

2022 SESSION LAWS
OF THE
STATE OF SOUTH DAKOTA

PASSED BY THE NINETY-SEVENTH SESSION OF THE
LEGISLATIVE ASSEMBLY, BEGUN AND HELD IN PIERRE ON
JANUARY 11, 2022, AND CONCLUDED ON MARCH 28, 2022.



OFFICIAL EDITION

TABLE OF CONTENTS

The effective date of most of the legislation in this volume is July 1, 2022. See SDCL 2-14-16. Legislation with other effective dates will contain the effective date as one of its provisions.

STATE AFFAIRS AND GOVERNMENT

1. HB 1025 update legal holidays in South Dakota.
2. HB 1196 designate the traditional flute as the official indigenous musical instrument of South Dakota.
3. SB 144 create the incarceration construction fund for the capital construction of such facilities.
4. HB 1087 revise certain provisions regarding records that are not open to inspection and copying and deliberations in an executive or closed meeting.
5. SB 95 revise provisions regarding the Teacher Compensation Review Board.
6. HB 1051 amend certain provisions relating to the small business credit initiative fund.
7. HB 1195 direct the Indian Education Advisory Council to make an annual report to the Governor and the State-Tribal Relations Committee.

LEGISLATURE AND STATUTES

8. SB 187 require state agencies to provide certain information for initiated measure or constitutional amendment fiscal notes.
9. SB 2 publish voter-approved initiated constitutional amendments and initiated measures in the session laws.
10. SB 1 codify legislation enacted in 2021.

PUBLIC OFFICERS AND EMPLOYEES

11. HB 1106 provide for the security and privacy of certain personally identifiable information for judicial officers and to declare an emergency.
12. SB 68 revise holiday pay for state employees.
13. HB 1063 revise the approval process for state employee household moving allowances.
14. SB 57 add gaming enforcement agents to Class B membership of the South Dakota Retirement System.
15. SB 56 revise certain provisions relating to the South Dakota Retirement System.
16. HB 1041 facilitate legislative oversight of settlement agreements involving a state entity or official.

PUBLIC FISCAL ADMINISTRATION

17. HB 1002 revise certain provisions regarding the investments authorized for state public funds.

PUBLIC PROPERTY, PURCHASES AND CONTRACTS

18. SB 197 require the POW/MIA flag be displayed in the Senate and House of Representative chambers.

COUNTIES

19. HB 1127 modify provisions related to county redistricting.
20. SB 138 clarify provisions related to filing a petition to refer an ordinance or resolution.

MUNICIPAL GOVERNMENT

21. HB 1076 permit certain municipalities to elect aldermen at large.
22. HB 1275 clarify signature requirements on petitions regarding the change of form of government in municipalities.
23. HB 1286 permit municipalities to contribute more to the cost of insurance provided to certain officers or retired employees.

TAXATION

- 24. HB 1010 revise certain references to the Internal Revenue Code.
- 25. HB 1284 increase household income thresholds for a paraplegic tax reduction.
- 26. HB 1011 revise the application process for the reduction of tax on dwellings owned by paraplegics.
- 27. HB 1083 provide a partial property tax exemption for the surviving spouses of certain veterans.
- 28. HB 1325 revise the classification of agricultural land according to soil type.
- 29. SB 162 revise the discretionary formula for reduced taxation of new structures and residential property.
- 30. HB 1001 revise the freeze on assessments for dwellings of disabled and senior citizens.
- 31. HB 1014 make an appropriation to fund tax refunds for elderly persons and persons with a disability and to declare an emergency.
- 32. HB 1120 include carbon dioxide and carbon dioxide capture companies in certain provisions regarding pipeline taxation.
- 33. SB 165 exempt gross receipts of certain coaches from certain gross receipts taxes.

PLANNING, ZONING AND HOUSING PROGRAMS

- 34. HB 1197 include certain costs as project costs for tax increment financing districts.
- 35. SB 90 revise certain provisions regarding local building codes.

ELECTIONS

- 36. SB 122 prohibit private funding of election costs except for gifts of a nominal and intrinsic value.

EDUCATION

- 37. SB 108 repeal certain reporting requirements to the Executive Board of the Legislative Research Council.
- 38. HB 1185 permit the wearing of a beaded graduation cap at a school honoring or graduation ceremony.
- 39. HB 1012 protect students and employees at institutions of higher education from divisive concepts.
- 40. HB 1119 revise the general state aid formula to provide adjustment for alternative education students participating in interscholastic activities.
- 41. SB 59 revise property tax levies for school districts and to revise the state aid to general and special education formulas.
- 42. HB 1080 prolong requirements for increasing teacher compensation.
- 43. HB 1302 modify tuition responsibilities for children in residential treatment centers.
- 44. SB 167 clarify the certification process for teachers and school administrators.
- 45. HB 1308 provide for the payment of signing bonuses to school district staff members.
- 46. SB 131 require the Board of Regents to provide an annual presentation to the special committee.
- 47. HB 1024 revise and repeal certain provisions regarding self-support tuition rates at off-campus locations governed by the Board of Regents.
- 48. SB 154 revise criteria for the South Dakota freedom scholarship.
- 49. HB 1009 revise certain provisions of the Higher Education Savings Plan Act.
- 50. SB 71 revise certain provisions related to the partners in education tax credit program.
- 51. SB 46 protect fairness in women's sports.

CIVIL PROCEDURE

- 52. HB 1079 revise provisions regarding court transcript costs.

COURTS AND JUDICIARY

- 53. HB 1104 revise provisions related to the location of courtroom facilities.
- 54. HB 1109 revise a provision related to the review of the master jury list.

NOTICE AND PUBLICATION

- 55. HB 1075 modify legal and official notice publication requirements.

OATHS AND ACKNOWLEDGMENTS

- 56. SB 107 provide for the remote witnessing of certain legal instruments.

PERSONAL RIGHTS AND OBLIGATIONS

- 57. SB 135 revise provisions regarding agritourism liability.

JUDICIAL REMEDIES

- 58. HB 1293 limit liability for certain child welfare agency licensees.
- 59. SB 199 revise provisions related to a name change for certain crime victims.

CRIMES

- 60. HB 1162 define a loaded firearm.
- 61. HB 1113 prohibit threats made with the intent to coerce an abortion and to provide a penalty therefor.
- 62. SB 195 establish the burden of proof after a claim of immunity.
- 63. SB 120 include intentionally manipulated images or recordings in the crime of invasion of privacy by recording.
- 64. SB 77 enhance the penalty on registered sex offenders who commit sexual contact without consent from a person capable of consenting.
- 65. SB 81 revise the definition of sexual contact for purposes of sexual contact with a child under eighteen by a person in a position of authority.
- 66. SB 37 repeal the bingo distributor license and bingo manufacturer license and to repeal the bingo tax.
- 67. HB 1069 include out-of-state convictions as a basis of an enhanced penalty for certain drug crimes.

LAW ENFORCEMENT

- 68. HB 1068 clarify the processing of sexual assault kits performed on individuals ages sixteen and seventeen.
- 69. HB 1065 repeal references to nonresident holders of concealed pistol permits.
- 70. SB 212 revise certain fees collected by the Office of the Secretary of State.

CRIMINAL PROCEDURE

- 71. SB 83 modify when a motion for expungement of an arrest record may be made and to declare an emergency.
- 72. HB 1100 revise provisions related to the video recording of certain victim testimony at a preliminary hearing or deposition.
- 73. SB 169 establish a means for certain Department of Corrections inmates to earn credit against fines or costs ordered by the sentencing court.
- 74. HB 1107 establish a process for requesting records prepared or maintained by court services officers.
- 75. HB 1036 revise certain provisions regarding search warrants for tracking devices.
- 76. HB 1328 require law enforcement to report certain seizures of property.

PENAL INSTITUTIONS, PROBATION AND PAROLE

- 77. SB 119 prohibit sexual contact between prison employees and prisoners.

DOMESTIC RELATIONS

- 78. HB 1268 revise provisions related to name changes when obtaining a marriage license.
- 79. HB 1133 provide that the cost of a home study required for an adoption is the responsibility of the Department of Social Services.
- 80. HB 1278 revise the child support obligation schedule.
- 81. HB 1279 revise certain provisions relating to child support.

82. HB 1272 revise provisions related to counseling for domestic abuse defendants.

MINORS

83. HB 1110 revise a provision related to the appointment of a guardian ad litem or a special advocate to represent an abused or neglected child.
84. HB 1099 revise provisions related to courtroom modifications for child witnesses.

MENTALLY ILL PERSONS

85. HB 1105 allow for a good cause exception to the time for an involuntary commitment hearing.
86. HB 1282 allow inpatient psychiatric facility placement alternatives for certain patients.

PUBLIC WELFARE AND ASSISTANCE

87. HB 1103 provide a reimbursement schedule for chiropractic, dental, and optometric services under the Medicaid program.

UNIFORM PROBATE CODE

88. HB 1085 expand the eligibility for a small estate probate.
89. HB 1115 allow succession to real property by an affidavit.

HIGHWAYS AND BRIDGES

90. HB 1155 revise the compensation for a township board member overseer.
91. HB 1156 revise provisions regarding weed removal along highways.
92. HB 1070 clarify certain provisions of the rural access infrastructure improvements grant program.

MOTOR VEHICLES

93. HB 1082 revise the motor vehicle excise tax on vehicles leased for more than twenty-eight days to include certain off-road vehicles.
94. SB 176 revise provisions regarding self-propelled agriculture units.
95. SB 74 revise provisions regarding out-of-service motor carrier violations.
96. SB 28 disqualify for life any person from driving a commercial vehicle who is convicted of a felony offense involving human trafficking.
97. SB 91 revise provisions regarding the use of certain lights by county highway department authorized vehicles.
98. HB 1078 authorize the use of electric all-terrain and off-road vehicles on public highways and to declare an emergency.
99. HB 1108 revise provisions related to driving under the influence.
100. SB 29 authorize highway maintenance vehicles to operate at less than the posted minimum speed on interstate highways.
101. HB 1084 provide for the regulation of motorized foot scooters and to declare an emergency.

PUBLIC HEALTH AND SAFETY

102. SB 93 revise certain provisions related to the use of epinephrine and supraglottic airway devices by ambulance services.
103. HB 1123 establish licensure for rural emergency hospitals.
104. HB 1283 require the posting of laws regarding hospital, nursing facility, and assisted living center visitation.
105. SB 147 authorize the construction and operation of a nursing facility in Lyman County and to declare an emergency.
106. HB 1322 provide for the direct sale of certain home-produced or home-processed foods and food products.
107. HB 1176 grant immunity from certain liabilities for camping activities.
108. SB 136 revise and clarify certain processes for emergency detainment related to drug and alcohol abuse.
109. HB 1027 place certain substances on the controlled substances schedule and to declare an emergency.
110. HB 1038 establish an opioid abatement and remediation fund and to declare an emergency.

111. HB 1292 regulate delta-8 tetrahydrocannabinol, THC-O acetate, and hexahydrocannabinol for those under the age of twenty-one.
112. HB 1129 prohibit forms of discrimination in access to organ transplantation.
113. HB 1152 establish rights regarding the disposition of a person's remains.
114. SB 23 revise the definition of bona fide practitioner-patient relationship.
115. SB 9 revise the definition of a designated caregiver.
116. SB 5 revise acceptable conduct related to the medical use of cannabis.
117. SB 19 permit certain facilities to establish reasonable restrictions related to the medical use of cannabis.
118. SB 4 revise provisions related to a written certification for the medical use of cannabis.
119. SB 24 establish a maximum number of cannabis plants that may be cultivated by a medical cannabis cardholder.
120. SB 26 revise the definition of practitioner for purposes of the medical cannabis program.
121. SB 15 revise provisions providing that certain professions are not subject to discipline for certain conduct relating to medical cannabis.
122. SB 6 revise provisions related to prohibited conduct by schools and landlords related to medical cannabis.
123. SB 7 revise provisions related to custody and visitation rights by medical cannabis cardholders.
124. SB 17 revise provisions regarding cost reimbursement associated with medical cannabis.
125. HB 1097 clarify conduct that is not required related to medical cannabis.
126. SB 27 revise the provisions regarding the denial or nonrenewal of a patient registry identification card.
127. SB 21 revise provisions related to the revocation of a medical cannabis registry identification card.
128. SB 13 repeal provisions permitting certain documents to serve as temporary registry identification cards for medical cannabis.
129. SB 14 revise provisions related to the confidential list of medical cannabis cardholders maintained by the Department of Health.
130. SB 190 revise provisions regarding municipal zoning of medical cannabis establishments.
131. SB 118 establish provisions related to the testing of medical cannabis.
132. SB 10 revise provisions related to verifications required prior to receiving medical cannabis.
133. SB 18 revise rulemaking authority related to medical cannabis.
134. HB 1056 revise provisions related to medical cannabis data maintained by the Department of Health.
135. SB 22 revise a reference to the Division of Criminal Investigation.
136. SB 12 revise the annual report on medical cannabis by the Department of Health to the Legislature.
137. HB 1086 provide for the redistribution of donated prescription drugs and medical supplies.

ENVIRONMENTAL PROTECTION

138. HB 1046 revise the disposal fee for large-scale solid waste disposal facilities operated by political subdivisions.
139. HB 1174 revise requirements for sales of catalytic converters to scrap metal businesses.

ALCOHOLIC BEVERAGES

140. SB 188 allow for unlicensed businesses to store alcoholic beverages.
141. SB 156 revise certain provisions regarding census estimates for the purposes of off-sale and on-sale liquor licenses.
142. SB 101 revise provisions regarding the sale or service of alcoholic beverages by persons under the age of twenty-one.

PROFESSIONS AND OCCUPATIONS

- 143. HB 1318 prohibit medical abortion by telemedicine and to increase the penalty for the unlicensed practice of medicine when performing a medical abortion.
- 144. HB 1121 revise certain provisions related to advanced life support personnel.
- 145. HB 1122 require criminal background checks for emergency medical technicians and advanced life support personnel.
- 146. HB 1285 create a critical care endorsement for emergency medical technician-paramedics.
- 147. HB 1028 update certain provisions related to the licensure of optometrists.
- 148. SB 86 revise certain definitions in laws regarding physical therapists.
- 149. HB 1169 modify the licensing of barbers.
- 150. HB 1062 revise a provision regarding when a license is not required of a person installing electric wiring.
- 151. HB 1153 revise the number of class hours required to obtain a responsible broker's license.
- 152. SB 45 revise notice and record keeping requirements of real estate brokerages.
- 153. HB 1043 revise renewal and licensing requirements for plumbers.

AGRICULTURE AND HORTICULTURE

- 154. SB 88 revise certain provisions regarding the State Conservation Commission and conservation districts.
- 155. SB 201 revise provisions regarding industrial hemp and to declare an emergency.

ANIMALS AND LIVESTOCK

- 156. HB 1096 revise provisions regarding livestock identification.

GAME, FISH, PARKS AND FORESTRY

- 157. SB 73 provide for the use of artificial light and night-vision equipment while hunting coyotes and other predators.
- 158. HB 1131 provide for a revocation of hunting, trapping, or fishing privileges.
- 159. HB 1050 repeal obsolete lease requirements for the Black Hills Playhouse.
- 160. HB 1035 allow the Department of Agriculture and Natural Resources to collect receipts from timber sales on federal lands and disburse those receipts according to federal law.

RECREATION AND SPORTS

- 161. SB 152 provide for ticket-in, ticket-out video lottery.
- 162. SB 98 add an exemption from the calculation of adjusted gross proceeds from gaming.

PROPERTY

- 163. SB 87 update the South Dakota Coordinate System to conform to national standards.
- 164. HB 1177 establish provisions regarding ejection of persons from certain lodging establishments and recreational vehicle facilities.

LIENS

- 165. HB 1289 update provisions regarding self-service storage.

WATER MANAGEMENT

- 166. SB 203 revise certain provisions regarding utility facilities and revenue bonds.

CORPORATIONS

- 167. HB 1229 authorize the formation of corporations and limited liability companies by physical therapists, occupational therapists, and speech-language pathologists.
- 168. HB 1060 consolidate certain domestication provisions in the Uniform Limited Liability Company Act.

PUBLIC UTILITIES AND CARRIERS

- 169. HB 1003 update references to certain federal motor carrier regulations.

- 170. HB 1214 prohibit forms of caller identification manipulation and to impose a penalty therefor.
- 171. SB 80 exempt the provision of electricity through electric vehicle charging stations from the definition of electric utility.
- 172. SB 40 establish safety standards regarding biogas gathering lines.
- 173. SB 36 require financial security for the decommissioning of solar facilities.
- 174. SB 35 increase penalties for actions related to grain transactions.
- 175. SB 38 prohibit a grain broker from engaging in certain transactions or activities and to provide a penalty therefor.
- 176. SB 39 reduce the period for filing claims upon the revocation of a grain buyer license.
- 177. HB 1037 revise the penalty for certain willful violations by grain buyers and grain warehouse operators.

BANKS AND BANKING

- 178. SB 47 revise certain provisions regarding money transmission.

DEBTOR AND CREDITOR

- 179. HB 1271 provide for remote work for employees of money lending licensees and mortgage lender businesses.

INSURANCE

- 180. SB 160 exempt motor vehicle service contracts from the insurance code.
- 181. HB 1117 revise a certain provision regarding standard nonforfeiture amounts for individual deferred annuities.
- 182. SB 171 prohibit insurance policies from restricting the method of payment for dental care.
- 183. HB 1102 reduce the exempt commercial policyholder aggregate premium requirement.
- 184. HB 1059 permit nonresponsive insurance producer applications be deemed withdrawn as to not constitute a refusal or administrative action.
- 185. HB 1130 specify taxation, authorization, and standards of practice for the sale of travel insurance.
- 186. SB 148 revise annuity sales standards.

AGENCY

- 187. SB 79 clarify cross-references regarding powers of attorney.

LABOR AND EMPLOYMENT

- 188. HB 1118 clarify when a delivery facilitation contractor may be considered an independent contractor.

REEMPLOYMENT ASSISTANCE

- 189. HB 1173 include a common paymaster as within the meaning of employing unit.
- 190. HB 1128 protect the integrity of reemployment assistance.

UNCODIFIED ACTS

- 191. HB 1340 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 for common schools.
- 192. SB 60 revise the General Appropriations Act for fiscal year 2022.
- 193. SB 31 make an appropriation to the Department of Labor and Regulation for the modernization of the reemployment assistance enterprise system and to declare an emergency.
- 194. SB 33 authorize the Department of Corrections to make healthcare improvements at the South Dakota Women's Prison, to make an appropriation therefor, and to declare an emergency.
- 195. SB 34 make an appropriation for the enhancement and improvement of state radio infrastructure and to declare an emergency.

196. SB 41 revise the appropriation for the construction of a National Guard Readiness Center in Sioux Falls, for the purchase and exchange of property between the state and the Sioux Falls Development Foundation, and to declare an emergency.
197. SB 42 authorize the Board of Regents to contract for the design and construction of an addition to the wellness center at the University of South Dakota, to make an appropriation therefor, and to declare an emergency.
198. SB 43 authorize the Board of Regents to contract for the design, renovation, and construction of an addition for a health sciences center at Black Hills State University–Rapid City, to make an appropriation therefor, and to declare an emergency.
199. SB 44 authorize the Board of Regents to contract for the demolition of Briscoe Hall and the existing Lincoln Hall, and the design and construction of the new Lincoln Hall, at Northern State University, to make an appropriation therefor, and to declare an emergency.
200. SB 48 make an appropriation for the redesign and renovation of the Wagner Readiness Center and to declare an emergency.
201. SB 49 authorize the Department of the Military to construct a cold storage building located in Rapid City, South Dakota, to make an appropriation therefor, and to declare an emergency.
202. SB 50 make an appropriation for water, wastewater and storm water projects throughout state government, and to declare an emergency.
203. SB 51 make an appropriation to support firefighter training equipment and recruitment efforts in the state, and to declare an emergency.
204. SB 52 make an appropriation for the replacement of the Richmond Lake spillway, for the general maintenance and repair of other state-owned dams, and to declare an emergency.
205. SB 53 authorize the Department of Corrections to purchase certain real property and contract for design of a community work center for offenders committed to the Department of Corrections, to make an appropriation therefor, and to declare an emergency.
206. SB 54 appropriate funds for the Dakota State University Cyber Program Expansion and to declare an emergency.
207. SB 55 appropriate funds for the expansion of broadband infrastructure and to declare an emergency.
208. SB 58 make an appropriation for the construction of a new state public health laboratory and the renovation of the existing laboratory and to declare an emergency.
209. SB 61 make an appropriation to the Board of Technical Education to support the purchase of simulation equipment for a health sciences clinical simulation center on the campus of Southeast Technical College and to declare an emergency.
210. SB 62 make an appropriation for eligible water, wastewater, storm water, and nonpoint source projects and to declare an emergency.
211. SB 63 revise the appropriation for road improvements to the State Veterans Cemetery, to provide for ordinary operations of the cemetery, and to declare an emergency.
212. SB 64 make appropriations from the water and environment fund and its revolving fund subfunds for various water and environmental purposes and to declare an emergency.
213. SB 67 make an appropriation to the Department of Game, Fish and Parks to improve and repair infrastructure around Lake Alvin and Newell Lake and to declare an emergency.

214. SB 84 make an appropriation for the design, renovation, and construction of a multi-purpose facility at the Cottonwood Field Station and to declare an emergency.
215. SB 97 authorize the Board of Regents to acquire the incubator building located on the campus of South Dakota School of Mines and Technology, to contract for the design and renovation thereof, to make an appropriation therefor, and to declare an emergency.
216. SB 103 make an appropriation to support the teen court grant program and to declare an emergency.
217. SB 130 authorize the Board of Regents to acquire property, contract for the design and construction of the Dakota State University Applied Research Lab, to make an appropriation therefor, and to declare an emergency.
218. SB 132 make an appropriation for multi-media lab equipment at Black Hills State University and to declare an emergency.
219. SB 133 make an appropriation to the Board of Regents to upgrade an education lab and purchase resources at Black Hills State University and to declare an emergency.
220. SB 155 make an appropriation for programs that assist victims of domestic violence, abuse, and neglect and to declare an emergency.
221. SB 161 make an appropriation for matching funds to enhance research in manufacturing processes having lunar application and planetary use in tribal housing development and to declare an emergency.
222. SB 170 make an appropriation for costs related to forest resiliency and growth in the state and to declare an emergency.
223. SB 174 make an appropriation to provide a grant for the construction of a facility to provide certain health facilities and services and to declare an emergency.
224. SB 196 make an appropriation to provide grants for certain residential alternative care programs and to declare an emergency.
225. SB 213 revise Senate Bill 60, the General Appropriations Act for fiscal year 2022, as previously enacted in the Ninety-Seventh Session of the South Dakota Legislature.
226. HB 1013 make an appropriation for certain costs related to Capitol Lake and to declare an emergency.
227. HB 1016 make an appropriation for costs related to disasters in the state and to declare an emergency.
228. HB 1017 make an appropriation for costs related to suppression of wildfires in the state and to declare an emergency.
229. HB 1018 make an appropriation for the construction of a storage garage in Rapid City and to declare an emergency.
230. HB 1019 make an appropriation for the payment of extraordinary litigation expenses and to declare an emergency.
231. HB 1020 authorize the Bureau of Administration to construct an addition to the Kinsman Building in Pierre, to make an appropriation therefor, and to declare an emergency.
232. HB 1021 authorize the Board of Regents to acquire property, contract for the design and construction of an athletics events center at Dakota State University, to make an appropriation therefor, and to declare an emergency.
233. HB 1022 authorize the Board of Regents to contract for the design and renovation of, and construction of an addition to, the Stanley J. Marshall Center at South Dakota State University, to make an appropriation therefor, and to declare an emergency.
234. HB 1023 authorize the Board of Regents to demolish a South Dakota State University building and to make an appropriation therefor.

235. HB 1030 make an appropriation to reimburse certain health care professionals who have complied with the requirements for certain health care recruitment assistance programs and to declare an emergency.
236. HB 1031 make an appropriation to the Board of Technical Education to construct an advanced manufacturing laboratory space and classrooms on the campus of Lake Area Technical College and to declare an emergency.
237. HB 1032 make an appropriation to the Board of Technical Education to construct an agriculture and diesel power laboratory and multi-purpose space on the campus of Mitchell Technical College and to declare an emergency.
238. HB 1033 make an appropriation for the provision of housing infrastructure loans and grants.
239. HB 1034 make an appropriation from the coordinated natural resources conservation fund to the State Conservation Commission and to declare an emergency.
240. HB 1047 make an appropriation to the Department of Education to improve and renovate the Cultural Heritage Center and to declare an emergency.
241. HB 1092 make an appropriation for the precision agriculture cybersecurity CyberAg partnership initiative and to declare an emergency.
242. HB 1137 make an appropriation for high performance computing and data storage systems at South Dakota State University and to declare an emergency.
243. HB 1209 make an appropriation to the Board of Regents for improving the National Music Museum at the University of South Dakota and to declare an emergency.
244. HB 1210 make an appropriation to the Board of Regents to provide grant funding for a new biomedical facility at the research park in Sioux Falls, and to declare an emergency.
245. HB 1273 authorize the Department of the Military to purchase certain real property in Chamberlain and to declare an emergency.
246. HB 1277 make an appropriation to the State Conservation Commission, transfer moneys thereto, and to declare an emergency.
247. HB 1306 make an appropriation to rural access infrastructure funds and to declare an emergency.

SUPREME COURT RULES AND ORDERS

248. 21-07 IN THE MATTER OF THE AMENDMENT ARTICLE IV, SECTION 4.5 OF THE APPENDIX TO SDCL CH. 16-17.
249. 21-08 IN THE MATTER OF THE ADOPTION OF THE PREAMBLE AND SCOPE TO THE RULES OF PROFESSIONAL CONDUCT, OF THE APPENDIX TO SDCL CH. 16-18.
250. 21-09 IN THE MATTER OF THE AMENDMENT APPENDIX TO SDCL CH. 16-18, THE RULES OF PROFESSIONAL CONDUCT, RULE 1.2. SCOPE OF REPRESENTATION AND ALLOCATION OF AUTHORITY BETWEEN CLIENT AND LAWYER.
251. 21-10 IN THE MATTER OF THE AMENDMENT OF SDCL 19-19-404(b).
252. 21-11 IN THE MATTER OF THE AMENDMENT OF SDCL 19-19-807.
253. 21-12 IN THE MATTER OF THE AMENDMENT OF SDCL 23A-44-5.1.
254. 22-01 IN THE MATTER OF THE AMENDMENT OF SDCL 15-5A-1.
255. 22-02 IN THE MATTER OF THE AMENDMENT OF SDCL 15-26A-87.1.
256. 22-03 IN THE MATTER OF THE AMENDMENT OF SDCL 15-30-1.
257. 22-04 IN THE MATTER OF THE AMENDMENT OF THE COMMENTARY TO CANON 3(B)(5) AND (6) CONTAINED IN APPENDIX A TO SDCL CH. 16-2 SOUTH DAKOTA CODE OF JUDICIAL CONDUCT.

258. 22-05 IN THE MATTER OF THE ADOPTION TO MANDATE SEXUAL HARASSMENT PREVENTION TRAINING FOR JUDGES TO BE ADDED TO A NEW SECTION OF SDCL CH. 16-14 JUDICIAL CONFERENCE.
259. 22-06 IN THE MATTER OF THE ADOPTION TO MANDATE SEXUAL HARASSMENT PREVENTION TRAINING FOR LAWYERS TO BE ADDED TO A NEW SECTION TO SDCL CH. 16-18 POWERS AND DUTIES OF ATTORNEYS.
260. 22-07 IN THE MATTER OF THE AMENDMENT OF SDCL 15-12-30.
261. 22-08 IN THE MATTER OF THE ADOPTION OF A NEW SECTION TO SDCL CH. 15-15A.
262. 22-09 IN THE MATTER OF THE ADOPTION OF A RULE REQUIRING COURT-APPROVED PARENTING EDUCATION FOR ACTIONS INVOLVING ISSUES OF CHILD CUSTODY OR VISITATION.
263. 22-10 IN THE MATTER OF THE REVISIONS TO APPENDIX A TO CHAPTER 25-4A SOUTH DAKOTA PARENTING GUIDELINES.

TOPICAL INDEX**BILL NUMBER TO CHAPTER NUMBER CROSS-REFERENCE TABLE****ENACTED, AMENDED, AND REPEALED SECTIONS TABLE**

STATE AFFAIRS AND GOVERNMENT

Chapter 1 (House Bill 1025)

An Act to update legal holidays in South Dakota.

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

Section 1. That § 1-5-1 be AMENDED:

1-5-1. The first day of every week, known as Sunday; the first day of January, commonly known as New Year's Day; the third Monday in January, commonly known as Martin Luther King, Jr. Day; the third Monday in February, the anniversary of the birthdays of Lincoln and Washington; the last Monday of May, commonly known as Memorial Day; the nineteenth day of June, commonly known as Juneteenth; the fourth day of July, commonly known as Independence Day; the first Monday in September, commonly known as Labor Day; the second Monday in October, commonly known as Native Americans' Day; the eleventh day of November, known as Veterans' Day; the fourth Thursday in November, commonly known as Thanksgiving Day; and the twenty-fifth day of December, commonly known as Christmas Day; and every day appointed by the President of the United States, or by the Governor of this state for a public fast, thanksgiving, or holiday shall be observed in this state as a legal holiday.

~~If the fourth day of July, the first day of January, the nineteenth day of June, the fourth day of July, the eleventh day of November, or the twenty-fifth day of December falls upon a Sunday, the Monday following is a legal holiday and shall be so observed; and if any such day falls upon a Saturday, the preceding Friday is a legal holiday and shall be so observed.~~

Signed February 10, 2022

Chapter 2 (House Bill 1196)

An Act to designate the traditional flute as the official indigenous musical instrument of South Dakota.

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

Section 1. That chapter 1-6 be amended with a NEW SECTION:

The traditional flute is hereby designated as the official state indigenous musical instrument of South Dakota.

Signed March 9, 2022

Chapter 3
(Senate Bill 144)

**An Act to create the incarceration construction fund for the capital
construction of such facilities.**

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

Section 1. That a NEW SECTION be added to title 1:

There is hereby established in the state treasury the incarceration construction fund. Expenditures out of the fund must only be by special appropriation of the Legislature and must be used for the capital construction or improvement of incarceration facilities located in South Dakota. No moneys shall be appropriated or expended from the fund until such a time as a legislative task force provides a report to the Legislature regarding incarceration and corrections within the State. Interest earned on money in the fund must be deposited into the general fund.

Signed March 15, 2022

Chapter 4
(House Bill 1087)

**An Act to revise certain provisions regarding records that are not open to
inspection and copying and deliberations in an executive or closed meeting.**

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

Section 1. That § 1-27-1.5 be AMENDED:

1-27-1.5. The following records are not subject to §§ 1-27-1, 1-27-1.1, 1-27-1.3, and § 1-27-1.23:

- (1) Personal information in records regarding any student, prospective student, or former student of any educational institution if such records are maintained by and in the possession of a public entity, other than routine directory information specified and made public in accordance with 20 U.S.C. § 1232g as the law existed on January 1, 2009;
- (2) Medical records, including all records of drug or alcohol testing, treatment, or counseling, other than records of births and deaths. This law in no way abrogates or changes existing state and federal law pertaining to birth and death records;
- (3) Trade secrets, the specific details of bona fide research, applied research, or scholarly or creative artistic projects being conducted at a school, postsecondary institution, or laboratory funded in whole or in part by the state, and other proprietary or commercial information which if released would infringe intellectual property rights, give advantage to business competitors, or serve no material public purpose;
- (4) Records which consist of attorney work product or which are subject to any privilege recognized in article V of chapter 19-19;

- (5) Records developed or received by law enforcement agencies and other public bodies charged with duties of investigation or examination of persons, institutions, or businesses, if the records constitute a part of the examination, investigation, intelligence information, citizen complaints or inquiries, informant identification, or strategic or tactical information used in law enforcement training. However, this subdivision does not apply to records so developed or received relating to the presence of and amount or concentration of alcohol or drugs in any body fluid of any person, and this subdivision does not apply to a 911 recording or a transcript of a 911 recording, if the agency or a court determines that the public interest in disclosure outweighs the interest in nondisclosure. This law in no way abrogates or changes §§ 23-5-7 and 23-5-11 or testimonial privileges applying to the use of information from confidential informants;
- (6) Appraisals or appraisal information and negotiation records concerning the purchase or sale, by a public body, of any interest in real or personal property;
- (7) Personnel information other than salaries and routine directory information. However, this subdivision does not apply to the public inspection or copying of any current or prior contract with any public employee and any related document that specifies the consideration to be paid to the employee;
- (8) Information pertaining to the protection of public or private property and any person on or within public or private property including:
 - (a) Any vulnerability assessment or response plan intended to prevent or mitigate criminal acts;
 - (b) Emergency management or response;
 - (c) Public safety information that would create a substantial likelihood of endangering public safety or property, if disclosed;
 - (d) ~~Computer~~ Cyber security plans, computer or communications network schema, passwords, or user identification names;
 - (e) Guard schedules;
 - (f) Lock combinations; and
 - (g) Any blueprint, building plan, or infrastructure record regarding any building or facility that would expose or create vulnerability through disclosure of the location, configuration, or security of critical systems of the building or facility;
- (9) The security standards, procedures, policies, plans, specifications, diagrams, access lists, and other security-related records of the Gaming Commission and those persons or entities with which the commission has entered into contractual relationships. Nothing in this subdivision allows the commission to withhold from the public any information relating to amounts paid persons or entities with which the commission has entered into contractual relationships, amounts of prizes paid, the name of the prize winner, and the municipality, or county where the prize winner resides;
- (10) Personally identified private citizen account payment information, credit information on others supplied in confidence, and customer lists;

- (11) Records or portions of records kept by a publicly funded library which, when examined with or without other records, reveal the identity of any library patron using the library's materials or services;
- (12) Correspondence, memoranda, calendars or logs of appointments, working papers, and records of telephone calls of public officials or employees;
- (13) Records or portions of records kept by public bodies which would reveal the location, character, or ownership of any known archaeological, historical, or paleontological site in South Dakota if necessary to protect the site from a reasonably held fear of theft, vandalism, or trespass. This subdivision does not apply to the release of information for the purpose of scholarly research, examination by other public bodies for the protection of the resource or by recognized tribes, or the federal Native American Graves Protection and Repatriation Act;
- (14) Records or portions of records kept by public bodies which maintain collections of archeological, historical, or paleontological significance which nongovernmental donors have requested to remain closed or which reveal the names and addresses of donors of such articles of archaeological, historical, or paleontological significance unless the donor approves disclosure, except as the records or portions thereof may be needed to carry out the purposes of the federal Native American Graves Protection and Repatriation Act and the Archeological Resources Protection Act;
- (15) Employment applications and related materials, except for applications and related materials submitted by individuals hired into executive or policymaking positions of any public body;
- (16) Social security numbers; credit card, charge card, or debit card numbers and expiration dates; passport numbers, driver license numbers; or other personally identifying numbers or codes; and financial account numbers supplied to state and local governments by citizens or held by state and local governments regarding employees or contractors;
- (17) Any emergency or disaster response plans or protocols, safety or security audits or reviews, or lists of emergency or disaster response personnel or material; any location or listing of weapons or ammunition; nuclear, chemical, or biological agents; or other military or law enforcement equipment or personnel;
- (18) Any test questions, scoring keys, results, or other examination data for any examination to obtain licensure, employment, promotion or reclassification, or academic credit;
- (19) Personal correspondence, memoranda, notes, calendars or appointment logs, or other personal records or documents of any public official or employee;
- (20) Any document declared closed or confidential by court order, contract, or stipulation of the parties to any civil or criminal action or proceeding except as provided under § 1-27-1.23;
- (21) Any list of names or other personally identifying data of occupants of camping or lodging facilities from the Department of Game, Fish and Parks;
- (22) Records which, if disclosed, would constitute an unreasonable release of personal information;
- (23) Records which, if released, could endanger the life or safety of any person;

- (24) Internal agency record or information received by agencies that are not required to be filed with such agencies, if the records do not constitute final statistical or factual tabulations, final instructions to staff that affect the public, or final agency policy or determinations, or any completed state or federal audit and if the information is not otherwise public under other state law, including chapter 15-15A and § 1-26-21;
- (25) Records of individual children regarding commitment to the Department of Corrections pursuant to chapters 26-8B and 26-8C;
- (26) Records regarding inmate disciplinary matters pursuant to § 1-15-20;
- (27) Any other record made closed or confidential by state or federal statute or rule or as necessary to participate in federal programs and benefits;
- (28) A record of a settlement agreement or litigation regarding investment or bankruptcy and involving the South Dakota Investment Council or the South Dakota Retirement System, or both, unless the settlement or litigation results in a finding of liability against the council or system, or both; and
- (29) A record of a settlement agreement or litigation regarding medical services involving any county hospital established under chapter 34-8 or any municipal hospital established under chapter 34-9.

