) Nurse practitioner licensed in accordance with chapter 36-9A.

A physician, or a physician assistant or nurse practitioner if the ambulance service has been granted a hardship exemption, must oversee the practice and review the patient care reports of the ~~emergency medical services advanced life support~~ personnel.

Section 3. That § 36-4B-29 be AMENDED:

36-4B-29. The board shall promulgate rules pursuant to chapter 1-26 to establish fees for emergency medical services personnel as follows:

- (1) Initial licensure, not more than fifty dollars;
- (2) Licensure by reciprocity, not more than seventy-five dollars;
- (3) Licensure renewal, not more than fifty dollars; ~~and~~
- (4) Reinstatement of a license within twelve months after expiration, not more than fifty dollars; and
- (5) Reissuance of a lost or destroyed license, not more than ten dollars.

Section 4. Whereas, this Act is necessary for the immediate preservation of the public peace, health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

Signed February 18, 2025

Chapter 151
(House Bill 1099)

An Act to modify the community paramedic endorsement.

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

Section 1. That § 36-4B-18.2 be AMENDED:

36-4B-18.2. A community paramedic endorsement is hereby created. The board may issue a community paramedic endorsement to a person an individual who is licensed as a paramedic and:

- (1) ~~Is licensed as a paramedic;~~
- (2) ~~Completes the education requirements and training approved by the board and promulgated in accordance with § 36-4B-35; and~~
- (3) ~~Applies on a form prescribed by the board or~~
- (2) Is certified as a community paramedic by the International Board of Specialty Certification.

Signed March 6, 2025

Chapter 152
(Senate Bill 110)

An Act to revise licensure and supervision requirements for physical therapists and physical therapist assistants.

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

Section 1. That § 36-10-27 be AMENDED:

36-10-27. A person seeking licensure to practice physical therapy in this state shall:

- (1) ~~File a written an~~ application with the State Board of Physical Therapy;
- (2) Submit an application fee in an amount established by the board, in rule pursuant to chapter 1-26, but not exceeding three hundred dollars;
- (3) Present evidence satisfactory to the board that the applicant is of good moral, ethical, and professional character; ~~and~~
- (4) Present evidence satisfactory to the board that the applicant has graduated from a physical therapy program accredited by an accrediting

body recognized by the United States Department of Education or by the Commission on Recognition of Postsecondary Accreditation, or present evidence satisfactory to the board that:

- (a) The applicant completed a course of professional instruction equivalent to ~~an approved~~ a program accredited by an accrediting body recognized by the United States Department of Education or the Commission on Recognition of Postsecondary Accreditation; and
 - (b) The applicant has ~~scored at least five hundred fifty on the TOEFL, obtained a passing score on a comparative nationally recognized~~ passed an English proficiency examination approved by the board, or completed two years of secondary or postsecondary education in any educational institution in which the instruction is conducted in English; and
- (5) Pass a national examination recognized by the board, with a grade acceptable to the board.

Section 2. That § 36-10-29 be AMENDED:

36-10-29. The State Board of Physical Therapy shall issue a license to each applicant who:

- ~~(1) Has passed a national examination, recognized by the board, with a grade acceptable to the board; and~~
- ~~(2) Meets~~ meets the requirements for licensure under this chapter and rules promulgated by the board.

Section 3. That § 36-10-35.1 be AMENDED:

36-10-35.1. A person seeking licensure as a physical therapist assistant shall:

- (1) ~~Apply to~~ File an application with the State Board of Physical Therapy;
- (2) Submit an application fee in an amount established by the board, in rule pursuant to chapter 1-26, but not exceeding three hundred dollars; ~~and~~
- (3) Present evidence satisfactory to the board that the applicant is of good moral, ethical, and professional character;
- (4) ~~Present evidence satisfactory to the board of:~~
- (a) ~~Graduation that the applicant has graduated from an accredited a physical therapist assistant's assistant education program accredited by an accredited body recognized by the board, and United States Department of Education or by the Commission on Recognition of Postsecondary Accreditation, or present evidence satisfactory to the board that:~~
 - (a) The applicant completed a course of professional instruction equivalent to a program accredited by an accrediting body recognized by the United States Department of Education or the Commission on Recognition of Postsecondary Education; and
 - (b) Passage of a written examination, The applicant has passed an English proficiency examination approved by the board, which tests the applicant's knowledge on subjects relating to physical therapy or completed two years of secondary or postsecondary education in any educational institution in which the instruction is conducted in English; and

- (5) Pass a national examination recognized by the board, with a grade acceptable to the board.

Section 4. That § 36-10-35.8 be AMENDED:

36-10-35.8. A physical therapist may not, at any one time, supervise more than the equivalent of two full-time physical therapist assistants. ~~The supervising physical therapist shall register, with the State Board of Physical Therapy, the name and address of each physical therapist assistant whom the physical therapist is supervising. The registration must be on a form provided by the board, and submitted at least fifteen days prior to the date on which supervision is to commence.~~

~~The supervising physical therapist shall, within ten days of termination, provide written notification to the board, if the supervision of a physical therapist assistant is terminated. The supervising physical therapist may delegate responsibility for the supervision of a physical therapist assistant to another physical therapist, for a period not exceeding thirty days.~~

Section 5. That § 36-10-35.9 be AMENDED:

36-10-35.9. When supervising a physical therapist assistant's care of a patient ~~at in~~ any setting, the supervising physical therapist shall comply with the following standards of supervision:

- (1) ~~The supervising physical therapist shall be accessible either in person or by telecommunications to the physical therapist assistant at all times while the physical therapist assistant is treating patients;~~
- (2) ~~The initial visit shall be made by the supervising physical therapist for evaluation of the patient and establishment of a plan of care;~~
- (3) ~~At least every five physical therapist assistant visits, there shall be a joint visit or a treatment rendered by the supervising physical therapist. The physical therapist assistant shall be supervised by the supervising physical therapist at least once every thirty calendar days. Every five physical therapist assistant visits or every thirty days, whichever occurs first, a documented conference with the physical therapist assistant outlining current treatment goals and program modifications shall occur. The supervising physical therapist shall make the final scheduled visit to terminate the plan of care; and~~
- (4) ~~Each visit by the supervising physical therapist shall include:~~
 - (a) ~~A complete assessment of the patient;~~
 - (b) ~~A review of the plan of care with appropriate revision or termination; and~~
 - (c) ~~Assessment and recommendation for utilization of outside resources~~Before assigning the physical therapist assistant to the patient for physical therapy procedures and related tasks, the supervising physical therapist must perform a comprehensive assessment of the patient and establish a plan of care;
- (2) The supervising physical therapist must be present at least one of every ten patient visits or one patient visit every thirty calendar days, whichever occurs sooner. The supervising physical therapist may be present through the use of interactive audio and visual communications technology. During each visit at which the supervising physical therapist is required to be

present, the supervising physical therapist shall reassess the patient, review the plan of care, and if appropriate, make changes to or terminate the plan of care; and

- (3) During any other patient visit at which the supervising physical therapist is not required to be present, the supervising physical therapist must be immediately available for consultation and direction, either in person or by telecommunications technology, while the physical therapist assistant is performing physical therapy procedures and related tasks.

Signed March 12, 2025

Chapter 153
(House Bill 1144)

An Act to adopt the dietitian licensure compact.

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

Section 1. That a NEW SECTION be added to chapter 36-10B:

The board shall implement procedures for the completion of a state and federal fingerprint-based criminal background check for a dietitian seeking to participate in the dietitian licensure compact adopted by section 2 of this Act. The dietitian must pay any fee for the cost of fingerprinting and conducting the background check.

Section 2. That a NEW SECTION be added to a NEW CHAPTER in title 36:

DIETITIAN LICENSURE COMPACT

SECTION 1: PURPOSE

The purpose of this Compact is to facilitate interstate Practice of Dietetics with the goal of improving public access to dietetics services. This Compact preserves the regulatory authority of States to protect public health and safety through the current system of State licensure, while also providing for licensure portability through a Compact Privilege granted to qualifying professionals.

This Compact is designed to achieve the following objectives:

- A. Increase public access to dietetics services;
- B. Provide opportunities for interstate practice by Licensed Dietitians who meet uniform requirements;
- C. Eliminate the necessity for Licenses in multiple States;
- D. Reduce administrative burden on Member States and Licensees;
- E. Enhance the States' ability to protect the public's health and safety;
- F. Encourage the cooperation of Member States in regulating multistate practice of Licensed Dietitians;
- G. Support relocating Active Military Members and their spouses;
- H. Enhance the exchange of licensure, investigative, and disciplinary information among Member States; and

- I. Vest all Member States with the authority to hold a Licensed Dietitian accountable for meeting all State practice laws in the State in which the patient is located at the time care is rendered.

SECTION 2. DEFINITIONS

As used in this Compact, and except as otherwise provided, the following definitions shall apply:

- A. "ACEND" means the Accreditation Council for Education in Nutrition and Dietetics or its successor organization.
- B. "Active Military Member" means any individual with full-time duty status in the active armed forces of the United States, including members of the National Guard and Reserve.
- C. "Adverse Action" means any administrative, civil, equitable or criminal action permitted by a State's laws which is imposed by a Licensing Authority or other authority against a Licensee, including actions against an individual's License or Compact Privilege such as revocation, suspension, probation, monitoring of the Licensee, limitation on the Licensee's practice, or any other Encumbrance on licensure affecting a Licensee's authorization to practice, including issuance of a cease and desist action.
- D. "Alternative Program" means a non-disciplinary monitoring or practice remediation process approved by a Licensing Authority.
- E. "Charter Member State" means any Member State which enacted this Compact by law before the Effective Date specified in Section 12.
- F. "Continuing Education" means a requirement, as a condition of License renewal, to provide evidence of participation in, and completion of, educational and professional activities relevant to practice or area of work.
- G. "CDR" means the Commission on Dietetic Registration or its successor organization.
- H. "Compact Commission" means the government agency whose membership consists of all States that have enacted this Compact, which is known as the Dietitian Licensure Compact Commission, as described in Section 8, and which shall operate as an instrumentality of the Member States.
- I. "Compact Privilege" means a legal authorization, which is equivalent to a License, permitting the Practice of Dietetics in a Remote State.
- J. "Current Significant Investigative Information" means:
1. Investigative Information that a Licensing Authority, after a preliminary inquiry that includes notification and an opportunity for the subject Licensee to respond, if required by State law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction; or
 2. Investigative Information that indicates that the subject Licensee represents an immediate threat to public health and safety regardless of whether the subject Licensee has been notified and had an opportunity to respond.

- K. "Data System" means a repository of information about Licensees, including, but not limited to, Continuing Education, examination, licensure, investigative, Compact Privilege, and Adverse Action information.
- L. "Encumbered License" means a License in which an Adverse Action restricts a Licensee's ability to practice dietetics.
- M. "Encumbrance" means a revocation or suspension of, or any limitation on a Licensee's full and unrestricted Practice of Dietetics by a Licensing Authority.
- N. "Executive Committee" means a group of delegates elected or appointed to act on behalf of, and within the powers granted to them by, this Compact, and the Compact Commission.
- O. "Home State" means the Member State that is the Licensee's primary State of residence or that has been designated pursuant to Section 6.
- P. "Investigative Information" means information, records, and documents received or generated by a Licensing Authority pursuant to an investigation.
- Q. "Jurisprudence Requirement" means an assessment of an individual's knowledge of the State laws and regulations governing the Practice of Dietetics in such State.
- R. "License" means an authorization from a Member State to either:
 1. Engage in the Practice of Dietetics (including medical nutrition therapy); or
 2. Use the title "dietitian," "licensed dietitian," "licensed dietitian nutritionist," "certified dietitian," or other title describing a substantially similar practitioner as the Compact Commission may further define by Rule.
- S. "Licensee" or "Licensed Dietitian" means an individual who currently holds a License and who meets all of the requirements outlined in Section 4.
- T. "Licensing Authority" means the board or agency of a State, or equivalent, that is responsible for the licensing and regulation of the Practice of Dietetics.
- U. "Member State" means a State that has enacted the Compact.
- V. "Practice of Dietetics" means the synthesis and application of dietetics, primarily for the provision of nutrition care services, including medical nutrition therapy, in person or via telehealth, to prevent, manage, or treat diseases or medical conditions and promote wellness.
- W. "Registered Dietitian" means a person who:
 1. Has completed applicable education, experience, examination, and recertification requirements approved by CDR;
 2. Is credentialed by CDR as a registered dietitian or a registered dietitian nutritionist; and
 3. Is legally authorized to use the title registered dietitian or registered dietitian nutritionist and the corresponding abbreviations "RD" or "RDN."
- X. "Remote State" means a Member State other than the Home State, where a Licensee is exercising or seeking to exercise a Compact Privilege.

- Y. "Rule" means a regulation promulgated by the Compact Commission that has the force of law.
- Z. "Single State License" means a License issued by a Member State within the issuing State and does not include a Compact Privilege in any other Member State.
- AA. "State" means any state, commonwealth, district, or territory of the United States of America.
- BB. "Unencumbered License" means a License that authorizes a Licensee to engage in the full and unrestricted Practice of Dietetics.

SECTION 3. STATE PARTICIPATION IN THE COMPACT

- A. To participate in the Compact, a State must currently:
1. License and regulate the Practice of Dietetics; and
 2. Have a mechanism in place for receiving and investigating complaints about Licensees.
- B. A Member State shall:
1. Participate fully in the Compact Commission's Data System, including using the unique identifier as defined in Rules;
 2. Notify the Compact Commission, in compliance with the terms of the Compact and Rules, of any Adverse Action or the availability of Current Significant Investigative Information regarding a Licensee;
 3. Implement or utilize procedures for considering the criminal history record information of applicants for an initial Compact Privilege. These procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that State's criminal records;
 - a. A Member State must fully implement a criminal history record information requirement, within a time frame established by Rule, which includes receiving the results of the Federal Bureau of Investigation record search and shall use those results in determining Compact Privilege eligibility.
 - b. Communication between a Member State and the Compact Commission or among Member States regarding the verification of eligibility for a Compact Privilege shall not include any information received from the Federal Bureau of Investigation relating to a federal criminal history record information check performed by a Member State.
 4. Comply with and enforce the Rules of the Compact Commission;
 5. Require an applicant for a Compact Privilege to obtain or retain a License in the Licensee's Home State and meet the Home State's qualifications for licensure or renewal of licensure, as well as all other applicable State laws; and

- 6. Recognize a Compact Privilege granted to a Licensee who meets all of the requirements outlined in Section 4 in accordance with the terms of the Compact and Rules.
- C. Member States may set and collect a fee for granting a Compact Privilege.
- D. Individuals not residing in a Member State shall continue to be able to apply for a Member State's Single State License as provided under the laws of each Member State. However, the Single State License granted to these individuals shall not be recognized as granting a Compact Privilege to engage in the Practice of Dietetics in any other Member State.
- E. Nothing in this Compact shall affect the requirements established by a Member State for the issuance of a Single State License.
- F. At no point shall the Compact Commission have the power to define the requirements for the issuance of a Single State License to practice dietetics. The Member States shall retain sole jurisdiction over the provision of these requirements.

SECTION 4. COMPACT PRIVILEGE

- A. To exercise the Compact Privilege under the terms and provisions of the Compact, the Licensee shall:
 - 1. Satisfy one of the following:
 - a. Hold a valid current registration that gives the applicant the right to use the term Registered Dietitian; or
 - b. Complete all of the following:
 - i. An education program which is either:
 - a) A master's degree or doctoral degree that is programmatically accredited by (i) ACEND; or (ii) a dietetics accrediting agency recognized by the United States Department of Education, which the Compact Commission may by Rule determine, and from a college or university accredited at the time of graduation by the appropriate regional accrediting agency recognized by the Council on Higher Education Accreditation and the United States Department of Education.
 - b) An academic degree from a college or university in a foreign country equivalent to the degree described in subparagraph (a) that is programmatically accredited by (i) ACEND; or (ii) a dietetics accrediting agency recognized by the United States Department of Education, which the Compact Commission may by Rule determine.
 - ii. A planned, documented, supervised practice experience in dietetics that is programmatically accredited by (i) ACEND, or (ii) a dietetics accrediting agency recognized by the United States Department of Education which the Compact Commission may by Rule determine and which involves at least 1000 hours of

practice experience under the supervision of a Registered Dietitian or a Licensed Dietitian.

iii. Successful completion of either: (i) the Registration Examination for Dietitians administered by CDR, or (ii) a national credentialing examination for dietitians approved by the Compact Commission by Rule; such completion being no more than five (5) years prior to the date of the Licensee's application for initial licensure and accompanied by a period of continuous licensure thereafter, all of which may be further governed by the Rules of the Compact Commission.

2. Hold an Unencumbered License in the Home State;

3. Notify the Compact Commission that the Licensee is seeking a Compact Privilege within a Remote State(s);

4. Pay any applicable fees, including any State fee, for the Compact Privilege;

5. Meet any Jurisprudence Requirements established by the Remote State(s) in which the Licensee is seeking a Compact Privilege; and

6. Report to the Compact Commission any Adverse Action, Encumbrance, or restriction on a License taken by any non-Member State within thirty (30) days from the date the action is taken.

B. The Compact Privilege is valid until the expiration date of the Home State License. To maintain a Compact Privilege, renewal of the Compact Privilege shall be congruent with the renewal of the Home State License as the Compact Commission may define by Rule. The Licensee must comply with the requirements of Section 4(A) to maintain the Compact Privilege in the Remote State(s).

C. A Licensee exercising a Compact Privilege shall adhere to the laws and regulations of the Remote State. Licensees shall be responsible for educating themselves on, and complying with, any and all State laws relating to the Practice of Dietetics in such Remote State.

D. Notwithstanding anything to the contrary provided in this Compact or State law, a Licensee exercising a Compact Privilege shall not be required to complete Continuing Education Requirements required by a Remote State. A Licensee exercising a Compact Privilege is only required to meet any Continuing Education Requirements as required by the Home State.

SECTION 5: OBTAINING A NEW HOME STATE LICENSE BASED ON A COMPACT PRIVILEGE

A. A Licensee may hold a Home State License, which allows for a Compact Privilege in other Member States, in only one Member State at a time.

B. If a Licensee changes Home State by moving between two Member States:

1. The Licensee shall file an application for obtaining a new Home State License based on a Compact Privilege, pay all applicable fees, and notify the current and new Home State in accordance with the Rules of the Compact Commission.

2. Upon receipt of an application for obtaining a new Home State License by virtue of a Compact Privilege, the new Home State shall verify that the Licensee meets the criteria in Section 4 via the Data System, and require that the Licensee complete the following:
 - a. Federal Bureau of Investigation fingerprint-based criminal history record information check;
 - b. Any other criminal history record information required by the new Home State; and
 - c. Any Jurisprudence Requirements of the new Home State.
3. The former Home State shall convert the former Home State License into a Compact Privilege once the new Home State has activated the new Home State License in accordance with applicable Rules adopted by the Compact Commission.
4. Notwithstanding any other provision of this Compact, if the Licensee cannot meet the criteria in Section 4, the new Home State may apply its requirements for issuing a new Single State License.
5. The Licensee shall pay all applicable fees to the new Home State in order to be issued a new Home State License.
- C. If a Licensee changes their State of residence by moving from a Member State to a non-Member State, or from a non-Member State to a Member State, the State criteria shall apply for issuance of a Single State License in the new State.
- D. Nothing in this Compact shall interfere with a Licensee's ability to hold a Single State License in multiple States; however, for the purposes of this Compact, a Licensee shall have only one Home State License.
- E. Nothing in this Compact shall affect the requirements established by a Member State for the issuance of a Single State License.

SECTION 6. ACTIVE MILITARY MEMBERS OR THEIR SPOUSES

An Active Military Member, or their spouse, shall designate a Home State where the individual has a current License in good standing. The individual may retain the Home State designation during the period the service member is on active duty.

SECTION 7. ADVERSE ACTIONS

- A. In addition to the other powers conferred by State law, a Remote State shall have the authority, in accordance with existing State due process law, to:
 1. Take Adverse Action against a Licensee's Compact Privilege within that Member State; and
 2. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued by a Licensing Authority in a Member State for the attendance and testimony of witnesses or the production of evidence from another Member State shall be enforced in the latter State by any court of competent jurisdiction, according to the practice and procedure applicable to subpoenas issued in proceedings pending before

that court. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the State in which the witnesses or evidence are located.

- B. Only the Home State shall have the power to take Adverse Action against a Licensee's Home State License.
- C. For purposes of taking Adverse Action, the Home State shall give the same priority and effect to reported conduct received from a Member State as it would if the conduct had occurred within the Home State. In so doing, the Home State shall apply its own State laws to determine appropriate action.
- D. The Home State shall complete any pending investigations of a Licensee who changes Home States during the course of the investigations. The Home State shall also have authority to take appropriate action(s) and shall promptly report the conclusions of the investigations to the administrator of the Data System. The administrator of the Data System shall promptly notify the new Home State of any Adverse Actions.
- E. A Member State, if otherwise permitted by State law, may recover from the affected Licensee the costs of investigations and dispositions of cases resulting from any Adverse Action taken against that Licensee.
- F. A Member State may take Adverse Action based on the factual findings of another Remote State, provided that the Member State follows its own procedures for taking the Adverse Action.
- G. Joint Investigations:
 - 1. In addition to the authority granted to a Member State by its respective State law, any Member State may participate with other Member States in joint investigations of Licensees.
 - 2. Member States shall share any investigative, litigation, or compliance materials in furtherance of any joint investigation initiated under the Compact.
- H. If Adverse Action is taken by the Home State against a Licensee's Home State License resulting in an Encumbrance on the Home State License, the Licensee's Compact Privilege(s) in all other Member States shall be revoked until all Encumbrances have been removed from the Home State License. All Home State disciplinary orders that impose Adverse Action against a Licensee shall include a statement that the Licensee's Compact Privileges are revoked in all Member States during the pendency of the order.
- I. Once an Encumbered License in the Home State is restored to an Unencumbered License (as certified by the Home State's Licensing Authority), the Licensee must meet the requirements of Section 4(A) and follow the administrative requirements to reapply to obtain a Compact Privilege in any Remote State.
- J. If a Member State takes Adverse Action, it shall promptly notify the administrator of the Data System. The administrator of the Data System shall promptly notify the other Member States State of any Adverse Actions.
- K. Nothing in this Compact shall override a Member State's decision that participation in an Alternative Program may be used in lieu of Adverse Action.

SECTION 8. ESTABLISHMENT OF THE DIETITIAN LICENSURE COMPACT COMMISSION

A. The Compact Member States hereby create and establish a joint government agency whose membership consists of all Member States that have enacted the Compact known as the Dietitian Licensure Compact Commission. The Compact Commission is an instrumentality of the Compact States acting jointly and not an instrumentality of any one State. The Compact Commission shall come into existence on or after the effective date of the Compact as set forth in Section 12.

B. Membership, Voting, and Meetings:

1. Each Member State shall have and be limited to one (1) delegate selected by that Member State's Licensing Authority.
2. The delegate shall be the primary administrator of the Licensing Authority or their designee.
3. The Compact Commission shall by Rule or bylaw establish a term of office for delegates and may by Rule or bylaw establish term limits.
4. The Compact Commission may recommend removal or suspension of any delegate from office.
5. A Member State's Licensing Authority shall fill any vacancy of its delegate occurring on the Compact Commission within sixty (60) days of the vacancy.
6. Each delegate shall be entitled to one vote on all matters before the Compact Commission requiring a vote by the delegates.
7. Delegates shall meet and vote by such means as set forth in the bylaws. The bylaws may provide for delegates to meet and vote in-person or by telecommunication, video conference, or other means of communication.
8. The Compact Commission shall meet at least once during each calendar year. Additional meetings may be held as set forth in the bylaws. The Compact Commission may meet in person or by telecommunication, video conference, or other means of communication.

C. The Compact Commission shall have the following powers:

1. Establish the fiscal year of the Compact Commission;
2. Establish code of conduct and conflict of interest policies;
3. Establish and amend Rules and bylaws;
4. Maintain its financial records in accordance with the bylaws;
5. Meet and take such actions as are consistent with the provisions of this Compact, the Compact Commission's Rules, and the bylaws;
6. Initiate and conclude legal proceedings or actions in the name of the Compact Commission, provided that the standing of any Licensing Authority to sue or be sued under applicable law shall not be affected;
7. Maintain and certify records and information provided to a Member State as the authenticated business records of the

Compact Commission, and designate an agent to do so on the Compact Commission's behalf;

8. Purchase and maintain insurance and bonds;
9. Borrow, accept, or contract for services of personnel, including, but not limited to, employees of a Member State;
10. Conduct an annual financial review;
11. Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the Compact, and establish the Compact Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;
12. Assess and collect fees;
13. Accept any and all appropriate donations, grants of money, other sources of revenue, equipment, supplies, materials, services, and gifts, and receive, utilize, and dispose of the same; provided that at all times the Compact Commission shall avoid any actual or appearance of impropriety or conflict of interest;
14. Lease, purchase, retain, own, hold, improve, or use any property, real, personal, or mixed, or any undivided interest therein;
15. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed;
16. Establish a budget and make expenditures;
17. Borrow money;
18. Appoint committees, including standing committees, composed of members, State regulators, State legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this Compact or the bylaws;
19. Provide and receive information from, and cooperate with, law enforcement agencies;
20. Establish and elect an Executive Committee, including a chair and a vice chair;
21. Determine whether a State's adopted language is materially different from the model compact language such that the State would not qualify for participation in the Compact; and
22. Perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact.

D. The Executive Committee:

1. The Executive Committee shall have the power to act on behalf of the Compact Commission according to the terms of this Compact. The powers, duties, and responsibilities of the Executive Committee shall include:
 - a. Oversee the day-to-day activities of the administration of the Compact including enforcement and compliance with the provisions of the Compact, its Rules and bylaws, and other such duties as deemed necessary;

- b. Recommend to the Compact Commission changes to the Rules or bylaws, changes to this Compact legislation, fees charged to Compact Member States, fees charged to Licensees, and other fees;
 - c. Ensure Compact administration services are appropriately provided, including by contract;
 - d. Prepare and recommend the budget;
 - e. Maintain financial records on behalf of the Compact Commission;
 - f. Monitor Compact compliance of Member States and provide compliance reports to the Compact Commission;
 - g. Establish additional committees as necessary;
 - h. Exercise the powers and duties of the Compact Commission during the interim between Compact Commission meetings, except for adopting or amending Rules, adopting or amending bylaws, and exercising any other powers and duties expressly reserved to the Compact Commission by Rule or bylaw; and
 - i. Other duties as provided in the Rules or bylaws of the Compact Commission.
2. The Executive Committee shall be composed of nine members:
- a. The chair and vice chair of the Compact Commission shall be voting members of the Executive Committee;
 - b. Five voting members from the current membership of the Compact Commission, elected by the Compact Commission;
 - c. One ex-officio, nonvoting member from a recognized professional association representing dietitians; and
 - d. One ex-officio, nonvoting member from a recognized national credentialing organization for dietitians.
3. The Compact Commission may remove any member of the Executive Committee as provided in the Compact Commission's bylaws.
4. The Executive Committee shall meet at least annually.
- a. Executive Committee meetings shall be open to the public, except that the Executive Committee may meet in a closed, non-public meeting as provided in subsection (F)(2).
 - b. The Executive Committee shall give thirty (30) days' notice of its meetings, posted on the website of the Compact Commission and as determined to provide notice to persons with an interest in the business of the Compact Commission.
 - c. The Executive Committee may hold a special meeting in accordance with subsection (F)(1)(b).
- E. The Compact Commission shall adopt and provide to the Member States an annual report.

F. Meetings of the Compact Commission:

1. All meetings shall be open to the public, except that the Compact Commission may meet in a closed, non-public meeting as provided in subsection (F)(2).
 - a. Public notice for all meetings of the full Compact Commission shall be given in the same manner as required under the rulemaking provisions in Section 10, except that the Compact Commission may hold a special meeting as provided in subsection (F)(1)(b).
 - b. The Compact Commission may hold a special meeting when it must meet to conduct emergency business by giving 24 hours' notice to all Member States, on the Compact Commission's website, and other means as provided in the Compact Commission's Rules. The Compact Commission's legal counsel shall certify that the Compact Commission's need to meet qualifies as an emergency.
2. The Compact Commission or the Executive Committee or other committees of the Compact Commission may convene in a closed, non-public meeting for the Compact Commission or Executive Committee or other committees of the Compact Commission to receive legal advice or to discuss:
 - a. Non-compliance of a Member State with its obligations under the Compact;
 - b. The employment, compensation, discipline, or other matters, practices, or procedures related to specific employees;
 - c. Current or threatened discipline of a Licensee by the Compact Commission or by a Member State's Licensing Authority;
 - d. Current, threatened, or reasonably anticipated litigation;
 - e. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;
 - f. Accusing any person of a crime or formally censuring any person;
 - g. Trade secrets or commercial or financial information that is privileged or confidential;
 - h. Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
 - i. Investigative records compiled for law enforcement purposes;
 - j. Information related to any investigative reports prepared by or on behalf of or for use of the Compact Commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the Compact;

- k. Matters specifically exempted from disclosure by federal or Member State law; or
 - l. Other matters as specified in the Rules of the Compact Commission.
 - 3. If a meeting, or portion of a meeting, is closed, the presiding officer shall state that the meeting will be closed and reference each relevant exempting provision, and such reference shall be recorded in the minutes.
 - 4. The Compact Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the Compact Commission or order of a court of competent jurisdiction.

G. Financing of the Compact Commission

- 1. The Compact Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.
- 2. The Compact Commission may accept any and all appropriate revenue sources as provided in subsection (C)(13).
- 3. The Compact Commission may levy on and collect an annual assessment from each Member State and impose fees on licensees of Member States to whom it grants a Compact Privilege to cover the cost of the operations and activities of the Compact Commission and its staff, which must, in a total amount, be sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount for Member States shall be allocated based upon a formula that the Compact Commission shall promulgate by Rule.
- 4. The Compact Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Compact Commission pledge the credit of any of the Member States, except by and with the authority of the Member State.
- 5. The Compact Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Compact Commission shall be subject to the financial review and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Compact Commission shall be subject to an annual financial review by a certified or licensed public accountant, and the report of the financial review shall be included in and become part of the annual report of the Compact Commission.

H. Qualified Immunity, Defense, and Indemnification

- 1. The members, officers, executive director, employees, and representatives of the Compact Commission shall be immune from suit and liability, both personally and in their official capacity, for any claim for damage to or loss of property or

personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Compact Commission employment, duties, or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person. The procurement of insurance of any type by the Compact Commission shall not in any way compromise or limit the immunity granted hereunder.

2. The Compact Commission shall defend any member, officer, executive director, employee, and representative of the Compact Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of Compact Commission employment, duties, or responsibilities, or as determined by the Compact Commission that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Compact Commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining their own counsel at their own expense; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.
3. The Compact Commission shall indemnify and hold harmless any member, officer, executive director, employee, and representative of the Compact Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of Compact Commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Compact Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.
4. Nothing herein shall be construed as a limitation on the liability of any Licensee for professional malpractice or misconduct, which shall be governed solely by any other applicable State laws.
5. Nothing in this Compact shall be interpreted to waive or otherwise abrogate a Member State's state action immunity or state action affirmative defense with respect to antitrust claims under the Sherman Act, Clayton Act, or any other State or federal antitrust or anticompetitive law or regulation.
6. Nothing in this Compact shall be construed to be a waiver of sovereign immunity by the Member States or by the Compact Commission.

SECTION 9. DATA SYSTEM

- A. The Compact Commission shall provide for the development, maintenance, operation, and utilization of a coordinated Data System.
- B. The Compact Commission shall assign each applicant for a Compact Privilege a unique identifier, as determined by the Rules.

- C. Notwithstanding any other provision of State law to the contrary, a Member State shall submit a uniform data set to the Data System on all individuals to whom this Compact is applicable as required by the Rules of the Compact Commission, including:
1. Identifying information;
 2. Licensure data;
 3. Adverse Actions against a License or Compact Privilege and information related thereto;
 4. Non-confidential information related to Alternative Program participation, the beginning and ending dates of such participation, and other information related to such participation not made confidential under Member State law;
 5. Any denial of application for licensure, and the reason(s) for such denial;
 6. The presence of Current Significant Investigative Information; and
 7. Other information that may facilitate the administration of this Compact or the protection of the public, as determined by the Rules of the Compact Commission.
- D. The records and information provided to a Member State pursuant to this Compact or through the Data System, when certified by the Compact Commission or an agent thereof, shall constitute the authenticated business records of the Compact Commission, and shall be entitled to any associated hearsay exception in any relevant judicial, quasi-judicial, or administrative proceedings in a Member State.
- E. Current Significant Investigative Information pertaining to a Licensee in any Member State will only be available to other Member States.
- F. It is the responsibility of the Member States to report any Adverse Action against a Licensee and to monitor the Data System to determine whether any Adverse Action has been taken against a Licensee. Adverse Action information pertaining to a Licensee in any Member State will be available to any other Member State.
- G. Member States contributing information to the Data System may designate information that may not be shared with the public without the express permission of the contributing State.
- H. Any information submitted to the Data System that is subsequently expunged pursuant to federal law or the laws of the Member State contributing the information shall be removed from the Data System.

SECTION 10. RULEMAKING

- A. The Compact Commission shall promulgate reasonable Rules in order to effectively and efficiently implement and administer the purposes and provisions of the Compact. A Rule shall be invalid and have no force or effect only if a court of competent jurisdiction holds that the Rule is invalid because the Compact Commission exercised its rulemaking authority in a manner that is beyond the scope and purposes of the Compact, or the powers granted hereunder, or based upon another applicable standard of review.

- B. The Rules of the Compact Commission shall have the force of law in each Member State, provided however that where the Rules conflict with the laws or regulations of a Member State that relate to the procedures, actions, and processes a Licensed Dietitian is permitted to undertake in that State and the circumstances under which they may do so, as held by a court of competent jurisdiction, the Rules of the Compact Commission shall be ineffective in that State to the extent of the conflict.
- C. The Compact Commission shall exercise its rulemaking powers pursuant to the criteria set forth in this Section and the Rules adopted thereunder. Rules shall become binding on the day following adoption or as of the date specified in the Rule or amendment, whichever is later.
- D. If a majority of the legislatures of the Member States rejects a Rule or portion of a Rule, by enactment of a statute or resolution in the same manner used to adopt the Compact within four (4) years of the date of adoption of the Rule, then such Rule shall have no further force and effect in any Member State.
- E. Rules shall be adopted at a regular or special meeting of the Compact Commission.
- F. Prior to adoption of a proposed Rule, the Compact Commission shall hold a public hearing and allow persons to provide oral and written comments, data, facts, opinions, and arguments.
- G. Prior to adoption of a proposed Rule by the Compact Commission, and at least thirty (30) days in advance of the meeting at which the Compact Commission will hold a public hearing on the proposed Rule, the Compact Commission shall provide a Notice of Proposed rulemaking:
1. On the website of the Compact Commission or other publicly accessible platform;
 2. To persons who have requested notice of the Compact Commission's notices of proposed rulemaking; and
 3. In such other way(s) as the Compact Commission may by Rule specify.
- H. The Notice of Proposed rulemaking shall include:
1. The time, date, and location of the public hearing at which the Compact Commission will hear public comments on the proposed Rule and, if different, the time, date, and location of the meeting where the Compact Commission will consider and vote on the proposed Rule;
 2. If the hearing is held via telecommunication, video conference, or other means of communication, the Compact Commission shall include the mechanism for access to the hearing in the Notice of Proposed rulemaking;
 3. The text of the proposed Rule and the reason therefore;
 4. A request for comments on the proposed Rule from any interested person; and
 5. The manner in which interested persons may submit written comments.

- I. All hearings will be recorded. A copy of the recording and all written comments and documents received by the Compact Commission in response to the proposed Rule shall be available to the public.
- J. Nothing in this Section shall be construed as requiring a separate hearing on each Rule. Rules may be grouped for the convenience of the Compact Commission at hearings required by this Section.
- K. The Compact Commission shall, by majority vote of all members, take final action on the proposed Rule based on the rulemaking record and the full text of the Rule.
 - 1. The Compact Commission may adopt changes to the proposed Rule provided the changes do not enlarge the original purpose of the proposed Rule.
 - 2. The Compact Commission shall provide an explanation of the reasons for substantive changes made to the proposed Rule as well as reasons for substantive changes not made that were recommended by commenters.
 - 3. The Compact Commission shall determine a reasonable effective date for the Rule. Except for an emergency as provided in Section 10(L), the effective date of the Rule shall be no sooner than thirty (30) days after issuing the notice that it adopted or amended the Rule.
- L. Upon determination that an emergency exists, the Compact Commission may consider and adopt an emergency Rule with 24 hours' notice, with opportunity to comment, provided that the usual rulemaking procedures provided in the Compact and in this Section shall be retroactively applied to the Rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the Rule. For the purposes of this provision, an emergency Rule is one that must be adopted immediately in order to:
 - 1. Meet an imminent threat to public health, safety, or welfare;
 - 2. Prevent a loss of Compact Commission or Member State funds;
 - 3. Meet a deadline for the promulgation of a Rule that is established by federal law or rule; or
 - 4. Protect public health and safety.
- M. The Compact Commission or an authorized committee of the Compact Commission may direct revision to a previously adopted Rule for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revision shall be posted on the website of the Compact Commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a Rule. A challenge shall be made in writing and delivered to the Compact Commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Compact Commission.
- N. No Member State's rulemaking requirements shall apply under this Compact.

SECTION 11. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENTA. Oversight:

1. The executive and judicial branches of State government in each Member State shall enforce this Compact and take all actions necessary and appropriate to implement this Compact.
2. Except as otherwise provided in this Compact, venue is proper and judicial proceedings by or against the Compact Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Compact Commission is located. The Compact Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. Nothing herein shall affect or limit the selection or propriety of venue in any action against a Licensee for professional malpractice, misconduct, or any such similar matter.
3. The Compact Commission shall be entitled to receive service of process in any proceeding regarding the enforcement or interpretation of the Compact and shall have standing to intervene in such a proceeding for all purposes. Failure to provide the Compact Commission service of process shall render a judgment or order void as to the Compact Commission, this Compact, or promulgated Rules.

B. Default, Technical Assistance, and Termination:

1. If the Compact Commission determines that a Member State has defaulted in the performance of its obligations or responsibilities under this Compact or the promulgated Rules, the Compact Commission shall provide written notice to the defaulting State. The notice of default shall describe the default, the proposed means of curing the default, and any other action that the Compact Commission may take and shall offer training and specific technical assistance regarding the default.
2. The Compact Commission shall provide a copy of the notice of default to the other Member States.

C. If a State in default fails to cure the default, the defaulting State may be terminated from the Compact upon an affirmative vote of a majority of the delegates of the Member States, and all rights, privileges, and benefits conferred on that State by this Compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending State of obligations or liabilities incurred during the period of default.D. Termination of membership in the Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Compact Commission to the governor, the majority and minority leaders of the defaulting State's legislature, the defaulting State's Licensing Authority, and each of the Member States' Licensing Authority.E. A State that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

- F. Upon the termination of a State's membership from this Compact, that State shall immediately provide notice to all Licensees within that State of such termination. The terminated State shall continue to recognize all Compact Privileges granted pursuant to this Compact for a minimum of six (6) months after the date of said notice of termination.
- G. The Compact Commission shall not bear any costs related to a State that is found to be in default or that has been terminated from the Compact, unless agreed upon in writing between the Compact Commission and the defaulting State.
- H. The defaulting State may appeal the action of the Compact Commission by petitioning the United States District Court for the District of Columbia or the federal district where the Compact Commission has its principal offices. The prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees.
- I. Dispute Resolution:
1. Upon request by a Member State, the Compact Commission shall attempt to resolve disputes related to the Compact that arise among Member States and between Member and non-Member States.
 2. The Compact Commission shall promulgate a Rule providing for both mediation and binding dispute resolution for disputes as appropriate.
- J. Enforcement:
1. By supermajority vote, the Compact Commission may initiate legal action against a Member State in default in the United States District Court for the District of Columbia or the federal district where the Compact Commission has its principal offices to enforce compliance with the provisions of the Compact and its promulgated Rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees. The remedies herein shall not be the exclusive remedies of the Compact Commission. The Compact Commission may pursue any other remedies available under federal or the defaulting Member State's law.
 2. A Member State may initiate legal action against the Compact Commission in the United States District Court for the District of Columbia or the federal district where the Compact Commission has its principal offices to enforce compliance with the provisions of the Compact and its promulgated Rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees.
 3. No party other than a Member State shall enforce this Compact against the Compact Commission.

SECTION 12. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

- A. The Compact shall come into effect on the date on which the Compact statute is enacted into law in the seventh Member State.

1. On or after the effective date of the Compact, the Compact Commission shall convene and review the enactment of each of the first seven Member States ("Charter Member States") to determine if the statute enacted by each such Charter Member State is materially different than the model Compact statute.
 - a. A Charter Member State whose enactment is found to be materially different from the model Compact statute shall be entitled to the default process set forth in Section 11.
 - b. If any Member State is later found to be in default, or is terminated, or withdraws from the Compact, the Compact Commission shall remain in existence and the Compact shall remain in effect even if the number of Member States should be less than seven.
2. Member States enacting the Compact subsequent to the seven initial Charter Member States shall be subject to the process set forth in Section 8(C)(21) to determine if their enactments are materially different from the model Compact statute and whether they qualify for participation in the Compact.
3. All actions taken for the benefit of the Compact Commission or in furtherance of the purposes of the administration of the Compact prior to the effective date of the Compact or the Compact Commission coming into existence shall be considered to be actions of the Compact Commission unless specifically repudiated by the Compact Commission.
4. Any State that joins the Compact subsequent to the Compact Commission's initial adoption of the Rules and bylaws shall be subject to the Rules and bylaws as they exist on the date on which the Compact becomes law in that State. Any Rule that has been previously adopted by the Compact Commission shall have the full force and effect of law on the day the Compact becomes law in that State.
- B. Any Member State may withdraw from this Compact by enacting a statute repealing the same.
 1. A Member State's withdrawal shall not take effect until 180 days after enactment of the repealing statute.
 2. Withdrawal shall not affect the continuing requirement of the withdrawing State's Licensing Authority to comply with the investigative and Adverse Action reporting requirements of this Compact prior to the effective date of withdrawal.
 3. Upon the enactment of a statute withdrawing from this Compact, a State shall immediately provide notice of such withdrawal to all Licensees within that State. Notwithstanding any subsequent statutory enactment to the contrary, such withdrawing State shall continue to recognize all Compact Privileges granted pursuant to this Compact for a minimum of 180 days after the date of such notice of withdrawal.
- C. Nothing contained in this Compact shall be construed to invalidate or prevent any licensure agreement or other cooperative arrangement between a Member State and a non-Member State that does not conflict with the provisions of this Compact.

- D. This Compact may be amended by the Member States. No amendment to this Compact shall become effective and binding upon any Member State until it is enacted into the laws of all Member States.

SECTION 13. CONSTRUCTION AND SEVERABILITY

- A. This Compact and the Compact Commission's rulemaking authority shall be liberally construed so as to effectuate the purposes and the implementation and administration of the Compact. Provisions of the Compact expressly authorizing or requiring the promulgation of Rules shall not be construed to limit the Compact Commission's rulemaking authority solely for those purposes.
- B. The provisions of this Compact shall be severable and if any phrase, clause, sentence, or provision of this Compact is held by a court of competent jurisdiction to be contrary to the constitution of any Member State, a State seeking participation in the Compact, or of the United States, or the applicability thereof to any government, agency, person, or circumstance is held to be unconstitutional by a court of competent jurisdiction, the validity of the remainder of this Compact and the applicability thereof to any other government, agency, person, or circumstance shall not be affected thereby.
- C. Notwithstanding Section 13(B), the Compact Commission may deny a State's participation in the Compact or, in accordance with the requirements of Section 11(B), terminate a Member State's participation in the Compact, if it determines that a constitutional requirement of a Member State is a material departure from the Compact. Otherwise, if this Compact shall be held to be contrary to the constitution of any Member State, the Compact shall remain in full force and effect as to the remaining Member States and in full force and effect as to the Member State affected as to all severable matters.

SECTION 14. CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS

- A. Nothing herein shall prevent or inhibit the enforcement of any other law of a Member State that is not inconsistent with the Compact.
- B. Any laws, statutes, regulations, or other legal requirements in a Member State in conflict with the Compact are superseded to the extent of the conflict.
- C. All permissible agreements between the Compact Commission and the Member States are binding in accordance with their terms.

Signed March 6, 2025

Chapter 154 (House Bill 1016)

An Act to revise provisions related to pharmacy and to increase fees.

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

Section 1. That § 13-33A-4 be AMENDED:

13-33A-4. Any school may acquire and maintain a stock of epinephrine auto-injectors pursuant to a prescription issued by an authorized health care

provider for use in an emergency situation of a severe allergic reaction causing anaphylaxis. The provisions of this section are not subject to the prescription requirements in ~~subdivision 36-11-2(21) chapter 36-11.~~

Section 2. That § 36-11-2 be AMENDED:

36-11-2. Terms used in this chapter mean:

- (1) ~~"Association," the South Dakota Pharmacists Association;~~
- (2) "Biological product," as defined in 42 U.S.C. § 262(i), ~~as of (January 1, 2018);~~
- (3)(2) ~~"Board," or "board of pharmacy," the State Board of Pharmacy in South Dakota;~~
- (4)(3) "Brand name," the proprietary or registered trademark name given to a drug product by its manufacturer, labeler, or distributor and placed on the drug or on its container, label, or wrapping at the time of packaging;
- (5) ~~"Chemicals," the chemical materials or medicine;~~
- (6)(4) "Compounding," the preparation, mixing, assembling, packaging, or labeling of a drug or drug device as the result of a practitioner's prescription drug order or an initiative based on the pharmacist/patient/practitioner relationship in the course of professional practice or for the purpose of or as an incident to research, teaching, or chemical analysis and not for sale or dispensing. The term also includes the preparation of drug or drug devices in anticipation of prescription drug orders based on routine, regularly observed prescribing patterns;
- (7)(5) "Delivery," the actual, constructive, or attempted transfer of a drug or drug device from one person to another, whether or not for a consideration;
- (8)(6) ~~"Dispense" or "Dispensing," the preparation and delivery of a drug to a patient or a patient's agent pursuant to a prescription drug order in a suitable container with appropriate labeling for subsequent administration to or use by a patient. The term includes preparation of labels for drug devices if the labeling is related to the dosage and administration of drugs;~~
- (9)(7) "Distributing," the delivery of a drug or drug device other than by administration or dispensing;
- (10)(8) "Drug administration," the direct application of a drug or drug device by injection, inhalation, ingestion, or any other means to the body of a patient or research subject;
- (11)(9) "Drug device," equipment, process, biotechnological entity, diagnostic agent, or other product used in combination with a drug to provide effective management of medication regimens;
- (12) ~~"Drug utilization review program," any program operated solely or partially as a professional standards review organization whose purpose is to educate pharmacists and practitioners on severe adverse reactions to drugs, therapeutic appropriateness, overutilization and underutilization, appropriate use of generic products, therapeutic duplication, drug-disease contraindications, drug-drug interactions, incorrect drug dosage or duration of drug treatment, drug-allergy interactions and clinical abuse or misuse, as well as to identify and reduce the frequency of patterns of~~

~~potential and actual fraud, abuse, gross overuse, inappropriate care or medically unnecessary care associated with specific drugs or groups of drugs among practitioners, pharmacists and patients;~~

~~(13)~~(10) "Equivalent drug product," a drug product, other than a biological product, that is considered to be therapeutically equivalent to other pharmaceutically equivalent products as determined by the ~~latest~~ edition of Approved Drug Products with Therapeutic Equivalence Evaluations, ~~as adopted by the board through rules promulgated pursuant to chapter 1-26;~~

~~(14)~~(11) "Interchangeable biological product," a biological product that the ~~U.S. United States~~ Food and Drug Administration either has licensed and determined meets the standards for interchangeability pursuant to 42 U.S.C. § 262(k)(4), ~~as of (January 1, 2018), or has determined is therapeutically equivalent, as set forth in the latest edition of, or any supplement to, the Food and Drug Administration's Approved Drug Products with Therapeutic Equivalence Evaluations publication as adopted by the board through rules promulgated pursuant to chapter 1-26;~~

~~(15)~~(12) "Labeling," the process of preparing and affixing a label to any drug or drug device container exclusive of the labeling by the manufacturer, packer, or distributor of a nonprescription drug or commercially packaged legend drug or drug device;

~~(16)~~ "Medical device," an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent or other similar or related article, including any component, part or accessory, that is intended for use in the diagnosis of disease or other conditions or in the cure, mitigation, treatment or prevention of disease in man or other animals or is intended to affect the structure or any function of the body of man or other animals, that does not achieve any of its principal intended purposes through chemical action within or on the body of man or other animals and that is not dependent upon being metabolized for achievement of any of its principal intended purposes;

~~(17)~~(13) "Medicines," drugs or chemicals, or their preparations, in suitable form for the prevention, relief, or cure of diseases when used either internally or externally by man or for animals;

~~(18)~~(14) "Nonprescription drugs," drugs that are labeled for use by the general public in accordance with ~~§ 502 of the Federal Food, Drug and Cosmetic Act as amended through January 1, 1997, 21 U.S.C. § 352 (January 1, 2025), and may be sold without a prescription drug order in accordance with § 503 of the Federal Food, Drug and Cosmetic Act as amended through January 1, 1997 21 U.S.C. § 353 (January 1, 2025).~~ The term does not include drugs ~~which that~~ are required by federal law to bear the statement, "Caution: federal law prohibits dispensing without prescription," drugs intended for human use by hypodermic injection, or animal remedies regulated by chapter 39-18;

~~(19)~~(15) "Patient counseling," oral communication by the pharmacist of information to the patient or caregiver, ~~as defined in rules promulgated pursuant to chapter 1-26,~~ to improve therapy by ensuring proper use of drugs and drug devices;

~~(20)~~(16) "Pharmaceutical care," provision of drug therapy and other pharmaceutical patient care services intended to achieve outcomes

related to ~~cure~~ curing or ~~prevention of~~ preventing a disease, ~~elimination~~ eliminating or ~~reduction of~~ reducing a patient's symptoms, or arresting or slowing of a disease process;

- ~~(21)~~(17) "Pharmacist," a person licensed by the board to engage in the practice of pharmacy;
- ~~(22)~~(18) "Pharmacy," any place of business within or outside this state ~~licensed by the board~~ where drugs are dispensed and pharmaceutical care is provided to residents of this state;
- ~~(23)~~(19) "Practitioner," a person licensed, registered, or otherwise authorized by the jurisdiction in which the person is practicing to prescribe drugs in the course of professional practice;
- ~~(24)~~(20) "Prescription drug order," a written or oral order of a practitioner for a drug or drug device for a specific patient;
- ~~(25)~~(21) "Proper name," the nonproprietary name for a biological product designated by the ~~U.S.~~ United States Food and Drug Administration license for use upon each package of the product; and
- ~~(26)~~(22) "Registered pharmacy technician," a person registered by the board who is employed by a pharmacy to assist ~~licensed~~ pharmacists in the practice of pharmacy by performing specific tasks delegated by and under the immediate personal supervision and control of a ~~licensed~~ pharmacist, as permitted by the board;
- ~~(27)~~ "Retail place of business," ~~any place where merchandise is sold at retail and from which original packages of nonprescription drugs are sold or taken to be sold at retail;~~
- ~~(28)~~ "Reverse distributor," ~~any person or business registered with the Drug Enforcement Administration that accepts drug products from vendors and returns the drug products to manufacturers for credit or destruction.~~

Section 3. That § 36-11-2.1 be AMENDED:

36-11-2.1. ~~Drugs~~ For the purpose of this chapter, "drugs" are defined as follows:

- (1) Articles recognized in the official United States Pharmacopoeia or the official National Formulary, as adopted by the board of pharmacy ~~through rules promulgated~~ pursuant to chapter 1-26, or recognized in the official Homeopathic Pharmacopoeia of the United States as in effect on January 1, 1993;
- (2) Articles intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or other animals;
- (3) Articles ~~{, other than food}~~, intended to affect the structure or any functions of the human body; and
- (4) Articles intended for use as a component of any articles specified in this section.

The term "drugs" excludes medical devices.

For the purposes of this section, "medical device" means an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent, or other similar or related article, including any component, part, or accessory, that is intended for use in the diagnosis of disease or other conditions or in the cure, mitigation, treatment, or prevention of disease in humans or animals, or is

intended to affect the structure or any function of the body of humans or animals, that does not achieve any of its principal intended purposes through chemical action within or on the body of humans or animals and that is not dependent upon being metabolized for achievement of any of its principal intended purposes.

Section 4. That § 36-11-5 be AMENDED:

36-11-5. ~~The Board of Pharmacy board~~ shall hold meetings for the examination of applicants for licensure and registration, and the transaction of such other business ~~as shall pertain~~ that pertains to its duties. Special meetings of the board may be held whenever ~~it shall be~~ deemed necessary by a majority of the ~~members thereof board.~~ Two Three members of ~~such the~~ board ~~shall constitute~~ constitutes a quorum.

Section 5. That § 36-11-13 be AMENDED:

36-11-13. It is a Class 2 misdemeanor for any person other than a pharmacist ~~registered under the laws of South Dakota~~ to engage in the practice of pharmacy, except as provided by § 36-11-14.

Section 6. That § 36-11-15 be AMENDED:

36-11-15. Any person, other than a ~~registered~~ pharmacist, who compounds or dispenses drugs, medicines, or poisons, or who keeps a pharmacy or store for retailing or compounding medicines, or who takes, uses, or exhibits the title of a ~~registered~~ pharmacist, is guilty of a Class 2 misdemeanor.

Section 7. That § 36-11-16 be AMENDED:

36-11-16. ~~Any person of~~ The board shall issue a license to practice pharmacy to an individual who:

- (1) Submits an application prescribed by the board;
- (2) Submits an application fee set by the board through rules promulgated in accordance with chapter 1-26, but not exceeding thirty-five dollars;
- (3) Is of good moral character and temperate habits;
- (4) Is not less than eighteen years of age, who is;
- (5) Is a graduate of a college of pharmacy recognized and approved by the board, and who has;
- (6) Has had the necessary experience as determined by the board in the practice of pharmacy under a regularly licensed pharmacist in a pharmacy where physicians' prescriptions are compounded and who shall pass a satisfactory; and
- (7) Has passed an examination prescribed by the State Board of Pharmacy, shall be entitled to a certificate of registration as a licensed pharmacist board.

~~The board shall have the authority to~~ may allow credit for suitable military and research activities in the field of pharmacy as part of the experience requirement.

Section 8. That § 36-11-19 be AMENDED:

36-11-19. ~~The Board of Pharmacy board may in its discretion grant certificates of registration to such persons as shall furnish with their applications~~ issue a license to practice pharmacy to individual who applies to the board and

submits satisfactory proof that ~~they have the~~ individual has been ~~registered~~ licensed by examination in ~~some other~~ another state~~;~~, provided that ~~such the~~ other state required a degree of competency at the time ~~such person the individual~~ was licensed at least equal to that required of ~~licentiates~~ in this state at that same time.

~~The State Board of Pharmacy, in order to be informed, board~~ may, in determining the degree of fitness required by ~~the several~~ other states' boards of pharmacy for granting ~~license and reciprocal registration~~ licensure, join with other states' boards of pharmacy. Every ~~person individual~~ applying for ~~registration~~ licensure pursuant to this section shall pay to the board ~~upon an~~ application a fee, not to exceed one hundred fifty dollars, set by the board by rule promulgated pursuant to chapter 1-26.

Section 9. That § 36-11-19.1 be AMENDED:

36-11-19.1. ~~Registered pharmacists~~ A pharmacist may:

- (1) Perform drug administration pursuant to a prescription drug order. ~~The Board of Pharmacy shall establish standards for drug administration pursuant to chapter 1-26 with the approval of a committee composed of two persons appointed by the Board of Pharmacy, two persons appointed by the Board of Nursing and two persons appointed by the Board of Medical and Osteopathic Examiners;~~
- (2) Perform drug reviews;
- (3) Perform or participate in scientific or clinical drug or drug-related research as an investigator or in collaboration with other investigators;
- (4) Interpret and apply pharmacokinetic data and other pertinent laboratory data to design safe and effective drug dosage regimens;
- (5) Participate in drug and drug device selection pursuant to a prescription drug order;
- (6) Initiate or modify drug therapy by protocol or other legal authority established and approved within a licensed health care facility or by a practitioner authorized to prescribe drugs; and
- (7) Provide information on prescription drugs, which may include advising, consulting, and educating, as necessary or as required, patients, the public, and other health care providers on the rational, safe and cost-effective use of drugs, including therapeutic values, content, hazards and appropriate use.

The board shall establish standards for drug administration, in rules promulgated pursuant to chapter 1-26, with the approval of a committee composed of two persons appointed by the board, two persons appointed by the South Dakota Board of Nursing, and two persons appointed by the State Board of Medical and Osteopathic Examiners.

Section 10. That § 36-11-19.5 be AMENDED:

36-11-19.5. Each nonresident pharmacy license expires on June thirtieth following the date of ~~issue~~ issuance. The board shall ~~mail an~~ provide a renewal application for license renewal to each licensee before June first of each year. If the licensee does not submit a renewal application for renewal of the license, accompanied by ~~the annual license~~ the renewal fee is not made, before the expiration date, the ~~existing~~ license lapses on the date of expiration. The board shall promulgate rules, pursuant to chapter 1-26, to establish the renewal fee, which may not exceed two hundred dollars. If the renewal application is submitted

after the expiration of the license, the board must assess a fifty-dollar late fee and may reinstate the license.

If a majority of ownership of a licensed nonresident pharmacy changes, the new owners must, within thirty days after the ownership change:

- (1) Submit the renewal application, indicating the change of ownership; and
- (2) Pay the renewal fee established by the board as provided in this section.

Section 11. That § 36-11-19.6 be AMENDED:

36-11-19.6. The board may deny, revoke, or suspend a nonresident pharmacy ~~registration~~ license for conduct ~~which that~~ causes serious bodily injury or serious psychological injury to a resident of this state, if the board has referred the matter to the regulatory or licensing agency in the state in which the nonresident pharmacy is located and the regulatory or licensing agency fails to initiate an investigation within forty-five days after the referral.

Any action taken to deny, revoke, or suspend a nonresident pharmacy ~~registration~~ license is a contested case proceeding pursuant to chapter 1-26.

Section 12. That § 36-11-20 be AMENDED:

36-11-20. ~~The Board of Pharmacy board~~ may, in compliance with chapter 1-26, suspend, revoke, or refuse to ~~grant issue or renew~~ a license ~~or certificate of registration to practice pharmacy~~ to any person who:

- (1) Is guilty of a felony or a misdemeanor involving moral turpitude, ~~or who is;~~
- (2) Is addicted to the use of alcoholic liquors or narcotic drugs to such an extent as to render ~~him the person~~ unfit to practice pharmacy with reasonable skill and safety; ~~and the board may, in compliance with chapter 1-26, revoke a license for like cause, or any license which has been procured~~
- (3) ~~Procured a license by fraud or by false representation. Any license or registration, or renewal thereof, obtained through fraud or by any fraudulent or false representations shall be void. The board may suspend, revoke or refuse to grant a license or certificate of registration to any person;~~
- (4) Is permitting or engaging in the unauthorized sale of legend or controlled drugs or substances ~~or who the; or~~
- (5) ~~The board finds to be in violation of any law, rule, or regulation governing pharmacists.~~

Section 13. That § 36-11-23 be AMENDED:

36-11-23. ~~Each To renew a license to practice pharmacy, a pharmacist shall must annually by October first, on or before September thirtieth of each year, submit a renewal application and pay to the board a registry renewal fee to be fixed set by the board in compliance rules promulgated in accordance with chapter 1-26, not to exceed one hundred fifty dollars. Upon application and payment of the fee by a pharmacist, the Board of Pharmacy, the board shall renew the pharmacist's certificate of registration. Any license. If a pharmacist who fails to apply and pay the renewal fee by the due date is subject to suspension of certificate by the board in compliance with chapter 1-26. Any suspended certificate may be reinstated, the license expires.~~

The board may reinstate an expired license if the individual:

- (1) Applies for reinstatement; and
- (2) Pays all delinquent fees have been paid, plus a penalty of twenty five dollars, and the Board of Pharmacy has approved the application for reinstatement, plus a fifty-dollar late fee.

Section 14. That § 36-11-25 be AMENDED:

~~36-11-25. Pharmacy~~ The board may issue a pharmacy intern certificates may be issued by the Board of Pharmacy certificate to persons an individual who are is gaining experience as a qualification for licensure as a ~~registered~~ pharmacist. Any pharmacy intern ~~granted~~ issued an intern certificate shall perform ~~his~~ the internship pursuant to ~~regulations which shall be~~ rules promulgated by the ~~Board of Pharmacy board in accordance with chapter 1-26~~. Nothing in this section ~~shall~~ may be construed as giving ~~such a~~ pharmacy intern authority to fill any prescription, except under the supervision and in the presence of the ~~registered~~ pharmacist.

Section 15. That § 36-11-26 be AMENDED:

~~36-11-26. If the Board of Pharmacy board is satisfied that any person holding a certificate of registration pharmacist is for any reason incompetent or disqualified to perform the duties of a registered pharmacist pursuant to § 36-11-20 or as contemplated by the provisions of this chapter, it may, in compliance with § 36-11-28 chapter 1-26:~~

- ~~(1) Issue a reprimand to the registrant pharmacist;~~
- ~~(2) Place the registrant pharmacist on probation and supervision;~~
- ~~(3) Suspend the registrant's certificate pharmacist's license until he the pharmacist completes a course of therapy, treatment, training, or any combination thereof;~~
- ~~(4) Suspend the registrant's certificate pharmacist's license for a fixed period; and~~
- ~~(5) Revoke the registrant's certificate pharmacist's license.~~

An individual may appeal a decision of the board as provided in chapter 1-26.

Section 16. That § 36-11-30 be AMENDED:

~~36-11-30. No A person may not open or operate a pharmacy shall open or be kept open for transaction of business until it has been registered and a permit issued unless the pharmacy is licensed by the State Board of Pharmacy board.~~

A violation of this section is a Class 2 misdemeanor. Each day of violation is a separate offense.

Section 17. That § 36-11-31 be AMENDED:

~~36-11-31. No Only a person, copartnership or corporation that has a pharmacy license issued by the board may carry:~~

- ~~(1) Carry on, conduct, or transact business under a name which that contains as a part thereof the term or words "drug department," "drugstore," or~~

~~"pharmacy," or any term implying the operation of a pharmacy or drugstore, or in any manner by advertisement, circular, poster, sign or otherwise describe; and~~

- ~~(2) Advertise, describe, or refer to a place of business, in any manner, by the terms "drugstore" or "pharmacy," or any other term or words which may be applied to establishments where drugs, medicines, and poisons are usually dispensed or distributed, unless the place of business so conducted is a pharmacy duly authorized and registered by the State Board of Pharmacy implying the operation of a pharmacy.~~

A violation of this section is a Class 2 misdemeanor.

Section 18. That § 36-11-32 be AMENDED:

~~**36-11-32.** Upon~~ The board shall issue a pharmacy license to a pharmacist in good standing, if the pharmacist:

- ~~(1) Submits a form prescribed by the State Board of Pharmacy board; and the payment of~~
- ~~(2) Pays a fee, not to exceed two hundred dollars, set by the Board of Pharmacy board in rules promulgated in accordance with chapter 1-26; the State Board of Pharmacy shall issue to pharmacists in good standing, registered under the laws of this state, a permit to conduct a pharmacy.~~

Section 19. That § 36-11-33 be AMENDED:

~~**36-11-33.** The Board of Pharmacy board may issue to pharmacists a pharmacist in good standing a permit license to conduct operate a part-time, limited, or conditional pharmacy in hospitals a hospital, nursing homes facility, or related facilities facility, provided that the pharmacy services are limited to patients inpatients or residents of the facility.~~

~~A permit to conduct a pharmacy, the~~ The board may issue a license under this section if:

- ~~(1) The pharmacist submits a form prescribed by the board and pays a fee, not to exceed two hundred dollars, set by the board in rules promulgated in accordance with chapter 1-26; and~~
- ~~(2) The merchandise and fixtures of which the pharmacy are owned by a person, firm, or corporation other than a registered the pharmacist, upon said registered pharmacist making application for a permit hereunder, may be issued and granted to the said registered pharmacist, on compliance applying for the license.~~

The pharmacist must comply with the provisions of this chapter, and with minimum standards as established by the board in rules promulgated pursuant to chapter 1-26.

Section 20. That § 36-11-34 be AMENDED:

~~**36-11-34.** No permit to conduct~~ The board may not issue a pharmacy shall be issued license to any pharmacist applicant unless such pharmacist:

- ~~(1) The applicant is the owner, or part owner, of the merchandise and fixtures of the place of business for which such the pharmacy registration license is applied for, or unless;~~
- ~~(2) The application is made jointly with a registered pharmacist owner; or unless the~~

- (3) ~~The nonpharmacist owner of the merchandise and fixtures of the place of business for which the pharmacy registration license is applied for, has made submitted an affidavit on a form prescribed by the state board of pharmacy delegating complete responsibility for the pharmaceutical services in said place of business to the pharmacist applicant.~~

Section 21. That § 36-11-35 be AMENDED:

~~**36-11-35.** Each permit for a pharmacy shall constitute and signify a legal registration for the pharmacy to which it applies, and shall expire pharmacy license expires on the last day of June thirtieth following the date of issue. To renew a pharmacy license, the pharmacist must submit a renewal application on or before June thirtieth on a form prescribed by the board, and pay the renewal fee set by the board in rules promulgated in accordance with chapter 1-26, but not exceeding two hundred dollars. If the renewal application and fee is submitted after the expiration of the license, the board must assess a fifty-dollar late fee and may reinstate the license.~~

~~If a majority ownership of the pharmacy changes, the new owners must, within thirty days after ownership change:~~

- ~~(1) Submit the renewal application, indicating the change of ownership; and~~
- ~~(2) Pay the renewal fee established by the board as provided in this section.~~

Section 22. That § 36-11-36 be AMENDED:

~~**36-11-36.** Each permit for a pharmacy, together with a certificate naming the pharmacist actively conducting said pharmacy, license issued by the State Board of Pharmacy, which shall be a part of said permit, shall board must be exposed posted in a conspicuous place in the pharmacy to which it applies that is viewable by the public.~~

Section 23. That § 36-11-37 be AMENDED:

~~**36-11-37.** Each permit for a A pharmacy license may be transferred to another pharmacist in good standing and registered under the laws of this state without the payment of an additional fee; provided an application for the transfer of said permit the license is made upon a form prescribed by the State Board of Pharmacy board and upon payment of a fifty dollar fee. The application for transfer must be filed with the secretary thereof board not less more than ten days before after the transfer of such active management is made. If the application for transfer is received by the board after ten days, the pharmacy license is void, and the pharmacist must reapply for the license.~~

Section 24. That § 36-11-38 be AMENDED:

~~**36-11-38.** In the event of the death of the pharmacist-permittee in active management, the pharmacy-permit license issued to the deceased under this chapter shall, within one hundred twenty days after the date of death of such permittee or on June thirtieth, whichever is sooner, become null and void, unless transfer thereof, the license is transferred as provided in § 36-11-37, shall have been made within the said one hundred twenty day period.~~

Section 25. That § 36-11-39 be AMENDED:

~~**36-11-39.** The change of location of any pharmacy for which a-permit license has been issued from one municipality to another within this state, any change in the ownership of such pharmacy, or the cessation of business by such the pharmacy shall, must be reported to the State Board of Pharmacy board within~~

ten days from ~~such the~~ occurrence on forms prescribed by the ~~State Board of Pharmacy board~~.

Section 26. That § 36-11-41 be AMENDED:

36-11-41. ~~No permit may be issued under 36-11-32 unless~~ A pharmacy licensed by the board must:

- (1) ~~The pharmacy is~~ Be equipped with the pharmaceutical instruments and utensils prescribed by the ~~State Board of Pharmacy, and shall possess~~ board in rules promulgated in accordance with chapter 1-26;
- (2) Possess a stock of pharmaceuticals adequate to serve the needs of the community in which the pharmacy is located; ~~and~~
- ~~(2)(3)~~ The pharmacy has Have on file at all times the publications and supplements of formularies and drug information prescribed by the board, by rules promulgated pursuant to chapter 1-26; and
- (4) Be maintained and operated in a clean and sanitary condition, free from unhealth, foreign, or injurious contamination.

Section 27. That § 36-11-43 be AMENDED:

36-11-43. ~~The Board of Pharmacy board may, in the manner provided by rules promulgated in accordance with chapter 1-26, adopt a code of professional ethics for pharmacists in this state in the practice of their profession. In adopting such code, or any amendments thereafter, the~~ The board will shall consider the recommendations of the South Dakota Pharmacists Association ~~and the vote of its members, provided however, that any such in adopting the code or changes made thereto. The code so adopted shall at no time may not~~ contain any provision that would in any way restrain, prohibit, or attempt to regulate the rights of any pharmacist ~~to be employed in any a licensed pharmacy holding a valid pharmacy permit. Violation of the code of professional ethics shall may~~ not be the basis for criminal prosecution unless otherwise declared unlawful.

Section 28. That § 36-11-44 be AMENDED:

36-11-44. ~~Any registered pharmacist who permits the compounding or dispensing of prescriptions or the vending of drugs or poisons in his store or in the pharmacist's place of business, except under the personal supervision of a registered pharmacist, or any pharmacist who, while continuing in business, makes any false representations to procure registration for himself a license for the pharmacist or any other person, is guilty of a Class 2 misdemeanor.~~

Section 29. That § 36-11-48 be AMENDED:

36-11-48. ~~The State Board of Pharmacy board may suspend or revoke, in accordance with chapter 1-26, any permit obtained pharmacy license issued under this chapter on the following grounds:~~

- (1) The license was obtained by false representations made in the application therefor; ~~or when the;~~
- (2) The pharmacy for which the permit shall be license was issued is was kept open for the transaction of business without a ~~registered pharmacist in charge thereof, or upon conviction;~~
- (3) Conviction of a violation of any law of this state or of the United States pertaining to the drug business or for the aiding or abetting in the violation of ~~any such the~~ law;

- (4) The active management of the pharmacy was changed without the transfer, as provided in § 36-11-37, of the license;
- (5) The location of the pharmacy was changed without the change being reported as provided in § 36-11-39;
- (6) The pharmacy was kept open for the transaction of business after the pharmacist ceased to be in active management of the pharmacy; or
- (7) The minimum requirements of this chapter and the board are no longer met.

A pharmacy license may not be suspended or revoked except by a vote of three or more members of the board.