Section 2. That § 1-25-2 be AMENDED:

1-25-2. Executive or closed meetings may be held for the sole purposes of:

- (1) Discussing the qualifications, competence, performance, character or fitness of any public officer or employee or prospective public officer or employee. The term, employee, does not include any independent contractor;
- (2) Discussing the expulsion, suspension, discipline, assignment of or the educational program of a student or the eligibility of a student to participate in interscholastic activities provided by the South Dakota High School Activities Association;
- (3) Consulting with legal counsel or reviewing communications from legal counsel about proposed or pending litigation or contractual matters;
- (4) Preparing for contract negotiations or negotiating with employees or employee representatives;
- (5) Discussing marketing or pricing strategies by a board or commission of a business owned by the state or any of its political subdivisions, when public discussion may be harmful to the competitive position of the business; or
- (6) Discussing information listed in subdivisions 1-27-1.5(8) and 1-27-1.5(17) pertaining to the protection of public or private property and any person on or within public or private property specific to:
 - (a) Any vulnerability assessment or response plan intended to prevent or mitigate criminal acts;
 - (b) Emergency management or response;
 - (c) Public safety information that would create a substantial likelihood of endangering public safety or property, if disclosed;

- (d) Cyber security plans, computer, communications network schema, passwords, or user identification names;
- (e) Guard schedules;
- (f) Lock combinations;
- (g) Any blueprint, building plan, or infrastructure record regarding any building or facility that would expose or create vulnerability through disclosure of the location, configuration, or security of critical systems of the building or facility; and
- (h) Any emergency or disaster response plans or protocols, safety or security audits or reviews, or lists of emergency or disaster response personnel or material; any location or listing of weapons or ammunition; nuclear, chemical, or biological agents; or other military or law enforcement equipment or personnel.

However, any official action concerning ~~such the~~ matters pursuant to this section shall be made at an open official meeting. An executive or closed meeting ~~shall must~~ be held only upon a majority vote of the members of the public body present and voting, and discussion during the closed meeting is restricted to the purpose specified in the closure motion. Nothing in § 1-25-1 or this section prevents an executive or closed meeting if the federal or state Constitution or the federal or state statutes require or permit it. A violation of this section is a Class 2 misdemeanor.

Signed March 7, 2022

Chapter 5
(Senate Bill 95)

An Act to revise provisions regarding the Teacher Compensation Review Board.

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

Section 1. That § 1-45-39 be AMENDED:

1-45-39. There is hereby created the Teacher Compensation Review Board within the Department of Education. The board shall review teacher compensation, including comparable wage indexes, in surrounding states at the completion of every ~~three-two~~ school years. The board ~~will~~shall report its findings to the Governor and the Legislature ~~no later than September 30, 2018, and biennially by September thirtieth in every third year thereafter.~~

~~The initial appointment of the members to the board shall be made no later than March 1, 2018. The members shall serve a term of three-two years.~~

The board shall consist of nine members to be appointed as follows:

- (1) Three members of the South Dakota Senate appointed by the president pro tempore of the Senate, no more than two of whom may be from the same political party;

- (2) Three members of the South Dakota House of Representatives appointed by the speaker of the House of Representatives, no more than two of whom may be from the same political party; and
- (3) Three members appointed by the Governor.

Signed March 21, 2022

Chapter 6
(House Bill 1051)

An Act to amend certain provisions relating to the small business credit initiative fund.

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

Section 1. That § 1-53-15 be AMENDED:

1-53-15. There is established within the state treasury a fund to be known as the small business credit initiative fund for the purpose of making loans for economic development as permitted by ~~the Small Business Jobs Act of 2010,~~ 12 U.S.C. Chapter 54 (2021).

Section 2. That § 1-53-16 be AMENDED:

1-53-16. ~~The~~For the purposes of §§ 1-53-15 to 1-53-19, inclusive, the ~~Governor's Office Board~~ of Economic Development may accept, expend, or loan ~~for the purposes of §§ 1-53-15 to 1-53-19, inclusive,~~ any funds previously received or to be obtained from federal sources and any funds to be obtained from gifts, contributions, or any other source if such acceptance and expenditure is reported as required by § 4-7-7.2.

Section 3. That § 1-53-17 be AMENDED:

1-53-17. Any repayment of loans and interest thereon ~~shall~~ must be receipted into the small business credit initiative fund and expended by the ~~Governor's Office Board~~ of Economic Development for the following purposes:

- (1) The payment of administrative costs as permitted pursuant to ~~U.S. Office of Management and Budget Circular A 87, Revised 2 C.F.R Part 200 Subpart E,~~ as applicable, as in effect on January 1, ~~2012~~ 2022;
- (2) The payment of taxes and liens and for the procuring of legal services and any other services necessary to protect, recover, maintain, or liquidate the assets of the small business credit initiative fund as permitted pursuant to ~~U.S. Office of Management and Budget Circular A 87, Revised 2 C.F.R Part 200 Subpart E,~~ as applicable, as in effect on January 1, ~~2012~~ 2022; and
- (3) ~~The purpose of making~~ Making loans for economic development as permitted by ~~the Small Business Jobs Act of 2010,~~ 12 U.S.C. Chapter 54 (2021).

Section 4. That § 1-53-18 be AMENDED:

1-53-18. ~~The~~ Governor's Office Board of Economic Development may

take title by foreclosure or transfer in lieu of foreclosure to any property given as security if the acquisition is necessary to protect or collect any small business credit initiative loan and may sell, transfer, or convey any such property to any responsible buyer.

Section 5. That § 1-53-19 be AMENDED:

1-53-19. ~~The meetings and deliberations of the Governor's Office Board~~ of Economic Development concerning small business credit initiative loans are confidential and are exempt from public disclosure. Any documentary material or data made or received by the Board of Economic Development or the Governor's Office of Economic Development for the purpose of acting upon an application for a small business credit initiative loan or administering the loan, to the extent that such material or data consists of trade secrets or commercial or financial information regarding the operation of such business, are not considered public records, and are exempt from disclosure. Nothing in this section prohibits the disclosure of confidential information to the extent necessary to collect or recoup the loan or as may be required under applicable federal law.

Signed March 18, 2022

Chapter 7
(House Bill 1195)

An Act to direct the Indian Education Advisory Council to make an annual report to the Governor and the State-Tribal Relations Committee.

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

Section 1. That § 1-54-11 be AMENDED:

1-54-11. The Office of Indian Education is hereby established within the Department of Tribal Relations. The Office of Indian Education shall support initiatives in order that South Dakota's students and public school instructional staff become aware of and gain an appreciation of South Dakota's unique American Indian culture. The secretary of the Department of Tribal Relations shall appoint an Indian Education Advisory Council. The council shall consist of representatives of all nine tribes in South Dakota along with Native American educators from all parts of the state. The nine representatives of the tribes shall be appointed from nominations submitted by the tribal councils of each of the tribes. The council members shall serve for three-year terms. The council shall make an annual report to the Governor and the State-Tribal Relations Committee by January first each year.

Signed March 8, 2022

LEGISLATURE AND STATUTES

Chapter 8 (Senate Bill 187)

An Act to require state agencies to provide certain information for initiated measure or constitutional amendment fiscal notes.

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 Constitution may have an impact on revenues, expenditures, or fiscal liability of the state or its agencies and subdivisions, the director shall notify the petition sponsor. If the director of the Legislative Research Council determines that an initiated measure or initiated amendment to the Constitution in final form under § 12-13-25.1 may have an impact on revenues, expenditures, or fiscal liability of the state or its agencies and subdivisions, the director shall prepare a fiscal note. The fiscal note ~~shall~~ must include an estimate of the impact on 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. The fiscal note expenditure estimate ~~shall~~ must also include any impact to the prison or county jail population. Any state agency, board, commission, department, or institution of state government shall provide 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.

Signed March 16, 2022

Chapter 9 (Senate Bill 2)

An Act to publish voter-approved initiated constitutional amendments and initiated measures in the session laws.

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

Section 1. That § 2-13-2 be AMENDED:

2-13-2. The director of the Legislative Research Council shall arrange for publication of the session laws, ~~which~~. The session laws shall ~~must~~ include the laws and joint resolutions passed by each session of the Legislature, the rules of court, ~~and the~~ executive orders adopted pursuant to the constitution, voter-approved initiated constitutional amendments, and voter-approved initiated measures. The code counsel shall prepare a full and complete index of all such laws, which shall

refer to the subject matter of each act, whether it is an original enactment or an amendment.

Signed March 7, 2022

Chapter 10
(Senate Bill 1)

An Act to codify legislation enacted in 2021.

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 ~~2012-2021~~ revision of volume 2;
- (3) The 2021 revision of volume 2A;
- ~~(4)~~(5) The 2013-2021 revision of volume 3;
- ~~(4)~~(5) The 2004 revision of volume 4;
- ~~(5)~~(6) The 2004 revision of volume 5;
- ~~(6)~~(7) The 2020 revision of volume 6;
- ~~(7)~~(8) The 2020 revision of volume 7;
- ~~(8)~~(9) The 2018 revision of volume 8;
- ~~(9)~~(10) The 2018 revision of volume 9;
- ~~(10)~~(11) The 2014 revision of volume 10;
- ~~(11)~~(12) The 2014 revision of volume 10A;
- ~~(12)~~(13) The 2014 revision of volume 11;
- ~~(13)~~(14) The 2016 revision of volume 12;
- ~~(14)~~(15) The 2004 revision of volume 13;
- ~~(15)~~(16) The 2017 revision of volume 14;
- ~~(16)~~(17) The 2016 revision of volume 15;
- ~~(17)~~(18) The 2013 revision of volume 16;
- ~~(18)~~(19) The 2016 revision of volume 17;
- ~~(19)~~(20) The 2004 revision of volume 18;
- ~~(20)~~(21) The 2011 revision of volume 19;
- ~~(21)~~(22) The 2011 revision of volume 19A;
- ~~(22)~~(23) The 2011 revision of volume 20;

- ~~(23)~~(24) The 2013 revision of volume 21;
- ~~(24)~~(25) The 2015 revision of volume 22;
- ~~(25)~~(26) The 2015 revision of volume 22A;
- ~~(26)~~(27) The 2004 revision of volume 23;
- ~~(27)~~(28) The 2004 revision of volume 24;
- ~~(28)~~(29) The 2004 revision of volume 25;
- ~~(29)~~(30) The 2004 revision of volume 26;
- ~~(30)~~(31) The 2007 revision of volume 27;
- ~~(31)~~(32) The 2004 revision of volume 28;
- ~~(32)~~(33) The 2017 revision of volume 29;
- ~~(33)~~(34) The 2012 revision of volume 30;
- ~~(34)~~(35) The 2012 revision of volume 31;
- ~~(35)~~(36) The 2019 revision of volume 32;
- ~~(36)~~(37) The 2019 revision of volume 33;
- ~~(37)~~(38) The 2015 revision of volume 34;
- ~~(38)~~(39) The 2004 revision of the Parallel Tables volume;
- ~~(39)~~(40) The December–~~2020~~ 2021 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
- ~~(40)~~(41) The ~~2020~~ 2021 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, ~~2021~~ 2022, to determine whether or not such provision was constitutionally enacted, is validated by the enactment of this 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 ~~2021~~ 2022 session of the Legislature shall be deemed to have been enacted subsequently to the enactment of this code. If any statute repeals, amends, contravenes, or is inconsistent with the provisions of this code, the provisions of the statute shall prevail. Any enactment in the ~~2021~~ 2022 session of the Legislature that cites South Dakota Codified Laws for the purpose of amendment or repeal shall be construed as having reference to the code enacted by § 2-16-13.

Signed March 7, 2022

PUBLIC OFFICERS AND EMPLOYEES

Chapter 11 (House Bill 1106)

An Act to provide for the security and privacy of certain personally identifiable information for judicial officers and to declare an emergency.

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

Section 1. That § 3-1A-5 be AMENDED:

3-1A-5. The secretary of state shall prescribe and provide forms for the reporting of close economic interest. The value of a close economic interest need not be reported. Each individual filing a statement of financial interest shall subscribe to an oath or affirmation verifying the contents of ~~such~~ the statement. All statements of financial interest shall be open to public inspection, except pursuant to section 2 of this Act.

Section 2. That chapter 3-1A be amended with a NEW SECTION:

Any personally identifiable information of a circuit court judge or justice of the Supreme Court contained in a statement of financial interest filed pursuant to this chapter is not open to public inspection. For purposes of this section, the term, personally identifiable information, means any home address, home or personal telephone number, or personal e-mail address. The county of residence of the circuit court judge or justice is a public record.

Section 3. That § 12-4-2 be AMENDED:

12-4-2. The county auditor has complete charge of maintaining and safeguarding the voter registration records in the county. The county auditor shall retain all voter registration records in the auditor's office in paper or electronic form. All such records shall be open to public inspection at all times during office hours, except pursuant to § 12-4-9 and section 4 of this Act.

Voter registration shall be conducted by each county auditor and municipal finance officer. Voter registration shall be available at the secretary of state's office and at those locations which provide driver licenses; food stamps; temporary assistance for needy families; women, infants, and children nutrition program; medicaid; military recruitment; and assistance to the disabled as provided by the Department of Human Services.

Section 4. That chapter 12-4 be amended with a NEW SECTION:

Home address information on the voter registration record for a magistrate judge, circuit court judge, or justice of the Supreme Court eligible to vote under § 12-4-1 is not open to public inspection. The Unified Judicial System shall provide a list of judicial officers to the secretary of state.

Section 5. That chapter 12-9 be amended with a NEW SECTION:

Any personally identifiable information filed pursuant to this chapter with the Office of the Secretary of State by or on behalf of any candidate for the office of judge of the circuit court or a justice of the Supreme Court subject to a retention

election is not open to public inspection. For purposes of this section, the term, personally identifiable information, means any home address, home or personal telephone number, or personal email address. The county of residence of the candidate for the office of judge or justice subject to a retention election is a public record.

Section 6. That § 12-25-31 be AMENDED:

12-25-31. The secretary of state shall prescribe and provide forms for the reporting of close economic interest. The value of a close economic interest need not be reported. Each individual filing a statement of financial interest shall subscribe to an oath or affirmation verifying the contents of such statement. All statements of financial interest shall be open to public inspection, except pursuant to section 7 of this Act.

Section 7. That chapter 12-25 be amended with a NEW SECTION:

Any personally identifiable information contained in a statement of financial interest filed pursuant to this chapter by a candidate for circuit court judge or Supreme Court justice subject to a retention election is not open to public inspection. For purposes of this section, the term, personally identifiable information, means any home address, home or personal telephone number, or personal email address. The county of residence for the candidate for the office of judge or justice subject to a retention election is a public record.

Section 8. 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 14, 2022

Chapter 12
(Senate Bill 68)

An Act to revise holiday pay for state employees.

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

Section 1. That § 3-6C-20 be AMENDED:

3-6C-20. Holidays, other than Sundays, enumerated in § 1-5-1, are a benefit for permanent employees including those who are not scheduled to work the day on which a holiday falls. A permanent employee shall receive holiday pay if the employee works at least one shift or is on approved paid leave during the calendar week in which the holiday falls. Part-time permanent employees shall receive prorated holiday pay. For payroll and leave purposes, a holiday on which an employee does not work is no more than eight hours long. When an hourly employee must work on the date a holiday is observed, the holiday pay is the greater of either eight hours or the total hours worked. Holiday pay for an hourly, permanent, part-time employee who must work on the date a holiday is observed is the greater of either the prorated amount or total hours worked.

Signed March 7, 2022

Chapter 13
(House Bill 1063)

An Act to revise the approval process for state employee household moving allowances.

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

Section 1. That § 3-9-9 be AMENDED:

3-9-9. ~~The provisions of any other statutes notwithstanding, all~~ All full-time officers and employees, except elected constitutional officers of the State of South Dakota, may receive a household moving allowance as provided by this section.

If a full-time officer or employee has been continuously employed by the state for a period of not less than six months and is ordered by the department, institution, board, commission, or other state agency to move from a headquarter duty station in South Dakota to another headquarter duty station in South Dakota, and if such transfer is made at the request and for the benefit of the State of South Dakota, the officer or employee shall be reimbursed for household moving expenses incurred, as approved by the ~~Board of Finance~~ state auditor.

Section 2. That § 3-9-11 be AMENDED:

3-9-11. The State Board of Finance shall promulgate rules pursuant to chapter 1-26 necessary to implement the provisions of §§ 3-9-9, 3-9-10, and 3-9-12. The State Board of Finance shall require that a request for a moving allowance, including reimbursement of travel expenses, be submitted to the ~~board~~ state auditor for approval or disapproval before a moving allowance is authorized. The board shall designate what classification of officers and employees may or may not be authorized for the moving allowance.

Signed February 9, 2022

Chapter 14
(Senate Bill 57)

An Act to add gaming enforcement agents to Class B membership 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 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) "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) "Air rescue firefighters," employees of the Department of the Military who are stationed at Joe Foss Field, Sioux Falls, and who are directly involved in firefighting activities on a daily basis;
- (8) "Approved actuary," any actuary who is a member of the American Academy of Actuaries or an Associate or a 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 actuary on its staff and who is appointed by the board to perform actuarial services;
- (9) "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) "Beneficiary," the person designated by a member of the system to receive any payments after the death of such member;
- (11) "Benefits," the amounts paid to a member, spouse, child, or beneficiary as a result of the provisions of this chapter;
- (12) "Board," the Board of Trustees of the South Dakota Retirement System;
- (13) "Calendar quarter," a period of three calendar months ending March thirty-first, June thirtieth, September thirtieth, or December thirty-first of any year;
- (14) "Campus security officers," employees of the Board of Regents whose positions are subject to the minimal educational training standards established by the law enforcement standards commission pursuant to chapter 23-3, who satisfactorily complete the training required by chapter 23-3 within one year of employment, and whose primary duty as sworn law enforcement officers 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) "Certified school employee," any employee of a participating unit who is required to have a certificate as defined in subdivision 13-42-1(3);
- (16) "Class A credited service," service credited as a Class A member of the system;
- (17) "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;
- (18) "Class B credited service," service credited as a Class B member of the system;
- (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, 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 C credited service," service credited as a Class C member of the system;
- (21) "Class C member," any member of the cement plant retirement plan including any retiree or any vested member;
- (22) "Class D credited service," service credited as a Class D member of the system;
- (23) "Class D member," any member that was a member of the Department of Labor and Regulation employees' retirement plan as of June 30, 2020;
- (24) "Classified employee," an employee of a public school district who is not required by law to be a certified school employee, an employee of any 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 a public corporation, an employee of a chartered governmental unit, and any other participating employee not elsewhere provided for in this chapter;
- (25) "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) "Conservation officers," employees of the Department of Game, Fish and Parks and the Division of Wildlife or Division of Custer State Park who are employed pursuant to § 41-2-11 and whose positions are subject to the requirements as to education and training provided in chapter 23-3;
- (27) "Consumer price index," the consumer price index for urban wage earners and clerical workers calculated by the United States Bureau of Labor Statistics;
- (28) "Contributory service," service to a participating unit during which contributions were made to a South Dakota retirement system, which may not include years of credited service as granted in § 3-12C-509 or 3-12C-511;

- (29) "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 the Bureau of Finance and Management, and determined by the board as Class B members;
- (30) "Court services officers," persons appointed pursuant to § 26-7A-8;
- (31) "Covered employment," a member's employment as a full-time employee of a participating unit;
- (32) "Deputy county sheriff," an employee of a county that is a participating unit, appointed by the board of county commissioners pursuant to §§ 7-12-9 and 7-12-10, whose position is subject to the minimum educational and training standards established by the law enforcement 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) "Effective date of retirement," the first day of the month in which retirement benefits are payable;
- (34) "Eligible retirement plan," the term eligible retirement plan includes those plans described in section 402(c)(8)(B) of the Internal Revenue Code;
- (35) "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 basis nor distributions paid as a result of the member reaching the required beginning date;
- (36) "Employer," the State of South Dakota and any department, bureau, board, or commission of the State of South Dakota, or any of its governmental or political subdivisions or any public corporation of the State of South Dakota that elects to become a participating unit;
- (37) "Employer contributions," amounts contributed by the employer of a contributing member, excluding member contributions made by an employer after June 30, 1984, pursuant to § 3-12C-401;
- (38) "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;
- (39) "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;
- (40) "Fair value funded ratio," the fair value of assets divided by the actuarial accrued liability;
- (41) "Fiduciary," any person who exercises any discretionary authority or control over the management of the system or the management or disposition of its assets, renders investment advice for a fee or other compensation, direct or indirect, or has any authority or responsibility to do so, or has any discretionary authority or responsibility in the administration of the system;

- (42) "Foundation member," any member of the system whose contributory service began before July 1, 2017;
- (43) "Foundation retiree," any foundation member who has retired with a benefit payable from the system;
- (44) "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;
- (45) "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;
- (46) "Fund," public employees' retirement fund or funds established for the purposes of administration of this chapter;
- (47) "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;
- ~~(48)~~ "General employee," any full-time municipal employee who is not a firefighter or a police officer;
- ~~(48)~~~~(49)~~ "Generational member," any member of the system whose contributory service began after June 30, 2017;
- ~~(49)~~~~(50)~~ "Generational retiree," any generational member who has retired with a benefit payable from the system;
- ~~(50)~~~~(51)~~ "Health care provider," a physician or other health care practitioner licensed, registered, certified, or otherwise authorized by law to provide specified health services;
- ~~(51)~~~~(52)~~ "Internal Revenue Code," or "code," the Internal Revenue Code as in effect as of January 1, 2021;
- ~~(52)~~~~(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;
- ~~(53)~~~~(54)~~ "Law enforcement officer," any agent of the state division of criminal investigation, officer of the South Dakota Highway Patrol, police officer, county sheriff, deputy county sheriff, or firefighter;
- ~~(54)~~~~(55)~~ "Member," any person who is contributing or has made contributions to the system and is either a foundation member or generational member. A person's membership ceases when the person withdraws his or her accumulated contributions after termination of employment;
- ~~(55)~~~~(56)~~ "Member contributions," amounts contributed by members, including member contributions made by an employer after June 30, 1984, pursuant to § 3-12C-401;
- ~~(56)~~~~(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;

- ~~(57)~~(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;
- ~~(58)~~(59) "Noncontributory service," for foundation members, service delineated in subdivisions 3-12C-502(2), (5), (7), and (8), and for generational members, service pursuant to § 3-12C-514;
- ~~(59)~~(60) "Normal cost," the expected long-term cost of the system benefits and expenses expressed as a percentage of payroll;
- ~~(60)~~(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;
- ~~(61)~~(62) "Other public benefits," eighty percent of the primary insurance amount or primary social security benefits that would be provided under federal social security;
- ~~(62)~~(63) "Other public service," service for the government of the United States, including military service; service for the government of any state or political subdivision thereof; service for any agency or instrumentality of any of the foregoing; or service as an employee of an association of government entities described in this subdivision;
- ~~(63)~~(64) "Park rangers," employees of the Department of Game, Fish and Parks within the Division of Parks and Recreation and whose positions are subject to the requirements as to education and training provided in chapter 23-3 and whose primary duty is law enforcement in the state park system;
- ~~(64)~~(65) "Parole agent," an employee of the Department of Corrections employed pursuant to § 24-15-14 who is actually involved in direct supervision of parolees on a daily basis;
- ~~(65)~~(66) "Participating unit," the State of South Dakota and any department, bureau, board, or commission of the State of South Dakota, and any of its political subdivisions or any public corporation of the State of South Dakota that has employees who are members of the retirement system created in this chapter;
- ~~(66)~~(67) "Plan year," a period extending from July first of one calendar year through June thirtieth of the following calendar year;
- ~~(67)~~(68) "Police officer," any employee in the police department of any participating municipality holding the rank of patrol officer, including probationary patrol officer, or higher rank and whose position is subject to the minimum educational and training standards established by the law enforcement officers standards commission pursuant to chapter 23-3. The term does not include civilian employees of a police department nor any person 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 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;
- ~~(68)~~(69) "Political subdivision" includes any municipality, school district, county, chartered governmental unit, public corporation or entity, and special district created for any governmental function;

- ~~(69)~~(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;
- ~~(70)~~(71) "Present value of benefits earned to date," the present value of the benefits currently being paid to retired members and their beneficiaries and the present value of benefits payable at retirement to active members, based on their earnings and credited service to date of the actuarial valuation;
- ~~(71)~~(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;
- ~~(72)~~(73) "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;
- ~~(73)~~(74) "Qualified military service," service in the uniformed services as defined in § 414(u)(5) of the Internal Revenue Code;
- ~~(74)~~(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;
- ~~(75)~~(76) "Retiree," any foundation or generational member who retires with a lifetime benefit payable from the system;
- ~~(76)~~(77) "Retirement," the severance of a member from the employ of a participating unit with a retirement benefit payable from the system;
- ~~(77)~~(78) "Retirement benefit," the monthly amount payable upon the retirement of a member;
- ~~(78)~~(79) "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;
- ~~(79)~~(80) "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;
- ~~(80)~~(81) "State employees," employees of the departments, bureaus, commissions, and boards of the State of South Dakota;
- ~~(81)~~(82) "Supplemental pension benefit," any single-premium immediate pension benefit payable pursuant to §§ 3-12C-1504 and 3-12C-1505;
- ~~(82)~~(83) "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;

- ~~(83)~~(84) "Supplemental pension contract record," the record for each supplemental pension participant reflecting relevant participant data; a designation of any beneficiary, if any; the amount of the participant's funds rolled into the fund; the provisions of the participant's supplemental pension contract; and supplemental pension payments made pursuant to the contract;
- ~~(84)~~(85) "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;
- ~~(85)~~(86) "Supplemental pension spouse," any person who was married to a supplemental pension participant at the time the participant entered into the supplemental pension contract;
- ~~(86)~~(87) "System," the South Dakota Retirement System created in this chapter;
- ~~(87)~~(88) "Trustee," a member of the board of trustees;
- ~~(88)~~(89) "Unfunded actuarial accrued liability," the actuarial accrued liability less the actuarial value of assets.

Signed March 16, 2022

Chapter 15
(Senate Bill 56)

An Act to revise certain provisions relating to 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 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) "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) "Air rescue firefighters," employees of the Department of the Military who are stationed at Joe Foss Field, Sioux Falls, and who are directly involved in firefighting activities on a daily basis;
- (8) "Approved actuary," any actuary who is a member of the American Academy of Actuaries or an Associate or a 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 actuary on its staff and who is appointed by the board to perform actuarial services;
- (9) "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) "Beneficiary," the person designated by a member of the system to receive any payments after the death of such member;
- (11) "Benefits," the amounts paid to a member, spouse, child, or beneficiary as a result of the provisions of this chapter;
- (12) "Board," the Board of Trustees of the South Dakota Retirement System;
- (13) "Calendar quarter," a period of three calendar months ending March thirty-first, June thirtieth, September thirtieth, or December thirty-first of any year;
- (14) "Campus security officers," employees of the Board of Regents whose positions are subject to the minimal educational training standards established by the law enforcement standards commission pursuant to chapter 23-3, who satisfactorily complete the training required by chapter 23-3 within one year of employment, and whose primary duty as sworn law enforcement officers 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) "Certified school employee," any employee of a participating unit who is required to have a certificate as defined in subdivision 13-42-1(3);
- (16) "Class A credited service," service credited as a Class A member of the system;
- (17) "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;
- (18) "Class B credited service," service credited as a Class B member of the system;

- (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, campus security officer, court services officer, juvenile corrections agent, conservation officer, or park ranger and is either a foundation member or a generational member;
- (20) "Class C credited service," service credited as a Class C member of the system;
- (21) "Class C member," any member of the cement plant retirement plan including any retiree or any vested member;
- (22) "Class D credited service," service credited as a Class D member of the system;
- (23) "Class D member," any member that was a member of the Department of Labor and Regulation employees' retirement plan as of June 30, 2020;
- (24) "Classified employee," an employee of a public school district who is not required by law to be a certified school employee, an employee of any 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 a public corporation, an employee of a chartered governmental unit, and any other participating employee not elsewhere provided for in this chapter;
- (25) "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) "Conservation officers," employees of the Department of Game, Fish and Parks and the Division of Wildlife or Division of Custer State Park who are employed pursuant to § 41-2-11 and whose positions are subject to the requirements as to education and training provided in chapter 23-3;
- (27) "Consumer price index," the consumer price index for urban wage earners and clerical workers calculated by the United States Bureau of Labor Statistics;
- (28) "Contributory service," service to a participating unit during which contributions were made to a South Dakota retirement system, which may not include years of credited service as granted in § 3-12C-509 or 3-12C-511;
- (29) "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 the Bureau of Finance and Management, and determined by the board as Class B members;
- (30) "Court services officers," persons appointed pursuant to § 26-7A-8;
- (31) "Covered employment," a member's employment as a full-time employee of a participating unit;
- (32) "Deputy county sheriff," an employee of a county that is a participating unit, appointed by the board of county commissioners pursuant to §§ 7-12-9 and 7-12-10, whose position is subject to the minimum educational and training standards established by the law enforcement 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) "Effective date of retirement," the first day of the month in which retirement benefits are payable;
 - (34) "Eligible retirement plan," the term eligible retirement plan includes those plans described in section 402(c)(8)(B) of the Internal Revenue Code;
 - (35) "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 basis nor distributions paid as a result of the member reaching the required beginning date;
 - (36) "Employer," the State of South Dakota and any department, bureau, board, or commission of the State of South Dakota, or any of its governmental or political subdivisions or any public corporation of the State of South Dakota that elects to become a participating unit;
 - (37) "Employer contributions," amounts contributed by the employer of a contributing member, excluding member contributions made by an employer after June 30, 1984, pursuant to § 3-12C-401;
 - (38) "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;
 - (39) "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;
 - (40) "Fair value funded ratio," the fair value of assets divided by the actuarial accrued liability;
 - (41) "Fiduciary," any person who exercises any discretionary authority or control over the management of the system or the management or disposition of its assets, renders investment advice for a fee or other compensation, direct or indirect, or has any authority or responsibility to do so, or has any discretionary authority or responsibility in the administration of the system;
 - (42) "Foundation member," any member of the system whose contributory service began before July 1, 2017;
 - (43) "Foundation retiree," any foundation member who has retired with a benefit payable from the system;
 - (44) "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;
 - (45) "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;
 - (46) "Fund," public employees' retirement fund or funds established for the purposes of administration of this chapter;

- (47) "General employee," any full-time municipal employee who is not a firefighter or a police officer;
- (48) "Generational member," any member of the system whose contributory service began after June 30, 2017;
- (49) "Generational retiree," any generational member who has retired with a benefit payable from the system;
- (50) "Health care provider," a physician or other health care practitioner licensed, registered, certified, or otherwise authorized by law to provide specified health services;
- (51) "Internal Revenue Code," or "code," the Internal Revenue Code as in effect as of January 1, ~~2021~~2022;
- (52) "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;
- (53) "Law enforcement officer," any agent of the state division of criminal investigation, officer of the South Dakota Highway Patrol, police officer, county sheriff, deputy county sheriff, or firefighter;
- (54) "Member," any person who is contributing or has made contributions to the system and is either a foundation member or generational member. A person's membership ceases when the person withdraws his or her accumulated contributions after termination of employment;
- (55) "Member contributions," amounts contributed by members, including member contributions made by an employer after June 30, 1984, pursuant to § 3-12C-401;
- (56) "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;
- (57) "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;
- (58) "Noncontributory service," for foundation members, service delineated in subdivisions 3-12C-502(2), (5), (7), and (8), and for generational members, service pursuant to § 3-12C-514;
- (59) "Normal cost," the expected long-term cost of the system benefits and expenses expressed as a percentage of payroll;
- (60) "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;
- (61) "Other public benefits," eighty percent of the primary insurance amount or primary social security benefits that would be provided under federal social security;

- (62) "Other public service," service for the government of the United States, including military service; service for the government of any state or political subdivision thereof; service for any agency or instrumentality of any of the foregoing; or service as an employee of an association of government entities described in this subdivision;
- (63) "Park rangers," employees of the Department of Game, Fish and Parks within the Division of Parks and Recreation and whose positions are subject to the requirements as to education and training provided in chapter 23-3 and whose primary duty is law enforcement in the state park system;
- (64) "Parole agent," an employee of the Department of Corrections employed pursuant to § 24-15-14 who is actually involved in direct supervision of parolees on a daily basis;
- (65) "Participating unit," the State of South Dakota and any department, bureau, board, or commission of the State of South Dakota, and any of its political subdivisions or any public corporation of the State of South Dakota that has employees who are members of the retirement system created in this chapter;
- (66) "Plan year," a period extending from July first of one calendar year through June thirtieth of the following calendar year;
- (67) "Police officer," any employee in the police department of any participating municipality holding the rank of patrol officer, including probationary patrol officer, or higher rank and whose position is subject to the minimum educational and training standards established by the law enforcement officers standards commission pursuant to chapter 23-3. The term does not include civilian employees of a police department nor any person 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 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;
- (68) "Political subdivision" includes any municipality, school district, county, chartered governmental unit, public corporation or entity, and special district created for any governmental function;
- (69) "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;
- (70) "Present value of benefits earned to date," the present value of the benefits currently being paid to retired members and their beneficiaries and the present value of benefits payable at retirement to active members, based on their earnings and credited service to date of the actuarial valuation;
- (71) "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;
- (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;
- (73) "Qualified military service," service in the uniformed services as defined in § 414(u)(5) of the Internal Revenue Code;
 - (74) "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;
 - (75) "Retiree," any foundation or generational member who retires with a lifetime benefit payable from the system;
 - (76) "Retirement," the severance of a member from the employ of a participating unit with a retirement benefit payable from the system;
 - (77) "Retirement benefit," the monthly amount payable upon the retirement of a member;
 - (78) "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;
 - (79) "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;
 - (80) "State employees," employees of the departments, bureaus, commissions, and boards of the State of South Dakota;
 - (81) "Supplemental pension benefit," any single-premium immediate pension benefit payable pursuant to §§ 3-12C-1504 and 3-12C-1505;
 - (82) "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;
 - (83) "Supplemental pension contract record," the record for each supplemental pension participant reflecting relevant participant data; a designation of any beneficiary, if any; the amount of the participant's funds rolled into the fund; the provisions of the participant's supplemental pension contract; and supplemental pension payments made pursuant to the contract;
 - (84) "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;
 - (85) "Supplemental pension spouse," any person who was married to a supplemental pension participant at the time the participant entered into the supplemental pension contract;
 - (86) "System," the South Dakota Retirement System created in this chapter;
 - (87) "Trustee," a member of the board of trustees;
 - (88) "Unfunded actuarial accrued liability," the actuarial accrued liability less the actuarial value of assets.

Section 2. That § 3-12C-206 be AMENDED:

3-12C-206. Each trustee, ~~within ten days~~ after being appointed or elected, shall take and file in the Office of the Secretary of State the oath required by § 3-1-5.

Section 3. That § 3-12C-818 be AMENDED:

3-12C-818. The disability benefit approved pursuant to § 3-12C-817 is the greater of the following calculations:

- (1) Twenty-five percent of the foundation member's final average compensation at the date of disability; or
- (2) The foundation member's unreduced accrued retirement benefit at the date of disability.

The disability benefit ~~shall~~ must be paid in monthly installments for the life of the foundation member unless the benefit terminates pursuant to § 3-12C-822.

For purposes of determining the eligibility of a surviving spouse benefit and administering a qualified domestic relations order, the disability benefit of a foundation member is considered a retirement benefit when the member attains normal retirement age.

Section 4. That § 3-12C-826 be AMENDED:

3-12C-826. Upon the death of a member receiving disability benefits, who dies prior to normal retirement age, a family benefit ~~shall~~ must be paid on behalf of any eligible child of the member. The monthly amount of the family benefit is the amount of the monthly disability benefits the member received before death. The monthly family benefit ~~shall~~ must be equally apportioned among any eligible children of the member and ~~shall~~ must be paid on behalf of any child ~~to the conservator or custodian of the child, as applicable in accordance with § 3-12C-902.~~ However, if the child is eighteen years of age or older, the benefit is payable directly to the child. As a child becomes ineligible, the family benefit shall be reallocated among any remaining eligible children of the deceased member. The family benefit terminates if there are no eligible children of the deceased member.

Section 5. That § 3-12C-902 be AMENDED:

3-12C-902. Any payment of any benefit to a minor pursuant to the provisions of this chapter shall be made on the minor's behalf to a custodian or conservator appointed by law. However, if no custodian or conservator is appointed and the amount payable does not exceed ten thousand dollars each calendar year, payment shall be made to any parent having the care and custody of the minor and with whom the minor resides.

~~No legal guardian may be deemed a custodian or conservator except by a separate appointment. If the child is eighteen years of age or older, the benefit is payable directly to the child. If any payment exceeds ten thousand dollars in a calendar year, payment must be made on the minor's behalf to a custodian or conservator appointed by law.~~

Section 6. That § 3-12C-907 be AMENDED:

3-12C-907. On the death of a contributing member after June 30, 2015, who has acquired at least three years of contributory service or noncontributory service, or who died while performing usual duties for an employer, and prior to

the earlier of the member attaining normal retirement age or the member's retirement, a family benefit ~~shall~~ must be paid on behalf of any child of the member. The total family benefit is the greater of:

- (1) Twenty-five percent of the member's final average compensation at the time of death; or
- (2) The member's unreduced accrued retirement benefit at the time of death.

The family 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. The family benefit, which ~~shall~~ must be paid in monthly installments, shall be equally apportioned among any children of the member and shall be paid on behalf of any child ~~to the conservator or custodian of the child, as applicable in accordance with § 3-12C-902. If the child is eighteen years of age the benefit is payable directly to the child.~~ As a child becomes ineligible, the family benefit ~~shall~~ must be reallocated among any remaining eligible children of the deceased member. The family benefit terminates if there are no eligible children of the deceased member.

Section 7. That § 3-12C-1301 be AMENDED:

3-12C-1301. Each generational member shall have a variable retirement account, which consists of variable retirement contributions and the credited investment return. The investment return shall be credited annually as of June thirtieth for all generational members with a variable retirement account on that date. The credited investment return is the South Dakota Investment Council's reported money-weighted investment return of the system, net of fees, for the completed fiscal year. ~~For any account distributed during the fiscal year, the estimated investment return shall be credited to the end of the month before the date on which the retirement benefit is paid or the disability benefit is paid or the death occurred, as applicable. In the case of a distribution during the fiscal year, the credited investment return is the estimated investment return to the end of the month before payment.~~ Any variable retirement contributions made during the fiscal year shall receive one-half year's credited investment return.

Section 8. That § 3-12C-1303 be AMENDED:

3-12C-1303. ~~The variable retirement account is payable at the retirement, disability, or death of the generational member. The variable retirement account is payable to the generational member when the member commences a retirement benefit or a disability benefit or to the generational member's eligible child, eligible spouse, or beneficiary upon~~ the death of the member. ~~The variable retirement account is not payable to any member who withdraws his or her accumulated contributions from the system. For the purpose of paying a distribution, the variable retirement account is the amount in the member's variable retirement account or the total of the variable retirement contributions made on behalf of the member, whichever is greater.~~

The variable retirement account may be paid in a lump sum, rolled over to the South Dakota deferred compensation plan, rolled over to another eligible plan, or used to purchase a supplemental pension benefit. ~~However, the purchase of a supplemental pension benefit is only available upon the member's retirement.~~

The variable retirement account is not payable to any member who withdraws his or her accumulated contributions from the system and is not payable in the case of the death of a member without an eligible spouse.

Section 9. That § 3-12C-1402 be AMENDED:

3-12C-1402. If a retired member whose benefits have been reduced pursuant to § 3-12C-1111 becomes employed as a permanent full-time employee by a participating unit before July 1, 2004, the ~~payment of the member's retirement benefit, including the COLA pursuant to § 3-12C-703, shall be suspended during the period of reemployment~~member's monthly retirement benefit shall be reduced by fifteen percent and the COLA shall be eliminated throughout the period that the member reenters covered employment. If the member remains in such reemployment for at least three years pursuant to the provisions of § 3-12C-1403 and then again retires, the member's additional benefit shall be recalculated to consider only the member's credited service and final compensation earned during reentry.

Section 10. That § 3-12C-1404 be AMENDED:

3-12C-1404. If a retired member whose benefits have been reduced pursuant to § 3-12C-1111 becomes employed as a permanent full-time employee by a participating unit on or after July 1, 2004, but before April 1, 2010, the ~~payment of the member's retirement benefit shall be suspended during the period of reemployment~~member's monthly retirement benefit must be reduced by fifteen percent and the COLA must be eliminated throughout the period that the member reenters covered employment. If the member remains in reemployment for at least three years pursuant to the provisions of § 3-12C-1403, the member upon subsequent retirement ~~shall~~must receive an additional benefit based upon the member's credited service and final average compensation earned during 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. If the member remains in reemployment for a period of less than three years, the member upon subsequent retirement ~~shall~~must receive a refund of the member's accumulated contributions. No matter the duration of the member's reemployment, the COLA applied to the original benefit pursuant to § 3-12C-703 ~~shall~~must be eliminated for the period of reemployment.

Section 11. That § 3-12C-1503 be AMENDED:

3-12C-1503. A 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 is a beneficiary of the funds subject to this section, may become a supplemental pension participant by direct rollover of pretax funds held by the member in a variable retirement account, in contribution credit, or in either or both of the plans created in chapters 3-13 and 3-13A into the fund. Any rollover ~~shall~~must be in compliance with the provisions of § 401(a)(31) of the Internal Revenue Code and ~~shall~~must be recorded in the participant's supplemental pension contract record. All of a participant's funds rolled into the fund ~~shall~~must be expended in full as the single premium for a supplemental pension contract. No single premium may be less than ten thousand dollars. A supplemental pension contract goes into effect when a participant signs the supplemental pension contract. The initial monthly supplemental pension benefit is payable the first day of the first month after the contract goes into effect. Payment of any prior and current supplemental pension benefits ~~shall~~must be made within two months after the contract is in effect.

Signed March 16, 2022

Chapter 16
(House Bill 1041)

**An Act to facilitate legislative oversight of settlement agreements involving
a state entity or official.**

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

Section 1. That chapter 3-21 be amended with a NEW SECTION:

A nondisparagement or similar clause is void and unenforceable to prevent the communication or disclosure of facts to the Executive Board of the Legislative Research Council or the Government Operations and Audit Committee as to any state government activities associated with any settlement agreement to which the state, an agency thereof, or officer or employee thereof in an official capacity pursuant to chapter 3-19, is a party.

Signed March 16, 2022

PUBLIC FISCAL ADMINISTRATION

Chapter 17
(House Bill 1002)

**An Act to revise certain provisions regarding the investments authorized for
state public funds.**

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

Section 1. That § 4-5-26 be AMENDED:

4-5-26. ~~Money~~ State public funds made available for investment may be invested in the following classes of securities and investments and, except as provided by § 3-12C-223~~7~~, chapter 3-13~~7~~, chapter 13-63~~7~~; the permanent school and other educational and charitable trust funds as provided in S.D. Const., Art. VIII, §§ 2 and 7; the permanent trust fund containing the net proceeds from the sale of state cement enterprises~~7~~, as provided in S.D. Const., Art. XIII, § 20; the health care trust fund as provided in S.D. Const., Art. XII, § 5~~7~~; and the education enhancement trust fund as provided in S.D. Const., Art. XII, § 6~~7~~; not otherwise:

- (1) Direct and indirect obligations of the United States government;
- (2) Agencies and instrumentalities of the United States government;
- (3) Mortgage-backed securities of United States government-sponsored enterprises;
- (4) Direct obligations of the State of South Dakota and any of its political subdivisions;
- ~~(4)~~(5) Obligations consisting of notes, bonds, debentures, and certificates which

are direct obligations of a solvent corporation or trust existing under the laws of the United States or any state thereof, if such investments are rated in the four highest classifications established by at least two standard rating services at the time of purchase;

- ~~(5)~~(6) Savings accounts, share accounts, certificates of deposit of banks, savings and loan associations, building and loan associations, and bankers' acceptances;~~or~~
- (7) Repurchase agreements fully collateralized by securities described in this section;
- (8) Shares in exchange-traded funds and open-end, no-load funds that are administered by an investment company registered under the Federal Investment Company Act of 1940, whose shares are registered under the Federal Securities Act of 1933 and investments are predominantly in securities described in this section; or
- ~~(6)~~(9) In addition to the investments authorized by subdivisions (1) to~~(5)~~ (8) of this section, inclusive, the investment council may also allocate a sum certain of state public funds for investment in the accounts and certificates of South Dakota banks and associations. This sum shall initially be offered to South Dakota banks and associations, and if not initially fully subscribed, the investment officer shall immediately reoffer the unsubscribed sum to other qualified public depositories defined by subdivision 4-6A-1(7).

Signed February 9, 2022

PUBLIC PROPERTY, PURCHASES AND CONTRACTS

**Chapter 18
(Senate Bill 197)**

An Act to require the POW/MIA flag be displayed in the Senate and House of Representative chambers.

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

Section 1. That chapter 5-15 be amended with a NEW SECTION:

The POW/MIA flag must be displayed in a suitable place in the Senate and House of Representatives chambers of the state capitol building.

Signed March 18, 2022

COUNTIES

Chapter 19 (House Bill 1127)

An Act to modify provisions related to county redistricting.

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

Section 1. That § 7-8-10 be AMENDED:

7-8-10. The board of county commissioners, at its regular meeting in ~~February~~ December of each year ending in the numeral ~~2~~ 1, or within three months of the federal decennial census data becoming available, and after giving notice by publication for one week in the official newspapers of the county, shall change the boundaries of the commissioner districts if ~~such~~ the change is necessary in order that each district ~~shall be~~ is as regular and compact in form as practicable ~~and it shall so.~~ The board shall divide and redistrict its county that each district ~~may contain as near as possible an equal number of residents~~ complies with the Equal Protection Clause of the Fourteenth Amendment, as determined by the last preceding federal decennial census; or the board may, at ~~its discretion~~ that time, choose to have ~~all of its~~ commissioners ~~run~~ run elected at large. The board may choose to have its members elected from single-member districts, from multi-member districts, or from a hybrid plan of single- and multi-member districts.

Section 2. That § 7-8-12.3 be AMENDED:

7-8-12.3. The board of county commissioners may, within one hundred eighty days of receipt of such written order, redistrict the county's commission districts once to avoid any perceived or potential violation of state or federal law. The commissioners may change the boundaries of the commissioner districts in order that each district ~~shall be~~ is as regular and compact in form as practicable and shall redistrict the county so that each commission district ~~contains an appropriate number of residents~~ complies with the Equal Protection Clause of the Fourteenth Amendment, as determined by the last preceding federal decennial census; or the board of county commissioners may, at ~~its discretion~~ that time, choose to have ~~all of its~~ commissioners ~~run~~ run elected at large. The board may choose to have its members elected from single-member districts, from multi-member districts, or from a hybrid plan of single- and multi-member districts. ~~Such redistricting shall~~ Redistricting may occur only after giving notice by publication for at least one week in the official newspapers of the county.

Signed March 16, 2022

Chapter 20 (Senate Bill 138)

An Act to clarify provisions related to filing a petition to refer an ordinance or resolution.

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

Section 1. That § 7-18A-16 be AMENDED:

7-18A-16. A petition to refer an ordinance or resolution subject to referendum may be filed with the auditor within twenty days after ~~its~~ publication of the ordinance or resolution in the last to publish official county newspaper. The filing of ~~such a~~ the petition ~~shall require~~ requires the submission of ~~any such~~ the ordinance or resolution to a vote of the qualified voters of the county for ~~its~~ rejection or approval of the ordinance or resolution.

Signed February 23, 2022

MUNICIPAL GOVERNMENT

**Chapter 21
(House Bill 1076)**

An Act to permit certain municipalities to elect aldermen at large.

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

Section 1. That chapter 9-8 be amended with a NEW SECTION:

Notwithstanding § 9-8-4, the voters of any second or third class municipality may, by majority vote, choose to elect aldermen to the common council at large using the process provided in § 9-11-6. The voters may revert to electing aldermen by ward in the same manner provided in this section, subject to the waiting period in § 9-11-8.

Signed February 14, 2022

**Chapter 22
(House Bill 1275)**

An Act to clarify signature requirements on petitions regarding the change of form of government in municipalities.

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

Section 1. 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 shall call an election 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 of the change of form of government or the number of wards, commissioners, or trustees, or both, ~~shall~~ must be submitted to the voters. No

~~signature on the petition is valid if signed~~ signed ~~filed~~ filed more than six months ~~prior to the filing of the petitions 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, 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 city elections.

Signed March 3, 2022

Chapter 23
(House Bill 1286)

An Act to permit municipalities to contribute more to the cost of insurance provided to certain officers or retired employees.

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

Section 1. That § 9-14-35 be AMENDED:

9-14-35. The governing body of a municipality, or a municipal retirement system may, in its discretion, include retired employees and officers and their spouses and dependents eligible under the appropriate policy and the spouses and dependents eligible under the appropriate policy of deceased employees and officers under the provisions of §§ 9-14-30 to 9-14-34, inclusive. The governing body may pay ~~fifty~~ up to one hundred percent of the cost of the premiums for such insurance for such retired employee or officer who shall have at least fifteen years' service as an employee or officer of the municipality and who shall have participated at least five years, immediately preceding such retirement, in such municipal insurance program. No eligibility requirement applies to any employee or officer who retired as the result of a duty incurred disability. In addition, the governing body of a municipality or a municipal retirement system may, in its discretion, pay up to ~~fifty~~ one hundred percent of the premium for medicare supplemental health insurance for retired employees, officers, their spouses, and the spouses of deceased retired employees and officers if the retired employee or officer had at least fifteen years' service as an employee or officer of the municipality and had participated for at least five years, immediately preceding such retirement, in the municipality's insurance program.

Signed March 7, 2022

TAXATION

**Chapter 24
(House Bill 1010)**

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, United States Internal Revenue Code, or Internal Revenue Code, means the United States Internal Revenue Code as amended and in effect on January 1, ~~2021~~ 2022. 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 10, 2022

**Chapter 25
(House Bill 1284)**

An Act to increase household income thresholds for a paraplegic tax reduction.

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

Section 1. That § 10-4-24.13 be AMENDED:

10-4-24.13. The percentage tax reduction of real property taxes, as provided pursuant to § 10-4-24.11, due or paid on a single family dwelling for a multiple member household is according to the following schedule:

If household income	but not	The tax due reduction
is more than:	more than	on current levy is:
\$ 0	\$ 15,730 <u>18,500</u>	100%
15,730 <u>18,501</u>	16,730 <u>19,500</u>	75%
16,730 <u>19,501</u>	17,730 <u>21,000</u>	50%
17,730 <u>21,001</u>	18,730 <u>22,000</u>	25%
more than 18,730 <u>over</u> <u>22,000</u>		0%

Section 2. That § 10-4-24.12 be AMENDED:

10-4-24.12. The percentage tax reduction of real property taxes, as provided pursuant to § 10-4-24.11, due or paid on a single family dwelling for a single member household is according to the following schedule:

If household income is more than: \$ 0 11,670 14,001 12,670 15,001 13,670 17,001 more than 14,670 over <u>18,000</u>	but not more than \$11,670 14,000 12,670 15,000 13,670 17,000 14,670 18,000	The tax due reduction on current levy is: 100% 75% 50% 25% 0%
---	--	---

Signed March 18, 2022

**Chapter 26
(House Bill 1011)**

**An Act to revise the application process for the reduction of tax on dwellings
owned by paraplegics.**

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

Section 1. That chapter 10-4 be amended with a NEW SECTION:

The application for the reduction of tax on a dwelling owned and occupied by a paraplegic or an individual with the loss or loss of use of both lower extremities, as provided in §§ 10-4-24.11 to 10-4-24.13, inclusive, must be annually submitted on or before April first on forms prescribed by the secretary of revenue. The form must be made available to the county treasurer who shall, upon request of an applicant, assist the applicant in completing the form. The property owner shall sign the application under penalty of perjury. The application must include the documentary evidence the county treasurer deems necessary to assure validity of the claim.

Signed February 10, 2022

**Chapter 27
(House Bill 1083)**

**An Act to provide a partial property tax exemption for the surviving spouses
of certain veterans.**

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

Section 1. That § 10-4-41 be AMENDED:

10-4-41. One hundred fifty thousand dollars of the full and true value of the total amount of a dwelling, or portion thereof, classified as owner-occupied

pursuant to §§ 10-13-39 to 10-13-40.4, inclusive, ~~that is is exempt from property taxation if owned and occupied by the:~~

- (1) ~~The surviving spouse of a veteran who was rated as permanently and totally disabled from a service-connected disability is exempt from property taxation; or~~
- (2) The surviving spouse of a veteran, who receives dependency and indemnity compensation from the United States Department of Veterans Affairs as a result of the veteran's service-connected death.

The surviving spouse shall apply for this partial exemption on a form prescribed by the secretary of revenue. Any application or supporting document for this exemption is confidential. Any surviving spouse who would otherwise qualify for this exemption but fails to comply with the application deadline for the owner-occupied classification or the deadline for application for this exemption may petition the board of county commissioners to recalculate the taxes based upon the owner-occupied classification and this exemption and abate or refund the difference in taxes pursuant to chapter 10-18.

If the director of equalization determines that the surviving spouse receives an exemption for the dwelling pursuant to this section, the surviving spouse retains that exemption until such time as the property ownership is transferred, the surviving spouse does not occupy the dwelling, the surviving spouse remarries, or the property has a change in use. If the legal description of property is changed or amended and the surviving spouse continues to reside in the dwelling, the surviving spouse retains the exemption provided by this section.

Signed March 8, 2022

Chapter 28
(House Bill 1325)

An Act to revise the classification of agricultural land according to soil type.

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 ~~shall~~ must be divided into classes based on soil classification standards developed by the United States Department of Agriculture, Natural Resources Conservation Service. All agricultural land ~~shall~~ must be categorized as either cropland or noncropland. Soil types with land capability class I, II, and III must be categorized as cropland and 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 notify the department by November 1 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.

Signed March 18, 2022

Chapter 29
(Senate Bill 162)

An Act to revise the discretionary formula for reduced taxation of new structures and residential property.

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

Section 1. That § 10-6-137 be AMENDED:

10-6-137. Any structure classified pursuant to this section, ~~shall~~must, following construction, be valued for taxation purposes in the usual manner. ~~However, the~~The board of county commissioners of the county ~~where-in which~~ the structure is located, may adopt ~~any a~~ formula for assessed value to be used for tax purposes. ~~The~~Except as otherwise provided in section 2 of this Act, the formula may include, for any or all of the five tax years following construction, all, any portion, or none of the assessed ~~valuation-value~~ for tax purposes. Any formula adopted ~~shall~~must be equally applied to specifically classified ~~structures-properties~~ within a tax increment finance district.

The board of county commissioners of the county ~~where-in which~~ the structure is located may, if requested by the owner of the structure, ~~not apply the discretionary formula and the full assessment shall be made~~fully assess the structure without application of the formula. In waiving the formula for the structure of one owner, the board of county commissioners is not prohibited from applying the formula for subsequent new structures. The assessed ~~valuation-value~~ during any of the five years may not be less than the assessed ~~valuation-value~~ of the property in the year preceding the first year of the tax years following construction.

Any structure that is partially constructed on the assessment date may be valued for tax purposes, pursuant to this section, and the ~~valuation-value~~ may not be less than the assessed ~~valuation-value~~ of the property in the year preceding the beginning of construction. The period that the property is valued for tax purposes under this section may include the years when the property is partially constructed.

Following the five-year period under this section, the property ~~shall~~must be assessed at the same percentage as ~~is~~ all other property for tax purposes, except as otherwise provided in section 2 of this Act.

Any of the following types of real property may be specifically classified for the purpose of taxation pursuant to this section:

- (1) Any new industrial or commercial structure, or any addition, renovation, or reconstruction to an existing structure, located within a designated

- urban renewal area as defined in § 11-8-4, if the new structure, addition, renovation, or reconstruction has a full and true value of thirty thousand dollars or more;
- (2) Any new industrial structure, including a power generation facility, or an addition to an existing structure, if the new structure or addition has a full and true value of thirty thousand dollars or more;
 - (3) Any new nonresidential agricultural structure, or any addition to an existing structure, if the new structure or addition has a full and true value of ten thousand dollars or more;
 - (4) Any new commercial structure, or any addition to an existing structure, except a commercial residential structure as described in subdivision (5), if the new structure or addition has a full and true value of thirty thousand dollars or more;
 - (5) Any new commercial residential structure, or addition to an existing structure, containing four or more units, if the new structure or addition has a full and true value of thirty thousand dollars or more;
 - (6) Any new affordable housing structure containing four or more units, with a monthly rental rate of the units at or below the annually calculated rent for the state's sixty percent area median income being used by the South Dakota Housing Development Authority, for a minimum of ten years following the date of first occupancy, if the structure has a full and true value of thirty thousand dollars or more;
 - (7) Any new residential structure, or addition to or renovation of an existing structure, located within a redevelopment neighborhood established pursuant to § 10-6-141, if the new structure, addition, or renovation has a full and true value of five thousand dollars or more. The structure ~~shall~~ must be located in an area defined and designated as a redevelopment neighborhood based on conditions provided in § 11-7-2 or 11-7-3, ~~or~~ or
 - (8) Any commercial, industrial, or nonresidential agricultural property ~~which~~ that increases more than ten thousand dollars in full and true value, as a result of reconstruction or renovation of the structure.

Section 2. That a NEW SECTION be added:

For any real property specifically classified under subdivisions 10-6-137(5), (6), and (7), the formula adopted by the board of county commissioners must include:

- (1) No more than twenty-five percent of the increased assessed value in the first or second year following the completion of construction;
- (2) No more than fifty percent of the increased assessed value in the third or fourth year following the completion of construction;
- (3) No more than seventy-five percent of the increased assessed value in the fifth or sixth year following the completion of construction; and
- (4) One hundred percent of the increased assessed value in the seventh year following the completion of construction and each year thereafter.

During construction, the assessed value of the property may not exceed the assessed value of the property in the year preceding the beginning of construction.

The percentages stated in this section are limited to that portion of the assessed value that exceeds the property's assessed value in the year preceding the start of construction.

Any real property receiving the benefit of a discretionary formula prior to July 1, 2022, must continue to be assessed and taxed in the manner provided for in any county or municipal resolution adopted pursuant to this chapter and in effect prior to July 1, 2022, and must continue to be subject to the provisions of §§ 10-12-44, 11-9-20, and 13-13-20.4.

Section 3. That § 10-6-138 be AMENDED:

10-6-138. If the board of county commissioners of a county has not adopted a formula pursuant to § 10-6-137 or section 2 of this Act, the governing board of a municipality where in which the structures defined in § 10-6-137 or property are located, or within three miles of the corporate limits of the municipality, may in the governing board's discretion adopt all or any part of the a formula for assessed value pursuant to § 10-6-137 or section 2 of this Act.

In the case of residential structures described in § 10-6-137(5), (6), and (7), the governing board of a municipality may adopt a formula that differs from any formula adopted by the board of county commissioners, provided the formula complies with section 2 of this Act.

Section 4. That § 10-6-141 be AMENDED:

10-6-141. The board of county commissioners or the municipal governing body that approves the adoption of a reduced valuation value, pursuant to subdivision 10-6-137(7) section 2 of this Act, for any residential structure within a redevelopment neighborhood, shall, by ordinance, identify the exact boundaries of the redevelopment neighborhood where in which the reduced valuation value will be available.

The boundaries of the redevelopment neighborhood need not be contiguous.

Section 5. That § 10-12-44 be AMENDED:

10-12-44. The county auditor in each having jurisdiction over a school district shall raise additional revenue, for the general fund and special education fund, from real property taxes, to compensate for a tax abatement, a tax increment financing district, or a discretionary formula as follows in accordance with the following:

- (1) For tax increment financing districts created pursuant to chapter 11-9, the county auditor shall impose an additional tax levy, for an amount not to exceed an amount equal to the sum of the levies in §§ 10-12-42 and 13-37-16 times multiplied by the tax increment valuation value, as defined in § 11-9-1;
- (2) For property subject to § 10-6-137, section 2 of this Act, or § 10-6-144, the county auditor shall impose an additional tax levy, for an amount not to exceed the amount of taxes that were not collected, due to the reduction in valuation value based on the maximum levies, pursuant to §§ 10-12-42 and 13-37-16; and
- (3) For abated taxes, the county auditor shall impose an additional tax levy, for an amount not to exceed the amount of the school district's portion of the taxes that were abated, pursuant to chapter 10-18, during the previous tax year.

The levies in this section are not subject to the referendum provision of § 10-12-43 and these levies ~~shall~~ must maintain the same proportion to each other, as represented in the mathematical relationship at the maximum levies pursuant to § 10-12-42.

Section 6. That § 11-9-20 be AMENDED:

11-9-20. On application in writing by the municipal finance officer, on a form prescribed by the department, the department shall determine the aggregate assessed value of the taxable property in the district, which aggregate assessed value, on certification to the finance officer, ~~shall constitute~~ constitutes the tax increment base of the district. The application ~~shall~~ must be accompanied by a detailed parcel list of the included legal descriptions, property ownership, and ~~valuation value,~~ as provided by the director of equalization office, of the affected corresponding county. Except as provided for in § 11-9-20.1, the department shall use the values, as last previously certified by the department, adjusted for the value to the date the district was created, for any buildings or additions, completed or removed, and without regard to any reduction pursuant to §§ 1-19A-20, 10-6-137, and 10-6-144, and section 2 of this Act.

Section 7. That § 13-13-20.4 be AMENDED:

13-13-20.4. For any ~~property structure~~ given a reduced valuation value pursuant to § 10-6-137 ~~or 10-6-144~~, the portion of actual assessed ~~valuation value~~ of the property used when calculating state aid to education ~~shall~~ must be twenty percent in the first year, forty percent in the second year, sixty percent in the third year, eighty percent in the fourth year, and one hundred percent each year thereafter.

For any structure or property given a reduced value pursuant to section 2 of this Act or § 10-6-144, the portion of actual assessed value of the property used when calculating state aid to education must be:

- (1) Twenty-five percent in the first or second year;
- (2) Fifty percent in the third or fourth year;
- (3) Seventy-five percent in the fifth or sixth year; and
- (4) One hundred percent in the seventh year and each year thereafter.

~~In addition, the~~ The actual assessed ~~valuation value~~ of any property given exempt status, pursuant to § 10-4-39 ~~shall~~ must be used when calculating state aid to education.

Signed March 18, 2022

Chapter 30
(House Bill 1001)

An Act to revise the freeze on assessments for dwellings of disabled and senior citizens.

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

Section 1. That § 10-6A-1 be AMENDED:

10-6A-1. Terms as used in this chapter mean:

- (1) "Base year," for any property owner who reached sixty-five years of age or became disabled in or prior to 1981, the base year is 1977. For any property owner who reaches sixty-five years of age or becomes disabled after 1981, the base year is the year in which the property owner reaches ~~the age of sixty-five~~ years of age or the year in which the property owner becomes disabled. In the case of a surviving spouse, the base year is the year that would have been the base year of the deceased spouse;
- (2) "Base year assessment," the actual assessed value of a single-family dwelling in the base year or, at the applicant's election, a year subsequent to the base year. The applicant need not have been the owner of the dwelling during the base year;
- (3) "Department," the South Dakota Department of Revenue;
- (4) "Disabled," any person who receives or is qualified to receive monetary payments, pursuant to Title II, X, XIV, or XVI of the Social Security Act, as amended to January 1, 2008, for all or part of the year for which a property tax assessment freeze application is made;
- (5) "Household," the association of persons who live in the same dwelling, sharing its furnishings, facilities, and accommodations, but not including bona fide lessees, tenants, or roomers and boarders on contract;
- (6) "Household income," all income received during the preceding calendar year by all persons of a household while members of the household;
- (7) "Income," the sum of adjusted gross income as defined in the United States Internal Revenue Code, as defined by § 10-1-47, and IRA disbursements, the amount of capital gains excluded from adjusted gross income, alimony, support money, nontaxable strike benefits, cash public assistance and relief, the gross amount of any pension or annuity, including Railroad Retirement Act benefits and veterans disability pensions, all payments received under the federal social security and state reemployment assistance or unemployment insurance laws, nontaxable interest, life insurance proceeds that exceed twenty thousand dollars, any gift or inheritance that exceeds five hundred dollars, proceeds from a court action, any sale of a personal item that exceeds five hundred dollars, foster care income, and workers' compensation;
- (8) "Property owner," the owner of a dwelling as recorded by the register of deeds in the county where the dwelling is located. A joint tenant, an owner of a life estate, a beneficiary of a trust, and a vendee of a contract for deed as filed with the register of deeds in the county where the dwelling is located is considered to be an owner;
- (9) "Real property tax assessment freeze," for tax purposes, the assessment of a single-family dwelling as recorded in the base year on the county assessment roll and held constant at that value;
- (10) "Secretary," the secretary of the South Dakota Department of Revenue;
- (11) "Single-family dwelling," a house, condominium apartment, or manufactured home as defined in § 32-3-1 that is assessed and taxed as a separate unit including the platted lot upon which the structure is situated or one acre, whichever is less, and the garage, whether attached or unattached;
- (12) "Surviving spouse," the spouse of a deceased property owner who has not remarried.

Section 2. 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 following conditions are met. The person:

- (1) Has a household income of less than ~~twenty~~ thirty-five thousand dollars if the household is a single-member household or the person has a household income of less than ~~twenty-five~~ forty-five thousand dollars if the household is a multiple-member household; and
- (2) Has been a property owner and a resident of South Dakota for at least one 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, ~~2005~~ 2023, the household income listed in subdivision (1) of this section shall 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 3. 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 ~~one~~ three hundred ~~fifty~~ 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, ~~2008~~ 2023, 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.

Signed March 7, 2022



**Chapter 31
(House Bill 1014)**

An Act to make an appropriation to fund tax refunds for elderly persons and persons with a disability 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 general fund the sum of \$450,000

to the Department of Revenue, for purposes of 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 appropriated sum not to exceed twenty thousand dollars may be used for the administrative costs of this Act.