Section 30. That § 36-11-67 be AMENDED:

~~36-11-67. Pharmacists licensed under this chapter~~ A pharmacist or physician licensed under chapter 36-4 who participates in a drug utilization review program as defined in § 36-11-2 ~~is not individually or jointly not subject to, and are is immune from, claim, suit, liability, damages, or any other recourse, civil or criminal, arising from any act or proceeding, decision, or determination undertaken, performed, or reached in good faith and without malice when acting individually or jointly in carrying out the responsibilities, authority, duties, powers, and privileges of the program conferred upon them under any provisions of law or rule, good faith being presumed until proven otherwise, with malice required to be shown by the complainant.~~

For the purposes of this section, a "drug utilization review program" is a program operated solely or partially as a professional standards review organization whose purpose is to:

- (1) Educate pharmacists and practitioners on:
 - (a) Severe adverse reactions to drugs;
 - (b) Therapeutic appropriateness;
 - (c) Overutilization;
 - (d) Underutilization;
 - (e) Appropriate use of generic products;
 - (f) Therapeutic duplication;
 - (g) Drug-disease contraindications;
 - (h) Drug-drug interactions;
 - (i) Incorrect drug dosage or duration of drug treatment;
 - (j) Drug-allergy interactions; and
 - (k) Clinical abuse or misuse; and
- (2) Identify and reduce the frequency of patterns of potential and actual fraud, abuse, gross overuse, inappropriate care, or medically unnecessary care associated with specific drugs or groups of drugs among practitioners, pharmacists, and patients.

Section 31. That § 36-11-72 be AMENDED:

36-11-72. The board shall promulgate rules pursuant to chapter 1-26 to provide for the regulation of telepharmacy in ~~the this~~ state. The rules ~~shall include~~ must provide for:

- (1) License ~~and renewal application~~ requirements, including ~~establishment~~:
 - (a) Establishment of an annual initial license fee and a renewal fee, each not to exceed two hundred fifty dollars;
 - (b) Procedures for the reinstatement of an expired license; and
 - (c) Establishment of a late fee for reinstating an expired license, not to exceed fifty dollars;
- (2) Minimum structural, security, and equipment requirements for the remote pharmacy;
- (3) Minimum staffing requirements for the central pharmacy and remote pharmacy;
- (4) Record keeping requirements for the central pharmacy and remote pharmacy;
- (5) ~~Establishment of policies~~ Policies and procedures for the daily operation of the remote pharmacy; and
- (6) Use of automated dispensing machines.

Section 32. That a NEW SECTION be added to chapter 36-11:

If the majority of ownership of a remote pharmacy changes, the new owners must, within thirty days after the ownership change:

- (1) Submit the renewal application prescribed by the board, as provided in § 36-11-72, indicating the change of ownership; and
- (2) Pay the renewal fee established by the board, as provided in § 36-11-72.

Section 33. That § 36-11A-8 be AMENDED:

36-11A-8. ~~An applicant for licensure as a~~ To apply for a wholesale or other drug distributor shall apply annually to the board license, a person must submit an application on a form provided by the board. The application shall be accompanied by a and pay an annual license fee set by the board. The fee may not exceed two, not to exceed five hundred fifty dollars.

All financial statements or related information submitted by applicants ~~shall~~ must be treated as confidential materials.

Section 34. That § 36-11A-13 be AMENDED:

36-11A-13. Each wholesale drug distributor license expires on December thirty-first following the date of ~~issue~~ issuance. The board shall provide an application for license renewal to each licensee before December first of each year. To renew a license, the licensee shall submit the renewal application and pay the annual license fee set by the board as provided in § 36-11A-8. If application for renewal of the license accompanied by the annual license fee is not made before the expiration date, the existing license lapses on the date of expiration. If the board receives a renewal application and fee for an expired license, the board must assess a fifty-dollar late fee and may reinstate the license.

If the majority of ownership of a licensed facility changes, the new owners must, within thirty days after the ownership change:

- (1) Submit a renewal application, indicating the change of ownership; and
- (2) Pay a fee equal to the annual license fee.

Section 35. That § 36-11-3 be REPEALED.

~~Those registered pharmacists of this state electing to participate shall constitute an association under the name and title of the South Dakota Pharmacists Association. The purpose of the association is to serve as the state professional society of pharmacists which represents the profession of pharmacy, enhances the public's awareness of pharmacy, and serves the best interest of public health and pharmacy. The South Dakota Pharmacists Association shall be conducted as a nonprofit corporation pursuant to the terms of its articles of incorporation. The members of the association who have secured a current annual certificate of registration to practice pharmacy in this state and who have elected to participate in the association are entitled to all of the rights and privileges of the association and may vote, serve as an officer or director of the association, and participate in all of the meetings of the association. The association shall hold an annual meeting at such time and place as it determines.~~

Section 36. That § 36-11-6 be REPEALED.

~~The board may, upon receipt, pay to the South Dakota Pharmacists Association eighty percent of all fees the board receives for renewals of certificates of registration as a pharmacist. The association shall use the funds for the following association activities to benefit the public and the profession: continuing education, matters related to registration standards for pharmacists, professional service standards, and general operating expenses related to the activities enumerated in this section. The association shall also use funds received to pay any legislated assessment to support a diversion program for chemically impaired pharmacists. Expenditures of funds shall be approved by the president and treasurer of the association. The association shall annually file in the office of the board an itemized statement of the receipts of the association and disbursements from the receipts.~~

Section 37. That § 36-11-17 be REPEALED.

~~Every person initially applying for a certificate of registration with the Board of Pharmacy as a registered pharmacist shall pay to the board with the application a fee, not to exceed thirty five dollars, set by the board by rule promulgated pursuant to chapter 1-26.~~

Section 38. That § 36-11-18 be REPEALED.

~~It shall be the duty of the Board of Pharmacy to examine all applications for registration submitted in due form as provided in the rules and regulations of the board and to grant certificates of registration to such persons as may be entitled to the same under the provisions of this chapter.~~

Section 39. That § 36-11-22 be REPEALED.

~~The Board of Pharmacy shall keep a record of registration in which shall be entered the names and places of business of all persons registered under this chapter which records shall also specify such facts as such persons shall claim to justify their registration.~~

Section 40. That § 36-11-28 be REPEALED.

~~A certificate of registration as a pharmacist shall not be revoked or suspended except after hearing before the Board of Pharmacy at which a majority of its members are present and in compliance with chapter 1-26.~~

Section 41. That § 36-11-29 be REPEALED.

~~An appeal from the decision of the Board of Pharmacy may be taken as provided by chapter 1-26.~~

Section 42. That § 36-11-40 be REPEALED.

~~Any permit issued under the provisions of § 36-11-32 shall be void if the active management of any pharmacy is changed without the transfer, as provided in § 36-11-37, of the permit therefor, or if the location of said pharmacy is changed without the same being reported as provided in § 36-11-39, or if the pharmacy is kept open for business after the permittee has ceased to be in active management of said pharmacy, and whenever the minimum requirements of this chapter and the Board of Pharmacy are no longer met.~~

Section 43. That § 36-11-42 be REPEALED.

~~Any permit issued under the provisions of § 36-11-32 shall be void and subject to cancellation by the State Board of Pharmacy, unless such pharmacy is maintained and operated in a clean and sanitary condition, free from unhealthful, foreign, or injurious contamination.~~

Section 44. That § 36-11-49 be REPEALED.

~~Before any permit for a pharmacy shall be revoked chapter 1-26 shall be complied with. Two members of the board shall constitute a quorum and no permit shall be revoked except by a vote of two or more members of the State Board of Pharmacy.~~

Section 45. That § 36-11A-4.2 be REPEALED.

~~No outsourcing facility engaged in compounding of nonpatient specific sterile and nonsterile drugs may become licensed by the board without first obtaining a registration and inspection by the United States Food and Drug Administration, and paying the license fee set by the board in rules promulgated pursuant to chapter 1-26. The fee may not exceed two hundred dollars.~~

Section 46. No later than September 30, 2025, the Board of Pharmacy shall, pursuant to chapter 1-26, provide for and file with the secretary of state, the amendment of ARSD 20:67:02:01, as set forth below:

20:67:02:01. Application and fee. A wholesale or other distributor must apply each year to the board, electronically or on a form supplied by the secretary of the board, for a license to engage in the distribution of prescription drugs. Each application shall must be accompanied by a license fee of five hundred dollars.

Source: 18 SDR 95, effective November 25, 1991; 24 SDR 160, effective May 26, 1998; 45 SDR 86, effective December 24, 2018.

General Authority: SDCL 36-11A-14(1),(6).

Law Implemented: SDCL 36-11A-7, 36-11A-8.

Signed March 27, 2025

Chapter 155
(Senate Bill 28)

**An Act to revise provisions relating to licensing fees and license renewal
dates for the practice of barbering and to declare an emergency.**

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

Section 1. That § 36-14-22 be AMENDED:

36-14-22. Each registered barber who continues in active practice ~~or service,~~ shall annually, on or before the first day of July May thirty-first, renew the barber's certificate of registration and pay the required fee. Each certificate of registration, unless renewed, ~~annually~~ expires on ~~June thirtieth~~ June first.

Section 2. That § 36-14-24 be AMENDED:

36-14-24. ~~The fee to be paid by an applicant for an~~ Board of Barber Examiners shall promulgate rules, in accordance with chapter 1-26, to set the following fees, which may not exceed the amounts specified:

- ~~(1) An examination to determine the an~~ applicant's fitness to receive a certificate of registration to practice barbering ~~may not exceed one hundred dollars and for the issuance of the certificate, may not exceed fifty three hundred dollars. All fees shall be set by the board by rules promulgated pursuant to chapter 1-26. For the;~~
- ~~(2) The annual renewal of a certificate of registration to practice barbering, no more than eighty three hundred dollars, and for the;~~
- ~~(3) The restoration of an expired certificate, no more than twenty thirty-five dollars, plus no more than fifteen twenty-five dollars penalty for each expired year. The fee to be paid for a the certificate is expired;~~
- ~~(4) A permit to operate a barber school or college shall be set by rule promulgated pursuant to chapter 1-26 and may not be more than one hundred fifty six hundred dollars annually; and~~
- ~~(5) An annual inspection of a barbershop or barber school, one hundred fifty dollars.~~

Section 3. That § 36-14-27 be AMENDED:

36-14-27. It is a petty offense for any person to operate a barbershop unless ~~it has been the barbershop is~~ licensed by the Board of Barber Examiners and it is at all times under the direct supervision and management of a registered barber. Application ~~shall for a license to operate a barbershop must~~ be made, on forms prepared and furnished by the ~~Board of Barber Examiners board,~~ annually before the first day of July June first. The fee to accompany such license ~~board shall be set by rule promulgated pursuant to promulgate rules, in accordance with chapter 1-26 and, to set a fee may not be of not more than fifty three hundred dollars annually for each shop barbershop, plus a fee of no not more than ten twenty dollars; for each chair in the barbershop.~~

Section 4. That § 36-14-29 be AMENDED:

36-14-29. The license required by § 36-14-27 ~~shall must~~ be conspicuously displayed in the barbershop ~~and no. A license shall be is not~~

transferable from person to person, location to location, or to a new operator at the same location. ~~All such licenses shall expire~~ The license expires on the last day of June in May thirty-first each year.

Section 5. That § 36-14-30 be AMENDED:

36-14-30. ~~All barbershops after original inspection pursuant to § 36-14-28 shall~~ After the inspection provided for in § 36-14-28, a barbershop must be inspected annually by the Board of Barber Examiners, ~~but the board may not charge a fee for the annual inspection. However, if~~ The board may charge a fee for an annual inspection. If the shop barbershop does not pass the annual inspection and the inspector has to must go back to the shop barbershop for a second or subsequent inspection, the Board of Barber Examiners board may charge the shop barbershop owner for the cost of such the subsequent inspection.

Section 6. Whereas, this Act is necessary for the support of the state government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

Signed March 10, 2025

Chapter 156
(Senate Bill 27)

An Act to revise provisions relating to licensing fees for cosmetology, esthetics, and nail technology.

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

Section 1. That § 36-15-13 be AMENDED:

36-15-13. ~~The commission may adopt promulgate rules pursuant to, in accordance with~~ chapter 1-26, pertaining to the following:

- (1) Application requirements for any license or permit ~~issued pursuant to, as provided for in~~ this chapter;
- (2) ~~Examinations~~ Examination and associated fees;
- (3) Reports of ~~students'~~ a student's education and work performed;
- (4) Minimum standards and requirements for a cosmetology, nail technology, and esthetics ~~salons salon and schools school;~~
- (5) Minimum standards for plumbing, electrical, physical, and sanitary conditions for the health and safety of ~~persons an individual~~ utilizing a cosmetology, nail technology, or esthetics ~~salons salon or schools school;~~
- (6) The professional conduct of ~~licensees~~ a licensee;
- (7) The reinstatement of a ~~lapsed licenses~~ license and lapsed renewal ~~pursuant to, as provided for in~~ § 36-15-20.1;
- (8) The fee for a lapsed license and lapsed renewal ~~pursuant to, as provided for in~~ § 36-15-20.1;
- (9) The course and education requirements received by a ~~transfer students~~ pursuant to student, as provided for in § 36-15-34;

- (10) The textbooks, educational material, and the general course of study for ~~schools~~ a school and for ~~a cosmetology salons~~ salon and ~~nail salons~~ salon having ~~apprentices pursuant to an apprentice~~, as provided for in § 36-15-46;
- (11) The progress and education received by an apprentice ~~pursuant to~~, as provided for in § 36-15-48;
- (12) The fees for all inspections, licenses, permits, and renewals;
- (13) Minimum standards for the use of chemicals or any mechanical or electrical apparatus or appliance;
- (14) Amount of work experience of an out-of-state licensed applicant that may be used as a substitute for the education requirement ~~pursuant to §§, as provided for in §§ 36-15-2.3, 36-15-17, and 36-15-17.1, and 36-15-2.3~~;
- (15) Inspection and reinspection of an ~~individual licensees~~ licensee, ~~salons~~ salon, and ~~schools~~ school;
- (16) Inspection requested by a prospective salon or booth;
- (17) Administration and duties of the commission; and
- ~~(17)~~(18) Minimum hours of education for esthetics licensing.

Section 2. That § 36-15-20 be AMENDED:

36-15-20. ~~The following fees promulgated in rules by the commission pursuant to chapter 1-26 for all examinations, licenses, permits, and renewals required by this chapter may not exceed the following maximums amounts specified below:~~

- (1) ~~Examination fee which includes the and~~ initial license fee, ~~one hundred one hundred twenty-five~~ dollars;
- (2) Examination retake fee, ~~one test, sixty dollars; two tests, seventy dollars; three tests, eighty ninety~~ dollars per examination;
- (3) Cosmetologist, nail technician, or esthetician license renewal fee, ~~twenty-five~~ fifty dollars;
- (4) Temporary cosmetologist, nail technician, or esthetician license fee, six dollars;
- (5) Instructor initial license fee and license renewal fee, ~~thirty-five~~ fifty dollars;
- (6) Reciprocity, initial license, and waiver of examination fee, one hundred twenty-five dollars;
- (7) ~~For certification~~ Fee for a certification of a license issued under this chapter for a South Dakota licensee to obtain licensure in another state, or furnishing of other papers to another state or school, ~~twenty~~ forty dollars;
- (8) Apprentice license fee, ~~twenty-five~~ thirty dollars;
- (9) Apprentice salon initial license and renewal fee, ~~two hundred fifty~~ three hundred dollars;
- (10) School initial license fee and renewal fee, three hundred fifty dollars;
- (11) Student license fee, ~~six~~ fifteen dollars;
- (12) Salon or booth initial permit license fee, ~~sixty~~ eighty dollars;
- (13) Salon or booth license renewal fee, ~~forty~~ sixty dollars;

- (14) Reinspection fee for failed salon, ~~fifty~~ seventy-five dollars for each reinspection;
- (15) License duplicate or replacement fee, ~~five~~ fifteen dollars; and
- (16) Fee for the inspection of a prospective salon or booth at the request of the prospective applicant, seventy-five dollars per inspection.

Any license, permit, or renewal fee ~~which is~~ collected by the commission ~~shall be~~ is the same for each respective license, permit, or renewal, regardless of the time remaining before the expiration date.

Section 3. That § 36-15-20.1 be AMENDED:

36-15-20.1. ~~The commission shall promulgate reasonable rules pursuant to, in accordance with chapter 1-26, concerning the reinstatement of a lapsed license, license and a lapsed renewals required by renewal, as provided for in this chapter. The commission shall by rules promulgated pursuant to promulgate rules, in accordance with chapter 1-26, to establish the a fee, which that may not be no greater than twenty five forty dollars for each year that the license or renewal has lapsed. The commission shall also collect the fee for the license and renewal, as otherwise required by provided for in this chapter.~~

Signed March 17, 2025

Chapter 157
(House Bill 1232)

**An Act to modify requirements relating to the operation of salons and booths
and to declare an emergency.**

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

Section 1. That a NEW SECTION be added to chapter 36-15:

A person who operates a licensed salon may allow more than one licensed cosmetologist, licensed esthetician, or licensed nail technician to share a work station or other space within the salon, provided that:

- (1) Each individual maintains the minimum equipment and sanitary requirements set forth by the commission;
- (2) The individuals sharing the work station or space do not provide services at the work station or in the shared space at the same time; and
- (3) If the individuals share a work station or other space within a booth, each individual possesses a booth license for the respective services that the individual will provide.

Nothing in this section prohibits individuals sharing a work station or other space within a salon from sharing equipment, provided that the equipment meets the minimum standards set forth by the commission.

If individuals are sharing a work station or other space within a salon in accordance with this section, the commission may not require additional working space other than that required for a single licensee.

If the commission finds, upon inspection, a violation of any provision of this chapter or rules promulgated thereunder, and the commission cannot determine which individual sharing the work station or other space committed the violation, the person operating the licensed salon is responsible for the violation.

Section 2. Whereas, this Act is necessary for the immediate preservation of the public peace, health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

Signed March 17, 2025

Chapter 158
(Senate Bill 31)

An Act to revise amounts for inspection fees for electrical installations.

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

Section 1. That § 36-16-30 be AMENDED:

36-16-30. The State Electrical Commission may promulgate rules, ~~pursuant to in accordance with~~ chapter 1-26, to establish and collect installation inspection fees for:

- (1) New residential installations, which are tiered based on ampere capacity, not to exceed ~~three hundred~~ three hundred ninety dollars, plus a fee for circuits;
- (2) Service connections on other installations, which are tiered based on ampere capacity, not to exceed ~~three hundred seventy five~~ three hundred ninety dollars, plus a fee for circuits;
- (3) Circuit installations or alterations, which are tiered based on ampere capacity, not to exceed ~~fifty~~ sixty-five dollars;
- (4) Remodeling ~~work for each projects involving:~~
 - (a) An opening or connection, not to exceed three dollars each and one dollar and fifty cents for each additional opening or connection, ~~lighting;~~
 - (b) A lighting fixture, not to exceed three dollars for the first forty fixtures and not to exceed one dollar and fifty cents for each additional lighting fixture, ~~motor; or~~
 - (c) A motor or special equipment, not to exceed eighteen dollars;
- (5) Apartment buildings ~~per unit,~~ not to exceed ~~fifty~~ one hundred fifty dollars ~~per unit;~~
- (6) ~~Outdoor or area lighting per lighting standard not to exceed sixty dollars;~~
- (7) ~~Field irrigation systems not to exceed one hundred dollars plus three dollars per motor;~~
- (8) Mobile home service and feeders, not to exceed ~~eighty~~ one hundred dollars per unit; ~~recreational~~

- (7) ~~Recreational~~ vehicle service, not to exceed ~~twenty~~ twenty-five dollars per unit;
- (9) ~~Swimming pools not to exceed two hundred dollars;~~
- (10)(8) Each late correction order or wiring permit procedure, not to exceed ~~one hundred fifty~~ two hundred fifty dollars;
- (11) ~~Carnivals and seasonal dwellings for each generator or transformer and reinspection of each unit not to exceed thirty dollars;~~
- (12)(9) Wiring permits, not to exceed ~~fifteen~~ twenty dollars; and
- (13)(10) Modular homes and structures manufactured out-of-state, not to exceed ~~one hundred fifty~~ two hundred ten dollars per day plus the inspector's travel and living expenses.

A minimum fee of one hundred fifty dollars ~~shall~~ must be imposed if any inspection fee calculated under this section is less than one hundred fifty dollars.

The commission may also promulgate rules, ~~pursuant to~~ in accordance with chapter 1-26, to set an allotted number of inspections for each installation under this section.

Signed March 17, 2025

Chapter 159
(Senate Bill 80)

An Act to revise provisions regarding students and trainees engaged in the practice of funeral service.

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

Section 1. That § 36-19-12.1 be AMENDED:

36-19-12.1. The board shall promulgate rules, in accordance with chapter 1-26, to:

- (1) Administer, coordinate, and enforce this chapter;
- (2) Establish requirements for license application and renewal;
- (3) Establish standards of professional conduct;
- (4) Establish standards for the operation of a funeral establishment; ~~and~~
- (5) Establish fees for licensure application and licensure renewal, as provided for in §§ 36-19-25 and 36-19-27; and
- (6) Establish the qualifications, supervision requirements, duration, and other requirements for trainees and traineeships.

Section 2. That § 36-19-14 be AMENDED:

36-19-14. ~~A~~ Except as otherwise provided in this section, a person may not, without being licensed as a funeral director by the board:

- (1) Embalm any dead human body;

- (2) Practice embalming;
- (3) Conduct or supervise funeral services and burials of casketed remains; or
- (4) Maintain a funeral establishment in this state.

A trainee may embalm a dead human body and practice embalming, under the supervision of a funeral director licensed by the board.

Section 3. That a NEW SECTION be added to chapter 36-19:

This chapter does not apply to a student who is:

- (1) Enrolled full-time in a program accredited by the American Board of Funeral Service Education; and
- (2) Engaged in an activity that:
 - (a) Is part of a course of that program; and
 - (b) Is directly supervised by a funeral director licensed by the board.

A student may not hold oneself out as a funeral director and may only use a title that clearly indicates status as a student. The supervising funeral director is responsible for the activities performed by the student.

Section 4. That § 36-19-21 be AMENDED:

36-19-21. The board may issue a license to practice funeral service to any person who:

- (1) Is at least eighteen years of age;
- (2) Submits an application on a form prescribed by the board;
- (3) Pays the application fee established by the board, in accordance with § 36-19-12.1;
- (4) Has completed at least ninety credit hours offered by an accredited institution of higher education and obtained a degree or a certificate from a mortuary science or funeral service program that is accredited by the American Board of Funeral Service Education;
- (5) ~~Has completed one year as a trainee under~~ a traineeship supervised by a person licensed pursuant to this chapter;
- (6) Has passed the national board examination, administered by the International Conference of Funeral Service Examining Board; and
- (7) Has not committed any act that constitutes a ground for denying, suspending, or revoking a license under this chapter.

Signed March 12, 2025

Chapter 160
(House Bill 1015)

An Act to increase licensure fees related to the practice of funeral service and cremation.

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

Section 1. That § 36-19-25 be AMENDED:

36-19-25. A license to practice funeral service must be renewed annually. The board shall, by rule promulgated in accordance with chapter 1-26, establish the renewal fee, which may not exceed ~~one~~ two hundred twenty-five dollars.

Section 2. That § 36-19-27 be AMENDED:

36-19-27. An application for a license to operate a funeral establishment is required for each location. The application must be on a form provided by the board and accompanied by an application fee.

The board shall, by rule promulgated in accordance with chapter 1-26, establish the application fee, which may not exceed ~~two~~ three hundred fifty dollars.

The board may inspect the funeral establishment to verify compliance with state law and rules of the board.

The application for a license to operate a funeral establishment must include the name of the individual who is licensed under this chapter and responsible for managing all transactions conducted and services performed.

Section 3. That § 36-19-37 be AMENDED:

36-19-37. Each license issued under this chapter expires on the following December thirty-first.

Each application for renewal must be submitted to the board during the month of December and must be accompanied by a renewal fee. The board shall promulgate rules, in accordance with chapter 1-26, to establish the amount of the fee, which may not exceed ~~two~~ three hundred fifty dollars.

Section 4. That § 34-26A-4.1 be AMENDED:

34-26A-4.1. Each crematory in this state must be licensed by the State Board of Funeral Service. To obtain licensure for a crematory, a person must:

- (1) Submit an application to the board, at the time and in the manner required by the board;
- (2) Identify, on the application, all certified crematory operators employed at the crematory;
- (3) Provide evidence that a motorized or mechanical device is available for the processing of cremated remains; and
- (4) Provide evidence that a refrigerated facility is available for the retention of decedents awaiting cremation.

Upon approval of an application, the board shall require that the applicant pay an initial licensure fee in an amount not exceeding ~~one~~ three hundred fifty dollars.

Section 5. That § 34-26A-4.2 be AMENDED:

34-26A-4.2. Licensure as a crematory, issued in accordance with § 34-26A-4.1, expires one year after the date of issuance and must be renewed annually, at the time and in the manner determined by the State Board of Funeral Service. The board may inspect any crematory, during regular business hours, to verify compliance with applicable laws and rules and shall inspect each crematory, during regular business hours, at least once every three years.

The board shall require a renewal fee in the amount of ~~one~~ three hundred fifty dollars.

Section 6. No later than September 30, 2025, the State Board of Funeral Service shall, pursuant to chapter 1-26, provide for and file with the secretary of state, the amendment of ARSD 20:45:03:08, as set forth below:

20:45:03:08. Fees. The fees for licenses and registrations issued by the board are as follows and are nonrefundable:

- (1) Trainee registration fee, twenty-five dollars;
- (2) Funeral director license application fee, ~~one~~ two hundred and twenty-five dollars;
- (3) Annual funeral director license renewal fee, ~~one~~ two hundred and twenty-five dollars;
- (4) Funeral establishment license application fee, ~~two~~ three hundred and fifty dollars; and
- (5) Annual funeral establishment license renewal fee, ~~two~~ three hundred and fifty dollars.

Source: 50 SDR 157, effective July 2, 2024.

General Authority: SDCL 36-19-12.1.

Law Implemented: SDCL 36-19-18, 36-19-25, 36-19-27, 36-19-37.

Signed March 28, 2025

Chapter 161
(Senate Bill 32)

An Act to revise amounts for licensing fees for the practice of accountancy.

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

Section 1. That § 36-20B-12 be AMENDED:

36-20B-12. The board may promulgate rules, ~~pursuant to in accordance with~~ chapter 1-26, governing ~~its the board's~~ administration and enforcement of this chapter and the conduct of licensees, ~~including in the following matters:~~

- (1) Rules governing the board's meetings and the conduct of ~~its the board's~~ business;
- (2) Rules of procedure governing the conduct of investigations and hearings by the board;
- (3) Rules specifying the fees for firm permits and certificates, educational and experience qualifications required for the issuance of certificates, the date for renewal of firm permits and certificates, and the continuing professional education required for renewal of certificates. The fee for issuance or renewal of a certificate may not exceed ~~fifty~~ one hundred dollars;

- (4) Rules of professional conduct to control the quality and integrity of the practice of public accountancy by licensees, covering ~~such the following areas as independence;~~
- (a) Independence, integrity, and objectivity; ~~competence~~
 - (b) Competence and technical and professional standards; ~~responsibilities~~
 - (c) Responsibilities to the public; and ~~responsibilities~~
 - (d) Responsibilities to clients;
- (5) Rules governing the manner and circumstances of use of the titles certified public accountant and CPA by holders of certificates who do not practice public accountancy, ~~as defined under provided for in this chapter, of the titles certified public accountant and CPA;~~
- (6) Rules specifying procedures and fees, not to exceed fifty one hundred dollars, for the registration of certificate holders who do not practice public accountancy, ~~as defined under provided for in this chapter;~~
- (7) Rules governing the manner and circumstances of use of the titles public accountant and PA by holders of licenses issued under prior law who do not practice public accountancy, ~~as defined under provided for in this chapter, of the titles public accountant and PA;~~
- (8) Rules specifying procedures and fees, not to exceed fifty one hundred dollars, for the registration of license holders who do not practice public accountancy, ~~as defined under provided for in this chapter;~~
- (9) Rules regarding peer review pursuant to this chapter;
- (10) Rules specifying peer review administrative fees, not to exceed one hundred twenty-five dollars, plus seventy-five dollars for a peer review form filed late;
- (11) Rules specifying procedures and fees, not to exceed fifty one hundred dollars, for required peer review documentation ~~not filed in a timely manner filed late;~~
- (12) Rules specifying fees for examination and reexamination, not to exceed three hundred fifty four hundred fifty dollars per ~~examination~~ section of the examination or reexamination, and issuance of a certificate, not to exceed fifty one hundred dollars;
- ~~(13) Rules specifying procedures and fees, not to exceed fifty dollars, for proctoring applicants from another jurisdiction;~~
- ~~(14)~~ Rules specifying the procedures and fees, not to exceed sixty five one hundred dollars for each owner, plus fifty one hundred dollars for ~~each the~~ firm practicing public accountancy in this state, for initial issuance or renewal of a firm permit. Any ~~rule regarding a fee promulgated by rule~~ pursuant to this subdivision may be either a flat fee or tier based;
- ~~(15)~~ (14) Rules governing the application and fees for ~~a;~~
- (a) A modification of a disciplinary action, not to exceed one thousand dollars; ~~or;~~
 - (b) A reissue of a certificate, not to exceed one hundred dollars; ~~or;~~ and

~~(c)~~ A firm permit, not to exceed ~~sixty-five~~ one hundred dollars for each owner, plus one hundred dollars for ~~each~~ the firm practicing public accountancy in this state.

~~Any rule regarding a fee promulgated by rule pursuant to this subdivision may be either a flat fee or tier based;~~

~~(16)~~(15) Rules governing the methods, eligibility, and requirements for applying for examination and reexamination;

~~(17)~~(16) Rules specifying procedures and fees for the late renewal of certificates, not to exceed one hundred dollars, and firm permits, not to exceed ~~sixty-five~~ one hundred dollars for each owner, plus one hundred dollars for ~~each~~ the firm practicing public accountancy in this state ~~not filed in a timely manner~~. Any rule regarding a fee promulgated by rule pursuant to this subdivision may be either a flat fee or tier based;

~~(18)~~(17) Rules specifying procedures and fees, not to exceed ~~twenty-five~~ fifty dollars, for replacement of a certificate or permit;

~~(19)~~(18) Rules specifying methods and requirements for conducting the examination;

~~(20)~~(19) Rules specifying methods, eligibility, and requirements of applying for a certificate;

~~(21)~~(20) Rules specifying procedures and fees for the:

(a) Late filing of a certificate based on substantial equivalency, not to exceed one hundred dollars;

(b) Late issuance of certificates, not to exceed one hundred dollars, and firm; and

(c) Late filing of firm permits, not to exceed ~~sixty-five~~ one hundred dollars for each owner, plus one hundred dollars for ~~each~~ the firm practicing public accountancy in this state, ~~not filed within the required period of time~~.

~~Any rule regarding a fee promulgated by rule pursuant to this subdivision may be either a flat fee or tier based;~~

~~(22)~~(21) Rules defining active and inactive status of both certificate and ~~PA~~ public accountant license holders who are not practicing public accountancy; and

~~(23)~~(22) Rules specifying procedures and fees, not to exceed one hundred dollars, on substantial equivalency.

Section 2. That § 36-20B-17 be AMENDED:

36-20B-17. The board may charge, or provide for a third-party administering the examination or reexamination to charge, each applicant a fee, ~~in an amount, not to exceed three hundred fifty dollars, prescribed by the board, by rule promulgated pursuant to chapter 1-26, for each section of the examination or reexamination taken by the applicant for the examination or reexamination.~~

Section 3. That § 36-20B-37 be AMENDED:

36-20B-37. The board ~~shall~~ may charge a fee, which may be either a flat fee or tier based, for each application for initial issuance or renewal of a permit ~~in an amount, not to exceed sixty-five dollars for each owner, plus fifty dollars for each firm practicing public accountancy in this state, prescribed by the board, by~~

rule promulgated pursuant to chapter 1-26. The fee promulgated pursuant to this section may be either a flat fee or tier based.

Signed March 17, 2025

Chapter 162
(Senate Bill 25)

An Act to clarify the adoption and use of the plumbing code.

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

Section 1. That § 36-25-15 be AMENDED:

36-25-15. The commission shall promulgate rules, in ~~compliance~~ accordance with chapter 1-26, to adopt and publish minimum standards ~~relative~~ to ~~for~~ the design, construction, installation, improvement, extension, and alteration of materials, piping, venting, fixtures, appliances, and appurtenances in relation to plumbing and plumbing systems. All plumbing and plumbing systems ~~shall~~ must be designed, constructed, installed, improved, extended, and altered in substantial accord with the requirements of the ~~2015~~ 2024 Uniform Plumbing Code, International Association of Plumbing and Mechanical Officials, ~~as in effect January 1, 2015, and such~~ (January 1, 2024) and any amendments or revisions, as adopted by the commission, pursuant to chapter 1-26, to protect the health, life, safety, and welfare of persons and property in this state.

Signed March 12, 2025

Chapter 163
(Senate Bill 24)

**An Act to revise provisions relating to the promulgation of rules to set
licensing and inspection fees for plumbers and related professions.**

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

Section 1. That § 36-25-19 be AMENDED:

36-25-19. A person may apply for a license required by this chapter to the commission, accompanied by a license an initial application fee established by the commission under this section. ~~If the person is not entitled to a renewal, the~~ The commission shall ~~register~~ license a person who satisfactorily passes an examination showing fitness to practice the person's trade. ~~Examinations may be held in conjunction with any quarterly meeting of the commission.~~

The commission shall promulgate rules, ~~pursuant to~~ in accordance with chapter 1-26, to establish initial application fees, examination and reexamination fees, and license and renewal of license fees, and license verification fees for the following licenses: ~~plumbing contractor, plumber, water conditioning contractor, water conditioning installer, appliance contractor, appliance installer, sewer and water contractor, sewer and water installer, manufactured and mobile home~~

~~contractor, manufactured and mobile home installer, underground irrigation contractor, underground irrigation installer, and individual and small on-site wastewater system installer~~

- (1) Appliance contractor;
- (2) Appliance installer;
- (3) Individual and small on-site wastewater system installer;
- (4) Manufactured and mobile home contractor;
- (5) Manufactured and mobile home installer;
- (6) Plumber;
- (7) Plumbing contractor;
- (8) Sewer and water contractor;
- (9) Sewer and water installer;
- (10) Underground irrigation contractor;
- (11) Underground irrigation installer;
- (12) Water conditioning contractor; and
- (13) Water conditioning installer.

No fee established under this section for an initial application may exceed sixty dollars. No fee established under this section for license verification may exceed thirty dollars. No fee established under this section for an examination or reexamination may exceed one hundred dollars. No fee established under this section for a license or renewal of license may exceed three hundred dollars.

Section 2. That § 36-25-19.1 be AMENDED:

36-25-19.1. Any person who is responsible for the installation of plumbing work ~~shall~~ must pay a plumbing inspection fee. The plumbing inspection fee ~~shall~~ must be the sum of a plumbing installation certificate fee plus a plumbing permit fee. The commission shall ~~establish by rule, promulgated pursuant to promulgate rules, in accordance with chapter 1-26, to establish~~ the plumbing permit fee ~~and, the plumbing installation certificate fee, and an administrative late fee for failure to file with the commission the plumbing installation certificate prior to commencing plumbing work.~~

The plumbing permit fee for a single-family dwelling unit may not exceed ~~seventy-five~~ one hundred twenty-five dollars. The plumbing permit fee for a multiple-dwelling unit or a public building may not exceed ~~two hundred fifty-three~~ hundred twenty-five dollars. The plumbing installation certificate fee may not exceed ~~ten~~ twenty-five dollars. The administrative late fee may not exceed ~~two hundred~~ dollars.

The number of inspections for each permit is limited to three inspections. The commission may charge a fee ~~of fifty dollars for any~~ that may not exceed one hundred dollars per additional inspection in excess of the three ~~allotted~~ inspections.

Section 3. That § 36-25-21 be AMENDED:

36-25-21. The commission may register, without examination upon the payment of the required ~~fee~~ initial application fee, examination fee, and license fee, a nonresident applicant ~~applicant who is registered under the laws of other states having in another state with~~ requirements for regulating plumbers ~~which,~~

and the commission determines ~~are the regulation of plumbers in the other state~~ is substantially equivalent to the requirements of this state.

Section 4. That § 36-25-24 be AMENDED:

36-25-24. The commission shall promulgate rules, ~~pursuant to~~ in accordance with chapter 1-26, on fees for ~~an~~:

- (1) An application for an initial apprentice license;
- (2) An initial apprentice license, ~~the license's,~~
- (3) The annual renewal, of an apprentice license;
- (4) An examination for a third-year apprentice; and a
- (5) A temporary license.

The temporary license ~~fees fee~~ must be paid prior to taking the examination for the first time. No fee may exceed fifty dollars.

Section 5. That § 36-25-24.1 be AMENDED:

36-25-24.1. As used in §§ 36-25-14, and 36-25-19, and ~~36-25-24,~~ the term, "underground irrigation," means any nonagricultural, landscape irrigation system.

Signed March 17, 2025

TRADE REGULATION

**Chapter 164
(Senate Bill 93)**

**An Act to prohibit payment or rebate of insurance deductibles by contractors
providing motor vehicle repair services.**

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

Section 1. That a NEW SECTION be added to chapter 37-24:

No contractor in this state providing motor vehicle repair, auto body repair, or collision repair services to any person may:

- (1) Advertise, promise to provide, or offer any coupon, credit, or rebate to pay all or part of an applicable insurance deductible; or
- (2) Pay or rebate all or part of an applicable insurance deductible.

If a contractor violates this section, any contract between the contractor and the person to whom the offer was made, or for whom payment was made, is null and void.

For purposes of this section, "contractor" means a garage, repair shop, or body shop.

Signed March 6, 2025

Chapter 165
(Senate Bill 81)

An Act to prohibit the use of a firearms code for transactions involving firearms, accessories, components, and ammunition and to provide a civil penalty therefor.

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

Section 1. That a NEW SECTION be added to a new chapter in title 37:

Terms used in this Act mean:

- (1) "Ammunition," firearm ammunition and cartridge casings, primers, bullets, and propellant powder, designed for use in a firearm;
- (2) "Assignment," a financial institution's policy, process, or practice, which labels, links, or otherwise associates a firearms code with a merchant or payment card transaction, in a manner that allows the financial institution or any other entity facilitating or processing the payment card transaction to identify whether:
 - (a) A merchant is a firearms dealer; or
 - (b) A transaction involves the sale of firearms or ammunition;
- (3) "Customer," any person engaged in a payment card transaction that a financial institution facilitates or processes and any person, or the person's duly authorized representative, who has transacted business with or has used the services of a financial institution, or for whom a financial institution has acted as a fiduciary in relation to an account maintained in the person's name;
- (4) "Disclosure," the transfer, publication, or distribution of protected financial information to another person, for any purpose other than to process or facilitate a payment card transaction;
- (5) "Financial institution," a bank, savings and loan association, trust company, or credit union chartered pursuant to any state or federal law; a regulated consumer lender, a money service business, payment card issuer, or other institution that is by law under the jurisdiction of the Division of Banking; and an entity involved in facilitating or processing a payment card transaction, including a bank, acquirer, gateway, payment card network, or payment card issuer;
- (6) "Financial record," any:
 - (a) Original or copy of a record or document held by a financial institution, which pertains to a customer of the financial institution, including any record of a transaction conducted by means of a customer bank communication terminal or other electronic device;

- (b) A record held by a financial institution, which relates to a payment card transaction that the financial institution has processed or facilitated; and
 - (c) Information derived from any record or document referenced in this subdivision;
- (7) "Firearm," a weapon that is capable of expelling, is designed to expel, or may readily be converted to expel a projectile by action of an explosive;
- (8) "Firearm accessory or component," any:
 - (a) Device that is specifically adapted to enable the carrying, storage, or wearing of a firearm;
 - (b) Device that is specifically adapted to enable the mounting of a firearm in or on any conveyance;
 - (c) Device that is specifically adapted to be inserted into or affixed to a firearm to alter, enable, or improve the capabilities or the functioning of the firearm;
 - (d) Ammunition carrier, aftermarket grip or stock, brace, flash suppressor, folding stock, laser sight, light for target illumination, magazine, sound suppressor, speed loader, telescopic sight, or any other item used in conjunction with or mounted upon a firearm; and
 - (e) Equipment, machinery, material, tool, or other component used in making, manufacturing, or reloading ammunition;
- (9) "Firearms code," an indicator or code that:
 - (a) A financial institution assigns to a merchant or to a payment card transaction and which identifies whether a merchant is a firearms dealer or whether the payment card transaction involves the purchase of a firearm, firearm accessories or components, or ammunition; and
 - (b) Includes a merchant category code assigned to a retailer by a payment card network or other financial institution;
- (10) "Firearms dealer," any:
 - (a) Retailer or merchant of firearm accessories or components;
 - (b) Any person engaged in the lawful business of selling or trading firearms or antique firearms, as those terms are defined in 18 U.S.C. § 921 (January 1, 2025); or
 - (c) Any person engaged in the lawful business of selling ammunition for use in firearms or antique firearms;
- (11) "Governmental entity," this state, any political subdivision of this state, and any agency or instrumentality of this state or a political subdivision of this state;
- (12) "Merchant," an individual or entity accepting a payment card from a customer for the purchase of a good or service, including a firearms dealer that accepts payment cards for the lawful purchase of firearms, firearm accessories or components, or ammunition;
- (13) "Payment card," a charge card, credit card, debit card, or any other card that is issued to an authorized user and allows the user to purchase goods or services from a merchant; and

- (14) "Protected financial information," any record of a sale, purchase, return, or refund, involving a payment card that is retrieved, characterized, generated, labeled, sorted, or grouped based on the assignment of a firearms code, provided a customer's protected financial information refers to protected financial information appearing in the financial records of a customer.

Section 2. That a NEW SECTION be added to a new chapter in title 37:

With the exception of records kept during the regular course of a criminal investigation and prosecution, or as otherwise required by law, no governmental entity or official, agent, or employee of a governmental entity or any person other than the owner or owner's representative, may knowingly and willfully keep or cause to be kept any list, record, or registry of privately owned firearms or the owners of those firearms.

Section 3. That a NEW SECTION be added to a new chapter in title 37:

Neither a financial institution nor an agent of a financial institution may require the use of a firearms code in a way that distinguishes a firearms dealer physically located in this state from a general merchandise retailer or a sporting goods retailer located in this state.

Section 4. That a NEW SECTION be added to a new chapter in title 37:

A financial institution may not discriminate against a firearms dealer by:

- (1) Declining a lawful payment card transaction based solely on the assignment or non-assignment of a firearms code to the merchant or the transaction;
- (2) Limiting or declining to do business with a customer, potential customer, or merchant, based on the assignment or non-assignment of a firearms code to previous lawful transactions involving the customer, potential customer, or merchant;
- (3) Charging a merchant a higher transaction or interchange fee for a lawful transaction based on the assignment or non-assignment of a firearms code; or
- (4) Taking any other action against a customer or merchant with the intent of suppressing lawful commerce involving firearms, firearm accessories or components, or ammunition, if the action is based solely or in part on the customer's or merchant's business involving firearms, firearm accessories or components, or ammunition.

Section 5. That a NEW SECTION be added to a new chapter in title 37:

The attorney general may investigate any alleged violation of this Act and shall provide written notice to any individual or entity, public or private, believed to be in violation. Written notice to any commercial entity must be made to the entity's registered agent.

Upon receipt of a written notice from the attorney general, the alleged violator must cease usage of the firearms code within thirty calendar days. The attorney general may extend the period for up to an additional one hundred and twenty days.

Section 6. That a NEW SECTION be added to a new chapter in title 37:

The attorney general may be petitioned to investigate an alleged violation of this Act by:

- (1) A firearms dealer physically located in this state, if the dealer's business was the subject of an alleged violation of this Act; or
- (2) A customer who engaged in a transaction with a firearms dealer physically located in this state, if the dealer's business was the subject of an alleged violation of this Act.

If the attorney general does not commence an action within ninety days of receiving a petition under this section, the firearms dealer or the customer may file an action in a court of competent jurisdiction to enjoin the individual or entity from engaging in a violation of this Act.

Section 7. That a NEW SECTION be added to a new chapter in title 37:

If an individual or entity, public or private, is found to be in violation of this Act after the later of the expiration of thirty calendar days from the receipt of written notice by the attorney general or the expiration of any extension granted by the attorney general, the attorney general must pursue an injunction against the individual or entity, in a court of competent jurisdiction in the circuit court for the county where the alleged violation occurred.

If a court finds that an individual or entity continues to be in violation of this Act after the later of thirty calendar days from the receipt of written notice by the attorney general or the expiration of any extension granted by the attorney general, or after a finding of a violation of this Act by a court, the court must enjoin the individual or entity from continuing to violate this Act.

If thirty days after the issuance of an injunction an individual or entity knowingly and willfully fails to comply, as provided for in this section, the court must impose a civil penalty in the amount of twenty-five thousand dollars or the amount of actual damages for each violation occurring after the conclusion of the thirty-day period. In assessing the penalty, the court may consider the financial resources of the violator and any harm or risk of harm to an individual's rights under the U.S. Const. amend. II, resulting from the violation. The court shall forward any civil penalty collected under this section to the state treasurer, for deposit in the general fund.

In addition to the remedies provided for in this section, the attorney general or a petitioner who prevails in an action under this Act shall recover costs and reasonable attorney's fees.

Section 8. That a NEW SECTION be added to a new chapter in title 37:

It is not a defense to an action filed pursuant to this Act that information was disclosed to a federal government entity, unless the disclosure or action was based on a good faith conclusion that the disclosure or action was required by federal law or regulation.

Signed February 24, 2025

AGRICULTURE AND HORTICULTURE

Chapter 166 (House Bill 1083)

An Act to modify the requirements for obtaining an agricultural processor's lien.

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

Section 1. That § 38-17-14 be AMENDED:

38-17-14. Any person owning and operating farm machinery to process a crop has a lien from the date of operation on all grain threshed or combined, corn shelled, husked or shredded, silage cut, seeds hulled, or agricultural products baled, mowed, ground, raked, or pulverized by the person ~~with the machine~~ for the value of ~~the these~~ services so rendered in operation.

Section 2. That § 38-17-15 be AMENDED:

38-17-15. Any person entitled to a lien under § 38-17-14 shall ~~provide a written account stating the kind of grain, and the quantity harvested, threshed, shelled, or otherwise processed, the price agreed upon for such work, which may not exceed the price usually charged for the service, the name of the person for whom the work was done, and a description of the land on which the crop was grown~~ perfect the lien as provided in chapter 57A-9. Any financing statement filed to perfect the lien must contain or have attached to it the following information:

- (1) The name and address of the owner or operator claiming the lien;
- (2) The name and address of the person for whom a service specified in § 38-17-14 was performed;
- (3) The amount due for the service of threshing, combining, shelling, husking, shredding, cutting, hulling, baling, mowing, grinding, raking, pulverizing, or other processing;
- (4) The amount of grain, seed, hay, silage, or other agricultural product covered by the lien;
- (5) The place where the grain, seed, hay, silage, or other agricultural product is located; and
- (6) The date on which the service was performed.

After making oath to the correctness of the account statement, the person shall file the ~~account in the office of the register of deeds in the county in which the land producing the crop is located, and also in the county of the residence of the person who produced the crop, if the person is a resident of this state. The office of the register of deeds shall file and enter the account in the manner required by law in the personal property index statement electronically with the secretary of state.~~ The filing serves as notice to all purchasers and encumbrancers subsequent to the date of the filing.

To perfect the lien, the financing statement must be filed within thirty days of the date the threshing or other processing was finished. At the time the lien is filed, the lienholder shall provide a copy to the person for whom the work was done.

Section 3. That a NEW SECTION be added to chapter 38-17:

If the person for whom the processing pursuant to § 38-17-14 was done desires to sell or deliver the grain, seed, hay, silage, or other agricultural product, the person must notify the consignee or purchaser that the bill for the threshing, combining, shelling, husking, shredding, cutting, hulling, baling, mowing, grinding, raking, pulverizing, or other processing has not been paid, and the lien created under § 38-17-14 applies to the purchase price paid by the purchaser or consignee.

If the grain or other agricultural product covered by the lien pursuant to § 38-17-14 is sold or consigned with the consent or knowledge of the person entitled to a lien, within thirty days after the date of the harvesting or other processing, the lien does not attach to the grain or other agricultural product covered by the lien pursuant to § 38-17-14, or to the purchase price, unless the person entitled to the lien notifies the purchaser in writing of the lien.

Section 4. That § 38-17-16 be AMENDED:

38-17-16. Any lien under § 38-17-14 has priority over all other liens and encumbrances upon the grain threshed or combined, corn shelled, husked or shredded, silage cut, seeds hulled, or agricultural products baled, mowed, ground, raked, or pulverized, if filed within thirty days from the day on which the harvesting, threshing, shelling, or other processing was completed.

A lien created under this Act must be treated as an agricultural lien as provided in chapter 57A-9 and may be enforced in the manner and form provided for enforcement of secured transactions.

The fee for filing, amending, or releasing the lien is as set forth in § 57A-9-525.

Section 5. That § 38-17-19 be AMENDED:

38-17-19. Any person having a lien under the provisions of §§ 38-17-3 to 38-17-18, inclusive, may foreclose the same under the provisions of chapter ~~21-53~~ or under the provisions of chapter ~~21-54~~, ~~subject to the right of any person adversely interested to require foreclosure under the provisions of chapter 21-53~~ ~~57A-9.~~

Section 6. This Act is effective beginning January 1, 2027.

Signed March 18, 2025

Chapter 167
(House Bill 1116)

An Act to repeal a reporting requirement regarding industrial hemp.

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

Section 1. That § 38-35-19 be REPEALED.

~~The attorney general shall annually collect and compile information, statistical and otherwise, which will, as far as practicable, present an accurate survey and may be useful in the study of the effect legalizing industrial hemp has had on controlled substance and marijuana prosecutions in this state, including the extent and character of alleged crimes not prosecuted or dismissed, the operations of police in drug investigations, the charging discretion of prosecuting attorneys, and the administration of criminal justice due to the legalization of industrial hemp. All information collected under this section shall be reported annually to the Governor and Legislature by December first each year.~~

Signed March 18, 2025

FOOD AND DRUGS

Chapter 168 **(House Bill 1022)**

An Act to prohibit the misbranding of any cell-cultured protein product.

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

Section 1. That § 39-5-26 be AMENDED:

39-5-26. For purposes of this chapter, the term "misbranded" ~~shall apply~~ applies to any carcass, part thereof, or meat food product under one or more of the following circumstances:

- (1) If its labeling is false or misleading ~~in any particular; or;~~
- (2) If it is offered for sale under the name of another food; ~~or~~
- (3) If it is an imitation of another food, unless its label bears, in type of uniform size and prominence, the word "imitation" and immediately thereafter, the name of the food imitated; ~~or~~
- (4) If its container is so made, formed, or filled as to be misleading; ~~or~~
- (5) If in a package or other container, unless it bears a label showing:
 - (a) The name and place of business of the manufacturer, packer, or distributor; and
 - (b) An accurate statement of the quantity of the contents in terms of weight, measure, or numerical count; ~~Provided, provided that under clause (b) of this subdivision,~~ reasonable variations may be permitted, and exemptions as to small packages may be established, by ~~regulations~~ rules prescribed by the secretary of the Animal Industry Board; or
- (6) If any word, statement, or other information required by or under authority of this chapter to appear on the label or other labeling is not prominently placed thereon with ~~such~~ conspicuousness ~~(as compared with other words, statements, designs, or devices, in the labeling); and in~~

- ~~such terms as to~~ terms that render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use; ~~or~~
- (7) If it purports to be or is represented as a food for which a definition and standard of identity or composition has been prescribed by ~~regulations~~ rules of the secretary under § 39-5-28 unless:
- (a) It conforms to ~~such the~~ definition and standard; and
- (b) Its label bears the name of the food specified in the definition and standard and, insofar as may be required by such ~~regulations~~ rules, the common names of optional ingredients ~~(, other than spices, flavoring, and coloring),~~ present in ~~such the~~ food; ~~or~~
- (8) If it purports to be or is represented as a food for which a standard ~~or standards~~ of fill of container ~~have~~ has been prescribed by ~~regulations~~ rules of the secretary under § 39-5-28, and it falls below the standard of fill of container applicable thereto, unless its label bears, in ~~such the~~ manner and form as ~~such the~~ regulations rules specify, a statement that it falls below ~~such the~~ standard; ~~or~~
- (9) If it is not subject to the provisions of subdivision (7), unless its label bears:
- (a) The common or usual name of the food, if any ~~there be~~; and
- (b) In case it is fabricated from two or more ingredients, the common or usual name of each ~~such~~ ingredient; ~~except that spices, flavorings, and colorings may, when authorized by the secretary, be designated as spices, flavorings, and colorings without naming each; Provided, provided that,~~ to the extent ~~that~~ compliance with the requirements of clause (b) of this subdivision (9) this subsection is impracticable, or results in deception or unfair competition, ~~exemptions shall be established by regulations promulgated by the secretary the secretary shall promulgate rules to establish exemptions;~~ ~~or~~
- (10) If it purports to be or is represented for special dietary uses, unless its label bears ~~such~~ information concerning its vitamin, mineral, and other dietary properties as the secretary determines to be, and by ~~regulations~~ rules prescribed as, necessary in order fully to inform purchasers as to its value for ~~such the~~ uses; ~~or~~
- (11) If it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears labeling stating that fact; ~~Provided, provided that,~~ to the extent ~~that~~ compliance with ~~the requirements of this subdivision (11) this requirement~~ is impracticable, ~~exemptions shall be established by regulations promulgated by the secretary the secretary shall promulgate rules to establish exemptions;~~ ~~or~~
- (12) If it fails to bear, directly thereon or on its containers, as the secretary may by ~~regulations~~ rules prescribe, the inspection legend and ~~such any~~ other information as the secretary may require ~~in such regulations~~ to effectuate the purposes of this chapter; or
- (13) If it is, or contains, any cell-cultured protein and does not clearly state in a prominent and conspicuous manner the words "cell-cultured" or "lab-grown" in type of uniform size and prominence, immediately adjacent to the name of the food on the label.

For purposes of this section, "cell-cultured protein" means a product that is produced for use as human food, made wholly or in part from any cell culture or the DNA of a host animal, and grown or cultivated outside a live animal. This section does not apply to the process of embryo transfer in livestock.

Signed February 10, 2025

**Chapter 169
(House Bill 1118)**

An Act to prohibit the award or use of state moneys for the research, production, promotion, sale, or distribution of cell-cultured protein.

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

Section 1. That a NEW SECTION be added to chapter 39-5:

Except as otherwise provided for in this section, no state moneys may be awarded or used, directly or indirectly, for research, production, promotion, or the sale or distribution of cell-cultured protein.

The prohibition in this section does not apply to the Board of Regents, any institution under the control of the Board of Regents, or any state agency carrying out regulatory functions pursuant to chapter 39-5.

For purposes of this section, "cell-cultured protein" means a product produced for use as human food, made wholly or in part from any cell culture or the DNA of a host animal, and grown or cultivated outside a live animal.

Signed February 27, 2025

ANIMALS AND LIVESTOCK

**Chapter 170
(Senate Bill 120)**

An Act to update the membership of the Animal Industry Board to include a poultry producer.

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

Section 1. That § 40-3-2 be AMENDED:

40-3-2. The Animal Industry Board shall consist of ~~seven~~ eight members appointed by the Governor. Any interested farm, commodity, livestock auction or livestock commission, or veterinary organization may submit nominations to the

Governor from which appointments may be made. Each term is for a period of three years and until the successor is appointed and qualified. Any vacancy may be filled by appointment of the Governor for the balance of the unexpired term.

The terms of members begin on October thirty-first of the calendar year in which the Governor appoints the member, unless otherwise designated by the Governor. The appointee's term expires on October thirtieth in the third year of appointment.

Any member's term ending June 30, 2013, or thereafter is extended to October thirtieth in the year the term is to expire.

Section 2. That § 40-3-3 be AMENDED:

40-3-3. All members of the Animal Industry Board ~~shall must~~ be residents and electors of the state; ~~one. One~~ member ~~shall must~~ be a cattleman, one member ~~shall must~~ be a sheepman, one member ~~shall must~~ be a livestock feeder, one member ~~shall must~~ be a hog producer, one member ~~shall must~~ be an owner-operator of a livestock auction or commission company, one member ~~shall must~~ be a dairy producer, one member must be a poultry producer, and one member shall must be a veterinarian who is actively engaged in practice in the state. All members, other than the veterinarian, ~~shall must~~ be persons actively and actually raising or marketing livestock or poultry within the state. The members ~~shall must~~ qualify by taking and subscribing the oath of office required of other civil officers of the state.

Section 3. That § 40-3-10 be AMENDED:

40-3-10. In Title 40, the terms "livestock," "domestic animals," and "nondomestic animal" include poultry, unless a different intention is clearly implied. The term "poultry" includes chickens, turkeys, ducks, geese, and any other game bird raised in captivity, excluding pigeons and doves.

Signed March 18, 2025

Chapter 171
(Senate Bill 170)

An Act to authorize the South Dakota State Brand Board to enter a memorandum of understanding with any Indian tribe for the investigation of cattle theft.

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

Section 1. That a NEW SECTION be added to chapter 40-18:

The board may enter a memorandum of understanding, under the provisions of chapter 1-24, with any federally recognized Indian tribe to cooperate in the investigation of livestock theft on, and adjacent to, tribal lands, provided the tribal government authorizes the memorandum.

Signed March 11, 2025

Chapter 172
(Senate Bill 15)

An Act to expand the policy advisory committee for animal damage control.

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

Section 1. That § 40-36-46 be AMENDED:

40-36-46. There is created a policy advisory committee for animal damage control consisting of the secretary of ~~game, fish and parks~~ the Department of Game, Fish and Parks, the ~~animal damage control supervisor of the wildlife damage management program~~, the secretary of ~~agriculture and natural resources~~ the Department of Agriculture and Natural Resources or the secretary's designee, and one representative from each of the following organizations: ~~USDA/APHIS/Wildlife Services, the South Dakota Sheep Growers, South Dakota Cattlemen, South Dakota Stockgrowers Association, South Dakota Farmers Union, South Dakota Farm Bureau, and the South Dakota Wildlife Federation~~

- (1) South Dakota Cattlemen's Association;
- (2) South Dakota Farm Bureau;
- (3) South Dakota Farmers Union;
- (4) South Dakota Landowner and Outfitter Alliance;
- (5) South Dakota Sheep Growers Association;
- (6) South Dakota Stockgrowers Association;
- (7) South Dakota Wildlife Federation; and
- (8) United States Department of Agriculture Animal and Plant Health Inspection Service - Wildlife Services.

The committee shall review animal damage control activities and provide recommendations for controlling animal damage in ~~South Dakota~~ this state. The committee shall meet at least once a year.

Signed March 12, 2025

Chapter 173
(Senate Bill 14)

An Act to revise and repeal provisions related to agricultural production facilities and to provide a penalty therefor.

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

Section 1. That § 22-30A-17 be AMENDED:

22-30A-17. Grand theft is a Class 6 felony; if the property stolen:

- (1) Exceeds one thousand dollars in value but is less than or equal to two thousand five hundred dollars;

- (2) Is a firearm with a value of less than or equal to two thousand five hundred dollars;
- (3) Is taken from the person of another with a value of less than or equal to two thousand five hundred dollars; or
- (4) ~~The property stolen is cattle, horses, mules, sheep, goats, buffalo, or captive non-domestic elk.~~ Is livestock, as defined in § 21-61-1, with a value of less than or equal to two thousand five hundred dollars.

Grand theft is a Class 5 felony if the value of the property is more than two thousand five hundred dollars but less than or equal to five thousand dollars.

Grand theft is a Class 4 felony if the value of the property is more than five thousand dollars but less than or equal to one hundred thousand dollars.

Grand theft is a Class 3 felony if the value of the property is more than one hundred thousand dollars but less than or equal to five hundred thousand dollars.

Section 2. That § 40-38-1 be AMENDED:

40-38-1. Terms used in this chapter mean:

- (1) "Agricultural production facility," real or personal property that is used primarily for agricultural purposes, including:
 - (a) A vehicle, building, structure, research facility, or area where an animal is kept, handled, housed, transported, exhibited, bred, or offered for sale; or
 - (b) A barn, crop field, elevator, garden, greenhouse, nursery, orchard, research facility, seedhouse, warehouse, structure, machinery, or equipment;
- (2) "Animal," any living vertebrate except human beings;
- (2) ~~"Animal facility," any vehicle, building, structure, research facility, premises, or area where an animal is kept, handled, housed, transported, exhibited, bred, or offered for sale;~~
- (3) "Consent," ~~consent~~ permission by the owner or by a person legally authorized to act for the owner. Consent is not effective if:
 - (a) Induced by force or threat;
 - (b) Given by a person the offender knows is not legally authorized to act for the owner; or
 - (c) Given by a person who by reason of age, mental disease, or defect, or influence of drugs or alcohol is known by the offender to be incapable of consenting;
- (4) "Crop," a plant or plant product that is grown for food, feed, fiber, forage, or fuel;
- (5) "Deception," the act of knowingly:
 - (a) Creating or confirming another person's belief or impression as to the existence or nonexistence of a fact or condition that is false and that the actor does not believe to be true; or
 - (b) Failing to correct a false belief or impression as to the existence or nonexistence of a fact or condition that the actor previously created or confirmed;

- (6) "Deprive," to:
- (a) Withhold an animal or material appurtenant to an animal from the owner permanently or for so extended a period of time that a major portion of the value or enjoyment of the animal or property is lost to the owner;
 - (b) Restore an animal or property only upon payment of a reward or other compensation; or
 - (c) Dispose of an animal or other property in a manner that makes recovery of the animal or property by the owner unlikely;
- ~~(5)(7)~~ "Owner," a person who has title to the property, legal possession of the property, or a greater right to possession of the property than the other;
- ~~(6)(8)~~ "Possession," actual custody, control, or management; and
- ~~(7)(9)~~ "Research facility," any place at which any scientific test, experiment, or investigation involving the use of any living animal or crop is carried out, conducted, or attempted.

Section 3. That § 40-38-2 be AMENDED:

40-38-2. No person, without consent, may:

- (1) Intentionally damage or destroy an animal agricultural production facility, or an animal, or property in or on the animal facility, or obstruct any enterprise conducted at the animal agricultural production facility;
- (2) Acquire or otherwise exercise control over an animal agricultural production facility or an animal or other property from an animal agricultural production facility with the intent to deprive the owner or to obstruct the enterprise conducted at the facility;
- (3) Enter an animal agricultural production facility, not then open to the public, with intent to commit any act prohibited by this section;
- (4) Enter an animal agricultural production facility and remain concealed, with intent to commit any act prohibited by this section;
- (5) Enter an animal agricultural production facility and commit or attempt to commit any act prohibited by this section; ~~or~~
- (6) Intentionally turn out or release any animal or any plant pest or pathogen in or on an animal agricultural production facility;
- ~~(7) Use deception to gain access to or employment at an agricultural facility that is not open to the public, with the intent to cause physical or economic harm or other injury to the agricultural production facility; or~~
- ~~(8) Knowingly place or use a camera or electronic surveillance device that transmits or records images or data while committing criminal trespass as set forth in chapter 22-35.~~

This section does not apply to lawful activities of a governmental agency or emergency service carrying out its duties under law.

Section 4. That § 40-38-3 be AMENDED:

40-38-3. No person may, without consent, and with the intent to obstruct the enterprise conducted at the animal agricultural production facility, enter or remain on an animal agricultural production facility, if the person had notice that the entry was forbidden or received notice to depart but failed to do so. Notice

includes communication by the owner or any person with apparent authority to act for the owner, fencing or other enclosures designed to exclude trespassers or to contain animals, or a sign posted on the property or at the entrance to the animal agricultural production facility indicating that entry is forbidden. This section does not apply to lawful activities of a governmental agency or emergency service carrying out its duties under law.

Section 5. That § 40-38-4 be AMENDED:

40-38-4. Any person who violates subdivision 40-38-2(1) or (6) is guilty of a Class 2 misdemeanor if there is damage of four hundred dollars or less. Any person who violates subdivision 40-38-2(7) or (8), is guilty of a Class 2 misdemeanor. Any person who violates subdivision 40-38-2(1) or (6) is guilty of a Class 1 misdemeanor if there is damage ~~of~~ in an amount greater than four hundred dollars and less than one thousand dollars. Any person who violates subdivision 40-38-2(1) or (6) is guilty of a Class 4 felony if there is damage of one thousand dollars or greater. Any person who violates subdivisions 40-38-2(2) to (5), inclusive, is guilty of a Class 4 felony.

Section 6. That § 21-60-1 be REPEALED.

~~No person other than the owner may, willfully and knowingly, damage or destroy any field crop, animal, or organism product that is grown for personal or commercial purposes, or for testing or research purposes, in the context of a product development program in conjunction or coordination with a private research facility or a university or any federal, state, or local government agency. Any person who violates this provision is liable for twice the value of the crop, animal, or organism damaged or destroyed. However, this section does not apply to crops, animals, or organism damaged or destroyed by emergency vehicles and personnel acting in a reasonable and prudent manner.~~

Section 7. That § 21-60-2 be REPEALED.

~~In awarding damages under this chapter, the court shall consider the market value of the crop, animal, or organism prior to damage or destruction, and production, research, testing, replacement, and development costs directly related to the crop, animal, or organism that has been damaged or destroyed as part of the value.~~

Section 8. That § 21-60-3 be REPEALED.

~~Damages available under this chapter are limited to twice the market value of the crop, animal, or organism prior to damage or destruction plus twice the actual damages involving production, research, testing, replacement, and development costs directly related to the crop, animal, or organism that has been damaged or destroyed.~~

Signed March 18, 2025

GAME, FISH, PARKS AND FORESTRY

Chapter 174
(Senate Bill 144)**An Act to require legislative approval for significant capital expenditures by
the Department of Game, Fish and Parks.**

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

Section 1. That § 41-2-19 be AMENDED:

41-2-19. ~~The Subject to section 2 of this Act, the Department of Game, Fish and Parks may, on behalf and in the name of the state, acquire public or private property by gift, grant, devise, purchase, lease, or condemnation proceedings, and may manage, control, and improve the property for the purpose of exercising the powers granted in this title.~~

Section 2. That a NEW SECTION be added to chapter 41-2:

Notwithstanding any provision of this title to the contrary, the Department of Game, Fish and Parks may not acquire, build, or significantly improve a building, facility, or other physical asset, or build or significantly improve any infrastructure, or enter into a lease or a lease-purchase agreement, if doing so would require a cumulative capital expenditure in excess of two million five hundred thousand dollars, without first obtaining the express approval of the Legislature.

Notwithstanding any provision of this title to the contrary, the Department of Game, Fish and Parks may not acquire any public or private real property if doing so would require a cumulative capital expenditure in excess of two million five hundred thousand dollars, without first obtaining:

- (1) The express approval of the Legislature; or
- (2) The express approval of the special committee created in accordance with § 4-8A-2, if:
 - (a) Time is of the essence; and
 - (b) The Legislature is in a recess or between sessions.

No acquisition, construction, improvement, or contract described in this section may be divided so as to require multiple smaller capital expenditures in order to avoid or otherwise defeat the approval threshold established in this section.

Any contract entered into in violation of this section is voidable in a legal action initiated by the attorney general.

The applicability of this section includes any action authorized under this title.

Signed March 12, 2025

Chapter 175
(Senate Bill 41)

An Act to clarify the minimum age requirements for a hunting license.

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

Section 1. That § 41-6-10 be AMENDED:

41-6-10. Licenses, permits, and stamps issued under this title are classified as follows:

- (1) Breeding and raising birds license;
- (2) Disabled hunter permit;
- ~~(2)(3)~~ Export bait dealer license;
- ~~(2A)~~ Fall three day temporary nonresident waterfowl license;
- ~~(3)(4)~~ Fur dealer's license;
- ~~(4)(5)~~ Hoop net, trap, or setline license;
- ~~(5)~~ License for breeding and domesticating animals and birds;
- ~~(6)~~ Resident license to take fur-bearing animals;
- ~~(6A)~~ Reciprocal nonresident license to take fur-bearing animals;
- (6) Mentored youth hunting license;
- ~~(7)(7)~~ Nonresident big game license;
- ~~(8)(8)~~ Nonresident fishing license;
- ~~(9)(9)~~ Nonresident and resident migratory bird certification permit;
- (10) Nonresident predator/varmint license;
- ~~(10)~~ Repealed by SL 1999, ch 213, § 3-
- ~~(11)(11)~~ Nonresident retail bait dealer license;
- ~~(12)(12)~~ Nonresident shooting preserve license;
- ~~(13)(13)~~ Nonresident small game license;
- ~~(14)~~ Nonresident and resident migratory bird certification permit;
- ~~(15)(14)~~ Nonresident wholesale bait dealer license;
- ~~(16)(15)~~ Nonresident wild turkey license;
- ~~(17)(16)~~ Nursing facility group fishing license;
- ~~(18)(17)~~ Park user's license;
- ~~(19)(18)~~ Permit for transportation of big game animal;
- ~~(20)(19)~~ Private fish hatchery license;
- (20) Reciprocal nonresident license to take fur-bearing animals;
- (21) Resident license to take fur-bearing animals;
- ~~(21)(22)~~ Resident big game license;

- ~~(22)~~(23) Resident elk license;
- ~~(23)~~(24) Resident fishing license and resident senior fishing license;
- ~~(24)~~—Repealed by SL 1999, ch 213, § 3.
- ~~(25)~~(25) Resident retail bait dealer license;
- ~~(26)~~(26) Resident small game license and resident youth small game license;
- ~~(27)~~(27) Resident predator/varmint license;
- ~~(28)~~(28) Resident wholesale bait dealer license;
- ~~(29)~~(29) Resident wild turkey license;
- ~~(30)~~(30) Scientific collector's license;
- ~~(31)~~(31) Special nonresident waterfowl license;
- ~~(32)~~—Repealed by SL 1999, ch 213, § 3.
- ~~(33)~~(32) Taxidermist's license;
- ~~(33A)~~—Spring snow goose temporary nonresident license;
- ~~(33B)~~—Early fall Canada goose temporary nonresident license;
- ~~(34)~~(33) Temporary fishing and hunting licenses;
- (34) Temporary nonresident early fall Canada goose license;
- (35) Temporary nonresident fall three-day waterfowl license; and
- (36) Temporary nonresident spring snow goose license.

The rights and privileges of such licensees are set forth in §§ 41-6-12 to 41-6-45.1, inclusive, and in § 41-17-13. The Game, Fish and Parks Commission shall promulgate rules pursuant to chapter 1-26 to set the fees, eligibility, and duration for such licenses.

Section 2. That § 41-6-12 be AMENDED:

41-6-12. Any person who is a resident of this state, as defined by this title, qualifies as a resident for securing a resident hunting ~~or~~ license, fishing license, or preference point. A person who is not a resident of this state, as defined by this title, shall secure an applicable nonresident hunting ~~and~~ license, fishing license, or preference point.