Section 2. The secretary of the Department of Revenue 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 by June 30, 2023, shall revert in accordance with the procedures prescribed in chapter 4-8.

Section 4. That § 43-31-37 be AMENDED:

43-31-37. No person is eligible for a refund of property taxes pursuant to chapter 10-18A ~~or for a retail sales and service tax refund pursuant to chapter 10-45A~~ if such person receives property tax relief pursuant to §§ 43-31-31 to 43-31-41, inclusive.

Section 5. 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 shall be according to the following schedule:

If household income is		The refund of real property taxes due
more than:	but <u>not more</u> less than	or paid shall be
\$ 0	\$7,028 \$6,630	35%
7,029 6,631	<u>7,303</u> <u>6,890</u>	34%
7,304 6,891	<u>7,579</u> <u>7,150</u>	33%
7,580 7,151	<u>7,855</u> <u>7,410</u>	32%
7,856 7,411	<u>8,130</u> <u>7,670</u>	31%
8,131 7,671	<u>8,406</u> <u>7,930</u>	30%
8,407 7,931	<u>8,681</u> <u>8,190</u>	29%
8,682 8,191	<u>8,957</u> <u>8,450</u>	28%
8,958 8,451	<u>9,233</u> <u>8,710</u>	27%
9,234 8,711	<u>9,508</u> <u>8,970</u>	26%
9,509 8,971	<u>9,784</u> <u>9,230</u>	25%
9,785 9,231	<u>10,059</u> <u>9,490</u>	24%
10,060 9,491	<u>10,335</u> <u>9,750</u>	23%
10,336 9,751	<u>10,611</u> <u>10,010</u>	22%
10,612 10,011	<u>10,886</u> <u>10,270</u>	21%
10,887 10,271	<u>11,162</u> <u>10,530</u>	20%
11,163 10,531	<u>11,437</u> <u>10,790</u>	19%
11,438 10,791	<u>11,713</u> <u>11,050</u>	18%
11,714 11,051	<u>11,989</u> <u>11,310</u>	17%
11,990 11,311	<u>12,264</u> <u>11,570</u>	16%

<u>12,265</u> 11,571	<u>12,540</u> 11,830	15%
<u>12,541</u> 11,831	<u>12,815</u> 12,090	14%
<u>12,816</u> 12,091	<u>13,091</u> 12,350	13%
<u>13,092</u> 12,351	<u>13,367</u> 12,610	12%
<u>13,368</u> 12,611	<u>13,653</u> 12,880	11%
over <u>13,653</u> 12,880		No refund

Section 6. 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 shall be according to the following schedule:

If household income is	The refund of real property taxes due or paid shall be
more than: \$ 0	but not more than <u>\$11,575</u> \$10,920 55%
<u>11,576</u> 10,921	<u>11,958</u> 11,281 53%
<u>11,959</u> 11,282	<u>12,341</u> 11,642 51%
<u>12,342</u> 11,643	<u>12,723</u> 12,003 49%
<u>12,724</u> 12,004	<u>13,106</u> 12,364 47%
<u>13,107</u> 12,365	<u>13,489</u> 12,725 45%
<u>13,490</u> 12,726	<u>13,871</u> 13,086 43%
<u>13,872</u> 13,087	<u>14,254</u> 13,447 41%
<u>14,255</u> 13,448	<u>14,636</u> 13,808 39%
<u>14,637</u> 13,809	<u>15,019</u> 14,169 37%
<u>15,020</u> 14,170	<u>15,402</u> 14,530 35%
<u>15,403</u> 14,531	<u>15,784</u> 14,891 33%
<u>15,785</u> 14,892	<u>16,167</u> 15,252 31%
<u>16,168</u> 15,253	<u>16,550</u> 15,613 29%
<u>16,551</u> 15,614	<u>16,932</u> 15,974 27%
<u>16,933</u> 15,975	<u>17,315</u> 16,335 25%
<u>17,316</u> 16,336	<u>17,698</u> 16,696 23%
<u>17,699</u> 16,697	<u>18,080</u> 17,057 21%
<u>18,081</u> 17,058	<u>18,465</u> 17,420 19%
over <u>18,465</u> 17,420	No refund

Section 7. 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 shall be determined as follows:

- (1) If the claimant's income is ~~six thousand six hundred thirty~~seven thousand twenty-eight dollars or less, a sum of two hundred fifty-eight dollars;
- (2) If the claimant's income is ~~six thousand six hundred thirty one~~seven dollars

~~thousand twenty-nine and not more than twelve thousand eight hundred eightythree thousand six hundred fifty-three~~ dollars, a sum of forty-six dollars plus three and four-tenths percent of the difference between ~~twelve thousand eight hundred eightythree thousand six hundred fifty-three~~ dollars and the income of the claimant; and

- (3) If the claimant's income is more than ~~twelve thousand eight hundred eightythree thousand six hundred fifty-three~~ dollars, no refund.

Section 8. 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 shall be determined as follows:

- (1) If household income is ~~ten thousand nine hundred twenty~~eleven thousand five hundred seventy-five dollars or less, the sum of five hundred eighty-one dollars;
- (2) If household income is ~~ten thousand nine hundred twenty one~~eleven thousand five hundred seventy-six dollars and not more than ~~seventeen thousand four hundred twenty~~eighteen thousand four hundred sixty-five dollars, a sum of seventy-four dollars plus seven and eight-tenths percent of the difference between ~~seventeen thousand four hundred twenty~~eighteen thousand four hundred sixty-five dollars and total household income; and
- (3) If household income is more than ~~seventeen thousand four hundred twenty~~eighteen thousand four hundred sixty-five dollars, no refund.

Section 9. 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 18, 2022

Chapter 32
(House Bill 1120)

An Act to include carbon dioxide and carbon dioxide capture companies in certain provisions regarding pipeline taxation.

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

Section 1. That § 10-37-1 be AMENDED:

10-37-1. Every person, copartnership, association, limited liability company, corporation, or syndicate engaged in the business of transporting or transmitting gas, gasoline, oils, carbon dioxide, or motor fuels by means of pipelines as a common carrier, whether such pipelines be owned or leased, shall be taxed as herein provided.

Section 2. That § 10-37-12 be AMENDED:

10-37-12. The Department of Revenue shall also determine and fix the value for tax purposes of any private pipeline owned and operated by any oil

company or carbon dioxide capture company and extending into or through two or more counties of this state up to, but not including, any property located upon land upon which is operated any pipeline terminal or pump station. The owner of such pipeline shall, at the time provided in § 10-37-3, make a return to the Department of Revenue of the information required under subdivisions (1) to (6)(both inclusive) of said section together with a statement of the value of said pipeline in each county or each lesser taxing district in this state.

Section 3. That § 10-37-14 be AMENDED:

10-37-14. All other property of oil companies or carbon dioxide capture companies described in § 10-37-12, other than pipeline up to the line of any terminal or pumping station premises, including real estate and all buildings, facilities, or equipment thereon shall be assessed for taxation by the director of equalization in the taxing district in which the same is located.

Signed March 9, 2022

Chapter 33
(Senate Bill 165)

An Act to exempt gross receipts of certain coaches from certain gross receipts taxes.

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

Section 1. That chapter 10-45 be amended with a NEW SECTION:

This chapter does not apply to any person coaching a youth or amateur sport whose gross receipts from coaching total less than four thousand dollars in any calendar year. For purposes of this section, a youth or amateur sport is any sport in which the participants are aged nineteen or younger and do not receive compensation for participation.

Section 2. That chapter 10-46 be amended with a NEW SECTION:

This chapter does not apply to any person coaching a youth or amateur sport whose gross receipts from coaching total less than four thousand dollars in any calendar year. For purposes of this section, a youth or amateur sport is any sport in which the participants are aged nineteen or younger and do not receive compensation for participation.

Signed March 18, 2022

PLANNING, ZONING AND HOUSING PROGRAMS

Chapter 34

(House Bill 1197)

An Act to include certain costs as project costs for tax increment financing districts.

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

Section 1. That § 11-9-15 be AMENDED:

11-9-15. Project costs include:

- (1) Capital costs, including the actual costs of the construction of public works or improvements, buildings, structures, and permanent fixtures; the demolition, alteration, remodeling, repair, or reconstruction of existing buildings, structures, and permanent fixtures; the acquisition of equipment; the clearing, over-excavation, and grading of land, including use of engineered fill and soil compaction; and the amount of interest payable on tax increment bonds issued pursuant to this chapter until such time as positive tax increments to be received from the district, as estimated by the project plan, are sufficient to pay the principal of and interest on the tax increment bonds when due;
- (2) Financing costs, including all interest paid to holders of evidences of indebtedness issued to pay for project costs, any premium paid over the principal amount thereof because of the redemption of obligations prior to maturity and a reserve for the payment of principal and interest on obligations in an amount determined by the governing body to be reasonably required for the marketability of obligations;
- (3) Real property assembly costs, including the actual cost of the acquisition by a municipality of real or personal property within a district less any proceeds to be received by the municipality from the sale, lease, or other disposition of property pursuant to a project plan;
- (4) Professional service costs, including those costs incurred for architectural, planning, engineering, and legal advice and services;
- (5) Imputed administrative costs, including reasonable charges for the time spent by municipal employees in connection with the implementation of a project plan;
- (6) Relocation costs;
- (7) Organizational costs, including the costs of conducting environmental impact and other studies and the costs of informing the public of the creation of a district and the implementation of project plans; and
- (8) Payments and grants made, at the discretion of the governing body, which are found to be necessary or convenient to the creation of a district, the implementation of project plans, or to stimulate and develop the general economic welfare and prosperity of the state. No payment or grant may be used for any residential structure pursuant to § 11-9-42.

Signed March 9, 2022

Chapter 35
(Senate Bill 90)

An Act to revise certain provisions regarding local building codes.

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

Section 1. That § 11-10-5 be AMENDED:

11-10-5. If the governing body of any local unit of government adopts any ordinance prescribing standards for ~~new construction~~ construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal, and demolition of any building other than a residential structure as defined in section 3 of this Act, the ordinance shall comply with the 2021 edition of the International Building Code as published by the International Code Council, Incorporated. The governing body may amend, modify, or delete any portion of the International Building Code before enacting such an ordinance. Additional deletions, modifications, and amendments to the municipal ordinance may be made by the governing body and are effective upon their adoption and filing with the municipal finance officer. Additional deletions, modifications, and amendments to the county ordinance may be made by the governing body, and are effective upon their adoption and filing with the county auditor. No ordinance may apply to mobile or manufactured homes as defined in chapter 32-7A that are constructed in compliance with the applicable prevailing standards of the United States Department of Housing and Urban Development at the time of construction. No ordinance may require that any fire sprinkler be installed in a single family dwelling. No ordinance may apply to any specialty resort or vacation home establishment as defined in chapter 34-18 that is constructed in compliance with the requirements of Group R-3 of the 2021 edition of the International Building Code.

Section 2. That § 11-10-6 be AMENDED:

11-10-6. The design standard for ~~any new construction~~ construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal, and demolition of any building commenced after July 1, 2021, within the boundaries of any local unit of government that has not adopted an ordinance prescribing such standards ~~for new construction~~ pursuant to § 11-10-5 shall be based on the 2021 edition of the International Building Code as published by the International Code Council, Incorporated. Each local unit of government may adopt an ordinance allowing local administration and enforcement of the design standard. The provisions of this section do not apply to ~~new construction for any one or two family dwelling~~ any residential structure as defined in section 3 of this Act, mobile or manufactured home, ~~townhouse~~, or farmstead and any accessory structure or building thereto. For purposes of this section the term, farmstead, means a farm or ranch, including any structure or building located on the land. The provisions of this section do not apply to any mobile or manufactured home as defined in chapter 32-7A that is used for purposes other than residential that is constructed in compliance with the applicable prevailing standards of the United States Department of Housing and Urban Development at the time of construction if the structure complies with applicable accessibility standards for the occupancy intended. The provisions of this section do not apply to any specialty resort or vacation home establishment as defined in chapter 34-18 that is constructed in compliance with the requirements of Group R-3 of the 2021 edition of the International Building Code.

Section 3. That chapter 11-10 be amended with a NEW SECTION:

The governing body of a municipality may enact requirements for construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal, and demolition of a residential structure by adopting the 2021 edition of the International Residential Code, as published by the International Code Council, Incorporated. The governing body may, at any time, amend any provision of the International Residential Code. The governing body may not require the installation of a sprinkler system in a residential structure or impose any requirements that are more stringent than the requirements in the 2021 edition of the International Residential Code. For purposes of this section, the term, residential structure, means a detached one-family or two-family dwelling, and townhouses not more than three stories in height with a separate means of egress and their accessory structures.

Section 4. That chapter 11-10 be amended with a NEW SECTION:

Beginning in the year 2024, and every three years thereafter, the Board of Technical Professions created under § 36-18A-14 shall convene a workgroup to review the latest edition of the model national codes referenced in this chapter. The workgroup shall consist of two local building code officials, one person engaged in the business of constructing multi-family housing, one person engaged in the business of constructing single-family housing, one person engaged in the business of constructing commercial buildings, one licensed architect, and one licensed professional engineer. The workgroup shall identify any significant revisions to the current edition of each model code and evaluate the impact of the revisions on quality, safety, and cost of construction in the state. The workgroup may recommend amendments to this chapter, including updates to the current edition of any model code referenced in this chapter and alternatives and exceptions to such codes. The workgroup shall report its findings and recommendations to the Board of Technical Professions within six months from the date of the workgroup's first meeting, and the Board shall publish the report on its website. The workgroup shall dissolve and cease to exist upon the completion of its report to the Board.

Signed March 16, 2022

ELECTIONS

Chapter 36
(Senate Bill 122)

An Act to prohibit private funding of election costs except for gifts of a nominal and intrinsic value.

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

Section 1. That § 12-1-11 be AMENDED:

12-1-11. Except as ~~may be~~ otherwise provided by law, in any election in which all voters of a county participate, the costs relating to the election shall be paid by the county from funds appropriated therefor. In all other elections, ~~costs therefor~~ shall be paid from funds appropriated by the governing ~~board~~ body of

municipalities, school districts, and other political subdivisions requiring an election for their own purposes. Costs relating to a combined municipal and school board election may be shared under the provisions of §§ 9-13-1.1 and 13-7-10.1. Neither the state nor any political subdivision may accept any funds, grants, or gifts for election costs from any source other than the governing body of a political subdivision, the state, or the federal government, except for gifts of a nominal and intrinsic value as defined by the State Board of Elections and given in compliance with the provisions of § 12-18-3. The State Board of Elections shall promulgate rules pursuant to chapter 1-26 to prescribe the definition of nominal and intrinsic value.

Signed March 16, 2022

EDUCATION

Chapter 37 (Senate Bill 108)

An Act to repeal certain reporting requirements to the Executive Board of the Legislative Research Council.

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

Section 1. That § 13-1-62 be REPEALED:

~~The Board of Regents and the South Dakota Board of Technical Education shall each compile the information received pursuant to §§ 13-1-60 and 13-1-61 and provide the information to the Executive Board of the Legislative Research Council no later than November fifteenth of each year.~~

Signed March 16, 2022

Chapter 38 (House Bill 1185)

An Act to permit the wearing of a beaded graduation cap at a school honoring or graduation ceremony.

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

Section 1. That § 13-1-66 be AMENDED:

13-1-66. ~~The state, or any of its political subdivisions, municipalities or subdivisions thereof shall may not prohibit any person~~ Native American student ~~from wearing traditional tribal regalia or objects of cultural significance~~ an eagle feather, eagle plume, or an appropriate beaded graduation cap ~~at a school~~

~~honoring or graduation ceremony. For purposes of this section the term, tribal regalia or object of cultural significance, means an eagle feather or eagle plume. A school administrator may determine if a beaded graduation cap is appropriate.~~

Signed March 3, 2022

Chapter 39
(House Bill 1012)

**An Act to protect students and employees at institutions of higher education
from divisive concepts.**

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

Section 1. That chapter 13-1 be amended with a NEW SECTION:

For the purposes of this Act, the term, divisive concepts, means:

- (1) That any race, color, religion, sex, ethnicity, or national origin is inherently superior or inferior;
- (2) That individuals should be discriminated against or adversely treated because of their race, color, religion, sex, ethnicity, or national origin;
- (3) That an individual's moral character is inherently determined by their race, color, religion, sex, ethnicity, or national origin;
- (4) That an individual, by virtue of their race, color, religion, sex, ethnicity, or national origin is inherently racist, sexist, or oppressive, whether consciously or subconsciously;
- (5) That individuals, by virtue of race, color, religion, sex, ethnicity, or national origin, are inherently responsible for actions committed in the past by other members of the same race, color, religion, sex, ethnicity, or national origin;
- (6) An individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of the individual's race, color, religion, ethnicity, or national origin; or
- (7) Meritocracy or traits such as a strong work ethic are racist or sexist or were created by members of a particular race or sex to oppress members of another race or sex.

Section 2. That chapter 13-1 be amended with a NEW SECTION:

The Board of Regents, or the Board of Technical Education, or any institution under their control, may not direct or compel a student to personally affirm, adopt, or adhere to divisive concepts.

The Board of Regents, or the Board of Technical Education, or any institution under their control may not require their students or employees to attend or participate in any training or orientation that teaches, advocates, acts upon, or promotes divisive concepts.

Section 3. That chapter 13-1 be amended with a NEW SECTION:

The Board of Regents, or the Board of Technical Education, or any institution under their control, may not condition enrollment or attendance in a class, training, or orientation on the basis of race or color.

Nothing in this section should be construed to prohibit the required collection or reporting of demographic data by institutions of higher education.

Section 4. That chapter 13-1 be amended with a NEW SECTION:

The Board of Regents, or the Board of Technical Education, or any institution under their control, may not authorize or expend funding for any purpose prohibited in this Act.

Section 5. That chapter 13-1 be amended with a NEW SECTION:

Nothing in this Act:

- (1) Prevents an employee or a contractor who provides mandatory orientation or training from responding to questions that are raised by participants in the orientation or training and which pertain to the divisive concepts;
- (2) Pertains to the content or conduct of any course of academic instruction or unit of study at an institution of higher education under the control of the Board of Regents or the Board of Technical Education; or
- (3) May be construed to inhibit or violate the First Amendment rights of any student or employee, or to undermine the duty of an institution under the control of the Board of Regents or the Board of Technical Education to protect, to the greatest degree, academic freedom, intellectual diversity, and free expression.

Signed March 21, 2022

Chapter 40
(House Bill 1119)

An Act to revise the general state aid formula to provide adjustment for alternative education students participating in interscholastic activities.

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;
- (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:
 - ~~(1)~~(i) Multiplying the fall enrollment by .00750;
 - ~~(2)~~(ii) Adding 10.50 to the product of subsection (b)(1);
 - (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, 2021 is \$52,600.29. 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-seven and thirty hundredths percent.
Beginning in school fiscal year 2018, the overhead rate shall 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 §§ 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," 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 will include 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 such time 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, shall be 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 shall 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.

Signed March 21, 2022

Chapter 41
(Senate Bill 59)

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 ~~2022~~ 2023 and each year thereafter, the levy for the general fund of a school district shall be as follows:

- (1) The maximum tax levy shall be six dollars and ~~fifty-two~~ thirty and ~~five-tenths~~ eight-tenths 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 shall be one dollar and ~~forty~~ thirty-six and ~~nine-tenths~~ two-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 shall 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 as defined in § 10-13-40 for the school district shall be three dollars and ~~fifteen~~ four and ~~three-tenths~~ 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 shall maintain the same proportion to each other as represented in the mathematical relationship at the maximum levies.

All levies in this section shall 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 shall be used for all school funding purposes. If the district has imposed an excess levy pursuant to § 10-12-43, the levies shall 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;
 - (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:
 - (1) Multiplying the fall enrollment by .00750;
 - (2) Adding 10.50 to the product of subsection (b)(1);
 - (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, ~~2021~~ 2022 is ~~\$52,600.29~~ \$55,756.31. 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-seven~~ thirty-eight and ~~thirty~~ seventy-eight hundredths percent.

Beginning in school fiscal year 2018, the overhead rate shall 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 §§ 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," 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 will include 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 such time 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, shall be 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 shall 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 ~~2022~~ 2023, and each year thereafter, the school board shall levy no more than one dollar and ~~sixty-seven~~ fifty-nine and nine-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 shall be spread against all of the taxable property of the

district. The proceeds derived from the levy shall 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 shall be based on valuations such that 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 shall be 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," shall be calculated for taxes payable in ~~2022~~ 2023 and thereafter using a special education levy of one dollar and ~~forty seven thirty-nine and nine-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, ~~2021~~ 2022, is ~~\$6,299.65~~ \$6,532.00. For each school year thereafter, the allocation for a student with a level one disability shall be the previous fiscal year's allocation for such child increased by the index factor;
- (9) "Allocation for a student with a level two disability," for the school fiscal year beginning July 1, ~~2021~~ 2022, is ~~\$15,006.72~~ \$15,411.00. For each school year thereafter, the allocation for a student with a level two disability shall be the previous fiscal year's allocation for such child increased by the index factor;
- (10) "Allocation for a student with a level three disability," for the school fiscal year beginning July 1, ~~2021~~ 2022, is ~~\$19,654.66~~ \$19,682.00. For each school year thereafter, the allocation for a student with a level three disability shall be the previous fiscal year's allocation for such child increased by the index factor;
- (11) "Allocation for a student with a level four disability," for the school fiscal year beginning July 1, ~~2021~~ 2022, is ~~\$15,774.72~~ \$15,981.00. For each school year thereafter, the allocation for a student with a level four disability shall be the previous fiscal year's allocation for such child

- increased by the index factor;
- (12) "Allocation for a student with a level five disability," for the school fiscal year beginning July 1, ~~2021-2022~~, is ~~\$33,124.35~~ \$34,293.00. For each school year thereafter, the allocation for a student with a level five disability shall be the previous fiscal year's allocation for such child increased by the index factor;
- (12A) "Allocation for a student with a level six disability," for the school fiscal year beginning July 1, ~~2021-2022~~, is ~~\$8,459.26~~ \$9,066.00. For each school year thereafter, the allocation for a student with a level six disability shall be the previous fiscal year's allocation for such 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 in accordance with rules promulgated pursuant to § 13-37-1.1;
- (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 which is 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 § 13-27-2 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 the State of South Dakota;
- (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 ~~0.1~~ 0.1072 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 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;
 - (i) Sum the results of (a) to (h), inclusive;
- (19) "Effort factor," the school district's special education tax levy in dollars per thousand divided by ~~\$1.470~~ \$1.399. The maximum effort factor is 1.0.

Signed March 24, 2022

Chapter 42
(House Bill 1080)

An Act to prolong requirements for increasing teacher compensation.

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

Section 1. That § 13-13-73.6 be AMENDED:

13-13-73.6. The Department of Education shall calculate the following for each school district:

- (1) The average teacher salary, based on data collected pursuant to §§ 13-3-51 and 13-8-47;
- (2) The increase in local need pursuant to § 13-13-10.1, excluding any effect due to change in the school district's fall enrollment and less the amount of revenue generated in school fiscal year 2016 as a percentage increase, from fiscal year 2016 to fiscal year 2017; and
- (3) The increase in average teacher compensation as a percentage increase, as defined in § 13-8-47, from fiscal year 2016 to fiscal year 2017.

~~For each school district, the district's increase in average teacher compensation from fiscal year 2016 to 2017 shall be equal to at least eighty five~~

percent of the district's increase in local need, as defined in subdivision (2), from fiscal year 2016 to fiscal year 2017 and, notwithstanding any negotiated agreement, at least eighty five percent of the increase in state aid to general education funding the school district receives for fiscal year 2017, less the amount of revenue generated in fiscal year 2016, shall be used to increase instructional salaries and benefits for certified instructional staff.

If a district fails to comply with the requirements of this section, state aid to general education funding to the district in fiscal year 2018 shall be decreased by an amount equal to fifty percent of the amount calculated in subdivision (2).

For ~~each~~ fiscal years year from 2019, 2020, and 2021 to 2024, inclusive, if a district's average teacher compensation is less than the district's average teacher compensation in fiscal year 2017, state aid to general education funding to the district in the following fiscal year ~~shall~~ must be reduced by an amount equal to five hundred dollars for each teacher employed in the school district.

A school district may request a waiver from any penalty imposed under this section from the School Finance Accountability Board.

Signed February 23, 2022

Chapter 43
(House Bill 1302)

An Act to modify tuition responsibilities for children in residential treatment centers.

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

Section 1. That § 13-28-10 be AMENDED:

13-28-10. ~~If Except as otherwise provided in this section, if a school age child resides in a home other than the residence of his the child's parents, guardian, or noncustodial parents, on a temporary or permanent basis, the school residency of the child is where the parents, noncustodial parents, or guardian reside unless, upon request of the person with whom the child is living, the local school board of the school district accepts the child as a resident of that school district.~~

If the school board rejects the request, the person who made the request may, within fifteen days after receipt of the rejection, ~~appeal to petition~~ the school board for a hearing. The decision of the school board, after the hearing is final and, may be appealed to the circuit court.

~~However, a~~ school age child is a resident of the school district ~~where the school age in which the child is placed by the Unified Judicial System, the Department of Corrections, or entities approved by the Department of Human Services, or the Department of Social Services, including a foster home.~~

Section 2. 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 ~~where-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 not ~~eligible for special education services placed by an individualized education program team but is,~~ at the time of placement and ~~is,~~ enrolled in a ~~public~~ school district or state operated school ~~at the time of placement shall~~ 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, or any entity approved by the Department of Social Services. For purposes of this section, a state,~~

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 is, 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.

Section 3. That § 13-28-39 be AMENDED:

13-28-39. The Department of Social Services shall pay tuition costs and related service costs for students in residential treatment centers, ~~intensive residential treatment centers,~~ or group care centers for minors who are under the care and custody of the Department of Social Services, ~~the Unified Judicial System, or other entities approved by the secretary of~~ or the Department of Social Services Corrections.

The Department of Social Services ~~will have~~ has rate setting authority for tuition costs and related service costs.

The ~~secretary of the~~ Department of Social Services ~~may~~ shall promulgate rules, pursuant to chapter 1-26, pertaining to:

- (1) The amount, scope, and duration of services;
- (2) The basis for and extent of provider payments;
- (3) The method and amount of payment;
- (4) The methods of recoupment or recovery of overpayments;
- (5) Administration, record keeping, and audit requirements;
- (6) Compliance monitoring;
- (7) Reporting ~~requirement~~ requirements; and
- (8) Such other standards and requirements as ~~may be~~ necessary to ensure the efficient operation and administration of the program.

Section 4. That § 13-28-52 be AMENDED:

13-28-52. The South Dakota Board of Education Standards may promulgate rules, pursuant to chapter 1-26, regarding services provided and tuition paid for children residing in residential treatment centers or intensive residential treatment centers, ~~as provided in §§ 13-28-11 and 13-13-87, including:~~

- (1) The scope, duration, and requirements of enrollment for purposes of qualifying for and calculating rates and payments;

- (2) The amount, scope, and duration of services;
- (3) The basis for, extent of, and timing of payments;
- (4) The method and amount of payment;
- (5) The methods of recoupment or recovery of overpayments;
- ~~(5)~~(6) Reporting requirements;
- ~~(6)~~(7) Designation of additional state operated schools referenced in § 13-28-11; and
- ~~(7)~~(8) Other standards and requirements as may be necessary to ensure the efficient operation and administration of the program.

Signed March 18, 2022

Chapter 44
(Senate Bill 167)

An Act to clarify the certification process for teachers and school administrators.

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

Section 1. That § 13-42-9 be AMENDED:

13-42-9. The secretary may refuse to issue or renew, or may revoke, or suspend, any certificate for:

- (1) Incompetency;
- (2) ~~Violation of the code of ethics, established pursuant to § 13-43-25 or 13-43-45, as determined~~ A determination by the Professional Teachers Practices and Standards Commission or the Professional Administrators Practices and Standards Commission that a violation of the code of ethics established pursuant to § 13-43-25 or 13-43-45 exists;
- (3) Flagrant neglect of duty;
- (4) Failure to fulfill any requirement for certification imposed pursuant to this chapter or chapter 13-43 and rules promulgated thereto;
- (5) Moral turpitude, as defined in § 22-1-2; or
- (6) Any other cause specifically allowed by law.

Section 2. That § 13-42-67 be AMENDED:

13-42-67. Unless there is cause to refuse to issue the certificate pursuant to §§ ~~13-42-7~~~~13-42-9~~ to 13-42-10, inclusive, the secretary shall, within thirty days of receiving a completed application, issue a teaching certificate to an applicant whose application has been deemed completed by the Department of Education and:

- (1) Who holds in good standing a valid certificate issued by another state or the District of Columbia;
- (2) Who is an active duty member of the armed forces of the United States or

the spouse of an active duty member of the armed forces of the United States; and

- (3) Who is the subject of a military transfer to South Dakota.

An application is considered complete once the department has received all required documentation necessary to process the application. No applicant for a certificate issued pursuant to this section is required to pay an application fee or any other fee payable to the department.

If the secretary denies the issuance of a certificate to an applicant pursuant to this section, the secretary shall report the denial and the reasons for the denial to the Department of Labor and Regulation.

Section 3. That § 13-42-7 be REPEALED:

~~The secretary may refuse to issue or renew a certificate at any time for any of the reasons referenced in § 13-42-9 or 13-42-10.~~

Signed March 21, 2022

Chapter 45
(House Bill 1308)

An Act to provide for the payment of signing bonuses to school district staff members.

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

Section 1. That § 13-43-61 be AMENDED:

13-43-61. ~~Notwithstanding any other provision of law, a~~ school district may offer and, upon the signing of a contract by both parties, pay a signing bonus, moving expenses, or tuition reimbursement to a ~~teacher-staff member~~ employed in the school district.

Section 2. That § 13-43-62 be AMENDED:

13-43-62. ~~Any~~ A payment authorized in § 13-43-61 may be paid ~~as follows:~~

- (1) In one lump sum, upon completion of the ~~teacher's-staff member's~~ first year of employment in the school district; or
- (2) In installments, over a period not to exceed three years from the date the ~~teacher-staff member~~ signed a contract of employment with the school district, and upon the terms and conditions ~~as may be~~ mutually agreed upon by the school district and the ~~teacher-staff member~~.

Section 3. That § 13-43-63 be AMENDED:

13-43-63. ~~Any~~ A payment authorized in § 13-43-61 is in addition to any amount payable under a negotiated ~~teacher's~~ contract, ~~and a.~~ A school district may, ~~but is not required to,~~ negotiate ~~any~~ a payment authorized in § 13-43-61 with the ~~teacher's-staff member's~~ designated collective bargaining representative.

Signed March 9, 2022

Chapter 46
(Senate Bill 131)

An Act to require the Board of Regents to provide an annual presentation to the special committee.

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

Section 1. That chapter 13-49 be amended with a NEW SECTION:

The Board of Regents must provide an annual presentation to the special committee, created pursuant to § 4-8A-2, no later than November 1 each year, regarding letters of intent issued by the Joint Committee on Appropriations, or information requested by the special committee on the recommendations from the task force created by Senate Bill 55 enacted in the 2020 legislative session. The provisions of this section are repealed on July 1, 2027.

Signed March 16, 2022

Chapter 47
(House Bill 1024)

An Act to revise and repeal certain provisions regarding self-support tuition rates at off-campus locations governed by the Board of Regents.

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

Section 1. That § 13-51-1.3 be AMENDED:

13-51-1.3. The expenditures authorized by chapter 106 of the 2006 Session Laws ~~shall~~ must be solely for the purposes of providing a site for the operation of instructional, research, and service programs delivered through institutions established by the Legislature and governed by the Board of Regents. The Board of Regents may only use the property for the primary purpose of education or research. It is the intent of the Board of Regents and the Eighty-first Legislature that the Board of Regents may not without express legislative authorization:

- (1) Organize the programs delivered at this site into a separate degree-granting institution;
- (2) Erect student residence facilities on the site;
- (3) Construct facilities on the site for use as intercollegiate athletic practice or competition;
- (4) Establish intercollegiate athletic teams at the site;
- (5) Sell any portion of the property acquired pursuant to chapter 106 of the 2006 Session Laws unless the property is appraised and advertised and offered for sale at public auction. No portion of the property may be sold except at public sale and for an amount less than the appraised value;

- (6) ~~Offer courses taught on the property at any rate other than the self-support tuition rate;~~
- (7) ~~Lease for nonagricultural purposes more than ten percent of the surface area of the property to third parties;~~
- (8)(7) ~~Lease to third parties more than ten percent of the useable space within any building constructed with state funds appropriated by the Legislature; or~~
- (9)(8) ~~Permit any free-standing commercial facility to be constructed on the property or any commercial facility to be located within any building constructed with state funds unless the commercial facility is reasonably needed to meet the convenience and needs of the students and instructors using the building.~~

Section 2. That § 13-28-37.1 be AMENDED:

13-28-37.1. A state subsidized high school dual credit program ~~shall~~ must be established for any student in grades 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 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 ~~off-campus~~ tuition rate. The student taking the course shall pay an amount equal to thirty-three and three-tenths 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 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 ~~off-campus~~ 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.

Section 3. That § 13-51-1.2 be REPEALED:

~~All courses offered at off-campus locations, which does not include online or other remote technology course offerings, will be at self-support tuition rates established by the Board of Regents, with the exception of nursing courses offered at the Pierre site through the University of South Dakota and South Dakota State University, which can be offered at state support rates if authorized by the board.~~

Section 4. That § 13-55-2.1 be REPEALED:

~~Any veteran who is eligible for free tuition pursuant to § 13-55-2 who is enrolled, at a self-supporting off-campus institution, in any undergraduate course under the control and management of the Board of Regents not subsidized by the~~

~~general fund is entitled to a benefit of one hundred percent of the in-state resident tuition to be paid to the institution by the Board of Regents. The veteran shall pay to the institution any self-support off-campus tuition charge in excess of the in-state resident tuition.~~

Signed March 9, 2022

Chapter 48
(Senate Bill 154)

An Act to revise criteria for the South Dakota freedom scholarship.

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

Section 1. That § 13-55A-15 be AMENDED:

13-55A-15. The agreement required in section 9 of SL 2021, ch 83, ~~shall~~must provide for a governing board. The board ~~shall~~must consist of five members appointed by the Governor, for a term of five years, except that the initial appointments ~~shall be~~are for periods of one, two, three, four, and five years. The Governor shall appoint one member as the temporary chair of the board. The board shall elect a chair at its first meeting. A majority of the board ~~shall~~must be present ~~either personally or by teleconference~~electronically to constitute a quorum.

The board shall provide eligible South Dakota students, as described in § 13-55A-16, with a needs-based scholarship to attend an eligible postsecondary institution, as described in § 13-55A-17. The distributable income of the South Dakota Freedom Scholarship endowment ~~shall~~must be expended annually to benefit eligible South Dakota students. Any excess earnings or other income to the endowment ~~shall~~must be added to the endowment principal. The board shall determine the manner and method of disbursement of the needs-based scholarships, based upon the undergraduate full-time, degree-seeking, South Dakota resident enrollments of each participating, eligible institution, as described in § 13-55A-17.

Section 2. That § 13-55A-16 be AMENDED:

13-55A-16. ~~The board may consider a~~ student is eligible for a South Dakota Freedom Scholarship, pursuant to § 13-55A-15, if the student:

- (1) Is a state resident for at least one year prior to application for the scholarship;
- (2) Attends an eligible institution in pursuit of a baccalaureate degree;
- (3) Establishes financial need, as determined by the eligible institution and the board described in § 13-55A-15;
- (4) Commits, in writing, to live and work in this state for a period of three years after graduation, or following military service or graduate education, if applicable;
- (5) Maintains a 2.5 GPA or higher of at least 2.0 while enrolled at an eligible institution; and
- (6) ~~Graduates from an eligible institution within five years; and~~
- (7) Agrees, through a promissory note or other agreement, that failure to

comply with ~~the provisions of this section shall result~~ results in the scholarship being converted to an interest-bearing loan.

A student is eligible to receive a scholarship under this section for five years. If a student fails to complete a baccalaureate degree within five years from the date of initial attendance, the board may convert any amounts awarded to the student into an interest-bearing loan.

Notwithstanding the provisions of this section, the board may temporarily or permanently waive the requirements of this section if factors, as determined by the board ~~may determine~~, prevent a student from satisfying the requirements in this section.

Section 3. That § 13-55A-17 be AMENDED:

13-55A-17. For purposes of §§ 13-55A-15 to 13-55A-17, inclusive, an eligible institution is an accredited public or nonpublic nonprofit postsecondary institution, including any tribal college, with a primary physical campus in this state, that:

- (1) Elects to participate in the scholarship program provided in §§ 13-55A-15 to 13-55A-17, inclusive; and
- (2) Offers a baccalaureate degree; ~~and~~
- ~~(3) Designates an associated nonprofit entity to receive and award scholarship funds to the institution's eligible students, as described in § 13-55A-16, on the eligible institution's behalf.~~

Signed March 21, 2022

Chapter 49
(House Bill 1009)

An Act to revise certain provisions of the Higher Education Savings Plan Act.

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 and related regulations;
- (4)(5) "Contributor," any person making a contribution to an account;
- (5)(6) "Council," the South Dakota Investment Council;
- (6)(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;
- (7)(8) "Eligible education institution," ~~an institution that is eligible to participate in any financial assistance program authorized by Title IV of the Higher Education Act of 1965, as amended through January 1, 2001, and that is any of the following as permitted by section 529 of the Internal Revenue Code and related regulations:~~ (a) ~~An institution described in the Higher Education Act of 1965 (P.L. 89-329, 79 stat. 1219; 20 United States Code sections 1001 through 1150);~~
- (b) ~~An area vocational educational school as defined in section 521(3), subparagraph (C) or (D) of the Carl D. Perkins Vocational Education Act (P.L. 98-524; 98 stat. 2435; 20 United States Code sections 2301 through 2471);~~
- (c) ~~An institution accredited for private postsecondary education as defined in section 529(e)(5) of the Internal Revenue Code;~~
- (8)(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, 2022;
- (9)(12) "Member of the family," any of the following-
- (a) ~~A son or daughter of an individual or a descendant of the son or daughter of the individual;~~
- (b) ~~A stepson or stepdaughter of an individual;~~
- (c) ~~A brother, sister, stepbrother, or stepsister of an individual. For purposes of this subsection, the terms, brother and sister, include a brother or sister by the half blood;~~
- (d) ~~The father or mother of an individual or an ancestor of the father or mother of an individual;~~
- (e) ~~A stepfather or stepmother of an individual;~~

- (f) ~~A son or daughter of an individual's brother or sister. For purposes of this subsection, the terms, brother and sister, include a brother or sister by the half blood;~~
- (g) ~~A brother or sister of an individual's father or mother. For purposes of this subsection, the terms, brother and sister, include a brother or sister by the half blood;~~
- (h) ~~A son in law, daughter in law, father in law, mother in law, brother in law, or sister in law of an individual;~~
- (i) ~~The spouse of an individual or the spouse of an individual described in this subdivision;~~
- (j) ~~Any individual who meets the criteria to be a member of the family as described in this subdivision as a result of legal adoption;~~
- (k) ~~Any other individual who is considered a member of the family under section 529 of the Internal Revenue Code and related regulations as defined in section 529(e)(2) of the Internal Revenue Code;~~
- ~~(11)~~(13) "Person," as defined in the regulations to section 529 of the Internal Revenue Code, 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;
- ~~(12)~~(14) "Program," the higher education savings program established under this chapter;
- (13)(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," tuition, fees, books, supplies, and equipment required for enrollment or attendance and room and board of a designated beneficiary at an eligible education institution, and any other expenses qualifying as qualified higher education expenses under section 529 of the Internal Revenue Code and related regulations; provided that room and board expenses qualify only if the beneficiary enrolls at least half time and only if the expenses do not exceed the minimum room and board allowance determined in calculating costs of attendance for federal financial aid programs 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;
- ~~(17)~~(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 state tuition program maintained by another state in accordance with section 529 of the Internal Revenue Code and related regulations, or any other rollover allowed by section 529 of the Internal Revenue Code.

Section 2. That § 13-63-3 be AMENDED:

13-63-3. The council may implement the program through the use of one or more financial institutions to act as the depositories and managers. Under the program, persons may establish accounts through the program at a depository. The council may solicit proposals from financial institutions to act as the depositories and managers of the program. Financial institutions that submit

proposals must describe the financial instruments that will be held in accounts. Any program depositories and managers selected by the council shall be selected from among bidding financial institutions that demonstrate the most advantageous combination, both to potential program participants and this state, of the following factors:

- (1) Financial stability and integrity;
- (2) The safety of the investment instruments being offered, taking into account any insurance provided with respect to these instruments;
- (3) The ability of the financial institution to track estimated costs of higher education as calculated by the council;
- (4) The ability of the financial institutions, directly or through a subcontract, to satisfy record-keeping and reporting requirements;
- (5) The financial institution's plan for promoting the program and the investment it is willing to make to promote the program;
- (6) The fees, if any, proposed to be charged to persons for maintaining accounts;
- (7) The minimum initial deposit and minimum contributions that the financial institution will require and the willingness of the financial institution to accept contributions through payroll deduction plans and other deposit plans; and
- (8) Any other benefits to this state or its residents included in the proposal, including, if applicable, an account opening fee payable to the council by the account owner and an additional fee from the financial institution for statewide program marketing by the council.

Section 3. That § 13-63-4 be AMENDED:

13-63-4. The council ~~shall~~ may enter into a contract with any financial institution ~~engaged~~ selected to serve as a program manager and depository.

~~The council may select more than one financial institution if both of the following conditions exist:~~

~~(1) The United States Internal Revenue Service has provided guidance that giving a contributor such a choice will not cause the program to fail to qualify for favorable tax treatment under section 529 of the Internal Revenue Code and related regulations; and~~

~~(2) The council concludes that the choice of financial institutions is in the best interest of program beneficiaries and will not interfere with the promotion of the program. The contract may include terms and conditions, not contrary to federal or state law, as agreed to by the parties.~~

Section 4. That § 13-63-9 be AMENDED:

13-63-9. The program ~~shall~~ must be operated through the use of accounts. An account may be opened by any person who desires to save to pay the qualified higher education expenses of an individual by satisfying each of the following requirements:

- (1) Completing an application in the form prescribed by the council. ~~The application shall include the following information that includes:~~
 - (a) The name, address, and social security number or employer identification number of the contributor;

- (b) The name, address, and social security number or employer identification number of the account owner if the account owner is not the contributor;
 - (c) The name, address, and social security number of the designated beneficiary;
 - (d) ~~The certification relating to~~ A certification acknowledging that no excess contributions required by § 13-63-21 will be permitted pursuant to applicable law; and
 - (e) Any other information that the council may require;
- (2) Paying ~~the~~ any one-time application fee established by the council;
 - (3) Making the minimum contribution required by the council; and
 - (4) Designating the type of account to be opened if more than one type of account is offered.

Section 5. That § 13-63-12 be AMENDED:

13-63-12. An account owner may change the designated beneficiary of an account to an individual who is a member of the family of the former designated beneficiary or to any other individual in accordance with this section or with procedures established by the council by rules promulgated pursuant to chapter 1-26.

To change the designated beneficiary, the owner shall certify to the financial institution the name, address, social security number, and relationship of the new designated beneficiary to the previously named designated beneficiary. The change is effective upon the financial institution's receipt of the certification.

Section 6. That § 13-63-13 be AMENDED:

13-63-13. On the direction of an account owner, all or a portion of an account may be transferred to another account of which the designated beneficiary is a member of the family of the designated beneficiary of the transferee account, if the transferee account was created by this chapter or under a qualified state tuition program maintained by another state in accordance with section 529 of the Internal Revenue Code ~~and related regulations~~, or to an Achieving a Better Life Experience account in accordance with section 529A of the Internal Revenue Code.

Section 7. That § 13-63-18 be AMENDED:

13-63-18. ~~No~~ A contributor to, account owner of, or designated beneficiary of, any account may not, directly or indirectly, direct the investment of any contributions to an account or the earnings from the account, except to the extent permitted under section 529 of the Internal Revenue Code ~~and related regulations~~. A financial institution may not permit a contributor, account owner, or designated beneficiary to act with respect to an account in a manner that constitutes investment direction, except to the extent permitted under section 529(b)(4) of the Internal Revenue Code.

The council, as trustee, may offer participants a choice of several investment options, some of which may require investment counseling prior to participation. Any investment vehicle offered by the council ~~shall~~ must be in accordance with policies of the council adopted pursuant to this chapter and ~~shall~~ must be consistent with the investments of a prudent person with similar objectives and ~~shall~~ must further be separate from, and not commingled with, other investment programs of the council.

Section 8. That chapter 13-63 be amended with a NEW SECTION:

For each designated beneficiary, the balance in the qualified tuition program may not exceed the limits as defined in section 529 of the Internal Revenue Code. If the financial institution determines that a contribution would cause the account balance limit to be exceeded, the financial institution may only deposit that portion of the contribution, if any, that does not result in an excess balance. The financial institution shall return the excess to the contributor or permit the account owner to transfer the excess to another account in accordance with § 13-63-13. The program manager shall continuously monitor the current, cumulative balance in the accounts for each designated beneficiary.

Section 9. That § 13-63-23 be AMENDED:

13-63-23. The financial institution shall provide statements to each account owner ~~at least once each year~~ annually within thirty-one days after the twelve-month period to which they relate. The statement ~~shall identify the~~ must include a minimum of the beginning balance; all contributions made during a the preceding twelve-month period; the sum total of contributions made through the end of the period; any interest accrued, penalties charged, and distributions made during the period; the value of the account as of the end of this the period; distribution made during this period; and any other matters that the council requires be reported to the account owner.

Section 10. That § 13-63-30 be AMENDED:

13-63-30. Every contract, application, deposit slip, or any other similar document that may be used in connection with a contribution to an account shall clearly indicate, in a typeface and a location that are readily visible, that the account is not insured by this state and neither the principal deposited nor the investment return is guaranteed by this state.

Signed February 9, 2022



**Chapter 50
(Senate Bill 71)**

An Act to revise certain provisions related to the partners in education tax credit program.

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

Section 1. That § 13-65-1 be AMENDED:

13-65-1. Terms, as used in this chapter, mean:

- (1) "Division," the Division of Insurance in the Department of Labor and Regulation;
- (2) "Educational scholarship," a grant to an eligible student to cover all or part of the tuition and fees at a qualifying school. The average value of all scholarships awarded by a scholarship granting organization may not exceed eighty-two and five-tenths percent of the state's share of the per student equivalent, as defined in § 13-13-10.1;

- (3) "Eligible student," any student entering kindergarten through twelfth grade who resides in South Dakota while receiving the educational scholarship and:
- (a) Is a member of a household whose total annual income, the year before the student enters the program, did not exceed one hundred fifty percent of the income standard used to qualify for a free or reduced-price lunch under the national free or reduced-price lunch program. If sufficient funding is available, once a student meets the initial income eligibility requirement, the student remains income eligible for three years or if the student is entering high school, until the student graduates high school regardless of household income. After the initial period of income eligibility, a student remains eligible if the student is a member of a household whose total annual income in the prior year did not exceed two hundred percent of the income standard used to qualify for a free or reduced-price lunch; ~~and or~~
 - (b) ~~Resides in South Dakota while receiving the educational scholarship~~
Is in foster care;
- (4) "Low-income eligible student," any student who is a member of a household whose total annual income, the year before the student enters the program, did not exceed one hundred percent of the income standard used to qualify for a free or reduced-price lunch under the national free or reduced-price lunch program;
- (5) "Parent," any guardian, custodian, or other person with authority to act in place of a parent for the child;
- (6) "Program," the partners in education tax credit program established pursuant to this chapter;
- (7) "Qualifying school," any nonpublic school that operates within the boundaries of South Dakota or any tribally controlled school on a federally recognized Indian reservation that operates within the boundaries of South Dakota, is accredited by the Department of Education, provides education to elementary or secondary students, and has notified a scholarship granting organization of its intention to participate in the program and comply with the program requirements. This term excludes any school that receives a majority of its revenues from public funds;
- (8) "Scholarship granting organization," a nonprofit organization that complies with the requirements of the program and provides educational scholarships to students.

Section 2. That § 13-65-3 be AMENDED:

13-65-3. Notwithstanding the provisions of § 13-65-2, the total amount of tax credits claimed on annual premium tax returns pursuant to this chapter may not exceed ~~two three~~ million five hundred thousand dollars in fiscal year ~~2017~~ 2023 and each year thereafter.

Signed February 9, 2022

**Chapter 51
(Senate Bill 46)**

An Act to protect fairness in women's sports.

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

Section 1. That a NEW SECTION be added to title 13:

Any interscholastic, intercollegiate, intramural, or club athletic team, sport, or athletic event that is sponsored or sanctioned by an accredited school, school district, an activities association or organization, or an institution of higher education under the control of either the Board of Regents or the Board of Technical Education must be designated as one of the following, based on the biological sex at birth of the participating students:

- (1) Females, women, or girls;
- (2) Males, men, or boys; or
- (3) Coeducational or mixed.

Only female students, based on their biological sex, may participate in any team, sport, or athletic event designated as being for females, women, or girls.

For purposes of this section, biological sex is either female or male and the sex listed on the student's official birth certificate may be relied upon if the certificate was issued at or near the time of the student's birth. The failure to comply with this section is a limited waiver of sovereign immunity for relief authorized under this Act.

Section 2. That a NEW SECTION be added to title 13:

If a student suffers direct or indirect harm as a result of a violation of section 1 of this Act, that student has a private cause of action for injunctive, mandamus, and declaratory relief, against the accredited school, school district, activities association or organization, or institution of higher education under the control of either the Board of Regents or the Board of Technical Education that caused the harm.

If a student is subjected to retaliation or other adverse action by an accredited school, school district, activities association or organization, or institution of higher education as a result of reporting a violation of section 1 of this Act to an employee or representative of the school, school district, activities association or organization, institution of higher education, or to a state or federal governmental entity having oversight authority, that student has a private cause of action for injunctive, mandamus, and declaratory relief, against the school, school district, activities association or organization, or institution of higher education. In addition, no governmental entity may investigate a complaint or take any adverse action against an accredited school, school district, activities association or organization, or institution of higher education, or any employee or governing board member of the foregoing for compliance with section 1 of this Act.

Section 3. That a NEW SECTION be added to title 13:

If an accredited school, school district, or institution of higher education under the control of either the Board of Regents or the Board of Technical Education suffers any direct or indirect harm as a result of a violation of section 1 of this Act, that school, school district, or institution of higher education has a

private cause of action for injunctive, mandamus, and declaratory relief, against the governmental entity, licensing or accrediting organization, or activities association or organization.

Section 4. That a NEW SECTION be added to title 13:

No governmental entity, accredited school, school district, or institution of higher education may be liable to any student for its compliance with section 1 of this Act.

A civil action under sections 2 or 3 of this Act must be initiated within two years from the date the alleged harm occurred.

Any party prevailing on a claim brought under sections 2 or 3 of this Act is entitled to reasonable attorney's fees and costs.

Section 5. That a NEW SECTION be added to title 13:

For any lawsuit brought or any complaint filed against an accredited school, a school district, or an institution of higher education under the control of either the Board of Regents or the Board of Technical Education, or an employee, board, or a member thereof, as a result of compliance with section 1 of this Act, the attorney general shall provide legal representation at no cost to that entity or individual.

In addition to the expenses of representation, the state shall assume financial responsibility for any other expense related to the lawsuit or complaint and incurred by an accredited school, a school district, or an institution of higher education, or an employee, board, or a member, including any award for attorney's fees and costs for which that entity or individual would be otherwise responsible.

Signed February 3, 2022

CIVIL PROCEDURE

**Chapter 52
(House Bill 1079)**

An Act to revise provisions regarding court transcript costs.

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

Section 1. That § 15-15-7 be AMENDED:

15-15-7. Unless ordered by the court to be supplied to an indigent or an indigent's counsel and paid out of the county treasury where court was held, a fee shall be charged to the person ordering a typewritten transcript by filing of an order for transcript on appeal of a proceeding taken by an officer of the court, which shall be certified to be a correct transcript of the reporter's notes of the evidence, ~~at the rate of three dollars per page for the original. The fee for a copy, furnished on request, is forty cents per page, to be paid to the officer of the court who prepared the transcript.~~

Section 2. The amendment to § 15-15-7 provided in section 1 of this Act is subject to the Supreme Court's adoption of a new rule establishing the page rate cost for both an original and copy of the transcript, effective January 1, 2023.

Signed March 7, 2022

COURTS AND JUDICIARY

**Chapter 53
(House Bill 1104)**

An Act to revise provisions related to the location of courtroom facilities.

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

Section 1. That § 16-6-7 be AMENDED:

16-6-7. The board of county commissioners in every county in this state may provide the circuit judge of the judicial circuit of which such county forms a part with suitable and sufficient courtroom facilities and equip the same to conduct the business of the court at a place other than the county seat of such county ~~but~~ within said county where such judge resides.

Signed February 10, 2022

**Chapter 54
(House Bill 1109)**

An Act to revise a provision related to the review of the master jury list.

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

Section 1. That § 16-13-15 be AMENDED:

16-13-15. The clerk of courts ~~and county auditor~~ shall ascertain whether each of the persons on the master juror list has the qualifications of a juror as provided by § 16-13-10 from the information available from records of the county or other readily available sources, or has served as a juror within two years. A person has served as a juror if that person has been summoned and appeared for a trial. If, at any time, it appears that any person listed does not have the qualifications to serve as a juror or has served as a juror within two preceding years, the clerk of courts shall strike the name from the list and draw another in its place if necessary. The clerk of courts shall adjust the number to be drawn to allow for the elimination of the names of those disqualified.

The clerk of courts shall record with the list of jurors the reasons for disqualification of any person stricken from the master jury list.

Signed February 14, 2022

NOTICE AND PUBLICATION

Chapter 55 (House Bill 1075)

An Act to modify legal and official notice publication requirements.

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

Section 1. That § 17-2-1 be AMENDED:

17-2-1. All legal and other official notices ~~shall~~ must be published in a legal newspaper as ~~defined~~ described in this chapter, ~~and the~~. When any legal notice is required by law to be published in any newspaper, the newspaper publishing the notice shall place the notice on a statewide website, established and maintained as a repository for such notices by an organization representing a majority of South Dakota newspapers.

The newspaper shall include a prominent link to the statewide website on the newspaper's website homepage or post all public notices to the newspaper's website in a manner that is accessible and free to the public, if the newspaper maintains a website. The affidavit of publication shall must state that such the newspaper is a legal newspaper, which. The affidavit shall be is prima facie evidence of that fact, and every. Each affidavit of publication shall must state in plain terms the fees charged thereon.

Section 2. That § 17-2-2.1 be AMENDED:

17-2-2.1. No publication is a legal newspaper for publishing legal and other official notices unless, for at least one year prior to publication of such notices, the publication is printed in the English language and contains at least four pages per issue, with at least one hundred twenty square inches of printed matter per page; and if the publication is a daily, is distributed in either a printed or electronic format, or both, at least five days each week, or if not a daily, is distributed in either a printed or electronic format, or both, at least once each week for at least fifty weeks each year. In any week in which there is a legal holiday, no more than four issues of a daily newspaper are necessary.

Section 3. That § 17-2-2.4 be AMENDED:

17-2-2.4. A legal newspaper shall, for at least one year prior to publication of legal and official notices, maintain a known office of publication in the community where its mailing permit of original entry is issued, for the purpose of gathering news, soliciting advertising, and conducting general newspaper business for at least eight normal business hours per week. The terms, "printed", or "published", mean that the newspaper is published where it maintains its known office of publication as described in this section, ~~but no~~. No newspaper may have more than one place where it is published at the same time.

Section 4. That § 17-2-28 be AMENDED:

17-2-28. If the publication of any notice, minutes, bids, document, or other information is required by law by the state or any municipality, county, or school district, the public notice ~~shall~~ must bear ~~an inscription listing inscriptions that list~~ the approximate cost of the newspaper publication and that the notice

may be viewed free of charge on a statewide public notice website maintained pursuant to § 17-2-1. The inscription shall inscriptions must be printed at the top or bottom of the public notice and in the same type size as the body of the public notice.

Signed February 17, 2022

OATHS AND ACKNOWLEDGMENTS

**Chapter 56
(Senate Bill 107)**

An Act to provide for the remote witnessing of certain legal instruments.

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

Section 1. That a NEW SECTION be added to title 18:

Terms used in this chapter mean:

- (1) "Electronic," relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities;
- (2) "Electronic presence," the relationship of two or more individuals in different locations communicating by means of video communication technology;
- (3) "Instrument," a will, a declaration, a power of attorney, a pre-need cremation authorization, or an anatomical gift or refusal to make an anatomical gift of the individual's body or part thereof;
- (4) "Video communication technology," an electronic device or process that allows a signer and a remotely located person or persons not in the physical presence of the signer to communicate in real-time simultaneously by sight and sound and that makes any necessary reasonable accommodation for individuals with vision, hearing, or speech impairments;
- (5) "Signer," an individual who signs or who acknowledges that signature. A signer also includes an individual who directs another person to sign for the signer in the physical presence of the signer.

Section 2. That a NEW SECTION be added to title 18:

A non-holographic will is validly signed when signed in the electronic presence of the testator by two or more individuals who, in the electronic presence of the testator, witnessed either the signing of the will or the testator's acknowledgment of that signature.

Section 3. That a NEW SECTION be added to title 18:

A declaration made pursuant to § 34-12D-2 may be witnessed by two adult individuals in the electronic presence of the declarant.

Section 4. That a NEW SECTION be added to title 18:

A durable power of attorney for health care decisions made pursuant to § 59-7-2.1 is validly signed when the signature is witnessed by two other adult individuals in the electronic presence of the principal.

Section 5. That a NEW SECTION be added to title 18:

An anatomical gift or a refusal to make an anatomical gift of the individual's body or part thereof pursuant to subdivisions 34-26-52(b) or 34-26-54(b) may also be witnessed by two adults, at least one of whom is a disinterested witness, who have signed at the request of the signer in the electronic presence of the signer.

Section 6. That a NEW SECTION be added to title 18:

A pre-need cremation authorization made pursuant to § 34-26A-38 may also be witnessed by two witnesses in the electronic presence of the person as authorizing agent.

Signed March 24, 2022

PERSONAL RIGHTS AND OBLIGATIONS

Chapter 57 (Senate Bill 135)

An Act to revise provisions regarding agritourism liability.

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

Section 1. That § 20-9-12 be AMENDED:

20-9-12. Terms used in §§ 20-9-12 to 20-9-18, inclusive, mean:

- (1) "Agritourism activity," any activity carried out on a farm, on a ranch, or in a forest that allows members of the public, for recreation, entertainment, or education purposes, to view or participate in agricultural activities, including farming, ranching, historical, cultural, harvest-your-own, or nature-based activities and attractions. An activity is not an agritourism activity if the participant is paid to participate in the activity;
- (2) "Charge," the admission price or fee asked in return for an invitation or permission to enter on or ~~go upon~~ use the land. Any nonmonetary gift to an owner that is less than one hundred dollars in value may not be construed to be a charge;
- ~~(2)~~(3) "Inherent risk," the conditions, dangers, or hazards that are an integral part of the land used for agricultural purposes, including:
 - (a) Surface and subsurface conditions and natural conditions of land, vegetation, and waters;
 - (b) The behavior of wild and domestic animals;
 - (c) The ordinary dangers of structures or equipment ordinarily used

in farming or ranching operations, if the structures or equipment are used for farming or ranching purposes;

(d) The potential of a participant in an agritourism activity to act in a negligent way that may contribute to an injury to the participant or others, whether by failing to follow safety procedures or by failing to act with reasonable caution while engaging in the agritourism activity;

(4) "Land," land, trails, water, watercourses, private ways, and agricultural structures, and machinery or equipment if attached to the realty;

~~(3)~~(5) "Outdoor recreational purpose activity," includes any of the following activities, or any combination thereof: hunting, fishing, swimming other than in a swimming pool, boating, canoeing, camping, picnicking, hiking, biking, off-road driving, aviation activity, nature study, water skiing, winter sports, snowmobiling, or viewing, or enjoying historical, archaeological, scenic, or scientific sites, or an agritourism activity;

(4) "Agritourism activity," any activity carried out on a farm, on a ranch, in a forest, or on an agribusiness operation that allows members of the general public, for recreational, entertainment, or educational purposes, to view or participate in agricultural activities, including farming, ranching, historical, cultural, harvest your own, or nature based activities and attractions. An activity is an agritourism activity whether or not the participant paid to participate in the activity. An activity is not an agritourism activity if the participant is paid to participate in the activity;

~~(5)~~(6) "Owner," the possessor of a fee interest, a tenant, lessee, occupant, or person in control of the premises land;

(7) "Participant," an individual who, for purposes of outdoor recreational activity, enters on or uses the land of another but does not include an owner of the land or an agent, employee, or contractor of an owner of the land.

Section 2. That § 20-9-13 be AMENDED:

20-9-13. Except as provided in § 20-9-16, an owner of land owes no duty of care to keep the land safe for entry on or use by ~~others~~ any participant for outdoor recreational ~~purposes or agritourism activities~~ activity, or to give any warning of a dangerous condition, use, structure, or activity on the owner's land to ~~persons entering for outdoor recreational purposes~~ any participant entering on or using the land for outdoor recreational activity.

Section 3. That § 20-9-14 be AMENDED:

20-9-14. Except as provided in § 20-9-16, an owner of land who either directly or indirectly invites or permits without charge any ~~person to use the owner's property for outdoor recreational purposes or agritourism activities,~~ including any person who is on the property participant to enter on or use the owner's land for outdoor recreational activity, or an owner upon whose land an individual has entered pursuant to § 41-9-8, does not thereby:

- (1) Extend any assurance that the land is safe for any purpose;
- (2) Confer upon any person the legal status of an invitee or licensee to whom a duty of care is owed; or

- (3) Assume responsibility for, or incur liability for, any injury to persons or property caused by an act of omission of the owner as to the maintenance of the land.

Section 4. That § 20-9-15 be AMENDED:

20-9-15. Unless otherwise agreed in writing, the provisions of §§ 20-9-13 and 20-9-14 apply to the duties and liability of an owner of land leased to the state or any political subdivision of the state for outdoor recreational ~~purposes or agritourism activities~~ activity.

Section 5. That § 20-9-16 be AMENDED:

20-9-16. Nothing in §§ 20-9-12 to 20-9-18, inclusive, limits in any way any liability which otherwise exists:

- (1) For gross negligence or willful or wanton misconduct of the owner;
- (2) For injury suffered in any case where the owner of land charges any ~~person who enters or goes on the land for the outdoor recreational use of the land or for agritourism activity, except participant, except as provided in section 7 of this Act or except that~~ in the case of land leased to the state or a political subdivision of the state, any consideration received by the owner for the lease may not be deemed a charge within the meaning of this section nor may any incentive payment paid to the owner by the state or federal government to promote public access for outdoor recreational ~~purposes or agritourism activities~~ be considered a charge; or
- (3) For injury suffered in any case where the owner has violated a county or municipal ordinance or state law which violation is a proximate cause of the injury.

Section 6. That § 20-9-17 be AMENDED:

20-9-17. Sections 20-9-12 to 20-9-18, inclusive, may not be construed to create a duty of care or ground of liability for injury to persons or property, or relieve any person entering on or using the land of another for outdoor recreational purposes or agritourism activities activity from any obligation which the person may have in the absence of §§ 20-9-12 to 20-9-18, inclusive, to exercise care in ~~his or her the person's entry on or use of the land and in his or her activities on the land,~~ or from the legal consequences of failure to employ such care.

Section 7. That chapter 20-9 be amended with a NEW SECTION:

The provisions of subdivision 20-9-16(2) do not apply to injury to an individual or property resulting from inherent risk of an agritourism activity if the owner charges a participant for entry on or use of the land for the agritourism activity and the owner:

- (1) Posts and maintains signage containing the warning, described in this section, in a clearly visible and conspicuous location at or near the entrance to the land used for the agritourism activity; and
- (2) Includes the warning, described in this section, in a written contract between the owner and any participant who is charged to enter on or use the land for the agritourism activity.

The warning shall include the following: WARNING-Under South Dakota law, an owner of property, including lands and waters, who charges individuals an admission price or fee to participate in an agritourism activity on the owner's property, is not liable for injury to or death of a participant in the agritourism

activity or damage to the participant's property of the injury or damage resulted from an inherent risk of the agritourism activity. Inherent risks are conditions, dangers, or hazards that are an integral part of the land used for agritourism activity, including surface and subsurface conditions and natural conditions of the land, vegetation, and waters; the behavior of wild or domestic animals; the ordinary dangers of structures or equipment ordinarily used in farming or ranching operations when such structures or equipment are used for farming or ranching purposes; and the potential for you or another participant to act in a negligent way that may contribute to your injury, death or damages. You are assuming the risk of participating in the agritourism activity for which you are entering on or using the owner's land.

Signed March 3, 2022

JUDICIAL REMEDIES

Chapter 58 (House Bill 1293)

An Act to limit liability for certain child welfare agency licensees.

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

Section 1. That chapter 21-3 be amended with a NEW SECTION:

In a tort action against an entity licensed as a child welfare agency under subdivision 26-6-14(4), or against any officer, director, or employee of the entity, to recover damages for injury or loss to a person or property arising out of any act or omission within the scope of the entity's license, an award of damages may not exceed one million dollars, exclusive of interest from the date of judgment. If the limit on total damages under this section is determined to be unconstitutional, the limit only applies to noneconomic damages.

Signed March 18, 2022

Chapter 59 (Senate Bill 199)

An Act to revise provisions related to a name change for certain crime victims.

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

Section 1. That § 21-37-5.2 be AMENDED:

21-37-5.2. The court may grant an order changing the name of a person without publication of notice or a hearing in open court if all of the following conditions are met:

- (1) The petitioner is over the age of eighteen years or is a guardian of a minor child;
- (2) The petitioner or minor child ~~has resided in the county in which the petition is filed for at least six months~~ is a resident of this state;
- (3) ~~(a)–~~The petitioner ~~or~~:
 - (a) Or minor child is a victim of human trafficking and has a particularized need for a change of name to protect them from a person who victimized them such that there is a sufficient basis to grant an exception to the requirements of §§ 21-37-4 and 21-37-5; or
 - (b) ~~The petitioner is~~ is an adult, is a victim of domestic abuse, ~~has a protection order or a restraining order in effect,~~ and the petitioner shows a particularized need for a change of name to protect the petitioner from the perpetrator such that there is a sufficient basis to grant an exception to the requirements of §§ 21-37-4 and 21-37-5;
- (4) It appears to the court that the name change is in the petitioner's or minor child's best interests; and
- (5) The court finds that the name change is not done for the purposes of fraud.

If good cause exists, the court may order all records regarding the petition and order be sealed. The court may order that if a new certificate of birth is obtained under section 2 of this Act, the original certificate, and any other evidence upon which a new certificate is made, be sealed. The order must include findings that the petitioner is a victim meeting the requirements of subsection (3)(a) or (3)(b). The records shall only be opened by a court order based upon showing good cause or at the petitioner's request.

Section 2. That chapter 34-25 be amended with a NEW SECTION:

If a person obtains a court order for a name change under § 21-37-5.2 and requests a new certificate of birth, the person shall present a certified copy of the court order and the department shall issue a new certificate of birth. The original certificate, and any other evidence upon which a new certificate is made, must be sealed in accordance with the court order. The new certificate must not contain any evidence of a name change. The sealed records may only be opened by a court order based upon showing good cause or at the person's request.

Signed March 15, 2022

CRIMES

**Chapter 60
(House Bill 1162)**

An Act to define a loaded firearm.