~~No~~ Except as otherwise provided in § 41-6-81, a person under the age of twelve ~~years~~ may not be granted a hunting license. A person who is ten years of age or older may be granted a hunting preference point. A person who is eleven years of age and who will become twelve years of age during the period of September first to December thirty-first, inclusive, may be granted a hunting license or preference point and may be allowed to hunt beginning September first.

Section 3. That § 41-6-14 be AMENDED:

41-6-14. ~~Any~~ Except as otherwise provided in § 41-6-81, a person ~~between the ages of eleven years and under the age of sixteen years~~ shall first comply with the provisions of chapter 41-7, pertaining to firearms safety, before being granted a resident hunting license or ~~the~~ an applicable nonresident hunting ~~licenses~~ license.

Section 4. That § 41-6-81 be AMENDED:

~~41-6-81. Notwithstanding any provisions of Title 41 to the contrary, A mentored youth hunting license may be issued to a child less than under the age of sixteen years of age is not required to possess a hunting license in order to hunt, if the child is. The child must be accompanied by a hunting mentor. A hunting mentor may be the child's parent or guardian or any other competent adult who has the written consent of the child's parent or guardian.~~

~~The hunting mentor shall be unarmed, except as otherwise provided in this section, and shall have successfully completed a hunter safety or hunter education course that meets the requirements of chapter 41-7, and shall possess a valid small game or waterfowl hunting license for the game being hunted. To serve as a hunting mentor for big game, the mentor shall possess the mentor big game license obtained by the child's parent or guardian.~~

~~A child who hunts pursuant to this section shall must be under the immediate physical control, direct supervision, and responsibility of a hunting mentor, at the time the child discharges a firearm or operates a bow and arrow in the act of hunting.~~

~~A hunting mentor may accompany no more than one mentored child at any one time.~~

~~No hunting party that includes a mentored child may include more than six persons, regardless of whether or not members of the hunting party are hunting or possess or operate firearms.~~

~~A child who hunts pursuant to this section is subject to all requirements, restrictions, and penalties specified in this title and in rules promulgated pursuant to this title, with respect to the species being hunted, except that the combined number of animals taken or possessed by the child and the hunting mentor may not exceed the number of animals authorized under licenses held by the hunting mentor.~~

~~A mentored child may not take big game under the provisions of this section except antlerless deer, turkey, and doe fawn antelope. No big game may be taken by a mentored child unless the child's parent or legal guardian has been issued a license that designates the child as a mentored child who is authorized to exercise the privileges granted by the license. A nonresident big game application must include the name, address, and phone number of a resident sponsoring the application. The license is valid only for the mentored child and is not transferable to another person. Application for or issuance of such licenses does not affect the eligibility of the parent or legal guardian for any other big game license.~~

~~Nothing in this section prohibits the hunting mentor from carrying a concealed pistol or other legally possessed handgun.~~

~~The Game, Fish and Parks Commission shall promulgate rules, pursuant to chapter 1-26, to establish criteria and conditions governing the mentored youth hunting license and the hunter mentoring program established in this section.~~

Section 5. That § 41-7-1 be AMENDED:

~~41-7-1. Notwithstanding § 41-6-13, no a hunting license, other than a mentored youth hunting license, may not be issued to any person a child under the age of sixteen years, unless the applicant child presents to the person authorized to issue such the license a:~~

~~(1) A certificate of verifying the successful completion of a hunter safety or hunter education course, as provided for in rules promulgated by the~~

Game, Fish and Parks Commission, pursuant to chapter 1-26, ~~an appropriate;~~

(2) ~~A certificate of verifying the~~ successful completion of a hunter safety or hunter education course from another state or province of Canada; ~~or a~~

(3) ~~A~~ hunting license issued to the applicant in the current or previous year.

A violation of this section is a Class 2 misdemeanor.

Signed February 10, 2025

Chapter 176
(House Bill 1188)

An Act to allow nonresident military members to purchase three-day temporary nonresident waterfowl licenses.

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

Section 1. That a NEW SECTION be added to chapter 41-6:

An individual who is a nonresident of this state and on active duty in the armed forces of the United States, as defined in § 58-33-117, may annually purchase one fall three-day temporary nonresident waterfowl license, applicable to any unit for which temporary nonresident waterfowl licenses are otherwise issued.

An individual purchasing a license in accordance with this section must present a valid military identification card and obtain a federal migratory bird stamp and a migratory bird certification permit.

A license issued pursuant to this section is valid only on private land.

The Department of Game, Fish and Parks shall limit the number of licenses available for purchase each year, in accordance with this section, to one hundred. The Game, Fish and Parks Commission may not include that number when placing any other limitation on the number of licenses that may be issued.

Signed March 28, 2025

Chapter 177
(Senate Bill 78)

An Act to authorize a change in bullet diameter for use in taking certain animals.

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

Section 1. That § 41-8-17 be AMENDED:

41-8-17. Between sunset and sunrise, no person may use or possess night-vision equipment or throw or cast the rays of a spotlight, motor vehicle

headlight, or other artificial light onto a highway, or into any field, pasture, woodland, forest, or prairie, for the purpose of spotting, locating, taking, attempting to take, or hunting any animal, if the person is in possession or control of a firearm, bow, or other implement by which an animal could be killed. The prohibitions set forth in this section do not apply to a law enforcement officer in the performance of the officer's duties.

Notwithstanding the prohibitions set forth in this section:

- (1) A person may use a handheld light, while the person is on foot, to:
 - (a) Take raccoons after the raccoons have been treed by dogs; or
 - (b) Engage in trapping activity and take trapped fur-bearing animals;
- (2) From January first to August thirty-first, inclusive, a person may use night vision equipment, but not artificial light, to take jackrabbits, coyotes, beaver during its hunting season, foxes, raccoons, opossums, badgers, skunks, and rodents, provided the person is on public land and uses:
 - (a) A shotgun and shotshells; or
 - (b) A firearm and a cartridge having a bullet diameter of less than ~~.225~~ .312 inches;
- (3) From January first to August thirty-first, a person may use night vision equipment, but not artificial light, to take jackrabbits, coyotes, beaver during its hunting season, foxes, raccoons, opossums, badgers, skunks, and rodents, provided the person is on private land that is under lease to the Department of Game, Fish and Parks for the purpose of providing public access, has the permission of the landowner, and uses:
 - (a) A shotgun and shot shells; or
 - (b) A firearm and a cartridge having a bullet diameter of less than ~~.225~~ .312 inches;
- (4) A person may use night vision equipment and artificial light to take jackrabbits, coyotes, beaver during its hunting season, foxes, raccoons, opossums, badgers, skunks, and rodents, provided the person is on private land, and uses:
 - (a) A shotgun and shot shells; or
 - (b) A firearm and a cartridge having a bullet diameter of less than ~~.225~~ .312 inches; and
- (5) An employee of the Department of Game, Fish and Parks may, while performing animal damage control, use night-vision equipment and artificial lights, provided the employee obtains permission from the person owning or occupying the land prior to taking an animal that is causing damage.

For purposes of this section, artificial light, means a man-made light or lighting device that projects lumination for an unaided eye.

For purposes of this section, night-vision equipment, means an electronic or battery-powered device that enhances a person's ability to see in the dark.

A violation of this section is a Class 2 misdemeanor.

Signed March 12, 2025

Chapter 178
(Senate Bill 79)

An Act to permit the operation of a Class I electric bicycle on the Mickelson Trail.

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

Section 1. That § 41-17-27 be AMENDED:

41-17-27. ~~No person~~An individual may ~~not~~ operate ~~any a~~ motorized vehicle within the right-of-way of the ~~Black Hills Burlington Northern Heritage George S. Mickelson Trail. The provisions of this~~This section ~~do~~ does not apply to:

- (1) ~~Any person~~An individual operating a snowmobile, from December first to March thirty-first, inclusive, on the trail from Lead/Deadwood south to the Dumont trailhead, excluding the portion of the right-of-way crossing the subdivisions known as Englewood Acres and Black Forest Ranchettes;
- (2) ~~Any~~A governmental employee while in the performance of ~~his~~ an official duty;
- (3) ~~Any~~A member of an organized rescue or fire fighting force, while in the performance of ~~his~~ an official duty;
- (4) ~~Any person whose use is~~An individual authorized ~~for by the Department of Game, Fish and Parks to operate a motorized vehicle within the right-of-way, for a purpose other than a recreational purposes by the Department of Game, Fish and Parks purpose,~~ under a permit, lease, or contract; ~~and~~
- (5) ~~Any person~~An individual operating a self-propelled wheelchair; or
- (6) An individual operating a Class I electric bicycle, as defined in § 32-20B-9.

A violation of this section is a Class 2 misdemeanor.

Signed March 11, 2025

RECREATION AND SPORTS

Chapter 179
(Senate Bill 47)

An Act to clarify eligibility for licensure as a video lottery operator.

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

Section 1. That § 42-7A-43 be AMENDED:

42-7A-43. ~~Any A~~ person licensed, or applying for licensure, as a video lottery machine manufacturer, distributor, operator, or lottery retailer shall submit

~~to a background investigation. This includes each partner of a partnership and each director and officer and all stockholders of five percent or more in a parent or subsidiary corporation of a video lottery machine manufacturer, distributor, operator, or lottery retailer. Every partner, member, manager, director, and officer of the person, and any stockholder of five percent or more in the person, including a parent or subsidiary corporation, is subject to the background investigation.~~

~~A lottery retailer, and a video lottery machine manufacturer or distributor, shall meet the same requirements of subdivisions 42-7A-13(1) to (4), inclusive, and § set forth in §§ 42-7A-13 and 42-7A-14.~~

~~A video lottery machine operator shall meet the same requirements of set forth in §§ 42-7A-13 and 42-7A-14, in addition to being and must be a resident of the State of South Dakota and, if a partnership or corporation, the this state. The majority of ownership interest shall of a person licensed as a video lottery machine operator must be held by residents of the state or by a public company, or its subsidiary, traded on any market regulated or recognized by the United States Securities and Exchange Commission, that was licensed as a video lottery machine operator pursuant to chapter 42-7A prior to January 1, 1997, and traded on any market regulated or recognized by the United States Securities and Exchange Commission. A copy of any disclosure statement involving ownership of the public company required to be filed with the United States Securities and Exchange Commission shall must be filed with the lottery commission.~~

~~A lottery retailer shall meet the same requirements of §§ 42-7A-13 and 42-7A-14. AnyAn applicant for any a license under this chapter has the burden of proving his or her the applicant's qualifications to the satisfaction of the commission and executive director.~~

The commission may adopt rules pursuant to chapter 1-26 to establish additional requirements to preserve the integrity and security of the lottery.

Signed February 25, 2025

PROPERTY

Chapter 180 (Senate Bill 171)

An Act to add questions about historical property to seller's disclosure statement.

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

Section 1. That § 43-4-44 be AMENDED:

43-4-44. The following form ~~shall must~~ be used for the property condition disclosure statement, with a designated space at the top of each page after the first page to write in the property address, and a designated space at the bottom

of each page for each seller and buyer to initial:

SELLER'S PROPERTY CONDITION DISCLOSURE STATEMENT

RESIDENTIAL-SDCL 43-4-44

Seller(s)_____

Property Address_____

This Disclosure Statement concerns the real property identified above and offered for sale. This disclosure is required by law to be completed by sellers of real property and given to potential buyers. This form can have important legal consequences. If you do not understand this form, you should seek advice from a competent source.

Seller states that the information contained in this disclosure fully reflects the Seller's knowledge of the matters disclosed as of the date affixed to the form. If any material fact changes prior to closing, the seller MUST disclose that change in a written amendment to this disclosure statement and give the same to the buyer.

This statement is a DISCLOSURE OF THE CONDITION OF THE ABOVE DESCRIBED PROPERTY in compliance with ~~South Dakota law § SDCL~~ 43-4-38. It is NOT A WARRANTY of ANY KIND by the Seller or anyone representing any party in a transaction. It is NOT A SUBSTITUTE FOR ANY INSPECTIONS OR WARRANTIES either party may wish to obtain.

Seller hereby authorizes any agent representing any party in this transaction to provide a copy of this statement to any person or entity in connection with any actual or anticipated sale of the property.

If the answer to any of the following requires more space for explanation, please fully explain in comments or on an attached separate sheet.

I. LOT OR TITLE INFORMATION

1. When did you purchase or build the home?
_____/_____

Month Year

	LOT OR TITLE INFORMATION	Yes	No	Do Not Know	N/A	Comments
2.	Are there any recorded liens or financial instruments against the property, other than a first mortgage?					
3.	Are there any unrecorded liens or financial instruments against the property, other than a first mortgage; or have any materials or services been provided in the past one hundred twenty days that would create a lien against the property					

	under chapter 44-9?					
4.	Are there any easements which have been granted in connection with the property (other than normal utility easements for public water and sewer, gas and electric service, telephone service, cable television service, drainage, and sidewalks)?					
5.	Are there any problems related to establishing the lot lines/boundaries?					
6.	Do you have a location survey in your possession or a copy of the recorded plat?					If yes, attach a copy.
7.	Are you aware of any encroachments or shared features, from or on adjoining property (i.e. fences, driveway, sheds, outbuildings, or other improvements)?					
8.	Are you aware of any covenants or restrictions affecting the use of the property in accordance with local law?					If yes, attach a copy.
9.	Are you aware of any current or pending litigation, foreclosure, zoning, building code or restrictive covenant violation notices, mechanic's liens, judgments, special assessments, zoning changes, or changes that could affect your property?					
10.	Is the property currently occupied by the owner?					
11.	Does the property currently receive the owner-occupied tax reduction pursuant to SDCL 10-13-39?					

12.	Is the property currently part of a property tax freeze for any reason?					
13.	Is the property leased?					
14.	If leased, does the property use comply with applicable local ordinances?					
15.	Does this property or any portion of this property receive rent?					If yes, how much \$ _____ and how often _____
16.	Do you pay any mandatory fees or special assessments to a homeowners' or condominium association?					If yes, what are the fees or assessments? \$ _____ per _____ (i.e. annually, semi-annually, monthly) Payable to whom: _____ For what purpose: _____
17.	Are you aware if the property has ever had water in either the front, rear, or side yard more than forty-eight hours?					
18.	Is the property located in a flood plain?					
19.	Are federally protected wetlands located upon any part of the property?					
20.	<u>Has the property been designated as a historic property by a local governing body pursuant to SDCL 1-19B-20?</u>					
21.	<u>Is the property located within an established historic district?</u>					

20 22.	Are you aware of any private transfer fee obligations, as defined pursuant to § SDCL 43-4-48, that would require a buyer or seller of the property to pay a fee or charge upon the transfer of the property, regardless of whether the fee or charge is a fixed amount or is determined as a percentage of the value of the property?					If yes, what are the fees or charges? \$ _____ per _____ (i.e. annually, semi-annually, monthly)
-----------	--	--	--	--	--	---

Additional Comments

II. STRUCTURAL INFORMATION

	STRUCTURAL INFORMATION	Yes	No	Do Not Know	N/A	Comments
1.	Are you aware of any water penetration in the walls, windows, doors, basement, or crawl space?					
2.	Have any water damage related repairs been made?					
3.	Are there any unrepaired water-related damages that remain?					
4.	Are you aware if drain tile is installed on the property?					
5.	Are you aware of any interior cracked walls, ceilings or floors, or cracks or defects in exterior driveways, sidewalks, patios, or other hard surface areas?					
6.	Type of roof covering: _____					
7.	Age of roof covering,					

	if known:					
8.	Are you aware of any roof leakage, past or present?					
9.	Have any roof repairs been made, when and by whom?					
10.	Is there any existing unrepaired damage to the roof?					
11.	Are you aware of insulation in ceiling/attic?					
12.	Are you aware of insulation in walls?					
13.	Are you aware of insulation in the floors?					
14.	Are you aware of any pest infestation or damage, either past or present?					
15.	Are you aware of the property having been treated or repaired for any pest infestation or damage?					If yes, who treated it and when?
16.	Are you aware of any work upon the property which required a building, plumbing, electrical, or any other permit?					
17.	Was a permit obtained for work performed upon the property?					
18.	Was the work approved by an inspector as required by local or state ordinance?					
19.	Are you aware of any past or present damage to the property (i.e. fire, smoke, wind, floods, hail, or snow)?					

20.	Have any insurance claims been made for damage to the property?					
21.	Was an insurance payment received for damage to the property?					
22.	Has the damage to the property been repaired?					
23.	Are there any unrepaired damages to the property from the insurance claim?					
24.	Are you aware of any problems with sewer blockage or backup, past or present?					
25.	Are you aware of any drainage, leakage, or runoff from any sewer, septic tank, storage tank, or drain on the property into any adjoining lake, stream, or waterway?					

Additional Comments

III. SYSTEMS/UTILITIES INFORMATION

	SYSTEMS/UTILITIES INFORMATION	Working	Not Working	None	Not Included	Comments
1.	Air conditioning System					Age of System, if known:
2.	Air Exchanger					
3.	Air Purifier					
4.	Attic Fan					
5.	Bathroom Whirlpool and Controls					
6.	Burglar Alarm & Security System					
7.	Ceiling Fan					

8.	Central Air - Electric					
9.	Central Air – Water Cooled					
10.	Cistern					
11.	Dishwasher					
12.	Disposal					
13.	Doorbell					
14.	Fireplace					
15.	Fireplace Insert					
16.	Garage Door(s)					
17.	Garage Door Opener(s)					
18.	Garage Door Control(s)					
19.	Garage Wiring					
20.	Home Heating System(s) Type:					Age of System, if known:
21.	Hot Tub and Controls					
22.	Humidifier					
23.	In Floor Heat					
24.	Intercom					
25.	Light Fixtures					
26.	Microwave					
27.	Microwave Hood					
28.	Plumbing and Fixtures					
29.	Pool and Equipment					
30.	Propane Tank – Select One: __Leased __Owned					
31.	Radon System					
32.	Sauna					
33.	Septic/Leaching Field					
34.	Sewer Systems/Drains					
35.	Smart Home System					Smart Home System includes:
36.	Smoke/Fire Alarm					
37.	Solar House – Heating					
38.	Sump Pump(s)					
39.	Switches and Outlets					

40.	Underground Sprinkler and Heads					
41.	Vent Fan – Kitchen					
42.	Vent Fan – Bathroom					
43.	Water Heater, Select One: __ Electric __ Gas					Age of System, if known:
44.	Water Purifier, Select One: __ Leased __ Owned					
45.	Water Softener, Select One: __ Leased __ Owned					
46.	Well and Pump					
47.	Wood Burning Stove					

Additional Comments

IV. HAZARDOUS CONDITIONS

Are you aware of any existing hazardous conditions of the property and are you aware of any tests having been performed?

If the answer is yes to any of the questions below, please explain in additional comments or on an attached separate sheet.

HAZARDOUS CONDITIONS	Existing Conditions		Tests Performed		Comments
	Yes	No	Yes	No	
1. Methane Gas					
2. Lead Paint					
3. Radon Gas (House)					
4. Radon Gas (Well)					
5. Radioactive					
6. Landfill, Mineshaft					
7. Expansive Soil					
8. Mold					
9. Toxic Materials					
10. Urea Formaldehyde Foam Insulations					
11. Asbestos Insulation					
12. Buried Fuel Tanks					
13. Chemical Storage					

14. Fire Retardant Treated Plywood					
15. Production of Methamphetamines					
16. Use of Methamphetamines					

V. MISCELLANEOUS INFORMATION

	MISCELLANEOUS INFORMATION	Yes	No	Do Not Know	N/A	Comments
1.	Is the street or road located at the end of the driveway to the property public or private? Public ____ Private ____					
2.	Is there a written road maintenance agreement? If yes, attach a copy of the maintenance agreement.					
3.	Has the fireplace/wood stove/chimney flue been cleaned? If yes, please provide date of service.					
4.	Since you have owned the property, are you aware of a human death by homicide or suicide occurring on the property?					
5.	Is the water source (select one) ____ public or ____ private					If private, what is the date and result of the last water test?
6.	Is the sewer system (select one) ____ public or ____ private					If private, what is the date of the last time septic tank was pumped?
7.	Are there broken window panes or					

	seals?					
8.	Are there any items attached to the property that will not be left, such as: towel bars, mirrors, curtain rods, window coverings, light fixtures, clothes lines, swing sets, storage sheds, ceiling fans, basketball hoops, mail boxes, tv mounts, speakers, etc.?					If yes, please list:
9.	Are you aware of any other material facts which have not been disclosed on this form?					If yes, please explain:

Additional Comments

VI. ADDITIONAL COMMENTS (ATTACH ADDITIONAL PAGES IF NECESSARY)

CLOSING SECTION

The Seller hereby certifies that the information contained herein is true and correct to the best of the Seller's information, knowledge, and belief as of the date of the Seller's signature below. If any of these conditions change before conveyance of title to this property, the change will be disclosed in a written amendment to this disclosure statement.

SellerDateSellerDate

THE SELLER AND THE BUYER MAY WISH TO OBTAIN PROFESSIONAL ADVICE AND INSPECTIONS OF THE PROPERTY TO OBTAIN A TRUE REPORT AS TO THE CONDITION OF THE PROPERTY AND TO PROVIDE FOR APPROPRIATE PROVISIONS IN ANY CONTRACT OF SALE AS NEGOTIATED BETWEEN THE SELLER AND THE BUYER WITH RESPECT TO SUCH PROFESSIONAL ADVICE AND INSPECTIONS.

I/We acknowledge receipt of a copy of this statement on the date appearing beside my/our signature(s) below. Any agent representing any party to

this transaction makes no representations and is not responsible for any conditions existing in the property.

Buyer

Date

Buyer

Date

Signed March 26, 2025

**Chapter 181
(House Bill 1080)**

**An Act to void covenants that prohibit or restrict the possession or use of
firearms and ammunition.**

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

Section 1. That a NEW SECTION be added to chapter 43-12:

A covenant running with the land may not prohibit, restrict, or have the effect of prohibiting or restricting:

(1) The lawful possession, storage, or transportation of a firearm, any part of a firearm, or ammunition; or

(2) The lawful discharge of a firearm.

If a provision in a covenant is found to violate this section, that provision is void and unenforceable. A provision that is void and unenforceable is severable and any remaining provisions that can be given effect are not thereby affected.

Signed March 11, 2025

**Chapter 182
(Senate Bill 215)**

**An Act to remove the prohibition against a landowner having an easement
on the landowner's property.**

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

Section 1. That § 43-13-6 be AMENDED:

43-13-6. ~~A~~Except as provided in section 2 of this Act, a servitude thereon cannot on a servient tenement may not be held by the owner of the servient tenement. A servitude is extinguished by the vesting of the right to servitude and the right to the servient tenement in the same person.

Section 2. That a NEW SECTION be added to chapter 43-13:

An easement or servitude created by an owner is valid and effective, notwithstanding the common ownership of the benefited and burdened property, at the time of creation or after reacquisition of the property by the creator of the easement or servitude.

Signed March 26, 2025

Chapter 183
(House Bill 1196)

**An Act to update Uniform Unclaimed Property Act to include provisions
related to virtual currency and notice requirements.**

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

Section 1. That § 43-41B-1 be AMENDED:

~~43-41B-1. As used in this chapter, unless the context otherwise requires~~
Terms in this chapter mean:

- (1) "Administrator," the state treasurer;
- (2) "Apparent owner," the person whose name appears on the records of the holder as the person entitled to property held, issued, or owing by the holder;
- (3) "Attorney general," the chief legal officer of this state;
- (4) "Banking organization," any bank, trust company, savings bank, industrial bank, land bank, safe deposit company, private banker, or any organization defined by other law as a bank or banking organization;
- (5) "Business association," a nonpublic corporation, joint stock company, investment company, business trust, partnership, cooperative, or association for business purposes of two or more individuals, whether or not for profit, including a banking organization, financial organization, insurance company, or utility;
- (6) "Domicile," the state of incorporation of a corporation or the state of the principal place of business of an unincorporated person;
- (7) "Financial organization," a savings and loan association, cooperative bank, building and loan association, or credit union;
- (8) "Holder," a person, wherever organized or domiciled, who is:
 - ~~(i)~~(a) In possession of property belonging to another;
 - ~~(ii)~~(b) A trustee; or
 - ~~(iii)~~(c) Indebted to another on an obligation;
- (9) "Insurance company," an association, corporation, fraternal or mutual benefit organization, whether or not for profit, which is engaged in providing insurance coverage, including accident, burial, casualty, credit

life, contract performance, dental, fidelity, fire, health, hospitalization, illness, life—~~(including endowments and annuities)~~, malpractice, marine, mortgage, surety, and wage protection insurance;

- (10) "Intangible property," includes:
- ~~(i)~~(a) Moneys, checks, drafts, deposits, interest, dividends, unpaid mineral proceeds, royalties, vendor checks, income, unpaid commissions, unpaid overcharges, and unpaid accounts payable;
 - ~~(ii)~~(b) Credit balances, customer overpayments, gift certificates, security deposits, refunds, credit memos, unpaid wages, unused airline tickets, and unidentified remittances;
 - ~~(iii)~~(c) Stocks and other intangible ownership interests in business associations;
 - ~~(iv)~~(d) Moneys deposited to redeem stocks, bonds, coupons, and other securities, or to make distributions;
 - ~~(v)~~(e) Amounts due and payable under the terms of insurance policies;
 - ~~(vi)~~(f) Amounts distributable from a trust or custodial fund established under a plan to provide health, welfare, pension, vacation, severance, retirement, death, stock purchase, profit sharing, employee savings, supplemental unemployment insurance, or similar benefits; and
 - ~~(vii)~~(g) United States savings bonds held or owing in this state by any person, or issued or owed in the course of a holder's business, or by a state or other government, governmental subdivision, agency, or instrumentality;
- (11) "Last known address," ~~a~~ any description of the last known location of the apparent owner sufficient for the purpose of the delivery of mail, code, or other indication of the location of the apparent owner, which identifies the state where the apparent owner is located, even if the description, code, or other indication of location is not sufficient to direct the delivery of first-class United States mail to the apparent owner;
- (12) "Owner," a depositor in the case of a deposit, a beneficiary in case of a trust other than a deposit in trust, a creditor, claimant, or payee in the case of other intangible property, or any other person having a legal or equitable interest in property subject to this chapter or his legal representative;
- (13) "Person," an individual, business association, state or other government, governmental subdivision or agency, public corporation, public authority, estate, trust, two or more persons having a joint or common interest, or any other legal or commercial entity;
- (14) "Property," includes money, rights to claim refunds or rebates, postal savings deposits, bonds, United States savings bonds, notes, certificates, policies of insurance, other instruments of value, choses-in-action, obligations whether written or unwritten and anything of value of any nature whatsoever;
- (15) "State," any state, district, commonwealth, territory, insular possession, or any other area subject to the legislative authority of the United States;
- (15A) "Unclaimed Property Division," a division within the Office of the State Treasurer;

- (16) "Utility," a person who owns or operates for public use any plant, equipment, property, franchise, or license for the transmission of communications or the production, storage, transmission, sale, delivery, or furnishing of electricity, water, steam, or gas; and
- (17) "Virtual currency," a digital representation of value used as a medium of exchange, unit of account, or store of value, which does not have legal tender status recognized by the United States, but not including:
- (a) The software or protocols governing the transfer of the digital representation of value;
 - (b) Game-related digital content; or
 - (c) A loyalty or gift card.

Section 2. That a NEW SECTION be added to chapter 43-41B:

Virtual currency is deemed abandoned three years after the latest indication of interest. The administrator may decline to accept virtual currency presumed abandoned if, in the administrator's discretion:

- (1) The virtual currency is not freely transferable;
- (2) The virtual currency is of nominal value; or
- (3) The value of the virtual currency is less than the estimated expenses of maintenance, notice, or sale.

The administrator may prescribe, by rule promulgated pursuant to chapter 1-26, classes or types of virtual currency exempt from reporting or liquidation.

Except as otherwise provided in this section, a holder of unclaimed virtual currency shall liquidate the virtual currency within thirty days prior to the filing of the report required by § 43-41B-18 and remit the proceeds to the administrator.

If the holder is unable to liquidate the virtual currency, or reasonably believes the virtual currency cannot be liquidated, the holder must promptly provide written notice to the administrator explaining why the virtual currency cannot be liquidated as required by this section, and the administrator must direct the holder concerning an alternate disposition of the virtual currency.

An owner does not have recourse against the administrator or the holder to recover any gain in value that occurs after the liquidation of the virtual currency pursuant to this section.

For purposes of this section, "indication of interest" means any action or communication by an apparent owner that demonstrates the apparent owner's knowledge of the existence of property held, issued, or owing by the holder or the apparent owner's intent to retain ownership of property held, issued, or owing by the holder.

Section 3. That § 43-41B-18 be AMENDED:

43-41B-18. ~~(a)~~ A person holding property, tangible or intangible, which is presumed abandoned and subject to custody as unclaimed property under this chapter, shall report to the administrator concerning the property as provided in this section. The expiration of any period of time specified by statute or court order, during which an action or proceeding may be commenced or enforced to obtain payment of a claim for money or recovery of property, does not prevent the money or property from being presumed abandoned property, nor or affect any duty to file a report required by this chapter or to pay or deliver abandoned property to the state treasurer.

The holder of unclaimed property shall, before filing the annual report required by this section, communicate with the owner and take necessary steps to prevent abandonment from being presumed by exercising due diligence to ascertain the whereabouts of the owner. ~~This includes the mailing of~~ For property having a value of fifty dollars or more, the holder shall mail notice to each person having an address if the person is entitled to the property of the value of fifty dollars or more presumed abandoned under this chapter, except that mailing of notice is not required if the holder's records indicate the owner's address is inaccurate.

The mailed notice ~~shall~~ must contain:

~~(1) A~~ a statement that, according to the records of the holder, property is being held, to which the addressee appears to be entitled;

~~(2) Information regarding any changes of the name of the holder; and~~

~~(3) A statement that the property, and which will escheat to the state.~~ The notice must also contain information regarding any changes of the name of the holder. In the case of securities deemed abandoned pursuant to subdivision 43-41B-2(a) and § 43-41B-10, or safe deposit box contents deemed abandoned pursuant to § 43-41B-17, the notice must state that the property may be sold by the administrator. In the case of virtual currency deemed abandoned pursuant to section 2 of this Act, the notice must state that the property may be sold by the holder prior to remittance to the administrator.

~~(b)~~ The report must be verified and must include:

- (1) Except with respect to travelers checks and money orders, the name, if known, and last known address, if any, of each person appearing from the records of the holder to be the owner of property of the value of ten dollars or more presumed abandoned under this chapter;
- (2) In the case of unclaimed funds of ten dollars or more held or owing under any life or endowment insurance policy or annuity contract, the full name and last known address of the insured or annuitant and of the beneficiary according to the records of the insurance company holding or owing the funds;
- (3) In the case of the contents of a safe deposit box or other safekeeping repository or of other tangible property, a description of the property and the place where it is held and may be inspected by the administrator and any amounts owing to the holder;
- (4) The nature and identifying number, if any, or description of the property and the amount appearing from the records to be due, ~~but provided that~~ items of value under ten dollars each may be reported in the aggregate;
- (5) The date the property became payable, demandable, or returnable, and the date of the last transaction with the apparent owner with respect to the property; and
- (6) Other information the administrator prescribes by rule as necessary for the administration of this chapter.

~~(e)~~ If the person holding property presumed abandoned and subject to custody as unclaimed property is a successor to other persons who previously held the property for the apparent owner, ~~or the holder has changed his or her holder's name has changed~~ while holding the property, ~~the person shall~~ holder must file with the report all known names and addresses of each previous holder of the property.

~~(d) The report must be filed before November first of each year as of June thirtieth, next preceding, but the report of any life insurance company must be filed before May first of each year as of December thirty-first next preceding. On written request by any person required to file a report, the administrator may postpone the reporting date or waive any interest fees or penalties.~~

~~(e) The holder in possession of property presumed abandoned and subject to custody as unclaimed property under this chapter shall, between the time of the commencement and the termination of the applicable dormancy period, send written notice to the apparent owner at the owner's last known address informing the owner that the holder is in possession of property subject to this chapter if:~~

~~(1) The holder has in its records an address for the apparent owner which the holder's records disclose to be accurate;~~

~~(2) The claim of the apparent owner is not barred by the statutes of limitations; and~~

~~(3) The property has a value of fifty dollars or more.~~

Signed March 12, 2025

Chapter 184
(Senate Bill 155)

**An Act to reduce the amount of net receipts of unclaimed property deposited
into the general fund.**

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

Section 1. That § 43-41B-24 be AMENDED:

43-41B-24. Except as otherwise provided by this section, the administrator shall promptly deposit in the general fund ~~of this state~~ all moneys received under this chapter, including the proceeds from the sale of abandoned property under § 43-41B-23, not to exceed the general fund contribution limit, as defined in section 3 of this Act, in a fiscal year.

The administrator shall ~~retain~~ maintain in a separate ~~trust~~ unclaimed property operating fund an amount not more than five hundred thousand dollars from which the administrator must make prompt payment of claims duly allowed. Before making the deposit, the administrator must record the name and last known address of each person appearing from the holders' reports to be entitled to the property and the name and last known address of each insured person or annuitant and beneficiary, and with respect to each policy or contract listed in the report of an insurance company, its number, the name of the company, and the amount due. The record must be available for public inspection at all reasonable business hours.

Section 2. That § 43-41B-24.1 be AMENDED:

43-41B-24.1. Money in the unclaimed property ~~trust~~ operating fund for the payment of claims and costs incurred in examining records of holders of property and in collecting the property from those holders is continuously appropriated. Expenditures for claims and costs incurred in examining records of holders of property and in collecting the property from those holders must be paid

upon warrants drawn by the state auditor pursuant to vouchers authorized by the state treasurer. All moneys paid out by the state treasurer for claims and costs incurred in examining records of holders of property and in collecting the property from those holders under chapter 43-41B must be set forth in an informational budget as described in § 4-7-7.2 and be annually reviewed by the Legislature.

Section 3. That a NEW SECTION be added to chapter 43-41B:

For purposes of § 43-41B-24, "general fund contribution limit" means an amount equal to the cost of operational expenses for the Unclaimed Property Division in each of the following fiscal years plus:

- (1) For fiscal year 2026, \$61,384,827;
- (2) For fiscal year 2027, \$58,000,000;
- (3) For fiscal year 2028, \$54,000,000;
- (4) For fiscal year 2029, \$50,000,000;
- (5) For fiscal year 2030, \$46,000,000;
- (6) For fiscal year 2031, \$42,000,000;
- (7) For fiscal year 2032, \$38,000,000;
- (8) For fiscal year 2033, \$34,000,000;
- (9) For fiscal year 2034, \$30,000,000; and
- (10) For fiscal year 2035 and each fiscal year thereafter, \$25,000,000.

Section 4. That a NEW SECTION be added to chapter 43-41B:

There is created in the state treasury the trust fund for unclaimed property. The fund consists of any net receipts from unclaimed property that exceed the maximum deposit requirements of section 3 of this Act.

The state treasurer shall administer the fund. The purpose of the fund is to provide for the return of unclaimed property, provide for the payment of audit expenses, and deposit into the general fund the distribution amount, in accordance with section 5 of this Act. Distribution amounts from the fund must be budgeted through the general appropriation bill as provided for in section 5 of this Act or expended by special appropriation. Moneys comprising the principal amount in the trust fund for unclaimed property may not be appropriated by the general appropriation bill or by special appropriation.

Section 5. That a NEW SECTION be added to chapter 43-41B:

Beginning in fiscal year 2026 and each fiscal year thereafter, the state treasurer shall, after paying from the unclaimed property operating fund all claims and any administrative costs associated with the sale of unclaimed property, deposit into the general fund the net receipts from unclaimed property, up to the general fund contribution limit, as established in section 3 of this Act.

Any net receipts from unclaimed property that exceed the general fund contribution limit as defined in section 3 of this Act, must be deposited into the trust fund for unclaimed property.

The state investment officer shall calculate an amount equal to four percent of the market value of the trust fund for unclaimed property, without invading principal, as eligible for distribution to the general fund. Until fiscal year 2031, the distribution must be based on the market value as of each December

thirty-first, beginning with the market value as of December 31, 2025. Beginning with the distribution in fiscal year 2031, the market value must be determined by adding the market value of the trust fund at the end of the sixteen most recent calendar quarters as of December thirty-first, and dividing the sum by sixteen. Upon notice of the amount by the state investment officer, the state treasurer shall transfer the distribution amount from the trust fund to the general fund as soon as practicable after July first of the next fiscal year.

Signed March 12, 2025

Chapter 185
(Senate Bill 88)

**An Act to increase the amount of exempt proceeds when a homestead is sold
or divided by court order.**

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

Section 1. That § 43-45-3 be AMENDED:

43-45-3. A homestead:

- (1) As defined and limited in chapter 43-31, is absolutely exempt; or
- (2) In the event ~~such the~~ homestead is sold under the provisions of chapter 21-19, or is sold by the owner voluntarily, the proceeds of ~~such the~~ sale, not exceeding the sum of ~~sixty one hundred~~ thousand dollars, ~~is are~~ absolutely exempt for a period of one year after the receipt of ~~such the~~ proceeds by the owner. If the homestead is divided by court order pursuant to § 25-4-44 and a lien is imposed on the homestead for the benefit of the nonoccupant spouse pursuant to § 25-4-42, absence from the homestead and loss of title to the homestead pursuant to the court order, ~~does do~~ not constitute forfeiture of the homestead exemption, and homestead protection ~~shall must~~ attach to the judicial lien for a period of one year. ~~Such The~~ exemption ~~shall be is~~ limited to one hundred seventy thousand dollars for a homestead of a person seventy years of age or older or the unremarried surviving spouse of such person so long as it continues to possess the character of a homestead.

Signed March 17, 2025

WATER MANAGEMENT

Chapter 186
(House Bill 1072)

An Act to modernize provisions relating to water development districts.

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

Section 1. That § 46A-3A-1 be AMENDED:

~~46A-3A-1. In order to attain the objectives and intent of chapters 46A-3A to 46A-3E, inclusive, and chapter 46A-2, the Legislature may establish water development districts. A water development district may be established by an act of the Legislature, signed by the Governor, describing the exact boundaries of the area to be included within the proposed water development district and assigning it an appropriate name. A water development district is a political subdivision of this state.~~

A water development district may also be established pursuant to:

- (1) By the Legislature; or
- (2) In accordance with the procedure set forth in §§ 46A-3A-8 to 46A-3A-15, inclusive. A water development district is a political subdivision of the state this chapter.

~~A water development district shall exist is recognized as a legal entity beginning on the January first immediately following the effective date of an act establishing it as a water development district its creation.~~

Section 2. That § 46A-3A-1.1 be AMENDED:

~~46A-3A-1.1. Water Each water development districts district shall promote the conservation, development, and proper management of district water resources, according to district priorities and. Each water development district shall serve as a district-wide clearinghouse authority for water quality and supply projects through:~~

- (1) The provision of technical, organizational, and financial assistance to prospective and existing project sponsors and through recommending;
- (2) The recommendation of projects for inclusion in the state water plan, and through other appropriate actions; and
- (3) Any lawful means, not otherwise provided, to accomplish the purposes of chapters 34A-2, 34A-3A, 34A-6, and 34A-9, chapters 46A-3A to 46A-3E, inclusive, and chapters 46A-1 and 46A-2.

Section 3. That § 46A-3A-2 be AMENDED:

~~46A-3A-2. The Central Plains Water Development District is hereby established. The Central Plains Water Development District includes all district is comprised of:~~

- (1) Faulk, Hughes, Hyde, Potter, and Sully counties; and all
- (2) All municipalities that lie;
 - (a) Are wholly or partially situated within the included area counties set forth in this section; or that are
 - (b) Are contiguous to the included area counties set forth in this section.

Section 4. That § 46A-3A-3 be AMENDED:

~~46A-3A-3. The East Dakota Water Development District is hereby established. The district includes is comprised of:~~

- (1) All of Minnehaha, Moody, Brookings, Hamlin, Deuel, Codington and, Deuel, Grant, Hamlin, Minnehaha, and Moody counties;

- (2) All of Lake County, with the exception of Clarno, Concord, Orland, Wayne, and Winfred townships;
- (3) Badger township in Kingsbury County; and
- (4) All municipalities that ~~are~~:
 - (a) Are wholly or partially situated within the included area counties or townships described in this section; or that are
 - (b) Are contiguous to the included area counties or townships described in this section.

Section 5. That § 46A-3A-4 be AMENDED:

46A-3A-4. The James River Water Development District is ~~hereby~~ established. The ~~James River Water Development District includes all~~ district is comprised of:

- (1) Beadle, Brown, ~~Spink, Beadle, Sanborn,~~ Davison, Hanson, Hutchinson, Sanborn, Spink, and Yankton counties;
- (2) Aurora, Belford, Bristol, Cooper, Dudley, Firesteel, Hopper, Palatine, Plankinton, Pleasant Lake, and Pleasant Valley townships in Aurora County;
- (3) Buffalo, Dayton, Dumarce, Eden, Fort, Hamilton, Hickman, Lake, Lowell, Miller, Newark, Newport, Pleasant Valley, Red Iron Lake, Sisseton, Stena, Waverly, Weston, and Wismer townships in Marshall County; ~~Pleasant Valley, Bristol, Belford, Cooper, Firesteel, Palatine, Plankinton, Hopper, Pleasant Lake, Dudley, and Aurora townships in Aurora County; and all;~~
and
- (4) All municipalities that are wholly or partially situated within the included area counties or townships described in this section.

Section 6. That § 46A-3A-5 be AMENDED:

46A-3A-5. The South Central Water Development District is ~~hereby~~ established. The ~~South Central Water Development District includes all of Charles Mix, Brule, Buffalo, district is comprised of:~~

- (1) Bon Homme, Brule, Buffalo, Charles Mix, Douglas, and Gregory counties; Patten, Lake, White Lake, Eureka, Gales, Crystal Lake, Washington, Center, and Truro
- (2) Center, Crystal Lake, Eureka, Gales, Lake, Patten, Truro, Washington, and White Lake townships in Aurora County; and the
- (3) That portion of Lyman County south of the White River.

Section 7. That § 46A-3A-6 be AMENDED:

46A-3A-6. The West Dakota Water Development District is ~~hereby~~ established. The ~~West Dakota Water Development District~~ district includes that portion of Pennington County west of the Cheyenne River.

Section 8. That § 46A-3A-7 be AMENDED:

46A-3A-7. The West River Water Development District is ~~hereby~~ established. The ~~West River Water Development District includes all of Jones, Mellette, and district is comprised of:~~

- (1) ~~Haakon, Jones, and Mellette counties, the;~~
- (2) ~~That~~ portion of Jackson County north of the White River, except Interior township and the unorganized Cedar township, ~~the;~~
- (3) ~~That~~ portion of Pennington County east of the Cheyenne River, except for Castle Butte, Conata, Crooked Creek, Flat Butte, Imlay, and Scenic townships, ~~the;~~
- (4) ~~The~~ unorganized territory of the Badlands ~~and that;~~
- (5) ~~That~~ portion of the unorganized territory of east central Pennington County east of the Cheyenne River, ~~and the~~
- (6) ~~That~~ portion of Lyman County north of the White River.

Section 9. That § 46A-3A-7.1 be AMENDED:

46A-3A-7.1. The Vermillion Basin Water Development District is ~~hereby~~ established. The district includes:

- (1) ~~All of Turner, McCook, and Clay, McCook, and Turner counties;~~
- (2) ~~All of Kingsbury County, with the exception of~~ except Badger township;
- (3) Clarno, Concord, Orland, Wayne, and Winfred townships in Lake County;
- (4) Adams, Belleview, Canova, Clearwater, Grafton, Henden, Howard, and Vermillion townships in Miner County; and
- (5) All municipalities that are wholly or partially situated within the ~~included area~~ counties or townships described in this section.

Section 10. That § 46A-3A-8 be AMENDED:

46A-3A-8. Fifteen percent of the ~~residents and~~ eligible voters residing in a geographical area may petition the Board of Water and Natural Resources to submit to an election the question of whether the geographical area shall become a water development district.

Section 11. That § 46A-3A-9 be AMENDED:

46A-3A-9. A petition ~~arising under the provisions of~~ submitted to the Board of Water and Natural Resources, in accordance with § 46A-3A-8, ~~shall describe the exact~~ must:

- (1) ~~Describe the boundaries of the area to be included within the proposed water development district, and each person signing the petition shall add to the person's signature, in the person's own handwriting, the person's place of residence; and~~
- (2) ~~Include the address of each individual who signed the petition, and the date of signing. The on which the individual signed the petition, in the individual's own handwriting.~~

~~If the petition may contain~~ contains more than one page, ~~and each page shall~~ must have identical headings. Any number of identical petition forms may be circulated and each ~~is deemed to~~ be a part of the petition, ~~but each.~~ Each of the identical petition forms must be verified by the circulator as follows:

"I, the undersigned, being first duly sworn, hereby depose that I circulated the above ~~and foregoing~~ petition, containing _____ signatures; that I personally witnessed each of the persons ~~named upon the petition~~ place their signatures on named individual sign the petition and add ~~in their own handwriting~~

~~the information set forth after their respective signatures the individual's address and the date.~~

P.O. Address

Subscribed and sworn to before me this ____ day of _____, 20____

Notary Public".

Section 12. That § 46A-3A-10 be AMENDED:

46A-3A-10. ~~If a petition proposing organization the establishment of a water development district is presented to the Board of Water and Natural Resources, the board, after first determining that must determine whether the petition is in compliance with the required provisions by resolution shall approve requirements of this chapter. If the petition is in compliance, the board must, by resolution, approve the petition for establishment of the proposed water development district and shall and provide a name for the water development proposed district.~~

~~The board shall, at the next general election shall, refer the question regarding the establishment of the district to the voters of the proposed water development district the question of whether the water development district shall be established.~~

Section 13. That § 46A-3A-11 be AMENDED:

46A-3A-11. ~~The question of forming regarding the establishment of a water development district shall must be presented upon a separate ballot, which shall be prepared by the Board of Water and Natural Resources, and. The ballot must, insofar as applicable, shall be in the form prescribed by the general election laws.~~

Section 14. That § 46A-3A-12 be AMENDED:

46A-3A-12. ~~An Except as otherwise provided, an election to form a water development district shall must be conducted, canvassed, recounted, and contested as elections under, insofar as applicable, in accordance with the general election laws of this state, except as otherwise herein provided, and except where the general laws are inapplicable. If the details concerning the conduct, canvassing, recounting, or contest of the election are not set forth within chapters 46A-3A to 46A-3E, inclusive, and the general election laws are not applicable, then the~~

~~The Board of Water and Natural Resources shall may, in accordance with chapter 1-26, promulgate rules pursuant to chapter 1-26 reasonably necessary to carry out the intentions of to address any matter related to the conduct of an election governing the establishment of a district, as set forth in chapters 46A-3A to 46A-3E, inclusive, with respect to elections and make possible the submission to an election of any matter which by the terms of chapters 46A-3A to 46A-3E, inclusive, may be submitted to a vote of the voters of any water development district or proposed water development district or in the general election laws of this state.~~

Section 15. That § 46A-3A-13 be AMENDED:

46A-3A-13. ~~Any~~ If a municipality is included within the area comprising boundaries of a proposed water development district—shall constitute, the municipality constitutes a separate election district. ~~That area~~ The portion of any county that is wholly or partially included in within the boundaries of a proposed water development district, and which is outside the corporate limits of a municipality, shall also constitute constitutes a separate election district.

~~No~~ An election district may not become a part of ~~any~~ a water development district unless at least sixty percent ~~or more~~ of the votes cast ~~by the voters of such in the election district shall be in favor of the proposed water development district are favorable.~~

Section 16. That § 46A-3A-14 be AMENDED:

46A-3A-14. ~~If in some, but not all of the election districts within a proposed water development district, sixty percent or more of the votes cast are in favor of the formation of the water development district, the~~ The Board of Water and Natural Resources shall, by resolution, establish a water development district consisting of ~~only~~ those election districts ~~wherein in which~~ the requisite vote approving the formation of a water development district of approval was cast.

~~In the event of the creation~~ Any election district included in the establishment of a water development district, any of the election districts in accordance with this section, may withdraw from the water development district by filing a petition with the board ~~within sixty days thereafter, a~~ The petition requesting withdrawal, ~~signed must:~~

- ~~(1) Be signed by fifteen percent of the residents and voters residing in the election district. The petition shall contain;~~
- ~~(2) Contain the same information with respect to the signers and be as required for a petition to establish a water development district;~~
- ~~(3) Be verified in the same manner as in the case of required for a petition to establish a water development district; and~~
- ~~(4) Be filed with the board on or before the sixtieth day after the election.~~

~~The question of whether regarding the withdrawal of an election district shall withdraw shall from the water development district must be referred to the voters of the election district at the next general election, the procedure is the same as required to establish a water development district.~~

Section 17. That § 46A-3A-15 be AMENDED:

46A-3A-15. If all or some of the election districts within a proposed water development district cast sufficient votes to become a part of the water development district, as provided for in this chapter ~~on approval of the proposed district by sixty percent or more of the votes cast in the election districts, or if,~~ the Board of Water and Natural Resources ~~establishes a water development district pursuant to the provisions of § 46A-3A-14 for which not all of the election districts become a part of the water development district, the board shall must,~~ by resolution ~~create and,~~ establish the water development district, ~~give it a name and, upon filing and file~~ a true copy of the resolution with the secretary of state, ~~the~~ Upon filing of the resolution, the water development district ~~shall become becomes~~ a political subdivision of the state ~~with the authority, powers, and duties prescribed by this chapter.~~

Section 18. That § 46A-3A-16 be AMENDED:

46A-3A-16. After a water development district has been established pursuant to the provisions of chapters 46A-3A to 46A-3E, inclusive, any contiguous county, township, or group of townships ~~contiguous to the external boundary of the water development district~~ may be added to and become a part of that water development the district by an affirmative vote of a if:

- (1) The board of the water development district submits to the Board of Water and Natural Resources a resolution supporting the addition; and
- (2) A majority of the votes cast on the question in the area proposed for addition, if the board of directors of the water development district to which any addition is to be made by resolution advises the Board of Water and Natural Resources that the water development district board favors support the addition.

Any county or that ~~entire~~ portion of a county included within a ~~water development district may be withdrawn~~ withdraw from a ~~water development district by an affirmative vote of the district~~ if a majority of the votes cast on the question in the ~~county area~~ proposed for withdrawal. ~~Proposals for additions or withdrawals shall support the withdrawal.~~

Any proposal for an addition or withdrawal, as provided for in this section, must be in the form of a written resolution or petition to the Board of Water and Natural Resources.

The A resolution shall proposing an addition or withdrawal, as provided for in this section, must be approved with an affirmative by a four-fifths vote of the governing body of a board of county commissioners.

The petition shall proposing an addition or withdrawal must be signed by a number of qualified voters in the area proposed for the addition or withdrawal voters at least equal in number to at least five percent of the number of votes cast within the area in the most recent gubernatorial election. The county auditor in each county where a petition is circulated shall verify the signatures on the petition.

The resolution or petition shall include a statement must state whether the election is for the purpose of becoming a part of an existing water development district or withdrawing from an existing water development district and a statement describing the purpose of the action. The resolution or petition shall must be presented to the Board of Water and Natural Resources not more than one hundred twenty days nor less than ninety days before a regularly scheduled general election.

Upon receipt of the resolution or petition, the Board of Water and Natural Resources shall call an election on must place the question of whether the addition or withdrawal should be made. The election shall be held in conjunction with on the ballot at the next regularly scheduled general election.

Section 19. That § 46A-3A-17 be AMENDED:

46A-3A-17. The Any costs associated with an election for withdrawal or addition shall be assigned to the involved in accordance with § 46A-3A-16 are the responsibility of the county in which the area is located.

Section 20. That § 46A-3B-1 be AMENDED:

46A-3B-1. The Except as otherwise provided in this section, a water development district's initial board of directors shall must be elected at the next

general election following the effective date of ~~an act establishing a water development district~~ the district's establishment. If a general election ~~will~~ is not ~~scheduled to occur within one year during the twelve month period~~ after the act goes into effect ~~district is established~~, the Board of Water and Natural Resources ~~may~~ shall call a special election ~~for the initial board of directors, the costs of such.~~ The cost of a special election to be borne by the water development is the responsibility of the district.

The initial directors ~~shall be~~ are elected to ~~serve for~~ staggered terms, until the January first following the first general election ~~that occurs~~ occurring at least twelve months after the initial election or the next succeeding general election respectively to represent areas of the water development district. ~~Directors shall thereafter be elected to four year terms at each subsequent general election to succeed those directors whose terms expire at the end of the year in which the election is held. Thereafter, the term of each director is four years.~~

Section 21. That § 46A-3B-2 be AMENDED:

46A-3B-2. ~~The board of directors of a A water development district shall consist of five, seven, or nine members. Those districts which have having a population up to of twenty-five thousand shall or fewer must have five directors.~~

~~Those districts which have~~ A district having a population of greater than twenty-five thousand ~~and one to but not greater than~~ seventy-five thousand shall must have seven directors.

~~Districts with~~ A district having a population greater than seventy-five thousand ~~shall must~~ have nine directors.

Each director ~~shall be a resident and must be an eligible voter and reside~~ in the director area represented. The Board of Water and Natural Resources shall divide the ~~water development district~~ into director areas. A director ~~shall must~~ be elected from each director area.

Section 22. That § 46A-3B-2.1 be AMENDED:

46A-3B-2.1. ~~For any If a water development district having has a realignment of director areas that will be realigned, as a result of § 46A-3B-2, any director of the district who is in office on January 1, 2024, shall serving at the time of the realignment may continue to serve as a director if until the expiration of the director's term, provided~~ the director remains a resident of the district.

Section 23. That § 46A-3B-3 be AMENDED:

46A-3B-3. As soon as possible following each decennial census of population and housing, or any adjustment to a water development district boundary, the Board of Water and Natural Resources shall ascertain whether the number of board members ~~should~~ must be adjusted, adjust the same, and ~~redistrict water development district the~~ director areas to reflect changes in the population of the ~~water development district, so as to assure and ensure~~ equitable representation of all areas within the ~~water development~~ district.

~~The board~~ Board of Water and Natural Resources may make adjustments to ~~water development district~~ director areas to reflect precinct changes made pursuant to chapter 12-14, ~~if equitable representation of all areas remains assured remain equitably represented.~~

If an adjustment under this section results in an increased number of board members, each additional position must be filled by elective action of the remaining directors, from candidates proposed by nominating petitions signed by

at least twenty-five eligible voters residing in the director area to be represented by the additional position. The individual chosen by the remaining directors to fill the additional position shall serve until a director is elected at the next general election and takes office, as provided for in § 46A-3B-9.

Section 24. That § 46A-3B-4 be AMENDED:

46A-3B-4. A director candidate may be nominated by a petition signed by at least twenty-five registered voters residing in the director area to be represented by the candidate. Nominating petitions ~~shall~~ must be made available at the water development district office, the secretary of state's office, and the respective county auditors' offices ~~on forms~~. Nominating petitions must be prescribed by the state election board and filed with the secretary of state not prior to between eight a.m., on January first, and not later than five p.m., on the last Tuesday of March, prior to the date of the primary election. If a petition is mailed to the secretary of state's office, by registered mail, by, before five p.m., on the last Tuesday of March, prior to the primary election, it is considered filed.

For the initial election, director nominating petitions ~~shall~~ must be made available by the Department of Agriculture and Natural Resources and ~~shall~~ must be filed with the department ~~not~~ no later than five p.m., on the first Tuesday of August, before the general election, or in the case of a special election under § 46A-3B-1, ~~not~~ no later than thirty days before the date ~~set for~~ of the special election.

Section 25. That § 46A-3B-5 be AMENDED:

46A-3B-5. If three or more nominating petitions are filed for ~~a the~~ the position of director ~~office~~, the secretary of state ~~shall~~ must certify the nomination of director candidates to the respective county auditors and the water development district office. The ~~water development~~ district office shall furnish nonpolitical sample and official ballots in adequate numbers and with adequate time to permit distribution of ~~such the~~ ballots, by the respective county auditors, together with other primary election ballots.

Following a primary election, ~~the names of~~ the two candidates receiving the most votes cast in the primary election ~~(or if only two nominating petitions are filed, the names of the two candidates)~~ shall must be certified and ballots must be furnished in the same manner as for the primary election, but in time to permit distribution of the ballots by the respective county auditors, together with other general election ballots.

If only two nominating petitions are filed, the names of both candidates must be certified and ballots must be furnished as provided in this section.

If only one nominating petition is filed ~~for a director office, no election may be held and~~, a certificate of election ~~shall~~ must be issued to the nominee in the same manner as to a successful candidate after an election.

In the case of an initial election, ~~no primary election may be held and~~ the Board of Water and Natural Resources shall certify the names of the candidates and furnish ballots in time to permit distribution of the ballots by the county auditors prior to the general or special election.

Section 26. That § 46A-3B-6 be AMENDED:

46A-3B-6. ~~Not later than~~ Within thirty days after a general or special election for the initial directors of a water development district, the Board of Water and Natural Resources shall hold a run-off election ~~in for~~ for each director area in which no director candidate received a majority of the votes cast ~~for that area's~~

~~director office. The run-off election in each affected director area shall~~ must be between the two ~~director~~ candidates receiving the most votes during the general or special election. ~~The water development district shall pay is responsible for~~ the costs of the run-off election.

Section 27. That § 46A-3B-7 be AMENDED:

46A-3B-7. A water development district, or the Board of Water and Natural Resources in the case of an initial election, shall publish ~~once each week for two consecutive weeks in the official newspapers of the water development district~~ a notice setting forth vacancies that will occur ~~by upon the completion of board member terms of the water development district board members. The last publication may not be.~~ The notice must:

- (1) Be published once per week for two consecutive weeks;
- (2) Be published in the official newspaper of the district;
- (3) Be published no less than ten nor more than twenty days before the final deadline for the filing of director petitions. The notice shall also state; and
- (4) State the time and place where director nominating petitions may be filed for such director vacancies.

Section 28. That § 46A-3B-8 be AMENDED:

46A-3B-8. The respective county auditors shall transmit the results of the election for water development district directors to the secretary of state. If only one nominating petition for a water development district director office has been filed, the secretary of state shall issue a certificate of election ~~shall be issued to the nominee by the secretary of state.~~ In the case of an initial election, the Board of Water and Natural Resources shall certify the names of all nominees to the secretary of state. ~~The and the~~ secretary of state shall issue a certificate of election to each successful candidate.

Section 29. That § 46A-3B-9 be AMENDED:

46A-3B-9. Each director shall take office ~~on the first day of January first of the year following the election, or not later than sixty days after election in the case of a special election.~~

~~A vacancy that may occur on the water development district board of directors by reason of death, failure to be a resident and voter, resignation, or other cause pursuant to § 3-4-1, or upon~~ An office becomes vacant:

- (1) Upon the occurrence of any event listed in § 3-4-1; or
- (2) Upon the expiration of a term of office, if no qualifying petitions have been filed or if no successor has qualified for the office, unless otherwise provided in chapters 46A-3A to 46A-3E, inclusive, shall be declared to exist and shall be filled by elective action of the.

If an office becomes vacant, the remaining directors ~~from candidates proposed by nominating petitions signed by at least twenty five eligible voters in~~ must fill the position by appointing a qualified candidate from the director area for which a vacancy exists. The person individual appointed to fill the vacancy shall serve for the remainder of the unexpired term.

Section 30. That § 46A-3B-10 be AMENDED:

46A-3B-10. Each director of a water development district ~~board of~~

~~directors shall establish amounts to reimburse board members is entitled to receive compensation in an amount established by the board, plus reimbursement for expenses for lodging, meals, and mileage and to provide compensation for each day of actual service for traveling to, attending, and returning from incurred if the director is attending meetings, hearings, or investigations of the water development district or performing duties directed by the board. Such reimbursement and compensation shall be paid on The compensation and reimbursement provided for in this section is payable upon vouchers duly verified and approved according to procedures determined approved by the board.~~

Section 31. That § 46A-3B-11 be AMENDED:

46A-3B-11. ~~At the first~~Each water development district board of directors shall hold an annual meeting in January of each year, designated as the annual meeting of the water development district, ~~the. At the annual meeting, the directors shall elect from among themselves a chair, a vice chair, and a secretary from among their membership. The officers. Each officer elected in accordance with this section shall hold office until the next annual meeting of the water development district or until their successors have~~ a successor has been elected.

~~In addition, the~~Each board of directors shall appoint a treasurer who may ~~or may not~~ be a director and who shall serve at the pleasure of the board of directors or until a successor is appointed. The treasurer ~~shall~~ must be bonded in such amounts and with such sureties as the directors may specify, conditioned on faithful performance of the treasurer's duties an amount determined by the board.

The chair, vice chair, secretary, and treasurer constitute the officers of the board of directors. The treasurer, ~~if not a director, has no~~ has voting privileges only if the treasurer is a director.

Section 32. That § 46A-3B-12 be AMENDED:

46A-3B-12. A majority of the ~~members of the water development district board of directors~~ board's voting members constitutes a quorum for the transaction of ~~water development district business.~~

Section 33. That § 46A-3C-1 be AMENDED:

46A-3C-1. ~~A~~In order to dissolve a water development district may be dissolved by affirmative vote of at least fifty percent of the votes cast on the question at a general election. The question shall be referred to district voters by the Board of Water and Natural Resources after receipt of a petition in writing signed by a number of qualified voters of the water development district equal to at least fifteen percent of the votes cast within the water development district in the most recent gubernatorial election. The petition shall be filed with the board by the first Tuesday in July of the year in which the general election is to occur, a petition of dissolution must be filed with the Board of Water and Natural Resources.

The petition must be:

- (1) Signed by eligible voters of the district, equal in number to at least fifteen percent of the votes cast in the district during the most recent gubernatorial election; and
- (2) Filed with the Board of Water and Natural Resources on or before the first Tuesday of July, immediately preceding the general election.

Upon receipt of a petition in accordance with this section, the Board of Water and Natural Resources must refer the question to the voters of the district, at the next general election.

Section 34. That § 46A-3C-2 be AMENDED:

46A-3C-2. ~~The~~ A petition of dissolution pursuant to § 46A-3C-1 ~~shall request must:~~

- (1) State the legal name of the water development district;
- (2) Request that the water development district be dissolved and shall include the legal name of the water development district. Each person signing the petition shall add to the person's signature, and
- (3) Include the address of each individual who signed the petition and the date on which the individual signed the petition, in the person's individual's own handwriting, the person's place of residence and the date of signing. The petition may contain.

If the petition contains more than one page, and each page shall must have an identical headings. Any number of identical petition forms may be circulated and each be a part of the petition. Every heading.

Each page of the petition containing signatures shall have upon it and below the signatures must contain an affidavit by the circulator in substantially the following form:

STATE OF SOUTH)
 DAKOTA) SS
 COUNTY OF _____)

I, the undersigned _____, being first duly sworn, depose and say, that I am the circulator of the foregoing petition containing _____ signatures; ~~that each person~~ individual whose name appears on the petition sheet personally signed the petition in my presence; ~~that I believe that each of the signers is a resident at the address written opposite the signer's name; and that I stated to every petitioner before the signer affixed his or her signature the legal effect and nature of the petition to each individual, prior to the individual signing the petition.~~

 Circulator

Subscribed and sworn to before me this _____ day of _____, 20____.

 Notary Public

Section 35. That § 46A-3C-3 be AMENDED:

46A-3C-3. Upon presentation of a petition to the Board of Water and Natural Resources, proposing that a water development district be dissolved ~~to the Board of Water and Natural Resources~~, the board, ~~after first determining that must determine whether~~ the petition is in compliance with all legal requirements, ~~shall~~ . If the board determines that the petition is in compliance, the board must, by resolution, approve the petition and, at the next general election, shall refer the question to the voters of the water development district at the next general election.

Section 36. That § 46A-3C-4 be AMENDED:

46A-3C-4. If at least fifty percent of the votes cast are in favor of ~~the~~

~~dissolution proposition dissolving the water development district~~, the Board of Water and Natural Resources must, by resolution ~~shall~~, dissolve the ~~water development district~~ and ~~shall~~ file a ~~true~~ copy of the resolution with the secretary of state.

If the vote is against dissolving the ~~water development district~~, another vote may not be held on the question of dissolution for four years. A new election may not be held unless a new petition has been submitted to the Board of Water and Natural Resources. The costs associated with an election to dissolve a ~~water development district~~ are the responsibility of the affected ~~water development district~~.

Section 37. That § 46A-3C-5 be AMENDED:

46A-3C-5. If a water development district has been dissolved, the Board of Water and Natural Resources shall exercise all necessary power and authority of the water development district board of directors, until all financial responsibilities, obligations, and other contractual commitments of the dissolved ~~water development district~~ are satisfied.

Section 38. That § 46A-3C-6 be AMENDED:

46A-3C-6. Any election held to carry out the purposes of chapters 46A-3A to 46A-3E, inclusive, ~~shall must~~ be conducted, canvassed, recounted, and contested ~~as are~~ in the same manner as other elections under the general laws of this state law, except as otherwise ~~herein~~ provided in this section.

If ~~the~~ details concerning the conduct, canvassing, recounting, or contest of ~~the an~~ election are not set forth within chapters 46A-3A to 46A-3E, inclusive, and ~~the~~ general election laws are not applicable, the Board of Water and Natural Resources ~~shall must~~ promulgate rules, pursuant to chapter 1-26, ~~to carry~~:

- (1) Carry out the intent of chapters 46A-3A to 46A-3E, inclusive, with respect to elections; ~~and make possible~~
- (2) Provide for the submission to an election of any matter ~~which by the provisions of that is subject to a vote, in accordance with chapters 46A-3A to 46A-3E, inclusive, is subject to a vote.~~

Section 39. That § 46A-3D-1 be AMENDED:

46A-3D-1. A water development district board of directors may equip, maintain, and operate an office, within the ~~water development district~~, as its principal place of business and establish other offices as necessary.

The board of directors may appoint and fix compensation of any employees ~~deemed necessary by the board of directors~~ to conduct the business and affairs of the ~~water development district~~ and ~~to carry out the intent of chapters 46A-3A to 46A-3E, inclusive.~~

~~No~~An employee of the ~~water development district~~ may ~~hold office as a water development district director while so employed~~ not serve as a director.

Section 40. That § 46A-3D-2 be AMENDED:

46A-3D-2. A water development district board of directors may enter into group hospital and medical insurance contracts for the protection and benefit of their district employees and the immediate families of ~~such the~~ employees. The board may pay all or part of the necessary premiums for its employees.

Section 41. That § 46A-3D-3 be AMENDED:

46A-3D-3. A water development district board of directors shall keep accurate board meeting minutes of its meetings and accurate records and books of account clearly setting forth and reflecting the operations, management, and business of the district. The minutes, records, and books ~~shall~~ must be kept at the principal place of business ~~of the water development district and shall~~ and be open to public inspection during reasonable business hours. The minutes ~~shall~~ must be distributed to the official ~~newspapers~~ newspaper of the ~~water development~~ district.

Section 42. That § 46A-3D-4 be AMENDED:

46A-3D-4. The fiscal year of the water development district coincides with the calendar year.

At the conclusion of each fiscal year in which the district's revenues exceeded three hundred fifty thousand dollars, the board shall obtain an audit of the books and records, from the Department of Legislative Audit or an auditor approved by the department, ~~an audit of the books, records, and financial affairs of the district.~~ The district shall retain a written report of the audit ~~in~~ at its principal place of business and shall file a copy ~~in the Office of the Secretary of State with the secretary of state.~~ The district shall publish a notice regarding availability of the audit report in the official ~~newspapers designated in accordance with § 46A-3D-11~~ newspaper of the district.

A district having three hundred fifty thousand dollars or less in annual revenue may submit an annual report in lieu of an audit. The district shall submit the report to the auditor-general, on forms prescribed by the department.

The auditor-general may audit the books and records ~~of any office or officer of a district upon a determination of cause, or~~ if requested by the board ~~or if the auditor-general finds that cause exists.~~

Section 43. That § 46A-3D-5 be AMENDED:

46A-3D-5. The water development district board of directors may sue and be sued in the name of the ~~water development~~ district.

Section 44. That § 46A-3D-6 be AMENDED:

46A-3D-6. The water development district board of directors may cooperate or contract with any individual, state, or subdivision thereof or federal agency ~~or private or public corporation to carry out the intent and~~ person for the purposes of chapters 46A-3A to 46A-3E, inclusive.

Section 45. That § 46A-3D-7 be AMENDED:

46A-3D-7. A water development district board of directors may carry public liability insurance ~~protecting the directors and employees against liability suits brought against them for any acts or omissions while performing their that occur in the performance of official duties as by the directors or by employees.~~ The board may carry other insurance ~~as deemed necessary by the board to protect the~~ water development district and its property.

Section 46. That § 46A-3D-8 be AMENDED:

46A-3D-8. A water development district board of directors may acquire, by purchase or lease, all real and other property, ~~as may be necessary to carry out the purposes and intent of chapters 46A-3A to 46A-3E, inclusive.~~ The board may hold and use the property, lease the property, sell the property, or otherwise

~~dispose of any the property in whole or in part or parcel thereof, or sell the property if it is no longer needed. The water development district board shall follow the procedures in chapters chapter 6-13 and 7-30 for the sale, exchange, leasing, and disposal of property.~~

Section 47. That § 46A-3D-9 be AMENDED:

46A-3D-9. A water development district board of directors may exercise the power of eminent domain ~~for acquiring and securing to acquire~~ any right, title, interest, estate, or easement necessary to carry out the purposes ~~and intent~~ of chapters 46A-3A to 46A-3E, inclusive, if the district is unable to acquire it by negotiation.

Section 48. That § 46A-3D-10 be AMENDED:

46A-3D-10. A water development district board of directors may accept ~~funds, property, and services~~ gifts, grants, and donations, or other assistance, ~~financial or otherwise, from federal, state, and other public or private sources to carry out for~~ the purposes ~~and intent~~ of chapters 46A-3A to 46A-3E, inclusive.

Section 49. That § 46A-3D-11 be AMENDED:

46A-3D-11. ~~Each year each~~ A water development district board of ~~directors~~ shall annually designate ~~legal newspapers~~ a newspaper of general circulation ~~published within the water development district as the official newspapers newspaper~~ of the water development district.

Section 50. That § 46A-3D-12 be AMENDED:

46A-3D-12. ~~To carry out the purposes and intent of chapters 46A-3A to 46A-3E, inclusive, a~~ A water development district board of directors may accumulate funds in establish a capital reserve fund ~~established by resolution by the directors. The accumulated funds. Dollars in the fund may not revert at the end of a fiscal year and the water development district directors may make expenditures from the capital reserve. The board may expend dollars from the fund, as they deem necessary, consistent with for~~ the purposes ~~and intent~~ of chapters 46A-3A to 46A-3E, inclusive.