Section 1. That § 22-1-2 be AMENDED:

22-1-2. Terms used in this title mean:

- (1) If applied to the intent with which an act is done or omitted:
 - (a) The words, "malice, maliciously," and all derivatives thereof import a wish to intentionally vex, annoy, or injure another person, established either by proof or presumption of law;
 - (b) The words, "intent, intentionally," and all derivatives thereof, import a specific design to cause a certain result or, if the material part of a charge is the violation of a prohibition against conduct of a certain nature, regardless of what the offender intends to accomplish thereby, a specific design to engage in conduct of that nature;
 - (c) The words, "knowledge, knowingly," and all derivatives thereof, import only a knowledge that the facts exist which bring the act or omission within the provisions of any statute. A person has knowledge if that person is aware that the facts exist which bring the act or omission within the provisions of any statute. Knowledge of the unlawfulness of such act or omission is not required;
 - (d) The words, "reckless, recklessly," and all derivatives thereof, import a conscious and unjustifiable disregard of a substantial risk that the offender's conduct may cause a certain result or may be of a certain nature. A person is reckless with respect to circumstances if that person consciously and unjustifiably disregards a substantial risk that such circumstances may exist;
 - (e) The words, "neglect, negligently," and all words derived thereof, import a want of attention to the nature or probable consequences of an act or omission which a prudent person ordinarily bestows in acting in his or her own concerns;
 - (f) If the section defining an offense provides that negligence suffices to establish an element thereof, then recklessness, knowledge, intent, or malice also constitutes sufficient culpability for such element. If recklessness suffices to establish an element of the offense, then knowledge, intent or malice also constitutes sufficient culpability for such element. If knowledge suffices to establish an element of an offense, then intent or malice also constitutes sufficient culpability for such element. If intent suffices to establish an element of an offense, then malice also constitutes sufficient culpability for such element;
- (2) "Actor," the person who takes the active part in a transaction;
- (3) "Affirmative defense," an issue involving an alleged defense to which, unless the state's evidence raises the issue, the defendant, to raise the issue, must present some credible evidence. If the issue involved in an affirmative defense is raised, then the guilt of the defendant must be established beyond a reasonable doubt as to that issue as well as all other elements of the offense;
- (4) "Antique firearm," any firearm, including any firearm with a matchlock, flintlock, percussion cap or similar type of ignition system, manufactured before 1899, and any replica of any firearm described in this section if such replica is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition or if it uses rimfire or conventional centerfire

fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade;

- (5) "Check," any check, draft, order or other commercial device which orders a financial institution to pay a sum certain of money on its presentment;
- (6) "Concealed," any firearm that is totally hidden from view. If any part of the firearm is capable of being seen, it is not concealed;
- (7) "Consideration," any type of property or thing of legal value, whether delivered in the past, present or to be delivered in the future. The term includes an unfulfilled promise to deliver. The term may include an advantage or benefit to the promisor or a loss or detriment to the promisee. Any amount, advantage or inconvenience, no matter how trifling, is sufficient to constitute consideration;
- (8) "Controlled weapon" includes any firearm silencer, machine gun, or short shotgun, as those terms are defined in subdivisions (17), (23), and (46) of this section;
- (9) "Crime of violence," any of the following crimes or an attempt to commit, or a conspiracy to commit, or a solicitation to commit any of the following crimes: murder, manslaughter, rape, aggravated assault, riot, robbery, burglary in the first degree, arson, kidnapping, felony sexual contact as defined in § 22-22-7, felony child abuse as defined in § 26-10-1, or any other felony in the commission of which the perpetrator used force, or was armed with a dangerous weapon, or used any explosive or destructive device;
- (9A) "Critical infrastructure facility," any of the following facilities, whether in operation, idle, or under construction, maintenance or repair, that are enclosed by a fence or other physical barrier that is obviously designed to exclude trespassers and are clearly marked with a sign that is posted on the property and reasonably likely to come to the attention of any trespasser that indicates that entry is forbidden, or any pole or tower used for any of the purposes in this subdivision, whether enclosed or marked with a sign or not:
 - (a) Electric utility facility, including a power generation facility, an electric transmission facility, an electric station or substation, or any other facility used to support the generation, transmission, or distribution of electricity;
 - (b) Water tower, municipal or rural water system well, water intake structure, or water treatment facility;
 - (c) Natural gas utility facility, including a regulator station, a compressor station, an odorization facility, a mainline valve, a natural gas storage facility, or any other facility used to support the acquisition, transmission, distribution, or storage of natural gas;
 - (d) Tank farm, pipeline terminal, pipeline, pump or compressor station or storage facility for gasoline, crude or refined or synthetic oil, ethanol, propane, liquid natural gas, or other hazardous liquid;
 - (e) Transportation facility, including a port, railroad switching yard, or trucking terminal;
 - (f) Hazardous waste storage, treatment, or disposal facility;

- (g) Oil and gas locations, facilities, and equipment, including temporary drilling rigs, permanent oil and gas product facilities, and artificial lift equipment;
 - (h) Communications services facility, infrastructure or equipment involved in the carriage of essential communications services for both wired and wireless communications, switching, routing, repeater/amplifier equipment or other electronic equipment, macro and micro wireless towers using federally licensed spectrum, video headend equipment, and satellite communications receiver or transmission equipment;
 - (i) Dam that is owned by the state or a subdivision;
 - (j) Facility either(i) whose owner or operator is required to submit a risk management plan under the federal Chemical Safety Information, Site Security, and Fuels Regulatory Relief Act (42 U.S.C. 7412(r)); or(ii) is identified and regulated by the United States Department of Homeland Security Chemical Facility Anti-Terrorism Standards (CFATS) program; or
 - (k) Any construction area, pipe yard, or laydown yard for any of the above, whether permanent or temporary in nature;
- (10) "Dangerous weapon" or "deadly weapon," any firearm, stun gun, knife, or device, instrument, material, or substance, whether animate or inanimate, which is calculated or designed to inflict death or serious bodily harm, or by the manner in which it is used is likely to inflict death or serious bodily harm;
- (11) "Dealer in stolen property," any person who:
- (a) Is found in possession or control of property stolen from two or more persons on separate occasions; or
 - (b) Has received stolen property in another transaction within the year preceding the commencement of the prosecution; or
 - (c) Trades in property similar to the type of stolen property received and acquires such property for a consideration which that person knows is substantially below its reasonable value;
- (12) "Deprive," to take or to withhold property of another or to dispose of property of another so as to make it unlikely that the owner will receive it;
- (13) "Destructive device,"
- (a) Any bomb, grenade, explosive missile, or similar device or any launching device therefor; or
 - (b) Any breakable container which contains a flammable liquid with a flashpoint of one hundred and fifty degrees Fahrenheit or less and has a wick or similar device capable of being ignited;
 - (c) The term does not include "permissible fireworks," defined by § 34-37-5; any device which is neither designed nor redesigned for use as a weapon; any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety or similar device; surplus ordnance sold,

- loaned or given by the secretary of the army pursuant to the provisions of 10 U.S.C. §§ 4684(2), 4685, or 4686; or any other device which is an antique or is a rifle which the owner intends to use solely for sporting purposes;
- (14) "Explosive," any substance, or combination of substances, that is used for the purpose of detonation and which, upon exposure to any external or internal force or condition, is capable of a relatively instantaneous release of gas and heat. The term does not include "permissible fireworks," as defined by § 34-37-5;
- (15) "Financial institution," a bank, insurance company, credit union, savings and loan association, investment trust, or other organization held out to the public as a place of deposit of funds or medium of savings or collective investment;
- (16) "Firearm," any weapon from which a projectile or projectiles may be discharged by gunpowder. As used in this subdivision, the term, gunpowder, includes any propellant that upon oxidization emits heat and light and is commonly used in firearms cartridges;
- (17) "Firearm silencer," any instrument, attachment, weapon or appliance for causing the firing of any gun, revolver, pistol, or other firearm to be silent, or intended to lessen or muffle the noise of the firing of any such weapon;
- (18) "Government," the United States, any state, county, municipality, school district, or other political unit, or any department, agency, or subdivision of any of the foregoing, or any corporation or other association carrying out the functions of any of the foregoing;
- (19) "Immediate family," any spouse, child, parent, or guardian of the victim;
- (20) "Insanity," the condition of a person temporarily or partially deprived of reason, upon proof that at the time of committing the act, the person was incapable of knowing its wrongfulness, but not including an abnormality manifested only by repeated unlawful or antisocial behavior;
- (21) "Intoxication," a disturbance of mental or physical capacities resulting from the introduction of substances into the body. Intoxication is not, in itself, a mental disease or defect;
- (22) "Law enforcement officer," any officer, prosecutor, or employee of the state or any of its political subdivisions or of the United States, or, while on duty, an agent or employee of a railroad or express company or security personnel of an airline or airport, who is responsible for the prevention, detection, or prosecution of crimes, for the enforcement of the criminal or highway traffic laws of the state, or for the supervision of confined persons or those persons on supervised release or probation;
- (22A) "Loaded firearm," any functional firearm that contains a cartridge, shell, or projectile in the chamber, including any chamber in the cylinder of a revolver;
- (23) "Machine gun," any firearm, whatever its size and usual designation, that automatically discharges two or more cartridges by a single function of the firing device;
- (24) "Mental illness," any substantial psychiatric disorder of thought, mood or behavior which affects a person at the time of the commission of the offense and which impairs a person's judgment, but not to the extent that

the person is incapable of knowing the wrongfulness of such act. Mental illness does not include abnormalities manifested only by repeated criminal or otherwise antisocial conduct;

- (25) "Moral turpitude," an act done contrary to justice, honesty, principle, or good morals, as well as an act of baseness, vileness, or depravity in the private and social duties which a person owes to his fellow man or to society in general;
- (26) "Motor vehicle," any automobile, motor truck, motorcycle, house trailer, trailer coach, cabin trailer, or any vehicle propelled by power other than muscular power;
- (27) "Obtain,":
 - (a) In relation to property, to bring about a transfer or purported transfer of a legal interest in the property, whether to the actor or another; or
 - (b) In relation to labor or service, to secure performance thereof;
- (28) "Occupied structure," any structure:
 - (a) Which is the permanent or temporary habitation of any person, whether or not any person is actually present;
 - (b) Which at the time is specially adapted for the overnight accommodation of any person, whether or not any person is actually present; or
 - (c) In which at the time any person is present;
- (29) "Offense" or "public offense," any crime, petty offense, violation of a city or county ordinance, or act prohibited by state or federal law;
- (30) "Pass," to utter, publish or sell or to put or send forth into circulation. The term includes any delivery of a check to another for value with intent that it shall be put into circulation as money;
- (31) "Person," any natural person, unborn child, association, limited liability company, corporation, firm, organization, partnership, or society. If the term is used to designate a party whose property may be the subject of a crime or petty offense, it also includes the United States, any other country, this state, and any other state or territory of the United States, and any of their political subdivisions, agencies, or corporations;
- (32) "Pistol," any firearm with a barrel less than sixteen inches in length, designed to expel a projectile or projectiles by the action of an explosive;
- (33) "Private place," a place where one may reasonably expect to be safe from casual or hostile intrusion or surveillance, but does not include a place to which the public or a substantial group thereof has access;
- (34) "Process," any writ, warrant, summons, or order issued in the course of judicial proceedings;
- (35) "Property," anything of value, including, but not limited to, motor vehicles, real estate, tangible and intangible personal property, contract rights, choses-in-action, and other interests in or claims to wealth, admission or transportation tickets, captured or domestic animals, food and drink, electric or other power, services, and signatures which purport to create, maintain, or extinguish any legal obligation;

- (36) "Property of another," property in which any person other than the actor has an interest upon which the actor is not privileged to infringe, regardless of the fact that the actor also has an interest in the property and regardless of the fact that the other person might be precluded from civil recovery because the property was used in an unlawful transaction or was subject to forfeiture as contraband. Property in possession of an actor may not be deemed property of another who has only a security interest therein, even if legal title is in the creditor pursuant to a conditional sales contract or other security agreement;
- (37) "Public employee," any person employed by the state or any of its political subdivisions, who is not a public officer;
- (38) "Public office," the position held by a public officer or employee;
- (39) "Public officer," any person who holds a position in the state government or in any of its political subdivisions, by election or appointment, for a definite period, whose duties are fixed by law, and who is invested with some portion of the sovereign functions of government;
- (40) "Public record," any official book, paper, or record created, received, or used by or in any office or agency of the state or of any of its political subdivisions;
- (41) "Publish," to disseminate, circulate or place before the public in any way, other than by speech which is not mechanically or electronically amplified;
- (42) "Receive," to acquire possession, control or title, or to lend or borrow on the security of the property;
- (43) "Service," labor that does not include a tangible commodity. The term includes, but is not limited to: labor; professional advice; telephone, cable television and other utility service; accommodations in hotels, restaurants or elsewhere; admissions to exhibits and entertainments; the use of machines designed to be operated by coin or other thing of value; and the use of rental property;
- (44) "Seller," any person or employee engaged in the business of selling pistols at retail;
- (44A) "Serious bodily injury," such injury as is grave and not trivial, and gives rise to apprehension of danger to life, health, or limb;
- (45) "Short rifle," any rifle having a barrel less than sixteen inches long, or an overall length of less than twenty-six inches;
- (46) "Short shotgun," any shotgun having a barrel less than eighteen inches long or an overall length of less than twenty-six inches;
- (47) "Signature," any name, mark or sign written with intent to authenticate any instrument or writing;
- (48) Deleted by SL 2005, ch 120, § 357;
- (49) "Structure," any house, building, outbuilding, motor vehicle, watercraft, aircraft, railroad car, trailer, tent, or other edifice, vehicle or shelter, or any portion thereof;
- (50) "Stun gun," any battery-powered, pulsed electrical device of high voltage and low or no amperage that can disrupt the central nervous system and cause temporary loss of voluntary muscle control of a person;
- (50A) "Unborn child," an individual organism of the species homo sapiens from fertilization until live birth;

- (51) "Unoccupied structure," any structure which is not an occupied structure;
- (52) "Vessel," if used with reference to shipping, any ship of any kind and every structure adapted to be navigated from place to place;
- (53) "Victim," any natural person against whom the defendant in a criminal prosecution has committed or attempted to commit a crime;
- (54) "Voluntary intoxication," intoxication caused by substances that an actor knowingly introduces into his or her body, the tendency of which is to cause intoxication; and
- (55) "Written instrument," any paper, document, or other instrument containing written or printed matter or the equivalent thereof, used for purposes of reciting, embodying, conveying, or recording information, and any money, credit card, token, stamp, seal, badge, trade mark, service mark or any evidence or symbol of value, right, privilege or identification, which is capable of being used to the advantage or disadvantage of some person.

Section 2. That § 41-1-1 be AMENDED:

41-1-1. Terms used in this title mean:

- (1) "Any part thereof" or "the parts thereof," includes the hide, horns, and hoofs of any animal so referred to, and the plumage and skin and every other part of any bird so referred to;
- (2) "Bait," baitfish, frogs, toads, salamanders, crayfish, freshwater shrimp, clams, snails and leeches;
- (3) "Baitfish," includes fish of the minnow family (cyprinidae) except carp (cyprinus spp.) and goldfish (carassius spp.), fish of the sucker family (castostomidae) except buffalofish (ictiobus spp.) and carpsucker (carpiodes spp.), and fish of the stickleback family (gasterosteidae);
- (4) "Big game," all cloven-hoofed wild animals, wild mountain lion, wild black bear, and wild turkey. The term includes facsimiles of big game used for law enforcement purposes, but does not include any captive nondomestic animal of the mammalia class and the products thereof regulated by the Animal Industry Board under Title 40;
- (5) "Big game seal," a locking seal which bears the same number as the license with which it is issued;
- (6) "Big game tag," a tag which is part of the regular big game license and bears the same number as the license proper;
- (7) "Biological specimens," wild nongame animals used for scientific study and collected for resale to biological supply companies;
- (8) "Carcass," the dead body of any wild animal to which it refers, including the head, hair, skin, plumage, skeleton, or any other part thereof;
- (9) "Domestic animal," any animal that through long association with man, has been bred to a degree which has resulted in genetic changes affecting the temperament, color, conformation, or other attributes of the species to an extent that makes it unique and different from wild individuals of its kind;
- ~~(9A)~~(10) "Domicile," a person's established, fixed, and permanent home to which the person, whenever absent, has the present intention of returning;

- ~~(10)~~(11) "Fishing," the taking, capturing, killing, or fishing for fish of any variety in any manner. If the word, fish, is used as a verb, it has the same meaning as the word, fishing;
- ~~(11)~~(12) "Fur-bearing animals," opossum, muskrat, beaver, mink, marten, river otter, fisher, blackfooted ferret, skunks (all species), raccoon, badger, red, grey and swift fox, coyote, bobcat, lynx, weasel, and jackrabbit;
- ~~(12)~~(13) "Game," all wild mammals or birds;
- ~~(13)~~(14) "Game fish," all species belonging to the paddlefish, sturgeon, salmon (trout), pike, catfish (including bullheads), sunfish (including black bass and crappies), perch (including walleye and sauger), and bass families. All species not included in the game fish families are rough fish;
- ~~(14)~~(15) "Hunt" or "hunting," shooting, shooting at, pursuing, taking, attempting to take, catching, or killing of any wild animal or animals;
- ~~(15)~~ "Loaded firearm," ~~any firearm or other implement capable of discharging a projectile, containing cartridges, shells or projectiles in either the chamber, clip, or magazine;~~
- (16) "Migratory waterfowl," any wild geese, swans, brants, coot, merganser, or wild ducks;
- (17) "Migratory bird," all migratory waterfowl, sandhill crane, snipe, and dove;
- (18) "Motor vehicle," any self-propelled vehicle and any vehicle propelled or drawn by a self-propelled vehicle, whether operated upon a highway, railroad track, on the ground, in the water, or in the air;
- (19) "Nondomestic animal," any animal that is not domestic;
- (20) "Possession," both actual and constructive possession, as well as the control of the article referred to;
- (21) "Predator/varmint," coyote, wolf, gray fox, red fox, skunk, gopher, ground squirrel, chipmunk, jackrabbit, marmot, opossum, porcupine, crow, and prairie dog;
- (22) "Resident," a person having a domicile within this state for at least ninety consecutive days immediately preceding the date of application for, purchasing, or attempting to purchase any license required under the provisions of this title or rules of the commission, who makes no claim of residency in any other state or foreign country for any purpose, and other than for a person described in § 41-1-1.1, claims no resident hunting, fishing, or trapping privileges in any other state or foreign country, and prior to any application for any license, transfers to this state the person's driver's license and motor vehicle registrations;
- (23) "Sell" and "sale," any sale or offer to sell or have in possession with intent to sell, use, or dispose of;
- (24) "Small game," anatidae, commonly known as swans, geese, brants, merganser, and river and sea ducks; the rallidae, commonly known as rails, coots, and gallinule; the limicolae, referring specifically to shore birds, plover, snipe, and woodcock; the gruidae, commonly known as sandhill crane; the columbidae, commonly known as the mourning dove; the gallinae, commonly known as grouse, prairie chickens, pheasants, partridges, and quail but does not include wild turkeys; cottontail rabbit; and fox, grey and red squirrel. The term includes facsimiles of small game used for law enforcement purposes;

- (25) "Trapping," the taking or the attempting to take of any wild animals by means of setting or operating of any device, mechanism, or contraption that is designed, built, or made to close upon, hold fast, or otherwise capture a wild animal or animals. If the word, trap, is used as a verb, it has the same meaning as the word, trapping;
- (26) "Trout streams" or "trout waters," all waters and streams or portions of streams which contain trout;
- (27) "Waters of the state," all the boundary waters of the state, and the provisions of this title are deemed to extend to and be in force and effect over and upon and in all thereof, unless otherwise expressly provided; and
- (28) "Wild animal," any mammal, bird, fish, or other creature of a wild nature endowed with sensation and the power of voluntary motion.

Signed March 15, 2022

Chapter 61
(House Bill 1113)

An Act to prohibit threats made with the intent to coerce an abortion and to provide a penalty therefor.

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

Section 1. That § 22-17-13 be AMENDED:

~~22-17-13. Any A person is guilty of a Class B felony if, with the intent to cause a pregnant mother to undergo an abortion against her will, the person who threatens:~~

~~(1) Threatens to commit, against the pregnant mother or any other person within the pregnant mother's presence:~~

~~{1}(a) Homicide, murder, or manslaughter, under chapter 22-16; or~~

~~{2}(b) Aggravated assault, under § 22-18-1.1; or~~

~~{3}(c) Kidnapping, under chapter 22-19;~~

~~against the pregnant mother or any other person within the pregnant mother's presence with the intent to cause the pregnant mother to undergo an abortion against her will that and~~

~~(2) The threat results in the death of the unborn human being, as defined under § 34-23A-1 is guilty of a Class B felony.~~

A charge brought under this section may be commenced at any time prior to the time the victim attains age twenty-five or within seven years of the commission of the crime, whichever is longer.

Section 2. That chapter 22-17 be amended with a NEW SECTION:

A person is guilty of a Class 5 felony if, with the intent to coerce a pregnant mother to undergo an abortion against her will, the person threatens to commit, against the pregnant mother or any other person within the pregnant mother's presence:

(1) Homicide, murder, or manslaughter, under chapter 22-16;

(2) Aggravated assault, under § 22-18-1.1; or

(3) Kidnapping, under chapter 22-19.

A charge brought under this section may be commenced at any time prior to the time the victim attains age twenty-five or within seven years of the commission of the crime, whichever is longer.

Section 3. That § 22-17-14 be AMENDED:

22-17-14. A person is guilty of a Class 1 misdemeanor if the person:

- (1) ~~Coerces~~In any manner other than that set forth in section 2 of this Act, coerces, compels, or attempts to compel a pregnant woman to undergo an abortion;
- (2) Requires a pregnant woman to agree to a provision that if she refuses to undergo an abortion, it is a breach of a contract; or
- (3) Requires a pregnant woman to agree to a provision that results in her assuming any cost, obligation, or responsibility for refusing to undergo an abortion.

A subsequent offense of this section is a Class 6 felony.

Signed March 23, 2022

Chapter 62
(Senate Bill 195)

An Act to establish the burden of proof after a claim of immunity.

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

Section 1. That § 22-18-4.8 be AMENDED:

22-18-4.8. A person who uses or threatens to use force, as permitted in §§ 22-18-4 to 22-18-4.7, inclusive, is justified in such conduct and is immune from criminal prosecution and from civil liability for the use or threatened use of such force brought by the person against whom force was used or threatened, or by any personal representative or heir of the person against whom force was used or threatened, unless:

- (1)
 - (a) The person against whom force was used or threatened is a law enforcement officer, who was acting in the performance of official duties; and
 - (b) The officer identified himself or herself; or
- (2) The person using or threatening to use force knew or reasonably should have known that the person was a law enforcement officer who was acting in the performance of official duties.

The court shall award reasonable attorney's fees, court costs, compensation for loss of income, and all expenses incurred by a defendant in the defense of any civil action brought by a plaintiff, if the court finds that the defendant is immune from prosecution in accordance with this section.

In a criminal prosecution, once a prima facie claim of self-defense immunity has been raised by the defendant, the burden of proof, by clear and convincing evidence, is on the party seeking to overcome the immunity from criminal prosecution provided for in this section.

As used in this section, the term, criminal prosecution, includes arresting, detaining in custody, and charging or prosecuting the defendant.

Signed March 15, 2022

Chapter 63
(Senate Bill 120)

An Act to include intentionally manipulated images or recordings in the crime of invasion of privacy by recording.

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

Section 1. That § 22-21-4 be AMENDED:

22-21-4. No person may:

- (1) Use any device to photograph or visually record ~~any~~:
 - (a) ~~Any~~ other person without clothing or under or through the clothing, or with another person depicted in a sexual ~~manner act~~, for the purpose of viewing the body of, or the undergarments worn by, that other person, ~~without~~;
 - (b) ~~Without~~ the consent or knowledge of that other person, ~~with~~; and
 - (c) ~~With~~ the intent to self-gratify, to harass, or embarrass and invade the privacy of that other person, under circumstances in which the other person has a reasonable expectation of privacy; ~~or~~
- (2) Use, disclose, or disseminate, by any means, any recording or photograph in violation of subdivision (1), in order to self-gratify, to harass, or to embarrass and invade the privacy of that other person; ~~or~~
- (3) ~~Knowingly and intentionally disseminate or sell any image or recording of another person:~~
 - (a) ~~That has been intentionally manipulated to create a realistic but false image or recording that would cause a reasonable person to mistakenly believe that the image or recording is authentic;~~
 - (b) ~~That depicts the person as totally nude; in a state of undress to expose the genitals, pubic area, buttocks, or female breast; or with another person in a sexual act;~~
 - (c) ~~Without the consent or knowledge of the person whose image is depicted; and~~
 - (d) ~~With the intent to self-gratify, to harass, or embarrass and invade the privacy of the person whose image is depicted.~~

A violation of this section is a Class 1 misdemeanor. However, a violation of this section is a Class 6 felony if the victim is seventeen years of age or younger and the perpetrator is at least twenty-one years of age at the time the photograph or recording is made.

Signed March 15, 2022

Chapter 64
(Senate Bill 77)

An Act to enhance the penalty on registered sex offenders who commit sexual contact without consent from a person capable of consenting.

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

Section 1. That § 22-22-7.4 be AMENDED:

22-22-7.4. No person fifteen years of age or older may knowingly engage in sexual contact with another person other than his or her spouse who, although capable of consenting, has not consented to such contact. A violation of this section is a Class 1 misdemeanor. A violation of this section by a person registered as a sex offender pursuant to chapter 22-24B at the time of the offense is a Class 6 felony.

An allegation that a defendant is registered as a sex offender pursuant to chapter 22-24B must be filed as a separate information at the time of, or before, arraignment. The separate information must state the time and place of the defendant's conviction and the specific sex crime that resulted in the defendant's conviction. The separate information must be signed by the prosecutor.

Signed March 15, 2022

Chapter 65
(Senate Bill 81)

An Act to revise the definition of sexual contact for purposes of sexual contact with a child under eighteen by a person in a position of authority.

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) Is at least five years older than the victim;
- (2) Is in a position of authority, as defined in this section; and

- (3) Knowingly engages in sexual contact, or touches the buttocks or upper inner thighs with the intent to arouse or gratify the sexual desire of either party, with another 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 15, 2022

Chapter 66
(Senate Bill 37)

An Act to repeal the bingo distributor license and bingo manufacturer license and to repeal the bingo tax.

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

Section 1. That § 22-25-25 be AMENDED:

22-25-25. The game, bingo, as defined in § 22-25-23, or lottery, as defined in § 22-25-24, may not be construed as gambling or as a lottery within the meaning of § 22-25-1, if:

- (1) The bingo game or lottery is conducted by a bona fide congressionally chartered veterans' organization; a religious, charitable, educational, or fraternal organization; a local civic or service club; a political party; a volunteer fire department; a local industrial development corporation as defined in § 5-14-23; or a political action committee or political committee on behalf of any candidate for a political office which exists under the laws of the State of South Dakota;
- (2) The proceeds therefrom do not inure to the benefit of any individual;
- (3) No separate organization or professional person is employed to conduct the bingo game or lottery or assist therein;
- (4) No compensation of any kind in excess of the state minimum wage per hour or sixty dollars, whichever is greater, in value is paid to any person for services rendered during any bingo session in connection with the conduct of the bingo game or in consideration of any lottery. However, the provisions of this subdivision do not apply to games or lotteries conducted in connection with any of the following events: a county fair conducted pursuant to § 7-27-3, the state fair conducted pursuant to chapter 1-21, or a civic celebration recognized by resolution or other

similar official action of the governing body of a county, municipality, or village;

- (5) No prize in excess of two thousand dollars is awarded at any one play of bingo;
- ~~(5A)~~(6) The actual value of any lottery prize is stated before any chances for the lottery are sold. A lottery prize of a stated amount of dollars in value may be given to a person who sells a winning lottery ticket or share as long as the winning lottery ticket or share is selected at random;
- ~~(6)~~(7) The organizations authorized under subdivision (1) of this section, before conducting a bingo game or before selling any chances for a lottery, give thirty days' written notice of the time and place thereof to the governing body or designated administrative official of the county or municipality in which it intends to conduct the bingo game or lottery, and the governing body does not pass a resolution objecting thereto. However, any organization that conducts a lottery and sells tickets or shares for such the lottery ~~are sold~~ state-wide shall provide written notice of such the lottery pursuant to this subdivision only to the secretary of state and to the governing body where the drawing for such the lottery is held. A municipality pursuant to § 9-29-5 may by ordinance prohibit within the municipality the sale of lottery tickets or shares for such the lottery issued pursuant to this section; and
- ~~(7)~~(8) No organization authorized to conduct a bingo game or lottery under subdivision (1) of this section may enter into any lease or agreement with any other person or organization to provide equipment or services associated with the conduct of a bingo game or lottery. However, this subdivision does not apply to any lease or agreement with a distributor licensed pursuant to ~~§§ 22-25-28 to 22-25-51, inclusive,~~ to provide bingo or lottery equipment and supplies.

Section 2. That § 22-25-28 be AMENDED:

~~22-25-28. No person may sell, offer for sale, or otherwise furnish bingo or lottery equipment and supplies without being licensed as a distributor pursuant to §§ 22-25-28 to 22-25-51, inclusive. Any person, organization, or other entity which conducts bingo games or lotteries may purchase or lease bingo or lottery equipment and supplies or pull tabs only from persons licensed pursuant to this chapter. The annual distributor license fee is five thousand dollars. All distributor licenses shall be renewed on January first of each year. For the purpose of this section, chapter, a distributor is any person who purchases bingo or lottery equipment or supplies from a manufacturer and sells, offers for sale, or otherwise furnishes bingo or lottery equipment or supplies in this state, excluding Any any person who rents bingo equipment to another for noncommercial recreational use is exempt from the licensing requirement imposed in this section and the tax imposed in § 22-25-48. For the purposes of this section, the term, noncommercial recreational use, means games played for amusement only, not for gain or profit, and not conducted by any person or organization which receives compensation for sponsoring or operating bingo games.~~

Section 3. That § 22-25-29 be AMENDED:

~~22-25-29. No manufacturer may sell, offer for sale, or otherwise furnish bingo or lottery equipment and supplies without being licensed as a manufacturer pursuant to §§ 22-25-28 to 22-25-51, inclusive. The annual manufacturer license fee is two thousand five hundred dollars. All manufacturer licenses shall be renewed on January first of each year. No person licensed as a manufacturer may~~

be licensed as a distributor. A manufacturer may sell bingo and lottery equipment and supplies only to a distributor licensed under §§ 22-25-28 to 22-25-51, inclusive, and a distributor may purchase bingo and lottery equipment and supplies only from a manufacturer licensed under §§ 22-25-28 to 22-25-51, inclusive. For the purpose of this section ~~chapter~~, a manufacturer is any person who assembles from raw materials or subparts completed pieces of bingo or lottery equipment or supplies.

Section 4. That § 22-25-30 be REPEALED:

~~Application for a distributor's or manufacturer's license shall be made to the Department of Revenue. The application shall be on forms provided by the secretary of revenue. Such forms shall include at least the following information:~~

- ~~(1) The name of the person responsible for completing the application;~~
- ~~(2) The name of the business;~~
- ~~(3) The mailing address of the business;~~
- ~~(4) The office address if different than the mailing address;~~
- ~~(5) The telephone number of the business;~~
- ~~(6) The official position of the person completing the application;~~
- ~~(7) Whether the applicant is a corporation, partnership or sole proprietorship;~~
- ~~(8) A list of the owners, partners, officers, directors, and people in supervisory and management positions. A distributor personnel form shall be completed for each of these individuals;~~
- ~~(9) The address of the facility in South Dakota into which all bingo or lottery equipment and supplies is unloaded prior to sale in this state;~~
- ~~(10) A statement that the applicant is not a wholesale distributor of alcoholic beverages;~~
- ~~(11) A statement that the owners, partners, officers, directors, and people in supervisory and management positions are of good moral character and have never been convicted of a crime regarding moral turpitude; and~~
- ~~(12) A statement of consent authorizing law enforcement officers or the secretary of revenue or his agents to enter upon and inspect any site where bingo or lottery equipment or supplies are stored by the distributor and authorizing inspection at any location of any records of the distributor connected to the sale of bingo and lottery equipment in the state, without warrant or court process.~~

~~The chief executive officer or owner shall verify under oath the statements made in the application.~~

Section 5. That § 22-25-31 be REPEALED:

~~The distributor personnel form shall include the following information:~~

- ~~(1) The name of the person completing the form;~~
- ~~(2) The name of the distributor;~~
- ~~(3) The address, date of birth, and name of the spouse of the person completing the form;~~
- ~~(4) All other current occupations along with the employer's name, address, type of business, and the position held within that business;~~

- (5) ~~The names of any organizations conducting bingo or lotteries under the provisions of § 22-25-25 of which the person completing this form is a member;~~
- (6) ~~All criminal convictions, or pending criminal charges, if any, the dates of those convictions and the location of the court imposing sentence; and~~
- (7) ~~A list of all the places of residence in the last ten years.~~

~~Information on this form shall be verified under oath by the person completing it.~~

Section 6. That § 22-25-36 be REPEALED:

~~If any information submitted in the application changes, the changes shall be filed with the secretary of revenue within ten days after the change.~~

Section 7. That § 22-25-37 be REPEALED:

~~Each distributor and manufacturer shall maintain for five years records relative to the purchase and sale, lease, rental, or loan of bingo or lottery equipment and supplies at the distributor's place of business within this state or in the case of a manufacturer at the manufacturer's place of business. Sales invoices shall be maintained by a distributor for all bingo or lottery equipment and supplies distributed, whether by sale, lease, rental, or loan, to all qualified organizations. Sales invoices shall be maintained by manufacturers for all bingo or lottery equipment and supplies distributed, whether by sale, lease, rental, or loan, to all qualified organizations or distributors. Bingo or lottery equipment and supplies provided to all qualifying organizations or distributors at no charge shall be recorded on a sales invoice. The sales invoices shall be on a standard form prescribed by the secretary of revenue and shall have the following information as a minimum:~~

- (1) ~~The license number of the distributor or manufacturer;~~
- (2) ~~The complete business name and address of the organization or distributor;~~
- (3) ~~The sales tax license number of the organization or distributor;~~
- (4) ~~The invoice number;~~
- (5) ~~The invoice date;~~
- (6) ~~The date shipped;~~
- (7) ~~The quantity by the number of deals for pull tabs;~~
- (8) ~~A full description of each item of bingo or lottery equipment and supplies sold;~~
- (9) ~~The ideal gross receipts for each different type of pull tab; and~~
- (10) ~~The ideal net receipts for each different type of pull tab.~~

Section 8. That § 22-25-38 be REPEALED:

~~The secretary of revenue may examine or cause to be examined the books and records of any distributor or manufacturer to the extent that such books and records relate to any transaction connected to the sale of bingo or lottery equipment and supplies in this state. No distributor or manufacturer may prohibit, interfere with, or otherwise impede such examination, but shall cooperate and assist with the examination and provide such information as may be required.~~

Section 9. That § 22-25-41 be AMENDED:

22-25-41. No coin-operated machine or mechanical pull-tab dispensing device may be sold or otherwise furnished to any organization in this state by a distributor or manufacturer ~~licensed pursuant to §§ 22-25-28 to 22-25-51, inclusive.~~ However, a ~~licensed~~ distributor or manufacturer may sell or furnish a coin or bill operated mechanical pull-tab dispensing device if the device is only sold or furnished to and only used by a fraternal or charitable organization, local civic or service club, volunteer fire department, or a congressionally chartered veteran's organization that qualifies under § 22-25-25.1.

Section 10. That § 22-25-48 be REPEALED:

~~All distributors shall pay a tax to the Department of Revenue of five percent of the distributor's gross sales of bingo or lottery equipment and supplies or pull tabs for use in South Dakota. The tax shall be paid by the fifteenth day of the month following the month in which the sales invoice was prepared on a form provided by the Department of Revenue.~~

Section 11. That § 22-25-49 be REPEALED:

~~The secretary of revenue may promulgate rules pursuant to chapter 1-26 to implement the provisions of §§ 22-25-28 to 22-25-51, inclusive.~~

Section 12. That § 22-25-50 be AMENDED:

22-25-50. Any person who violates any provision of ~~§§ 22-25-28 to 22-25-51, inclusive~~ §§ 22-25-32 to 22-25-35, inclusive, or 22-25-39 to 22-35-47, inclusive, is guilty of a Class 1 misdemeanor. Any person convicted of a second or subsequent violation of the provisions of ~~§§ 22-25-28 to 22-25-51, inclusive~~ §§ 22-25-32 to 22-25-35, inclusive, or 22-25-39 to 22-35-47, inclusive, is guilty of a Class 6 felony.

Section 13. That § 22-25-51 be REPEALED:

~~The provisions of §§ 22-25-28 to 22-25-51, inclusive, do not apply to a lottery owned and operated by the State of South Dakota.~~

Section 14. That § 10-59-1 be AMENDED:

10-59-1. The provisions of this chapter may only apply to proceedings commenced under this chapter concerning the taxes, the fees, the surcharges, or the persons subject to the taxes, fees, or surcharges imposed by, or any civil or criminal investigation authorized by, chapters 10-33A, 10-39, 10-39A, 10-39B, 10-43, 10-45, 10-45D, 10-46, 10-46A, 10-46B, 10-46E, 10-47B, 10-50C, 10-52, 10-52A, 10-62, 32-3, 32-3A, 32-5, 32-5B, 32-6B, 32-9, 32-10, 34-45, and 34A-13 and ~~§§ 22-25-48, 49-31-51, and 50-4-13 to 50-4-17, inclusive.~~

Signed February 10, 2022

Chapter 67
(House Bill 1069)

**An Act to include out-of-state convictions as a basis of an enhanced penalty
for certain drug crimes.**

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 violation of this section is a Class 3 felony if the person is in possession of three or more of the following:

- (1) Three hundred dollars or more in cash;
- (2) 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) Bulk materials used for the packaging of controlled substances;
- (4) Materials used to manufacture a controlled substance including recipes, precursor chemicals, laboratory equipment, lighting, ventilating or power generating equipment; or
- (5) Drug transaction records or customer lists.

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 the state penitentiary 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 the state penitentiary 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 the state penitentiary 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 the state penitentiary 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, the sentence for the principal felony shall be enhanced by increasing the class of the principal felony two levels. The enhancement may not exceed the sentence for 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 February 17, 2022

LAW ENFORCEMENT

Chapter 68 (House Bill 1068)

An Act to clarify the processing of sexual assault kits performed on individuals ages sixteen and seventeen.

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

Section 1. That § 23-5C-2 be AMENDED:

23-5C-2. A health care facility examining or treating a victim of rape or sexual assault shall give the victim, or a victim or witness assistant, the option of reporting the rape or sexual assault to an appropriate law enforcement agency. A health care facility may not require the victim to report the rape or sexual assault in order to receive an examination or treatment for the rape or sexual assault.

A minor age sixteen or older may consent to a sexual assault kit. This consent is not subject to disaffirmance because of minority or disaffirmance of a parent or guardian, and consent of a parent or guardian is not required under this section. A minor's refusal to consent has no impact on any applicable mandatory reporting obligation in law.

A health care facility that examines or treats a victim of rape or sexual assault with a sexual assault kit shall release the sexual assault kit to the investigating law enforcement agency, if known, or the law enforcement agency of the jurisdiction where the examination or treatment occurs in accordance with § 23-5C-3. The health care facility shall inform the victim that the sexual assault kit will be preserved by law enforcement for a period of at least seven years from the date of the examination or treatment or until the victim reaches the age of twenty-five, whichever is later, before it is destroyed. Any examination or treatment under this section shall include the preservation of confidentiality of any test, procedure, or sample that may serve as evidence in the prosecution for the rape or sexual assault.

Section 2. That § 23-5C-3 be AMENDED:

23-5C-3. A health care facility shall assign a code number to a sexual assault kit, and provide the code number to the victim as well as information identifying the law enforcement agency where the kit will be stored. The health care facility shall maintain the code record for at least seven years from the date the health care facility examined or treated the victim or until the victim reaches the age of twenty-five, whichever is later. The health care facility may not affix to the sexual assault kit any information of the victim's identity other than the code number under this section. The law enforcement agency to which the health care facility releases the sexual assault kit under § 23-5C-2 shall retrieve the sexual assault kit, containing no identifying information of the victim other than the code number affixed by the health care facility, within seventy-two hours following the date on which the sexual assault kit is assigned a code number under this section. The health care facility shall coordinate the transfer of the sexual assault kit to the law enforcement agency in a manner designed to protect the victim's confidentiality and preserve the evidentiary integrity of the sexual assault kit. A law enforcement agency in possession of a sexual assault kit shall preserve the kit for at least seven years from the date of examination or treatment or until the victim reaches the age of twenty-five, whichever is later, before it is destroyed. If a victim, or a victim or witness assistant, exercises the option of reporting the rape or sexual assault to a law enforcement agency, the code number under this section shall be provided by the victim to the law enforcement agency where the kit is being stored and used to identify the appropriate sexual assault kit.

The confidentiality requirements under this section do not impact any applicable mandatory reporting obligation in law associated with abused or neglected minors.

Signed March 15, 2022

Chapter 69
(House Bill 1065)

An Act to repeal references to nonresident holders of concealed pistol permits.

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

Section 1. That § 22-14-9.2 be REPEALED:

~~Any person who is permitted to carry a concealed pistol in a state with which the secretary of state has entered into a reciprocity agreement pursuant to §§ 23-7-7.3, 23-7-7, 23-7-7.1, and 23-7-8 may carry a concealed pistol in this state if the permit holder carries the pistol in compliance with the laws of this state. Any violation of this section is a Class 1 misdemeanor.~~

Section 2. That § 23-7-7 be AMENDED:

23-7-7. A permit to carry a concealed pistol ~~shall~~must be issued to any ~~person~~applicant by the sheriff of the county in which the applicant resides. The permit ~~shall~~must be valid throughout the state and ~~shall~~must be issued pursuant to § 23-7-7.1. For purposes of verifying the qualifications of an applicant, prior to issuing a permit, the sheriff shall execute, and the applicant shall pass, a background investigation, including a computer check of available on-line records

and ~~a check utilizing~~ the National Instant Criminal Background Check System. The issuance of a permit to carry a concealed pistol under this chapter, ~~or the recognition of nonresident permits to carry a concealed pistol under § 23-7-7.4,~~ does not impose a general prohibition on the ~~carry~~ carrying of a pistol without a permit.

Section 3. That § 23-7-7.4 be REPEALED:

~~Any valid permit to carry a concealed pistol, issued to a nonresident of South Dakota, is valid in South Dakota according to the terms of its issuance in the state of its issue, but only to the extent that the terms of issuance comply with any appropriate South Dakota statute or promulgated rule. This section does not require a nonresident of this state who may lawfully possess a pistol to have a permit in order to carry a concealed pistol in this state.~~

Signed February 10, 2022

Chapter 70
(Senate Bill 212)

An Act to revise certain fees collected by the Office of the Secretary of State.

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

Section 1. That § 23-7-8.2 be AMENDED:

~~**23-7-8.2.** The permit to carry a concealed pistol is valid for a period of five years from the date of issuance. The fee for issuing the permit is ten dollars. The local authority shall collect the fee. Seven dollars of the fee must be forwarded to the secretary of state and three dollars must be deposited in the general fund of the county or municipality issuing the permit.~~

Section 2. That § 23-7-8.11 be AMENDED:

~~**23-7-8.11.** The holder of the regular permit to carry a concealed pistol may renew the permit through the sheriff of the county where the holder resides for a period beginning ninety days before the permit expires. The holder ~~shall pay a ten dollar renewal fee and~~ must pass a background investigation, including a computer check of available online records and the National Instant Criminal Background Check, required under § 23-7-7 prior to the renewal of the permit. The renewal fee ~~shall be distributed as set forth in § 23-7-8.2.~~~~

Section 3. That § 23-7-53 be AMENDED:

~~**23-7-53.** An applicant ~~shall~~ must submit an application, to the sheriff of the county in which the applicant resides, for an optional enhanced permit to carry a concealed pistol. The application must include:~~

- (1) A copy of the applicant's fingerprints for submission to the Federal Bureau of Investigation, and any governmental agency or entity authorized to receive such information, for a state, national, and international criminal background check;
- (2) An authorization to run a fingerprint background check;

- (3) ~~A separate payment for the cost of processing the criminal background check and, if the sheriff takes the fingerprints, the sheriff shall secure the fingerprints at no additional charge to the applicant;~~
- ~~(4) A separate application fee of sixty dollars; and~~
- ~~(5)~~(4) Proof that the applicant:
- (a) Has successfully completed a qualifying handgun course as defined in § 23-7-58, within the preceding twelve months; or
 - (b) Is a current or former law enforcement officer and has, within the preceding twelve months, qualified or requalified on a certified shooting course administered by a firearms instructor approved by the Law Enforcement Officers Standards Commission.

~~Fifty dollars of the application fee must be retained by the sheriff and ten dollars must be forwarded to the secretary of state for use in administering concealed carry permits.~~

The sheriff shall forward the copy of the applicant's fingerprints, the applicant's authorization for processing a criminal background check, and the payment for the criminal background check to the Division of Criminal Investigation for processing.

Section 4. That § 23-7-56 be AMENDED:

23-7-56. A person who holds an enhanced permit to carry a concealed pistol may renew the permit through the sheriff of the county in which the person resides. The period for renewal begins one-hundred eighty days before the permit expires and ends thirty days after the permit expires.

In order to renew an enhanced permit a person shall:

- (1) ~~Pay a renewal fee in the amount of thirty five dollars;~~
- ~~(2) Pay the fee for a criminal background check;~~
- ~~(3) Pass a criminal background check and a National Instant Criminal Background Check; and~~
- ~~(4)~~(2) Present proof that:
 - (a) During the period for renewal, as set forth in this section, the person:
 - (i) Successfully completed the live fire component of a qualifying handgun course defined in § 23-7-58;
 - (ii) Received instruction regarding the use of force standards; and
 - (iii) Received instruction regarding relevant criminal statutory changes; or
 - (b) The person is a current or former law enforcement officer who, within the twelve-month period preceding the date of the expiration, qualified or requalified on a certified shooting course administered by a firearms instructor approved by the Law Enforcement Officers Standards Commission.

~~Twenty five dollars of the renewal fee must be retained by the sheriff. Ten dollars of the renewal fee must be forwarded to the secretary of state for use in administering concealed carry permits.~~

If a person fails to renew an enhanced permit to carry a concealed pistol during the period set forth in this section, the permit is deemed to be invalid. In order to obtain an enhanced permit thereafter, the person shall submit an application and meet all requirements set forth in § 23-7-53.

Section 5. That § 23-7-60 be AMENDED:

23-7-60. An applicant ~~shall~~ must submit an application, to the sheriff of the county in which the applicant resides, for a gold card permit to carry a concealed pistol. The application must include:

- (1) A copy of the applicant's fingerprints for submission to the Federal Bureau of Investigation, and any governmental agency or entity authorized to receive such information, for a state, national, and international criminal background check; and
- (2) An authorization to run a criminal background check;
- ~~(3) A separate payment for the cost of processing the criminal background check; and~~
- ~~(4) A separate application fee of forty dollars for the gold card permit to carry a concealed pistol.~~

~~Thirty dollars of the application fee must be retained by the sheriff and ten dollars must be forwarded to the secretary of state for use in administering concealed carry permits.~~

The sheriff shall forward the copy of the applicant's fingerprints, and the applicant's authorization for processing a criminal background check, ~~and the payment for the criminal background check~~ to the Division of Criminal Investigation for processing.

Section 6. That § 23-7-62 be AMENDED:

23-7-62. A person who holds a gold card permit to carry a concealed pistol may renew the permit through the sheriff of the county in which the person resides. The period for renewal begins one hundred eighty days before the permit expires and ends thirty days after the permit expires.

In order to renew a gold card permit, a person ~~shall:~~

- ~~(1) Pay a forty dollar renewal fee; and~~
- ~~(2) Pass must pass a criminal background check and a National Instant Criminal Background Check.~~

~~Thirty dollars of the renewal fee must be retained by the sheriff and ten dollars must be forwarded to the secretary of state for use in administering concealed carry permits.~~

Section 7. That § 23-7-69 be AMENDED:

23-7-69. A person who has been issued a permit to carry a concealed pistol shall maintain current information on the permit by notifying the secretary of state in writing of a change in the person's name due to marriage or court order, or of a change in physical address. If the revised address is located within South Dakota, the secretary of state ~~shall~~ must provide a new permit to the person.

The county sheriff may issue a temporary permit or the secretary of state may issue an updated permit that reflects an address outside of South Dakota in the following instances:

- (1) For a South Dakota resident who is active duty military personnel, or the spouse of a person who is active duty military, with a home of record in South Dakota; or
- (2) For a South Dakota permit holder whose home is physically located in South Dakota but has an official postal address located within in a county in another state that shares a border with South Dakota.

~~The fee for processing a replacement permit is two dollars and shall be used by the secretary of state to administer the concealed carry program.~~

Section 8. That chapter 23-7 be amended with a NEW SECTION:

The Office of the Secretary of State shall reimburse counties based on the number of concealed carry permits issued each year. The reimbursement amount is:

- (1) Three dollars for an initial permit to carry a concealed pistol issued under § 23-7-8.2;
- (2) Three dollars for renewal of a permit to carry a concealed pistol issued under § 23-7-8.11;
- (3) Fifty dollars for an initial enhanced permit to carry a concealed pistol issued under § 23-7-53;
- (4) Twenty-five dollars for renewal of an enhanced permit to carry a concealed pistol issued under § 23-7-56;
- (5) Thirty dollars for an initial gold card permit to carry a concealed pistol issued under § 23-7-60; and
- (6) Thirty dollars for renewal of a gold card permit to carry a concealed pistol issued under § 23-7-62.

The Office of the Secretary of State shall develop and provide to counties a form on which the counties may submit the number of permits issued each calendar year. The form must be submitted to the Office of the Secretary of State on or before January thirty-first. The Office of the Secretary of State shall reimburse the counties on or before March thirty-first. The reimbursements must be paid on vouchers approved by the secretary of state and paid on warrants drawn by the state auditor.

Only those permits issued on or after July 1, 2022, are eligible for reimbursement in accordance with this section.

Signed March 18, 2022

CRIMINAL PROCEDURE

Chapter 71 (Senate Bill 83)

An Act to modify when a motion for expungement of an arrest record may be made and to declare an emergency.

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

Section 1. That § 23A-3-27 be AMENDED:

23A-3-27. An arrested person may apply to the court that would have jurisdiction over the crime for which the person was arrested, for entry of an order expunging the record of the arrest:

- (1) After one year from the date of any arrest, if no accusatory instrument was filed;
- (2) After one year from the date the prosecuting attorney formally dismisses the entire criminal case on the record; ~~or~~
- (3) At any time after an acquittal; or
- (4) Within one year from the date the prosecuting attorney formally dismisses the entire criminal case on the record upon a showing of compelling necessity.

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 15, 2022

Chapter 72 (House Bill 1100)

An Act to revise provisions related to the video recording of certain victim testimony at a preliminary hearing or deposition.

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

Section 1. That § 23A-12-9 be AMENDED:

23A-12-9. If a victim is less than sixteen years of age at the time of a preliminary hearing or deposition, a prosecuting or defense attorney may apply for an order that the victim's testimony at the preliminary hearing or deposition, in addition to being stenographically recorded, be recorded and preserved on video, if a defendant has been charged with a violation of subdivision 22-22-1(1), (5), or (6) or § 22-22-7, where the victim is less than sixteen years of age, the prosecuting attorney or defense attorney may apply for an order that the victim's testimony at the preliminary hearing or at a deposition, in addition to being

~~stenographically recorded, be recorded and preserved on videotape.:~~

- (1) ~~Subdivision 22-22-1(1) or (5);~~
- (2) ~~§ 22-22-7; or~~
- (3) ~~§ 22-49-2.~~

The scope and manner of the examination and cross-examination ~~shall~~ must be such as would be allowed at the trial. Notice of any such deposition pursuant to this section ~~shall~~ must conform in all respects to the notice requirements contained in § 23A-12-2.

The application for the order ~~shall~~ must be in writing and made at least three days before the preliminary hearing or deposition.

Upon timely receipt of the application, the court may order that the testimony of the victim given at the preliminary hearing or deposition be taken and preserved on ~~videotape~~ video. The ~~videotape~~ video ~~shall~~ must be transmitted to the clerk of the court in which the action is pending.

If, at the time of trial, the court finds that the victim is otherwise unavailable within the meaning of subdivision 19-19-804(a), or that such testimony would in the opinion of the court be substantially detrimental to the well-being of the victim, the court may admit the ~~videotape~~ video of the victim's testimony at the preliminary hearing or deposition as former testimony under ~~subdivision subsection~~ 19-19-804(b)(1).

Section 2. That § 23A-12-10 be AMENDED:

23A-12-10. Upon timely receipt of a notice that additional evidence has been newly discovered and for good cause shown, the court may order an additional hearing to ~~videotape record~~ the victim's testimony relevant to the newly discovered evidence on video.

Section 3. That § 23A-28C-8 be AMENDED:

23A-28C-8. The victim or witness assistant shall:

- (1) Advise the victim about the legal proceedings in which the victim will be involved;
- (2) Advise the victim concerning any required appearance at any proceeding and if the proceeding is continued or postponed;
- (3) Assist the state's attorney, court services officer, and the victim to determine the amount of monetary damages suffered by the victim and advise the victim about restitution;
- (4) Advise, ~~if the victim is less than sixteen years of age and the victim of certain crimes, if the requirements of § 23A-12-9 are met,~~ the victim and one of the victim's immediate family that the preliminary hearing or deposition testimony of the victim may be ~~videotaped pursuant to § 23A-12-9~~ video recorded; and
- (5) Advise the victim or one of the victim's immediate family if the defendant is released from custody and the defendant's bail conditions.

The victim or witness assistant may accompany the victim in any criminal proceeding.

Signed March 15, 2022

Chapter 73
(Senate Bill 169)

**An Act to establish a means for certain Department of Corrections inmates
to earn credit against fines or costs ordered by the sentencing court.**

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

Section 1. That chapter 23A-27 be amended with a NEW SECTION:

If the sentencing court orders a defendant to the state penitentiary and the defendant objects at sentencing to the fines or costs imposed as a portion of the punishment on the basis the defendant will be ineligible to receive a wage for work performed while incarcerated because the defendant does not have a verifiable Social Security number, the defendant is entitled to a hearing at which the court shall determine whether there is good cause to reduce the fines or costs pursuant to Section 2 of this Act by a preponderance of the evidence. In making this determination, the court shall consider the defendant's employment circumstances, potential for employment and vocational training, financial condition, and other factors as may be appropriate.

Section 2. That chapter 23A-27 be amended with a NEW SECTION:

If the sentencing court finds good cause to reduce the fees or costs imposed under Section 1 of this Act, the court shall issue an order stating that the defendant shall be credited the current rate of pay for institutional work assignments against the fines or costs imposed in the priority ordered by the court. The reduction must be in accordance with work performed by the defendant related to reasonable institutional work assignments. Any work required as a disciplinary sanction for misconduct may not count as a credit against fines or costs imposed. The Department of Corrections shall record the number of hours the defendant worked pursuant to this section. The defendant shall be responsible for any outstanding amount following release from incarceration.

Signed March 18, 2022

Chapter 74
(House Bill 1107)

**An Act to establish a process for requesting records prepared or maintained
by court services officers.**

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

Section 1. That § 23A-27-47 be AMENDED:

23A-27-47. Records prepared or maintained by court services officers are confidential. However, such records may be inspected by, or disclosed to, justices, judges, magistrates, and employees of the Unified Judicial System in the course of their duties and to persons specifically authorized by order of the court.

The court may order that the records be provided to a person on its own motion. Records received by a person pursuant to court order must be held confidential by the receiving party unless otherwise authorized by the court.

Section 2. That chapter 23A-27 be amended with a NEW SECTION:

If, in connection with a judicial proceeding, a person not authorized by court order pursuant to § 23A-27-47 seeks confidential records prepared or maintained by a court services officer or testimony from a court services officer on the records, the person must file a motion with the court. The motion must state the issue to which the records or testimony is relevant, how the records or testimony is admissible, and the reason why the records or testimony cannot be obtained elsewhere. The motion must be served on the parties and the court services officer who prepared or maintained the records or whose testimony is being sought. The court shall set a hearing on the motion. The moving party shall comply with § 23A-41-4.

Signed February 14, 2022

Chapter 75
(House Bill 1036)

An Act to revise certain provisions regarding search warrants for tracking devices.

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

Section 1. That § 23A-35-4.3 be AMENDED:

23A-35-4.3. ~~(a) Tracking Device Defined.~~ As used in this section, the term, tracking device, means an electronic or mechanical device ~~which that~~ permits the tracking of the movement of a person or object, including GPS, ~~"pole camera",~~ cellular device, electronic video surveillance, or any other covert tracking or surveillance device.

~~(b) Contents.~~ A search warrant for a tracking device may be issued by any magistrate authorized in § 23A-35-2, for the installation, use, and maintenance of a tracking device. There must be probable cause to search and seize property as set forth in this chapter and that such installation and use of this device will lead to the discovery of evidence under § 23A-35-3. The tracking-device warrant must identify the person or property to be tracked, designate the magistrate to whom it must be returned, and specify a reasonable length of time that the device may be used. The time may not exceed ~~45~~ sixty days from the date the warrant was issued. The court may, for good cause, grant one or more extensions for a reasonable period not to exceed ~~45~~ sixty days each. The warrant must command the officer to complete any installation authorized by the warrant within a specified time no longer than ~~10~~ ten days.

~~(c) Scope.~~ Any tracking-device warrant issued under this section may authorize the use of the tracking device within the jurisdiction of the magistrate, and outside that jurisdiction, if the tracking device is installed within the magistrate's jurisdiction. The warrant may be executed in any part of the state where the person or object is found if, after the issuance of a warrant pursuant to this section, the person or object moves or is taken out of the jurisdiction of the magistrate issuing the warrant. The executing officer must perform any installation

authorized by the warrant during the daytime, unless the magistrate, for good cause, expressly authorizes installation at another time.

~~(d) Return.~~ The tracking-device warrant must command the executing officer to return the warrant to the magistrate designated in the warrant. The officer executing a tracking-device warrant must enter ~~on it~~ on the inventory the ~~exact~~ approximate time and date the device was installed and the period during which it was used.

~~(e) Service.~~ Within ~~10~~ ten days after the use of the tracking-device has ended, the officer executing a tracking-device warrant must serve a copy of the warrant on the person who was tracked or whose property was tracked. Service may be accomplished by delivering a copy to the person who, or whose property, was tracked; ~~or~~ by leaving a copy at the person's residence or usual place of abode with an individual of suitable age and discretion who resides at that location ~~and;~~ or by mailing a copy to the person's last known address. Upon request of the state, the judge may delay notice ~~for reasons~~ to prevent the occurrences set forth in subsection (f) subdivisions 1 to 5, inclusive.

~~(f) Sealing of Contents of Warrant.~~ With respect to the issuance of any warrant under this section, a judge may, upon a showing of good cause, seal the contents of a warrant and supporting documents until the termination of an investigation, an indictment or information is filed, or as otherwise ordered by the court for purpose of preventing:

- (1) Endangerment of life or physical safety of an individual;
- (2) Flight from prosecution;
- (3) Destruction of or tampering with evidence;
- (4) Intimidation of a potential witness ~~witnesses~~ witness; or
- (5) If failure to seal would otherwise seriously jeopardize an investigation or unduly delay a trial.

Signed February 9, 2022

Chapter 76
(House Bill 1328)

An Act to require law enforcement to report certain seizures of property.

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

Section 1. That chapter 23A-49 be amended with a NEW SECTION:

For any property seized or forfeited under this chapter, a law enforcement agency shall issue a report to the attorney general within a time specified and in a form prescribed by the attorney general, containing information about the property seized or forfeited as listed in section 2 of this Act and in rule promulgated by the attorney general.

Section 2. That chapter 23A-49 be amended with a NEW SECTION:

The attorney general shall establish and maintain a searchable public website or electronic spreadsheet that includes the following information about each property seized and forfeited:

- (1) Name of the law enforcement agency that seized the property or, if seized by a multijurisdictional state task force, the name of the lead state agency;
- (2) Forfeiture case file number;
- (3) County;
- (4) Arresting agency;
- (5) Seizure date;
- (6) Location of the seizure, whether a residence, business, event, or traffic stop;
- (7) If a traffic stop on an interstate, the direction of the traffic flow, whether eastbound, westbound, southbound or northbound;
- (8) Type and amount of controlled substance;
- (9) Original criminal charge;
- (10) Final criminal charge;
- (11) Date of summons and complaint filed;
- (12) Date of summons and complaint served or last date of publication;
- (13) Whether the defendant or property owner defaulted on the forfeiture complaint, and if no default occurred, the date of civil answer filed by the defendant or property owner;
- (14) Whether an innocent-owner claimant or creditor moved to regain the property;
- (15) Date of default civil judgment;
- (16) Date of summary judgment;
- (17) Date of civil dismissal;
- (18) Date of order of civil forfeiture;
- (19) Dollar amount of seized currency;
- (20) Description of seized property, other than currency, including make, model, and year;
- (21) Estimated value of seized property other than currency;
- (22) Date of case completion;
- (23) Dollar amount of forfeited currency after case completion;
- (24) Description of forfeited property, other than currency, after case completion;
- (25) Estimated value of forfeited property, other than currency, after case completion;
- (26) Whether the property was returned to the defendant or property owner, returned to the innocent-owner claimant or creditor, bought back, sold, destroyed, retained or disbursed to law enforcement agency, or pending disposition; and
- (27) Case comments.

Section 3. That chapter 23A-49 be amended with a NEW SECTION:

The attorney general, no more than 120 days after the close of the fiscal year, shall post on a searchable public website a report containing an itemized list of each property seized and forfeited for the preceding fiscal year as provided in section 2 of this Act.

The attorney general shall include in the report an itemized list of the expenditures and disbursements made by the attorney general under §§ 23A-49-20 and 34-20B-64.

The attorney general may include in the report recommendations to improve statutes, rules, and policies to better ensure that seizure, forfeiture, and expenditures are done and reported in a manner that is fair to crime victims, innocent property owners, secured interest holders, citizens, law enforcement and taxpayers.

The data and report compiled hereunder are public records under chapter 1-27.

Section 4. That chapter 23A-49 be amended with a NEW SECTION:

The attorney general may use forfeiture proceeds to pay the costs of compiling and reporting data under this Act.

Section 5. That chapter 23A-49 be amended with a NEW SECTION:

The attorney general shall promulgate rules, in accordance with chapter 1-26 establishing:

- (1) The form for law enforcement agencies to file a report with the attorney general;
- (2) The deadline by which law enforcement must report under section 1 of this Act;
- (3) Procedures necessary to facilitate the reporting provisions under this Act; and
- (4) Any information required from law enforcement agencies about property seized and forfeited under this chapter, in addition to the information required to be reported to the attorney general in section 2 of this Act.

Section 6. This Act applies to any property seized or forfeited under this chapter on or after July 1, 2022.

Signed March 15, 2022

PENAL INSTITUTIONS, PROBATION AND PAROLE

Chapter 77
(Senate Bill 119)

An Act to prohibit sexual contact between prison employees and prisoners.

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

Section 1. That § 24-1-26.1 be AMENDED:

24-1-26.1. Any person, employed by the state, or employed within any state prison or other detention facility, who knowingly engages in an act of sexual penetration, as defined in § 22-22-2, or sexual contact, as defined in § 22-22-7.1, with another person who is in detention and under the custodial, supervisory, or disciplinary authority of the person so engaging, is guilty of a Class 6 felony.

Signed March 15, 2022

DOMESTIC RELATIONS

Chapter 78

(House Bill 1268)

An Act to revise provisions related to name changes when obtaining a marriage license.

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

Section 1. That § 25-1-10.1 be AMENDED:

25-1-10.1. To obtain a marriage license, each applicant shall sign the marriage license application in person in the presence of the register of deeds or in the presence of a person duly appointed by the register to act in the register's behalf. Each applicant shall provide valid personal identification and provide proof of age ~~prior to before~~ before issuance of the marriage license. Proof of age and personal identification ~~shall must~~ be satisfied by providing a valid:

- (1) Passport;
- (2) Federal, state, military, or tribal photo identification;
- (3) Certified birth certificate, along with a current school or employment photo ID; or
- (4) Certified birth certificate, along with a U.S. Department of the Treasury Form 4029 that is completed.

On the marriage license application, each applicant shall provide the surname name the applicant shall be known by after the solemnization of the marriage. This choice ~~shall must~~ be indicated on the certificate of marriage and serve as a legal means for a name change. ~~However, a legal name change may not be obtained under this section if either of the applicants is changing a first or a middle name or changing a last name to something other than the applicant's surname, the spouse's surname, or the applicants' hyphenated surnames. Additionally, no A first name may not be changed under this section. A middle name may only be changed if an applicant is changing the applicant's surname to become a middle name. A surname may only be changed to adopt the spouse's surname or the applicants' hyphenated surnames.~~

No person may use a power of attorney to obtain a marriage license.

Signed March 16, 2022

Chapter 79
(House Bill 1133)

An Act to provide that the cost of a home study required for an adoption is the responsibility of 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. ~~No~~ 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 ~~shall~~ 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. ~~In addition, no~~

A child who is in the custody of the Department of Social Services 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 necessary funding must be budgeted and expended through the general appropriations act, 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 ~~the provisions of~~ this section is guilty of a Class 1 misdemeanor.

Signed March 18, 2022

Chapter 80
(House Bill 1278)

An Act to revise the child support obligation schedule.

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

Section 1. That § 25-7-6.2 be AMENDED:

25-7-6.2. The child support obligation ~~shall~~ must be established in accordance with the following schedule subject to the revisions or deviations as permitted by this chapter. Except as provided in this chapter, the combined monthly net incomes of both parents ~~shall~~ must be used in determining the obligation ~~which shall~~ to be divided proportionately between the parents based upon their respective net incomes. The noncustodial parent's proportionate share establishes the amount of the child support order.

The emboldened areas of the schedule include a self-support reserve of eight hundred seventy-one dollars per month that accounts for the subsistence needs of the obligated parent with a limited ability to pay. If the obligation using only the noncustodial parent's monthly net income is an obligation within the emboldened areas of the schedule, that amount shall must be compared to the noncustodial parent's proportionate share using both parents' monthly net incomes. The lesser amount establishes the noncustodial parent's child support order.