Section 51. That § 46A-3D-13 be AMENDED:

46A-3D-13. ~~It is the intent of chapters 46A-3A to 46A-3E, inclusive, that any~~ Any land used to satisfy federal wildlife mitigation requirements for a project ~~shall must~~ be within the water development district benefiting from that project.

Section 52. That § 46A-3E-1 be AMENDED:

46A-3E-1. A water development district board of directors may levy taxes, not to exceed thirty cents per thousand dollars of taxable valuation in the district, ~~for accomplishment of the purposes of chapters 46A-1, 46A-2, and 46A-3A to 46A-3E, inclusive, and chapters 46A-1 and 46A-2. If an area is included in more than one water development district, that area's the tax levy payable to each of the water development districts is determined by multiplying the greater of the overlapping water development districts' levies by each water development district's taxing fraction. Each water development district's taxing fraction is determined by dividing that water development district's proposed tax levy for the overlapped area by the sum of all water development districts' levies for the overlapped area.~~

Section 53. That § 46A-3E-2 be AMENDED:

46A-3E-2. A water development district board of directors may make special assessments against real property specially benefited by a project, provided that the persons seeking the assessment ~~or an entity authorized to act on their behalf have contractually agreed to the special assessments as a means of providing local funding. There shall be filed with the water development district board of directors present to the board a petition,~~ in a form approved by the Board of Water and Natural Resources, and signed by sixty-six and two-thirds percent of the owners of real property to be assessed.

Section 54. That § 46A-3E-3 be AMENDED:

46A-3E-3. Only those ~~landowners~~ persons who contractually agree ~~for special assessments to finance to a special assessment~~ for a water delivery project may be specially assessed. ~~The provisions of Notwithstanding § 46A-3E-4 notwithstanding,~~ any person who wishes to join a water delivery project after a petition has been filed with the water development district board of directors, pursuant to § 46A-3E-4, may contractually agree to join the project. ~~However, a person contractually joining a water delivery project late after the petition has been filed may be required to make special payments, in addition to the special assessments in order to bear the person's fair share of project costs.~~

Section 55. That § 46A-3E-4 be AMENDED:

46A-3E-4. Upon receipt of a petition requesting a special assessment, a water development district board of directors ~~shall~~ must hold a hearing on the question. ~~Notice of the time and place. The board must publish notice of the hearing shall be published in the official newspaper of the district, at least once each week, for two consecutive weeks, before the hearing in the official newspapers of the water development district. The last publication shall be must occur at least ten days prior to the hearing. If the board, after the hearing, the board of directors determines that the project is consistent with the best interests interest of the water development district, it may the board must adopt a resolution of intent to specially assess.~~

Section 56. That § 46A-3E-5 be AMENDED:

46A-3E-5. Within twenty days after adoption of a resolution of intent to specially assess, a water development district board of directors shall give written notice to the owners of real property described in the resolution. ~~Owners— Persons who are entitled to notice in accordance with this section are those listed as the owners of the real property to be assessed in the records in the office of the register of deeds of for the county where in which the real property is located.~~

If real property is sold under a contract for deed ~~which is of record that is recorded~~ in the office of the register of deeds, both the landowner and the purchaser of the land, as named in the contract for deed, ~~shall be treated as owners are entitled to notice.~~

Notice ~~shall~~ must be by registered or certified mail, ~~shall be effective upon the date mailed, and shall must contain the following:~~

- (1) A description of the contract under which the assessment is to be made;
- (2) A legal description of the owner's real property ~~of the affected owner~~ to be specially assessed;
- (3) A description of the ~~nature of the~~ benefit to be returned to the property; and

- (4) ~~Notice of Information regarding~~ the right to protest by petition.

Section 57. That § 46A-3E-6 be AMENDED:

~~46A-3E-6. Special assessments by~~ A special assessment by a water development district ~~is~~ is effective thirty days after adoption of the resolution of intent to specially assess, unless a written protest is filed with the ~~office of the water development district~~ within thirty days ~~of~~ after adoption of the resolution, excluding the date of adoption. The written protest ~~shall~~ must be in the form of a petition, signed by ~~not less than~~ at least sixty percent of the owners of real property described in the resolution of intent to specially assess.

Section 58. That § 46A-3E-7 be AMENDED:

46A-3E-7. A water development district may assist, sponsor, or construct a water resources project. ~~Each project shall conform to the provisions of § 46A-2-3, which provides that specific provided:~~

- (1) ~~Specific~~ areas shall finance those phases of water resources development that provide general benefits to the people in ~~such the~~ the areas, ~~that direct;~~
- (2) ~~Direct~~ beneficiaries shall finance those phases of water resources development that provide water for their use or that protect or enhance the value of their property, ~~and that administrative~~
- (3) ~~Administrative~~ jurisdiction and responsibility for the various phases of water resources development are related to ~~such the~~ the variable degrees of benefits.

Section 59. That § 46A-3E-8 be AMENDED:

46A-3E-8. A water development district board of directors may levy taxes and special assessments, as provided ~~and limited~~ in chapters 46A-3A to 46A-3E, inclusive, to cover obligations contained in contracts with ~~the United States, or any agency thereof, with agencies of the State of South Dakota,~~

- (1) ~~The federal government;~~
- (2) ~~This state; or with any other entity;~~
- (3) ~~Any other public or private, to accomplish the purposes of chapters 46A-3A to 46A-3E, inclusive entity.~~

~~Except for~~ With the exception of special assessments, ~~however, a water development district the board~~ may not obligate any ~~funds or revenues monies~~ that are not to be collected or on hand during the fiscal year in which the obligation is to be incurred.

Section 60. That § 46A-3E-9 be AMENDED:

46A-3E-9. Pursuant ~~to the provisions of~~ chapters 46A-3A to 46A-3E, inclusive, a water development district board of directors may levy a tax ~~or, a special assessments assessment,~~ or both, against taxable property within the ~~boundaries of the water development district, to be collected by the appropriate tax listing entities in accordance with the procedures outlined in chapters 46A-3A to 46A-3E, inclusive.~~

~~Collections from the tax shall be deposited monthly with the water development district treasurer by the appropriate tax collecting officials. The water development district treasurer shall deposit the funds received from the appropriate tax collecting officials in depositories~~ The amount collected must be

~~forwarded monthly to the treasurer of the district for deposit in an institutional account designated by the water development district board of directors. Disbursements from the designated depository account shall may be made only upon orders duly vouchers drawn by the water development district treasurer, pursuant to procedures adopted by the board of directors and are to. Disbursements may be used in performing the duties prescribed for the water development district board of directors by the provisions of by chapters 46A-3A to 46A-3E, inclusive. However, any agreement or contract~~

~~Any contract entered into by the water development district board of directors board on behalf of any an irrigation district, a drainage district, a watershed district, a municipality, a county, a township, or other entity of any state government shall agency must be secured by the taxing or assessment power of such public the entity and such agreement or.~~

~~Any contract, entered into by the district board of directors, with or on behalf of a soil conservation district, a water user district, or any other nontaxing public entity shall must provide for other an assurance of payment that is satisfactory to the water development district board of directors.~~

Section 61. That § 46A-3E-10 be AMENDED:

46A-3E-10. ~~The board of directors of a water development district shall, at the time of the organization of the board and annually thereafter on a date established by the district, but before the first of and on or before October first of each year thereafter, adopt a budget and prepare an operations and budget report. The report shall present must include estimates and itemizations of all the district's expenses and obligations of the water development district, including expenses of directors, expenses of operating the office, debt service and retirement, and obligations and liabilities to the United States.~~

~~Before approval of the board approves the budget by the district board of directors, the board shall hold a public hearing shall be held. Notice. The board shall publish notice of the hearing shall be published once each week, for two successive weeks, in the water development district's official newspapers official newspaper of the district.~~

~~The notice shall must state the time and place of the hearing, its the purpose for the hearing, and that at the hearing all persons interested may appear, either in person or by representative, and be heard and given an opportunity for a full and complete discussion of all items in the budget. With the first notice, the budget shall be published in a form approved by the auditor general the hearing will include an opportunity for public comment.~~

~~At the conclusion of the hearing, the water development district board may eliminate or amend any portion of modify the budget before adoption.~~

Section 62. That § 46A-3E-11 be AMENDED:

46A-3E-11. ~~Upon completion and adoption of a budget, a water development district board of directors shall make a tax levy or, special assessment, or both, in dollars sufficient to fund the budget. Any tax levy made against the property in any a given county in a water development district shall must be in an amount equal to the total water development district tax levy in dollars, multiplied by the county's proportional share.~~

~~The county's proportional share shall be is determined by dividing the equalized assessed valuation of the area within the water development district for that county by the total water development district equalized assessed valuation.~~

The provisions of § 10-12-34.1 may not prohibit apportionment of the tax among the counties, as provided for in this section. ~~No water development~~

~~A district tax levy may be in excess of not exceed~~ the limitation specified in chapters 46A-3A to 46A-3E, inclusive, except as provided in § 46A-3E-1. Any tax levy ~~shall must~~ be in the form of a resolution adopted by ~~a majority vote of the members of the board of directors of the water development district.~~

Section 63. That § 46A-3E-12 be AMENDED:

46A-3E-12. ~~Immediately after completion~~Upon the adoption of a budget and ~~adoption of the levying of taxes,~~ special assessments ~~and a tax levy by a water development district, or both, the board of directors, but not later than the first of shall, on or before~~ October, ~~the secretary of the water development district shall send one first, forward a~~ certified copy of the levy ~~as adopted and one a~~ certified copy of ~~such the~~ budget to the appropriate tax collecting officials ~~of in~~ the affected counties and to the ~~state secretary of revenue~~ Department of Revenue.

Section 64. That § 46A-3E-13 be AMENDED:

46A-3E-13. ~~Appropriate~~The tax collecting officials shall extend the levy or special assessments upon the tax list of the county, municipality, or other appropriate tax paying entity for the tax year against each description of taxable property or, in the case of special assessments, against each description of taxable property to be specially assessed within the water development district, in the same manner and with the same effect as other taxes and assessments are extended, including the authority, requirements, and procedures contained in chapter 9-43.

Section 65. That § 46A-3E-14 be AMENDED:

46A-3E-14. ~~The appropriate~~ tax collecting officials shall collect all water development district taxes and assessments, together with any interest and ~~penalty thereon, if any penalties,~~ in the same manner as the general taxes and assessments are collected and shall ~~pay over on a monthly to the water development basis, forward the amounts collected during the preceding month to the~~ district treasurer all taxes so collected during the preceding month, with interest and penalties. ~~The water development.~~ The district treasurer shall immediately enter these receipts to the credit of the depository accounts designated by the water development district board of directors pursuant to § 46A-3E-9 deposit the amounts in the institutional account designated by the board.

Section 66. That § 46A-3B-13 be REPEALED.

~~For any water development district with boundaries affected by §§ 46A-3A-2 to 46A-3A-5, inclusive, any director of the district who is in office on January 1, 2009 shall continue to serve as a director if the director remains a resident of the district. At the first general election after January 1, 2009, for any water development district with boundaries affected by §§ 46A-3A-2 to 46A-3A-5, inclusive, directors shall be elected for all director positions in the district, regardless of whether or not any director's term has expired. The directors elected for the district at the general election shall be elected to serve for staggered terms. Thereafter, directors shall be elected to four year terms at each subsequent general election to succeed those directors whose terms expire at the end of the year in which the election is held.~~

Section 67. That § 46A-3E-15 be REPEALED.

~~All moneys collected pursuant to the tax levies, special assessments and~~

~~other funds authorized by this chapter accruing to the district shall be deposited either in the accounts of the state treasurer to the credit of the "(name) district fund" to be disbursed only as herein provided, or by the district treasurer in any depository designated and approved by the board of directors of the district at a regular meeting and from which all valid claims against the district shall be paid by order duly drawn by the district treasurer pursuant to procedures adopted by the board of directors.~~

Signed February 25, 2025

Chapter 187
(House Bill 1095)

An Act to extend the area in which a director for an irrigation district may reside.

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

Section 1. That § 46A-4-27 be AMENDED:

46A-4-27. Each director ~~shall be~~ must be an elector of the division ~~which that~~ the director represents; or the director ~~shall be~~ must be an elector of the district, if elected at large. Each director shall reside within the district or within ~~fifteen~~ twenty-five miles of the district boundary, as provided by the district bylaws.

Signed March 3, 2025

Chapter 188
(House Bill 1157)

An Act to amend the maximum fee limit due when applying for a county drainage permit.

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

Section 1. That § 46A-10A-30 be AMENDED:

46A-10A-30. Any board or commission under the provisions of this chapter and chapter 46A-11 may adopt a permit system for drainage. The permit system ~~shall must~~ be prospective in nature. ~~Permits shall be granted and~~ consistent with the principles outlined in § 46A-10A-20. The nonrefundable fee for a permit ~~shall be established must be:~~

- (1) Established by the permitting authority, ~~based;~~
- (2) Based on the administrative costs of regulating drainage activities, may not exceed ~~one~~ five hundred dollars, ~~and shall be paid; and~~
- (3) Paid only once, with the application. ~~However, except that~~ permitted drainage that is enlarged, rerouted, or otherwise modified requires a new permit.

Any vested drainage right not recorded under the provisions of § 46A-10A-31 requires a permit for its use, if a permit system has been established in the county where it exists.

Any person or the person's contractor draining water without a permit, if a permit is required under the provisions of this section, is guilty of a Class 1 misdemeanor. In addition to or in lieu of any criminal penalty, a court may assess, against any person violating the provisions of this section, a civil penalty not to exceed one thousand dollars per each day of violation.

A permit system is an official control.

Signed March 11, 2025

CORPORATIONS

Chapter 189 (House Bill 1024)

An Act to amend certain fees collected by the secretary of state.

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

Section 1. That § 47-1A-122 be AMENDED:

47-1A-122. ~~The Office of the Secretary of State~~ secretary of state shall collect the following fees when the documents described in this section are delivered for filing:

- (1) Articles of incorporation, ~~\$150~~ one hundred fifty dollars;
- (2) Application for use of indistinguishable name, ~~\$25~~ twenty-five dollars;
- (3) Application for reserved name, ~~\$25~~ twenty-five dollars;
- (4) Notice of transfer of reserved name, ~~\$15~~ fifteen dollars;
- (5) Application for registered name, ~~\$25~~ twenty-five dollars;
- (6) Application for renewal of registered name, ~~\$15~~. A renewal application may be filed between the first day of October and the thirty first day of December in each year and shall extend the registration for the following year filed between October first and December thirty-first each year to extend the registration for the following year, fifteen dollars;
- (7) ~~to (9)~~ Repealed by SL 2008, ch 275, § 27;
- ~~(10)~~ Articles of domestication, ~~\$150~~ one hundred fifty dollars;
- ~~(11)~~ ~~(8)~~ Articles of charter surrender, ~~\$150~~ one hundred fifty dollars;
- ~~(12)~~ ~~(9)~~ Articles of domestication and conversion, ~~\$150~~ one hundred fifty dollars;
- ~~(13)~~ ~~(10)~~ Articles of entity conversion, ~~\$150~~ one hundred fifty dollars;
- ~~(14)~~ ~~(11)~~ Amendment of articles of incorporation, ~~\$60~~ sixty dollars;
- ~~(15)~~ ~~(12)~~ Restatement of articles of incorporation, ~~\$60~~ sixty dollars;

- ~~(16)~~(13) Articles of merger or share exchange, ~~\$60~~ sixty dollars;
- ~~(17)~~(14) Articles of dissolution, ~~\$10~~ ten dollars;
- ~~(18)~~(15) Articles of revocation of dissolution, ~~\$10~~ ten dollars;
- ~~(19)~~(16) Certificate of administrative dissolution, no charge;
- ~~(20)~~(17) Application for reinstatement following administrative dissolution, three hundred dollars, plus any delinquent annual report filing fees and associated penalty fees for the period before the reinstatement application, ~~\$300~~;
- ~~(21)~~(18) Certificate of reinstatement, no charge;
- ~~(22)~~(19) Certificate of judicial dissolution, no charge;
- ~~(23)~~(20) Application for certificate of authority, ~~\$750~~ seven hundred fifty dollars;
- ~~(24)~~(21) Application for amended certificate of authority, ~~\$250~~ two hundred fifty dollars;
- ~~(25)~~(22) Application for certificate of withdrawal, ~~\$10~~ ten dollars;
- ~~(26)~~(23) Application for transfer of authority, ~~\$25~~ twenty-five dollars;
- ~~(27)~~(24) Certificate of revocation of authority to transact business, no charge;
- ~~(28)~~(25) Annual report, ~~\$50~~. ~~Each entity that does not file or refuses to file its annual report within the time prescribed is subject to a penalty of fifty dollars to be assessed by the secretary of state~~ fifty-five dollars;
- (26) Fee imposed on any entity that does not file or refuses to file an annual report within the time prescribed, fifty-five dollars in addition to the annual report filing fee;
- ~~(29)~~(27) Articles of correction, ~~\$25~~ twenty-five dollars;
- ~~(30)~~(28) Application for certificate of existence or authorization, ~~\$20~~ twenty dollars;
- ~~(31)~~(29) Amended annual report, ~~\$25~~ thirty dollars; and
- ~~(32)~~(30) Any other document required or permitted to be filed by this chapter, ~~\$20~~ twenty dollars.

The ~~Office of the Secretary of State~~ secretary of state shall collect a fee of thirty dollars each time process is served on the ~~Office of the Secretary of State~~ secretary under this chapter. The party to a proceeding causing service of process is entitled to recover this fee as costs if the party prevails in the proceeding.

Section 2. That § 47-20-7 be AMENDED:

47-20-7. ~~The A cooperative must deliver the annual report shall be delivered required by § 47-20-4 to the secretary of state pursuant to §§ 59-11-24 to 59-11-26 59-11-28, inclusive. A fee of thirty fifty-five dollars shall must be paid to the secretary of state for filing the report.~~

If the report does not conform to requirements, ~~it shall the report must~~ be returned to the cooperative for necessary corrections.

Section 3. That § 47-28-6 be AMENDED:

47-28-6. The secretary of state shall charge and collect fees for:

- (1) Filing articles of incorporation and issuing a certificate of incorporation, thirty dollars;
- (2) Filing articles of amendment and issuing a certificate of amendment, fifteen dollars;
- (3) Filing articles of merger or consolidation and issuing a certificate of merger or consolidation, fifteen dollars;
- ~~(4) Repealed by SL 2008, ch 275, § 72;~~
- (5) Filing articles of dissolution, five dollars;
- ~~(6)~~(5) Filing an application of a foreign corporation for a certificate of authority to conduct affairs in this state and issuing a certificate of authority, one hundred twenty-five dollars;
- ~~(7)~~(6) Filing an application of a foreign corporation for an amended certificate of authority to conduct affairs in this state and issuing an amended certificate of authority, twenty-five dollars;
- ~~(8)~~(7) Filing an application for withdrawal of a foreign corporation and issuing a certificate of withdrawal, five dollars;
- ~~(9)~~(8) Filing any other statement or report, including an annual report, of a foreign corporation, ten dollars;
- ~~(10)~~(9) Filing an annual report of a domestic nonprofit corporation under chapter 47-24, ten dollars;
- ~~(11)~~(10) Filing a petition for reinstatement and issuing a certificate of reinstatement, thirty dollars; and
- ~~(12)~~(11) Filing a notice of sale, transfer, or merger, fifteen dollars.

Section 4. That § 47-34A-212 be AMENDED:

47-34A-212. The secretary of state shall charge and collect for:

- (a) Filing the articles of organization in the case of a domestic limited liability company, a filing fee of one hundred fifty dollars. Filing the articles of organization in the case of a foreign limited liability company, a filing fee of seven hundred fifty dollars;
- (b) A reporting fee of ~~fifty~~ fifty-five dollars, due and payable with the filing of each annual report. Each entity that does not file or refuses to file its annual report within the time prescribed is subject to a penalty of ~~fifty~~ fifty-five dollars to be assessed by the secretary of state;
- (c) Filing the articles of organization in the case of a domestic limited liability company, where the articles of organization contain a notice that the limited liability company is authorized to establish one or more series, a filing fee of two hundred dollars. Filing an application for a certificate of authority in the case of a foreign limited liability company authorized to establish a series under the laws of another state or jurisdiction, or series of such limited liability company on its own behalf, a filing fee of eight hundred dollars.

Section 5. That § 48-7A-1208 be AMENDED:

48-7A-1208. The provisions of § 1-8-10 notwithstanding, the fee for filing the statements and reports provided for in the following sections with the secretary of state is as follows:

- (1) Section 48-7A-303, Statement of Authority, one hundred twenty-five dollars;
- (2) Section 48-7A-304, Statement of Denial, ten dollars;
- (3) Section 48-7A-704, Statement of Dissociation, ten dollars;
- (4) Section 48-7A-805, Statement of Dissolution, ten dollars;
- (5) Section 48-7A-907, Statement of Merger, sixty dollars;
- (6) Section 48-7A-1001, Statement of Qualification, one hundred twenty-five dollars;
- (6A) Section 48-7A-1001, Statement of Change, ten dollars;
- (7) Section 48-7A-1003, Annual Report, ~~fifty~~ fifty-five dollars. Each limited liability partnership, domestic or foreign, that does not file or refuses to file its annual report within the time prescribed is subject to a penalty of ~~fifty~~ fifty-five dollars to be assessed by the secretary of state;
- (8) Section 48-7A-1001.1, Statement of Amendment, fifteen dollars;
- (9) Section 48-7A-1001.2, Statement of Cancellation, ten dollars;
- (10) Section 48-7A-1102, Statement of Foreign Qualification, one hundred twenty-five dollars;
- (11) Section 48-7A-1102.1, Statement of Amendment of Foreign Qualification, fifteen dollars;
- (12) Section 48-7A-1102.2, Statement of Cancellation, ten dollars; and
- (13) Filing any other statement, ten dollars.

Section 6. That § 57A-9-528 be AMENDED:

57A-9-528. For each effective financing statement filed under this chapter, three dollars of the fee collected pursuant to § 57A-9-525, ~~and the computer search fee assessed pursuant to § 57A-9-525, shall~~ must be deposited in the financing statement and annual report filing fee fund.

~~For Except for a nonprofit, for each annual report filed pursuant to § 59-11-24 in fiscal years 2010 and 2011, three dollars of the fee collected shall be deposited in the financing statement and annual report filing fee fund. For each annual report filed pursuant to § 59-11-24 in fiscal year 2012 and each year thereafter, one dollar, six dollars of the annual report fee shall~~ must be deposited in the financing statement and annual report filing fee fund.

~~For Except for a nonprofit, for each amendment of an annual report filed pursuant to § 59-11-24 in fiscal year 2016 and each year after, the fee for the amendment shall~~ must be deposited in the financing statement and annual report filing fee fund.

For each application for a certificate of designation filed under § 47-34A-707, five dollars of the fee collected ~~shall~~ must be deposited in the financing statement and annual report filing fee fund.

Section 7. That § 57A-9-529 be AMENDED:

57A-9-529. At the end of each fiscal year, any funds in the financing statement and annual report filing fee fund, not otherwise appropriated, in excess of ~~twenty-five~~ fifty thousand dollars, ~~shall revert~~ revert to the general fund.

Signed March 11, 2025

PUBLIC UTILITIES AND CARRIERS

Chapter 190
(House Bill 1052)

An Act to prohibit the exercise of eminent domain for a pipeline that carries carbon oxide.

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

Section 1. That a NEW SECTION be added to chapter 49-7:

Notwithstanding the provisions of any other law, a person may not exercise the right of eminent domain to acquire right-of-way for, construct, or operate a pipeline for the preponderant purpose of transporting carbon oxide.

Signed March 6, 2025

Chapter 191
(House Bill 1012)

An Act to clarify the status of the Statewide One-Call Notification Board as an agency administered by the Department of Public Safety and the duties of the Board.

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

Section 1. That § 49-7A-2 be AMENDED:

49-7A-2. ~~The Statewide One-Call Notification Board is established as an agency of state government administered by the Department of Public Safety and funded by revenue generated by the one-call notification center. The board is solely responsible for all contractors and employment of any personnel working for the board and retains responsibility for all funds of the board and all expenditures thereof. The board is solely responsible for all functions and duties vested in the board. The department shall assist the board and coordinate the development of the statewide one-call notification system. The board may hire employees within the department and contractors to assist with the coordination of the statewide~~

one-call notification system. The board is responsible for duties, functions, and funds of the board. The department shall assist with the expenditure of funds pursuant to applicable state laws.

There is created in the state treasury the state one-call fund. Any interest earned on money in the ~~state one-call fund~~ shall must be deposited in the fund. The money is continuously appropriated to the board to implement and administer the provisions of this chapter.

The one-call notification center may be organized as a nonprofit corporation. The one-call notification center shall provide a service through which a person can notify the operators of underground facilities of plans to excavate and to request the marking of the facilities.

All operators are subject to this chapter and the rules promulgated thereto. Any operator who fails to become a member of the one-call notification center or who fails to submit the locations of the operator's underground facilities to the center, as required by this chapter and rules of the board, is subject to applicable penalties under §§ 49-7A-18 and 49-7A-19 and is subject to civil liability for any damages caused by noncompliance with this chapter.

Any penalties ~~which that~~ may be assessed by the board under this chapter must be collected as provided by law and deposited into the one-call fund.

Signed March 20, 2025

Chapter 192

(Senate Bill 1)

An Act to update references to certain federal motor carrier regulations.

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

Section 1. That § 49-28A-3 be AMENDED:

49-28A-3. The state hereby adopts Title 49 of the Code of Federal Regulations, subtitle B, chapter I, subchapter A, part 107 (subparts F and G only) and subchapter C, parts 171 to 180, inclusive, as amended through January 1, ~~2024~~, 2025, and Title 49 of the Code of Federal Regulations, subtitle B, chapter III, subchapter B, part 387 and parts 390 to 397, inclusive, as amended through January 1, ~~2024~~, 2025, with the following modifications:

- (1) All references to interstate operations must also include intrastate operations except that drivers and motor carriers operating intrastate vehicles and combinations of vehicles with two axles or less or with a gross vehicle weight rating of not more than twenty-six thousand pounds that are not used to transport hazardous materials requiring placarding under part 177, or designed to transport more than fifteen passengers, including the driver, are not subject to parts 390 to 397, inclusive;
- (2) For the purposes of 49 C.F.R. § 391.11(b)(1), a driver must be at least twenty-one years old if engaged in interstate commerce, or transporting hazardous material of a type or quantity requiring placarding under part 177, or operating a vehicle designed to transport more than fifteen passengers, including the driver. All other drivers must be at least eighteen years old;

- (3) Unless required by an employer to be medically certified under Title 49 of the Code of Federal Regulations, intrastate drivers are exempt from the physical requirements of 49 C.F.R. § 391.41.

Any violation of part 387 and parts 390 to 396, inclusive, the motor carrier safety requirements governing the qualifications of drivers, driving of motor vehicles, parts and accessories necessary for safe operation, notification and reporting of accidents, assistance with investigations and special studies, hours of service of drivers, inspection, repair, and maintenance is a Class 2 misdemeanor. Any violation of the hazardous materials regulations pertaining to registration of cargo tank motor vehicles, registration of persons who offer or transport hazardous materials, general information, regulations and definitions, hazardous materials tables, hazardous materials communication regulations, and test and inspection marking requirements found in parts 107 (subparts F and G only), 171, 172, and 178 to 180, inclusive, is a Class 2 misdemeanor. Any violation of the hazardous materials regulations pertaining to packaging, prohibited shipments, loading and unloading, segregation and separation, retesting and inspection of cargo tanks, and other carriage by regulations found in parts 173 to 180, inclusive, or violation of the driving and parking rules in part 397, is a Class 1 misdemeanor.

Signed February 10, 2025

Chapter 193
(House Bill 1008)

**An Act to include a hybrid facility as a facility to be regulated by the Public
Utilities Commission.**

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

Section 1. That § 49-41B-2 be AMENDED:

49-41B-2. Terms as used in this chapter mean:

- (1) "AC/DC conversion facility," an asynchronous AC to DC to AC tie that is directly connected to a transmission facility or a facility that connects an AC transmission facility with a DC transmission facility, or vice versa;
- (2) "Associated facilities," ~~facilities which include~~ aqueducts, diversion dams, transmission substations, storage ponds, reservoirs, or cooling ponds;
- (3) "Carbon dioxide," a fluid that consists of more than ninety percent carbon dioxide molecules compressed in a supercritical state;
- (4) "Commission," the Public Utilities Commission;
- (5) "Construction," any clearing of land, excavation, or other action that would affect the environment of the site for each land or rights of way upon or over which a facility may be constructed or modified, but not including activities incident to preliminary engineering or environmental studies. This term includes modifications to facilities as defined in § 49-41B-2.2;
- (6) "Energy conversion facility," any new facility, or facility expansion, designed for or capable of generation of one hundred megawatts or more of electricity, but does not include any wind or solar energy facilities that are designed for or capable of generating one hundred megawatts or more of electricity. This term includes a hybrid facility capable of injecting one

- hundred megawatts or more of electricity into the transmission or distribution system;
- (7) "Facility," any ~~energy conversion facility,~~ AC/DC conversion facility, ~~transmission facility,~~ energy conversion facility, solar energy facility, ~~transmission facility,~~ or wind energy facility, and associated facilities;
- (8) "Facility expansion," the addition of twenty-five megawatts AC or more of ~~generation capacity to an existing generation source resulting in a combined megawatt capability of the new and existing generation of one hundred megawatts AC or more of electricity;~~
- (9) "Hybrid facility," a new facility, or a facility expansion, comprised of more than one type of generation source and having a single point of interconnection to the distribution or transmission system;
- (10) "Permit," the permit issued by the commission under this chapter required for the construction and operation of a facility;
- ~~(9)~~(11) "Person," an individual, partnership, limited liability company, joint venture, private or public corporation, association, firm, public service company, cooperative, political subdivision, municipal corporation, government agency, public utility district, or any other public or private entity, however organized;
- ~~(10)~~(12) "Siting area," that area within ten miles in any direction of a proposed energy conversion facility, AC/DC conversion facility, or ~~which is any other area~~ determined by the commission to be affected by a proposed energy conversion facility;
- ~~(11)~~(13) "Solar energy facility," a new facility, or facility expansion, consisting of a commonly managed integrated system of solar panels, power collection systems, electric interconnection systems, and associated facilities, that converts solar energy into electricity and is designed for or capable of generating one hundred megawatts AC or more of electricity;
- (14) "Trans-state transmission facility," an electric transmission line and its associated facilities ~~which originates that:~~
- (a) Originates outside the State of South Dakota of this state, crosses this state, and terminates outside the State of South Dakota of this state; and ~~which transmission line and associated facilities delivers~~
- (b) Delivers electric power and energy of twenty-five percent or less of the design capacity of ~~such the~~ line and facilities for use in the State of South Dakota this state;
- ~~(12)~~(15) "Utility," any person engaged in and controlling the generation or transmission of electric energy and gas or liquid transmission facilities, as defined by § 49-41B-2.1; and
- ~~(13)~~(16) "Wind energy facility," a new facility, or facility expansion, consisting of a commonly managed integrated system of towers, wind turbine generators with blades, power collection systems, and electric interconnection systems, that converts wind movement into electricity and that is designed for or capable of generation of one hundred megawatts or more of electricity. ~~A wind energy facility expansion includes the addition of new wind turbines, designed for or capable of generating twenty-five megawatts or more of electricity, which are to be managed in common and integrated with existing turbines and the combined megawatt capability of the existing and new turbines is one hundred~~

~~megawatts or more of electricity. The number of megawatts generated by a wind energy facility is determined by adding the nameplate power generation capability of each wind turbine;~~

- ~~(14) "Solar energy facility," a new facility, or facility expansion, consisting of a commonly managed integrated system of solar panels, power collection systems, electric interconnection systems, and associated facilities, that converts solar energy into electricity and is designed for or capable of generating one hundred megawatts AC or more of electricity. A facility expansion includes the addition of new solar panels, designed for or capable of generating twenty-five megawatts AC or more of electricity, that are to be managed in common and integrated with existing solar panels, and the combined megawatt capability of the existing and new solar panels is one hundred megawatts AC or more of electricity.~~

Section 2. That § 49-41B-4.4 be AMENDED:

49-41B-4.4. In the exercise of the authority of eminent domain pursuant to chapter 21-35 to acquire right-of-way or other property for a trans-state transmission facility, as defined by ~~subdivision 49-41B-2(9)~~ § 49-41B-2, a property owner shall have the option to require the utility to take a fee interest in any amount of contiguous land outside the designated right-of-way ~~which he that the property owner owns and elects in writing to transfer to the utility within sixty days of receipt of the notice of filing of a petition pursuant to § 21-35-1. The fee acquisition of contiguous lands as required by this section shall be considered is~~ a taking for a public purpose and for use in the operation of the utility. ~~However, the utility shall be~~ The utility is required to divest itself completely of all lands used for farming or capable of being used for farming within five years after the date of acquisition pursuant to this section. If these lands are not divested as provided by this section, ~~they shall~~ must be sold at a public sale as provided by chapter 21-47 ~~relating to foreclosure of a real property mortgage by action~~. No land more than one-half mile from the center line of the power line ~~need~~ may be taken.

Section 3. That § 49-41B-39 be AMENDED:

49-41B-39. All right and title in any financial security required by the commission for the decommissioning of a hybrid facility, wind turbines, or solar energy facilities must be controlled by the commission, in accordance with the terms of the financial security agreement or instrument, until the commission by order releases the security. The financial security of the person required to provide it may not be cancelled, assigned, revoked, disbursed, replaced, or allowed to terminate without commission approval.

The commission may require, accept, hold, or enter into any agreement or instrument for the provision of financial security, including any funds reserved or held by any person to satisfy or guarantee the obligation of an owner of wind turbines or solar energy facilities permitted under this chapter, to decommission and remove the wind turbines or solar energy facilities. The form, term, and conditions of the financial security are subject to the approval of the commission. The commission shall determine any claim upon the financial security made by any landowner for decommissioning and removal of turbines or solar energy facilities.

Any financial security provided under this chapter may not be pledged or used as security for any other obligation of the wind turbine or solar energy facilities owner, and is exempt from attachment or mesne process, from levy or sale on execution, and from any other final process issued from any court on behalf of third-party creditors of the owner of the wind turbines or solar energy facilities. Any commission decision based on any claim made by the owner of the wind turbines or solar energy facilities for refund or return of the financial security, or

for actual expenses of decommissioning, or any related agreements, may be appealed.

~~In any case, the~~ The commission may appear in court and defend the integrity and viability of the financial security for purposes of decommissioning and removal of ~~wind turbines or solar energy facilities~~ a hybrid facility, solar energy facility, or a wind turbine. The commission may not require any financial security from an owner of wind turbines or solar energy facilities who is also a public utility as defined in § 49-34A-1.

Signed March 26, 2025

Chapter 194
(House Bill 1007)

An Act to prohibit use of the South Dakota public utilities commission gross receipts tax fund for reimbursement of costs incurred by the Public Utilities Commission.

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

Section 1. That § 49-41B-12 be AMENDED:

49-41B-12. At the time of filing an application as required in § 49-41B-11, an applicant must deposit the minimum fee with the commission. If required by the commission, an applicant must remit an amount to be determined by the commission based upon the actual cost of investigating, reviewing, processing, and serving notice of an application. The amount must be deposited with the state treasurer and credited to a subfund within the designated revenue fund and may only be disbursed on vouchers approved by the commission for the actual cost of investigating, reviewing, processing, and serving notice of the application. Except as otherwise agreed to by an applicant, the maximum fee chargeable may not exceed one-quarter of one percent of the first one hundred million dollars of estimated construction cost plus one-twentieth of one percent of all additional estimated construction costs of the facility. To exceed the maximum fee when the applicant has not agreed to a fee higher than the maximum amount, the commission must make a finding upon a motion from the commission staff that all costs incurred were reasonably necessary to investigate, review, process, and serve notice of the application. ~~In these circumstances, the commission must seek reimbursement for those costs, during the next regular legislative session. However, the~~ The minimum total fee chargeable may not be less than twenty thousand dollars. The minimum fee is nonrefundable unless ordered by the commission.

Moneys from the South Dakota public utilities commission gross receipts tax fund, as established in § 49-1A-2, may not be used to reimburse the commission for any additional costs incurred.

If the commission determines that an environmental impact statement should be prepared as provided under chapter 34A-9 before taking final action on an application under this chapter, the maximum fee chargeable above may be increased to an amount not to exceed one-half of one percent of the first one hundred million dollars of estimated construction cost plus one-twentieth of one percent of all additional estimated construction costs of the facility. However, the

provisions of this paragraph do not apply in cases in which a detailed environment impact study has been completed pursuant to the requirements of the National Environmental Policy Act of 1969 as amended to January 1, 2009, and implementing regulations thereto if such a statement is available to the commission at least thirty days prior to the time the commission is required to render a decision under § 49-41B-24 or 49-41B-25. The provisions of this section apply to all pending permit applications and future permit applications before the commission.

Signed March 26, 2025

STATE AFFAIRS AND GOVERNMENT

Chapter 195 (Senate Bill 40)

An Act to revise Department of Transportation regulatory authority regarding aeronautics.

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

Section 1. That § 1-44-11 be AMENDED:

1-44-11. The Department of Transportation shall, under the direction and control of the secretary of transportation, perform all the functions of the Aeronautics Commission except:

- (1) Advisory functions—~~(as defined in § 1-32-1),~~ with respect to programs associated with the commission;
- (2) Special budgetary functions—~~(as defined in § 1-32-1),~~ provided for by ~~§§ 50-4-12 to 50-4-17, inclusive, §§ 50-2-12, 50-7-10, and 50-7-15 to 50-7-19, inclusive, and chapter 50-4; and~~
- (3) Quasi-legislative and quasi-judicial functions—~~(as defined in § 1-32-1),~~ provided for by chapters 50-2, 50-5, 50-9, 50-10, 50-11, and 50-12, ~~and 50-13.~~

Section 2. That a NEW SECTION be added to chapter 50-5:

The Aeronautics Commission shall promulgate rules, in accordance with chapter 1-26, establishing requirements for the issuance and maintenance of certificates of approval for airports, as prescribed in this chapter.

Signed February 10, 2025

FIDUCIARIES AND TRUSTS

Chapter 196 (Senate Bill 69)

An Act to revise provisions related to trusts.

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

Section 1. That § 55-1B-1 be AMENDED:

55-1B-1. Terms used in this chapter mean:

- (1) "Instrument," any revocable or irrevocable trust document created inter vivos or testamentary or any custodial account agreement, whether such document or agreement was created prior to, on, or after July 1, 1997;
- (2) "Trust protector," any person whose appointment as protector is provided for in the instrument. Such person may not be considered to be acting in a fiduciary capacity except to the extent the governing instrument provides otherwise. However, a protector shall be considered acting in a fiduciary capacity to the extent that the person exercises the authority of an investment trust advisor ~~or~~, a distribution trust advisor, or a tax trust advisor;
- (3) "Trust advisor," ~~either an investment trust advisor or~~, a distribution trust advisor, a tax trust advisor, or, in the case of a custodial account, a custodial account owner or the owner's designee, except that a tax trust advisor is not considered a trust advisor for purposes of § 55-2-13;
- (4) "Fiduciary," a trustee or custodian under any instrument, an executor, administrator, or personal representative of a decedent's estate, or any other party, including a trust advisor, a trust protector, or a trust committee, who is acting in a fiduciary capacity for any person, trust, or estate;
- (5) "Excluded fiduciary," any fiduciary excluded from exercising certain powers under the instrument, which powers may be exercised by the grantor, custodial account owner, trust advisor, trust protector, trust committee, or other persons designated in the instrument;
- (6) "Investment trust advisor," a fiduciary, given authority by the instrument to exercise all or any portions of the powers and discretions set forth in § 55-1B-10;
- (7) "Distribution trust advisor," a fiduciary, given authority by the instrument to exercise all or any portions of the powers and discretions set forth in § 55-1B-11;
- (8) "Tax trust advisor," a fiduciary, given authority by the instrument to exercise any tax power, including all or any powers and discretions set forth in section 5 of this Act;
- (9) "Custodial account," an account, established by a party with a bank as defined in 26 U.S.C. § 408(n), ~~as of (January 1, 2006)~~, or with another person approved by the Internal Revenue Service as satisfying the requirements to be a nonbank trustee or a nonbank passive trustee set forth in U.S. Treasury Regulations promulgated under 26 U.S.C. § 408,

that is governed by an instrument concerning the establishment or maintenance, or both, of an individual retirement account, qualified retirement plan, Archer medical savings account, health savings account, Coverdell education savings account, or any similar retirement or savings vehicle permitted under the Internal Revenue Code of 1986, as of (January 1, 2006);

- (10) "Custodial account owner," any party who ~~establishes;~~
 (a) Establishes a custodial account; ~~or has~~
 (b) Has the power to designate the beneficiaries or appoint the custodian of the custodial account; ~~or otherwise is~~
 (c) Is the party who possesses the power to direct the investment, disposition, or retention of any assets in the custodial account or name an authorized designee to ~~effect~~ affect the same;
- (11) "Family advisor," any person ~~whose;~~
 (a) Whose appointment is provided for in the governing instrument or by court order ~~who;~~
 (b) Who is authorized to consult with or advise a fiduciary ~~with regard to regarding~~ fiduciary or nonfiduciary matters and actions, ~~and who; and~~
 (c) Who may also be authorized by the governing instrument or court order to otherwise act in a nonfiduciary capacity.

Section 2. That § 55-1B-2 be AMENDED:

55-1B-2. An excluded fiduciary is not liable, either individually or as a fiduciary, for any of the following:

- (1) Any loss that results from compliance with a direction of the trust advisor, including any loss from the trust advisor breaching fiduciary responsibilities or acting beyond the trust advisor's scope of authority;
- (2) Any loss that results from a failure to take any action proposed by an excluded fiduciary ~~that, which~~ requires a prior authorization of the trust advisor, ~~if that excluded fiduciary timely sought but failed to obtain that~~ the authorization;
- (3) Any loss that results from any action or inaction, except for gross negligence or willful misconduct, when an excluded fiduciary is required, pursuant to the trust agreement or any other reason, to assume the role of trust advisor or trust protector;
- (4) Any loss that results from relying upon any trust advisor for valuation of trust assets; or
- (5) Any loss that results from any tax filing made or tax position taken based on the recommendations or instructions received from the tax trust advisor or from a tax preparer or professional used by the excluded fiduciary at the direction of the grantor, the tax trust advisor, ~~or of~~ another trust fiduciary.

Any excluded fiduciary is also relieved from any obligation to independently value trust assets, ~~to review or evaluate any direction from a distribution trust advisor, or;~~ to perform investment or suitability reviews, inquiries, or investigations; ~~to make recommendations or evaluations with respect to any investments to the extent the trust advisor had authority to direct~~

the acquisition, disposition, or retention of the investment. If the excluded fiduciary offers such communication to the trust advisor, trust protector, or any investment person selected by the investment trust advisor, such action does not constitute an undertaking by the excluded fiduciary to monitor or otherwise participate in actions within the scope of the advisor's authority or to constitute any duty to do so.

Any excluded fiduciary is also relieved of any duty to communicate with or warn or apprise any beneficiary or third party concerning instances in which the excluded fiduciary would or might have exercised the excluded fiduciary's own discretion in a manner different from the manner directed by the trust advisor or trust protector.

Absent contrary provisions in the governing instrument, the actions of the excluded fiduciary (such as any communications with the trust advisor and others and carrying out, recording, and reporting actions taken at the trust advisor's direction) pertaining to matters within the scope of authority of the trust advisor or trust protector constitute administrative actions taken by the excluded fiduciary solely to allow the excluded fiduciary to perform those duties assigned to the excluded fiduciary under the governing instrument, and such administrative actions do not constitute an undertaking by the excluded fiduciary to monitor, participate, or otherwise take any fiduciary responsibility for actions within the scope of authority of the trust advisor or trust protector.

Nothing in subdivision (2) imposes an obligation or liability with respect to a custodian of a custodial account.

In an action against an excluded fiduciary pursuant to the provisions of this section, the burden to prove the matter by clear and convincing evidence is on the person seeking to hold the excluded fiduciary liable.

Section 3. That § 55-1B-4 be AMENDED:

55-1B-4. If one or more trust advisors and tax trust advisors are given authority by the terms of a governing instrument to direct, consent to, or disapprove a fiduciary's investment ~~or~~ distribution, ~~or tax~~ decisions, or proposed investment ~~or~~ distribution, ~~or tax~~ decisions, such trust advisors ~~shall be considered to be~~ and tax trust advisors are considered to be fiduciaries when exercising such authority.

For investment decisions, so long as there is at least one fiduciary exercising the authority of the investment advisor pursuant to § 55-1B-10 for the investment, except in the ~~cases~~ case of willful misconduct or gross negligence by the fiduciary investment advisor in the selection or monitoring of the nonfiduciary trust advisors, the governing instrument may provide that such other trust advisors acting pursuant to this section are not acting in a fiduciary capacity. ~~Similarly, for~~

~~For~~ distribution decisions, so long as there is at least one fiduciary exercising the authority of the distribution advisor pursuant to § 55-1B-11 for the distribution, except in the case of willful misconduct or gross negligence by the fiduciary distribution advisor in the selection or monitoring of the nonfiduciary trust advisors, the governing instrument may provide that ~~such the~~ other trust advisors acting pursuant to this section are not acting in a fiduciary capacity.

For tax decisions, so long as there is at least one fiduciary exercising the authority of the tax trust advisor pursuant to section 5 of this Act for the tax decision, except in the case of willful misconduct or gross negligence by the

fiduciary tax trust advisor in the selection or monitoring of the nonfiduciary tax trust advisors, the governing instrument may provide that such other tax trust advisors acting pursuant to this section are not acting in a fiduciary capacity.

Section 4. That § 55-1B-9 be AMENDED:

55-1B-9. A trust instrument governed by the laws of ~~South Dakota~~ this state may provide for a person to act as an investment trust advisor ~~or, a distribution trust advisor, or a tax trust advisor,~~ respectively, with regard to investment decisions ~~or discretionary distributions,~~ distribution decisions, or tax decisions, respectively. Unless otherwise provided or restricted by the terms of the governing instrument, any person may simultaneously serve as a trust advisor and a trust protector.

Section 5. That a NEW SECTION be added to chapter 55-1B:

The powers and discretions of a tax trust advisor must be as provided in the governing instrument and may be exercised or not exercised, in the best interests of the trust, in the sole and absolute discretion of the tax trust advisor and are binding on any other person and any other interested party, fiduciary, and excluded fiduciary. In addition to the powers and discretions granted to the tax trust advisor in the governing instrument, the tax trust advisor may also exercise any of the following powers and discretions to the extent the exercise is not prohibited under the terms of the governing instrument:

- (1) Direct the trustee with respect to tax matters related to the trust, including tax elections, tax returns to be filed, positions to be taken on tax returns, tax payments to be made, and the anticipated tax impact to the trust or a beneficiary of any transaction involving the trust, including:
 - (a) The retention, purchase, sale, exchange, or tender of any asset of the trust;
 - (b) Any contribution to or distribution from the trust: or
 - (c) Any contribution to or distribution from an entity owned by the trust;
- (2) Direct the trustee to rely on any tax information received pursuant to § 55-2-23;
- (3) Select one or more tax advisors to prepare tax returns or other related filings;
- (4) Direct the trustee to sign and file tax returns;
- (5) Direct the trustee with respect to any additional powers and discretions over tax-related matters provided in the governing instrument; and
- (6) Direct the trustee as to any tax-related powers referenced in chapter 55-1A.

Section 6. That § 55-2-15 be AMENDED:

55-2-15. Unless the terms of the governing instrument expressly provide otherwise, if a trustee has discretion under the terms of a governing instrument to make a distribution of income or principal to or for the benefit of one or more beneficiaries of a trust (the "first trust"), whether or not restricted by any standard, then the trustee, independently or with court approval, may exercise such discretion by appointing part or all of the income or principal subject to the discretion in favor of a trustee of a second trust (the "second trust") under a governing instrument separate from the governing instrument of the first trust.

Before exercising ~~its~~ the discretion to appoint and distribute assets to a second trust, the trustee of the first trust shall determine whether the appointment is necessary or desirable after taking into account the purposes of the first trust, the terms and conditions of the second trust, and the consequences of the distribution.

For the purposes of this section, a trustee of the first trust is a restricted trustee if either the trustee is a beneficiary of the first trust or if a beneficiary of the first trust has a power to change the trustees within the meaning of § 55-2-17.

In addition, the following apply to all appointments made under this section:

- (1) The second trust may only have as beneficiaries one or more of the beneficiaries of the first trust:
 - (a) To or for whom a discretionary distribution of income or principal may be made from the first trust;~~or~~
 - (b) To or for whom a distribution of income or principal may be made in the future from the first trust at a time or upon the happening of an event specified under the first trust; or
 - (c) Both subsections (a) and (b);
- (2) No restricted trustee of the first trust may exercise such authority over the first trust to the extent that doing so could have the effect of:
 - (a) Benefiting the restricted trustee as a beneficiary of the first trust, unless the exercise of such authority is limited by an ascertainable standard based on or related to health, education, maintenance, or support; or
 - (b) Removing restrictions on discretionary distributions to a beneficiary imposed by the governing instrument under which the first trust was created, except that a provision in the second trust, which limits distributions by an ascertainable standard based on or related to the health, education, maintenance, or support of any such beneficiary, is permitted, or to a trust established pursuant to ~~42 U.S.C. § 1396(p)(d)(4)~~ 42 U.S.C. § 1396p(d)(4) (January 1, 2025);
- (3) No restricted trustee of the first trust may exercise such authority over the first trust to the extent that doing so would have the effect of increasing the distributions that can be made from the second trust to the restricted trustees of the first trust or to a beneficiary who may change the trustees of the first trust within the meaning of § 55-2-17 compared to the distributions that can be made to such trustee or beneficiary, as the case may be, under the first trust, unless the exercise of such authority is limited by an ascertainable standard based on or related to health, education, maintenance, or support;
- (4) The provisions of subdivisions (2) and (3) only apply to restrict the authority of a trustee if either a trustee, or a beneficiary who may change the trustee, is a United States citizen or domiciliary under the Internal Revenue Code, or the trust owns property that would be subject to United States estate or gift taxes if owned directly by such a person;
- (5) In the case of any trust contributions ~~which that~~ have been treated as gifts qualifying for the exclusion from gift tax described in § 2503(b) of the Internal Revenue Code of 1986, by reason of the application of I.R.C. § 2503(c), the governing instrument for the second trust ~~shall~~ must provide that the beneficiary's remainder interest shall vest no later than

the date upon which such interest would have vested under the terms of the governing instrument for the first trust;

- (6) The exercise of such authority may not reduce any income interest of any income beneficiary of any of the following trusts:
 - (a) A trust for which a marital deduction has been taken for federal tax purposes under I.R.C. § 2056 or § 2523 or for state tax purposes under any comparable provision of applicable state law;
 - (b) A charitable remainder trust under I.R.C. § 664; or
 - (c) A grantor retained annuity or unitrust trust under I.R.C. § 2702;
- (7) The exercise of such authority does not apply to trust property subject to a presently exercisable power of withdrawal held by a trust beneficiary to whom, or for the benefit of whom, the trustee has authority to make distributions, unless after the exercise of such authority, the beneficiary's power of withdrawal is unchanged with respect to the trust property;
- (8) The exercise of such authority is not prohibited by a spendthrift clause or by a provision in the governing instrument that prohibits amendment or revocation of the trust;
- (9) Any appointment made by a trustee ~~shall be~~ is considered a distribution by the trustee pursuant to the trustee's distribution powers and authority; and
- (10) If the trustee's distribution discretion is not subject to a standard, or if the trustee's distribution discretion is subject to a standard that does not create a support interest, then the court may review the trustee's determination or any related appointment only pursuant to § 55-1-43. Any other court review of the trustee's determination or any related appointment may be made only pursuant to § 55-1-42.

Notwithstanding the foregoing provisions of this section, the governing instrument of the second trust may grant a power of appointment to one or more of the beneficiaries of the second trust who are beneficiaries of the first trust. The power of appointment may include the power to appoint trust property to the holder of the power of appointment, the holder's creditors, the holder's estate, the creditors of the holder's estate, or any other person, whether or not ~~that the~~ the person is a trust beneficiary.

~~Furthermore, notwithstanding the provisions of this section or § 55-2-18 or 55-2-19, a trustee may also exercise the power described in those sections by modifying the first trust without an actual distribution of property, in which case the second trust is the modified first trust. In exercising the power described by the preceding sentence of this section, a trustee shall notify all beneficiaries of the trust, in writing applying chapter 55-18, at least twenty days prior to the effective date of the trustee's exercise of the power.~~

A trustee's power described in this section may be exercised by either an actual distribution of property to one or more second trusts or by modifying the terms of the first trust to create the second trust with or without an actual distribution. If the power is exercised by modifying the terms of the first trust, the trustee may:

- (1) Treat the second trust created by such modification as a new trust, in which case property of the first trust would be transferred to the second trust; or

- (2) Treat the second trust as a continuation of the first trust with respect for titling purposes, in which case property of the first trust would not need to be retitled.

In the case of an exercise of the power that is structured as a trustee's modification of the first trust, however, notwithstanding § 55-2-18, the trustee shall provide not less than twenty days advance written notice to the qualified beneficiaries, applying chapter 55-18, unless the trustee receives written waivers of the notice from the qualified beneficiaries.

The trustee's power, which is described in and constrained by this section, remains separate and distinct from trust reformation under §§ 55-3-24 to 55-3-26, inclusive, or other provisions of law allowing trust modifications.

This section applies to any trust administered under the laws of this state, including a trust whose governing jurisdiction is transferred to this state.

Section 7. That § 55-2-23 be AMENDED:

55-2-23. An excluded fiduciary, as defined in § 55-1B-1, who receives tax information regarding an asset or entity owned by the trust, any trustee of a trust that holds an asset or entity owned by the trust but who does not manage the asset or entity, and any trustee who receives tax information from the settlor, the settlor's agents, a tax trust advisor, or other individuals regarding matters that have tax implications to the trust or trust beneficiaries, may rely, without liability, on tax information it receives in any of the above situations. By way of example, if a trustee holds in trust a limited liability company interest but does not manage the limited liability company, the trustee may rely, without limitation, on any tax information received from the manager of the limited liability company or its accountant or agents.

The tax information that a trustee may rely on in the above situations may include the following:

- (1) The accuracy of any information reported on a tax return;
- (2) A copy of a tax return provided by the tax return preparer or the taxpayer filing the return;
- (3) The representation of another fiduciary or tax advisor who filed or prepared a tax return as to the amount of any item reported on that return;
- (4) The settlor's representation regarding whether ~~or not~~ a gift or generation skipping transfer tax form has ever been filed, as well as how much of the respective exemptions have been utilized; or
- (5) The direction from the grantor's or settlor's tax advisors based upon any contribution or distribution, or both, for the appropriate tax filings.

An entity, for purposes of this section, ~~shall be~~ is defined as set out in subdivisions ~~47-34A-101(6)~~ 47-34A-101(7) and 47-34A-101(13).

This section applies to any trust in existence on or created on or after July 1, 2012.

Section 8. That § 55-3-24 be AMENDED:

55-3-24. An irrevocable trust may be modified or terminated by judicial action or by the written agreement entered into by consent of all beneficiaries, if continuance of the trust on its existing terms is not necessary to carry out a material purpose. Whether or not continuance of the trust on its existing terms is

necessary to carry out a material purpose, an irrevocable trust may be modified or terminated ~~by judicial action or by the written agreement by~~ consent of the trustor and all beneficiaries. Upon termination of a trust under this section, the trustee shall distribute the trust property in accordance with the trustor's probable intention or in any other manner as agreed by all the beneficiaries. No person is required to seek court affirmation of a nonjudicial settlement agreement made pursuant to this section. The provisions of chapter 55-18 apply to this section.

Thirty days prior to the effective date of a modification or termination of a trust under this section, the trustor or beneficiaries shall provide notice in writing of the modification or termination, including a copy of the modification or termination, to all fiduciaries, as defined in subdivision 21-22-1(3) serving as of the date of the notice. The modification or termination ~~shall be~~ is effective no earlier than thirty days after the notice is given, unless the notice is waived.

Signed March 17, 2025

INSURANCE

Chapter 197 (Senate Bill 30)

An Act to remove outdated provisions within the insurance code.

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

Section 1. That § 58-6-75 be AMENDED:

58-6-75. Each domestic insurer and those domestic insurers subject to chapters 58-34, 58-37A, 58-38, 58-39, 58-40, and 58-41, and foreign insurers if required by the director, shall annually, on or before March first, and quarterly, on or before May fifteenth, August fifteenth, and November fifteenth, unless the time is extended by the director for good cause shown, file with the director a true statement of its financial condition, transactions, and affairs as of the December thirty-first preceding for an annual statement and as of March thirty-first, June thirtieth, and September thirtieth, for a quarterly statement. Any statement is to be in a form and content as is approved or adopted for current use by the National Association of Insurance Commissioners, or its successor organization, for use as to the type of insurer and kinds of insurance to be reported upon. The director may require any additional information considered necessary to be supplied with the annual or quarterly statement. The statement of an alien insurer, if required by the director, ~~shall must~~ be filed annually on or before September first and ~~shall must~~ relate only to its transactions and affairs in the United States, unless the director requires otherwise. Any annual and quarterly statement ~~and~~ amendments and addenda to any annual and quarterly statement, and any interim statement or amendments thereto ~~shall also must~~ be filed with the National Association of Insurance Commissioners. ~~Any statement filed with the National Association of Insurance Commissioners shall also be submitted on diskette.~~

Any statement ~~shall must~~ be prepared in accordance with the Annual Statement Instructions Manual and the Accounting Practices and Procedures Manual prescribed by the National Association of Insurance Commissioners, as

~~adopted promulgated~~ by rule by the director ~~pursuant to~~, in accordance with chapter 1-26. The director may also, ~~by rule promulgated pursuant to promulgate rules, in accordance with~~ chapter 1-26, ~~to~~ establish additional practices and procedures the director considers necessary.

Unless the time for filing has been extended, an insurer ~~shall~~ must pay a penalty of one hundred dollars per day for every day the statement is late, not to exceed twenty-five thousand dollars.

For purposes of this section, ~~only~~ a statement with a postmark date of the due date or earlier is considered timely filed.

Section 2. That § 58-20-1 be AMENDED:

58-20-1. Terms used in this chapter, ~~unless the context otherwise plainly requires, shall mean:~~

- (1) "Compensation," ~~shall relate to~~ all insurances effected by virtue of statutes providing ~~compensation to employees~~ payment to an employee for personal ~~injuries~~ injury irrespective of fault of the employer;
- (2) "Earned premiums," ~~shall include~~ gross premiums charged on all policies written, including all determined excess and additional premiums, less return premiums, other than premiums returned to policyholders as dividends, and less reinsurance premiums and premiums on policies canceled, and less unearned premiums on policies in force. Any participating insurer ~~which that~~ has charged in its premiums a loading solely for dividends, ~~shall not be~~ is not required to include ~~such the~~ loading in its earned premiums, provided a statement of the amount of ~~such the~~ loading has been filed with and approved by the director;
- (3) "Liability," ~~shall relate to~~ all insurance except compensation insurance against loss or damage from an accident to or injury suffered by an employee or other person and for which the insured is liable; and
- (4) "Loss payments" and "loss expense payments," ~~shall include~~ payments to claimants, ~~including payments for medical:~~
 - (a) Medical or surgical attendants, ~~legal~~;
 - (b) Legal expenses, ~~salaries~~;
 - (c) Salaries and expenses of investigators, adjusters and field ~~men,~~ rents, support personnel;
 - (d) Rents, stationery, ~~telegraph and~~ telephone charges, and postage, ~~salaries~~;
 - (e) Salaries and expenses of office employees, ~~home~~;
 - (f) Home office expenses, ~~and all; and~~
 - (g) All other payments made on account of claims, whether ~~such~~ payments ~~shall be~~ are allocated to specific claims or unallocated.

Section 3. That § 58-29B-51 be AMENDED:

58-29B-51. Unless the court otherwise directs, the liquidator ~~shall~~ must give notice of the liquidation order as soon as possible but in no event more than ten days from the date of entry of the order to liquidate:

- (1) By ~~first class~~ first-class mail or ~~by telegram or telephone~~ electronic communication to the insurance director of each jurisdiction in which the insurer is doing business;
- (2) By ~~first class~~ first-class mail to any guaranty association or foreign guaranty association ~~which that~~ is or may become obligated as a result of the liquidation;
- (3) By ~~first class~~ first-class mail to any insurance producer of the insurer;
- (4) By ~~first class~~ first-class mail to any person or policyholder known or reasonably expected to have claims against the insurer ~~including any policyholder~~, at the person's or policyholder's last known address, as indicated by the records of the insurer; and
- (5) By publication in a newspaper of general circulation in the county ~~in which~~ the insurer has its principal place of business and in ~~such~~ other locations as the liquidator considers appropriate.

Section 4. That § 58-30-114 be AMENDED:

58-30-114. Terms, as used in §§ 58-30-114 to ~~58-30-121~~ 58-30-123, inclusive, mean:

- (1) "Director," the director of the Division of Insurance;
- (2) "Instructor," any individual who teaches, lectures, or otherwise instructs an insurance education offering;
- (3) "Licensee," any individual who is licensed by the Division of Insurance as a resident insurance producer; and
- (4) "~~Sponsor~~Provider," any person, offering or providing insurance education or related activity.

Section 5. That § 58-30-117 be AMENDED:

58-30-117. The director ~~of the Division of Insurance~~, may promulgate, ~~pursuant to rules, in accordance with chapter 1-26, rules as are necessary for effective administration of continuing education for insurance producers. The rules may include provisions concerning~~ regarding insurance producer continuing education requirements, exemptions, programs, courses, ~~sponsors providers~~, definitions, extensions, fees and funding, instructors, applications, advertising, and administration.

Section 6. That § 58-30-122 be AMENDED:

58-30-122. The director may approve or disapprove ~~sponsors or instructors~~ a provider or instructor. Each ~~sponsor provider~~ is responsible for the actions of the ~~sponsor's instructors~~. ~~Sponsors and instructors~~ provider's instructor. The provider and the instructor shall conduct themselves in a professional manner and may ~~not offer~~ offer.

- (1) Offer or teach any course not approved by the director or not complying with any insurance statute or rule, ~~may not deviate~~ offer;
- (2) Deviate from approved course outlines, ~~and may not misrepresent~~ offer; or
- (3) Misrepresent any course material or other information.

The director may promulgate rules, ~~pursuant to~~ in accordance with chapter 1-26, ~~establishing to establish~~ the necessary criteria for disapproval of a ~~sponsor provider~~ or instructor.

Section 7. That § 58-30-123 be AMENDED:

58-30-123. If the director determines that a ~~course sponsor provider~~ or instructor has violated the provisions of § 58-30-117 or 58-30-122, the director may withdraw approval of the ~~course sponsor provider~~ or instructor, or may order a refund of course fees to licensees who attended the course, or both. The director may also refuse to approve courses conducted by ~~specific sponsors or instructors~~ a provider or instructor if the director determines that past offerings by ~~those sponsors or instructors~~ the provider or instructor have not been in compliance with insurance continuing education laws and rules.

Section 8. That § 58-17-145.1 be REPEALED.

~~Any person covered under a risk pool established pursuant to the provisions of § 58-17-113 in the State of South Dakota may submit a health claim within six months from June 30, 2015. Each claim shall be submitted in writing to the Bureau of Human Resources and Administration. A claim shall be paid in accordance with the South Dakota risk pool plan document in effect July 1, 2014, through June 30, 2015, inclusive.~~

Signed February 10, 2025

Chapter 198
(Senate Bill 154)

An Act to prohibit pharmaceutical manufacturers from interfering in contracts between 340B entities and pharmacies and to provide a penalty therefor.

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

Section 1. That § 37-24-6 be AMENDED:

37-24-6. It is a deceptive act or practice for any person to:

- (1) Knowingly act, use, or employ any deceptive act or practice, fraud, false pretense, false promises, or misrepresentation or to conceal, suppress, or omit any material fact in connection with the sale or advertisement of any merchandise or the solicitation of contributions for charitable purposes, regardless of whether any person has in fact been misled, deceived, or damaged thereby;
- (2) Advertise price reductions without satisfying one of the following:
 - (a) Including in the advertisement the specific basis for the claim of a price reduction; or
 - (b) Offering the merchandise for sale at the higher price from which the reduction is taken for at least seven consecutive business days during the sixty-day period prior to the advertisement.

Any person advertising consumer property or services in this state, which advertisements contain representations or statements as to any type of savings claim, including reduced price claims and price comparison value claims, shall maintain reasonable records for a period of two years from the date of sale and advertisement, which records shall disclose the

factual basis for such representations or statements and from which the validity of any such claim be established. However, these reasonable record provisions do not apply to the sale of any merchandise that is of a class of merchandise that is routinely advertised on at least a weekly basis in newspapers, shopping tabloids, or similar publications and that has a sales price before price reduction that is less than fifteen dollars per item;

- (3) Represent a sale of merchandise at reduced rates due to the cessation of business operations and after the date of the first advertisement remain in business under the same, or substantially the same, ownership or trade name, or continue to offer for sale the same type of merchandise at the same location for more than one hundred twenty days;
- (4) Give or offer a rebate, discount, or anything of value to a person as an inducement for selling consumer property or services in consideration of giving the names of prospective purchasers or otherwise aiding in making a sale to another person, if the earning of the rebate, discount, or other thing of value is contingent upon the occurrence of an event subsequent to the time the person agrees to the sale;
- (5) Engage in any scheme or plan for disposal or distribution of merchandise whereby a participant pays a valuable consideration for the chance to receive compensation primarily for introducing one or more additional persons into participation in the planner's scheme or for the chance to receive compensation when the person introduced by the participant introduces a new participant;
- (6) Send, deliver, provide, mail, or cause to be sent, delivered, provided, or mailed any bill or invoice for unordered property or unordered service provided;
- (7) Advertise a rate, price, or fee for a hotel, motel, campsite, or other lodging accommodation which is not in fact available to the public under the terms advertised. It is not a violation of this subdivision to establish contract rates which are different than public rates;
- (8) Charge a rate, price, or fee for a hotel, motel, campsite, or other lodging accommodation which is different than the rate, price, or fee charged on the first night of the guest's stay unless, at the initial registration of the guest, a written notification of each price, rate, or fee to be charged during the guest's reserved continuous stay is delivered to the guest and an acknowledgment of receipt of the notice is signed by the guest and kept by the innkeeper for the same period of time as is required by § 34-18-21;
- (9) Knowingly fail to mail or to deliver by electronic means to a future guest a written confirmation of the date and rates of reservations made for any accommodation at a hotel, motel, campsite, or other lodging accommodation when a written request for confirmation is received from the future guest;
- (10) Require money in advance of arrival or a handling fee in the event of cancellation of any hotel, motel, campsite, or other lodging accommodation unless the innkeeper has a written policy or a separate contract with the guest stating so that is mailed or delivered by electronic means to the guest at or near the making of the reservation;
- (11) Knowingly advertise or cause to be listed through the internet or in a telephone directory a business address that misrepresents where the business is actually located or that falsely states that the business is located in the same area covered by the telephone directory. This

subdivision does not apply to a telephone service provider, an internet service provider, or a publisher or distributor of a telephone directory, unless the conduct proscribed in this subdivision is on behalf of the provider, publisher, or distributor;

- (12) Sell, market, promote, advertise, or otherwise distribute any card or other purchasing mechanism or device that is not insurance that purports to offer discounts or access to discounts from pharmacies for prescription drug purchases if:
- (a) The card or other purchasing mechanism or device does not expressly state in bold and prominent type, prevalently placed, that discounts are not insurance;
 - (b) The discounts are not specifically authorized by a separate contract with each pharmacy listed in conjunction with the card or other purchasing mechanism or device; or
 - (c) The discount or access to discounts offered, or the range of discounts or access to the range of discounts, is misleading, deceptive, or fraudulent, regardless of the literal wording.

The provisions of this subdivision do not apply to a customer discount or membership card issued by a store or buying club for use in that store or buying club, or a patient access program voluntarily sponsored by a pharmaceutical manufacturer, or a consortium of pharmaceutical manufacturers, that provide free or discounted prescription drug products directly to low income or uninsured individuals either through a discount card or direct shipment;

- (13) Send or cause to be sent an unsolicited commercial electronic mail message that does not include in the subject line of such message "ADV:" as the first four characters. If the message contains information that consists of explicit sexual material that may only be viewed, purchased, rented, leased, or held in possession by an individual eighteen years of age and older, the subject line of each message shall include "ADV:ADLT" as the first eight characters. An unsolicited commercial electronic mail message does not include a message sent to a person with whom the initiator has an existing personal or business relationship or a message sent at the request or express consent of the recipient;
- (14) Violate the provisions of § 22-25-52;
- (15) Knowingly fail to disclose the amount of any mandatory fee when reservations are made by a future guest at a hotel, motel, campsite, or other lodging accommodations. A mandatory fee under this subdivision includes any resort fee or parking fee charged by the lodging accommodations whether or not the guest utilizes the amenities or the parking facility for which the fee is assessed; ~~or~~
- (16) Cause misleading information to be transmitted to users of caller identification technologies or otherwise block or misrepresent the origin of a telephone solicitation. No provider of telephone caller identification services, telecommunications, broadband, or voice over internet protocol service may be held liable for violations of this subdivision committed by other individuals or entities. It is not a violation of this subdivision:
- (a) For a telephone solicitor to utilize the name and number of the entity the solicitation is being made on behalf of rather than the name and number of the telephone solicitor;
 - (b) If an authorized activity of a law enforcement agency; or

- (c) If a court order specifically authorizes the use of caller identification manipulation; or

(17) Violate section 3 or 4 of this Act.

Each act in violation of this section under one thousand dollars is a Class 1 misdemeanor. Each act in violation of this statute over one thousand dollars but under one hundred thousand dollars is a Class 6 felony. Each act in violation of this section over one hundred thousand dollars is a Class 5 felony.

Section 2. That a NEW SECTION be added to a NEW CHAPTER in title 58:

Terms used in this chapter mean:

- (1) "Pharmaceutical manufacturer," any person engaged in the business of preparing, producing, converting, processing, packaging, labeling, or distributing a prescription drug, but not including a wholesale distributor or dispenser;
- (2) "Pharmacy," any place within or outside this state, licensed by the State Board of Pharmacy, where drugs are dispensed, and pharmaceutical care is provided to residents of this state;
- (3) "340B drug," a drug purchased through the 340B drug discount program by a 340B entity;
- (4) "340B drug discount program," a program that imposes limitations on the prices of drugs purchased by covered entities, in accordance with 42 U.S.C. § 256b (January 1, 2025); and
- (5) "340B entity," a covered entity as defined in 42 U.S.C. § 256b(a)(4) (January 1, 2025).

Section 3. That a NEW SECTION be added to a new chapter in title 58:

A pharmaceutical manufacturer may not, directly or indirectly, deny, restrict, or prohibit the acquisition of a 340B drug or the delivery of a 340B drug to a location that is authorized to receive the drug by a 340B entity or pharmacy, unless receipt of the 340B drug is prohibited by federal law.

Nothing in this section requires a pharmaceutical manufacturer to provide a 340B drug price discount to a pharmacy.

Nothing in this section prohibits a pharmaceutical manufacturer from limiting distribution of a drug in accordance with 21 U.S.C. § 355-1 (January 1, 2025).

Section 4. That a NEW SECTION be added to a new chapter in title 58:

A pharmaceutical manufacturer may not, directly or indirectly, require a 340B entity or pharmacy to submit any claim or utilization data, as a condition for allowing the acquisition of a 340B drug by, or delivery of a 340B drug to, a 340B entity, unless the claim or utilization data sharing is required by federal law.

Nothing in this section prohibits a pharmaceutical manufacturer from conducting an audit of a 340B entity, in accordance with 42 U.S.C. § 256b(a)(5)(C) (January 1, 2025).

Section 5. That a NEW SECTION be added to a new chapter in title 58:

In addition to any other remedy provided by law, a 340B entity or a pharmacy may file a civil action against a pharmaceutical manufacturer for a violation of this Act, and may request injunctive relief, actual and consequential damages, and reasonable attorneys' fees and costs.

Signed March 11, 2025

UNCODIFIED ACTS

**Chapter 199
(Senate Bill 26)**

**An Act to reduce employer contribution rates and increase the
administrative fee rate for reemployment assistance.**

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

Section 1. That § 61-5-25.6 be AMENDED:

61-5-25.6. The employer's reserve ratio for calendar year 2024 and each year thereafter is the result of the balance of credits existing in the employer's experience-rating account as of June thirtieth preceding the year the rate is to be calculated, divided by the total taxable payroll of the employer for the preceding three fiscal years. The employer's experience-rating account balance for the purpose of this section is the balance on July thirty-first of the year preceding the year rates are calculated and is the difference between the contributions paid through July thirty-first and the benefits paid through the preceding June thirtieth.

Column "A"			Column "B"
Contribution Rate			Reserve Ratio
Schedule A	Schedule B	Schedule C	
9.45%	9.30%	8.80%	Less than -7.00%
8.95%	8.80%	8.30%	-7.00% and Less than -6.50%
8.45%	8.30%	7.80%	-6.50% and Less than -6.00%
7.95%	7.80%	7.30%	-6.00% and Less than -5.50%
7.45%	7.30%	6.80%	-5.50% and Less than -5.00%
6.95%	6.80%	6.30%	-5.00% and Less than -4.50%
6.45%	6.30%	5.80%	-4.50% and Less than -4.00%
5.95%	5.80%	5.30%	-4.00% and Less than -3.50%
5.45%	5.30%	4.80%	-3.50% and Less than -3.00%
4.95%	4.80%	4.30%	-3.00% and Less than -2.50%
4.45%	4.30%	3.80%	-2.50% and Less than -2.00%
3.95%	3.80%	3.30%	-2.00% and Less than -1.50%
3.45%	3.30%	2.80%	-1.50% and Less than -1.00%

2.95%	2.80%	2.30%	-1.00% and Less than -0.75%
2.45%	2.30%	1.80%	-0.75% and Less than -0.50%
1.95%	1.80%	1.30%	-0.50% and Less than -0.25%
1.45%	1.30%	0.80%	-0.25% and Less than 0.00%
0.95%	0.80%	0.30%	0.00% and Less than 0.50%
0.70%	0.55%	0.05%	0.50% and Less than 0.75%
0.55%	0.40%	0.00%	0.75% and Less than 1.00%
0.35%	0.20%	0.00%	1.00% and Less than 1.25%
0.25%	0.10%	0.00%	1.25% and Less than 1.50%
0.15%	0.00%	0.00%	1.50% and Less than 1.75%
0.05%	0.00%	0.00%	1.75% and Less than 2.25%
0.00%	0.00%	0.00%	2.25% and Over

The contribution rates provided in this section apply to taxable wages paid ~~on and after~~ from January 1, 2024, to December 31, 2025, inclusive.

Section 2. That a NEW SECTION be added to chapter 61-5:

The employer's reserve ratio for calendar year 2026 and each year thereafter is the result of the balance of credits existing in the employer's experience-rating account as of June thirtieth preceding the year the rate is to be calculated, divided by the total taxable payroll of the employer for the preceding three fiscal years. The employer's experience-rating account balance for the purpose of this section is the balance on July thirty-first of the year preceding the year rates are calculated and is the difference between the contributions paid through July thirty-first and the benefits paid through the preceding June thirtieth.

Column "A"

Column "B"

Contribution Rate

Reserve Ratio

Schedule A

Schedule B

Schedule C

<u>9.39%</u>	<u>9.24%</u>	<u>8.52%</u>	<u>Less than -7.00%</u>
<u>8.89%</u>	<u>8.74%</u>	<u>8.02%</u>	<u>-7.00% and Less than -6.50%</u>
<u>8.39%</u>	<u>8.24%</u>	<u>7.52%</u>	<u>-6.50% and Less than -6.00%</u>
<u>7.89%</u>	<u>7.74%</u>	<u>7.02%</u>	<u>-6.00% and Less than -5.50%</u>
<u>7.39%</u>	<u>7.24%</u>	<u>6.52%</u>	<u>-5.50% and Less than -5.00%</u>
<u>6.89%</u>	<u>6.74%</u>	<u>6.02%</u>	<u>-5.00% and Less than -4.50%</u>
<u>6.39%</u>	<u>6.24%</u>	<u>5.52%</u>	<u>-4.50% and Less than -4.00%</u>
<u>5.89%</u>	<u>5.74%</u>	<u>5.02%</u>	<u>-4.00% and Less than -3.50%</u>
<u>5.39%</u>	<u>5.24%</u>	<u>4.52%</u>	<u>-3.50% and Less than -3.00%</u>
<u>4.89%</u>	<u>4.74%</u>	<u>4.02%</u>	<u>-3.00% and Less than -2.50%</u>
<u>4.39%</u>	<u>4.24%</u>	<u>3.52%</u>	<u>-2.50% and Less than -2.00%</u>
<u>3.89%</u>	<u>3.74%</u>	<u>3.02%</u>	<u>-2.00% and Less than -1.50%</u>
<u>3.39%</u>	<u>3.24%</u>	<u>2.52%</u>	<u>-1.50% and Less than -1.00%</u>
<u>2.89%</u>	<u>2.74%</u>	<u>2.02%</u>	<u>-1.00% and Less than -0.75%</u>

<u>2.39%</u>	<u>2.24%</u>	<u>1.52%</u>	<u>-0.75 and Less than -0.50%</u>
<u>1.89%</u>	<u>1.74%</u>	<u>1.02%</u>	<u>-0.50% and Less than -0.25%</u>
<u>1.39%</u>	<u>1.24%</u>	<u>0.52%</u>	<u>-0.25% and Less than 0.00%</u>
<u>0.89%</u>	<u>0.74%</u>	<u>0.02%</u>	<u>0.00% and Less than 0.50%</u>
<u>0.64%</u>	<u>0.49%</u>	<u>0.00%</u>	<u>0.50% and Less than 0.75%</u>
<u>0.49%</u>	<u>0.34%</u>	<u>0.00%</u>	<u>0.75% and Less than 1.00%</u>
<u>0.29%</u>	<u>0.14%</u>	<u>0.00%</u>	<u>1.00% and Less than 1.25%</u>
<u>0.19%</u>	<u>0.04%</u>	<u>0.00%</u>	<u>1.25% and Less than 1.50%</u>
<u>0.09%</u>	<u>0.00%</u>	<u>0.00%</u>	<u>1.50% and Less than 1.75%</u>
<u>0.00%</u>	<u>0.00%</u>	<u>0.00%</u>	<u>1.75% and Less than 2.25%</u>
<u>0.00%</u>	<u>0.00%</u>	<u>0.00%</u>	<u>2.25% and Over</u>

The contribution rates provided in this section apply to taxable wages paid on and after January 1, 2026.

Section 3. That § 61-5-28.1 be AMENDED:

61-5-28.1. Each employer eligible for experience rating, ~~as defined provided for in § 61-5-24,~~ on the computation date for the year, shall also pay an administrative fee on wages, as defined by this title. If an employer's reserve ratio, as determined pursuant to § 61-5-25.4 through calendar year 2019, pursuant to § 61-5-25.5 for calendar year 2020 through calendar year 2023, and pursuant to § 61-5-25.6 for calendar year 2024 ~~and each year thereafter through calendar year 2025,~~ is less than two and one-quarter percent, an administrative fee of two-hundredths percent ~~shall~~ must be paid by the employer. ~~For calendar year 2026 and each year thereafter, an administrative fee of eight-hundredths percent must be paid by the employer.~~

The terms and conditions of this title that apply to the payment and collection of contributions also apply to the payment and collection of the administrative fee. ~~Proceeds The department must deposit the proceeds from the administrative fee must be deposited in the clearing account of the unemployment compensation fund for clearance only and. The proceeds may not become part of the fund. After clearance, the department must deposit the money derived from the administrative fee payments, less refunds made pursuant to the provisions of this title, must be deposited in the employment security administration fund for expenditure as provided for in § 61-3-24. No administrative fee payment may be credited to the employer's experience rating account, nor may the payment be deducted in whole or in part by any employer from the wages of individuals in its employ.~~

The administrative fee provided in this section applies to taxable wages paid on and after January 1, 2018.

Section 4. That § 61-5-29 be AMENDED:

61-5-29. Employers required by this title to pay contributions, except employers pursuant to chapter 61-5A, that reimburse the unemployment compensation trust fund for benefits paid in lieu of contributions, shall also pay an employer's investment in South Dakota's future fee, hereinafter referred to as the investment fee, on wages as defined by this title. The fee rate for employers not eligible for experience rating, ~~as defined provided for in § 61-5-24,~~ must be ~~seventy-hundredths~~ seventy-hundredths percent through calendar year 2006 and

fifty-five hundredths percent on and after January 1, 2007. If an employer is eligible for experience rating, the employer's reserve ratio must be determined pursuant to § 61-5-25.3 through calendar year 2017, pursuant to § 61-5-25.4 for calendar years 2018 and 2019, pursuant to § 61-5-25.5 for calendar year 2020 through calendar year 2023, ~~and pursuant to § 61-5-25.6 for calendar year 2024 through calendar year 2025, and pursuant to section 2 of this Act for calendar year 2026~~ and each year thereafter, and the employer's investment fee rate must be the rate appearing in column "A" on the same line the employer's reserve ratio appears in column "B" of the following rate schedule:

Column "A"	Column "B"
Investment Fee Rate	Reserve Ratio
0.53%	Less than 1.00%
0.50%	1.00% and Less than 1.20%
0.40%	1.20% and Less than 1.30%
0.30%	1.30% and Less than 1.40%
0.20%	1.40% and Less than 1.50%
0.10%	1.50% and Less than 1.60%
0.00%	1.60% and Over

The terms and conditions of this title that apply to the payment and collection of contributions also apply to the payment and collection of the investment fee. ~~Proceeds~~ The department shall deposit the proceeds from the investment fee ~~must be deposited~~ in the clearing account of the unemployment compensation fund for clearance only ~~and~~. ~~The proceeds~~ may not become part of the fund. After clearance, the department must deposit the money derived from the investment fee payments, less refunds made pursuant to the provisions of this title, ~~must be deposited~~ in the employer's investment in South Dakota's future fund, as provided for in § 61-5-29.1. No investment fee payment may be credited to the employer's experience-rating account, nor may the payment be deducted in whole or in part by any employer from the wages of individuals in its employ.

The investment fee rate may not be increased over the applicable 1987 investment fee rate for any employer with a positive balance in the employer's experience-rating account on the computation date, as established in rules promulgated by the secretary of labor and regulation ~~pursuant to~~, in accordance with chapter 1-26, for the current year and the year preceding the current year.

The investment rates provided in this section apply to and are retroactive to taxable wages paid on and after January 1, 1993.

Signed March 26, 2025

Chapter 200
(House Bill 1033)

**An Act to make an appropriation for costs related to emergencies and
disasters impacting the state and to declare an emergency.**

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

Section 1. There is appropriated \$4,951,260 from the general fund, to the special emergency and disaster special revenue fund, for costs related to any emergency or disaster, as defined in § 34-48A-1, impacting the state.

Section 2. The secretary of the Department of Public Safety shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

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

Signed February 13, 2025

Chapter 201
(House Bill 1034)

**An Act to make an appropriation for costs related to the suppression of
wildfires impacting the state and to declare an emergency.**

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

Section 1. There is appropriated \$2,602,081 from the general fund, to the state fire suppression special revenue fund, for costs related to the suppression of wildfires impacting this state.

Section 2. The secretary of the Department of Public Safety shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

Section 3. Any amounts appropriated in this Act not lawfully expended or obligated shall revert in accordance with the procedures prescribed in chapter 4-8.

Section 4. Whereas, this Act is necessary for the support of the state government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

Signed February 13, 2025

Chapter 202
(House Bill 1047)

**An Act to make an appropriation to reimburse health care professionals who
have complied with the requirements for rural recruitment assistance
programs, and to declare an emergency.**

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

Section 1. There is appropriated \$1,627,346 from the general fund to the Department of Health, for the purposes of reimbursing six family physicians, one dentist, three

physician assistants, and three nurse practitioners who have, in the determination of the department, met the requirements of § 34-12G-3.

Section 2. There is also appropriated \$402,500 from the general fund to the Department of Health, for the purposes of reimbursing eligible health care practitioners who have, in the determination of the department, met the requirements of § 34-12G-12.

Section 3. The secretary of the Department of Health shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

Section 4. Any amounts appropriated in this Act not lawfully expended or obligated shall revert in accordance with the procedures prescribed in chapter 4-8.

Section 5. Whereas, this Act is necessary for the support of the state government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

Signed February 25, 2025

Chapter 203
(Senate Bill 33)

An Act to make appropriations for water and environmental purposes and to declare an emergency.

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

Section 1. There is hereby appropriated from the South Dakota water and environment fund the sum of \$1,000,000, in other fund expenditure authority, to the Board of Water and Natural Resources, for the purpose of providing a grant to local project sponsors for a feasibility-level study, system startup, and administration of the Dakota Mainstem regional water system study.

Moneys must be provided according to terms and conditions established by the Board of Water and Natural Resources.

Section 2. There is hereby appropriated from the South Dakota water and environment fund the sum of \$2,000,000, in other fund expenditure authority, to the Board of Water and Natural Resources, for the purpose of providing a grant to local project sponsors for the engineering design, preconstruction activities, and construction of the facilities included in the Water Investment in Northern South Dakota project.

Moneys must be provided according to terms and conditions established by the Board of Water and Natural Resources.

Section 3. There is hereby appropriated from the South Dakota water and environment fund the sum of \$12,000,000, in other fund expenditure authority, to the Board of Water and Natural Resources, for the purpose of providing grants and loans to project sponsors under the state consolidated water facilities construction program, established pursuant to § 46A-1-63.1.

Moneys must be provided according to terms and conditions established by the Board of Water and Natural Resources.

Section 4. There is hereby appropriated from the South Dakota water and environment fund the sum of \$2,500,000, in other fund expenditure authority, to the Board of Water and Natural Resources, for the purpose of providing grants and loans to project sponsors under the state solid waste management program established pursuant to § 46A-1-83.

The Department of Agriculture and Natural Resources may use up to \$250,000 of the funds appropriated by this section, to contract for the statewide cleanup of waste tires and solid waste. Notwithstanding § 46A-1-61, the department may fund up to one hundred percent of the nonfederal share of statewide waste tires and solid waste cleanup projects.

Moneys must be provided according to terms and conditions established by the Board of Water and Natural Resources.

Section 5. There is hereby appropriated, from administrative expense surcharge fees deposited in the state water pollution control revolving fund program subfund, the sum of \$200,000, in other fund expenditure authority, to the Board of Water and Natural Resources, for the purpose of providing water quality grants under the state water pollution control revolving fund program, established pursuant to § 46A-1-60.1.

Moneys must be provided according to terms and conditions established by the Board of Water and Natural Resources.

Section 6. There is hereby appropriated, from administrative expense surcharge fees deposited in the state water pollution control revolving fund program subfund, the sum of \$300,000, in other fund expenditure authority, to the Board of Water and Natural Resources, for the purpose of contracting for the preparation of applications and the administration of clean water state revolving fund loans under the state water pollution control revolving fund program, established pursuant to § 46A-1-60.1.

Moneys must be provided according to terms and conditions established by the Board of Water and Natural Resources.

Section 7. There is hereby appropriated, from administrative expense surcharge fees deposited in the state drinking water revolving fund program subfund, the sum of \$300,000, in other fund expenditure authority, to the Board of Water and Natural Resources, for the purpose of contracting for the preparation of applications and the administration of drinking water state revolving fund loans under the state drinking water revolving fund program, established pursuant to § 46A-1-60.1.

Moneys must be provided according to terms and conditions established by the Board of Water and Natural Resources.

Section 8. There is hereby appropriated, for federal moneys deposited in the state drinking water revolving fund program subfund, the sum of \$300,000, in federal fund expenditure authority, to the Board of Water and Natural Resources, for the purpose of providing small system technical assistance and local assistance set-aside grants, or contracts, to eligible entities under the state drinking water revolving fund program, established pursuant to § 46A-1-60.1.

Moneys must be provided according to terms and conditions established by the Board of Water and Natural Resources.

Section 9. There is hereby appropriated for federal moneys deposited in the state water pollution control revolving fund program subfund, the sum of \$100,000, in federal fund expenditure authority, to the Board of Water and Natural

Resources, for the purpose of providing small system technical assistance set-aside grants, or contracts, to eligible entities under the state water pollution control revolving fund program, established pursuant to § 46A-1-60.1.

Moneys must be provided according to terms and conditions established by the Board of Water and Natural Resources.

Section 10. There is hereby appropriated the sum of \$30,000,000, in federal fund expenditure authority, to the Board of Water and Natural Resources, for the purpose of providing grants to eligible entities for projects to address emerging contaminants in drinking water under the federal emerging contaminants in small or disadvantaged communities grant program.

Moneys must be provided according to terms and conditions established by the Board of Water and Natural Resources.

Section 11. The secretary of the Department of Agriculture and Natural Resources shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

Section 12. Any amounts appropriated in this Act not lawfully expended or obligated shall revert in accordance with the procedures prescribed in chapter 4-8.

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

Signed February 25, 2025

Chapter 204
(House Bill 1042)

An Act to make an appropriation for the construction of historical exhibits at the Cultural Heritage Center.

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

Section 1. There is appropriated \$1,500,000 in other fund expenditure authority, to the Department of Education, for increased costs related to constructing, renovating, and modernizing historical exhibits at the Cultural Heritage Center, as authorized in 2022 Session Laws, chapter 240, section 1.

Section 2.– The state treasurer shall transfer \$1,500,000 from the tourism promotion fund to the other activities fund within the Department of Education, for the purpose set forth in section 1 of this Act.

Section 3. The secretary of the Department of Education shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized in section 1 of this Act.

Section 4. Any amounts appropriated in this Act not lawfully expended or obligated shall revert in accordance with the procedures prescribed in chapter 4-8.

Section 5. This Act is effective beginning June 30, 2025.

Signed March 3, 2025

Chapter 205
(Senate Bill 65)

**An Act to provide for the sale of certain real estate located in Pennington
County and to provide for the deposit of the proceeds.**

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

Section 1. Upon the request of the Governor, the commissioner of school and public lands, on behalf of the State of South Dakota, shall sell all or any portion of the following real estate and any related personal property and improvements located on the property:

Certain property generally described as Tract 2 of Tract A in the N2SW4 Less Lot A-1 located in Section 24 of Township 2 North Range 8 East of the Black Hills Meridian, City of Box Elder, Pennington County, South Dakota containing 5.29 acres more or less.

Section 2. Any real estate and related personal property and improvements on the property that are generally considered a part of the tracts described in section 1 of this Act, but not specifically included in the legal description set out in section 1 of this Act, may be sold as provided in this Act as though the property and improvements were specifically described in section 1 of this Act.

Section 3. The real estate and other property described in section 1 of this Act must be appraised by the Board of Appraisal, as provided in § 5-9-3, and may be sold in any manner authorized by law, upon the terms and conditions as the Governor may require, subject to any applicable constitutional reservation.

Section 4. The proceeds from the sale of the real estate and other property described in section 1 of this Act must be deposited into the federal surplus property fund.

Section 5. The Governor may direct the commissioner of school and public lands to sell any real estate and related personal property described in section 1 of this Act to a political subdivision within which the real estate and related personal property are located. The sale may be made without first offering the real estate and related personal property for sale to the public. The sale price must be at least the appraised value as determined by the Board of Appraisal, as provided in § 5-9-3, and is subject to any applicable constitutional reservation.

Signed March 5, 2025

Chapter 206
(House Bill 1057)

An Act to transfer moneys from the South Dakota-bred racing fund to the special racing revolving fund.

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

Section 1. The state treasurer shall transfer \$60,000 from the South Dakota-bred racing fund to the special racing revolving fund.

Section 2. This Act is effective beginning June 30, 2025.

Signed March 5, 2025

Chapter 207
(House Bill 1189)

An Act to extend by two years the date on which moneys appropriated to the Governor's Office of Economic Development in 2021 for marketing, route restoration, business development, and air service marketing will revert to the general fund.

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

Section 1. That 2021 Session Laws, chapter 229, § 4, be AMENDED:

Any amounts appropriated in this Act not lawfully expended or obligated ~~shall revert in accordance with the procedures prescribed in chapter 4-8~~ revert to the general fund on June 30, 2027.

Signed March 6, 2025

Chapter 208
(Senate Bill 52)

An Act to authorize the expansion of the South Dakota State Veterans Cemetery, to make an appropriation therefor, and to declare an emergency.

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

Section 1. There is appropriated \$75,000 from the general fund, \$1,500,000 in federal fund expenditure authority, and \$75,000 in other fund expenditure authority, to the Department of Veterans Affairs, for expansion of the South Dakota State Veterans Cemetery.

Section 2. The administration of the project authorized in this Act shall be under the general charge and supervision of the Bureau of Human Resources and Administration, as provided in chapter 5-14.

Section 3. The secretary of the Department of Veterans Affairs shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized in this Act.

Section 4. Any amounts appropriated in this Act not lawfully expended or obligated shall revert in accordance with the procedures prescribed in chapter 4-8.

Section 5. Whereas, this Act is necessary for the support of the state government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

Signed March 11, 2025

Chapter 209
(Senate Bill 99)

An Act to make an appropriation for purchasing, storing, and distributing sexual assault kits.

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

Section 1. There is appropriated \$180,000 from the general fund, to the Department of Health, for purchasing, storing, and distributing to health care facilities sexual assault kits, as defined in § 23-5C-1.

Section 2. The secretary of the Department of Health shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized in this Act.

Section 3. Any amounts appropriated in this Act not lawfully expended or obligated by June 30, 2028, shall revert in accordance with the procedures prescribed in chapter 4-8.

Section 4. This Act is effective beginning June 30, 2025.

Signed March 11, 2025

Chapter 210
(House Bill 1026)

An Act to make an appropriation for the replacement of the Richmond Lake dam and spillway, for the general maintenance and repair of other state-owned dams, and to declare an emergency.

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

Section 1. There is appropriated \$13,046,882 from the general fund, to the Office of School and Public Lands, for replacing the Richmond Lake dam and spillway and for the general maintenance and repair of other state-owned dams.

Section 2. The commissioner of school and public lands shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized in this Act.

Section 3. Any amounts appropriated in this Act not lawfully expended or obligated shall revert in accordance with the procedures prescribed in chapter 4-8.

Section 4. Whereas, this Act is necessary for the support of the state government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

Signed March 11, 2025

Chapter 211
(House Bill 1092)

An Act to make an appropriation for a student teacher stipend grant program.

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

Section 1. There is appropriated \$500,000 from the general fund, to the Department of Education, for providing student teacher stipend grants to school districts and to department-accredited schools.

Section 2. The Department of Education shall provide grants for student teacher stipends in accordance with this Act, to school districts and to department-accredited schools, based on applications received from school districts and from department-accredited schools during the period beginning July first and ending August fifteenth.

Section 3. Grants provided in accordance with this Act may not exceed \$5,000 per school district or department-accredited school and must be used to provide stipends to one or more student teachers placed in that school district or department-accredited school during the school year immediately following the application period defined in section 2 of this Act. To receive moneys through grants provided in accordance with this Act, an individual must hold either a Student Teacher Permit or an Advanced Student Teacher Permit from the Department of Education. The department may spend up to five percent of the appropriation in section 1 of this Act for costs incurred in administering the grants.

Section 4. The secretary of the Department of Education shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized in this Act.

Section 5. Any amounts appropriated in this Act not lawfully expended or obligated shall revert in accordance with the procedures prescribed in chapter 4-8.

Section 6. This Act is effective beginning June 30, 2025.

Signed March 11, 2025

Chapter 212
(House Bill 1221)

An Act to make an appropriation for victim services provided by nonprofit organizations.

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

Section 1. There is appropriated \$5,000,000 from the general fund, to the Department of Public Safety, for the purpose of providing grants to nonprofit organizations that assist:

- (1) Children who have been abused or neglected;
- (2) Victims of domestic violence;
- (3) Victims of sexual assault;
- (4) Victims of commercial sexual exploitation; or
- (5) Victims of human trafficking.

Section 2. The Department of Public Safety shall annually provide grants in accordance with section 1 of this Act on the basis of applications received during the period beginning July first and ending August thirty-first, of each year.

Recipients may use the grants for:

- (1) The provision of emergency and transitional services, including food, lodging, and transportation;
- (2) The provision of counseling services;
- (3) The support of a crisis line;
- (4) Case management and facility staffing needs;
- (5) Training, certification, or employment of a sexual assault nurse examiner; and
- (6) Services provided through a child advocacy center.

The department may award grants for any request not receiving full funding from any other agency of this state. The department shall consider the financial situation of the applicant and prioritize awarding grants to an applicant who demonstrates a financial need or inability to raise sufficient moneys for the services or uses in subdivisions (1) to (6), inclusive, of this section.

Grants may not be used to establish a new program or organization, or for the provision of legal services.

The Department of Public Safety may expend moneys from the appropriation provided in section 1 of this Act for the administrative costs necessary to provide the grants.

Section 3. The secretary of the Department of Public Safety shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

Section 4. Any amounts appropriated in this Act not lawfully expended or obligated shall revert in accordance with the procedures prescribed in chapter 4-8.

Section 5. This Act is effective beginning June 30, 2025.

Signed March 27, 2025

Chapter 213
(House Bill 1114)

An Act to make an appropriation for the purchasing of equipment to support the South Dakota Board of Technical Education.

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

Section 1. There is appropriated \$4,000,000 from the general fund, to the South Dakota Board of Technical Education, for the purpose of purchasing equipment to support the educational mission of the four technical colleges in this state.

Section 2. The secretary of the Department of Education shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized in this Act.

Section 3. Any amounts appropriated in this Act not lawfully expended or obligated shall revert in accordance with the procedures prescribed in chapter 4-8.

Section 4. This Act is effective beginning June 30, 2025.

Signed March 19, 2025

Chapter 214
(House Bill 1131)

An Act to make an appropriation for the restoration, maintenance, and repair of the state capitol.

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

Section 1. There is hereby appropriated \$3,000,000 from the general fund, to the Bureau of Human Resources and Administration, for the restoration, maintenance, and repair of any state capitol building historic area or object.

For purposes of this section, "historic area or object" means:

- (1) The hallways of the first, second, third, and fourth floors;
- (2) The rotunda;

- (3) The chambers of the Supreme Court;
- (4) The legislative chambers and lobbies;
- (5) The reception area traditionally used by the Governor; and
- (6) Any mural, painting, statue, or decoration created for or attached to the state capitol building.

Before any money is expended under this Act, the South Dakota Capitol Complex Restoration and Beautification Commission shall review each proposed restoration, maintenance, or repair project. If the commission determines that the project will protect and preserve the integrity of a historic area or object, money appropriated under this section may be expended for the project.

Section 2. The commissioner of the Bureau of Human Resources and Administration shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

Section 3. Any amounts appropriated in this Act not lawfully expended or obligated shall revert in accordance with the procedures prescribed in chapter 4-8.

Section 4. This Act is effective beginning June 30, 2025.

Signed March 26, 2025

Chapter 215
(House Bill 1046)

An Act to revise the General Appropriations Act for fiscal year 2025.

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

Section 1. That 2024 Session Laws, chapter 236, § 3 be AMENDED:

BUREAU OF FINANCE AND MANAGEMENT (BFM)

(3) Coronavirus Stimulus Pool

Operating Expenses, Federal Funds, delete "\$30,000,000" and insert "\$3,000,000"

(6) Employee Compensation and Billing Pools

Operating Expenses, General Funds, delete "\$3,434,530" and insert "\$5,352,696"

Operating Expenses, Federal Funds, delete "\$2,164,728" and insert "\$3,419,083"

Operating Expenses, Other Funds, delete "\$9,163,696" and insert "\$12,354,870"

Section 2. That 2024 Session Laws, chapter 236, § 4 be AMENDED:

BUREAU OF HUMAN RESOURCES AND ADMINISTRATION (BHRA)

(2) Central Services

Operating Expenses, Other Funds, delete "\$19,560,794" and insert "\$19,660,138"

(3) State Engineer

Operating Expenses, Other Funds, delete "\$328,354" and insert "\$358,354"

(4) Statewide Maintenance and Repair

Operating Expenses, General Funds, delete "\$19,880,221" and insert "\$26,262,166"

(6) Obligation Recovery Center

Operating Expenses, Other Funds, delete "\$720,000" and insert "\$1,010,600"

Section 3. That 2024 Session Laws, chapter 236, § 5 be AMENDED:

BUREAU OF INFORMATION AND TELECOMMUNICATIONS (BIT)

(1) Data Centers

Operating Expenses, Other Funds, delete "\$6,127,385" and insert "\$7,105,820"

(3) Telecommunications Services

Operating Expenses, Other Funds, delete "\$17,888,707" and insert "\$19,876,081"

(4) South Dakota Public Broadcasting

Operating Expenses, General Funds, delete "\$1,519,140" and insert "\$1,642,340"

(6) State Radio Engineering

Operating Expenses, General Funds, delete "\$3,518,206" and insert "\$3,945,252"

Section 4. That 2024 Session Laws, chapter 236, § 6 be AMENDED:

DEPARTMENT OF REVENUE

(3) Motor Vehicles

Operating Expenses, Federal Funds, delete "\$360,789" and insert "\$468,289"

Operating Expenses, Other Funds, delete "\$6,858,556" and insert "\$7,458,556"

Section 5. That 2024 Session Laws, chapter 236, § 7 be AMENDED:

DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES

(1) Administration, Secretary of Agriculture

Operating Expenses, Federal Funds, delete "\$852,757" and insert "\$3,784,857"

(2) Agricultural and Environmental Services

Operating Expenses, Federal Funds, delete "\$3,057,558" and insert "\$3,609,905"

(3) Resource Conservation & Forestry

Operating Expenses, Federal Funds, delete "\$1,527,393" and insert "\$4,264,285"

(15) Office of Water

Operating Expenses, Federal Funds, delete "\$1,268,438" and insert "\$4,296,002"

Section 6. That 2024 Session Laws, chapter 236, § 8 be AMENDED:

DEPARTMENT OF TOURISM

(1) Tourism

Operating Expenses, Other Funds, delete "\$20,804,921" and insert "\$21,725,479"

(2) Arts

Operating Expenses, Federal Funds, delete "\$972,881" and insert "\$1,297,881"

Section 7. That 2024 Session Laws, chapter 236, § 11 be AMENDED:

DEPARTMENT OF SOCIAL SERVICES

(2) Economic Assistance

Operating Expenses, General Funds, delete "\$25,929,460" and insert "\$23,429,460"

Operating Expenses, Federal Funds, delete "\$95,698,210" and insert "\$100,183,508"

(3) Medical Services

Operating Expenses, General Funds, delete "\$380,789,968" and insert "\$319,021,468"

Operating Expenses, Federal Funds, delete "\$937,431,917" and insert "\$876,646,233"

(4) Children's Services

Operating Expenses, General Funds, delete "\$53,811,045" and insert "\$49,811,045"

Operating Expenses, Federal Funds, delete "\$45,779,714" and insert "\$41,779,714"

(5) Behavioral Health

Operating Expenses, General Funds, delete "\$98,842,112" and insert "\$90,908,009"

Operating Expenses, Federal Funds, delete "\$61,589,403" and insert "\$57,589,403"

Section 8. That 2024 Session Laws, chapter 236, § 13 be AMENDED:

DEPARTMENT OF LABOR AND REGULATION

(1) Administration, Secretary of Labor

Personal Services, Federal Funds, delete "\$3,845,575" and insert "\$4,810,328"

F.T.E, delete "52.7" and insert "53.7"

(14) Banking

Personal Services, Other Funds, delete "\$4,716,690" and insert "\$5,034,958"

Section 9. That 2024 Session Laws, chapter 236, § 14 be AMENDED:

DEPARTMENT OF TRANSPORTATION

(1) General Operations

F.T.E, delete "1,014.3" and insert "1,025.3"

Section 10. That 2024 Session Laws, chapter 236, § 15 be AMENDED:

DEPARTMENT OF EDUCATION

(3) State Aid to General Education

Operating Expenses, General Funds, delete "\$605,203,324" and insert "\$599,456,798"

(8) Technical Colleges

Operating Expenses, General Funds, delete "\$42,150,637" and insert "\$42,792,093"

(9) Education Resources

Operating Expenses, Federal Funds, delete "\$197,937,286" and insert "\$207,787,742"

Section 11. That 2024 Session Laws, chapter 236, § 16 be AMENDED:

DEPARTMENT OF PUBLIC SAFETY

(1) Administration, Secretary of Public Safety

Operating Expenses, Other Funds, delete "\$3,921,891" and insert "\$4,306,891"

(2) Highway Patrol

Operating Expenses, Other Funds, delete "\$9,493,518" and insert "\$10,536,159"

Section 12. That 2024 Session Laws, chapter 236, § 17 be AMENDED:

BOARD OF REGENTS

(1) Board of Regents Central Office

Operating Expenses, General Funds, delete "\$29,711,209" and insert "\$38,799,865"

Operating Expenses, Other Funds, delete "\$43,563,070" and insert "\$60,397,674"

(3) South Dakota Scholarships

Operating Expenses, General Funds, delete "\$6,555,306" and insert "\$6,351,572"

(4) University of South Dakota

Personal Services, Other Funds, delete "\$58,295,575" and insert "\$58,446,882"

Operating Expenses, General Funds, delete "\$3,758,424" and insert "\$4,099,285"

Operating Expenses, Other Funds, delete "\$42,292,424" and insert "\$42,474,620"

(7) South Dakota State University

Personal Services, Other Funds, delete "\$97,525,063" and insert "\$98,911,063"

Operating Expenses, General Funds, delete "\$6,622,802" and insert "\$6,758,665"

Operating Expenses, Other Funds, delete "\$73,754,504" and insert "\$84,598,504"

F.T.E, delete "1,561.7" and insert "1,580.7"

(8) SDSU Extension

Personal Services, Federal Funds, delete "\$3,946,635" and insert "\$5,406,635"

Operating Expenses, Federal Funds, delete "\$3,303,110" and insert "\$4,743,110"

F.T.E, delete "180.4" and insert "185.4"

(9) Agricultural Experiment Station

Operating Expenses, Federal Funds, delete "\$15,371,050" and insert "\$16,071,050"

Operating Expenses, Other Funds, delete "\$12,338,240" and insert "\$13,338,240"

(10) SD School of Mines and Technology

Operating Expenses, General Funds, delete "\$1,357,619" and insert "\$1,137,741"

(11) Northern State University

Personal Services, Other Funds, delete "\$13,771,504" and insert "\$14,096,504"

Operating Expenses, General Funds, delete "\$1,014,636" and insert "\$878,269"

Operating Expenses, Other Funds, delete "\$11,351,231" and insert "\$11,651,231"

(12) NSU Center for Statewide High School E-Learning

Operating Expenses, General Funds, delete "\$375,645" and insert "\$424,501"

(13) Black Hills State University

Personal Services, Other Funds, delete "\$15,473,360" and insert "\$16,223,360"

Operating Expenses, General Funds, delete "\$816,052" and insert "\$762,208"

Operating Expenses, Other Funds, delete "\$12,577,921" and insert "\$14,640,921"

(14) Dakota State University

Operating Expenses, General Funds, delete "\$842,520" and insert "\$915,088"

Operating Expenses, Other Funds, delete "\$19,496,224" and insert "\$19,778,224"

(15) SD Services for the Deaf

Operating Expenses, General Funds, delete "\$720,722" and insert "\$722,816"

(16) SD School for the Blind and Visually Impaired

Operating Expenses, General Funds, delete "\$630,383" and insert "\$631,232"

Section 13. That 2024 Session Laws, chapter 236, § 18 be AMENDED:

DEPARTMENT OF THE MILITARY

(2) Army Guard

Operating Expenses, General Funds, delete "\$3,145,240" and insert "\$3,721,734"

Operating Expenses, Federal Funds, delete "\$16,283,140" and insert "\$18,660,749"

(3) Air Guard

Operating Expenses, General Funds, delete "\$322,625" and insert "\$323,249"

Operating Expenses, Federal Funds, delete "\$3,341,236" and insert "\$3,343,108"

Section 14. That 2024 Session Laws, chapter 236, § 19 be AMENDED:

DEPARTMENT OF VETERANS' AFFAIRS

(2) State Veterans' Home

Operating Expenses, General Funds, delete "\$0" and insert "\$1,059,839"

Operating Expenses, Other Funds, delete "\$3,685,331" and insert "\$3,610,711"

Section 15. That 2024 Session Laws, chapter 236, § 20 be AMENDED:

DEPARTMENT OF CORRECTIONS

(2) Mike Durfee State Prison

Operating Expenses, General Funds, delete "\$8,977,599" and insert "\$9,040,334"

(3) State Penitentiary

Operating Expenses, General Funds, delete "\$9,297,658" and insert "\$9,503,796"

(4) Women's Prison

Operating Expenses, General Funds, delete "\$2,887,801" and insert "\$3,053,226"

(6) Inmate Services

Operating Expenses, General Funds, delete "\$23,289,066" and insert "\$23,714,025"

(8) Juvenile Community Corrections

Operating Expenses, General Funds, delete "\$11,774,476" and insert "\$12,149,481"

Operating Expenses, Federal Funds, delete "\$2,463,085" and insert "\$1,976,606"

Section 16. That 2024 Session Laws, chapter 236, § 21 be AMENDED:

DEPARTMENT OF HUMAN SERVICES

(2) Developmental Disabilities

Operating Expenses, General Funds, delete "\$118,619,649" and insert "\$114,480,922"

Operating Expenses, Federal Funds, delete "\$175,389,662" and insert "\$169,424,384"

(3) South Dakota Developmental Center - Redfield

Operating Expenses, General Funds, delete "\$2,334,014" and insert "\$2,343,943"

Operating Expenses, Federal Funds, delete "\$3,126,405" and insert "\$3,140,432"

(4) Long Term Services and Supports

Operating Expenses, General Funds, delete "\$145,618,748" and insert "\$135,156,657"

Operating Expenses, Federal Funds, delete "\$199,190,175" and insert "\$211,474,861"

Operating Expenses, Other Funds, delete "\$816,035" and insert "\$967,710"

(5) Rehabilitation Services

Operating Expenses, Federal Funds, delete "\$15,010,392" and insert "\$15,027,899"

(7) Service to the Blind and Visually Impaired

Operating Expenses, Federal Funds, delete "\$1,432,496" and insert "\$1,436,573"

Section 17. That 2024 Session Laws, chapter 236, § 25 be AMENDED:

LEGISLATIVE BRANCH

(1) Legislative Operations

SLE, General Funds, delete "\$8,887,186" and insert "\$9,059,534"

Section 18. That 2024 Session Laws, chapter 236, § 26 be AMENDED:

OFFICE OF THE ATTORNEY GENERAL

(2) Criminal Investigation

Operating Expenses, Federal Funds, delete "\$3,380,913" and insert "\$3,860,913"

(3) Law Enforcement Training

Operating Expenses, General Funds, delete "\$138,409" and insert "\$248,409"

Section 19. That 2024 Session Laws, chapter 236, § 28 be AMENDED:

SECRETARY OF STATE

(1) Secretary of State

Operating Expenses, General Funds, delete "\$669,952" and insert "\$799,952"

Section 20. That 2024 Session Laws, chapter 236, § 29 be AMENDED:

STATE TREASURER

(2) Unclaimed Property - Informational

Operating Expenses, Other Funds, delete "\$32,025,105" and insert "\$51,025,105"

(3) Unclaimed Property Operations

Operating Expenses, General Funds, delete "\$754,295" and insert "\$855,702"

Section 21. Adjust all totals accordingly in sections 1 to 20, inclusive, of this Act.

Section 22. That a NEW SECTION be added to 2024 Session Laws, chapter 236:

Section 40. The state treasurer shall transfer to the IT Modernization Fund the sum of five million dollars (\$5,000,000) from the state general fund.

Section 41. The state treasurer shall transfer to the Unclaimed Property Trust Fund the sum of twenty-two million eight hundred and thirty thousand nine hundred and thirty-six dollars (\$22,830,936) from the state general fund.

Section 23. Funds appropriated by this Act which are unspent at the end of fiscal year 2025 may be carried over to fiscal year 2026.

Section 24. This Act is effective beginning June 30, 2025.

Signed March 28, 2025

Chapter 216
(Senate Bill 220)

An Act to appropriate money for the ordinary expenses of the legislative, judicial, and executive departments of the state, the current expenses of state institutions, interest on the public debt, and common schools.

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

Section 1. There is appropriated out of any money in the state treasury not otherwise appropriated the following sums of money or expenditure authority, or so much thereof as may be necessary, for the ordinary expenses of the legislative, judicial, and executive departments of the state, certain officers, boards, and commissions, and support and maintenance of the educational, charitable, and penal institutions of the state for the fiscal year ending June 30, 2026.

	GENERAL FUNDS	FEDERAL FUNDS	OTHER FUNDS	TOTAL FUNDS
SECTION 2. OFFICE OF THE GOVERNOR				
(1) Office of the Governor				
Personal Services	\$2,422,327	\$0	\$0	\$2,422,327
Operating Expenses	\$561,587	\$0	\$0	\$561,587
Total	\$2,983,914	\$0	\$0	\$2,983,914
FTE				21.5
(2) Governor's Contingency Fund				
Operating Expenses	\$75,000	\$0	\$0	\$75,000
Total	\$75,000	\$0	\$0	\$75,000
FTE				0.0
(3) Governor's Office of Economic Development				
Personal Services	\$3,097,358	\$399,114	\$982,013	\$4,478,485
Operating Expenses	\$1,368,614	\$28,675,155	\$39,426,737	\$69,470,506
Total	\$4,465,972	\$29,074,269	\$40,408,750	\$73,948,991
FTE				41.6
(4) SD Housing Development Authority - Informational				
Personal Services	\$0	\$2,295,369	\$6,118,176	\$8,413,545
Operating Expenses	\$0	\$832,726	\$12,949,778	\$13,782,504
Total	\$0	\$3,128,095	\$19,067,954	\$22,196,049
FTE				76.0
(5) SD Science and Tech Authority - Informational				
Personal Services	\$0	\$0	\$509,697	\$509,697
Operating Expenses	\$0	\$0	\$1,851,262	\$1,851,262
Total	\$0	\$0	\$2,360,959	\$2,360,959
FTE				6.7

	GENERAL FUNDS	FEDERAL FUNDS	OTHER FUNDS	TOTAL FUNDS
(6) Ellsworth Authority - Informational Operating Expenses	\$0	\$0	\$847,475	\$847,475
Total FTE	\$0	\$0	\$847,475	\$847,475 0.0
(7) REDI Grants Operating Expenses	\$0	\$0	\$1,626,608	\$1,626,608
Total FTE	\$0	\$0	\$1,626,608	\$1,626,608 0.0
(8) Local Infrastructure Improvement Operating Expenses	\$1,470,000	\$0	\$1,470,000	\$2,940,000
Total FTE	\$1,470,000	\$0	\$1,470,000	\$2,940,000 0.0
(9) Economic Development Partnership Operating Expenses	\$0	\$0	\$50,000	\$50,000
Total FTE	\$0	\$0	\$50,000	\$50,000 0.0
(10) SD Housing Opportunity Operating Expenses	\$1,040,000	\$0	\$3,040,000	\$4,080,000
Total FTE	\$1,040,000	\$0	\$3,040,000	\$4,080,000 0.0
(11) Workforce Education Operating Expenses	\$490,000	\$0	\$0	\$490,000
Total FTE	\$490,000	\$0	\$0	\$490,000 0.0
(12) Lt. Governor Personal Services	\$27,394	\$0	\$0	\$27,394
Operating Expenses	\$15,080	\$0	\$0	\$15,080
Total FTE	\$42,474	\$0	\$0	\$42,474 0.5
(13) DEPARTMENT TOTAL, OFFICE OF THE GOVERNOR Personal Services	\$5,547,079	\$2,694,483	\$7,609,886	\$15,851,448
Operating Expenses	\$5,020,281	\$29,507,881	\$61,261,860	\$95,790,022
Total FTE	\$10,567,360	\$32,202,364	\$68,871,746	\$111,641,470 146.3

SECTION 3. BUREAU OF FINANCE AND MANAGEMENT (BFM)

(1) Bureau of Finance and Management Personal Services	\$1,046,989	\$0	\$4,347,658	\$5,394,647
Operating Expenses	\$306,536	\$0	\$5,208,630	\$5,515,166

	GENERAL FUNDS	FEDERAL FUNDS	OTHER FUNDS	TOTAL FUNDS
Total FTE	\$1,353,525	\$0	\$9,556,288	\$10,909,813 48.0
(2) Computer Services and Development Operating Expenses	\$0	\$0	\$2,000,000	\$2,000,000
Total FTE	\$0	\$0	\$2,000,000	\$2,000,000 0.0
(3) Building Authority - Informational Personal Services	\$0	\$0	\$3,740	\$3,740
Operating Expenses	\$0	\$0	\$1,335,518	\$1,335,518
Total FTE	\$0	\$0	\$1,339,258	\$1,339,258 0.0
(4) Health and Education Facilities Authority - Informational Personal Services	\$0	\$0	\$702,499	\$702,499
Operating Expenses	\$0	\$0	\$280,087	\$280,087
Total FTE	\$0	\$0	\$982,586	\$982,586 5.0
(5) Employee Compensation and Billing Pools Personal Services	\$9,892,756	\$4,200,969	\$9,809,506	\$23,903,231
Operating Expenses	\$1,803,149	\$1,201,447	\$3,265,623	\$6,270,219
Total FTE	\$11,695,905	\$5,402,416	\$13,075,129	\$30,173,450 0.0
(6) Educational Enhancement Funding Corporation - Informational Operating Expenses	\$0	\$0	\$140,314	\$140,314
Total FTE	\$0	\$0	\$140,314	\$140,314 0.0
(7) DEPARTMENT TOTAL, BUREAU OF FINANCE AND MANAGEMENT (BFM) Personal Services	\$10,939,745	\$4,200,969	\$14,863,403	\$30,004,117
Operating Expenses	\$2,109,685	\$1,201,447	\$12,230,172	\$15,541,304
Total FTE	\$13,049,430	\$5,402,416	\$27,093,575	\$45,545,421 53.0

SECTION 4. BUREAU OF HUMAN RESOURCES AND ADMINISTRATION (BHRA)

(1) Administrative Services Personal Services	\$0	\$0	\$392,228	\$392,228
Operating Expenses	\$683	\$0	\$127,480	\$128,163
Total FTE	\$683	\$0	\$519,708	\$520,391 2.3
(2) Central Services Personal Services	\$257,900	\$0	\$9,286,111	\$9,544,011
Operating Expenses	\$226,027	\$0	\$20,094,513	\$20,320,540

	GENERAL FUNDS	FEDERAL FUNDS	OTHER FUNDS	TOTAL FUNDS
Total FTE	\$483,927	\$0	\$29,380,624	\$29,864,551 131.5
(3) State Engineer				
Personal Services	\$0	\$0	\$1,663,430	\$1,663,430
Operating Expenses	\$0	\$0	\$385,946	\$385,946
Total FTE	\$0	\$0	\$2,049,376	\$2,049,376 16.0
(4) Statewide Maintenance and Repair				
Operating Expenses	\$13,498,276	\$500,000	\$3,839,246	\$17,837,522
Total FTE	\$13,498,276	\$500,000	\$3,839,246	\$17,837,522 0.0
(5) Office of Hearing Examiners				
Personal Services	\$397,623	\$0	\$0	\$397,623
Operating Expenses	\$90,886	\$0	\$0	\$90,886
Total FTE	\$488,509	\$0	\$0	\$488,509 3.0
(6) Obligation Recovery Center				
Operating Expenses	\$0	\$0	\$1,240,000	\$1,240,000
Total FTE	\$0	\$0	\$1,240,000	\$1,240,000 0.0
(7) Risk Management Administration - Informational				
Personal Services	\$0	\$0	\$1,701,675	\$1,701,675
Operating Expenses	\$0	\$0	\$9,324,175	\$9,324,175
Total FTE	\$0	\$0	\$11,025,850	\$11,025,850 13.0
(8) Risk Management Claims - Informational				
Operating Expenses	\$0	\$0	\$6,727,456	\$6,727,456
Total FTE	\$0	\$0	\$6,727,456	\$6,727,456 0.0
(9) Captive Insurance Pool				
Operating Expenses	\$0	\$0	\$1,836,000	\$1,836,000
Total FTE	\$0	\$0	\$1,836,000	\$1,836,000 0.0
(10) Personnel Management/Employee Benefits				
Personal Services	\$311,168	\$0	\$6,274,477	\$6,585,645
Operating Expenses	\$70,038	\$0	\$3,602,112	\$3,672,150
Total FTE	\$381,206	\$0	\$9,876,589	\$10,257,795 71.2

	GENERAL FUNDS	FEDERAL FUNDS	OTHER FUNDS	TOTAL FUNDS
(11) DEPARTMENT TOTAL, BUREAU OF HUMAN RESOURCES AND ADMINISTRATION (BHRA)				
Personal Services	\$966,691	\$0	\$19,317,921	\$20,284,612
Operating Expenses	\$13,885,910	\$500,000	\$47,176,928	\$61,562,838
Total	\$14,852,601	\$500,000	\$66,494,849	\$81,847,450
FTE				237.0

SECTION 5. BUREAU OF INFORMATION AND TELECOMMUNICATIONS (BIT)

(1) Data Centers

Personal Services	\$0	\$0	\$7,591,077	\$7,591,077
Operating Expenses	\$0	\$0	\$8,681,679	\$8,681,679
Total	\$0	\$0	\$16,272,756	\$16,272,756
FTE				65.0

(2) Development

Personal Services	\$0	\$0	\$15,307,027	\$15,307,027
Operating Expenses	\$0	\$0	\$2,494,796	\$2,494,796
Total	\$0	\$0	\$17,801,823	\$17,801,823
FTE				136.0

(3) Telecommunications Services

Personal Services	\$0	\$0	\$11,217,726	\$11,217,726
Operating Expenses	\$0	\$0	\$20,704,510	\$20,704,510
Total	\$0	\$0	\$31,922,236	\$31,922,236
FTE				100.0

(4) South Dakota Public Broadcasting

Personal Services	\$3,987,654	\$0	\$1,597,615	\$5,585,269
Operating Expenses	\$1,583,294	\$272,484	\$2,959,669	\$4,815,447
Total	\$5,570,948	\$272,484	\$4,557,284	\$10,400,716
FTE				63.5

(5) BIT Administration

Personal Services	\$0	\$0	\$1,975,927	\$1,975,927
Operating Expenses	\$0	\$0	\$4,596,024	\$4,596,024
Total	\$0	\$0	\$6,571,951	\$6,571,951
FTE				15.0

(6) State Radio Engineering

Personal Services	\$1,211,945	\$13,335	\$18,193	\$1,243,473
Operating Expenses	\$3,659,509	\$86,072	\$145,625	\$3,891,206
Total	\$4,871,454	\$99,407	\$163,818	\$5,134,679
FTE				11.0

(7) DEPARTMENT TOTAL, BUREAU OF INFORMATION AND TELECOMMUNICATIONS (BIT)

Personal Services	\$5,199,599	\$13,335	\$37,707,565	\$42,920,499
-------------------	-------------	----------	--------------	--------------

	GENERAL FUNDS	FEDERAL FUNDS	OTHER FUNDS	TOTAL FUNDS
Operating Expenses	\$5,242,803	\$358,556	\$39,582,303	\$45,183,662
Total FTE	\$10,442,402	\$371,891	\$77,289,868	\$88,104,161 390.5

SECTION 6. DEPARTMENT OF REVENUE

(1) Administration, Secretary of Revenue				
Personal Services	\$0	\$0	\$3,148,494	\$3,148,494
Operating Expenses	\$0	\$0	\$2,411,095	\$2,411,095
Total FTE	\$0	\$0	\$5,559,589	\$5,559,589 30.0
(2) Business Tax				
Personal Services	\$0	\$0	\$6,047,695	\$6,047,695
Operating Expenses	\$0	\$0	\$1,446,529	\$1,446,529
Total FTE	\$0	\$0	\$7,494,224	\$7,494,224 69.5
(3) Motor Vehicles				
Personal Services	\$0	\$0	\$3,768,888	\$3,768,888
Operating Expenses	\$0	\$397,295	\$9,024,503	\$9,421,798
Total FTE	\$0	\$397,295	\$12,793,391	\$13,190,686 48.0
(4) Property Taxes				
Personal Services	\$861,421	\$0	\$0	\$861,421
Operating Expenses	\$270,493	\$0	\$0	\$270,493
Total FTE	\$1,131,914	\$0	\$0	\$1,131,914 9.0
(5) Audits				
Personal Services	\$0	\$0	\$5,553,227	\$5,553,227
Operating Expenses	\$0	\$0	\$757,056	\$757,056
Total FTE	\$0	\$0	\$6,310,283	\$6,310,283 55.0
(6) Instant and On-line Operations - Informational				
Personal Services	\$0	\$0	\$2,067,429	\$2,067,429
Operating Expenses	\$0	\$0	\$61,069,549	\$61,069,549
Total FTE	\$0	\$0	\$63,136,978	\$63,136,978 21.0
(7) Video Lottery				
Personal Services	\$0	\$0	\$991,451	\$991,451
Operating Expenses	\$0	\$0	\$2,004,536	\$2,004,536
Total FTE	\$0	\$0	\$2,995,987	\$2,995,987 10.0

	GENERAL FUNDS	FEDERAL FUNDS	OTHER FUNDS	TOTAL FUNDS
(8) Commission on Gaming - Informational				
Personal Services	\$0	\$0	\$1,481,622	\$1,481,622
Operating Expenses	\$0	\$0	\$9,838,176	\$9,838,176
Total	\$0	\$0	\$11,319,798	\$11,319,798
FTE				16.0
(9) DEPARTMENT TOTAL, DEPARTMENT OF REVENUE				
Personal Services	\$861,421	\$0	\$23,058,806	\$23,920,227
Operating Expenses	\$270,493	\$397,295	\$86,551,444	\$87,219,232
Total	\$1,131,914	\$397,295	\$109,610,250	\$111,139,459
FTE				258.5

SECTION 7. DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES

(1) Administration, Secretary of Agriculture				
Personal Services	\$1,091,269	\$465,220	\$331,365	\$1,887,854
Operating Expenses	\$845,915	\$1,266,780	\$463,325	\$2,576,020
Total	\$1,937,184	\$1,732,000	\$794,690	\$4,463,874
FTE				18.0
(2) Agricultural and Environmental Services				
Personal Services	\$3,615,829	\$3,656,262	\$3,644,571	\$10,916,662
Operating Expenses	\$433,682	\$3,883,169	\$1,828,201	\$6,145,052
Total	\$4,049,511	\$7,539,431	\$5,472,772	\$17,061,714
FTE				94.9
(3) Resource Conservation & Forestry				
Personal Services	\$1,902,367	\$1,609,377	\$422,027	\$3,933,771
Operating Expenses	\$427,967	\$2,831,548	\$1,810,288	\$5,069,803
Total	\$2,330,334	\$4,440,925	\$2,232,315	\$9,003,574
FTE				45.1
(4) Animal Industry Board				
Personal Services	\$2,529,639	\$1,578,537	\$174,616	\$4,282,792
Operating Expenses	\$482,347	\$745,868	\$211,022	\$1,439,237
Total	\$3,011,986	\$2,324,405	\$385,638	\$5,722,029
FTE				42.0
(5) American Dairy Association - Informational				
Operating Expenses	\$0	\$0	\$5,423,100	\$5,423,100
Total	\$0	\$0	\$5,423,100	\$5,423,100
FTE				0.0
(6) Wheat Commission - Informational				
Personal Services	\$0	\$0	\$211,425	\$211,425
Operating Expenses	\$0	\$0	\$1,823,657	\$1,823,657
Total	\$0	\$0	\$2,035,082	\$2,035,082
FTE				2.0

	GENERAL FUNDS	FEDERAL FUNDS	OTHER FUNDS	TOTAL FUNDS
(7) Oilseeds Council - Informational				
Personal Services	\$0	\$0	\$3,736	\$3,736
Operating Expenses	\$0	\$0	\$347,448	\$347,448
Total	\$0	\$0	\$351,184	\$351,184
FTE				0.0
(8) Soybean Research and Promotion Council - Informational				
Personal Services	\$0	\$0	\$869,021	\$869,021
Operating Expenses	\$0	\$0	\$17,014,800	\$17,014,800
Total	\$0	\$0	\$17,883,821	\$17,883,821
FTE				9.0
(9) Brand Board - Informational				
Personal Services	\$0	\$0	\$2,460,408	\$2,460,408
Operating Expenses	\$0	\$0	\$635,205	\$635,205
Total	\$0	\$0	\$3,095,613	\$3,095,613
FTE				35.0
(10) Corn Utilization Council - Informational				
Operating Expenses	\$0	\$0	\$6,069,937	\$6,069,937
Total	\$0	\$0	\$6,069,937	\$6,069,937
FTE				0.0
(11) Board of Veterinary Medical Examiners - Informational				
Personal Services	\$0	\$0	\$5,063	\$5,063
Operating Expenses	\$0	\$0	\$56,793	\$56,793
Total	\$0	\$0	\$61,856	\$61,856
FTE				0.0
(12) Pulse Crops Council - Informational				
Personal Services	\$0	\$0	\$4,468	\$4,468
Operating Expenses	\$0	\$0	\$64,900	\$64,900
Total	\$0	\$0	\$69,368	\$69,368
FTE				0.0
(13) State Fair				
Personal Services	\$0	\$0	\$1,540,939	\$1,540,939
Operating Expenses	\$325,760	\$0	\$3,359,908	\$3,685,668
Total	\$325,760	\$0	\$4,900,847	\$5,226,607
FTE				21.5
(14) Financial and Technical Assistance				
Personal Services	\$2,116,629	\$1,301,982	\$930,454	\$4,349,065
Operating Expenses	\$423,788	\$1,401,425	\$202,664	\$2,027,877
Total	\$2,540,417	\$2,703,407	\$1,133,118	\$6,376,942
FTE				32.0

	GENERAL FUNDS	FEDERAL FUNDS	OTHER FUNDS	TOTAL FUNDS
(15) Office of Water				
Personal Services	\$1,598,445	\$1,630,559	\$1,191,526	\$4,420,530
Operating Expenses	\$449,048	\$4,111,694	\$787,167	\$5,347,909
Total	\$2,047,493	\$5,742,253	\$1,978,693	\$9,768,439
FTE				50.0
(16) Livestock Cleanup Fund - Informational				
Operating Expenses	\$0	\$0	\$765,000	\$765,000
Total	\$0	\$0	\$765,000	\$765,000
FTE				0.0
(17) Regulated Response Fund - Informational				
Operating Expenses	\$0	\$0	\$1,750,001	\$1,750,001
Total	\$0	\$0	\$1,750,001	\$1,750,001
FTE				0.0
(18) Petroleum Release Compensation				
Personal Services	\$0	\$0	\$390,953	\$390,953
Operating Expenses	\$0	\$0	\$77,919	\$77,919
Total	\$0	\$0	\$468,872	\$468,872
FTE				3.0
(19) Petroleum Release Compensation - Informational				
Operating Expenses	\$0	\$0	\$2,100,000	\$2,100,000
Total	\$0	\$0	\$2,100,000	\$2,100,000
FTE				0.0
(20) DEPARTMENT TOTAL, DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES				
Personal Services	\$12,854,178	\$10,241,937	\$12,180,572	\$35,276,687
Operating Expenses	\$3,388,507	\$14,240,484	\$44,791,335	\$62,420,326
Total	\$16,242,685	\$24,482,421	\$56,971,907	\$97,697,013
FTE				352.5
SECTION 8. DEPARTMENT OF TOURISM				
(1) Tourism				
Personal Services	\$0	\$0	\$2,758,978	\$2,758,978
Operating Expenses	\$0	\$8,750,000	\$21,416,353	\$30,166,353
Total	\$0	\$8,750,000	\$24,175,331	\$32,925,331
FTE				34.7
(2) Arts				
Personal Services	\$0	\$73,892	\$380,199	\$454,091
Operating Expenses	\$0	\$1,460,408	\$1,042,796	\$2,503,204
Total	\$0	\$1,534,300	\$1,422,995	\$2,957,295
FTE				4.0

	GENERAL FUNDS	FEDERAL FUNDS	OTHER FUNDS	TOTAL FUNDS
(3) DEPARTMENT TOTAL, DEPARTMENT OF TOURISM				
Personal Services	\$0	\$73,892	\$3,139,177	\$3,213,069
Operating Expenses	\$0	\$10,210,408	\$22,459,149	\$32,669,557
Total	\$0	\$10,284,300	\$25,598,326	\$35,882,626
FTE				38.7

SECTION 9. DEPARTMENT OF GAME, FISH AND PARKS

(1) Administration, Secretary of Game, Fish and Parks				
Personal Services	\$196,539	\$0	\$2,219,950	\$2,416,489
Operating Expenses	\$30,051	\$0	\$1,821,748	\$1,851,799
Total	\$226,590	\$0	\$4,041,698	\$4,268,288
FTE				23.3
(2) Wildlife - Informational				
Personal Services	\$0	\$8,595,098	\$19,383,299	\$27,978,397
Operating Expenses	\$0	\$15,339,508	\$21,159,862	\$36,499,370
Total	\$0	\$23,934,606	\$40,543,161	\$64,477,767
FTE				297.5
(3) Wildlife, Development, and Improvement - Informational				
Operating Expenses	\$0	\$6,712,500	\$4,462,500	\$11,175,000
Total	\$0	\$6,712,500	\$4,462,500	\$11,175,000
FTE				0.0
(4) State Parks and Recreation				
Personal Services	\$3,512,285	\$1,700,513	\$11,377,486	\$16,590,284
Operating Expenses	\$2,446,136	\$2,040,166	\$13,309,401	\$17,795,703
Total	\$5,958,421	\$3,740,679	\$24,686,887	\$34,385,987
FTE				254.0
(5) State Parks and Recreation - Development and Improvement				
Operating Expenses	\$0	\$3,750,000	\$9,595,000	\$13,345,000
Total	\$0	\$3,750,000	\$9,595,000	\$13,345,000
FTE				0.0
(6) Snowmobile Trails - Informational				
Personal Services	\$0	\$0	\$514,595	\$514,595
Operating Expenses	\$0	\$0	\$971,968	\$971,968
Total	\$0	\$0	\$1,486,563	\$1,486,563
FTE				9.1
(7) DEPARTMENT TOTAL, DEPARTMENT OF GAME, FISH AND PARKS				
Personal Services	\$3,708,824	\$10,295,611	\$33,495,330	\$47,499,765
Operating Expenses	\$2,476,187	\$27,842,174	\$51,320,479	\$81,638,840
Total	\$6,185,011	\$38,137,785	\$84,815,809	\$129,138,605
FTE				583.9

	GENERAL FUNDS	FEDERAL FUNDS	OTHER FUNDS	TOTAL FUNDS
SECTION 10. DEPARTMENT OF TRIBAL RELATIONS				
(1) Office of Tribal Relations				
Personal Services	\$685,080	\$0	\$0	\$685,080
Operating Expenses	\$194,819	\$0	\$196,000	\$390,819
Total	\$879,899	\$0	\$196,000	\$1,075,899
FTE				7.0
(2) DEPARTMENT TOTAL, DEPARTMENT OF TRIBAL RELATIONS				
Personal Services	\$685,080	\$0	\$0	\$685,080
Operating Expenses	\$194,819	\$0	\$196,000	\$390,819
Total	\$879,899	\$0	\$196,000	\$1,075,899
FTE				7.0
SECTION 11. DEPARTMENT OF SOCIAL SERVICES				
(1) Administration, Secretary of Social Services				
Personal Services	\$7,294,857	\$8,747,179	\$13,615	\$16,055,651
Operating Expenses	\$7,867,851	\$14,433,904	\$13,602	\$22,315,357
Total	\$15,162,708	\$23,181,083	\$27,217	\$38,371,008
FTE				201.2
(2) Economic Assistance				
Personal Services	\$13,513,445	\$17,730,851	\$34,320	\$31,278,616
Operating Expenses	\$20,761,945	\$112,859,123	\$1,056,842	\$134,677,910
Total	\$34,275,390	\$130,589,974	\$1,091,162	\$165,956,526
FTE				356.5
(3) Medical Services				
Personal Services	\$2,834,606	\$4,673,070	\$0	\$7,507,676
Operating Expenses	\$391,703,409	\$896,903,270	\$280,701	\$1,288,887,380
Total	\$394,538,015	\$901,576,340	\$280,701	\$1,296,395,056
FTE				75.0
(4) Children's Services				
Personal Services	\$18,168,515	\$12,334,869	\$2,553,814	\$33,057,198
Operating Expenses	\$52,957,529	\$41,939,948	\$2,342,066	\$97,239,543
Total	\$71,126,044	\$54,274,817	\$4,895,880	\$130,296,741
FTE				364.8
(5) Behavioral Health				
Personal Services	\$42,849,948	\$9,658,997	\$273,542	\$52,782,487
Operating Expenses	\$96,506,062	\$62,344,079	\$4,052,611	\$162,902,752
Total	\$139,356,010	\$72,003,076	\$4,326,153	\$215,685,239
FTE				554.0
(6) Board of Counselor Examiners - Informational				
Personal Services	\$0	\$0	\$13,577	\$13,577
Operating Expenses	\$0	\$0	\$100,791	\$100,791

	GENERAL FUNDS	FEDERAL FUNDS	OTHER FUNDS	TOTAL FUNDS
Total FTE	\$0	\$0	\$114,368	\$114,368 0.0
(7) Board of Psychology Examiners - Informational				
Personal Services	\$0	\$0	\$13,875	\$13,875
Operating Expenses	\$0	\$0	\$76,390	\$76,390
Total FTE	\$0	\$0	\$90,265	\$90,265 0.0
(8) Board of Social Work Examiners - Informational				
Personal Services	\$0	\$0	\$11,477	\$11,477
Operating Expenses	\$0	\$0	\$124,221	\$124,221
Total FTE	\$0	\$0	\$135,698	\$135,698 0.0
(9) Board of Addiction and Prevention Professionals - Informational				
Personal Services	\$0	\$0	\$15,318	\$15,318
Operating Expenses	\$0	\$0	\$176,905	\$176,905
Total FTE	\$0	\$0	\$192,223	\$192,223 0.0
(10) DEPARTMENT TOTAL, DEPARTMENT OF SOCIAL SERVICES				
Personal Services	\$84,661,371	\$53,144,966	\$2,929,538	\$140,735,875
Operating Expenses	\$569,796,796	\$1,128,480,324	\$8,224,129	\$1,706,501,249
Total FTE	\$654,458,167	\$1,181,625,290	\$11,153,667	\$1,847,237,124 1,551.5

SECTION 12. DEPARTMENT OF HEALTH

(1) Administration, Secretary of Health				
Personal Services	\$1,693,045	\$2,734,778	\$324,344	\$4,752,167
Operating Expenses	\$1,922,621	\$14,830,444	\$517,216	\$17,270,281
Total FTE	\$3,615,666	\$17,565,222	\$841,560	\$22,022,448 42.5
(2) Licensure and Accreditation				
Personal Services	\$2,648,562	\$3,631,701	\$1,630,875	\$7,911,138
Operating Expenses	\$1,578,500	\$2,032,263	\$2,396,791	\$6,007,554
Total FTE	\$4,227,062	\$5,663,964	\$4,027,666	\$13,918,692 71.5
(3) Family and Community Health				
Personal Services	\$3,318,601	\$14,718,981	\$1,687,716	\$19,725,298
Operating Expenses	\$2,744,667	\$39,639,079	\$5,403,651	\$47,787,397
Total FTE	\$6,063,268	\$54,358,060	\$7,091,367	\$67,512,695 199.5
(4) Laboratory Services				

	GENERAL FUNDS	FEDERAL FUNDS	OTHER FUNDS	TOTAL FUNDS
Personal Services	\$0	\$1,321,153	\$2,945,794	\$4,266,947
Operating Expenses	\$0	\$12,816,953	\$2,296,046	\$15,112,999
Total FTE	\$0	\$14,138,106	\$5,241,840	\$19,379,946 36.0
(5) Tobacco Prevention				
Personal Services	\$0	\$330,202	\$0	\$330,202
Operating Expenses	\$0	\$1,324,068	\$2,020,174	\$3,344,242
Total FTE	\$0	\$1,654,270	\$2,020,174	\$3,674,444 3.0
(6) Epidemiology, Surveillance & Informatics				
Personal Services	\$231,530	\$953,778	\$0	\$1,185,308
Operating Expenses	\$188,478	\$3,043,023	\$0	\$3,231,501
Total FTE	\$420,008	\$3,996,801	\$0	\$4,416,809 10.0
(7) Board of Chiropractic Examiners - Informational				
Personal Services	\$0	\$0	\$113,857	\$113,857
Operating Expenses	\$0	\$0	\$46,892	\$46,892
Total FTE	\$0	\$0	\$160,749	\$160,749 1.0
(8) Board of Dentistry - Informational				
Personal Services	\$0	\$0	\$14,847	\$14,847
Operating Expenses	\$0	\$0	\$491,697	\$491,697
Total FTE	\$0	\$0	\$506,544	\$506,544 0.0
(9) Board of Hearing Aid Dispensers and Audiologists - Informational				
Personal Services	\$0	\$0	\$3,101	\$3,101
Operating Expenses	\$0	\$0	\$43,602	\$43,602
Total FTE	\$0	\$0	\$46,703	\$46,703 0.0
(10) Board of Funeral Service - Informational				
Personal Services	\$0	\$0	\$6,832	\$6,832
Operating Expenses	\$0	\$0	\$107,204	\$107,204
Total FTE	\$0	\$0	\$114,036	\$114,036 0.0
(11) Board of Medical and Osteopathic Examiners - Informational				
Personal Services	\$0	\$0	\$723,810	\$723,810
Operating Expenses	\$0	\$0	\$635,776	\$635,776
Total FTE	\$0	\$0	\$1,359,586	\$1,359,586 8.0

	GENERAL FUNDS	FEDERAL FUNDS	OTHER FUNDS	TOTAL FUNDS
(12) Board of Nursing - Informational				
Personal Services	\$0	\$0	\$1,201,227	\$1,201,227
Operating Expenses	\$0	\$0	\$895,379	\$895,379
Total	\$0	\$0	\$2,096,606	\$2,096,606
FTE				9.5
(13) Board of Nursing Home Administrators - Informational				
Personal Services	\$0	\$0	\$4,468	\$4,468
Operating Expenses	\$0	\$0	\$67,133	\$67,133
Total	\$0	\$0	\$71,601	\$71,601
FTE				0.0
(14) Board of Optometry - Informational				
Personal Services	\$0	\$0	\$3,850	\$3,850
Operating Expenses	\$0	\$0	\$74,887	\$74,887
Total	\$0	\$0	\$78,737	\$78,737
FTE				0.0
(15) Board of Pharmacy - Informational				
Personal Services	\$0	\$95,717	\$957,974	\$1,053,691
Operating Expenses	\$0	\$400,000	\$677,234	\$1,077,234
Total	\$0	\$495,717	\$1,635,208	\$2,130,925
FTE				6.4
(16) Board of Podiatry Examiners - Informational				
Personal Services	\$0	\$0	\$3,330	\$3,330
Operating Expenses	\$0	\$0	\$27,575	\$27,575
Total	\$0	\$0	\$30,905	\$30,905
FTE				0.0
(17) Board of Massage Therapy - Informational				
Personal Services	\$0	\$0	\$7,071	\$7,071
Operating Expenses	\$0	\$0	\$121,692	\$121,692
Total	\$0	\$0	\$128,763	\$128,763
FTE				0.0
(18) Board of Speech Language Pathology - Informational				
Personal Services	\$0	\$0	\$3,236	\$3,236
Operating Expenses	\$0	\$0	\$72,548	\$72,548
Total	\$0	\$0	\$75,784	\$75,784
FTE				0.0
(19) Board of Certified Professional Midwives - Informational				
Personal Services	\$0	\$0	\$2,161	\$2,161
Operating Expenses	\$0	\$0	\$19,838	\$19,838
Total	\$0	\$0	\$21,999	\$21,999
FTE				0.0

	GENERAL FUNDS	FEDERAL FUNDS	OTHER FUNDS	TOTAL FUNDS
(20) Board of Physical Therapy - Informational				
Personal Services	\$0	\$0	\$10,500	\$10,500
Operating Expenses	\$0	\$0	\$150,000	\$150,000
Total	\$0	\$0	\$160,500	\$160,500
FTE				0.0
(21) DEPARTMENT TOTAL, DEPARTMENT OF HEALTH				
Personal Services	\$7,891,738	\$23,786,310	\$9,644,993	\$41,323,041
Operating Expenses	\$6,434,266	\$74,085,830	\$16,065,335	\$96,585,431
Total	\$14,326,004	\$97,872,140	\$25,710,328	\$137,908,472
FTE				387.4
SECTION 13. DEPARTMENT OF LABOR AND REGULATION				
(1) Administration, Secretary of Labor				
Personal Services	\$209,323	\$4,374,873	\$421,773	\$5,005,969
Operating Expenses	\$1,379,392	\$9,814,053	\$2,035,345	\$13,228,790
Total	\$1,588,715	\$14,188,926	\$2,457,118	\$18,234,759
FTE				53.7
(2) Reemployment Assistance				
Personal Services	\$0	\$5,996,278	\$0	\$5,996,278
Operating Expenses	\$0	\$3,026,263	\$0	\$3,026,263
Total	\$0	\$9,022,541	\$0	\$9,022,541
FTE				76.0
(3) Job Service				
Personal Services	\$770,390	\$9,615,761	\$383,042	\$10,769,193
Operating Expenses	\$400,040	\$2,469,721	\$53,494	\$2,923,255
Total	\$1,170,430	\$12,085,482	\$436,536	\$13,692,448
FTE				126.5
(4) State Labor Law Administration				
Personal Services	\$849,356	\$323,438	\$360,081	\$1,532,875
Operating Expenses	\$115,883	\$75,036	\$264,710	\$455,629
Total	\$965,239	\$398,474	\$624,791	\$1,988,504
FTE				15.3
(5) Board of Accountancy - Informational				
Personal Services	\$0	\$0	\$226,453	\$226,453
Operating Expenses	\$0	\$0	\$241,620	\$241,620
Total	\$0	\$0	\$468,073	\$468,073
FTE				2.7
(6) Board of Barber Examiners - Informational				
Personal Services	\$0	\$0	\$54,630	\$54,630
Operating Expenses	\$0	\$0	\$32,905	\$32,905

	GENERAL FUNDS	FEDERAL FUNDS	OTHER FUNDS	TOTAL FUNDS
Total	\$0	\$0	\$87,535	\$87,535
FTE				0.4
(7) Cosmetology Commission - Informational				
Personal Services	\$0	\$0	\$358,637	\$358,637
Operating Expenses	\$0	\$0	\$213,885	\$213,885
Total	\$0	\$0	\$572,522	\$572,522
FTE				4.8
(8) Plumbing Commission - Informational				
Personal Services	\$0	\$0	\$818,603	\$818,603
Operating Expenses	\$0	\$0	\$382,514	\$382,514
Total	\$0	\$0	\$1,201,117	\$1,201,117
FTE				9.3
(9) Board of Technical Professions - Informational				
Personal Services	\$0	\$0	\$263,358	\$263,358
Operating Expenses	\$0	\$0	\$344,316	\$344,316
Total	\$0	\$0	\$607,674	\$607,674
FTE				3.3
(10) Electrical Commission - Informational				
Personal Services	\$0	\$0	\$2,077,055	\$2,077,055
Operating Expenses	\$0	\$0	\$712,589	\$712,589
Total	\$0	\$0	\$2,789,644	\$2,789,644
FTE				23.3
(11) Real Estate Commission - Informational				
Personal Services	\$0	\$0	\$508,187	\$508,187
Operating Expenses	\$0	\$0	\$248,074	\$248,074
Total	\$0	\$0	\$756,261	\$756,261
FTE				5.2
(12) Abstracters Board of Examiners - Informational				
Personal Services	\$0	\$0	\$12,690	\$12,690
Operating Expenses	\$0	\$0	\$56,701	\$56,701
Total	\$0	\$0	\$69,391	\$69,391
FTE				0.0
(13) South Dakota Athletic Commission - Informational				
Personal Services	\$0	\$0	\$17,089	\$17,089
Operating Expenses	\$0	\$0	\$61,716	\$61,716
Total	\$0	\$0	\$78,805	\$78,805
FTE				0.0
(14) Banking				
Personal Services	\$0	\$0	\$5,832,756	\$5,832,756
Operating Expenses	\$0	\$0	\$1,675,710	\$1,675,710

	GENERAL FUNDS	FEDERAL FUNDS	OTHER FUNDS	TOTAL FUNDS
Total FTE	\$0	\$0	\$7,508,466	\$7,508,466 44.5
(15) Trust Captive Insurance Company - Informational				
Personal Services	\$0	\$0	\$5,622	\$5,622
Operating Expenses	\$0	\$0	\$255,156	\$255,156
Total FTE	\$0	\$0	\$260,778	\$260,778 0.0
(16) Insurance				
Personal Services	\$0	\$26,410	\$3,930,674	\$3,957,084
Operating Expenses	\$0	\$20,000	\$929,322	\$949,322
Total FTE	\$0	\$46,410	\$4,859,996	\$4,906,406 40.7
(17) DEPARTMENT TOTAL, DEPARTMENT OF LABOR AND REGULATION				
Personal Services	\$1,829,069	\$20,336,760	\$15,270,650	\$37,436,479
Operating Expenses	\$1,895,315	\$15,405,073	\$7,508,057	\$24,808,445
Total FTE	\$3,724,384	\$35,741,833	\$22,778,707	\$62,244,924 405.7

SECTION 14. DEPARTMENT OF TRANSPORTATION

(1) General Operations				
Personal Services	\$692,530	\$15,152,333	\$88,242,123	\$104,086,986
Operating Expenses	\$25,869	\$41,696,339	\$117,959,372	\$159,681,580
Total FTE	\$718,399	\$56,848,672	\$206,201,495	\$263,768,566 1,014.3
(2) Construction Contracts - Informational				
Operating Expenses	\$0	\$795,068,873	\$194,544,285	\$989,613,158
Total FTE	\$0	\$795,068,873	\$194,544,285	\$989,613,158 0.0
(3) DEPARTMENT TOTAL, DEPARTMENT OF TRANSPORTATION				
Personal Services	\$692,530	\$15,152,333	\$88,242,123	\$104,086,986
Operating Expenses	\$25,869	\$836,765,212	\$312,503,657	\$1,149,294,738
Total FTE	\$718,399	\$851,917,545	\$400,745,780	\$1,253,381,724 1,014.3

SECTION 15. DEPARTMENT OF EDUCATION

(1) General Administration				
Personal Services	\$2,602,791	\$1,968,686	\$316,208	\$4,887,685
Operating Expenses	\$1,510,885	\$4,709,952	\$114,342	\$6,335,179
Total FTE	\$4,113,676	\$6,678,638	\$430,550	\$11,222,864 48.5

(2) Workforce Education Fund

	GENERAL FUNDS	FEDERAL FUNDS	OTHER FUNDS	TOTAL FUNDS
Operating Expenses	\$0	\$0	\$1,125,000	\$1,125,000
Total FTE	\$0	\$0	\$1,125,000	\$1,125,000 0.0
(3) State Aid to General Education				
Operating Expenses	\$619,833,511	\$0	\$0	\$619,833,511
Total FTE	\$619,833,511	\$0	\$0	\$619,833,511 0.0
(4) State Aid to Special Education				
Operating Expenses	\$103,049,903	\$0	\$0	\$103,049,903
Total FTE	\$103,049,903	\$0	\$0	\$103,049,903 0.0
(5) Sparsity Payments				
Operating Expenses	\$2,615,722	\$0	\$0	\$2,615,722
Total FTE	\$2,615,722	\$0	\$0	\$2,615,722 0.0
(6) National Board Certified Teachers and Counselors				
Operating Expenses	\$45,000	\$0	\$0	\$45,000
Total FTE	\$45,000	\$0	\$0	\$45,000 0.0
(7) Technology in Schools				
Operating Expenses	\$11,906,022	\$0	\$2,094,957	\$14,000,979
Total FTE	\$11,906,022	\$0	\$2,094,957	\$14,000,979 0.0
(8) Technical Colleges				
Personal Services	\$366,972	\$0	\$0	\$366,972
Operating Expenses	\$41,906,050	\$0	\$185,696	\$42,091,746
Total FTE	\$42,273,022	\$0	\$185,696	\$42,458,718 3.0
(9) Education Resources				
Personal Services	\$2,548,264	\$5,238,784	\$390,253	\$8,177,301
Operating Expenses	\$8,073,573	\$229,682,768	\$740,981	\$238,497,322
Total FTE	\$10,621,837	\$234,921,552	\$1,131,234	\$246,674,623 86.0
(10) History				
Personal Services	\$2,042,777	\$565,458	\$1,149,877	\$3,758,112
Operating Expenses	\$1,865,504	\$817,926	\$916,627	\$3,600,057
Total FTE	\$3,908,281	\$1,383,384	\$2,066,504	\$7,358,169 41.0

	GENERAL FUNDS	FEDERAL FUNDS	OTHER FUNDS	TOTAL FUNDS
(11) Library Services				
Personal Services	\$964,434	\$498,400	\$0	\$1,462,834
Operating Expenses	\$577,683	\$901,043	\$27,900	\$1,506,626
Total	\$1,542,117	\$1,399,443	\$27,900	\$2,969,460
FTE				18.0
(12) DEPARTMENT TOTAL, DEPARTMENT OF EDUCATION				
Personal Services	\$8,525,238	\$8,271,328	\$1,856,338	\$18,652,904
Operating Expenses	\$791,383,853	\$236,111,689	\$5,205,503	\$1,032,701,045
Total	\$799,909,091	\$244,383,017	\$7,061,841	\$1,051,353,949
FTE				196.5
SECTION 16. DEPARTMENT OF PUBLIC SAFETY				
(1) Administration, Secretary of Public Safety				
Personal Services	\$492,111	\$165,658	\$8,382,393	\$9,040,162
Operating Expenses	\$872,444	\$810,425	\$4,575,529	\$6,258,398
Total	\$1,364,555	\$976,083	\$12,957,922	\$15,298,560
FTE				112.0
(2) Highway Patrol				
Personal Services	\$770,134	\$1,794,743	\$26,935,571	\$29,500,448
Operating Expenses	\$1,131,954	\$2,521,370	\$10,752,842	\$14,406,166
Total	\$1,902,088	\$4,316,113	\$37,688,413	\$43,906,614
FTE				286.0
(3) Emergency Services				
Personal Services	\$2,866,009	\$2,376,630	\$436,647	\$5,679,286
Operating Expenses	\$1,013,804	\$6,021,760	\$738,493	\$7,774,057
Total	\$3,879,813	\$8,398,390	\$1,175,140	\$13,453,343
FTE				74.8
(4) Criminal Justice Services				
Personal Services	\$297,975	\$1,859,645	\$429,666	\$2,587,286
Operating Expenses	\$442,428	\$20,090,865	\$2,616,011	\$23,149,304
Total	\$740,403	\$21,950,510	\$3,045,677	\$25,736,590
FTE				22.0
(5) 911 Coordination Board - Informational				
Personal Services	\$0	\$0	\$245,427	\$245,427
Operating Expenses	\$0	\$250,000	\$4,399,301	\$4,649,301
Total	\$0	\$250,000	\$4,644,728	\$4,894,728
FTE				2.0
(6) One-Call Board - Informational				
Personal Services	\$0	\$0	\$214,078	\$214,078
Operating Expenses	\$0	\$0	\$1,186,269	\$1,186,269

	GENERAL FUNDS	FEDERAL FUNDS	OTHER FUNDS	TOTAL FUNDS
Total	\$0	\$0	\$1,400,347	\$1,400,347
FTE				2.0

(7) DEPARTMENT TOTAL, DEPARTMENT OF PUBLIC SAFETY

Personal Services	\$4,426,229	\$6,196,676	\$36,643,782	\$47,266,687
Operating Expenses	\$3,460,630	\$29,694,420	\$24,268,445	\$57,423,495
Total	\$7,886,859	\$35,891,096	\$60,912,227	\$104,690,182
FTE				498.8

SECTION 17. BOARD OF REGENTS

(1) Board of Regents Central Office

Personal Services	\$5,910,295	\$643,278	\$2,862,734	\$9,416,307
Operating Expenses	\$20,173,327	\$5,401,936	\$46,601,294	\$72,176,557
Total	\$26,083,622	\$6,045,214	\$49,464,028	\$81,592,864
FTE				66.5

(2) Research Pool

Operating Expenses	\$4,072,951	\$0	\$0	\$4,072,951
Total	\$4,072,951	\$0	\$0	\$4,072,951
FTE				0.0

(3) South Dakota Scholarships

Operating Expenses	\$6,572,724	\$0	\$0	\$6,572,724
Total	\$6,572,724	\$0	\$0	\$6,572,724
FTE				0.0

(4) University of South Dakota

Personal Services	\$48,716,229	\$8,888,927	\$59,924,736	\$117,529,892
Operating Expenses	\$4,432,804	\$4,480,360	\$44,444,324	\$53,357,488
Total	\$53,149,033	\$13,369,287	\$104,369,060	\$170,887,380
FTE				1,074.9

(5) University of South Dakota Law School

Personal Services	\$2,452,089	\$88,000	\$2,783,513	\$5,323,602
Operating Expenses	\$206,263	\$2,483	\$1,078,645	\$1,287,391
Total	\$2,658,352	\$90,483	\$3,862,158	\$6,610,993
FTE				34.3

(6) University of South Dakota School of Medicine

Personal Services	\$27,468,658	\$7,492,070	\$16,661,325	\$51,622,053
Operating Expenses	\$4,351,824	\$5,789,271	\$10,066,527	\$20,207,622
Total	\$31,820,482	\$13,281,341	\$26,727,852	\$71,829,675
FTE				356.1

(7) South Dakota State University

Personal Services	\$64,793,452	\$10,266,142	\$102,639,971	\$177,699,565
Operating Expenses	\$7,029,724	\$14,601,840	\$84,368,609	\$106,000,173

	GENERAL FUNDS	FEDERAL FUNDS	OTHER FUNDS	TOTAL FUNDS
Total FTE	\$71,823,176	\$24,867,982	\$187,008,580	\$283,699,738 1,580.7
(8) SDSU Extension				
Personal Services	\$10,554,597	\$4,533,880	\$1,408,209	\$16,496,686
Operating Expenses	\$305,463	\$3,846,012	\$1,476,990	\$5,628,465
Total FTE	\$10,860,060	\$8,379,892	\$2,885,199	\$22,125,151 185.4
(9) Agricultural Experiment Station				
Personal Services	\$15,033,366	\$7,024,382	\$7,106,746	\$29,164,494
Operating Expenses	\$628,281	\$15,371,274	\$13,338,378	\$29,337,933
Total FTE	\$15,661,647	\$22,395,656	\$20,445,124	\$58,502,427 244.3
(10) SD School of Mines and Technology				
Personal Services	\$23,483,856	\$7,014,652	\$24,782,638	\$55,281,146
Operating Expenses	\$1,562,628	\$8,278,403	\$19,646,298	\$29,487,329
Total FTE	\$25,046,484	\$15,293,055	\$44,428,936	\$84,768,475 448.4
(11) Northern State University				
Personal Services	\$15,993,993	\$1,829,770	\$13,477,454	\$31,301,217
Operating Expenses	\$1,303,552	\$515,385	\$13,079,479	\$14,898,416
Total FTE	\$17,297,545	\$2,345,155	\$26,556,933	\$46,199,633 321.1
(12) NSU Center for Statewide High School E-Learning				
Personal Services	\$3,857,989	\$0	\$0	\$3,857,989
Operating Expenses	\$368,597	\$0	\$0	\$368,597
Total FTE	\$4,226,586	\$0	\$0	\$4,226,586 40.9
(13) Black Hills State University				
Personal Services	\$15,396,431	\$2,741,500	\$15,050,469	\$33,188,400
Operating Expenses	\$1,063,429	\$2,493,919	\$13,867,559	\$17,424,907
Total FTE	\$16,459,860	\$5,235,419	\$28,918,028	\$50,613,307 336.5
(14) Dakota State University				
Personal Services	\$14,732,478	\$2,800,862	\$24,430,671	\$41,964,011
Operating Expenses	\$1,051,143	\$2,379,928	\$20,393,289	\$23,824,360
Total FTE	\$15,783,621	\$5,180,790	\$44,823,960	\$65,788,371 344.8
(15) SD Services for the Deaf				
Personal Services	\$2,359,009	\$0	\$3,912	\$2,362,921
Operating Expenses	\$728,996	\$0	\$464,711	\$1,193,707

	GENERAL FUNDS	FEDERAL FUNDS	OTHER FUNDS	TOTAL FUNDS
Total FTE	\$3,088,005	\$0	\$468,623	\$3,556,628 26.0
(16) SD School for the Blind and Visually Impaired				
Personal Services	\$3,297,157	\$64,892	\$246,490	\$3,608,539
Operating Expenses	\$643,611	\$27,835	\$163,108	\$834,554
Total FTE	\$3,940,768	\$92,727	\$409,598	\$4,443,093 45.6
(17) DEPARTMENT TOTAL, BOARD OF REGENTS				
Personal Services	\$254,049,599	\$53,388,355	\$271,378,868	\$578,816,822
Operating Expenses	\$54,495,317	\$63,188,646	\$268,989,211	\$386,673,174
Total FTE	\$308,544,916	\$116,577,001	\$540,368,079	\$965,489,996 5,105.5

SECTION 18. DEPARTMENT OF THE MILITARY

(1) Adjutant General				
Personal Services	\$603,457	\$0	\$0	\$603,457
Operating Expenses	\$2,802,155	\$10,306	\$29,254	\$2,841,715
Total FTE	\$3,405,612	\$10,306	\$29,254	\$3,445,172 5.3
(2) Army Guard				
Personal Services	\$563,821	\$4,255,200	\$0	\$4,819,021
Operating Expenses	\$2,625,125	\$13,828,194	\$0	\$16,453,319
Total FTE	\$3,188,946	\$18,083,394	\$0	\$21,272,340 63.1
(3) Air Guard				
Personal Services	\$305,157	\$4,332,546	\$0	\$4,637,703
Operating Expenses	\$335,697	\$4,117,564	\$0	\$4,453,261
Total FTE	\$640,854	\$8,450,110	\$0	\$9,090,964 48.0
(4) DEPARTMENT TOTAL, DEPARTMENT OF THE MILITARY				
Personal Services	\$1,472,435	\$8,587,746	\$0	\$10,060,181
Operating Expenses	\$5,762,977	\$17,956,064	\$29,254	\$23,748,295
Total FTE	\$7,235,412	\$26,543,810	\$29,254	\$33,808,476 116.4

SECTION 19. DEPARTMENT OF VETERANS' AFFAIRS

(1) Veterans' Benefits and Services				
Personal Services	\$1,714,681	\$226,326	\$0	\$1,941,007
Operating Expenses	\$649,235	\$55,082	\$61,080	\$765,397
Total FTE	\$2,363,916	\$281,408	\$61,080	\$2,706,404 22.0

	GENERAL FUNDS	FEDERAL FUNDS	OTHER FUNDS	TOTAL FUNDS
(2) State Veterans' Home				
Personal Services	\$3,054,604	\$3,135,785	\$2,966,082	\$9,156,471
Operating Expenses	\$0	\$0	\$3,740,127	\$3,740,127
Total	\$3,054,604	\$3,135,785	\$6,706,209	\$12,896,598
FTE				118.2
(3) State Veterans' Cemetery				
Personal Services	\$95,799	\$0	\$343,020	\$438,819
Operating Expenses	\$78,116	\$0	\$10,000	\$88,116
Total	\$173,915	\$0	\$353,020	\$526,935
FTE				7.0
(4) DEPARTMENT TOTAL, DEPARTMENT OF VETERANS' AFFAIRS				
Personal Services	\$4,865,084	\$3,362,111	\$3,309,102	\$11,536,297
Operating Expenses	\$727,351	\$55,082	\$3,811,207	\$4,593,640
Total	\$5,592,435	\$3,417,193	\$7,120,309	\$16,129,937
FTE				147.2

SECTION 20. DEPARTMENT OF CORRECTIONS

(1) Administration				
Personal Services	\$3,802,974	\$150,679	\$0	\$3,953,653
Operating Expenses	\$2,634,663	\$840,159	\$0	\$3,474,822
Total	\$6,437,637	\$990,838	\$0	\$7,428,475
FTE				33.0
(2) Mike Durfee State Prison				
Personal Services	\$19,949,287	\$165,115	\$0	\$20,114,402
Operating Expenses	\$11,797,776	\$28,845	\$0	\$11,826,621
Total	\$31,747,063	\$193,960	\$0	\$31,941,023
FTE				224.0
(3) State Penitentiary				
Personal Services	\$28,207,728	\$46,262	\$128,400	\$28,382,390
Operating Expenses	\$9,785,217	\$47,830	\$0	\$9,833,047
Total	\$37,992,945	\$94,092	\$128,400	\$38,215,437
FTE				317.0
(4) Women's Prison				
Personal Services	\$7,709,343	\$57,324	\$0	\$7,766,667
Operating Expenses	\$3,222,260	\$12,613	\$0	\$3,234,873
Total	\$10,931,603	\$69,937	\$0	\$11,001,540
FTE				89.0
(5) Pheasantland Industries				
Personal Services	\$0	\$0	\$1,538,573	\$1,538,573
Operating Expenses	\$0	\$0	\$3,604,890	\$3,604,890
Total	\$0	\$0	\$5,143,463	\$5,143,463

	GENERAL FUNDS	FEDERAL FUNDS	OTHER FUNDS	TOTAL FUNDS
FTE				18.0
(6) Inmate Services				
Personal Services	\$20,606,830	\$79,885	\$0	\$20,686,715
Operating Expenses	\$24,530,357	\$51,500	\$0	\$24,581,857
Total	\$45,137,187	\$131,385	\$0	\$45,268,572
FTE				197.9
(7) Parole Services				
Personal Services	\$6,452,786	\$0	\$0	\$6,452,786
Operating Expenses	\$2,511,372	\$0	\$0	\$2,511,372
Total	\$8,964,158	\$0	\$0	\$8,964,158
FTE				74.0
(8) Juvenile Community Corrections				
Personal Services	\$2,166,440	\$0	\$0	\$2,166,440
Operating Expenses	\$12,516,593	\$1,766,879	\$0	\$14,283,472
Total	\$14,683,033	\$1,766,879	\$0	\$16,449,912
FTE				21.7
(9) DEPARTMENT TOTAL, DEPARTMENT OF CORRECTIONS				
Personal Services	\$88,895,388	\$499,265	\$1,666,973	\$91,061,626
Operating Expenses	\$66,998,238	\$2,747,826	\$3,604,890	\$73,350,954
Total	\$155,893,626	\$3,247,091	\$5,271,863	\$164,412,580
FTE				974.6

SECTION 21. DEPARTMENT OF HUMAN SERVICES

(1) Administration, Secretary of Human Services				
Personal Services	\$1,608,320	\$1,473,781	\$0	\$3,082,101
Operating Expenses	\$259,057	\$212,326	\$3,214	\$474,597
Total	\$1,867,377	\$1,686,107	\$3,214	\$3,556,698
FTE				30.0
(2) Developmental Disabilities				
Personal Services	\$1,569,797	\$1,966,173	\$0	\$3,535,970
Operating Expenses	\$134,885,529	\$152,836,987	\$10,085,783	\$297,808,299
Total	\$136,455,326	\$154,803,160	\$10,085,783	\$301,344,269
FTE				36.5
(3) South Dakota Developmental Center - Redfield				
Personal Services	\$10,194,639	\$10,659,488	\$0	\$20,854,127
Operating Expenses	\$2,799,351	\$2,864,141	\$857,224	\$6,520,716
Total	\$12,993,990	\$13,523,629	\$857,224	\$27,374,843
FTE				259.1
(4) Long Term Services and Supports				
Personal Services	\$3,506,641	\$5,938,859	\$33,081	\$9,478,581
Operating Expenses	\$159,340,307	\$192,548,183	\$948,923	\$352,837,413

	GENERAL FUNDS	FEDERAL FUNDS	OTHER FUNDS	TOTAL FUNDS
Total FTE	\$162,846,948	\$198,487,042	\$982,004	\$362,315,994 101.0
(5) Rehabilitation Services				
Personal Services	\$1,220,949	\$6,888,912	\$0	\$8,109,861
Operating Expenses	\$5,800,896	\$15,572,105	\$2,446,215	\$23,819,216
Total FTE	\$7,021,845	\$22,461,017	\$2,446,215	\$31,929,077 102.1
(6) Telecommunication Devices for the Deaf				
Operating Expenses	\$0	\$0	\$1,301,680	\$1,301,680
Total FTE	\$0	\$0	\$1,301,680	\$1,301,680 0.0
(7) Service to the Blind and Visually Impaired				
Personal Services	\$702,551	\$1,706,699	\$244,233	\$2,653,483
Operating Expenses	\$485,274	\$1,469,148	\$306,304	\$2,260,726
Total FTE	\$1,187,825	\$3,175,847	\$550,537	\$4,914,209 29.2
(8) DEPARTMENT TOTAL, DEPARTMENT OF HUMAN SERVICES				
Personal Services	\$18,802,897	\$28,633,912	\$277,314	\$47,714,123
Operating Expenses	\$303,570,414	\$365,502,890	\$15,949,343	\$685,022,647
Total FTE	\$322,373,311	\$394,136,802	\$16,226,657	\$732,736,770 557.9

SECTION 22. SOUTH DAKOTA RETIREMENT SYSTEM

(1) South Dakota Retirement System				
Personal Services	\$0	\$0	\$3,871,495	\$3,871,495
Operating Expenses	\$0	\$0	\$2,546,313	\$2,546,313
Total FTE	\$0	\$0	\$6,417,808	\$6,417,808 35.0
(2) DEPARTMENT TOTAL, SOUTH DAKOTA RETIREMENT SYSTEM				
Personal Services	\$0	\$0	\$3,871,495	\$3,871,495
Operating Expenses	\$0	\$0	\$2,546,313	\$2,546,313
Total FTE	\$0	\$0	\$6,417,808	\$6,417,808 35.0

SECTION 23. PUBLIC UTILITIES COMMISSION

(1) Public Utilities Commission (PUC)				
Personal Services	\$682,699	\$334,280	\$3,119,769	\$4,136,748
Operating Expenses	\$68,084	\$81,656	\$1,031,574	\$1,181,314
Total FTE	\$750,783	\$415,936	\$4,151,343	\$5,318,062 31.2

(2) DEPARTMENT TOTAL, PUBLIC UTILITIES COMMISSION

	GENERAL FUNDS	FEDERAL FUNDS	OTHER FUNDS	TOTAL FUNDS
Personal Services	\$682,699	\$334,280	\$3,119,769	\$4,136,748
Operating Expenses	\$68,084	\$81,656	\$1,031,574	\$1,181,314
Total	\$750,783	\$415,936	\$4,151,343	\$5,318,062
FTE				31.2

SECTION 24. UNIFIED JUDICIAL SYSTEM

(1) State Bar Association - Informational				
Personal Services	\$0	\$0	\$297,757	\$297,757
Operating Expenses	\$0	\$0	\$339,219	\$339,219
Total	\$0	\$0	\$636,976	\$636,976
FTE				3.0
(2) Unified Judicial System				
Personal Services	\$57,549,020	\$74,798	\$3,863,528	\$61,487,346
Operating Expenses	\$6,948,534	\$270,297	\$10,512,248	\$17,731,079
Total	\$64,497,554	\$345,095	\$14,375,776	\$79,218,425
FTE				608.7
(3) Equal Access to Our Courts				
Operating Expenses	\$300,000	\$0	\$200,000	\$500,000
Total	\$300,000	\$0	\$200,000	\$500,000
FTE				0.0
(4) Indigent Legal Services				
Personal Services	\$858,820	\$0	\$0	\$858,820
Operating Expenses	\$582,423	\$0	\$0	\$582,423
Total	\$1,441,243	\$0	\$0	\$1,441,243
FTE				7.0
(5) DEPARTMENT TOTAL, UNIFIED JUDICIAL SYSTEM				
Personal Services	\$58,407,840	\$74,798	\$4,161,285	\$62,643,923
Operating Expenses	\$7,830,957	\$270,297	\$11,051,467	\$19,152,721
Total	\$66,238,797	\$345,095	\$15,212,752	\$81,796,644
FTE				618.7

SECTION 25. LEGISLATIVE BRANCH

(1) Legislative Operations				
Single Line Item	\$9,458,352	\$0	\$0	\$9,458,352
Appropriation				
Total	\$9,458,352	\$0	\$0	\$9,458,352
FTE				38.6
(2) Legislative Priority Fund				
Single Line Item	\$0	\$0	\$755,066	\$755,066
Appropriation				
Total	\$0	\$0	\$755,066	\$755,066
FTE				0.0

	GENERAL FUNDS	FEDERAL FUNDS	OTHER FUNDS	TOTAL FUNDS
(3) Auditor General				
Personal Services	\$5,348,026	\$0	\$0	\$5,348,026
Operating Expenses	\$534,206	\$0	\$0	\$534,206
Total	\$5,882,232	\$0	\$0	\$5,882,232
FTE				43.0
(4) DEPARTMENT TOTAL, LEGISLATIVE BRANCH				
Personal Services	\$5,348,026	\$0	\$0	\$5,348,026
Operating Expenses	\$534,206	\$0	\$0	\$534,206
Single Line Item	\$9,458,352	\$0	\$755,066	\$10,213,418
Appropriation				
Total	\$15,340,584	\$0	\$755,066	\$16,095,650
FTE				81.6

SECTION 26. OFFICE OF THE ATTORNEY GENERAL

(1) Legal Services Program				
Personal Services	\$6,553,908	\$468,327	\$2,530,126	\$9,552,361
Operating Expenses	\$1,113,310	\$547,352	\$1,733,900	\$3,394,562
Total	\$7,667,218	\$1,015,679	\$4,264,026	\$12,946,923
FTE				77.0
(2) Criminal Investigation				
Personal Services	\$8,545,614	\$1,247,335	\$4,042,263	\$13,835,212
Operating Expenses	\$3,607,035	\$3,401,358	\$3,434,633	\$10,443,026
Total	\$12,152,649	\$4,648,693	\$7,476,896	\$24,278,238
FTE				121.5
(3) Law Enforcement Training				
Personal Services	\$0	\$0	\$1,221,297	\$1,221,297
Operating Expenses	\$317,806	\$0	\$1,785,585	\$2,103,391
Total	\$317,806	\$0	\$3,006,882	\$3,324,688
FTE				14.5
(4) 911 Training				
Personal Services	\$0	\$0	\$170,661	\$170,661
Operating Expenses	\$0	\$0	\$104,987	\$104,987
Total	\$0	\$0	\$275,648	\$275,648
FTE				2.0
(5) Insurance Fraud Unit - Informational				
Personal Services	\$0	\$0	\$256,875	\$256,875
Operating Expenses	\$0	\$0	\$85,062	\$85,062
Total	\$0	\$0	\$341,937	\$341,937
FTE				3.0
(6) DEPARTMENT TOTAL, OFFICE OF THE ATTORNEY GENERAL				
Personal Services	\$15,099,522	\$1,715,662	\$8,221,222	\$25,036,406

	GENERAL FUNDS	FEDERAL FUNDS	OTHER FUNDS	TOTAL FUNDS
Operating Expenses	\$5,038,151	\$3,948,710	\$7,144,167	\$16,131,028
Total FTE	\$20,137,673	\$5,664,372	\$15,365,389	\$41,167,434 218.0

SECTION 27. SCHOOL AND PUBLIC LANDS

(1) Administration of School and Public Lands

Personal Services	\$700,194	\$0	\$64,705	\$764,899
Operating Expenses	\$189,579	\$0	\$276,215	\$465,794
Total FTE	\$889,773	\$0	\$340,920	\$1,230,693 7.0

(2) DEPARTMENT TOTAL, SCHOOL AND PUBLIC LANDS

Personal Services	\$700,194	\$0	\$64,705	\$764,899
Operating Expenses	\$189,579	\$0	\$276,215	\$465,794
Total FTE	\$889,773	\$0	\$340,920	\$1,230,693 7.0

SECTION 28. SECRETARY OF STATE

(1) Secretary of State

Personal Services	\$997,220	\$139,311	\$544,754	\$1,681,285
Operating Expenses	\$577,781	\$1,872,053	\$561,894	\$3,011,728
Total FTE	\$1,575,001	\$2,011,364	\$1,106,648	\$4,693,013 17.6

(2) DEPARTMENT TOTAL, SECRETARY OF STATE

Personal Services	\$997,220	\$139,311	\$544,754	\$1,681,285
Operating Expenses	\$577,781	\$1,872,053	\$561,894	\$3,011,728
Total FTE	\$1,575,001	\$2,011,364	\$1,106,648	\$4,693,013 17.6

SECTION 29. STATE TREASURER

(1) Treasury Management

Personal Services	\$527,116	\$0	\$0	\$527,116
Operating Expenses	\$223,978	\$0	\$0	\$223,978
Total FTE	\$751,094	\$0	\$0	\$751,094 5.1

(2) Unclaimed Property - Informational

Operating Expenses	\$0	\$0	\$37,525,105	\$37,525,105
Total FTE	\$0	\$0	\$37,525,105	\$37,525,105 0.0

(3) Unclaimed Property Operations

Personal Services	\$581,835	\$0	\$0	\$581,835
Operating Expenses	\$801,675	\$0	\$0	\$801,675
Total FTE	\$1,383,510	\$0	\$0	\$1,383,510 5.9

	GENERAL FUNDS	FEDERAL FUNDS	OTHER FUNDS	TOTAL FUNDS
(4) Investment of State Funds				
Personal Services	\$0	\$0	\$9,738,386	\$9,738,386
Operating Expenses	\$0	\$0	\$3,152,686	\$3,152,686
Total	\$0	\$0	\$12,891,072	\$12,891,072
FTE				35.0
(5) Performance Based Compensation				
Personal Services	\$0	\$0	\$17,256,902	\$17,256,902
Total	\$0	\$0	\$17,256,902	\$17,256,902
FTE				0.0
(6) DEPARTMENT TOTAL, STATE TREASURER				
Personal Services	\$1,108,951	\$0	\$26,995,288	\$28,104,239
Operating Expenses	\$1,025,653	\$0	\$40,677,791	\$41,703,444
Total	\$2,134,604	\$0	\$67,673,079	\$69,807,683
FTE				46.0

SECTION 30. STATE AUDITOR

(1) State Auditor				
Personal Services	\$1,688,983	\$0	\$0	\$1,688,983
Operating Expenses	\$215,011	\$0	\$0	\$215,011
Total	\$1,903,994	\$0	\$0	\$1,903,994
FTE				17.0
(2) DEPARTMENT TOTAL, STATE AUDITOR				
Personal Services	\$1,688,983	\$0	\$0	\$1,688,983
Operating Expenses	\$215,011	\$0	\$0	\$215,011
Total	\$1,903,994	\$0	\$0	\$1,903,994
FTE				17.0

SECTION 31. STATE

Personal Services	\$600,907,630	\$251,144,040	\$629,570,859	\$1,481,622,529
Operating Expenses	\$1,852,619,133	\$2,860,424,017	\$1,095,018,122	\$5,808,061,272
Single Line Item	\$9,458,352	\$0	\$755,066	\$10,213,418
Appropriation				
Total	\$2,462,985,115	\$3,111,568,057	\$1,725,344,047	\$7,299,897,219
FTE				14,095.3

Section 32. The state treasurer shall transfer, to the general fund, moneys from the following funds, in the amounts and for the purposes herein indicated:

From the state highway fund:

Radio Communications Operations \$4,759,149

Governor's Office Operations \$118,958

From the game, fish and parks fund:

Radio Communications Operations \$65,843

From the game, fish and parks administrative revolving fund:

Governor's Office Operations \$20,029

From the motor vehicle fund:

Radio Communications Operations \$742,398

Section 33. The state treasurer shall transfer to the general fund \$2,000,000 from the veterans home operating fund created by § 33A-4-24.

Section 34. The state treasurer shall transfer to the general fund, from the health care trust fund, moneys in the amount identified by notice of the state investment officer pursuant to S.D. Const., Art. XIII, § 21, for the Department of Education - state aid to education.

Section 35. The state treasurer shall transfer to the general fund, from the health care trust fund, moneys in the amount identified by notice of the state investment officer pursuant to § 4-5-29.1, for the Department of Social Services - medical services.

Section 36. The state treasurer shall transfer to the general fund, from the education enhancement trust fund, moneys in the amount identified by notice of the state investment officer pursuant to § 4-5-29.2, for the Department of Education - state aid to education and the Board of Regents - postsecondary scholarship grant programs.

Signed March 28, 2025

Chapter 217
(Senate Joint Resolution 501)

A JOINT RESOLUTION, Providing legislative approval for a future use water permit application by the Western Dakota Regional Water System.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

WHEREAS, pursuant to § 46-5-20.1, any application for an appropriation of water, in excess of ten thousand acre-feet annually, must be presented by the Water Management Board to the Legislature for approval, prior to action by the board; and

WHEREAS, pursuant to § 46-5-20.1, the Western Dakota Regional Water System submitted a future use water permit application numbered 2881-2 to the chief engineer of the water rights program within the Department of Agriculture and Natural Resources, seeking to have annually appropriated and reserved twenty thousand seven hundred and sixty-five acre-feet of unappropriated water from the Missouri River for the purpose of providing future water supplies to the Western Dakota Regional Water System counties of Bennett, Butte, Custer, Fall River, Gregory, Haakon, Harding, Hughes, Jackson, Jones, Lawrence, Lyman, Meade, Mellette, Oglala Lakota, Pennington, Perkins, Stanley, Todd, and Tripp; and

WHEREAS, the chief engineer, pursuant to § 46-2A-2, considered the permit application and recommended approval, with qualifications, because there is a reasonable probability that unappropriated water is available for the proposed use, the quantity of water sought to be reserved will be needed by the Western Dakota Regional Water System, the proposed use is a beneficial use, and the proposed use is in the public interest; and

WHEREAS, after a public hearing held on December 4, 2024, in Pierre, South Dakota, the Water Management Board moved to present the application to the Legislature for approval, subject to the following qualifications:

- (1) That future use water permit number 2881-2 annually reserve twenty thousand seven hundred and sixty-five acre-feet from the Missouri River;
- (2) That future use water permit number 2881-2 is subject to review every seven years by the board and subject to cancellation if the board determines, during a review, that the Western Dakota Regional Water System cannot demonstrate a reasonable need for the permit; and
- (3) That at the time plans are made to construct the works and put the water reserved by future use water permit number 2881-2 to beneficial use, the executive director of the Western Dakota Regional Water System must apply to the board for all or part of the reserved water, pursuant to § 46-5-38.1;

NOW, THEREFORE, BE IT RESOLVED, by the Senate of the One Hundredth Legislature of the State of South Dakota, the House of Representatives concurring therein, that the Western Dakota Regional Water System's future use water permit application number 2881-2 is approved and returned to the Water Management Board for final action; and

BE IT FURTHER RESOLVED, that if future use water permit application number 2881-2 is approved by the Water Management Board, the board may act on any application to place the water reserved by application number 2881-2 to beneficial use, regardless of the amount being placed to beneficial use, including up to the full twenty thousand seven hundred and sixty-five acre-feet reserved by application number 2881-2, without further action by the Legislature.

Filed March 10, 2025

SUPREME COURT RULES AND ORDERS

Chapter 218

SCR 24-05

SUPREME COURT RULES AND ORDERS

IN THE SUPREME COURT
OF THE

STATE OF SOUTH DAKOTA

* * * *

IN THE MATTER OF THE PROPOSED AMENDMENT TO THE APPENDIX TO CHAPTER 16-16 REGULATIONS OF THE BOARD OF BAR EXAMINERS 1. APPLICATION FOR ADMISSION TO PRACTICE LAW	RULE 24-05
--	------------

A hearing was held on August 27, 2024, at Pierre, South Dakota, relating to the amendment to the Appendix to Chapter 16-16, Regulations of the Board of Bar Examiners, and the Court having considered the proposed amendment and oral presentation relating thereto, now, therefore, it is

ORDERED that the Amendment to the Appendix to Chapter 16-16 Regulations of the Board of Bar Examiners is amended to read in its entirety as follows:

1. Application for Admission to Practice Law.

Each applicant for admission to practice law shall file with the Secretary of the Board of Bar Examiners an written application, together with one complete machine or photo copy thereof, in the form prescribed by the Board of Bar Examiners. Such application ~~and copies thereof~~ shall be electronically submitted or postmarked on or before November 1 for the February examination and on or before May 1 for the July examination and shall be accompanied by the fee prescribed in the applicable rules of court and a recent (within 6 months of the date of application) photograph of the applicant, and DCI and FBI fingerprint cards.

Each applicant for admission shall also ~~file~~ submit a request for preparation of a character report and application with the National Conference of Bar Examiners. Such request and application shall be electronically submitted or postmarked on or before November 1 for the February examination and on or before May 1 for the July examination and shall be accompanied by the fee prescribed by the National Conference of Bar Examiners.

IT IS FURTHER ORDERED that this rule shall become effective immediately.

DATED at Pierre, South Dakota, this 4th day of September, 2024.

Chapter 219

SCR 24-06

SUPREME COURT RULES AND ORDERS

IN THE SUPREME COURT
OF THE

STATE OF SOUTH DAKOTA

* * * *

IN THE MATTER OF THE PROPOSED AMENDMENT TO THE APPENDIX TO CHAPTER 16-16 REGULATIONS OF THE BOARD OF BAR EXAMINERS 1.1 APPLICATION FOR ADMISSION WITHOUT EXAMINATION	RULE 24-06
---	------------

A hearing was held on August 27, 2024, at Pierre, South Dakota, relating to the amendment to the Appendix to Chapter 16-16 Regulations of the Board of Bar Examiners, and the Court having considered the proposed amendment and oral presentation relating thereto, now, therefore, it is

ORDERED that the Amendment to the Appendix to Chapter 16-16 Regulations of the Board of Bar Examiners is amended to read in its entirety as follows:

1.1 Application for Admission Without Examination.

Each applicant for admission to practice law without examination shall file with the Secretary of the Board of Bar Examiners an written application, together with one complete machine or photo copy thereof, in the form prescribed by the Board of Bar Examiners. Such application ~~and copy thereof~~ shall be accompanied by the applicable fees, a recent (within 6 months of the date of application) photograph of the applicant, andDCI and FBI fingerprint cards.

Each applicant for admission without examination shall also file a request for preparation of a character report and application with the National Conference of Bar Examiners. Such request and application shall be accompanied by the fee prescribed by theNational Conference of Bar Examiners.

IT IS FURTHER ORDERED that this rule shall become effective immediately.

DATED at Pierre, South Dakota, this 4th day of September, 2024.

Chapter 220
SCR 24-07

SUPREME COURT RULES AND ORDERS

IN THE SUPREME COURT
OF THE

STATE OF SOUTH DAKOTA

* * * *

IN THE MATTER OF THE PROPOSED AMENDMENT TO THE APPENDIX TO CHAPTER 16-16 REGULATIONS OF THE BOARD OF BAR EXAMINERS 7.1 LAW STUDENT REGISTRATION	RULE 24-07
---	------------

A hearing was held on August 27, 2024, at Pierre, South Dakota, relating to the amendment to the Appendix to Chapter 16-16 Regulations of the Board of Bar Examiners, and the Court having considered the proposed amendment and oral presentation relating thereto, now, therefore, it is

ORDERED that the Amendment to the Appendix to Chapter 16-16 Regulations of the Board of Bar Examiners is amended to read in its entirety as follows:

7.1. Law Student Registration.

Applicants to law school and first-or second-year law students who intend to take the South Dakota ~~Bar e~~Examination following graduation may register with the Board of Bar Examiners ~~on forms prescribed by the Board~~ through the Bar Portal. The registration must be accompanied by the \$100 South Dakota registration fee as well as the fee required by the National Conference of Bar Examiners’ law student registrant program for an initial character report. Registration under the rule is not deemed an application for permission to take the bar examination.

The Board of Bar Examiners shall review the registration and character report to identify character and fitness issues that may hinder or preclude later admission.

The Board will report its findings to the registrant. The Board’s findings are both preliminary and non-binding in nature. Additionally, the findings will not constitute permission to take the bar examination or a waiver of the consideration of facts or conduct that are either later discovered or occur after the Board’s review under this rule.

IT IS FURTHER ORDERED that this rule shall become effective immediately.

DATED at Pierre, South Dakota, this 4th day of September, 2024.

Chapter 221

SCR 24-08

SUPREME COURT RULES AND ORDERS

IN THE SUPREME COURT
OF THE

STATE OF SOUTH DAKOTA

* * * *

IN THE MATTER OF THE PROPOSED AMENDMENT TO THE APPENDIX TO CHAPTER 16-16 REGULATIONS OF THE BOARD OF BAR EXAMINERS 5. ACCEPTANCE OF MULTISTATE BAR EXAMINATION RESULTS FROM OTHER STATES.	RULE 24-08
---	------------

A hearing was held on August 27, 2024, at Pierre, South Dakota, relating to the amendment to the Appendix to Chapter 16-16 Regulations of the Board of Bar Examiners, and the Court having considered the proposed amendment and oral presentation relating thereto, now, therefore, it is

ORDERED that the Amendment to the Appendix to Chapter 16-16 Regulations of the Board of Bar Examiners is amended to read in its entirety as follows:

5. Acceptance of Multistate Bar Examination Results from Other States.

In its discretion, the Board of Bar Examiners may accept an applicant's previous scores on the MBE administered in a jurisdiction other than South Dakota if the scaled score is 135 or higher and the score is obtained not more than twenty-four months from the date the applicant takes the South Dakota Bar Examination taken within two years prior to the next scheduled examination, if the score on the MBE is a scaled score of 135 or above. The Board of Bar Examiners may accept an applicant's MPRE score if the scaled score is 85 or higher and is obtained not more than twenty-eight months from the date the applicant takes the South Dakota bar Examination. taken within twenty-eight months prior to the next scheduled examination and if the score is a scaled score of 85 or above.

IT IS FURTHER ORDERED that this rule shall become effective immediately.

DATED at Pierre, South Dakota, this 4th day of September, 2024.

Chapter 222

SCR 24-09

SUPREME COURT RULES AND ORDERS

IN THE SUPREME COURT
OF THE

STATE OF SOUTH DAKOTA

* * * *

IN THE MATTER OF THE PROPOSED AMENDMENT TO SDCL 16-18-2.3.	RULE 24-09
---	------------

A hearing was held on August 27, 2024, at Pierre, South Dakota, relating to the amendment to SDCL 16-18-2.3, and the Court having considered the proposed

amendment and oral presentation relating thereto, now, therefore, it is

ORDERED that SDCL 16-18-2.3 is amended to read in its entirety as follows:

**SDCL 16-18-2.3. Certification of legal intern or extern by law school dean--
Filing--Effective period--Withdrawal by dean or termination by Supreme
Court.**

The certification pursuant to § 16-18-2.2 by the law school dean of a law student to become and perform as a legal intern or extern:

- (1) Shall be filed with the clerk of the Supreme Court and the secretary of the Board of Bar Examiners and, unless it is sooner withdrawn, it shall remain in effect until the expiration of the term fixed by the certificate of the dean, or until the announcement by the Board of Bar Examiners of this state of the results of the first bar examination following the student's graduation, whichever is earlier. Provided, that as to any student who passes such examination, the certification shall continue in effect until the date he or she is admitted to practice law pursuant to § 16-16-17; but such continuation shall not exceed three months unless the Board of Bar Examiners finds good cause for further extension. However, any student who fails such examination on the first occasion may apply to the ~~dean of such law school~~ Board of Bar Examiners and obtain, upon a showing of good cause ~~in and~~ and good faith, an extension certificate until the results of the next bar examination are announced. The Board of Bar Examiners may consult with, or seek advice from, anyone it deems appropriate when determining if an extension should be granted; The Board of Bar Examiners announces the results of the bar examination by letter to the student informing him or her that s/he passed or failed the examination.
- (2) May be withdrawn by the dean at any time by mailing a notice to that effect to the secretary of the Board of Bar Examiners and the clerk of the Supreme Court, which shall be filed by the clerk. Such withdrawal may be without notice or hearing and without any showing of cause-;
- (3) May be terminated by the Supreme Court at any time without notice or hearing and without any showing of cause. Notice of termination shall be filed with the clerk of the court and the secretary of the Board of Bar Examiners-;
- (4) May be terminated by the Board of Bar Examiners at any time without notice or hearing and without any showing of cause. Notice of termination shall be filed with the clerk of the Supreme Court.

IT IS FURTHER ORDERED that this rule shall become effective immediately.

DATED at Pierre, South Dakota, this 4th day of September, 2024.

Chapter 223

SCR 24-10

SUPREME COURT RULES AND ORDERS

IN THE SUPREME COURT
OF THE

STATE OF SOUTH DAKOTA

* * * *

IN THE MATTER OF THE PROPOSED AMENDMENT TO SDCL 16-21-6.	RULE 24-10
---	------------

A hearing was held on August 27, 2024, at Pierre, South Dakota, relating to the amendment to SDCL 16-21-6, and the Court having considered the proposed amendment and oral presentation relating thereto, now, therefore, it is

ORDERED that SDCL 16-21-6 is amended to read in its entirety as follows:

SDCL 16-21-6. Confidential information.

The confidentiality of an electronic record, or an electronic copy thereof, is the same for the equivalent paper record, with the exception of photographs or videos that:

- a. Depict the death, killing, autopsy, rape, or sexual assault of a person; or
- b. Is of a sexual nature or contains depictions of the breasts of a female or the genitalia or anus of any person.

The depictions listed above will be accessible for viewing at the clerk of court’s office if not otherwise sealed.

Access to confidential information, regardless of form, shall only be to the extent provided by law. The EDMS shall place a visible mark identifying confidential or sealed information and restrict access accordingly.

IT IS FURTHER ORDERED that this rule shall become effective immediately.

DATED at Pierre, South Dakota, this 4th day of September, 2024.

Chapter 224
SCR 24-11

SUPREME COURT RULES AND ORDERS

IN THE SUPREME COURT
OF THE

STATE OF SOUTH DAKOTA

* * * *

IN THE MATTER OF THE ADOPTION OF A NEW RULE RELATING TO FILING A DOCUMENT WITHOUT THE REQUIREMENT OF AN OATH AND NOTARIZED SIGNATURE	RULE 24-11
--	------------

A hearing was held on August 27, 2024, at Pierre, South Dakota, relating to the adoption of a new rule relating to filing a document under penalty of perjury without

the requirement of an oath and notarized signature, and the Court having considered the proposed adoption, written and oral presentation relating thereto, now, therefore, it is

ORDERED that the adoption of a new rule relating to filing a document under penalty of perjury without the requirement of an oath and notarized signature is hereby adopted to read in its entirety as follows:

Filing a document under penalty of perjury without the requirement of an oath and notarized signature.

Section 1.

Unless specifically required by statute or court rule, a pleading, motion, affidavit, or other document filed with a court of this state, or presented to a judge or judicial officer in support of a request for a court order, warrant, or other relief, is not required to be notarized. Signing a document filed with the court or presented to a judge or judicial officer constitutes an "unsworn declaration", as defined in section SDCL 18-7-2(6), without administration of an oath or notarized signature, provided that the signature, as defined by court rules, is affixed immediately below a declaration using substantially the following language: "I declare under penalty of perjury under the law of South Dakota that the foregoing is true and correct". In addition to the signature, the date of signing, the city or other location, and state where the document was signed shall be noted on the document.

IT IS FURTHER ORDERED that this rule shall become effective immediately.

DATED at Pierre, South Dakota, this 5th day of September, 2024.

Chapter 225

SCR 25-06

SUPREME COURT RULES AND ORDERS

IN THE SUPREME COURT
OF THE

STATE OF SOUTH DAKOTA

* * * *

IN THE MATTER OF THE AMENDMENT TO RULE 1.8(e) OF THE RULES OF PROFESSIONAL CONDUCT	RULE 25-06
--	------------

A hearing was held on February 18, 2025, at Pierre, South Dakota, relating to the amendment of the Rules of Professional Conduct Rule 1.8 - Conflict of Interest: Current Clients, Specific Rules, Rule 1.8(e), and the Court having considered the proposed amendment and written and oral presentation relating thereto, now, therefore, it is

ORDERED that Rule 1.8(e), be amended to read in its entirety as follows:

Rule 1.8 - Conflict of Interest: Current Clients, Specific Rules.

- (e) A lawyer shall not provide financial assistance to a client in connection with pending or contemplated litigation, except that:
- (1) A lawyer may advance court costs and expenses of litigation, the repayment of which may be contingent on the outcome of the matter; ~~and~~
 - (2) A lawyer representing an indigent client may pay court costs and expenses of litigation on behalf of the client; ~~and~~
 - (3) A lawyer representing an indigent client pro bono, a lawyer representing an indigent client pro bono through a nonprofit legal services or public interest organization, and a lawyer representing an indigent client pro bono through a law school clinical or pro bono program may provide modest gifts to the client for food, lodging, transportation, and other expenses incidental to the representation. The lawyer:
 - (i) May not promise, assure or imply the availability of such gifts prior to retention or as an inducement to continue the client-lawyer relationship after retention;
 - (ii) May not seek or accept reimbursement from the client, a relative of the client or anyone affiliated with the client; and
 - (iii) May not publicize or advertise a willingness to provide such gifts to prospective clients.

Financial assistance under this rule may be provided even if the representation is eligible for fees under a fee-shifting statute.

IT IS FURTHER ORDERED that this rule shall become effective immediately.

DATED at Pierre, South Dakota, this 5th day of March, 2025.

Chapter 226

SCR 25-07

SUPREME COURT RULES AND ORDERS

IN THE SUPREME COURT
OF THE

STATE OF SOUTH DAKOTA

* * * *

IN THE MATTER OF THE ADOPTION OF A NEW RULE TO BE PART OF SDCL 15-6- 58	RULE 25-07
---	------------

A hearing was held on February 18, 2025, at Pierre, South Dakota, relating to the adoption of a new rule to be part of SDCL 15-6-58, and the Court having considered

the proposed adoption and written and oral presentation relating thereto, now, therefore, it is

ORDERED that an adoption of a new rule to be part of SDCL 15-6-58 be adopted in its entirety as follows:

A party directed by the court to prepare an order or Judgment without findings of fact and conclusions of law shall prepare a proposed order or judgment and provide it to all parties within five days of being directed.

Thereafter, the parties shall have five days in which to confer in an effort to agree upon the form of the proposed order or judgment. If all parties agree as to the form of the proposed order or judgment, or if no objection to the form of the order or judgment is timely received from any opposing party, then the party preparing the proposed order or judgment shall insert "NO OBJECTION AS TO FORM BY COUNSEL" in the lower left-hand corner of the final page of the proposed order or judgment. If any party timely objects to the form of the order or judgment and the parties are unable to reach an agreement as to form during such five-day period, then each party shall submit a proposed order or judgment to the court within two days after the expiration of the five-day confer period.

Any objections as to form are waived by a party's failure to timely submit a proposed order or judgment to the court as provided in this rule, unless the party's failure is excused by the court for good cause shown.

This procedure may be modified by the court.

IT IS FURTHER ORDERED that this rule shall become effective April 1, 2025.

DATED at Pierre, South Dakota, this 5th day of March, 2025.

Chapter 227

SCR 25-01; SCR 25-02; SCR 25-03; SCR 25-04; SCR 25-05

SUPREME COURT RULES AND ORDERS

IN THE SUPREME COURT
OF THE

STATE OF SOUTH DAKOTA

* * * *

IN THE MATTER OF THE ADOPTION OF A NEW CHAPTER 16-16A RELATING TO THE PUBLIC SERVICE PATHWAY PROGRAM THE AMENDMENTS TO SDCL 16-16-6; SDCL 16-18-2.1 and SDCL 16-18-2.9 REGULATIONS TO COMPRISE THE APPENDIX TO SDCL CHAPTER 16-16A	 RULE 25-01 RULE 25-02 RULE 25-03 RULE 25-04 RULE 25-05
---	--

A hearing was held on February 18, 2025, at Pierre, South Dakota, relating to the adoption of new rules relating to the Public Service Pathway and Regulations to Comprise the Appendix to SDCL Chapter 16-16A and amendments to SDCL 16-16-6, SDCL 16-18-2.1 and SDCL 16-18-2.9, and the Court having considered the proposed adoptions and amendments and written and oral presentation relating thereto, now, therefore, it is

ORDERED that the adoption of a new rule relating to creating the Public Service Pathway is hereby adopted to read in its entirety as follows:

Rule 25-01

1. Adoption as a New Chapter 16-16A – Public Service Pathway Program

16-16A-1. Definitions

Terms used in this chapter mean:

1. Board – the South Dakota Board of Bar Examiners;
2. Law school – the University of South Dakota Knudson School of Law;
3. NCBE – the National Conference of Bar Examiners;
4. Public service – full-time employment within South Dakota with any federal, state, local, or tribal government, Dakota Plains Legal Services, or East River Legal Services; and
5. Supervising attorney – an attorney who meets the requirements of § 16-18-2.9 and agrees to undertake the supervision of a participant in accordance with the provisions of §§ 16-18-2.1 to 16-18-2.10, inclusive.

16-16A-2.

An individual may be admitted to the public service pathway program if the student:

1. Is currently enrolled at the law school;
2. Completes an application for participation and is approved by the dean of the law school and the hiring authority of the host public service entity with whom the participant will be placed;
3. Satisfactorily completed all required 1L curriculum;

4. Satisfactorily completed all required 2L curriculum;
5. Satisfactorily completed the Professional Responsibility class;
6. Successfully completed four semesters towards the individual's degree with the law school;
7. Is registered to take or has taken the Multistate Professional Responsibility Exam by November of the participant's 3L year;
8. Has never taken a bar examination or been admitted to the practice of law in another jurisdiction; and
9. Agrees to work full time with a host public service entity approved by the dean of the law school and the board as outlined in § 16-16A-3.

An individual is not required to meet these requirements at the time of application but must satisfy the eligibility requirements by the commencement of the program. The student must complete the application on a form provided by the dean of the law school. Notice of the application period shall be given in the same way internships and externships are noticed within the law school. The dean of the law school shall review applications and select program participants. No more than ten students may be admitted to the program from one law school class.

16-16A-3.

A participant in the public service pathway program shall complete a minimum of 500 hours of work experience as a legal extern with a host public service entity approved by the dean of the law school. The host public service entity shall offer a variety of experiences and opportunities for each participant to demonstrate competence in the law and shall provide enough supervising attorneys necessary to effectively mentor and assist each participant. The law school shall provide training to each supervising attorney regarding relevant rules, regulations, and policies.

16-16A-4.

Notwithstanding § 16-16-6, an applicant may obtain admission to practice as an attorney in this state through the public service pathway program if the applicant:

1. Meets the requirements set forth in § 16-16-2;
2. Complies with the criminal background investigation as required by § 16-16-2.6;
3. Provides evidence of graduation from the law school;
4. Provides evidence of successful completion of the public service pathway bar admission program through the law school;
5. Provides a portfolio of work demonstrating minimum competence to the satisfaction of the board;
6. Demonstrates competence in Indian law either through successful completion of a board-approved Indian law course at the law school with the testing option or successful completion of a one-question examination on Indian law offered by the board following an applicant's successful

completion of the program;

7. Achieves a score of 85 or higher on the Multistate Professional Responsibility Exam; and
8. Commits to providing at least two years of public service.

16-16A-5.

On or before October 1 during the semester of placement with a host public service entity, participants seeking admission to practice as an attorney in this state through the public service pathway program shall submit to the board:

1. An application on the form provided by the board;
2. An application fee prescribed by the Supreme Court;
3. A photograph taken within six months of the date of application;
4. A current law school transcript;
5. Completed South Dakota Division of Criminal Investigation and United States Federal Bureau of Investigation fingerprint cards;
6. The required fingerprinting fee; and
7. A copy of the request for preparation of a character report and accompanying submissions to the NCBE with proof of payment of the fee prescribed by the NCBE.

An application is not complete until each of these items is received.

16-16A-6.

Upon completion of the public service pathway program and the board's character and fitness investigation, the board shall make a recommendation regarding the participant's admission to practice as an attorney in this state to the Supreme Court for its consideration and order.

16-16A-7.

Upon admission to the practice of law through the public service pathway program, a participant shall complete two years of public service. The two-year commitment must be completed within three years of the date of admission to practice as an attorney in this state. The time a participant serves in a state or federal judicial clerkship may not count toward the two-year requirement but the three-year period to complete the public service requirement is tolled during service in a state or federal judicial clerkship.

16-16A-8.

A participant seeking a waiver or extension of time to complete the public service requirement must submit a written request for waiver or extension to the secretary of the board as soon as practicable. Upon receiving a waiver or extension of time to complete the public service requirement, the board shall conduct a hearing. The board may also initiate an investigation and hearing upon belief that a participant has not, or will not, complete the two-year public service commitment. To qualify for a waiver or extension, the participant must demonstrate, by a preponderance of the evidence, extraordinary circumstances, personal hardship, or that the public service employment was terminated for

reasons beyond the control of the participant and the participant is unable to secure new employment in public service.

The board may take testimony and compel, by subpoena, the attendance of witnesses and the production of documents. Any member of the board may administer an oath or issue a subpoena. Upon conclusion of its investigation and hearing, the board shall issue a recommendation to the Supreme Court for its consideration and order. The board may recommend to extend the deadline to complete the public service, to waive the remainder of the term of public service, or to deny the request and revoke the participant's license to practice law in this state.

16-16A-9.

Each participant shall report to the secretary of the board the participant's place of employment until completion of the public service requirement. The participant shall file with the secretary of the board an affidavit upon a form provided by the board attesting to the completion of the public service requirement.

16-16A-10.

The Supreme Court shall appoint an oversight committee to monitor the public service pathway program and suggest changes. The committee must include one member from the law school, one from the board, and one from the Supreme Court.

16-16A-11.

Each participant shall comply with the South Dakota Rules of Professional Responsibility. Failure to do so may result in denial of admission to practice law as an attorney in this state and referral to the Disciplinary Board. The board may refer a participant to the Disciplinary Board for any violation of the Rules of Professional Responsibility. Failure to furnish information or answer truthfully the inquiries of the board pertinent to the participant's application may also result in denial of admission to practice law.

In any application for waiver or extension pursuant to § 16-16A-8, a participant shall disclose to the board any allegation of misconduct involving the participant.

16-16A-12.

The provisions of this chapter are effective for five years from the date of the order adopting these rules. The oversight committee shall make a recommendation to the Supreme Court whether the program should continue or be amended.

16-16A-13.

The board is authorized to promulgate policies and regulations necessary to implement this program.

16-16A-14.

The application for admission to practice law as an attorney in this state and all accompanying materials, including investigative reports and transcripts but not including portfolio submissions, are confidential and for the use of the board, the Supreme Court, and its staff in determining admission to the practice of law in the state. This rule does not prohibit the board from furnishing relevant information to the Disciplinary Board when the Disciplinary Board is conducting an investigation. The information and records may be released to the applicant or, with the applicant's consent, to another jurisdiction for purposes of admission to the practice of law.

Rule 25-02

2. SDCL 16-16-6. Examination required of applicants to practice law--Educational requirements.

All applicants for admission, except those applying pursuant to §§ 16-16-7.6, 16-16-12.1, ~~or §§ 16-16-12.3, and 16-16-12.4, or chapter 16-16A~~ shall be required to pass satisfactorily an examination conducted by the Board of Bar Examiners. An applicant for permission to take an examination, in addition to the general qualifications prescribed in § 16-16-2, must furnish satisfactory evidence that he graduated from a law school accredited by the American Bar Association with a J.D. or LL.B. degree or that he will so graduate prior to the examination, or that he has successfully completed all of the requirements for graduation prior to the examination.

An applicant for admission who is a graduate of a foreign law school, not accredited by the American Bar Association, may apply for permission to take the South Dakota bar examination upon good cause shown if the graduate has passed the bar examination in another state and is a member in good standing of the bar of that state.

Rule 25-03

3. SDCL 16-18-2.1. Legal assistance by law students--Purpose of provisions.

The bench and the bar are primarily responsible for providing competent legal services for all persons including those unable to pay for these services. As one means of providing assistance to lawyers and to encourage law schools to provide field placement instruction in legal work of varying kinds, §§ 16-18-2.2 to 16-18-2.10, inclusive, are adopted. For the purposes of §§ 16-18-2.1 to 16-18-2.10, "extern" means a student in a field placement program for academic credit offered by a school of law in accordance with the American Bar Association Standards for Approval of Law Schools, including a participant in the public service pathway program pursuant to chapter 16-16A, and "intern" means any other student providing legal assistance under the supervising lawyer.

Rule 25-04

4. SDCL 16-18-2.9. Qualifications of supervising lawyer--Professional responsibility.

A supervising lawyer under whose supervision a legal intern or extern does any of the things permitted by §§ 16-18-2.4 to 16-18-2.7, inclusive, ~~shall~~ must be a lawyer authorized to practice law in this state, and:

- (1) ~~Shall be approved by the dean of the school of law of the University of South Dakota or by the director of the externship program of the school of law; and such approval by the dean or the director may be general, may have time, scope, or case limitations, or may be on an ad hoc case by case basis; all such as the dean or the director shall from time to time determine. The approval may be modified or withdrawn by the dean or the director at any time without notice or hearing and without any showing of cause. Such~~

~~approval shall be in writing except that at the option of the dean or the director the approval may be oral for all matters relating to the externship program.~~

Must be a member of the South Dakota bar, in good standing, and shall certify such in writing; and

- (2) Shall assume personal professional responsibility for the conduct of the legal intern or extern.
-

RULE 25-05

5. Regulations to Comprise the Appendix to SDCL Chapter 16-16A.

Regulation 1.

Each participant must prepare and submit a portfolio of work product. By May 31 of the year of placement, the board shall publish the requirements of the portfolio.

Regulation 2.

After each court appearance, each participant shall complete a form provided by the board detailing the case name and number, the subject matter of the litigation, the purpose of the appearance, and the feedback received from the supervising attorney, and, if any, the feedback received from the court or adjudicator. If the court appearance is for a block of cases, the participant shall so indicate on the form and, in lieu of providing details on each case, the participant shall report only the most significant case. The participant shall provide this form to the secretary of the board each week, or as otherwise ordered by the board, and provide a copy to the supervising attorney. The supervising attorney shall review the form and complete a section pertaining to the accuracy of the form and submit the form via email to the secretary of the board.

Regulation 3.

Each participant shall complete the daily time and activity form provided by the board, which must detail the title of the legal matter, the date, the scope of the activity, the time spent in 15-minute increments, and what was observed. Additionally, in a separate word document attached to the form, the participant shall also provide a short synopsis of what the participant learned if the activity involved observation or, if the activity required participation, what the participant did correctly and what the participant could have done differently and why. The participant shall submit the daily time and activity form and attachment to the secretary every week or as otherwise ordered by the board.

Regulation 4.

A participant shall inform the secretary of the board of any hearings or trials which would provide an opportunity for observation of the participant actively engaging before the court or adjudicator. It is preferable that notice of three days or more be given of such events.

Regulation 5.

The board will regularly assess each participant. The board shall apprise each participant of the participant's progress by November 15 of the year of placement. The board's assessment pursuant to this regulation is preliminary and non-binding. The assessment does not constitute a waiver of the consideration of facts or conduct that are either later discovered or occur after the board's assessment under this regulation.

IT IS FURTHER ORDERED that this rule shall become effective immediately.

DATED at Pierre, South Dakota, this 21st day of February, 2025.

Chapter 228

SCR 25-08; SCR 25-09; SCR 25-10; SCR 25-11; SCR 25-12; SCR 25-13; SCR 25-14; SCR 25-15; SCR 25-16

SUPREME COURT RULES AND ORDERS

IN THE SUPREME COURT
OF THE

STATE OF SOUTH DAKOTA

* * * *

IN THE MATTER OF THE REPEAL OF SDCL 16-3-5.1	RULE 25-08
	RULE 25-09
	RULE 25-10
IN THE MATTER OF THE ADOPTION OF	RULE 25-11
NEW RULES AT SDCL 16-3-5.2; SDCL	RULE 25-12
16-3-5.3; SDCL 16-3-5.4; SDCL 16-3-	RULE 25-13
5.5; SDCL 16-3-5.6; SDCL 16-3-5.7;	RULE 25-14
SDCL 16-3-5.8; SDCL 16-3-5.9	RULE 25-15
	RULE 25-16

A hearing was held on February 18, 2025, at Pierre, South Dakota, relating to the repeal of SDCL 16-3-5.1 and the adoption of new rules at SDCL 16-3-5.2; SDCL 16-3-5.3; SDCL 16-3-5.4; SDCL 16-3-5.5; SDCL 16-3-5.6; SDCL 16-3-5.7; SDCL 16-3-5.8 and SDCL 16-3-5.9, and the Court having considered the proposed repeal and the adoption of new rules and written and oral presentation relating thereto, now, therefore, it is

ORDERED that the repeal of SDCL 16-3-5.1 and the adoption of new rules at SDCL 16-3-5.2; SDCL 16-3-5.3; SDCL 16-3-5.4; SDCL 16-3-5.5; SDCL 16-3-5.6; SDCL 16-3-5.7; SDCL 16-3-5.8 and SDCL 16-3-5.9 be approved as follows:

Rule 25-08

Repeal of SDCL 16-3-5.1. ~~Court rules Filing of notice of rule changes proposed by Supreme Court Publication hearing Combined notices Rules governing internal operation effective on filing.~~

~~Any new rule, amendment, or repeal of existing rules or statutes relating to the administration of the courts, the number and composition of circuits and judges assigned to the circuits, to pleading, practice, or procedure, or to the admission, disbarment, discipline, and reinstatement of attorneys to practice the profession of law may be adopted by the Supreme Court.~~

~~A proposed new rule, amendment, or repeal shall be filed in the office of the clerk of the Supreme Court with deletions shown by strike-throughs and additions shown by underscore. The proposed new rule, amendment, or repeal shall include~~

a discussion of the proposed change and:

- (1) The identity of the proponent or proponents of the change;
- (2) A detailed explanation of the change and the reasons for the change;
- (3) An analysis of the state or federal rule or statute that the change is based upon, if any;
- (4) A comparison of the change with federal rules or local federal rules on the same subject, if any, and an explanation of any differences, if any, and;
- (5) An analysis of how the change affects existing rules or statutes.

The clerk of the Supreme Court shall give thirty days' notice of an intention to adopt, amend, or repeal rules by electronic mail notification to members of the State Bar of South Dakota, by posting notice at the Unified Judicial System's website at <http://www.ujls.sd.gov/> or at the State Bar of South Dakota's website at <http://www.sdbar.org/>, or such other notice as the Court may order. Notice shall include a copy of the proposed rule and the explanation of proposal described above in (1)–(5). Any member of the State Bar of South Dakota may request notification of an intention to adopt, amend, or repeal rules through first class mail by contacting the clerk of the Supreme Court. The notice shall fix a time and place when any person interested may appear and be heard with reference to the adoption, amendment, or repeal of rules.

Notice of adoption of several rules, amendments, or repeals of rules may be given at one time and in one notice.

All other rules adopted by the Supreme Court concerning its internal operations under its constitutional or statutory rule-making power shall be filed with the clerk of the Supreme Court and unless otherwise ordered shall become effective when so filed without further notice.

Rule 25-09

SDCL 16-3-5.2. Notice request for Supreme Court rule proposal--Court discretion to decline to consider proposal.

At the direction of the Supreme Court, the clerk of the Supreme Court shall issue a notice requesting any proposal for a new rule, amendment, or repeal of an existing rule pursuant to the Court's rule making authority in S.D. Const., Art. V, § 12 to include but not limited to the administration of the courts, the number and composition of circuits and judges assigned to the circuits, to pleading, practice, or procedure, or to the admission, disbarment, discipline, and reinstatement of attorneys to the practice of law. The clerk shall post the notice at the Unified Judicial System's website at ujls.sd.gov or at the State Bar of South Dakota's website at statebarofsouthdakota.com, or such other posting as the Court may direct.

The notice must fix a time by which such proposal must be received in the office of the clerk to be considered by the Court.

The Court may, in its discretion, decline to consider any rule received pursuant to this section.

Rule 25-10

SDCL 16-3-5.3. Rule proposal requirements.

Any proposal for a new rule, amendment, or repeal of an existing Supreme

Court rule must show deletions by strikethroughs and additions shown by underscore. The proposal must include a discussion of the proposed change and:

- (1) The identity of the proponent or proponents of the change;
- (2) A detailed explanation of the change and the reasons for the change;
- (3) An analysis of the state or federal rule or statute that the change is based upon, if any;
- (4) A comparison of the change with federal rules or local federal rules on the same subject, if any, and an explanation of any differences, if any; and
- (5) An analysis of how the change affects existing rules or statutes.

Rule 25-11

SDCL 16-3-5.4. Review of rule proposal for form, style, and clarity.

Upon receipt of a proposal submitted pursuant to § 16-3-5.2, the clerk of the Supreme Court shall immediately forward the proposal to the chief of legal research. The chief shall review each proposal for form, style, and clarity in compliance with the rule drafting standards established by the Court and posted at the Unified Judicial System's website at ujs.sd.gov. Within twenty days of receipt of the proposal in the office of the clerk, the clerk shall return the chief's form, style, and clarity suggestions to the proponent.

For purposes of this section and §§ 16-3-5.5, 16-3-5.7, and 16-3-5.9, the term, chief of legal research, means an officer of the court designated to manage the work of staff attorneys employed by the Supreme Court.

Rule 25-12

SDCL 16-3-5.5. Proponent response to suggestions--Proponent fails to timely respond to suggestions--No suggestions.

The proponent may accept or reject the chief of legal research's suggestions provided pursuant to § 16-3-5.4. Within ten workdays of service of the suggestions, the proponent shall submit a final proposal to the clerk of the Supreme Court meeting the requirements of § 16-3-5.3. If the proponent fails to submit a final proposal within ten workdays of service of the chief's suggestions, the clerk shall provide notice to the proponent that a final draft was not timely submitted, and that the proposal received pursuant to § 16-3-5.2 is considered final.

If the chief does not recommend any form, style, or clarity suggestions, the clerk shall provide notice to the proponent that no changes were recommended, and that the proposal received pursuant to § 16-3-5.2 is considered final.

Rule 25-13

SDCL 16-3-5.6. Notice and hearing of final rule proposals.

Following the procedure established in §§ 16-3-5.2 to 16-3-5.5, inclusive, the clerk of the Supreme Court shall give thirty days' notice of an intention to adopt, amend, or repeal rules by electronic mail notification to members of the State Bar of South Dakota, by posting notice at the Unified Judicial System's website at ujs.sd.gov or at the State Bar of South Dakota's website at statebarofsouthdakota.com, or such other posting as the Court may direct.

The notice must include a copy of the final proposal pursuant to § 16-3-5.5. The notice must fix a time and place when any person interested may appear and be heard with reference to the adoption, amendment, or repeal of rules. Notice of adoption of several rules, amendments, or repeals may be given at one time and in one notice.

Rule 25-14

SDCL 16-3-5.7. Court to receive copies of initial proposal, chief's suggestions,

and final proposals prior to hearing.

Prior to the hearing set by § 16-3-5.6, the clerk of the Supreme Court shall provide the Supreme Court a copy of each proposal submitted pursuant to § 16-3-5.2, the chief of legal research's suggestions for each proposal pursuant to § 16-3-5.4, and each final proposal as established by § 16-3-5.5.

Rule 25-15

SDCL 16-3-5.8. Rules governing internal operation effective on filing.

All rules adopted by the Supreme Court concerning its internal operations under its constitutional or statutory rule-making power must be filed with the clerk of the Supreme Court and become effective when filed without further notice, unless otherwise ordered.

Rule 25-16

SDCL 16-3-5.9. Court may issue notice of hearing on proposed rules changes without issuing notice requesting rules proposal.

The Supreme Court may, in its discretion, direct the clerk of the Supreme Court to give thirty days' notice of an intention to adopt, amend, or repeal rules by electronic mail notification to members of the State Bar of South Dakota, by posting notice at the Unified Judicial System's website at uj.s.sd.gov or at the State Bar of South Dakota's website at statebarofsouthdakota.com, or such other posting as the Court may direct without issuing the notice requesting proposal provided by § 16-3-5.2.

The notice must include a copy of the proposal in the form required by § 16-3-5.3. The notice must fix a time and place when any person interested may appear and be heard with reference to the adoption, amendment, or repeal of rules. Notice of adoption of several rules, amendments, or repeals may be given at one time and in one notice. Prior to issuing notice pursuant to this section, the proposal may be reviewed for form, style, and clarity by the chief of legal research within a time directed by the Court.

IT IS FURTHER ORDERED that the repeal and adoption of new rules set out above shall become effective immediately.

DATED at Pierre, South Dakota, this 5th day of March, 2025.

TOPICAL INDEX

	Ch. Page
Absentee Voting	
Designate an Individual Using the Address of a Mail Forwarding Service or Post Office Box When Applying to Register as a Voter or Vote by Absentee Ballot as a Federal Voter	58 176
Administrative Procedure	
Update Provisions on the Interim Legislative Oversight of Administrative Rulemaking	9 22
Modify Practice Criteria for Physician Assistants	149 311
Adopt the Dietitian Licensure Compact.....	153 323
Administrative Rule Revision	
Revise Provisions Related to Pharmacy and to Increase Fees.....	154 343
Increase Licensure Fees Related to the Practice of Funeral Service and Cremation	160 364
Adoption	
Revise Certain Provisions Related to the Rights and Obligations of a Father Of a Child Born to an Unmarried Mother.....	108 251
Modify the Requirement for Payment of a Private Home Study by the Department of Social Services	109 252
Revise a Provision Related to the Termination of Parental Rights of a Child Adjudicated Abused or Neglected	110 253
Agriculture and Horticulture	
Modify the Requirements for Obtaining an Agricultural Processor's Lien	166 376
Repeal a Reporting Requirement Regarding Industrial Hemp	167 377
Alcoholic Beverages	
Increase the Number of off Sale Licenses From Two to Three in Municipalities and Counties of One Thousand or Less.	146 309
Animals and Livestock	
Modify the Annual Fee for Concentrated Animal Feeding Operations and to Establish an Application Fee	145 306
Update the Membership of the Animal Industry Board to Include a Poultry Producer.....	170 380
Expand the Policy Advisory Committee for Animal Damage Control	172 382
Revise and Repeal Provisions Related to Agricultural Production Facilities and to Provide a Penalty Therefor	173 382
Appointments	
Modify the Composition and Staffing Requirements of the South Dakota Ireland Trade Commission.....	13 36
Appropriation	
Modify Tax Refunds for Elderly Persons and Persons With a Disability, To Make an Appropriation Therefor, and to Declare an Emergency	48 165
Authorize a Loan From the South Dakota Housing Infrastructure Fund to a School District Adjoining a Federal Military Installation for the Construction or Expansion of a School Building	56 174
Authorize the Payment of Lease Rental Obligations to the South Dakota Building Authority by the Bureau of Finance and Management, to Make an Appropriation Therefore, and to Declare an Emergency	78 205
Impose a Motor Vehicle Technology Fee.....	114 257
Revise Provisions Related to Pharmacy and to Increase Fees.....	154 343
Make an Appropriation for Costs Related to Emergencies and Disasters Impacting the State and to Declare an Emergency	200 459
Make an Appropriation for Costs Related to the Suppression of Wildfires Impacting the State and to Declare an Emergency	201 460

Make an Appropriation to Reimburse Health Care Professionals Who Have Complied With the Requirements for Rural Recruitment Assistance Programs and to Declare an Emergency.....	202	460
Make Appropriations for Water and Environmental Purposes and to Declare an Emergency.....	203	461
Make an Appropriation for the Construction of Historical Exhibits at the Cultural Heritage Center.....	204	463
Extend by Two Years the Date on Which Moneys Appropriated to the Governor's Office of Economic Development in 2021 for Marketing, Route Restoration, Business Development, and Air Service Marketing Will Revert to the General Fund.....	207	465
Authorize the Expansion of the South Dakota State Veterans Cemetery, to Make an Appropriation Therefor, and to Declare an Emergency.....	208	465
Make an Appropriation for Purchasing, Storing, and Distributing Sexual Assault Kits.....	209	466
Make an Appropriation for the Replacement of the Richmond Lake Dam and Spillway, for the General Maintenance and Repair of Other State-Owned Dams, and to Declare an Emergency.....	210	466
Make an Appropriation for a Student Teacher Stipend Grant Program.....	211	467
Make an Appropriation for Victim Services Provided by Nonprofit Organizations.....	212	468
Make an Appropriation for the Purchasing of Equipment to Support the South Dakota Board of Technical Education.....	213	469
Make an Appropriation for the Restoration, Maintenance, and Repair of the State Capitol.....	214	469
Revise the General Appropriations Act for Fiscal Year 2025.....	215	470

Artificial Intelligence

Prohibit the Use of a Deepfake to Influence an Election and to Provide a Penalty Therefor.....	68	191
--	----	-----

Attorney's Fees

Prohibit Unauthorized Access to Certain Multi-Occupancy Rooms.....	84	213
Prohibit Pharmaceutical Manufacturers From Interfering in Contracts Between 340 B Entities and Pharmacies and to Provide a Penalty Therefor.....	198	452

Aviation

Revise Department of Transportation Regulatory Authority Regarding Aeronautics.....	195	441
---	-----	-----

Ballot Measures

Proposing and Submitting to the Voters at the Next General Election an Amendment to the Constitution of the State of South Dakota, Clarifying That an Individual Must Be a Citizen of the United States to Be Eligible to Vote....	1	14
Proposing and Submitting to the Voters at the Next General Election an Amendment to the Constitution of the State of South Dakota, Establishing the Trust for Unclaimed Property Fund.....	2	14
Proposing and Submitting to the Voters at the Next General Election an Amendment to the Constitution of the State of South Dakota, Conditioning the Requirement of Expanded Medicaid on the Level of Federal Medical Assistance.....	3	15
Proposing and Submitting to the Voters at the Next General Election an Amendment to the Constitution of the State of South Dakota, Requiring That a Constitutional Amendment Receive an Affirmative Vote of Sixty Percent of the Votes Cast Before the Measure Is Enacted.....	4	16
Require the Inclusion of Certain Information on a Candidate's Nominating Petition or on a Ballot Question Petition.....	14	37
Require an Individual Be Registered as a Voter of This State Before Being Eligible to Be a Petition Sponsor for a Ballot Measure.....	15	39
Amend the Deadline for Filing a Petition to Initiate a Measure or Constitutional Amendment.....	16	41

Revise the Requirements for a Petition to Initiate a Measure or Constitutional Amendment or to Refer a Law	17	43
Revise the Provisions for Preparing a Fiscal Note for Ballot Questions	21	51
Banks and Banking		
Prohibit the Use of a Firearms Code for Transactions Involving Firearms, Accessories, Components, and Ammunition and to Provide a Civil Penalty Therefor	165	372
Bicycles		
Permit the Operation of a Class I Electric Bicycle on the Mickelson Trail	178	392
Boating		
Establish Certain Criminal Offenses for Boat Operators and to Provide Penalties Therefor	92	227
Provide for the Transfer of Motor Vehicles and Boats Upon Death	116	258
Specify the Funds Into Which Certain Boat Fees Are Deposited	117	259
Bonds (Public Debt)		
Modify the Permissible Dates for a School District Bond Election	79	206
Campaign Finance		
Limit the Amount of Money That May Be Loaned to a Candidate or Political Committee	69	193
Clarify When a Political Committee Must File Certain Campaign Finance Disclosure Statements	70	194
Require the Disclosure of an Outstanding Loan Balance on a Campaign Finance Disclosure Report	71	195
Child Abuse		
Make an Appropriation for Victim Services Provided by Nonprofit Organizations	212	468
Child Custody		
Permit a Court to Order Family Therapy or Reunification Therapy in a Custody or Visitation Dispute	106	248
Authorize the Use of a Newborn Safety Device for the Voluntary Surrender of a Newborn and to Make Clarifying Changes	107	248
Civil Procedure		
Revise Certain Provisions Related to the Rights and Obligations of a Father of a Child Born to an Unmarried Mother	108	251
Code Commission		
Modify and Repeal Provisions Related to the Legislative Research Council	19	47
Update the Official Code of Laws	23	55
Commercial Trucking		
Increase Driver License Fees	120	261
Increase Civil Penalties for Commercial Driver Violations	126	269
Update References to Certain Federal Motor Carrier Regulations	192	436
Compacts		
Adopt the Dietitian Licensure Compact	153	323
Confidential Information		
Update the South Dakota Retirement System's Member Information Protection Provisions	29	107
Prohibit the Use of a Firearms Code for Transactions Involving Firearms, Accessories, Components, and Ammunition and to Provide a Civil Penalty Therefor	165	372
Constitutional Amendments		
Proposing and Submitting to the Voters at the Next General Election an Amendment to the Constitution of the State of South Dakota, Clarifying That an Individual Must Be a Citizen of the United States to Be Eligible to Vote....	1	14
Proposing and Submitting to the Voters at the Next General Election an Amendment to the Constitution of the State of South Dakota, Establishing the Trust for Unclaimed Property Fund	2	14

Proposing and Submitting to the Voters at the Next General Election an Amendment to the Constitution of the State of South Dakota, Conditioning the Requirement of Expanded Medicaid on the Level of Federal Medical Assistance.....	3	15
Proposing and Submitting to the Voters at the Next General Election an Amendment to the Constitution of the State of South Dakota, Requiring That a Constitutional Amendment Receive an Affirmative Vote of Sixty Percent of the Votes Cast Before the Measure Is Enacted.....	4	16
Amend the Deadline for Filing a Petition to Initiate a Measure or Constitutional Amendment	16	41
Revise the Requirements for a Petition to Initiate a Measure or Constitutional Amendment or to Refer a Law	17	43
Construction Standards		
Revise Amounts for Inspection Fees for Electrical Installations	158	362
Clarify the Adoption and Use of the Plumbing Code.....	162	369
Controlled Substances		
Revise a Provision Related to Unauthorized Distribution of Fentanyl and Provide a Penalty Therefor	97	235
Revise the Penalty and Provide Treatment for the Ingestion of Certain Controlled Substances	98	237
Prohibit the Preparation, Sale, and Distribution of Certain Kratom Products and to Provide a Penalty Therefor	138	285
Modify Substances Listed on the Controlled Substances Schedule and to Declare an Emergency.....	139	289
Convention of States		
Applying to the United States Congress Under Article V of the United States Constitution to Call for a Convention for Proposing an Amendment to the Constitution Establishing Congressional Term Limits	5	17
Corporations		
Amend Certain Fees Collected by the Secretary of State.....	189	431
Correctional Facilities and Parole		
Revise Provisions Relating to the Delivery, Possession With Intent to Deliver, and Possession of Unauthorized Articles in a State Correctional Facility, and to Provide a Penalty Therefor	103	242
Revise Provisions Related to the Establishment of an Initial Parole Date.....	104	243
Revise a Provision Related to the Reimbursement of Expenses Incurred by a County in Detaining a Parolee	105	247
Counties		
Extend the Timeframe for Filling a Vacancy in a Board of County Commissioners	24	57
Permit a Sheriff to Charge a Fee for Service of Process, Whether Service Is Completed or Not	35	114
Address the Imposition of Firearm Restrictions on Certain Employees, Officers, Volunteers, and Other Individuals.....	36	116
Clarify the Enactment and Effective Date of a Measure Initiated or Referred Within a Political Subdivision	37	117
Revise the Payor of Autopsy Costs in Certain Circumstances	101	240
Revise a Provision Related to the Reimbursement of Expenses Incurred by a County in Detaining a Parolee	105	247
Amend the Maximum Fee Limit Due When Applying for a County Drainage Permit.....	188	430
Courts and Judiciary		
Repeal the Requirement That Judicial Officers Be Listed on a Separate Nonpolitical Ballot	64	187
Revise Provisions Related to the Stenographic Recording of Certain Proceedings	89	225

Crimes

Establish Mandatory Reporting Requirements Related to Improper Governmental Conduct and Crime, and to Provide a Penalty Therefor	25	58
Require an Individual Be a Citizen of the United States Before Being Eligible to Vote and to Provide a Penalty Therefor	59	178
Prohibit the Use of a Deepfake to Influence an Election and to Provide a Penalty Therefor	68	191
Prohibit Unauthorized Access to Certain Multi-Occupancy Rooms.	84	213
Establish Certain Criminal Offenses for Boat Operators and to Provide Penalties Therefor	92	227
Revise a Provision Related to Sexual Contact With a Child Under Eighteen ...	93	228
Revise Provisions Related to Forensic Medical Examinations	94	229
Require Age Verification by Websites Containing Material That Is Harmful to Minors and to Provide a Penalty Therefor	95	231
Revise Certain Provisions Related to the Restriction of Access to Obscene Materials in a Public Library or Public School Library	96	234
Revise a Provision Related to Unauthorized Distribution of Fentanyl and Provide a Penalty Therefor	97	235
Revise the Penalty and Provide Treatment for the Ingestion of Certain Controlled Substances	98	237
Revise Provisions Related to Human Trafficking, to Prohibit the Obstruction of Human Trafficking Enforcement, and to Provide a Penalty Therefor	99	238
Revise Provisions Relating to the Delivery, Possession With Intent to Deliver, and Possession of Unauthorized Articles in a State Correctional Facility and to Provide a Penalty Therefor	103	242
Revise and Repeal Provisions Related to Street Racing Prohibitions and to Provide a Penalty Therefor	129	273
Prohibit the Preparation, Sale, and Distribution of Certain Kratom Products and to Provide a Penalty Therefor	138	285
Revise and Repeal Provisions Related to Agricultural Production Facilities and to Provide a Penalty Therefor	173	382

Criminal Background Investigation

Establish Protections for a Veteran Seeking Assistance in a Veterans Benefit Matter	133	279
Adopt the Dietitian Licensure Compact	153	323

Criminal Procedure

Prohibit Eligibility for a Suspended Imposition of Sentence for Certain Rape Offenses	102	241
---	-----	-----

Custody and Investment of State Funds

Proposing and Submitting to the Voters at the Next General Election an Amendment to the Constitution of the State of South Dakota, Establishing the Trust for Unclaimed Property Fund	2	14
---	---	----

Delayed Effective Date

Provide Permissible Dates for Municipal and School District Elections	40	135
Designate an Individual Using the Address of a Mail Forwarding Service or Post Office Box When Applying to Register as a Voter or Vote by Absentee Ballot as a Federal Voter	58	176
Modify the Requirements for Obtaining an Agricultural Processor's Lien	166	376

Domestic Abuse

Make an Appropriation for Victim Services Provided by Nonprofit Organizations	212	468
---	-----	-----

Domestic Relations

Permit a Court to Order Family Therapy or Reunification Therapy in a Custody or Visitation Dispute	106	248
Authorize the Use of a Newborn Safety Device for the Voluntary Surrender of a Newborn and to Make Clarifying Changes	107	248

Revise Certain Provisions Related to the Rights and Obligations of a Father of a Child Born to an Unmarried Mother	108	251
Modify the Requirement for Payment of a Private Home Study by the Department of Social Services	109	252
Driver License		
Increase Driver License Fees	120	261
Require an Indication of United States Citizenship Status on a Motor Vehicle Operator's License or Permit, and on a Nondriver Identification Card.....	121	264
Modify the Persons Eligible to Sign an Affidavit for Proof of Homelessness for Purposes of Waiving the Fee for a Nondriver Identification Card.....	122	266
Waive the Driver License Renewal Period for Members of the Military and Their Families, and Employees of the State Department	123	267
Allow an Applicant to Have an Interpreter Present During the Driving Portion of a Driver License Exam	124	268
Require That an Individual Registering as a Voter When Applying for a Driver License Be a Resident of This State for the Purposes of Voting	125	268
Allow Additional Forms to Verify Military Service for a Veteran Designation on a Commercial Driver License or Commercial Learner's Permit	127	269
Establish Provisions Related to the Sharing of Information With the National Marrow Donor Program	141	301
Easements		
Remove the Prohibition Against a Landowner Having an Easement on the Landowner's Property.....	182	404
Economic Development		
Authorize a Loan From the South Dakota Housing Infrastructure Fund to a School District Adjoining a Federal Military Installation for the Construction or Expansion of a School Building	56	174
Extend by Two Years the Date on Which Moneys Appropriated to the Governor's Office of Economic Development in 2021 for Marketing, Route Restoration, Business Development, and Air Service Marketing Will Revert to the General Fund	207	465
Education		
Revise Property Tax Levies for School Districts and to Revise the State Aid to General and Special Education Formulas	47	158
Require That All Certified Educators Take a Course in South Dakota Indian Studies	72	197
Amend the Programs Reimbursing a Teacher or School Counselor for Earning National Board Certification	73	198
Allow a Student to Wear Certain Military Decorations at a School Graduation Ceremony and to Declare an Emergency	74	199
Require the Acceptance of a Cash Payment for Admission to a School-Affiliated Event.....	75	200
Amend Definitions Pertaining to the School Funding Formula	76	200
Modify the Maximum Sparsity Benefit a Sparse School District Is Eligible to Receive.....	77	204
Modify the Permissible Dates for a School District Bond Election	79	206
Revise Provisions Pertaining to the Compulsory Age for School Attendance ..	80	207
Provide Tuition for a Student Who Is Placed in a Residential Treatment Center That Provides Educational Programming	81	210
Reduce the State's Contribution to a Subsidized High School Dual Credit Program	82	211
Expand the Authorized Carrying Possession and Storage of a Concealed Pistol	83	212
Prohibit Unauthorized Access to Certain Multi-Occupancy Rooms.	84	213
Permit a School District to Implement a New or Revised Section 504 Plan,		

Individualized Family Service Plan, or Individualized Education Program for a Student Who Is the Child of an Active Duty Member of the United States Armed Forces	85	217
Limit the Imposition of Restrictions on the Carrying of a Concealed Pistol and Other Items of Self-Defense While on the Campus of a Public Institution of Higher Education.	86	218
Update a Reference to the Internal Revenue Code for Purposes of Higher Education Savings Plans	87	220
Make an Appropriation for the Construction of Historical Exhibits at the Cultural Heritage Center	204	463
Make an Appropriation for a Student Teacher Stipend Grant Program	211	467
Election Verification		
Amend Provisions Pertaining to the Process by Which the Qualifications of a Registered Voter Are Verified	61	182
Require That Notice of a County's Canvass, Post Election Audit, and Testing of Automatic Tabulating Equipment Be Posted to the Secretary of State's Website.	65	188
Modify Provisions Pertaining to the Compensation of a Recount Board	66	189
Revise the Process by Which a Recount May Be Requested	67	190
Elections		
Require the Inclusion of Certain Information on a Candidate's Nominating Petition or on a Ballot Question Petition	14	37
Require an Individual Be Registered as a Voter of This State Before Being Eligible to Be a Petition Sponsor for a Ballot Measure	15	39
Revise the Requirements for a Petition to Initiate a Measure or Constitutional Amendment or to Refer a Law	17	43
Provide Permissible Dates for Municipal and School District Elections	40	135
Revise Residency Requirements for the Purposes of Voter Registration	57	175
Designate an Individual Using the Address of a Mail Forwarding Service or Post Office Box When Applying to Register as a Voter or Vote by Absentee Ballot as a Federal Voter	58	176
Require an Individual Be a Citizen of the United States Before Being Eligible to Vote and to Provide a Penalty Therefor	59	178
Amend Provisions Pertaining to the Maintenance and Publication of the Statewide Voter Registration File	60	179
Amend Provisions Pertaining to the Process by Which the Qualifications of a Registered Voter Are Verified	61	182
Revise the Process for Nominating Candidates for Lieutenant Governor	62	184
Require That the Director of the Legislative Research Council and the Secretary of State Review an Initiated Measure and Determine if the Measure Embraces More Than One Subject	63	185
Repeal the Requirement That Judicial Officers Be Listed on a Separate Nonpolitical Ballot	64	187
Require That Notice of a County's Canvass, Post Election Audit, and Testing of Automatic Tabulating Equipment Be Posted to the Secretary of State's Website.	65	188
Modify Provisions Pertaining to the Compensation of a Recount Board	66	189
Revise the Process by Which a Recount May Be Requested	67	190
Prohibit the Use of a Deepfake to Influence an Election and to Provide a Penalty Therefor	68	191
Limit the Amount of Money That May Be Loaned to a Candidate or Political Committee	69	193
Clarify When a Political Committee Must File Certain Campaign Finance Disclosure Statements	70	194
Require the Disclosure of an Outstanding Loan Balance on a Campaign Finance Disclosure Report	71	195
Modernize Provisions Relating to Water Development Districts	186	411

Extend the Area in Which a Director for an Irrigation District May Reside	187	430
Ellsworth Air Force Base		
Authorize a Loan From the South Dakota Housing Infrastructure Fund to a School District Adjoining a Federal Military Installation for the Construction or Expansion of a School Building	56	174
Emergency Clause		
Modify Tax Refunds for Elderly Persons and Persons With a Disability, to Make an Appropriation Therefor, and to Declare an Emergency.....	48	165
Authorize a Loan From the South Dakota Housing Infrastructure Fund to a School District Adjoining a Federal Military Installation for the Construction or Expansion of a School Building	56	174
Authorize the Payment of Lease Rental Obligations to the South Dakota Building Authority by the Bureau of Finance and Management, to Make an Appropriation Therefore, and to Declare an Emergency.....	78	205
Modify Substances Listed on the Controlled Substances Schedule and to Declare an Emergency.....	139	289
Modify Provisions Related to Emergency Medical Services Personnel and to Declare an Emergency.....	150	319
Revise Provisions Relating to Licensing Fees and License Renewal Dates for the Practice of Barbering and to Declare an Emergency	155	358
Make an Appropriation for Costs Related to Emergencies and Disasters Impacting the State and to Declare an Emergency	200	459
Make an Appropriation for Costs Related to the Suppression of Wildfires Impacting the State and to Declare an Emergency	201	460
Make an Appropriation to Reimburse Health Care Professionals Who Have Complied With the Requirements for Rural Recruitment Assistance Programs and to Declare an Emergency	202	460
Make Appropriations for Water and Environmental Purposes and to Declare an Emergency	203	461
Authorize the Expansion of the South Dakota State Veterans Cemetery, to Make an Appropriation Therefor, and to Declare an Emergency.....	208	465
Make an Appropriation for the Replacement of the Richmond Lake Dam and Spillway, for the General Maintenance and Repair of Other State-Owned Dams, and to Declare an Emergency.....	210	466
Emergency Management		
Revise and Repeal Provisions Related to the 911 Emergency Surcharge and the 911 Coordination Board	143	302
Make an Appropriation for Costs Related to Emergencies and Disasters Impacting the State and to Declare an Emergency	200	459
Emergency Medical Services		
Authorize the Use of a Newborn Safety Device for the Voluntary Surrender of a Newborn and to Make Clarifying Changes.....	107	248
Update Terminology Related to Ambulance Operators	128	270
Modify Provisions Related to Emergency Medical Services Personnel and to Declare an Emergency	150	319
Modify the Community Paramedic Endorsement.....	151	320
Eminent Domain		
Prohibit the Exercise of Eminent Domain for a Pipeline That Carries Carbon Oxide	190	435
Environmental Protection		
Modify the Annual Fee for Concentrated Animal Feeding Operations and to Establish an Application Fee.....	145	306
Revise and Repeal Provisions Related to Agricultural Production Facilities and to Provide a Penalty Therefor	173	382
Executive/Judiciary Request		
Expand the Access and Investigatory Authority of the State Auditor.....	6	18
Modify the Authority of the Board of Internal Control	12	34

Establish Mandatory Reporting Requirements Related to Improper Governmental Conduct and Crime and to Provide a Penalty Therefor	25	58
Establish Protections for State Employees Who Report Improper Governmental Conduct and Crime	26	60
Update Provisions of the South Dakota Retirement System	27	62
Update a Reference to the Internal Revenue Code in South Dakota Retirement System Statutes	28	106
Update the South Dakota Retirement System's Member Information Protection Provisions	29	107
Update the South Dakota Retirement System Member Identity Verification Procedures	30	107
Amend Provisions Regarding the Division of Insurance and the Former Division of Securities Operating Fund	31	108
Establish a Minimum Combined Balance of the Budget Reserve Fund and General Revenue Replacement Fund	32	108
Revise Certain Provisions Related to Capital Improvements of State Buildings	34	112
Revise Certain References to the Internal Revenue Code	42	142
Reduce the Growth in the Assessed Value of Owner-Occupied Property, Limit Increases in Certain Property Tax Revenues, Revise Provisions Regarding School District Excess Tax Levies, and Revise Eligibility Requirements for a Property Tax Assessment Freeze.	46	155
Revise Property Tax Levies for School Districts and to Revise the State Aid to General and Special Education Formulas	47	158
Modify Tax Refunds for Elderly Persons and Persons With a Disability, to Make an Appropriation Therefor, and to Declare an Emergency	48	165
Suspend the Tax Collection Allowance Credit for Filing Returns and Remitting Taxes Electronically	51	170
Revise the Distribution of Revenue From the Cigarette Tax	52	170
Clarify the Wholesale Purchase Price of Tobacco Products	53	170
Repeal Obsolete Provisions Pertaining to Noncollecting Retailers	54	171
Establish a Timeframe Within Which a Remote Seller and Marketplace Provider Must Register and Remit Sales Tax	55	173
Require That All Certified Educators Take a Course in South Dakota Indian Studies	72	197
Amend the Programs Reimbursing a Teacher or School Counselor for Earning National Board Certification	73	198
Amend Definitions Pertaining to the School Funding Formula	76	200
Authorize the Payment of Lease Rental Obligations to the South Dakota Building Authority by the Bureau of Finance and Management, to Make an Appropriation Therefore, and to Declare an Emergency	78	205
Provide Tuition for a Student Who Is Placed in a Residential Treatment Center That Provides Educational Programming	81	210
Reduce the State's Contribution to a Subsidized High School Dual Credit Program	82	211
Update a Reference to the Internal Revenue Code for Purposes of Higher Education Savings Plans	87	220
Revise and Repeal Certain Provisions Pertaining to the State Library and State Library Board	88	222
Revise Provisions Related to the Stenographic Recording of Certain Proceedings	89	225
Revise Provisions Related to Human Trafficking, to Prohibit the Obstruction of Human Trafficking Enforcement, and to Provide a Penalty Therefor	99	238
Revise Provisions Relating to the Delivery, Possession With Intent to Deliver, and Possession of Unauthorized Articles in a State Correctional Facility and to Provide a Penalty Therefor	103	242
Revise Provisions Related to the Establishment of an Initial Parole Date	104	243

Modify the Requirement for Payment of a Private Home Study by the Department of Social Services	109	252
Revise the Description of Highways Included in the State Trunk Highway System	112	255
Impose a Motor Vehicle Technology Fee.....	114	257
Specify the Funds Into Which Certain Boat Fees Are Deposited.....	117	259
Increase Driver License Fees	120	261
Require an Indication of United States Citizenship Status on a Motor Vehicle Operator's License or Permit, and on a Nondriver Identification Card.....	121	264
Increase Civil Penalties for Commercial Driver Violations	126	269
Modify Requirements for a Vehicle Approaching a Vehicle That Is Stopped or Occupying the Shoulder of the Highway With Warning Lights Flashing	130	276
Repeal the Oath Requirement for an Application for a Lodging Establishment, Campground Food Service Establishment, or Mobile Food Service Establishment License.....	136	283
Modify Substances Listed on the Controlled Substances Schedule and to Declare an Emergency.....	139	289
Update the Roles of the Department of Agriculture and Natural Resources and the Department of Public Safety Regarding Burning and Burn Permit Issuing Authority.....	142	301
Revise and Repeal Provisions Related to the 911 Emergency Surcharge and the 911 Coordination Board.....	143	302
Modify the Annual Fee for Concentrated Animal Feeding Operations and to Establish an Application Fee	145	306
Modify Provisions Related to Emergency Medical Services Personnel and to Declare an Emergency.....	150	319
Revise Provisions Related to Pharmacy and to Increase Fees.....	154	343
Revise Provisions Relating to Licensing Fees and License Renewal Dates for the Practice of Barbering and to Declare an Emergency	155	358
Revise Provisions Relating to Licensing Fees for Cosmetology Esthetics and Nail Technology.....	156	359
Revise Amounts for Inspection Fees for Electrical Installations	158	362
Increase Licensure Fees Related to the Practice of Funeral Service and Cremation	160	364
Revise Amounts for Licensing Fees for the Practice of Accountancy	161	366
Clarify the Adoption and Use of the Plumbing Code.....	162	369
Revise Provisions Relating to the Promulgation of Rules to Set Licensing and Inspection Fees for Plumbers and Related Professions.....	163	369
Prohibit the Misbranding of Any Cell-Cultured Protein Product.	168	378
Clarify the Minimum Age Requirements for a Hunting License	175	387
Clarify Eligibility for Licensure as a Video Lottery Operator.....	179	392
Amend Certain Fees Collected by the Secretary of State.....	189	431
Clarify the Status of the Statewide One-Call Notification Board as an Agency Administered by the Department of Public Safety and the Duties of the Board.	191	435
Update References to Certain Federal Motor Carrier Regulations	192	436
Include a Hybrid Facility as a Facility to Be Regulated by the Public Utilities Commission	193	437
Prohibit Use of the South Dakota Public Utilities Commission Gross Receipts Tax Fund for Reimbursement of Costs Incurred by the Public Utilities Commission	194	440
Revise Department of Transportation Regulatory Authority Regarding Aeronautics	195	441
Remove Outdated Provisions Within the Insurance Code	197	449
Reduce Employer Contribution Rates and Increase the Administrative Fee Rate for Reemployment Assistance.....	199	456

Make an Appropriation for Costs Related to Emergencies and Disasters Impacting the State and to Declare an Emergency	200	459
Make an Appropriation for Costs Related to the Suppression of Wildfires Impacting the State and to Declare an Emergency	201	460
Make Appropriations for Water and Environmental Purposes and to Declare an Emergency	203	461
Make an Appropriation for the Construction of Historical Exhibits at the Cultural Heritage Center	204	463
Provide for the Sale of Certain Real Estate Located in Pennington County and to Provide for the Deposit of the Proceeds	205	464
Authorize the Expansion of the South Dakota State Veterans Cemetery, to Make an Appropriation Therefor, and to Declare an Emergency.....	208	465
Make an Appropriation for the Replacement of the Richmond Lake Dam and Spillway, for the General Maintenance and Repair of Other State-Owned Dams, and to Declare an Emergency.	210	466
Revise the General Appropriations Act for Fiscal Year 2025	215	470

Fees

Permit a Sheriff to Charge a Fee for Service of Process Whether Service Is Completed or Not.....	35	114
Remove the Maximum Fee Permitted to Be Charged by a Notary	91	227
Revise the Payor of Autopsy Costs in Certain Circumstances	101	240
Impose a Motor Vehicle Technology Fee.....	114	257
Exempt a Motor Vehicle Insurer From a Certain Title Fee.....	115	258
Specify the Funds Into Which Certain Boat Fees Are Deposited.....	117	259
Increase Driver License Fees	120	261
Revise and Repeal Provisions Related to the 911 Emergency Surcharge and the 911 Coordination Board	143	302
Modify the Annual Fee for Concentrated Animal Feeding Operations and to Establish an Application Fee	145	306
Establish and Modify Provisions for the Temporary Training of Nonresident Physicians.....	148	310
Modify Practice Criteria for Physician Assistants	149	311
Modify Provisions Related to Emergency Medical Services Personnel and to Declare an Emergency.....	150	319
Revise Provisions Related to Pharmacy and to Increase Fees.....	154	343
Revise Provisions Relating to Licensing Fees and License Renewal Dates for the Practice of Barbering and to Declare an Emergency	155	358
Revise Provisions Relating to Licensing Fees for Cosmetology Esthetics and Nail Technology.....	156	359
Revise Amounts for Inspection Fees for Electrical Installations	158	362
Increase Licensure Fees Related to the Practice of Funeral Service and Cremation	160	364
Revise Amounts for Licensing Fees for the Practice of Accountancy	161	366
Revise Provisions Relating to the Promulgation of Rules to Set Licensing and Inspection Fees for Plumbers and Related Professions.....	163	369
Amend the Maximum Fee Limit Due When Applying for a County Drainage Permit.....	188	430
Amend Certain Fees Collected by the Secretary of State.....	189	431
Prohibit Use of the South Dakota Public Utilities Commission Gross Receipts Tax Fund for Reimbursement of Costs Incurred by the Public Utilities Commission	194	440
Reduce Employer Contribution Rates and Increase the Administrative Fee Rate for Reemployment Assistance	199	456

Fiduciaries and Trusts

Provide for the Transfer of Motor Vehicles and Boats Upon Death	116	258
Revise Provisions Related to Trusts	196	442

Firearms

Address the Imposition of Firearm Restrictions on Certain Employees, Officers, Volunteers, and Other Individuals.....	36	116
Expand the Authorized Carrying Possession and Storage of a Concealed Pistol	83	212
Limit the Imposition of Restrictions on the Carrying of a Concealed Pistol and Other Items of Self-Defense While on the Campus of a Public Institution of Higher Education.	86	218
Prohibit the Use of a Firearms Code for Transactions Involving Firearms, Accessories, Components, and Ammunition and to Provide a Civil Penalty Therefor	165	372
Authorize a Change in Bullet Diameter for Use in Taking Certain Animals.....	177	390
Void Covenants That Prohibit or Restrict the Possession or Use of Firearms and Ammunition.....	181	404

Firefighters

Authorize the Use of a Newborn Safety Device for the Voluntary Surrender of a Newborn and to Make Clarifying Changes.....	107	248
Update the Roles of the Department of Agriculture and Natural Resources and the Department of Public Safety Regarding Burning and Burn Permit Issuing Authority.....	142	301
Make an Appropriation for Costs Related to the Suppression of Wildfires Impacting the State and to Declare an Emergency	201	460

Food and Drugs

Prohibit the Misbranding of Any Cell-Cultured Protein Product.	168	378
Prohibit the Award or Use of State Moneys for the Research, Production, Promotion, Sale, or Distribution of Cell-Cultured Protein.	169	380
Prohibit Pharmaceutical Manufacturers From Interfering in Contracts Between 340 B Entities and Pharmacies and to Provide a Penalty Therefor.....	198	452

Fund

Proposing and Submitting to the Voters at the Next General Election an Amendment to the Constitution of the State of South Dakota, Establishing the Trust for Unclaimed Property Fund.....	2	14
Amend Provisions Regarding the Division of Insurance and the Former Division of Securities Operating Fund	31	108
Establish a Minimum Combined Balance of the Budget Reserve Fund and General Revenue Replacement Fund	32	108
Revise the Distribution of Revenue From the Cigarette Tax	52	170
Impose a Motor Vehicle Technology Fee.....	114	257
Specify the Funds Into Which Certain Boat Fees Are Deposited.....	117	259
Increase Driver License Fees	120	261
Modify the Annual Fee for Concentrated Animal Feeding Operations and to Establish an Application Fee	145	306
Require Legislative Approval for Significant Capital Expenditures by the Department of Game, Fish and Parks	174	386
Make an Appropriation for Costs Related to Emergencies and Disasters Impacting the State and to Declare an Emergency	200	459
Make Appropriations for Water and Environmental Purposes and to Declare an Emergency.....	203	461
Make an Appropriation for the Construction of Historical Exhibits at the Cultural Heritage Center	204	463
Provide for the Sale of Certain Real Estate Located in Pennington County and to Provide for the Deposit of the Proceeds.....	205	464
Transfer Moneys From the South Dakota-Bred Racing Fund to the Special Racing Revolving Fund.	206	465

Funeral Services

Revise Provisions Regarding Students and Trainees Engaged in the Practice of Funeral Service	159	363
--	-----	-----

Increase Licensure Fees Related to the Practice of Funeral Service and Cremation	160	364
Gambling		
Clarify Eligibility for Licensure as a Video Lottery Operator.....	179	392
Game, Fish, Parks and Forestry		
Require Legislative Approval for Significant Capital Expenditures by the Department of Game, Fish and Parks	174	386
Clarify the Minimum Age Requirements for a Hunting License	175	387
Allow Nonresident Military Members to Purchase Three-Day Temporary Nonresident Waterfowl Licenses.....	176	390
Authorize a Change in Bullet Diameter for Use in Taking Certain Animals.....	177	390
Government Operations and Audit		
Expand the Access and Investigatory Authority of the State Auditor	6	18
Modify the Authority of the Board of Internal Control	12	34
Clarify the Discovery Procedures and Powers and to Modify the Administration of the Government Operations and Audit Committee	18	46
Establish Mandatory Reporting Requirements Related to Improper Governmental Conduct and Crime and to Provide a Penalty Therefor.....	25	58
Establish Protections for State Employees Who Report Improper Governmental Conduct and Crime.....	26	60
Grants		
Prohibit the Award or Use of State Moneys for the Research, Production, Promotion, Sale, or Distribution of Cell-Cultured Protein.....	169	380
Make an Appropriation for a Student Teacher Stipend Grant Program.....	211	467
Make an Appropriation for Victim Services Provided by Nonprofit Organizations.....	212	468
Health Care		
Authorize the Use of a Newborn Safety Device for the Voluntary Surrender of a Newborn and to Make Clarifying Changes.....	107	248
Update and Repeal Provisions Related to the Reporting of Hospital Charge Information	135	281
Provide an Exception for Employers to Acquire and Distribute Opioid Antagonists That Are Available Over the Counter.....	137	284
Allow Individualized Investigative Treatments for Patients With Life-Threatening or Debilitating Diseases or Conditions.	144	303
Prohibit a Health Care Provider From Restricting or Denying a Parent or Guardian's Access to Certain Medical Records and Other Health Information of a Minor	147	310
Establish and Modify Provisions for the Temporary Training of Nonresident Physicians.....	148	310
Modify Practice Criteria for Physician Assistants	149	311
Modify the Community Paramedic Endorsement	151	320
Revise Licensure and Supervision Requirements for Physical Therapists and Physical Therapist Assistants.....	152	320
Adopt the Dietitian Licensure Compact.....	153	323
Revise Provisions Related to Pharmacy and to Increase Fees.....	154	343
Make an Appropriation to Reimburse Health Care Professionals Who Have Complied With the Requirements for Rural Recruitment Assistance Programs and to Declare an Emergency.....	202	460
Make an Appropriation for Purchasing, Storing, and Distributing Sexual Assault Kits	209	466
Health Maintenance Organizations		
Allow Individualized Investigative Treatments for Patients With Life-Threatening or Debilitating Diseases or Conditions.....	144	303
Higher Education		
Reduce the State's Contribution to a Subsidized High School Dual Credit Program	82	211

Limit the Imposition of Restrictions on the Carrying of a Concealed Pistol and Other Items of Self-Defense While on the Campus of a Public Institution of Higher Education.	86	218
Update a Reference to the Internal Revenue Code for Purposes of Higher Education Savings Plans	87	220
Prohibit the Award or Use of State Moneys for the Research, Production, Promotion, Sale, or Distribution of Cell-Cultured Protein.	169	380
Make an Appropriation for the Purchasing of Equipment to Support the South Dakota Board of Technical Education	213	469
Highways and Bridges		
Revise the Description of Highways Included in the State Trunk Highway System	112	255
Eliminate the Cap on Assessment Amounts for Road Improvements	113	256
Hoghouse-Vehicle Bill		
Reduce the Growth in the Assessed Value of Owner-Occupied Property, Limit Increases in Certain Property Tax Revenues, Revise Provisions Regarding School District Excess Tax Levies, and Revise Eligibility Requirements for a Property Tax Assessment Freeze.	46	155
Homeowners' Associations		
Void Covenants That Prohibit or Restrict the Possession or Use of Firearms and Ammunition.....	181	404
House Joint Resolution		
Proposing and Submitting to the Voters at the Next General Election an Amendment to the Constitution of the State of South Dakota, Conditioning the Requirement of Expanded Medicaid on the Level of Federal Medical Assistance	3	15
Applying to the United States Congress Under Article V of the United States Constitution to Call for a Convention for Proposing an Amendment to the Constitution Establishing Congressional Term Limits.....	5	17
Hunting		
Allow Nonresident Military Members to Purchase Three-Day Temporary Nonresident Waterfowl Licenses.....	176	390
Authorize a Change in Bullet Diameter for Use in Taking Certain Animals	177	390
Indian Tribes		
Require That All Certified Educators Take a Course in South Dakota Indian Studies	72	197
Modify the Annual Fee for Concentrated Animal Feeding Operations and to Establish an Application Fee	145	306
Industrial Hemp		
Repeal a Reporting Requirement Regarding Industrial Hemp	167	377
Initiated Measures		
Amend the Deadline for Filing a Petition to Initiate a Measure or Constitutional Amendment.....	16	41
Revise the Requirements for a Petition to Initiate a Measure or Constitutional Amendment or to Refer a Law	17	43
Clarify the Enactment and Effective Date of a Measure Initiated or Referred Within a Political Subdivision	37	117
Require That the Director of the Legislative Research Council and the Secretary of State Review an Initiated Measure and Determine if the Measure Embraces More Than One Subject	63	185
Insurance		
Amend Provisions Regarding the Division of Insurance and the Former Division of Securities Operating Fund.....	31	108
Exempt a Motor Vehicle Insurer From a Certain Title Fee	115	258
Allow Individualized Investigative Treatments for Patients With Life-Threatening or Debilitating Diseases or Conditions.....	144	303

Prohibit Payment or Rebate of Insurance Deductibles by Contractors		
Providing Motor Vehicle Repair Services	164	371
Remove Outdated Provisions Within the Insurance Code	197	449
Prohibit Pharmaceutical Manufacturers From Interfering in Contracts Between 340 B Entities and Pharmacies and to Provide a Penalty Therefor.....	198	452
Interim Legislative Committee Bill		
Update Provisions on the Interim Legislative Oversight of Administrative Rulemaking	9	22
Update the Official Code of Laws.....	23	55
Judicial Remedies		
Amend Bond Requirements	90	226
Revise and Repeal Provisions Related to Agricultural Production Facilities and to Provide a Penalty Therefor	173	382
Law Enforcement		
Prohibit the Adoption or Implementation of Certain Policies Related to Immigration Enforcement	100	240
Revise the Payor of Autopsy Costs in Certain Circumstances	101	240
Authorize the Use of a Newborn Safety Device for the Voluntary Surrender of a Newborn and to Make Clarifying Changes.....	107	248
Make an Appropriation for Purchasing, Storing, and Distributing Sexual Assault Kits	209	466
Legislative Documents		
Modify and Repeal Provisions Related to the Legislative Research Council	19	47
Clarify Which Opinions Must Be Included in the Annual Judicial Opinions Report Prepared by the Legislative Research Council.....	20	51
Legislative Oversight		
Update Provisions on the Interim Legislative Oversight of Administrative Rulemaking	9	22
Require Legislative Approval of Real Property Leases That Are Necessary for the Operation of State Government and Exceed Specified Durations or Rental Payments	11	32
Clarify the Discovery Procedures and Powers and to Modify the Administration of the Government Operations and Audit Committee	18	46
Modify and Repeal Provisions Related to the Legislative Research Council	19	47
Revise Provisions on Interim Transfers and Appropriations	33	109
Require Legislative Approval for Significant Capital Expenditures by the Department of Game, Fish and Parks	174	386
Legislature and Statutes		
Update Provisions on the Interim Legislative Oversight of Administrative Rulemaking	9	22
Require the Inclusion of Certain Information on a Candidate's Nominating Petition or on a Ballot Question Petition.....	14	37
Require an Individual Be Registered as a Voter of This State Before Being Eligible to Be a Petition Sponsor for a Ballot Measure	15	39
Amend the Deadline for Filing a Petition to Initiate a Measure or Constitutional Amendment	16	41
Clarify the Discovery Procedures and Powers and to Modify the Administration of the Government Operations and Audit Committee	18	46
Modify and Repeal Provisions Related to the Legislative Research Council	19	47
Clarify Which Opinions Must Be Included in the Annual Judicial Opinions Report Prepared by the Legislative Research Council.....	20	51
Revise the Provisions for Preparing a Fiscal Note for Ballot Questions	21	51
Define the Term Must.....	22	55
Update the Official Code of Laws.....	23	55
Revise and Repeal Certain Provisions Pertaining to the State Library and State Library Board	88	222

Libraries

Revise and Repeal Certain Provisions Pertaining to the State Library and State Library Board	88	222
--	----	-----

Licensure

Modify Requirements for Off-Road Vehicle Dealers at Special Events	119	261
Update Terminology Related to Ambulance Operators	128	270
Repeal the Oath Requirement for an Application for a Lodging Establishment, Campground, Food Service Establishment, or Mobile Food Service Establishment License	136	283
Establish and Modify Provisions for the Temporary Training of Nonresident Physicians	148	310
Modify Practice Criteria for Physician Assistants	149	311
Modify Provisions Related to Emergency Medical Services Personnel and to Declare an Emergency	150	319
Revise Licensure and Supervision Requirements for Physical Therapists and Physical Therapist Assistants	152	320
Adopt the Dietitian Licensure Compact	153	323
Revise Provisions Related to Pharmacy and to Increase Fees	154	343
Revise Provisions Relating to Licensing Fees and License Renewal Dates for the Practice of Barbering and to Declare an Emergency	155	358
Revise Provisions Relating to Licensing Fees for Cosmetology Esthetics and Nail Technology	156	359
Modify Requirements Relating to the Operation of Salons and Booths and to Declare an Emergency	157	361
Revise Provisions Regarding Students and Trainees Engaged in the Practice of Funeral Service	159	363
Increase Licensure Fees Related to the Practice of Funeral Service and Cremation	160	364
Revise Amounts for Licensing Fees for the Practice of Accountancy	161	366
Revise Provisions Relating to the Promulgation of Rules to Set Licensing and Inspection Fees for Plumbers and Related Professions	163	369
Clarify the Minimum Age Requirements for a Hunting License	175	387
Clarify Eligibility for Licensure as a Video Lottery Operator	179	392
Revise Department of Transportation Regulatory Authority Regarding Aeronautics	195	441
Remove Outdated Provisions Within the Insurance Code	197	449

Liens

Clarify Provisions Regarding Tax Deeds	49	168
Modify the Requirements for Obtaining an Agricultural Processor's Lien	166	376

Lottery

Clarify Eligibility for Licensure as a Video Lottery Operator	179	392
---	-----	-----

Meat and Meat Products

Prohibit the Misbranding of Any Cell-Cultured Protein Product	168	378
Prohibit the Award or Use of State Moneys for the Research, Production, Promotion, Sale, or Distribution of Cell-Cultured Protein	169	380

Medicaid

Proposing and Submitting to the Voters at the Next General Election an Amendment to the Constitution of the State of South Dakota, Conditioning the Requirement of Expanded Medicaid on the Level of Federal Medical Assistance	3	15
---	---	----

Medical Records

Prohibit a Health Care Provider From Restricting or Denying a Parent or Guardian's Access to Certain Medical Records and Other Health Information of a Minor	147	310
--	-----	-----

Military Affairs

Allow a Student to Wear Certain Military Decorations at a School Graduation Ceremony and to Declare an Emergency	74	199
--	----	-----

Permit a School District to Implement a New or Revised Section 504 Plan, Individualized Family Service Plan, or Individualized Education Program for a Student Who Is the Child of an Active Duty Member of the United States Armed Forces.....	85	217
Waive the Driver License Renewal Period for Members of the Military and Their Families, and Employees of the State Department.....	123	267
Allow Nonresident Military Members to Purchase Three-Day Temporary Nonresident Waterfowl Licenses.....	176	390

Minors

Require Age Verification by Websites Containing Material That Is Harmful to Minors and to Provide a Penalty Therefor.....	95	231
Revise a Provision Related to the Termination of Parental Rights of a Child Adjudicated Abused or Neglected.....	110	253
Clarify the Minimum Age Requirements for a Hunting License.....	175	387

Motor Vehicles

Establish an Electronic System for Vehicle Titles.....	44	143
Impose a Motor Vehicle Technology Fee.....	114	257
Exempt a Motor Vehicle Insurer From a Certain Title Fee.....	115	258
Provide for the Transfer of Motor Vehicles and Boats Upon Death.....	116	258
Specify the Funds Into Which Certain Boat Fees Are Deposited.....	117	259
Create a Share the Road Bicyclist Safety Emblem for Use on an Emblem Specialty Plate.....	118	260
Modify Requirements for Off-Road Vehicle Dealers at Special Events.....	119	261
Increase Driver License Fees.....	120	261
Require an Indication of United States Citizenship Status on a Motor Vehicle Operator's License or Permit, and on a Nondriver Identification Card.....	121	264
Modify the Persons Eligible to Sign an Affidavit for Proof of Homelessness for Purposes of Waiving the Fee for a Nondriver Identification Card.....	122	266
Waive the Driver License Renewal Period for Members of the Military and Their Families, and Employees of the State Department.....	123	267
Allow an Applicant to Have an Interpreter Present During the Driving Portion of a Driver License Exam.....	124	268
Require That an Individual Registering as a Voter When Applying for a Driver License Be a Resident of This State for the Purposes of Voting.....	125	268
Increase Civil Penalties for Commercial Driver Violations.....	126	269
Allow Additional Forms to Verify Military Service for a Veteran Designation on a Commercial Driver License or Commercial Learner's Permit.....	127	269
Update Terminology Related to Ambulance Operators.....	128	270
Revise and Repeal Provisions Related to Street Racing Prohibitions and to Provide a Penalty Therefor.....	129	273
Modify Requirements for a Vehicle Approaching a Vehicle That Is Stopped or Occupying the Shoulder of the Highway With Warning Lights Flashing.....	130	276
Modify Laws Regarding School Bus Safety and to Provide a Penalty Therefor.....	131	277
Include Certain Types of Vehicles in the Abandoned Titling Process.....	132	278
Prohibit Payment or Rebate of Insurance Deductibles by Contractors Providing Motor Vehicle Repair Services.....	164	371

Municipal Government

Address the Imposition of Firearm Restrictions on Certain Employees, Officers, Volunteers, and Other Individuals.....	36	116
Clarify the Enactment and Effective Date of a Measure Initiated or Referred Within a Political Subdivision.....	37	117
Revise Certain Provisions Pertaining to Municipal Government.....	38	118
Amend Requirements for an Official Newspaper.....	39	135
Provide Permissible Dates for Municipal and School District Elections.....	40	135
Allow the Governing Body of a Municipality to Change the Use of Municipally Owned Parkland by Ordinance.....	41	142

Require That the Director of Equalization Adjust Certain Agricultural Land Values.....	45	153
Nonprofit Corporations		
Amend Certain Fees Collected by the Secretary of State.....	189	431
Notice and Publication		
Amend Requirements for an Official Newspaper	39	135
Nursing Homes		
Repeal Reporting and Testifying Requirements to the Committees on Health and Human Services Regarding Nursing Facilities and Long Term Healthcare Needs.	134	281
Oaths and Acknowledgments		
Amend Bond Requirements.....	90	226
Remove the Maximum Fee Permitted to Be Charged by a Notary	91	227
Obscenity and Public Indecency		
Require Age Verification by Websites Containing Material That Is Harmful to Minors and to Provide a Penalty Therefor	95	231
Revise Certain Provisions Related to the Restriction of Access to Obscene Materials in a Public Library or Public School Library.....	96	234
Open Meetings		
Require the Publication and Review of an Explanation of the Open Meeting Laws of This State	7	19
Clarify the Meaning of Teleconference for Purposes of Open Meeting Requirements	8	20
Organization of the Legislature		
Modify and Repeal Provisions Related to the Legislative Research Council	19	47
Parental Control		
Revise Certain Provisions Related to the Rights and Obligations of a Father of a Child Born to an Unmarried Mother	108	251
Revise a Provision Related to the Termination of Parental Rights of a Child Adjudicated Abused or Neglected.....	110	253
Prohibit a Health Care Provider From Restricting or Denying a Parent or Guardian's Access to Certain Medical Records and Other Health Information of a Minor	147	310
Penalty		
Establish Mandatory Reporting Requirements Related to Improper Governmental Conduct and Crime and to Provide a Penalty Therefor.....	25	58
Require an Individual Be a Citizen of the United States Before Being Eligible to Vote and to Provide a Penalty Therefor	59	178
Prohibit the Use of a Deepfake to Influence an Election and to Provide a Penalty Therefor.....	68	191
Prohibit Unauthorized Access to Certain Multi-Occupancy Rooms.	84	213
Establish Certain Criminal Offenses for Boat Operators and to Provide Penalties Therefor.....	92	227
Require Age Verification by Websites Containing Material That Is Harmful to Minors and to Provide a Penalty Therefor.....	95	231
Revise a Provision Related to Unauthorized Distribution of Fentanyl and Provide a Penalty Therefor.....	97	235
Revise Provisions Related to Human Trafficking, to Prohibit the Obstruction of Human Trafficking Enforcement, and to Provide a Penalty Therefor	99	238
Increase Civil Penalties for Commercial Driver Violations	126	269
Revise and Repeal Provisions Related to Street Racing Prohibitions and to Provide a Penalty Therefor.....	129	273
Modify Laws Regarding School Bus Safety and to Provide a Penalty Therefor	131	277
Establish Protections for a Veteran Seeking Assistance in a Veterans Benefit Matter.....	133	279
Prohibit the Preparation Sale and Distribution of Certain Kratom Products and to Provide a Penalty Therefor	138	285

Prohibit the Use of a Firearms Code for Transactions Involving Firearms, Accessories, Components, and Ammunition and to		
Provide a Civil Penalty Therefor	165	372
Revise and Repeal Provisions Related to Agricultural Production Facilities and to Provide a Penalty Therefor	173	382
Personal Rights and Obligations		
Prohibit Unauthorized Access to Certain Multi-Occupancy Rooms.	84	213
Petitions		
Require the Inclusion of Certain Information on a Candidate's Nominating Petition or on a Ballot Question Petition	14	37
Require an Individual Be Registered as a Voter of This State Before Being Eligible to Be a Petition Sponsor for a Ballot Measure	15	39
Amend the Deadline for Filing a Petition to Initiate a Measure or Constitutional Amendment.....	16	41
Revise the Requirements for a Petition to Initiate a Measure or Constitutional Amendment or to Refer a Law	17	43
Revise the Process by Which a Recount May Be Requested	67	190
Modernize Provisions Relating to Water Development Districts	186	411
Pipelines		
Prohibit the Exercise of Eminent Domain for a Pipeline That Carries Carbon Oxide	190	435
Political Committees		
Limit the Amount of Money That May Be Loaned to a Candidate or Political Committee	69	193
Clarify When a Political Committee Must File Certain Campaign Finance Disclosure Statements	70	194
Require the Disclosure of an Outstanding Loan Balance on a Campaign Finance Disclosure Report	71	195
Political Parties		
Revise the Process for Nominating Candidates for Lieutenant Governor	62	184
Procurement of Public Improvements		
Authorize the Payment of Lease Rental Obligations to the South Dakota Building Authority by the Bureau of Finance and Management, to Make an Appropriation Therefore, and to Declare an Emergency.....	78	205
Eliminate the Cap on Assessment Amounts for Road Improvements	113	256
Require Legislative Approval for Significant Capital Expenditures by the Department of Game, Fish and Parks	174	386
Make an Appropriation for the Replacement of the Richmond Lake Dam and Spillway, for the General Maintenance and Repair of Other State-Owned Dams, and to Declare an Emergency.....	210	466
Professions and Occupations		
Update Terminology Related to Ambulance Operators	128	270
Prohibit a Health Care Provider From Restricting or Denying a Parent or Guardian's Access to Certain Medical Records and Other Health Information of a Minor	147	310
Establish and Modify Provisions for the Temporary Training of Nonresident Physicians.....	148	310
Modify Practice Criteria for Physician Assistants	149	311
Modify Provisions Related to Emergency Medical Services Personnel and to Declare an Emergency.....	150	319
Modify the Community Paramedic Endorsement.....	151	320
Revise Licensure and Supervision Requirements for Physical Therapists and Physical Therapist Assistants.....	152	320
Adopt the Dietitian Licensure Compact.....	153	323
Revise Provisions Related to Pharmacy and to Increase Fees.....	154	343
Revise Provisions Relating to Licensing Fees and License Renewal Dates for the Practice of Barbering and to Declare an Emergency	155	358

Revise Provisions Relating to Licensing Fees for Cosmetology Esthetics and Nail Technology.....	156	359
Modify Requirements Relating to the Operation of Salons and Booths and to Declare an Emergency.....	157	361
Revise Amounts for Inspection Fees for Electrical Installations	158	362
Revise Provisions Regarding Students and Trainees Engaged in the Practice of Funeral Service	159	363
Increase Licensure Fees Related to the Practice of Funeral Service and Cremation	160	364
Revise Amounts for Licensing Fees for the Practice of Accountancy	161	366
Clarify the Adoption and Use of the Plumbing Code.....	162	369
Revise Provisions Relating to the Promulgation of Rules to Set Licensing and Inspection Fees for Plumbers and Related Professions.....	163	369
Promulgation of Rules		
Update Provisions on the Interim Legislative Oversight of Administrative Rulemaking	9	22
Establish an Electronic System for Vehicle Titles.....	44	143
Amend the Programs Reimbursing a Teacher or School Counselor for Earning National Board Certification	73	198
Update and Repeal Provisions Related to the Reporting of Hospital Charge Information	135	281
Modify the Annual Fee for Concentrated Animal Feeding Operations and to Establish an Application Fee	145	306
Modify Practice Criteria for Physician Assistants	149	311
Adopt the Dietitian Licensure Compact.....	153	323
Revise Provisions Related to Pharmacy and to Increase Fees.....	154	343
Revise Provisions Relating to Licensing Fees and License Renewal Dates for the Practice of Barbering and to Declare an Emergency	155	358
Revise Provisions Relating to Licensing Fees for Cosmetology Esthetics and Nail Technology.....	156	359
Modify Requirements Relating to the Operation of Salons and Booths and to Declare an Emergency.....	157	361
Revise Amounts for Inspection Fees for Electrical Installations	158	362
Revise Provisions Regarding Students and Trainees Engaged in the Practice of Funeral Service	159	363
Increase Licensure Fees Related to the Practice of Funeral Service and Cremation	160	364
Revise Amounts for Licensing Fees for the Practice of Accountancy	161	366
Clarify the Adoption and Use of the Plumbing Code.....	162	369
Revise Provisions Relating to the Promulgation of Rules to Set Licensing and Inspection Fees for Plumbers and Related Professions.....	163	369
Clarify the Minimum Age Requirements for a Hunting License	175	387
Revise Department of Transportation Regulatory Authority Regarding Aeronautics	195	441
Remove Outdated Provisions Within the Insurance Code	197	449
Property		
Clarify Provisions Regarding Tax Deeds.....	49	168
Add Questions About Historical Property to Seller's Disclosure Statement	180	393
Void Covenants That Prohibit or Restrict the Possession or Use of Firearms and Ammunition.....	181	404
Remove the Prohibition Against a Landowner Having an Easement on the Landowner's Property	182	404
Update Uniform Unclaimed Property Act to Include Provisions Related to Virtual Currency and Notice Requirements.....	183	405
Reduce the Amount of Net Receipts of Unclaimed Property Deposited Into the General Fund.....	184	409

Increase the Amount of Exempt Proceeds When a Homestead Is Sold or Divided by Court Order	185	411
Property Tax		
Authorize the Cooperation of Counties for Purposes of Operating an Office of County Director of Equalization.....	43	143
Establish an Electronic System for Vehicle Titles.....	44	143
Revise Property Tax Levies for School Districts and to Revise the State Aid to General and Special Education Formulas	47	158
Clarify Provisions Regarding Tax Deeds.....	49	168
Public Construction		
Revise Certain Provisions Related to Capital Improvements of State Buildings.....	34	112
Public Fiscal Administration		
Expand the Access and Investigatory Authority of the State Auditor	6	18
Amend Provisions Regarding the Division of Insurance and the Former Division of Securities Operating Fund	31	108
Establish a Minimum Combined Balance of the Budget Reserve Fund and General Revenue Replacement Fund	32	108
Revise Provisions on Interim Transfers and Appropriations	33	109
Public Health and Safety		
Update Terminology Related to Ambulance Operators	128	270
Repeal Reporting and Testifying Requirements to the Committees on Health and Human Services Regarding Nursing Facilities and Long Term Healthcare Needs.....	134	281
Update and Repeal Provisions Related to the Reporting of Hospital Charge Information	135	281
Repeal the Oath Requirement for an Application for a Lodging Establishment, Campground, Food Service Establishment, or Mobile Food Service Establishment License	136	283
Provide an Exception for Employers to Acquire and Distribute Opioid Antagonists That Are Available Over the Counter.....	137	284
Prohibit the Preparation, Sale, and Distribution of Certain Kratom Products and to Provide a Penalty Therefor	138	285
Modify Substances Listed on the Controlled Substances Schedule and to Declare an Emergency.....	139	289
Modify the Individuals Eligible to Sign an Affidavit of Homelessness for Purposes of Obtaining a Free Copy of a Birth Certificate	140	300
Establish Provisions Related to the Sharing of Information With the National Marrow Donor Program.....	141	301
Update the Roles of the Department of Agriculture and Natural Resources and the Department of Public Safety Regarding Burning and Burn Permit Issuing Authority.....	142	301
Allow Individualized Investigative Treatments for Patients With Life-Threatening or Debilitating Diseases or Conditions.	144	303
Increase Licensure Fees Related to the Practice of Funeral Service and Cremation	160	364
Make an Appropriation to Reimburse Health Care Professionals Who Have Complied with the Requirements for Rural Recruitment Assistance Programs and to Declare an Emergency.....	202	460
Public Officers and Employees		
Extend the Timeframe for Filling a Vacancy in a Board of County Commissioners.....	24	57
Establish Mandatory Reporting Requirements Related to Improper Governmental Conduct and Crime and to Provide a Penalty Therefor.....	25	58
Establish Protections for State Employees Who Report Improper Governmental Conduct and Crime.....	26	60
Update Provisions of the South Dakota Retirement System	27	62

Update a Reference to the Internal Revenue Code in South Dakota Retirement System Statutes.....	28	106
Update the South Dakota Retirement System's Member Information Protection Provisions.....	29	107
Update the South Dakota Retirement System Member Identity Verification Procedures.....	30	107
Public Property, Purchases and Contracts		
Revise Certain Provisions Related to Capital Improvements of State Buildings.....	34	112
Public Records and Files		
Shorten the Time Before Records of a Governor or a Lieutenant Governor Are Opened to the Public.....	10	32
Amend Provisions Pertaining to the Maintenance and Publication of the Statewide Voter Registration File.....	60	179
Public Utilities and Carriers		
Prohibit the Exercise of Eminent Domain for a Pipeline That Carries Carbon Oxide.....	190	435
Clarify the Status of the Statewide One-Call Notification Board as an Agency Administered by the Department of Public Safety and the Duties of the Board.	191	435
Update References to Certain Federal Motor Carrier Regulations.....	192	436
Include a Hybrid Facility as a Facility to Be Regulated by the Public Utilities Commission.....	193	437
Prohibit Use of the South Dakota Public Utilities Commission Gross Receipts Tax Fund for Reimbursement of Costs Incurred by the Public Utilities Commission.....	194	440
Public Welfare and Assistance		
Require a Report Regarding Refugee Resettlement Services.....	111	254
Recreation and Sports		
Establish Certain Criminal Offenses for Boat Operators and to Provide Penalties Therefor.....	92	227
Permit the Operation of a Class I Electric Bicycle on the Mickelson Trail.....	178	392
Clarify Eligibility for Licensure as a Video Lottery Operator.....	179	392
Transfer Moneys From the South Dakota-Bred Racing Fund to the Special Racing Revolving Fund.	206	465
Reemployment Assistance		
Reduce Employer Contribution Rates and Increase the Administrative Fee Rate for Reemployment Assistance.....	199	456
Reports		
Establish Mandatory Reporting Requirements Related to Improper Governmental Conduct and Crime and to Provide a Penalty Therefor.....	25	58
Establish Protections for State Employees Who Report Improper Governmental Conduct and Crime.....	26	60
Require a Report Regarding Refugee Resettlement Services.....	111	254
Repeal Reporting and Testifying Requirements to the Committees on Health and Human Services Regarding Nursing Facilities and Long Term Healthcare Needs.	134	281
Update and Repeal Provisions Related to the Reporting of Hospital Charge Information.....	135	281
Revise and Repeal Provisions Related to the 911 Emergency Surcharge and the 911 Coordination Board.....	143	302
Repeal a Reporting Requirement Regarding Industrial Hemp.....	167	377
Residency		
Require the Inclusion of Certain Information on a Candidate's Nominating Petition or on a Ballot Question Petition.....	14	37
Revise Residency Requirements for the Purposes of Voter Registration.....	57	175

Designate an Individual Using the Address of a Mail Forwarding Service or Post Office Box When Applying to Register as a Voter or Vote by Absentee Ballot as a Federal Voter	58	176
Require That an Individual Registering as a Voter When Applying for a Driver License Be a Resident of This State for the Purposes of Voting	125	268
Retail Sales and Service Tax		
Exempt From the State Sales and Use Tax Gross Receipts for Certain Services to a Partnership	50	169
Suspend the Tax Collection Allowance Credit for Filing Returns and Remitting Taxes Electronically	51	170
Repeal Obsolete Provisions Pertaining to Noncollecting Retailers.....	54	171
Establish a Timeframe Within Which a Remote Seller and Marketplace Provider Must Register and Remit Sales Tax	55	173
Retirement System		
Update Provisions of the South Dakota Retirement System	27	62
Update a Reference to the Internal Revenue Code in South Dakota Retirement System Statutes.....	28	106
Update the South Dakota Retirement System's Member Information Protection Provisions.....	29	107
Update the South Dakota Retirement System Member Identity Verification Procedures.....	30	107
Sale of Public Real Property		
Provide for the Sale of Certain Real Estate Located in Pennington County and to Provide for the Deposit of the Proceeds.....	205	464
School Attendance		
Revise Provisions Pertaining to the Compulsory Age for School Attendance ..	80	207
School Districts		
Provide Permissible Dates for Municipal and School District Elections.....	40	135
Revise Property Tax Levies for School Districts and to Revise the State Aid to General and Special Education Formulas	47	158
Require the Acceptance of a Cash Payment for Admission to a School Affiliated Event.	75	200
Expand the Authorized Carrying Possession and Storage of a Concealed Pistol	83	212
Modify Laws Regarding School Bus Safety and to Provide a Penalty Therefor	131	277
Make an Appropriation for a Student Teacher Stipend Grant Program.....	211	467
Schools		
Permit a School District to Implement a New or Revised Section 504 Plan, Individualized Family Service Plan, or Individualized Education Program for A Student Who Is the Child of an Active Duty Member of the United States Armed Forces.	85	217
Senate Joint Resolution		
Proposing and Submitting to the Voters at the Next General Election an Amendment to the Constitution of the State of South Dakota, Clarifying That an Individual Must Be a Citizen of the United States to Be Eligible to Vote.....	1	14
Proposing and Submitting to the Voters at the Next General Election an Amendment to the Constitution of the State of South Dakota, Establishing the Trust for Unclaimed Property Fund	2	14
Providing Legislative Approval for a Future Use Water Permit Application by the Western Dakota Regional Water System.....	217	508
Service of Process		
Permit a Sheriff to Charge a Fee for Service of Process Whether Service Is Completed or Not.....	35	114

Session Laws

Extend by Two Years the Date on Which Moneys Appropriated to the Governor's Office of Economic Development in 2021 for Marketing, Route Restoration, Business Development, and Air Service Marketing Will Revert to the General Fund..... 207 465

Sex Offenses

Revise a Provision Related to Sexual Contact With a Child Under Eighteen ... 93 228
 Revise Provisions Related to Forensic Medical Examinations 94 229
 Prohibit Eligibility for a Suspended Imposition of Sentence for
 Certain Rape Offenses..... 102 241
 Make an Appropriation for Purchasing, Storing, and Distributing
 Sexual Assault Kits 209 466
 Make an Appropriation for Victim Services Provided by
 Nonprofit Organizations..... 212 468

Sheriff

Permit a Sheriff to Charge a Fee for Service of Process Whether Service
 Is Completed or Not..... 35 114

Specialty License Plates

Create a Share the Road Bicyclist Safety Emblem for Use on
 an Emblem Specialty Plate..... 118 260

State Affairs and Government

Expand the Access and Investigatory Authority of the State Auditor 6 18
 Require the Publication and Review of an Explanation of the Open Meeting Laws
 of This State 7 19
 Clarify the Meaning of Teleconference for Purposes of
 Open Meeting Requirements 8 20
 Shorten the Time Before Records of a Governor or a Lieutenant Governor
 Are Opened to the Public 10 32
 Require Legislative Approval of Real Property Leases That Are Necessary
 for the Operation of State Government and Exceed Specified Durations
 or Rental Payments 11 32
 Modify the Authority of the Board of Internal Control 12 34
 Modify the Composition and Staffing Requirements of the South Dakota-Ireland
 Trade Commission..... 13 36
 Revise and Repeal Certain Provisions Pertaining to the State Library and
 State Library Board 88 222
 Update the Roles of the Department of Agriculture and Natural Resources and
 the Department of Public Safety Regarding Burning and Burn Permit
 Issuing Authority..... 142 301
 Revise Department of Transportation Regulatory Authority
 Regarding Aeronautics 195 441
 Make an Appropriation for the Restoration, Maintenance, and Repair
 of the State Capitol..... 214 469

State Aid to Education

Revise Property Tax Levies for School Districts and to Revise the State Aid to
 General and Special Education Formulas 47 158
 Amend Definitions Pertaining to the School Funding Formula 76 200
 Modify the Maximum Sparsity Benefit a Sparse School District
 Is Eligible to Receive..... 77 204

State Employees

Establish Mandatory Reporting Requirements Related to Improper
 Governmental Conduct and Crime and to Provide a Penalty Therefor..... 25 58
 Establish Protections for State Employees Who Report Improper
 Governmental Conduct and Crime..... 26 60

Students

Allow a Student to Wear Certain Military Decorations at a School Graduation
 Ceremony and to Declare an Emergency 74 199

Provide Tuition for a Student Who Is Placed in a Residential Treatment Center That Provides Educational Programming	81	210
Reduce the State's Contribution to a Subsidized High School Dual Credit Program	82	211
Prohibit Unauthorized Access to Certain Multi-Occupancy Rooms.	84	213
Permit a School District to Implement a New or Revised Section 504 Plan, Individualized Family Service Plan, or Individualized Education Program for a Student Who Is the Child of an Active Duty Member of the United States Armed Forces.	85	217
Modify Laws Regarding School Bus Safety and to Provide a Penalty Therefor	131	277
Tax Relief		
Modify Tax Refunds for Elderly Persons and Persons With a Disability, to Make an Appropriation Therefor, and to Declare an Emergency	48	165
Taxation		
Revise Certain References to the Internal Revenue Code	42	142
Authorize the Cooperation of Counties for Purposes of Operating an Office of County Director of Equalization.....	43	143
Establish an Electronic System for Vehicle Titles.....	44	143
Revise Property Tax Levies for School Districts and to Revise the State Aid to General and Special Education Formulas	47	158
Modify Tax Refunds for Elderly Persons and Persons With a Disability, to Make an Appropriation Therefor, and to Declare an Emergency	48	165
Clarify Provisions Regarding Tax Deeds.....	49	168
Exempt From the State Sales and Use Tax Gross Receipts for Certain Services to a Partnership	50	169
Suspend the Tax Collection Allowance Credit for Filing Returns and Remitting Taxes Electronically	51	170
Revise the Distribution of Revenue From the Cigarette Tax	52	170
Clarify the Wholesale Purchase Price of Tobacco Products	53	170
Repeal Obsolete Provisions Pertaining to Noncollecting Retailers.....	54	171
Establish a Timeframe Within Which a Remote Seller and Marketplace Provider Must Register and Remit Sales Tax	55	173
Teachers		
Require That All Certified Educators Take a Course in South Dakota Indian Studies.....	72	197
Amend the Programs Reimbursing a Teacher or School Counselor for Earning National Board Certification	73	198
Make an Appropriation for a Student Teacher Stipend Grant Program.....	211	467
Telecommunications		
Clarify the Meaning of Teleconference for Purposes of Open Meeting Requirements	8	20
Require Age Verification by Websites Containing Material That Is Harmful to Minors and to Provide a Penalty Therefor.....	95	231
Tobacco		
Revise the Distribution of Revenue From the Cigarette Tax	52	170
Clarify the Wholesale Purchase Price of Tobacco Products	53	170
Tourism		
Make an Appropriation for the Construction of Historical Exhibits at the Cultural Heritage Center	204	463
Townships		
Address the Imposition of Firearm Restrictions on Certain Employees, Officers, Volunteers, and Other Individuals.....	36	116
Trade		
Establish Protections for a Veteran Seeking Assistance in a Veterans Benefit Matter	133	279
Prohibit the Use of a Firearms Code for Transactions Involving Firearms, Accessories, Components, and Ammunition and to Provide a Civil Penalty Therefor.....	165	372

Trade Regulation

Prohibit Payment or Rebate of Insurance Deductibles by Contractors		
Providing Motor Vehicle Repair Services	164	371
Prohibit Pharmaceutical Manufacturers From Interfering in Contracts Between 340 B Entities and Pharmacies and to Provide a Penalty Therefor.....	198	452

Traffic Laws

Increase Civil Penalties for Commercial Driver Violations	126	269
Revise and Repeal Provisions Related to Street Racing Prohibitions and to Provide a Penalty Therefor	129	273
Modify Requirements for a Vehicle Approaching a Vehicle That Is Stopped or Occupying the Shoulder of the Highway With Warning Lights Flashing	130	276
Modify Laws Regarding School Bus Safety and to Provide a Penalty Therefor	131	277

Transfer of Moneys

Establish a Minimum Combined Balance of the Budget Reserve Fund and General Revenue Replacement Fund	32	108
Authorize the Payment of Lease Rental Obligations to the South Dakota Building Authority by the Bureau of Finance and Management, to Make an Appropriation Therefore, and to Declare an Emergency.....	78	205
Make an Appropriation for the Construction of Historical Exhibits at the Cultural Heritage Center	204	463
Transfer Moneys From the South Dakota Bred-Racing Fund to the Special Racing Revolving Fund.	206	465

Tuition

Provide Tuition for a Student Who Is Placed in a Residential Treatment Center That Provides Educational Programming.....	81	210
---	----	-----

Unclaimed Property

Proposing and Submitting to the Voters at the Next General Election an Amendment to the Constitution of the State of South Dakota, Establishing the Trust for Unclaimed Property Fund	2	14
Update Uniform Unclaimed Property Act to Include Provisions Related to Virtual Currency and Notice Requirements.....	183	405
Reduce the Amount of Net Receipts of Unclaimed Property Deposited Into the General Fund	184	409

Uniform Commercial Code

Amend Certain Fees Collected by the Secretary of State.....	189	431
---	-----	-----

Uniform Probate Code

Amend Bond Requirements	90	226
-------------------------------	----	-----

Utilities

Clarify the Status of the Statewide One-Call Notification Board as an Agency Administered by the Department of Public Safety and the Duties of the Board.	191	435
--	-----	-----

Vehicle Dealers

Establish an Electronic System for Vehicle Titles.....	44	143
Modify Requirements for Off-Road Vehicle Dealers at Special Events.	119	261

Veterans Affairs

Allow Additional Forms to Verify Military Service for a Veteran Designation on a Commercial Driver License or Commercial Learner's Permit	127	269
Establish Protections for a Veteran Seeking Assistance in a Veterans Benefit Matter	133	279
Authorize the Expansion of the South Dakota State Veterans Cemetery, to Make an Appropriation Therefor, and to Declare an Emergency	208	465

Virtual Currency

Update Uniform Unclaimed Property Act to Include Provisions Related to Virtual Currency and Notice Requirements.....	183	405
---	-----	-----

Vital Records

Modify the Individuals Eligible to Sign an Affidavit of Homelessness for Purposes of Obtaining a Free Copy of a Birth Certificate	140	300
--	-----	-----

Voting

Proposing and Submitting to the Voters at the Next General Election an Amendment to the Constitution of the State of South Dakota, Clarifying That an Individual Must Be a Citizen of the United States to Be Eligible to Vote	1	14
Proposing and Submitting to the Voters at the Next General Election an Amendment to the Constitution of the State of South Dakota, Requiring That a Constitutional Amendment Receive an Affirmative Vote of Sixty Percent of the Votes Cast Before the Measure Is Enacted	4	16
Revise Residency Requirements for the Purposes of Voter Registration	57	175
Designate an Individual Using the Address of a Mail Forwarding Service or Post Office Box When Applying to Register as a Voter or Vote by Absentee Ballot as a Federal Voter	58	176
Require an Individual Be a Citizen of the United States Before Being Eligible to Vote and to Provide a Penalty Therefor	59	178
Amend Provisions Pertaining to the Maintenance and Publication of the Statewide Voter Registration File	60	179
Amend Provisions Pertaining to the Process by Which the Qualifications of a Registered Voter Are Verified	61	182
Repeal the Requirement That Judicial Officers Be Listed on a Separate Nonpolitical Ballot	64	187
Require That Notice of a County's Canvass, Post Election Audit, and Testing of Automatic Tabulating Equipment Be Posted to the Secretary of State's Website.	65	188
Modify Provisions Pertaining to the Compensation of a Recount Board	66	189
Modify the Permissible Dates for a School District Bond Election	79	206

Water Management

Modernize Provisions Relating to Water Development Districts	186	411
Extend the Area in Which a Director for an Irrigation District May Reside	187	430
Amend the Maximum Fee Limit Due When Applying for a County Drainage Permit	188	430
Make Appropriations for Water and Environmental Purposes and to Declare an Emergency	203	461
Make an Appropriation for the Replacement of the Richmond Lake Dam and Spillway, for the General Maintenance and Repair of Other State-Owned Dams, and to Declare an Emergency	210	466

Water Quality

Modify the Annual Fee for Concentrated Animal Feeding Operations and to Establish an Application Fee	145	306
Revise and Repeal Provisions Related to Agricultural Production Facilities and to Provide a Penalty Therefor	173	382
Make Appropriations for Water and Environmental Purposes and to Declare an Emergency	203	461

Water Rights

Providing Legislative Approval for a Future Use Water Permit Application by the Western Dakota Regional Water System	217	508
---	-----	-----

CROSS REFERENCE TABLE

Bill	Chap.	Bill	Chap.	Bill	Chap.	Bill	Chap.
1	192	70	77	216	46	1075	122
2	126	71	80	219	75	1079	146
3	120	72	101	220	216	1080	181
5	35	73	125	1001	87	1083	166
6	56	74	7	1002	72	1092	211
7	100	75	121	1003	76	1093	79
8	92	76	134	1004	81	1094	131
10	10	77	128	1005	109	1095	187
12	69	78	177	1007	194	1096	102
13	37	79	178	1008	193	1097	148
14	173	80	159	1011	89	1099	151
15	172	81	165	1012	191	1100	20
17	70	83	98	1014	150	1106	111
24	163	84	24	1015	160	1114	213
25	162	88	185	1016	154	1116	167
26	199	89	64	1021	145	1118	169
27	156	90	49	1022	168	1125	118
28	155	91	17	1024	189	1126	66
29	31	92	63	1026	210	1127	65
30	197	93	164	1027	54	1129	116
31	158	97	41	1028	42	1130	40
32	161	99	209	1029	27	1131	214
33	203	100	86	1030	29	1133	90
34	142	106	15	1031	30	1139	144
35	139	109	85	1032	28	1141	137
36	136	110	152	1033	200	1143	45
37	143	111	106	1034	201	1144	153
38	130	115	93	1036	32	1157	188
39	112	116	129	1037	51	1160	123
40	195	120	170	1039	73	1161	127
41	175	123	94	1040	82	1164	62
42	53	128	39	1041	88	1173	113
43	55	131	44	1042	204	1174	108
44	48	135	115	1044	107	1184	16
45	114	140	105	1046	215	1188	176
46	117	143	13	1047	202	1189	207
47	179	144	174	1049	23	1192	91
52	208	145	11	1051	9	1194	43
54	52	146	33	1052	190	1195	110
55	47	154	198	1053	95	1196	183
56	78	155	184	1056	138	1208	58
58	99	164	68	1057	206	1216	19
59	103	167	38	1059	8	1218	36
60	6	170	171	1061	147	1221	212
61	12	171	180	1062	60	1222	83
62	25	173	67	1063	21	1225	135
63	26	174	132	1066	57	1230	97
64	104	176	18	1067	22	1232	157
65	205	179	119	1068	74	1238	133
66	34	185	61	1071	149	1239	96
68	59	193	124	1072	186	1245	50
69	196	215	182	1074	140	1256	14

Bill	Chap.	Bill	Chap.	Bill	Chap.	Bill	Chap.
1259	84						
1264	71						
1265	141						
SJR501	217						
SJR503	1						
SJR505	2						
HJR5001	3						
HJR5002	5						
HJR5003	4						
SCR 24-05	218						
SCR 24-06	219						
SCR 24-07	220						
SCR 24-08	221						
SCR 24-09	222						
SCR 24-10	223						
SCR 24-11	224						
SCR 25-	227						
01; SCR							
25-02;							
SCR 25-							
03; SCR							
25-04;							
SCR 25-05							
SCR 25-06	225						
SCR 25-07	226						
SCR 25-	228						
08; SCR							
25-09;							
SCR 25-							
10; SCR							
25-11;							
SCR 25-							
12; SCR							
25-13;							
SCR 25-							
14; SCR							
25-15;							
SCT 25-16							

**TABLE OF ENACTED,
AMENDED, AND REPEALED SECTIONS**

	Section	Ch.	Page
STATE AFFAIRS AND GOVERNMENT			
1-9-4, enacted	Sec. 1	6	18
1-11-1, amended	Sec. 1	7	19
1-25-1, amended	Sec. 1	8	20
1-25-12, amended	Sec. 2	8	20
1-25-13, enacted	Sec. 2	7	19
1-26-1, amended	Sec. 1	9	22
1-26-1.1, amended	Sec. 2	9	22
1-26-1.2, amended	Sec. 3	9	22
1-26-1.3, amended	Sec. 4	9	22
1-26-2.1, amended	Sec. 5	9	22
1-26-4, amended	Sec. 6	9	22
1-26-4.1, amended	Sec. 7	9	22
1-26-4.2, amended	Sec. 8	9	22
1-26-5, amended	Sec. 9	9	22
1-26-5.1, amended	Sec.10	9	22
1-26-6, amended	Sec.11	9	22
1-26-6.2, amended	Sec.12	9	22
1-26-6.3, amended	Sec.13	9	22
1-26-6.5, amended	Sec.14	9	22
1-26-6.6, amended	Sec.15	9	22
1-26-6.7, amended	Sec.16	9	22
1-26-6.9, amended	Sec.17	9	22
1-26-6.10, amended	Sec.18	9	22
1-26-7.1, amended	Sec.19	9	22
1-26-11, repealed	Sec.25	9	22
1-26-12, amended	Sec.20	9	22
1-26-13, amended	Sec.21	9	22
1-26-15, amended	Sec.22	9	22
1-26A-1, amended	Sec.23	9	22
1-26A-8, repealed	Sec.26	9	22
1-27-1.20, amended	Sec. 1	10	32
1-33-9, amended	Sec. 1	11	32
1-33-9.2, enacted	Sec. 2	11	32
1-33-9.3, enacted	Sec. 3	11	32
1-36-20, amended	Sec.24	9	22
1-41-4, amended	Sec. 1	142	301
1-44-11, amended	Sec. 1	195	441
1-45-26, repealed	Sec. 4	88	222
1-56-1, amended	Sec. 1	12	34
1-56-2, amended	Sec. 2	12	34
1-56-3, amended	Sec. 3	12	34
1-56-6, amended	Sec. 4	12	34
1-56-8, amended	Sec. 5	12	34
1-56-11, amended	Sec. 1	25	58
1-56-13, enacted	Sec. 6	12	34
1-57-2, amended	Sec. 1	13	36
1-57-3, amended	Sec. 2	13	36
LEGISLATURE AND STATUTES			
2-1-1, amended	Sec. 1	14	37
2-1-1.1, amended	Sec. 1	15	39
2-1-1.1, amended	Sec. 1	16	41

2-1-1.1, amended	Sec. 1	17	43
2-1-1.1, amended	Sec. 1	17	43
2-1-1.1, amended	Sec. 1	17	43
2-1-1.2, amended	Sec. 2	15	39
2-1-1.2, amended	Sec. 2	16	41
2-1-1.2, amended	Sec. 2	17	43
2-1-1.2, amended	Sec. 2	17	43
2-1-1.2, amended	Sec. 2	17	43
2-1-3.1, amended	Sec. 3	15	39
2-1-3.1, amended	Sec. 3	17	43
2-1-3.1, amended	Sec. 3	17	43
2-1-3.1, amended	Sec. 3	17	43
2-1-15, amended	Sec. 2	14	37
2-6-2, amended	Sec. 1	18	46
2-6-4, amended	Sec. 2	18	46
2-7-7, amended	Sec. 1	19	47
2-9-1, amended	Sec. 2	19	47
2-9-1.1, amended	Sec. 1	20	51
2-9-2, amended	Sec. 3	19	47
2-9-4, amended	Sec. 4	19	47
2-9-7, amended	Sec. 5	19	47
2-9-7.1, repealed	Sec.14	19	47
2-9-9, amended	Sec. 6	19	47
2-9-10, amended	Sec. 7	19	47
2-9-13.1, amended	Sec. 8	19	47
2-9-14, amended	Sec. 9	19	47
2-9-30, amended	Sec. 1	21	51
2-9-30.1, repealed	Sec. 5	21	51
2-9-30.1, repealed	Sec.15	19	47
2-9-30.2, enacted	Sec. 2	21	51
2-13-12, amended	Sec. 1	88	222
2-14-2.1, amended	Sec. 1	22	55
2-16-5.2, amended	Sec.10	19	47
2-16-13, amended	Sec. 1	23	55
2-16-15, amended	Sec. 2	23	55
2-16-16, amended	Sec. 3	23	55
PUBLIC OFFICERS AND EMPLOYEES			
3-4-4, amended	Sec. 1	24	57
3-6C-27, enacted	Sec. 2	25	58
3-6C-28, enacted	Sec. 3	25	58
3-6C-29, enacted	Sec. 4	25	58
3-6C-30, enacted	Sec. 5	25	58
3-6C-31, enacted	Sec. 6	25	58
3-6C-32, enacted	Sec. 1	26	60
3-6C-33, enacted	Sec. 2	26	60
3-6C-34, enacted	Sec. 3	26	60
3-6C-35, enacted	Sec. 4	26	60
3-6C-36, enacted	Sec. 5	26	60
3-9-5, amended	Sec.11	19	47
3-9-5.1, amended	Sec.12	19	47
3-12C-101, amended	Sec. 1	27	62
3-12C-102, amended	Sec. 2	27	62
3-12C-104, amended	Sec. 3	27	62
3-12C-105, amended	Sec. 4	27	62
3-12C-106, amended	Sec. 5	27	62
3-12C-106.1, enacted	Sec. 6	27	62

3-12C-107, amended	Sec. 7	27	62
3-12C-108, amended	Sec. 8	27	62
3-12C-109, amended	Sec. 9	27	62
3-12C-110, amended	Sec.10	27	62
3-12C-111, amended	Sec.11	27	62
3-12C-112, amended	Sec.12	27	62
3-12C-113, amended	Sec. 1	28	106
3-12C-114, enacted	Sec. 1	29	107
3-12C-203, amended	Sec.13	27	62
3-12C-205.1, enacted	Sec.14	27	62
3-12C-207, amended	Sec.15	27	62
3-12C-209, amended	Sec.16	27	62
3-12C-212, amended	Sec. 1	30	107
3-12C-214, amended	Sec.17	27	62
3-12C-214.1, enacted	Sec.18	27	62
3-12C-214.2, enacted	Sec.19	27	62
3-12C-215, amended	Sec. 2	29	107
3-12C-217.1, enacted	Sec.20	27	62
3-12C-217.2, enacted	Sec.21	27	62
3-12C-217.3, enacted	Sec.22	27	62
3-12C-226, amended	Sec.23	27	62
3-12C-227, amended	Sec.24	27	62
3-12C-308, amended	Sec.25	27	62
3-12C-310, amended	Sec.26	27	62
3-12C-311, enacted	Sec.27	27	62
3-12C-312, enacted	Sec.28	27	62
3-12C-402, amended	Sec.29	27	62
3-12C-403, amended	Sec.30	27	62
3-12C-403.1, enacted	Sec.31	27	62
3-12C-407, amended	Sec.32	27	62
3-12C-502, amended	Sec.33	27	62
3-12C-503, amended	Sec.34	27	62
3-12C-504, amended	Sec.35	27	62
3-12C-514, amended	Sec.36	27	62
3-12C-518, amended	Sec.37	27	62
3-12C-519, amended	Sec.38	27	62
3-12C-603, amended	Sec.39	27	62
3-12C-702, amended	Sec.40	27	62
3-12C-703, amended	Sec.41	27	62
3-12C-711, amended	Sec.42	27	62
3-12C-711.1, enacted	Sec.43	27	62
3-12C-804, amended	Sec.44	27	62
3-12C-808, amended	Sec.45	27	62
3-12C-809, amended	Sec.46	27	62
3-12C-901, amended	Sec.47	27	62
3-12C-1001, amended	Sec.48	27	62
3-12C-1106, amended	Sec.49	27	62
3-12C-1112.1, enacted	Sec.50	27	62
3-12C-1114, amended	Sec.51	27	62
3-12C-1401.2, enacted	Sec.52	27	62
3-12C-1403, amended	Sec.53	27	62
3-12C-1405, amended	Sec.54	27	62
3-12C-1502.1, enacted	Sec.55	27	62
3-12C-1504.1, enacted	Sec.56	27	62
3-12C-1504.2, enacted	Sec.57	27	62
3-12C-1505.1, enacted	Sec.58	27	62
3-12C-1505.2, enacted	Sec.59	27	62

3-12C-1507.1, enacted	Sec.60	27	62
3-12C-1511, enacted	Sec.61	27	62
3-12C-1606, amended	Sec.62	27	62
3-12C-1612, amended	Sec.63	27	62
3-12C-1624, amended	Sec.64	27	62
3-12C-1628, amended	Sec.65	27	62
3-12C-1633, amended	Sec.66	27	62
3-12C-1639, amended	Sec.67	27	62
3-12C-1645, amended	Sec.68	27	62
3-12C-1702, amended	Sec.69	27	62
3-12C-1705, amended	Sec.70	27	62
3-12C-1706, amended	Sec.71	27	62
3-12C-1801, amended	Sec.72	27	62
3-12C-1802, amended	Sec.73	27	62
3-12C-1808, amended	Sec.74	27	62
3-12C-1810, amended	Sec.75	27	62
3-13-55, amended	Sec.76	27	62
3-13-56.1, enacted	Sec.77	27	62
3-13-56.2, enacted	Sec.78	27	62
3-13-56.3, enacted	Sec.79	27	62
3-13-56.4, enacted	Sec.80	27	62
3-13-56.5, enacted	Sec.81	27	62
3-13-56.6, enacted	Sec.82	27	62
3-13-56.7, enacted	Sec.83	27	62
3-13-56.8, enacted	Sec.84	27	62
3-13-56.9, enacted	Sec.85	27	62
3-13-57, amended	Sec.86	27	62
3-13-57.1, enacted	Sec.87	27	62
3-13-57.2, enacted	Sec.88	27	62
3-13-57.3, enacted	Sec.89	27	62
3-13-57.4, enacted	Sec.90	27	62
3-13-64, enacted	Sec.91	27	62
3-13-65, enacted	Sec.92	27	62
3-13-66, enacted	Sec.93	27	62
3-13-67, enacted	Sec.94	27	62
3-13-68, enacted	Sec.95	27	62
3-13-69, enacted	Sec.96	27	62
3-13-70, enacted	Sec.97	27	62
3-13-71, enacted	Sec.98	27	62
3-13-72, enacted	Sec.99	27	62
3-13-73, enacted	Sec.100	27	62
3-13-74, enacted	Sec.101	27	62
3-13-75, enacted	Sec.102	27	62
3-13-76, enacted	Sec.103	27	62
3-13-77, enacted	Sec.104	27	62
3-13-78, enacted	Sec.105	27	62
3-13-79, enacted	Sec.106	27	62
3-13-80, enacted	Sec.107	27	62
3-13-81, enacted	Sec.108	27	62
3-13-82, enacted	Sec.109	27	62
3-13-83, enacted	Sec.110	27	62
3-13-84, enacted	Sec.111	27	62
3-13-85, enacted	Sec.112	27	62
3-13-86, enacted	Sec.113	27	62
3-13-87, enacted	Sec.114	27	62
3-13-88, enacted	Sec.115	27	62

3-13-89, enacted.....	Sec.116	27	62
3-13-90, enacted.....	Sec.117	27	62
3-13-91, enacted.....	Sec.118	27	62
3-13-92, enacted.....	Sec.119	27	62
3-13-93, enacted.....	Sec.120	27	62
3-13-94, enacted.....	Sec.121	27	62
3-13-95, enacted.....	Sec.122	27	62
3-13-96, enacted.....	Sec.123	27	62
3-13-97, enacted.....	Sec.124	27	62
3-13-98, enacted.....	Sec.125	27	62
3-13-99, enacted.....	Sec.126	27	62
3-13-100, enacted.....	Sec.127	27	62
3-13-101, enacted.....	Sec.128	27	62
3-13-102, enacted.....	Sec.129	27	62
3-13-103, enacted.....	Sec.130	27	62
3-13-104, enacted.....	Sec.131	27	62
3-13-105, enacted.....	Sec.132	27	62
3-13-106, enacted.....	Sec.133	27	62
3-13A-2, amended.....	Sec.134	27	62
3-13A-3.1, enacted.....	Sec.135	27	62
3-13A-3.2, enacted.....	Sec.136	27	62
3-13A-5.1, enacted.....	Sec.137	27	62
PUBLIC FISCAL ADMINISTRATION			
4-2-8, amended.....	Sec.13	19	47
4-4-4.3, amended.....	Sec. 1	31	108
4-4-4.4, amended.....	Sec. 2	31	108
4-7-15, amended.....	Sec. 2	6	18
4-7-53, enacted.....	Sec. 1	32	108
4-8A-1, amended.....	Sec. 1	33	109
4-8A-3, amended.....	Sec. 2	33	109
4-8A-5, amended.....	Sec. 3	33	109
4-8A-6, amended.....	Sec. 4	33	109
4-8A-7, repealed.....	Sec.11	33	109
4-8A-8, amended.....	Sec. 5	33	109
4-8A-9, amended.....	Sec. 6	33	109
4-8A-10, amended.....	Sec. 7	33	109
4-8A-11, amended.....	Sec. 8	33	109
4-8A-12, amended.....	Sec. 9	33	109
4-8A-16, amended.....	Sec.10	33	109
PUBLIC PROPERTY, PURCHASES AND CONTRACTS			
5-14-3, amended.....	Sec. 1	34	112
5-14-33, amended.....	Sec. 2	34	112
5-14-34, amended.....	Sec. 3	34	112
COUNTIES			
7-12-18, amended.....	Sec. 1	35	114
7-18-35, enacted.....	Sec. 1	36	116
7-18A-13, amended.....	Sec. 1	37	117
7-18A-14, amended.....	Sec. 2	37	117
7-18A-22, amended.....	Sec. 3	37	117
TOWNSHIPS			
8-4-13, enacted.....	Sec. 2	36	116
MUNICIPAL GOVERNMENT			
9-6-1, amended.....	Sec. 1	38	118
9-6-2, amended.....	Sec. 2	38	118
9-6-3, amended.....	Sec. 3	38	118
9-6-4, amended.....	Sec. 4	38	118
9-6-5, amended.....	Sec. 5	38	118

9-6-6, amended	Sec. 6	38	118
9-6-7, amended	Sec. 7	38	118
9-6-8, amended	Sec. 8	38	118
9-6-9, amended	Sec. 9	38	118
9-6-10, amended	Sec.10	38	118
9-6-11, amended	Sec.11	38	118
9-6-12, amended	Sec.12	38	118
9-7-1, amended	Sec.13	38	118
9-7-3, amended	Sec.14	38	118
9-7-5, amended	Sec.15	38	118
9-7-6, amended	Sec.16	38	118
9-7-7, amended	Sec.17	38	118
9-8-1.1, amended	Sec.18	38	118
9-8-2, amended	Sec.19	38	118
9-8-3, amended	Sec.20	38	118
9-8-4, amended	Sec.21	38	118
9-8-5, amended	Sec.22	38	118
9-8-7, amended	Sec.23	38	118
9-8-8, amended	Sec.24	38	118
9-8-10, amended	Sec.25	38	118
9-8-12, enacted	Sec.26	38	118
9-8-13, enacted	Sec.27	38	118
9-9-2, amended	Sec.28	38	118
9-9-3, amended	Sec.29	38	118
9-9-6, amended	Sec.30	38	118
9-9-8, amended	Sec.31	38	118
9-9-13, repealed	Sec.65	38	118
9-9-14, amended	Sec.32	38	118
9-9-14.1, amended	Sec.33	38	118
9-9-16, amended	Sec.34	38	118
9-9-19, amended	Sec.35	38	118
9-9-20, amended	Sec.36	38	118
9-9-26, amended	Sec.37	38	118
9-9-27, amended	Sec.38	38	118
9-10-1, amended	Sec.39	38	118
9-10-2, repealed	Sec.66	38	118
9-10-3, amended	Sec.40	38	118
9-10-4, amended	Sec.41	38	118
9-10-5, amended	Sec.42	38	118
9-10-6, amended	Sec.43	38	118
9-10-7, amended	Sec.44	38	118
9-10-8, amended	Sec.45	38	118
9-10-9, amended	Sec.46	38	118
9-10-10, amended	Sec.47	38	118
9-10-11, amended	Sec.48	38	118
9-10-12, amended	Sec.49	38	118
9-10-13, amended	Sec.50	38	118
9-10-14, amended	Sec.51	38	118
9-10-15, amended	Sec.52	38	118
9-10-17, amended	Sec.53	38	118
9-10-18, amended	Sec.54	38	118
9-10-19, enacted	Sec.55	38	118
9-11-6, amended	Sec.56	38	118
9-11-9, amended	Sec.57	38	118
9-11-11, amended	Sec.58	38	118
9-12-1, amended	Sec.59	38	118

9-12-3, amended	Sec.60	38	118
9-12-5.1, amended.....	Sec.61	38	118
9-12-5.2, amended.....	Sec.62	38	118
9-12-6, amended	Sec. 1	39	135
9-12-9, repealed	Sec.67	38	118
9-12-10, amended.....	Sec.63	38	118
9-12-14.1, amended	Sec.64	38	118
9-13-1, amended (effective January 1, 2026)	Sec. 1	40	135
9-13-1.1, amended (effective January 1, 2026)	Sec. 2	40	135
9-13-1.2, repealed (effective January 1, 2026)	Sec.21	40	135
9-13-5, amended (effective January 1, 2026)	Sec. 3	40	135
9-13-6, amended (effective January 1, 2026)	Sec. 4	40	135
9-13-6.1, amended (effective January 1, 2026)	Sec. 5	40	135
9-13-7, amended (effective January 1, 2026)	Sec. 6	40	135
9-13-9, amended (effective January 1, 2026)	Sec. 7	40	135
9-13-14.1, amended (effective January 1, 2026).....	Sec. 8	40	135
9-13-25, amended (effective January 1, 2026)	Sec. 9	40	135
9-13-31, amended (effective January 1, 2026)	Sec.10	40	135
9-13-37, amended (effective January 1, 2026)	Sec.11	40	135
9-13-40, repealed (effective January 1, 2026)	Sec.22	40	135
9-13-41, enacted (effective January 1, 2026)	Sec.12	40	135
9-14-44, enacted.....	Sec. 3	36	116
9-14-45, enacted.....	Sec. 4	36	116
9-20-5, amended	Sec. 4	37	117
9-20-15, amended.....	Sec. 5	37	117
9-38-34.2, enacted.....	Sec. 1	41	142

TAXATION

10-1-47, amended.....	Sec. 1	42	142
10-3-1, amended	Sec. 1	43	143
10-4-2, amended	Sec. 1	44	143
10-4-2.4, amended.....	Sec. 2	44	143
10-6-130, amended	Sec. 1	45	153
10-6-131, amended	Sec. 2	45	153
10-6-158, enacted	Sec. 1	46	155
10-6A-2, amended.....	Sec. 4	46	155
10-6A-3, amended.....	Sec. 5	46	155
10-9-1, amended	Sec. 3	44	143
10-12-42, amended	Sec. 1	47	158
10-12-43.1, amended	Sec. 6	46	155
10-13-35, amended	Sec. 2	46	155
10-18A-5, amended (effective March 11, 2025)	Sec. 1	48	165
10-18A-6, amended (effective March 11, 2025)	Sec. 2	48	165
10-25-12, amended	Sec. 1	49	168
10-25-39, amended	Sec. 2	49	168
10-45-1.20, enacted	Sec. 1	50	169
10-45-2.1, amended	Sec. 4	44	143
10-45A-5, amended (effective March 11, 2025)	Sec. 3	48	165
10-45A-6, amended (effective March 11, 2025)	Sec. 4	48	165
10-46-5.1, amended	Sec. 5	44	143
10-46-75, enacted	Sec. 2	50	169
10-50-52, amended	Sec. 1	52	170
10-50-61, amended	Sec. 1	53	170
10-63-1, repealed.....	Sec. 1	54	171
10-63-2, repealed.....	Sec. 2	54	171
10-63-3, repealed.....	Sec. 3	54	171
10-63-4, repealed.....	Sec. 4	54	171
10-63-5, repealed.....	Sec. 5	54	171

10-63-6, repealed.....	Sec. 6	54	171
10-63-7, repealed.....	Sec. 7	54	171
10-63-8, repealed.....	Sec. 8	54	171
10-63-9, repealed.....	Sec. 9	54	171
10-64-2.1, enacted.....	Sec. 1	55	173
10-65-5.1, enacted.....	Sec. 2	55	173
PLANNING, ZONING AND HOUSING PROGRAMS			
11-15-6, amended.....	Sec. 1	56	174
11-15-8, enacted.....	Sec. 2	56	174
ELECTIONS			
12-1-4, amended	Sec. 1	57	175
12-1-4, amended (effective January 1, 2026)	Sec. 1	58	176
12-3-1, amended	Sec. 1	59	178
12-4-1, amended	Sec. 2	57	175
12-4-1.2, amended.....	Sec. 3	57	175
12-4-1.3, enacted (effective January 1, 2026)	Sec. 2	58	176
12-4-9, amended	Sec. 1	60	179
12-4-37, amended.....	Sec. 2	60	179
12-4-37.1, enacted.....	Sec. 3	60	179
12-4-39, amended.....	Sec. 4	60	179
12-4-41, amended.....	Sec. 5	60	179
12-4-54, amended.....	Sec. 7	61	182
12-4-58, enacted.....	Sec. 1	61	182
12-4-59, enacted.....	Sec. 2	61	182
12-4-60, enacted.....	Sec. 3	61	182
12-4-61, enacted.....	Sec. 4	61	182
12-4-62, enacted.....	Sec. 5	61	182
12-4-63, enacted.....	Sec. 6	61	182
12-5-21, amended.....	Sec. 1	62	184
12-5-21.1, enacted.....	Sec. 2	62	184
12-6-8, amended	Sec. 3	14	37
12-7-1.2, amended.....	Sec. 3	62	184
12-13-9, amended.....	Sec. 3	21	51
12-13-25, amended.....	Sec. 1	63	185
12-13-25.1, amended	Sec. 4	21	51
12-13-26.2, amended	Sec. 2	63	185
12-13-26.3, enacted	Sec. 3	63	185
12-16-1, amended.....	Sec. 1	64	187
12-16-11, repealed.....	Sec. 2	64	187
12-17B-5, amended.....	Sec. 1	65	188
12-17B-21, amended	Sec. 2	65	188
12-20-1.1, enacted (effective January 1, 2026).....	Sec. 3	58	176
12-20-36, amended	Sec. 3	65	188
12-21-4, amended.....	Sec. 1	66	189
12-21-4.1, amended	Sec. 2	66	189
12-21-11, amended	Sec. 1	67	190
12-21-12, amended	Sec. 2	67	190
12-21-14, amended	Sec. 3	67	190
12-21-15, amended	Sec. 4	67	190
12-26-3, amended.....	Sec. 2	59	178
12-26-4, amended.....	Sec. 3	59	178
12-26-7, amended.....	Sec. 4	59	178
12-26-8, amended.....	Sec. 5	59	178
12-26-32, enacted.....	Sec. 1	68	191
12-26-33, enacted.....	Sec. 2	68	191
12-26-34, enacted.....	Sec. 3	68	191

12-26-35, enacted	Sec. 4	68	191
12-26-36, enacted	Sec. 5	68	191
12-26-37, enacted	Sec. 6	68	191
12-27-10.5, enacted	Sec. 1	69	193
12-27-22, amended	Sec. 1	70	194
12-27-24, amended	Sec. 1	71	195
12-27-29, amended	Sec. 2	71	195

EDUCATION

13-1-48, amended	Sec. 1	72	197
13-1-54, amended	Sec. 1	73	198
13-1-66.1, enacted (effective March 11, 2025)	Sec. 1	74	199
13-1-72, enacted	Sec. 1	75	200
13-7-5, amended (effective January 1, 2026)	Sec.13	40	135
13-7-6, amended (effective January 1, 2026)	Sec.14	40	135
13-7-9, amended (effective January 1, 2026)	Sec.15	40	135
13-7-10, amended (effective January 1, 2026)	Sec.16	40	135
13-7-10.1, amended (effective January 1, 2026)	Sec.17	40	135
13-7-10.2, repealed (effective January 1, 2026)	Sec.23	40	135
13-7-10.3, amended (effective January 1, 2026)	Sec.18	40	135
13-7-10.4, repealed (effective January 1, 2026)	Sec.24	40	135
13-7-35, enacted (effective January 1, 2026)	Sec.19	40	135
13-8-14, amended (effective January 1, 2026)	Sec.20	40	135
13-13-10.1, amended	Sec. 1	76	200
13-13-10.1, amended	Sec. 2	47	158
13-13-79, amended	Sec. 1	77	204
13-13-92, amended (effective March 28, 2025)	Sec. 8	78	205
13-16-6.4, amended	Sec. 1	79	206
13-16-7, amended	Sec. 3	46	155
13-27-1, amended	Sec. 1	80	207
13-27-1.3, enacted	Sec. 2	80	207
13-27-1.4, enacted	Sec. 3	80	207
13-27-15, amended	Sec. 4	80	207
13-27-16, amended	Sec. 7	80	207
13-27-18, amended	Sec. 5	80	207
13-27-19, amended	Sec. 6	80	207
13-28-11, amended	Sec. 1	81	210
13-28-37.1, amended	Sec. 1	82	211
13-32-7, amended	Sec. 1	83	212
13-32-21, enacted	Sec. 1	84	213
13-32-22, enacted	Sec. 2	84	213
13-32-23, enacted	Sec. 3	84	213
13-32-24, enacted	Sec. 5	84	213
13-32-25, enacted	Sec. 4	84	213
13-33A-4, amended	Sec. 1	154	343
13-37-16, amended	Sec. 3	47	158
13-37-35.1, amended	Sec. 4	47	158
13-37-62, enacted	Sec. 1	85	217
13-39A-43, enacted	Sec. 1	86	218
13-39A-44, enacted	Sec. 2	86	218
13-42-26, amended	Sec. 2	73	198
13-53-56, enacted	Sec. 3	86	218
13-53-57, enacted	Sec. 4	86	218
13-63-1, amended	Sec. 1	87	220

LIBRARIES

14-1-40, amended	Sec. 2	88	222
14-1-44, amended	Sec. 3	88	222
14-1-45, repealed	Sec. 5	88	222

14-1-47, repealed.....	Sec. 6	88	222
14-1-51, repealed.....	Sec. 7	88	222
14-1-55, repealed.....	Sec. 8	88	222
14-1-56, repealed.....	Sec. 9	88	222
14-1-59, repealed.....	Sec.10	88	222
14-1-60, repealed.....	Sec.11	88	222
14-1-64, repealed.....	Sec.12	88	222
14-1A-2, repealed	Sec.13	88	222
COURTS AND JUDICIARY			
16-12B-15, amended	Sec. 1	89	225
16-12C-14, amended	Sec. 2	89	225
OATHS AND ACKNOWLEDGMENTS			
18-1-2, amended	Sec. 1	90	226
18-1-3, amended	Sec. 2	90	226
18-1-9, amended	Sec. 1	91	227
PERSONAL RIGHTS AND OBLIGATIONS			
20-13-58, enacted	Sec. 6	84	213
20-13-59, enacted	Sec. 7	84	213
20-13-60, enacted	Sec. 8	84	213
20-13-61, enacted	Sec.10	84	213
20-13-62, enacted	Sec. 9	84	213
20-13-63, enacted	Sec.11	84	213
JUDICIAL REMEDIES			
21-41-24, repealed.....	Sec. 5	90	226
21-60-1, repealed.....	Sec. 6	173	382
21-60-2, repealed.....	Sec. 7	173	382
21-60-3, repealed.....	Sec. 8	173	382
CRIMES			
22-16-43, enacted	Sec. 1	92	227
22-18-42, enacted	Sec. 2	92	227
22-22-7.8, amended	Sec. 1	93	228
22-22-26, amended	Sec. 1	94	229
22-22-26.1, amended	Sec. 2	94	229
22-22-26.3, amended	Sec. 3	94	229
22-22-26.4, amended	Sec. 4	94	229
22-22-26.5, enacted	Sec. 5	94	229
22-24-27, amended	Sec. 1	95	231
22-24-29, amended	Sec. 2	95	231
22-24-55, amended	Sec. 1	96	234
22-24-56, amended	Sec. 2	96	234
22-24-58, amended	Sec. 3	95	231
22-24-69, enacted	Sec. 4	95	231
22-24-70, enacted	Sec. 5	95	231
22-24-71, enacted	Sec. 6	95	231
22-24-72, enacted	Sec. 7	95	231
22-24-73, enacted	Sec. 8	95	231
22-30A-17, amended	Sec. 1	173	382
22-42-2, amended.....	Sec. 1	97	235
22-42-5.1, amended	Sec. 1	98	237
22-49-1, amended.....	Sec. 1	99	238
22-49-2, amended.....	Sec. 2	99	238
22-49-3, amended.....	Sec. 3	99	238
22-49-7, enacted.....	Sec. 4	99	238
LAW ENFORCEMENT			
23-3-74, enacted.....	Sec. 1	100	240
23-7-70, repealed.....	Sec. 5	36	116

23-14-9.2, amended	Sec. 1	101	240
CRIMINAL PROCEDURE			
23A-27-13, amended	Sec. 1	102	241
23A-27-13.3, enacted	Sec. 2	102	241
CORRECTIONAL FACILITIES AND PAROLE			
24-2-14, amended	Sec. 1	103	242
24-2-22, amended	Sec. 2	103	242
24-15-4.1, amended	Sec. 1	104	243
24-15-4.2, amended	Sec. 2	104	243
24-15-28, amended	Sec. 1	105	247
24-15A-32, amended	Sec. 3	104	243
DOMESTIC RELATIONS			
25-4-84, enacted	Sec. 1	106	248
25-5A-27, amended	Sec. 1	107	248
25-5A-27.1, enacted	Sec. 2	107	248
25-5A-28, amended	Sec. 3	107	248
25-5A-29, amended	Sec. 4	107	248
25-5A-30, amended	Sec. 5	107	248
25-5A-31, amended	Sec. 6	107	248
25-5A-32, amended	Sec. 7	107	248
25-5A-33, amended	Sec. 8	107	248
25-5A-34, amended	Sec. 9	107	248
25-5A-35, amended	Sec.10	107	248
25-6-1, amended	Sec. 1	108	251
25-6-1.1, amended	Sec. 2	108	251
25-6-9.1, amended	Sec. 1	109	252
MINORS			
26-8A-26.1, amended	Sec. 1	110	253
PUBLIC WELFARE AND ASSISTANCE			
28-1-85, enacted	Sec. 1	111	254
UNIFORM PROBATE CODE			
29A-3-603, amended	Sec. 3	90	226
29A-3-604, amended	Sec. 4	90	226
HIGHWAYS AND BRIDGES			
31-4-136, amended	Sec. 1	112	255
31-4-246, amended	Sec. 2	112	255
31-13-17, amended	Sec. 1	113	256
31-13-51, amended	Sec. 2	113	256
MOTOR VEHICLES			
32-1-9, enacted	Sec. 1	114	257
32-3-1, amended	Sec. 6	44	143
32-3-18.2, amended	Sec. 1	115	258
32-3-53, amended	Sec. 7	44	143
32-3-57, amended	Sec. 8	44	143
32-3-69.1, amended	Sec. 9	44	143
32-3-69.2, enacted	Sec.10	44	143
32-3-69.3, enacted	Sec.11	44	143
32-3-69.4, enacted	Sec.12	44	143
32-3-69.5, enacted	Sec.13	44	143
32-3-69.6, enacted	Sec.14	44	143
32-3-80, enacted	Sec. 1	116	258
32-3-81, enacted	Sec. 2	116	258
32-3-82, enacted	Sec. 3	116	258
32-3-83, enacted	Sec. 4	116	258
32-3-84, enacted	Sec. 5	116	258
32-3A-4, amended	Sec. 1	117	259
32-3A-12, amended	Sec. 2	117	259

32-3A-60, amended	Sec. 3	117	259
32-5-85, amended	Sec.15	44	143
32-5-167, amended	Sec. 1	118	260
32-6B-88, amended	Sec. 1	119	261
32-10-1, amended	Sec.16	44	143
32-12-16, amended	Sec. 1	120	261
32-12-17.2, amended	Sec. 2	121	264
32-12-17.10, amended	Sec. 1	121	264
32-12-17.16, amended	Sec. 1	122	266
32-12-42, amended	Sec. 1	123	267
32-12-42.3, enacted	Sec. 2	123	267
32-12-47.1, amended	Sec. 2	120	261
32-12-48, amended	Sec. 3	120	261
32-12-61.1, amended	Sec. 4	120	261
32-12-126, amended	Sec. 1	124	268
32-12-127, enacted	Sec. 1	125	268
32-12A-5.1, amended	Sec. 1	126	269
32-12A-15, amended	Sec. 5	120	261
32-12A-20.2, amended	Sec. 1	127	269
32-12A-56, amended	Sec. 2	126	269
32-12A-57, amended	Sec. 3	126	269
32-12A-63, amended	Sec. 6	120	261
32-14-11, amended	Sec.17	44	143
32-15-7, amended	Sec.18	44	143
32-17-42, amended	Sec. 1	128	270
32-20B-7, amended	Sec.10	129	273
32-24-10, enacted	Sec. 1	129	273
32-24-11, enacted	Sec. 2	129	273
32-24-12, enacted	Sec. 3	129	273
32-24-13, enacted	Sec. 4	129	273
32-24-14, enacted	Sec. 5	129	273
32-24-15, enacted	Sec. 6	129	273
32-24-16, enacted	Sec. 7	129	273
32-24-17, enacted	Sec. 8	129	273
32-24-18, enacted	Sec. 9	129	273
32-25-23, repealed	Sec.11	129	273
32-25-25, repealed	Sec.12	129	273
32-31-4, amended	Sec. 2	128	270
32-31-6.1, amended	Sec. 1	130	276
32-31-6.2, amended	Sec. 2	130	276
32-32-6, amended	Sec. 1	131	277
32-32-17, enacted	Sec. 2	131	277
32-33-17, amended	Sec.19	44	143
32-36-2, amended	Sec. 1	132	278
VETERANS AFFAIRS			
33A-2-37, enacted	Sec. 1	133	279
33A-2-38, enacted	Sec. 2	133	279
33A-2-39, enacted	Sec. 3	133	279
33A-2-40, enacted	Sec. 4	133	279
33A-2-41, enacted	Sec. 5	133	279
33A-2-42, enacted	Sec. 6	133	279
PUBLIC HEALTH AND SAFETY			
34-11-12, amended	Sec. 3	128	270
34-12-35.11, repealed	Sec. 1	134	281
34-12E-11, amended	Sec. 1	135	281
34-12E-11.1, repealed	Sec. 2	135	281

34-12E-12, repealed	Sec. 3	135	281
34-12E-13, repealed	Sec. 4	135	281
34-18-10, amended	Sec. 1	136	283
34-18-10.3, repealed	Sec. 2	136	283
34-20A-100, amended	Sec. 4	128	270
34-20A-105.1, amended	Sec. 1	137	284
34-20B-1, amended	Sec. 1	138	285
34-20B-13, amended (effective February 18, 2025)	Sec. 1	139	289
34-20B-14, amended (effective February 18, 2025)	Sec. 2	139	289
34-20B-115, amended	Sec. 2	138	285
34-20B-115.1, enacted	Sec. 3	138	285
34-25-52.7, amended	Sec. 1	140	300
34-26-21.1, amended	Sec. 1	141	301
34-26A-4.1, amended	Sec. 4	160	364
34-26A-4.2, amended	Sec. 5	160	364
34-35-17, amended	Sec. 2	142	301
34-35-18, amended	Sec. 3	142	301
34-45-4.4, amended	Sec. 1	143	302
34-51-1, amended	Sec. 1	144	303
34-51-2, repealed	Sec. 9	144	303
34-51-3, amended	Sec. 2	144	303
34-51-4, amended	Sec. 3	144	303
34-51-5, repealed	Sec.10	144	303
34-51-6, amended	Sec. 4	144	303
34-51-7, amended	Sec. 5	144	303
34-51-9, amended	Sec. 6	144	303
34-51-10, amended	Sec. 7	144	303
34-51-11, enacted	Sec. 8	144	303
ENVIRONMENTAL PROTECTION			
34A-2-125, repealed	Sec. 5	145	306
34A-2-125.1, enacted	Sec. 1	145	306
34A-2-125.2, enacted	Sec. 2	145	306
34A-2-125.3, enacted	Sec. 3	145	306
34A-2-125.4, enacted	Sec. 4	145	306
ALCOHOLIC BEVERAGES			
35-4-10, amended	Sec. 1	146	309
35-4-11.1, amended	Sec. 2	146	309
PROFESSIONS AND OCCUPATIONS			
36-1D-4, amended (effective February 18, 2025)	Sec. 1	150	319
36-2-16.8, enacted	Sec. 1	147	310
36-4-39.1, enacted	Sec. 1	148	310
36-4-40, amended	Sec. 2	148	310
36-4A-1, amended	Sec. 1	149	311
36-4A-1.1, amended	Sec. 2	149	311
36-4A-1.2, enacted	Sec. 3	149	311
36-4A-4, amended	Sec. 4	149	311
36-4A-4.1, enacted	Sec. 5	149	311
36-4A-5, amended	Sec. 6	149	311
36-4A-8, amended	Sec. 7	149	311
36-4A-8.1, amended	Sec. 8	149	311
36-4A-8.3, enacted	Sec. 9	149	311
36-4A-20.1, amended	Sec.10	149	311
36-4A-26.1, amended	Sec.11	149	311
36-4A-26.2, amended	Sec.12	149	311
36-4A-26.3, amended	Sec.13	149	311
36-4A-26.4, enacted	Sec.14	149	311
36-4A-29, repealed	Sec.20	149	311

36-4A-29.1, repealed	Sec.21	149	311
36-4A-29.2, repealed	Sec.22	149	311
36-4A-30, amended	Sec.15	149	311
36-4A-31, amended	Sec.16	149	311
36-4A-32, repealed	Sec.23	149	311
36-4A-37, amended	Sec.17	149	311
36-4A-38, repealed	Sec.24	149	311
36-4A-42, amended	Sec.18	149	311
36-4A-50, enacted	Sec.19	149	311
36-4B-1, amended	Sec. 5	128	270
36-4B-15, amended (effective February 18, 2025)	Sec. 2	150	319
36-4B-18.2, amended	Sec. 1	151	320
36-4B-29, amended (effective February 18, 2025)	Sec. 3	150	319
36-4B-35, amended	Sec. 6	128	270
36-4B-41, amended	Sec. 7	128	270
36-10-27, amended	Sec. 1	152	320
36-10-29, amended	Sec. 2	152	320
36-10-35.1, amended	Sec. 3	152	320
36-10-35.8, amended	Sec. 4	152	320
36-10-35.9, amended	Sec. 5	152	320
36-10B-16, enacted	Sec. 1	153	323
36-10C-1, enacted	Sec. 2	153	323
36-11-2, amended	Sec. 2	154	343
36-11-2.1, amended	Sec. 3	154	343
36-11-3, repealed	Sec.35	154	343
36-11-5, amended	Sec. 4	154	343
36-11-6, repealed	Sec.36	154	343
36-11-13, amended	Sec. 5	154	343
36-11-15, amended	Sec. 6	154	343
36-11-16, amended	Sec. 7	154	343
36-11-17, repealed	Sec.37	154	343
36-11-18, repealed	Sec.38	154	343
36-11-19, amended	Sec. 8	154	343
36-11-19.1, amended	Sec. 9	154	343
36-11-19.5, amended	Sec.10	154	343
36-11-19.6, amended	Sec.11	154	343
36-11-20, amended	Sec.12	154	343
36-11-22, repealed	Sec.39	154	343
36-11-23, amended	Sec.13	154	343
36-11-25, amended	Sec.14	154	343
36-11-26, amended	Sec.15	154	343
36-11-28, repealed	Sec.40	154	343
36-11-29, repealed	Sec.41	154	343
36-11-30, amended	Sec.16	154	343
36-11-31, amended	Sec.17	154	343
36-11-32, amended	Sec.18	154	343
36-11-33, amended	Sec.19	154	343
36-11-34, amended	Sec.20	154	343
36-11-35, amended	Sec.21	154	343
36-11-36, amended	Sec.22	154	343
36-11-37, amended	Sec.23	154	343
36-11-38, amended	Sec.24	154	343
36-11-39, amended	Sec.25	154	343
36-11-40, repealed	Sec.42	154	343
36-11-41, amended	Sec.26	154	343
36-11-42, repealed	Sec.43	154	343

36-11-43, amended	Sec.27	154	343
36-11-44, amended	Sec.28	154	343
36-11-48, amended	Sec.29	154	343
36-11-49, repealed	Sec.44	154	343
36-11-67, amended	Sec.30	154	343
36-11-72, amended	Sec.31	154	343
36-11-73, enacted	Sec.32	154	343
36-11A-4.2, repealed	Sec.45	154	343
36-11A-8, amended	Sec.33	154	343
36-11A-13, amended	Sec.34	154	343
36-14-22, amended (effective March 10, 2025)	Sec. 1	155	358
36-14-24, amended (effective March 10, 2025)	Sec. 2	155	358
36-14-27, amended (effective March 10, 2025)	Sec. 3	155	358
36-14-29, amended (effective March 10, 2025)	Sec. 4	155	358
36-14-30, amended (effective March 10, 2025)	Sec. 5	155	358
36-15-13, amended	Sec. 1	156	359
36-15-20, amended	Sec. 2	156	359
36-15-20.1, amended	Sec. 3	156	359
36-15-51.3, enacted (effective March 17, 2025).....	Sec. 1	157	361
36-16-30, amended	Sec. 1	158	362
36-19-12.1, amended	Sec. 1	159	363
36-19-14, amended	Sec. 2	159	363
36-19-21, amended	Sec. 4	159	363
36-19-25, amended	Sec. 1	160	364
36-19-27, amended	Sec. 2	160	364
36-19-37, amended	Sec. 3	160	364
36-19-44, enacted	Sec. 3	159	363
36-20B-12, amended	Sec. 1	161	366
36-20B-17, amended	Sec. 2	161	366
36-20B-37, amended	Sec. 3	161	366
36-25-15, amended	Sec. 1	162	369
36-25-19, amended	Sec. 1	163	369
36-25-19.1, amended	Sec. 2	163	369
36-25-21, amended	Sec. 3	163	369
36-25-24, amended	Sec. 4	163	369
36-25-24.1, amended	Sec. 5	163	369
TRADE REGULATION			
37-5-13, amended	Sec.20	44	143
37-14-21, amended	Sec.21	44	143
37-24-6, amended	Sec. 1	198	452
37-24-50.1, enacted	Sec. 1	164	371
37-35A-1, enacted	Sec. 1	165	372
37-35A-2, enacted	Sec. 2	165	372
37-35A-3, enacted	Sec. 3	165	372
37-35A-4, enacted	Sec. 4	165	372
37-35A-5, enacted	Sec. 5	165	372
37-35A-6, enacted	Sec. 6	165	372
37-35A-7, enacted	Sec. 7	165	372
37-35A-8, enacted	Sec. 8	165	372
AGRICULTURE AND HORTICULTURE			
38-17-14, amended (effective January 1, 2027).....	Sec. 1	166	376
38-17-15, amended (effective January 1, 2027).....	Sec. 2	166	376
38-17-15.1, enacted (effective January 1, 2027).....	Sec. 3	166	376
38-17-16, amended (effective January 1, 2027).....	Sec. 4	166	376
38-17-19, amended (effective January 1, 2027).....	Sec. 5	166	376
38-35-19, repealed	Sec. 1	167	377

FOOD AND DRUGS

39-5-26, amended.....	Sec. 1	168	378
39-5-55, enacted.....	Sec. 1	169	380

ANIMALS AND LIVESTOCK

40-3-2, amended.....	Sec. 1	170	380
40-3-3, amended.....	Sec. 2	170	380
40-3-10, amended.....	Sec. 3	170	380
40-18-21, enacted.....	Sec. 1	171	381
40-36-46, amended.....	Sec. 1	172	382
40-38-1, amended.....	Sec. 2	173	382
40-38-2, amended.....	Sec. 3	173	382
40-38-3, amended.....	Sec. 4	173	382
40-38-4, amended.....	Sec. 5	173	382

GAME, FISH, PARKS AND FORESTRY

41-2-19, amended.....	Sec. 1	174	386
41-2-19.1, enacted.....	Sec. 2	174	386
41-6-10, amended.....	Sec. 1	175	387
41-6-12, amended.....	Sec. 2	175	387
41-6-14, amended.....	Sec. 3	175	387
41-6-18.5, enacted.....	Sec. 1	176	390
41-6-81, amended.....	Sec. 4	175	387
41-7-1, amended.....	Sec. 5	175	387
41-8-17, amended.....	Sec. 1	177	390
41-17-27, amended.....	Sec. 1	178	392

RECREATION AND SPORTS

42-7A-43, amended.....	Sec. 1	179	392
42-8-58.1, enacted.....	Sec. 3	92	227

PROPERTY

43-4-44, amended.....	Sec. 1	180	393
43-12-7, enacted.....	Sec. 1	181	404
43-13-6, amended.....	Sec. 1	182	404
43-13-6.1, enacted.....	Sec. 2	182	404
43-41B-1, amended.....	Sec. 1	183	405
43-41B-18, amended.....	Sec. 3	183	405
43-41B-24, amended.....	Sec. 1	184	409
43-41B-24.1, amended.....	Sec. 2	184	409
43-41B-24.3, enacted.....	Sec. 3	184	409
43-41B-24.4, enacted.....	Sec. 4	184	409
43-41B-24.5, enacted.....	Sec. 5	184	409
43-41B-45, enacted.....	Sec. 2	183	405
43-45-3, amended.....	Sec. 1	185	411

WATER MANAGEMENT

46A-3A-1, amended.....	Sec. 1	186	411
46A-3A-1.1, amended.....	Sec. 2	186	411
46A-3A-2, amended.....	Sec. 3	186	411
46A-3A-3, amended.....	Sec. 4	186	411
46A-3A-4, amended.....	Sec. 5	186	411
46A-3A-5, amended.....	Sec. 6	186	411
46A-3A-6, amended.....	Sec. 7	186	411
46A-3A-7, amended.....	Sec. 8	186	411
46A-3A-7.1, amended.....	Sec. 9	186	411
46A-3A-8, amended.....	Sec.10	186	411
46A-3A-9, amended.....	Sec.11	186	411
46A-3A-10, amended.....	Sec.12	186	411
46A-3A-11, amended.....	Sec.13	186	411
46A-3A-12, amended.....	Sec.14	186	411

46A-3A-13, amended	Sec.15	186	411
46A-3A-14, amended	Sec.16	186	411
46A-3A-15, amended	Sec.17	186	411
46A-3A-16, amended	Sec.18	186	411
46A-3A-17, amended	Sec.19	186	411
46A-3B-1, amended	Sec.20	186	411
46A-3B-2, amended	Sec.21	186	411
46A-3B-2.1, amended	Sec.22	186	411
46A-3B-3, amended	Sec.23	186	411
46A-3B-4, amended	Sec.24	186	411
46A-3B-5, amended	Sec.25	186	411
46A-3B-6, amended	Sec.26	186	411
46A-3B-7, amended	Sec.27	186	411
46A-3B-8, amended	Sec.28	186	411
46A-3B-9, amended	Sec.29	186	411
46A-3B-10, amended	Sec.30	186	411
46A-3B-11, amended	Sec.31	186	411
46A-3B-12, amended	Sec.32	186	411
46A-3B-13, repealed	Sec.66	186	411
46A-3C-1, amended	Sec.33	186	411
46A-3C-2, amended	Sec.34	186	411
46A-3C-3, amended	Sec.35	186	411
46A-3C-4, amended	Sec.36	186	411
46A-3C-5, amended	Sec.37	186	411
46A-3C-6, amended	Sec.38	186	411
46A-3D-1, amended	Sec.39	186	411
46A-3D-2, amended	Sec.40	186	411
46A-3D-3, amended	Sec.41	186	411
46A-3D-4, amended	Sec.42	186	411
46A-3D-5, amended	Sec.43	186	411
46A-3D-6, amended	Sec.44	186	411
46A-3D-7, amended	Sec.45	186	411
46A-3D-8, amended	Sec.46	186	411
46A-3D-9, amended	Sec.47	186	411
46A-3D-10, amended	Sec.48	186	411
46A-3D-11, amended	Sec.49	186	411
46A-3D-12, amended	Sec.50	186	411
46A-3D-13, amended	Sec.51	186	411
46A-3E-1, amended	Sec.52	186	411
46A-3E-2, amended	Sec.53	186	411
46A-3E-3, amended	Sec.54	186	411
46A-3E-4, amended	Sec.55	186	411
46A-3E-5, amended	Sec.56	186	411
46A-3E-6, amended	Sec.57	186	411
46A-3E-7, amended	Sec.58	186	411
46A-3E-8, amended	Sec.59	186	411
46A-3E-9, amended	Sec.60	186	411
46A-3E-10, amended	Sec.61	186	411
46A-3E-11, amended	Sec.62	186	411
46A-3E-12, amended	Sec.63	186	411
46A-3E-13, amended	Sec.64	186	411
46A-3E-14, amended	Sec.65	186	411
46A-3E-15, repealed	Sec.67	186	411
46A-4-27, amended	Sec. 1	187	430
46A-10A-30, amended	Sec. 1	188	430
CORPORATIONS			
47-1A-122, amended	Sec. 1	189	431

47-20-7, amended.....	Sec. 2	189	431
47-28-6, amended.....	Sec. 3	189	431
47-34A-212, amended	Sec. 4	189	431
PARTNERSHIPS			
48-7A-1208, amended	Sec. 5	189	431
PUBLIC UTILITIES AND CARRIERS			
49-7-13.1, enacted	Sec. 1	190	435
49-7A-2, amended.....	Sec. 1	191	435
49-28A-3, amended.....	Sec. 1	192	436
49-41B-2, amended.....	Sec. 1	193	437
49-41B-4.4, amended	Sec. 2	193	437
49-41B-12, amended	Sec. 1	194	440
49-41B-39, amended	Sec. 3	193	437
AVIATION			
50-5-1.2, enacted.....	Sec. 2	195	441
FIDUCIARIES AND TRUSTS			
55-1B-1, amended.....	Sec. 1	196	442
55-1B-2, amended.....	Sec. 2	196	442
55-1B-4, amended.....	Sec. 3	196	442
55-1B-9, amended.....	Sec. 4	196	442
55-1B-13, enacted.....	Sec. 5	196	442
55-2-15, amended.....	Sec. 6	196	442
55-2-23, amended.....	Sec. 7	196	442
55-3-24, amended.....	Sec. 8	196	442
UNIFORM COMMERCIAL CODE			
57A-9-528, amended	Sec. 6	189	431
57A-9-529, amended	Sec. 7	189	431
INSURANCE			
58-6-75, amended.....	Sec. 1	197	449
58-17-145.1, repealed	Sec. 8	197	449
58-20-1, amended.....	Sec. 2	197	449
58-29B-51, amended	Sec. 3	197	449
58-29G-1, enacted	Sec. 2	198	452
58-29G-2, enacted	Sec. 3	198	452
58-29G-3, enacted	Sec. 4	198	452
58-29G-4, enacted	Sec. 5	198	452
58-30-114, amended	Sec. 4	197	449
58-30-117, amended	Sec. 5	197	449
58-30-122, amended	Sec. 6	197	449
58-30-123, amended	Sec. 7	197	449
REEMPLOYMENT ASSISTANCE			
61-5-25.6, amended	Sec. 1	199	456
61-5-25.7, enacted	Sec. 2	199	456
61-5-28.1, amended	Sec. 3	199	456
61-5-29, amended.....	Sec. 4	199	456