<u>Monthly Net</u> <u>Income</u>	<u>One</u> <u>Child</u>	<u>Two</u> <u>Children</u>	<u>Three</u> <u>Children</u>	<u>Four</u> <u>Children</u>	<u>Five</u> <u>Children</u>	<u>Six</u> <u>Children</u>
<u>0-950</u>	79	79	79	79	79	79
<u>951-1,000</u>	129	129	129	129	129	129
<u>1,001-1,050</u>	179	179	179	179	179	179
<u>1,051-1,100</u>	225	229	229	229	229	229
<u>1,101-1,150</u>	266	279	279	279	279	279
<u>1,151-1,200</u>	308	329	329	329	329	329
<u>1,201-1,250</u>	320	379	379	379	379	379
<u>1,251-1,300</u>	333	429	429	429	429	429
<u>1,301-1,350</u>	345	479	479	479	479	479
<u>1,351-1,400</u>	357	523	529	529	529	529
<u>1,401-1,450</u>	370	541	579	579	579	579
<u>1,451-1,500</u>	382	559	629	629	629	629
<u>1,501-1,550</u>	395	577	679	679	679	679
<u>1,551-1,600</u>	407	595	706	729	729	729
<u>1,601-1,650</u>	419	613	727	779	779	779
<u>1,651-1,700</u>	431	629	747	829	829	829
<u>1,701-1,750</u>	443	646	766	855	879	879
<u>1,751-1,800</u>	455	663	785	877	929	929
<u>1,801-1,850</u>	466	679	804	899	979	979
<u>1,851-1,900</u>	478	696	824	920	1012	1029
<u>1,901-1,950</u>	490	713	843	942	1039	1079
<u>1,951-2,000</u>	501	729	862	963	1063	1129
<u>2,001-2,050</u>	513	746	882	985	1086	1177
<u>2,051-2,100</u>	525	763	901	1006	1110	1219
<u>2,101-2,150</u>	536	779	920	1028	1134	1245
<u>2,151-2,200</u>	548	796	939	1049	1157	1271
<u>2,201-2,250</u>	560	813	959	1071	1181	1297
<u>2,251-2,300</u>	572	829	978	1092	1205	1322
<u>2,301-2,350</u>	583	846	998	1115	1246	1348
<u>2,351-2,400</u>	595	862	1020	1139	1272	1374
<u>2,401-2,450</u>	607	879	1041	1163	1299	1400
<u>2,451-2,500</u>	618	896	1062	1186	1325	1425

<u>2,501-2,550</u>	<u>630</u>	<u>912</u>	<u>1083</u>	<u>1210</u>	<u>1352</u>	<u>1477</u>
<u>2,551-2,600</u>	<u>642</u>	<u>929</u>	<u>1105</u>	<u>1234</u>	<u>1378</u>	<u>1527</u>
<u>2,601-2,650</u>	<u>653</u>	<u>946</u>	<u>1126</u>	<u>1258</u>	<u>1405</u>	<u>1569</u>
<u>2,651-2,700</u>	<u>665</u>	<u>962</u>	<u>1147</u>	<u>1281</u>	<u>1431</u>	<u>1599</u>
<u>2,701-2,750</u>	<u>677</u>	<u>979</u>	<u>1168</u>	<u>1305</u>	<u>1458</u>	<u>1628</u>
<u>2,751-2,800</u>	<u>688</u>	<u>996</u>	<u>1190</u>	<u>1329</u>	<u>1484</u>	<u>1658</u>
<u>2,801-2,850</u>	<u>700</u>	<u>1012</u>	<u>1211</u>	<u>1353</u>	<u>1511</u>	<u>1688</u>
<u>2,851-2,900</u>	<u>712</u>	<u>1029</u>	<u>1232</u>	<u>1376</u>	<u>1537</u>	<u>1717</u>
<u>2,901-2,950</u>	<u>723</u>	<u>1046</u>	<u>1253</u>	<u>1400</u>	<u>1564</u>	<u>1747</u>
<u>2,951-3,000</u>	<u>735</u>	<u>1062</u>	<u>1275</u>	<u>1424</u>	<u>1590</u>	<u>1776</u>
<u>3,001-3,050</u>	<u>746</u>	<u>1079</u>	<u>1296</u>	<u>1447</u>	<u>1617</u>	<u>1806</u>
<u>3,051-3,100</u>	<u>758</u>	<u>1096</u>	<u>1317</u>	<u>1471</u>	<u>1643</u>	<u>1836</u>
<u>3,101-3,150</u>	<u>770</u>	<u>1114</u>	<u>1338</u>	<u>1495</u>	<u>1670</u>	<u>1865</u>
<u>3,151-3,200</u>	<u>781</u>	<u>1129</u>	<u>1356</u>	<u>1515</u>	<u>1692</u>	<u>1890</u>
<u>3,201-3,250</u>	<u>793</u>	<u>1146</u>	<u>1373</u>	<u>1533</u>	<u>1713</u>	<u>1913</u>
<u>3,251-3,300</u>	<u>805</u>	<u>1162</u>	<u>1389</u>	<u>1551</u>	<u>1733</u>	<u>1935</u>
<u>3,301-3,350</u>	<u>816</u>	<u>1179</u>	<u>1405</u>	<u>1569</u>	<u>1753</u>	<u>1958</u>
<u>3,351-3,400</u>	<u>821</u>	<u>1185</u>	<u>1421</u>	<u>1587</u>	<u>1773</u>	<u>1981</u>
<u>3,401-3,450</u>	<u>824</u>	<u>1198</u>	<u>1437</u>	<u>1605</u>	<u>1793</u>	<u>2003</u>
<u>3,451-3,500</u>	<u>828</u>	<u>1212</u>	<u>1453</u>	<u>1624</u>	<u>1813</u>	<u>2026</u>
<u>3,501-3,550</u>	<u>831</u>	<u>1226</u>	<u>1470</u>	<u>1642</u>	<u>1834</u>	<u>2048</u>
<u>3,551-3,600</u>	<u>834</u>	<u>1240</u>	<u>1485</u>	<u>1659</u>	<u>1853</u>	<u>2070</u>
<u>3,601-3,650</u>	<u>842</u>	<u>1251</u>	<u>1499</u>	<u>1675</u>	<u>1871</u>	<u>2089</u>
<u>3,651-3,700</u>	<u>852</u>	<u>1263</u>	<u>1513</u>	<u>1690</u>	<u>1888</u>	<u>2109</u>
<u>3,701-3,750</u>	<u>861</u>	<u>1274</u>	<u>1527</u>	<u>1705</u>	<u>1905</u>	<u>2128</u>
<u>3,751-3,800</u>	<u>869</u>	<u>1286</u>	<u>1540</u>	<u>1721</u>	<u>1922</u>	<u>2147</u>
<u>3,801-3,850</u>	<u>876</u>	<u>1297</u>	<u>1554</u>	<u>1736</u>	<u>1939</u>	<u>2166</u>
<u>3,851-3,900</u>	<u>880</u>	<u>1309</u>	<u>1568</u>	<u>1751</u>	<u>1956</u>	<u>2185</u>
<u>3,901-3,950</u>	<u>883</u>	<u>1320</u>	<u>1582</u>	<u>1767</u>	<u>1974</u>	<u>2205</u>
<u>3,951-4,000</u>	<u>889</u>	<u>1332</u>	<u>1596</u>	<u>1782</u>	<u>1991</u>	<u>2224</u>
<u>4,001-4,050</u>	<u>897</u>	<u>1340</u>	<u>1605</u>	<u>1792</u>	<u>2002</u>	<u>2236</u>
<u>4,051-4,100</u>	<u>906</u>	<u>1347</u>	<u>1612</u>	<u>1800</u>	<u>2011</u>	<u>2246</u>
<u>4,101-4,150</u>	<u>915</u>	<u>1353</u>	<u>1619</u>	<u>1808</u>	<u>2019</u>	<u>2256</u>
<u>4,151-4,200</u>	<u>924</u>	<u>1360</u>	<u>1626</u>	<u>1816</u>	<u>2028</u>	<u>2265</u>
<u>4,201-4,250</u>	<u>929</u>	<u>1366</u>	<u>1633</u>	<u>1824</u>	<u>2037</u>	<u>2275</u>
<u>4,251-4,300</u>	<u>932</u>	<u>1373</u>	<u>1640</u>	<u>1831</u>	<u>2046</u>	<u>2285</u>
<u>4,301-4,350</u>	<u>936</u>	<u>1379</u>	<u>1647</u>	<u>1839</u>	<u>2054</u>	<u>2295</u>
<u>4,351-4,400</u>	<u>939</u>	<u>1386</u>	<u>1654</u>	<u>1847</u>	<u>2063</u>	<u>2304</u>
<u>4,401-4,450</u>	<u>943</u>	<u>1392</u>	<u>1660</u>	<u>1854</u>	<u>2071</u>	<u>2313</u>
<u>4,451-4,500</u>	<u>946</u>	<u>1397</u>	<u>1665</u>	<u>1859</u>	<u>2077</u>	<u>2320</u>

<u>4,501-4,550</u>	<u>951</u>	<u>1402</u>	<u>1669</u>	<u>1865</u>	<u>2083</u>	<u>2326</u>
<u>4,551-4,600</u>	<u>954</u>	<u>1407</u>	<u>1674</u>	<u>1870</u>	<u>2089</u>	<u>2333</u>
<u>4,601-4,650</u>	<u>958</u>	<u>1411</u>	<u>1679</u>	<u>1875</u>	<u>2094</u>	<u>2339</u>
<u>4,651-4,700</u>	<u>961</u>	<u>1416</u>	<u>1683</u>	<u>1880</u>	<u>2100</u>	<u>2346</u>
<u>4,701-4,750</u>	<u>965</u>	<u>1421</u>	<u>1688</u>	<u>1885</u>	<u>2106</u>	<u>2352</u>
<u>4,751-4,800</u>	<u>969</u>	<u>1426</u>	<u>1693</u>	<u>1891</u>	<u>2112</u>	<u>2359</u>
<u>4,801-4,850</u>	<u>973</u>	<u>1430</u>	<u>1697</u>	<u>1896</u>	<u>2118</u>	<u>2366</u>
<u>4,851-4,900</u>	<u>978</u>	<u>1437</u>	<u>1704</u>	<u>1904</u>	<u>2126</u>	<u>2375</u>
<u>4,901-4,950</u>	<u>981</u>	<u>1443</u>	<u>1712</u>	<u>1912</u>	<u>2136</u>	<u>2385</u>
<u>4,951-5,000</u>	<u>985</u>	<u>1449</u>	<u>1719</u>	<u>1920</u>	<u>2145</u>	<u>2396</u>
<u>5,001-5,050</u>	<u>989</u>	<u>1456</u>	<u>1726</u>	<u>1928</u>	<u>2154</u>	<u>2406</u>
<u>5,051-5,100</u>	<u>993</u>	<u>1462</u>	<u>1734</u>	<u>1937</u>	<u>2163</u>	<u>2416</u>
<u>5,101-5,150</u>	<u>996</u>	<u>1469</u>	<u>1741</u>	<u>1945</u>	<u>2172</u>	<u>2426</u>
<u>5,151-5,200</u>	<u>1000</u>	<u>1475</u>	<u>1748</u>	<u>1953</u>	<u>2182</u>	<u>2437</u>
<u>5,201-5,250</u>	<u>1005</u>	<u>1481</u>	<u>1756</u>	<u>1961</u>	<u>2191</u>	<u>2447</u>
<u>5,251-5,300</u>	<u>1009</u>	<u>1488</u>	<u>1763</u>	<u>1969</u>	<u>2200</u>	<u>2457</u>
<u>5,301-5,350</u>	<u>1012</u>	<u>1495</u>	<u>1770</u>	<u>1978</u>	<u>2209</u>	<u>2467</u>
<u>5,351-5,400</u>	<u>1016</u>	<u>1502</u>	<u>1778</u>	<u>1986</u>	<u>2218</u>	<u>2478</u>
<u>5,401-5,450</u>	<u>1020</u>	<u>1509</u>	<u>1785</u>	<u>1994</u>	<u>2227</u>	<u>2488</u>
<u>5,451-5,500</u>	<u>1024</u>	<u>1516</u>	<u>1792</u>	<u>2002</u>	<u>2236</u>	<u>2498</u>
<u>5,501-5,550</u>	<u>1028</u>	<u>1523</u>	<u>1800</u>	<u>2010</u>	<u>2245</u>	<u>2508</u>
<u>5,551-5,600</u>	<u>1032</u>	<u>1530</u>	<u>1807</u>	<u>2018</u>	<u>2254</u>	<u>2518</u>
<u>5,601-5,650</u>	<u>1036</u>	<u>1537</u>	<u>1814</u>	<u>2026</u>	<u>2263</u>	<u>2528</u>
<u>5,651-5,700</u>	<u>1040</u>	<u>1544</u>	<u>1821</u>	<u>2035</u>	<u>2273</u>	<u>2538</u>
<u>5,701-5,750</u>	<u>1045</u>	<u>1552</u>	<u>1829</u>	<u>2043</u>	<u>2282</u>	<u>2549</u>
<u>5,751-5,800</u>	<u>1051</u>	<u>1560</u>	<u>1837</u>	<u>2052</u>	<u>2292</u>	<u>2561</u>
<u>5,801-5,850</u>	<u>1058</u>	<u>1568</u>	<u>1845</u>	<u>2061</u>	<u>2302</u>	<u>2572</u>
<u>5,851-5,900</u>	<u>1064</u>	<u>1577</u>	<u>1853</u>	<u>2070</u>	<u>2312</u>	<u>2583</u>
<u>5,901-5,950</u>	<u>1071</u>	<u>1585</u>	<u>1861</u>	<u>2079</u>	<u>2322</u>	<u>2594</u>
<u>5,951-6,000</u>	<u>1077</u>	<u>1593</u>	<u>1869</u>	<u>2088</u>	<u>2332</u>	<u>2605</u>
<u>6,001-6,050</u>	<u>1084</u>	<u>1601</u>	<u>1877</u>	<u>2097</u>	<u>2342</u>	<u>2616</u>
<u>6,051-6,100</u>	<u>1090</u>	<u>1610</u>	<u>1885</u>	<u>2106</u>	<u>2352</u>	<u>2627</u>
<u>6,101-6,150</u>	<u>1097</u>	<u>1619</u>	<u>1896</u>	<u>2118</u>	<u>2366</u>	<u>2642</u>
<u>6,151-6,200</u>	<u>1104</u>	<u>1631</u>	<u>1910</u>	<u>2134</u>	<u>2383</u>	<u>2662</u>
<u>6,201-6,250</u>	<u>1112</u>	<u>1642</u>	<u>1924</u>	<u>2149</u>	<u>2401</u>	<u>2681</u>
<u>6,251-6,300</u>	<u>1119</u>	<u>1654</u>	<u>1938</u>	<u>2165</u>	<u>2418</u>	<u>2701</u>
<u>6,301-6,350</u>	<u>1126</u>	<u>1665</u>	<u>1952</u>	<u>2180</u>	<u>2436</u>	<u>2720</u>
<u>6,351-6,400</u>	<u>1134</u>	<u>1676</u>	<u>1966</u>	<u>2196</u>	<u>2453</u>	<u>2740</u>
<u>6,401-6,450</u>	<u>1141</u>	<u>1688</u>	<u>1980</u>	<u>2212</u>	<u>2470</u>	<u>2759</u>
<u>6,451-6,500</u>	<u>1149</u>	<u>1699</u>	<u>1994</u>	<u>2227</u>	<u>2488</u>	<u>2779</u>

<u>6,501-6,550</u>	<u>1156</u>	<u>1711</u>	<u>2008</u>	<u>2243</u>	<u>2505</u>	<u>2798</u>
<u>6,551-6,600</u>	<u>1156</u>	<u>1711</u>	<u>2010</u>	<u>2245</u>	<u>2507</u>	<u>2801</u>
<u>6,601-6,650</u>	<u>1156</u>	<u>1712</u>	<u>2011</u>	<u>2247</u>	<u>2510</u>	<u>2803</u>
<u>6,651-6,700</u>	<u>1156</u>	<u>1713</u>	<u>2013</u>	<u>2249</u>	<u>2512</u>	<u>2806</u>
<u>6,701-6,750</u>	<u>1156</u>	<u>1714</u>	<u>2015</u>	<u>2251</u>	<u>2514</u>	<u>2808</u>
<u>6,751-6,800</u>	<u>1157</u>	<u>1715</u>	<u>2017</u>	<u>2253</u>	<u>2516</u>	<u>2811</u>
<u>6,801-6,850</u>	<u>1157</u>	<u>1715</u>	<u>2018</u>	<u>2255</u>	<u>2518</u>	<u>2813</u>
<u>6,851-6,900</u>	<u>1162</u>	<u>1716</u>	<u>2020</u>	<u>2257</u>	<u>2521</u>	<u>2816</u>
<u>6,901-6,950</u>	<u>1167</u>	<u>1717</u>	<u>2022</u>	<u>2259</u>	<u>2523</u>	<u>2818</u>
<u>6,951-7,000</u>	<u>1172</u>	<u>1722</u>	<u>2027</u>	<u>2264</u>	<u>2529</u>	<u>2825</u>
<u>7,001-7,050</u>	<u>1177</u>	<u>1729</u>	<u>2034</u>	<u>2272</u>	<u>2538</u>	<u>2835</u>
<u>7,051-7,100</u>	<u>1182</u>	<u>1737</u>	<u>2041</u>	<u>2280</u>	<u>2547</u>	<u>2845</u>
<u>7,101-7,150</u>	<u>1187</u>	<u>1745</u>	<u>2049</u>	<u>2288</u>	<u>2556</u>	<u>2855</u>
<u>7,151-7,200</u>	<u>1192</u>	<u>1753</u>	<u>2056</u>	<u>2297</u>	<u>2565</u>	<u>2865</u>
<u>7,201-7,250</u>	<u>1197</u>	<u>1761</u>	<u>2063</u>	<u>2305</u>	<u>2574</u>	<u>2876</u>
<u>7,251-7,300</u>	<u>1202</u>	<u>1768</u>	<u>2071</u>	<u>2313</u>	<u>2583</u>	<u>2886</u>
<u>7,301-7,350</u>	<u>1207</u>	<u>1776</u>	<u>2078</u>	<u>2321</u>	<u>2593</u>	<u>2896</u>
<u>7,351-7,400</u>	<u>1212</u>	<u>1784</u>	<u>2085</u>	<u>2329</u>	<u>2602</u>	<u>2906</u>
<u>7,401-7,450</u>	<u>1216</u>	<u>1791</u>	<u>2093</u>	<u>2337</u>	<u>2611</u>	<u>2916</u>
<u>7,451-7,500</u>	<u>1221</u>	<u>1798</u>	<u>2100</u>	<u>2346</u>	<u>2620</u>	<u>2927</u>
<u>7,501-7,550</u>	<u>1226</u>	<u>1805</u>	<u>2107</u>	<u>2354</u>	<u>2629</u>	<u>2937</u>
<u>7,551-7,600</u>	<u>1231</u>	<u>1812</u>	<u>2115</u>	<u>2362</u>	<u>2639</u>	<u>2947</u>
<u>7,601-7,650</u>	<u>1237</u>	<u>1819</u>	<u>2122</u>	<u>2370</u>	<u>2648</u>	<u>2958</u>
<u>7,651-7,700</u>	<u>1242</u>	<u>1826</u>	<u>2130</u>	<u>2379</u>	<u>2657</u>	<u>2968</u>
<u>7,701-7,750</u>	<u>1247</u>	<u>1834</u>	<u>2137</u>	<u>2387</u>	<u>2666</u>	<u>2978</u>
<u>7,751-7,800</u>	<u>1253</u>	<u>1841</u>	<u>2144</u>	<u>2395</u>	<u>2675</u>	<u>2988</u>
<u>7,801-7,850</u>	<u>1258</u>	<u>1848</u>	<u>2152</u>	<u>2403</u>	<u>2685</u>	<u>2999</u>
<u>7,851-7,900</u>	<u>1263</u>	<u>1855</u>	<u>2159</u>	<u>2412</u>	<u>2694</u>	<u>3009</u>
<u>7,901-7,950</u>	<u>1268</u>	<u>1862</u>	<u>2166</u>	<u>2420</u>	<u>2703</u>	<u>3019</u>
<u>7,951-8,000</u>	<u>1274</u>	<u>1869</u>	<u>2174</u>	<u>2428</u>	<u>2712</u>	<u>3030</u>
<u>8,001-8,050</u>	<u>1279</u>	<u>1876</u>	<u>2182</u>	<u>2437</u>	<u>2722</u>	<u>3041</u>
<u>8,051-8,100</u>	<u>1285</u>	<u>1884</u>	<u>2191</u>	<u>2447</u>	<u>2733</u>	<u>3053</u>
<u>8,101-8,150</u>	<u>1290</u>	<u>1892</u>	<u>2200</u>	<u>2457</u>	<u>2745</u>	<u>3066</u>
<u>8,151-8,200</u>	<u>1296</u>	<u>1900</u>	<u>2209</u>	<u>2467</u>	<u>2756</u>	<u>3078</u>
<u>8,201-8,250</u>	<u>1302</u>	<u>1908</u>	<u>2218</u>	<u>2477</u>	<u>2767</u>	<u>3090</u>
<u>8,251-8,300</u>	<u>1307</u>	<u>1916</u>	<u>2226</u>	<u>2487</u>	<u>2778</u>	<u>3103</u>
<u>8,301-8,350</u>	<u>1313</u>	<u>1924</u>	<u>2235</u>	<u>2497</u>	<u>2789</u>	<u>3115</u>
<u>8,351-8,400</u>	<u>1319</u>	<u>1932</u>	<u>2244</u>	<u>2507</u>	<u>2800</u>	<u>3128</u>
<u>8,401-8,450</u>	<u>1324</u>	<u>1940</u>	<u>2253</u>	<u>2517</u>	<u>2811</u>	<u>3140</u>
<u>8,451-8,500</u>	<u>1330</u>	<u>1948</u>	<u>2262</u>	<u>2527</u>	<u>2822</u>	<u>3153</u>

<u>8,501-8,550</u>	<u>1336</u>	<u>1956</u>	<u>2271</u>	<u>2537</u>	<u>2833</u>	<u>3165</u>
<u>8,551-8,600</u>	<u>1341</u>	<u>1964</u>	<u>2280</u>	<u>2547</u>	<u>2845</u>	<u>3177</u>
<u>8,601-8,650</u>	<u>1347</u>	<u>1972</u>	<u>2289</u>	<u>2557</u>	<u>2856</u>	<u>3190</u>
<u>8,651-8,700</u>	<u>1352</u>	<u>1980</u>	<u>2298</u>	<u>2566</u>	<u>2867</u>	<u>3202</u>
<u>8,701-8,750</u>	<u>1358</u>	<u>1988</u>	<u>2307</u>	<u>2576</u>	<u>2878</u>	<u>3215</u>
<u>8,751-8,800</u>	<u>1364</u>	<u>1996</u>	<u>2315</u>	<u>2586</u>	<u>2889</u>	<u>3227</u>
<u>8,801-8,850</u>	<u>1369</u>	<u>2004</u>	<u>2324</u>	<u>2596</u>	<u>2900</u>	<u>3239</u>
<u>8,851-8,900</u>	<u>1375</u>	<u>2012</u>	<u>2333</u>	<u>2606</u>	<u>2911</u>	<u>3252</u>
<u>8,901-8,950</u>	<u>1381</u>	<u>2020</u>	<u>2342</u>	<u>2616</u>	<u>2922</u>	<u>3264</u>
<u>8,951-9,000</u>	<u>1386</u>	<u>2028</u>	<u>2351</u>	<u>2626</u>	<u>2933</u>	<u>3277</u>
<u>9,001-9,050</u>	<u>1392</u>	<u>2036</u>	<u>2360</u>	<u>2636</u>	<u>2944</u>	<u>3289</u>
<u>9,051-9,100</u>	<u>1397</u>	<u>2044</u>	<u>2369</u>	<u>2646</u>	<u>2956</u>	<u>3301</u>
<u>9,101-9,150</u>	<u>1403</u>	<u>2052</u>	<u>2378</u>	<u>2656</u>	<u>2967</u>	<u>3314</u>
<u>9,151-9,200</u>	<u>1409</u>	<u>2060</u>	<u>2387</u>	<u>2666</u>	<u>2978</u>	<u>3326</u>
<u>9,201-9,250</u>	<u>1414</u>	<u>2068</u>	<u>2396</u>	<u>2676</u>	<u>2989</u>	<u>3339</u>
<u>9,251-9,300</u>	<u>1420</u>	<u>2076</u>	<u>2404</u>	<u>2686</u>	<u>3000</u>	<u>3351</u>
<u>9,301-9,350</u>	<u>1426</u>	<u>2084</u>	<u>2413</u>	<u>2696</u>	<u>3011</u>	<u>3363</u>
<u>9,351-9,400</u>	<u>1431</u>	<u>2092</u>	<u>2422</u>	<u>2706</u>	<u>3022</u>	<u>3376</u>
<u>9,401-9,450</u>	<u>1437</u>	<u>2100</u>	<u>2431</u>	<u>2716</u>	<u>3033</u>	<u>3388</u>
<u>9,451-9,500</u>	<u>1443</u>	<u>2107</u>	<u>2440</u>	<u>2726</u>	<u>3044</u>	<u>3401</u>
<u>9,501-9,550</u>	<u>1447</u>	<u>2115</u>	<u>2449</u>	<u>2736</u>	<u>3056</u>	<u>3414</u>
<u>9,551-9,600</u>	<u>1452</u>	<u>2123</u>	<u>2459</u>	<u>2747</u>	<u>3068</u>	<u>3427</u>
<u>9,601-9,650</u>	<u>1457</u>	<u>2130</u>	<u>2468</u>	<u>2757</u>	<u>3080</u>	<u>3440</u>
<u>9,651-9,700</u>	<u>1462</u>	<u>2138</u>	<u>2478</u>	<u>2768</u>	<u>3092</u>	<u>3453</u>
<u>9,701-9,750</u>	<u>1466</u>	<u>2145</u>	<u>2487</u>	<u>2778</u>	<u>3103</u>	<u>3466</u>
<u>9,751-9,800</u>	<u>1471</u>	<u>2153</u>	<u>2497</u>	<u>2789</u>	<u>3115</u>	<u>3480</u>
<u>9,801-9,850</u>	<u>1476</u>	<u>2160</u>	<u>2506</u>	<u>2799</u>	<u>3127</u>	<u>3493</u>
<u>9,851-9,900</u>	<u>1481</u>	<u>2168</u>	<u>2516</u>	<u>2810</u>	<u>3139</u>	<u>3506</u>
<u>9,901-9,950</u>	<u>1485</u>	<u>2175</u>	<u>2525</u>	<u>2821</u>	<u>3151</u>	<u>3519</u>
<u>9,951-10,000</u>	<u>1490</u>	<u>2183</u>	<u>2535</u>	<u>2831</u>	<u>3162</u>	<u>3532</u>
<u>10,001-10,050</u>	<u>1495</u>	<u>2190</u>	<u>2544</u>	<u>2842</u>	<u>3174</u>	<u>3546</u>
<u>10,051-10,100</u>	<u>1500</u>	<u>2198</u>	<u>2554</u>	<u>2852</u>	<u>3186</u>	<u>3559</u>
<u>10,101-10,150</u>	<u>1505</u>	<u>2205</u>	<u>2563</u>	<u>2863</u>	<u>3198</u>	<u>3572</u>
<u>10,151-10,200</u>	<u>1509</u>	<u>2213</u>	<u>2572</u>	<u>2873</u>	<u>3210</u>	<u>3585</u>
<u>10,201-10,250</u>	<u>1514</u>	<u>2221</u>	<u>2582</u>	<u>2884</u>	<u>3221</u>	<u>3598</u>
<u>10,251-10,300</u>	<u>1519</u>	<u>2228</u>	<u>2591</u>	<u>2895</u>	<u>3233</u>	<u>3612</u>
<u>10,301-10,350</u>	<u>1524</u>	<u>2236</u>	<u>2601</u>	<u>2905</u>	<u>3245</u>	<u>3625</u>
<u>10,351-10,400</u>	<u>1528</u>	<u>2243</u>	<u>2610</u>	<u>2916</u>	<u>3257</u>	<u>3638</u>
<u>10,401-10,450</u>	<u>1533</u>	<u>2251</u>	<u>2620</u>	<u>2926</u>	<u>3269</u>	<u>3651</u>
<u>10,451-10,500</u>	<u>1538</u>	<u>2258</u>	<u>2629</u>	<u>2937</u>	<u>3281</u>	<u>3664</u>

<u>10,501-10,550</u>	<u>1543</u>	<u>2266</u>	<u>2639</u>	<u>2947</u>	<u>3292</u>	<u>3678</u>
<u>10,551-10,600</u>	<u>1547</u>	<u>2273</u>	<u>2648</u>	<u>2958</u>	<u>3304</u>	<u>3691</u>
<u>10,601-10,650</u>	<u>1552</u>	<u>2281</u>	<u>2658</u>	<u>2969</u>	<u>3316</u>	<u>3704</u>
<u>10,651-10,700</u>	<u>1557</u>	<u>2288</u>	<u>2667</u>	<u>2979</u>	<u>3328</u>	<u>3717</u>
<u>10,701-10,750</u>	<u>1562</u>	<u>2296</u>	<u>2677</u>	<u>2990</u>	<u>3340</u>	<u>3730</u>
<u>10,751-10,800</u>	<u>1566</u>	<u>2303</u>	<u>2686</u>	<u>3000</u>	<u>3351</u>	<u>3743</u>
<u>10,801-10,850</u>	<u>1571</u>	<u>2311</u>	<u>2696</u>	<u>3011</u>	<u>3363</u>	<u>3757</u>
<u>10,851-10,900</u>	<u>1576</u>	<u>2318</u>	<u>2705</u>	<u>3021</u>	<u>3375</u>	<u>3770</u>
<u>10,901-10,950</u>	<u>1581</u>	<u>2326</u>	<u>2714</u>	<u>3032</u>	<u>3387</u>	<u>3783</u>
<u>10,951-11,000</u>	<u>1585</u>	<u>2333</u>	<u>2724</u>	<u>3043</u>	<u>3399</u>	<u>3796</u>
<u>11,001-11,050</u>	<u>1590</u>	<u>2341</u>	<u>2733</u>	<u>3053</u>	<u>3410</u>	<u>3809</u>
<u>11,051-11,100</u>	<u>1595</u>	<u>2349</u>	<u>2743</u>	<u>3064</u>	<u>3422</u>	<u>3823</u>
<u>11,101-11,150</u>	<u>1600</u>	<u>2356</u>	<u>2752</u>	<u>3074</u>	<u>3434</u>	<u>3836</u>
<u>11,151-11,200</u>	<u>1604</u>	<u>2364</u>	<u>2762</u>	<u>3085</u>	<u>3446</u>	<u>3849</u>
<u>11,201-11,250</u>	<u>1609</u>	<u>2371</u>	<u>2771</u>	<u>3095</u>	<u>3458</u>	<u>3862</u>
<u>11,251-11,300</u>	<u>1614</u>	<u>2379</u>	<u>2781</u>	<u>3106</u>	<u>3469</u>	<u>3875</u>
<u>11,301-11,350</u>	<u>1619</u>	<u>2386</u>	<u>2790</u>	<u>3117</u>	<u>3481</u>	<u>3889</u>
<u>11,351-11,400</u>	<u>1623</u>	<u>2394</u>	<u>2800</u>	<u>3127</u>	<u>3493</u>	<u>3902</u>
<u>11,401-11,450</u>	<u>1628</u>	<u>2401</u>	<u>2809</u>	<u>3138</u>	<u>3505</u>	<u>3915</u>
<u>11,451-11,500</u>	<u>1633</u>	<u>2409</u>	<u>2819</u>	<u>3148</u>	<u>3517</u>	<u>3928</u>
<u>11,501-11,550</u>	<u>1638</u>	<u>2416</u>	<u>2828</u>	<u>3159</u>	<u>3528</u>	<u>3941</u>
<u>11,551-11,600</u>	<u>1642</u>	<u>2424</u>	<u>2837</u>	<u>3169</u>	<u>3540</u>	<u>3954</u>
<u>11,601-11,650</u>	<u>1649</u>	<u>2431</u>	<u>2847</u>	<u>3180</u>	<u>3552</u>	<u>3968</u>
<u>11,651-11,700</u>	<u>1656</u>	<u>2439</u>	<u>2856</u>	<u>3190</u>	<u>3564</u>	<u>3981</u>
<u>11,701-11,750</u>	<u>1663</u>	<u>2446</u>	<u>2866</u>	<u>3201</u>	<u>3576</u>	<u>3994</u>
<u>11,751-11,800</u>	<u>1670</u>	<u>2454</u>	<u>2875</u>	<u>3211</u>	<u>3587</u>	<u>4007</u>
<u>11,801-11,850</u>	<u>1677</u>	<u>2462</u>	<u>2885</u>	<u>3222</u>	<u>3599</u>	<u>4020</u>
<u>11,851-11,900</u>	<u>1684</u>	<u>2469</u>	<u>2894</u>	<u>3232</u>	<u>3611</u>	<u>4033</u>
<u>11,901-11,950</u>	<u>1691</u>	<u>2477</u>	<u>2903</u>	<u>3243</u>	<u>3622</u>	<u>4046</u>
<u>11,951-12,000</u>	<u>1698</u>	<u>2484</u>	<u>2913</u>	<u>3254</u>	<u>3634</u>	<u>4059</u>
<u>12,001-12,050</u>	<u>1705</u>	<u>2492</u>	<u>2922</u>	<u>3264</u>	<u>3646</u>	<u>4072</u>
<u>12,051-12,100</u>	<u>1712</u>	<u>2499</u>	<u>2932</u>	<u>3275</u>	<u>3658</u>	<u>4086</u>
<u>12,101-12,150</u>	<u>1719</u>	<u>2507</u>	<u>2941</u>	<u>3285</u>	<u>3669</u>	<u>4099</u>
<u>12,151-12,200</u>	<u>1726</u>	<u>2514</u>	<u>2950</u>	<u>3296</u>	<u>3681</u>	<u>4112</u>
<u>12,201-12,250</u>	<u>1733</u>	<u>2522</u>	<u>2960</u>	<u>3306</u>	<u>3693</u>	<u>4125</u>
<u>12,251-12,300</u>	<u>1741</u>	<u>2529</u>	<u>2969</u>	<u>3317</u>	<u>3705</u>	<u>4138</u>
<u>12,301-12,350</u>	<u>1748</u>	<u>2537</u>	<u>2979</u>	<u>3327</u>	<u>3716</u>	<u>4151</u>
<u>12,351-12,400</u>	<u>1755</u>	<u>2544</u>	<u>2988</u>	<u>3338</u>	<u>3728</u>	<u>4164</u>
<u>12,401-12,450</u>	<u>1762</u>	<u>2552</u>	<u>2997</u>	<u>3348</u>	<u>3740</u>	<u>4177</u>
<u>12,451-12,500</u>	<u>1769</u>	<u>2559</u>	<u>3007</u>	<u>3359</u>	<u>3751</u>	<u>4190</u>

<u>12,501-12,550</u>	<u>1776</u>	<u>2567</u>	<u>3016</u>	<u>3369</u>	<u>3763</u>	<u>4204</u>
<u>12,551-12,600</u>	<u>1783</u>	<u>2574</u>	<u>3026</u>	<u>3380</u>	<u>3775</u>	<u>4217</u>
<u>12,601-12,650</u>	<u>1790</u>	<u>2582</u>	<u>3035</u>	<u>3390</u>	<u>3787</u>	<u>4230</u>
<u>12,651-12,700</u>	<u>1797</u>	<u>2590</u>	<u>3044</u>	<u>3401</u>	<u>3798</u>	<u>4243</u>
<u>12,701-12,750</u>	<u>1804</u>	<u>2597</u>	<u>3054</u>	<u>3411</u>	<u>3810</u>	<u>4256</u>
<u>12,751-12,800</u>	<u>1811</u>	<u>2605</u>	<u>3063</u>	<u>3422</u>	<u>3822</u>	<u>4269</u>
<u>12,801-12,850</u>	<u>1818</u>	<u>2612</u>	<u>3073</u>	<u>3432</u>	<u>3834</u>	<u>4282</u>
<u>12,851-12,900</u>	<u>1825</u>	<u>2620</u>	<u>3082</u>	<u>3443</u>	<u>3845</u>	<u>4295</u>
<u>12,901-12,950</u>	<u>1833</u>	<u>2627</u>	<u>3091</u>	<u>3453</u>	<u>3857</u>	<u>4308</u>
<u>12,951-13,000</u>	<u>1840</u>	<u>2635</u>	<u>3101</u>	<u>3464</u>	<u>3869</u>	<u>4321</u>
<u>13,001-13,050</u>	<u>1847</u>	<u>2642</u>	<u>3110</u>	<u>3474</u>	<u>3881</u>	<u>4335</u>
<u>13,051-13,100</u>	<u>1854</u>	<u>2650</u>	<u>3120</u>	<u>3485</u>	<u>3892</u>	<u>4348</u>
<u>13,101-13,150</u>	<u>1861</u>	<u>2657</u>	<u>3129</u>	<u>3495</u>	<u>3904</u>	<u>4361</u>
<u>13,151-13,200</u>	<u>1868</u>	<u>2665</u>	<u>3138</u>	<u>3506</u>	<u>3916</u>	<u>4374</u>
<u>13,201-13,250</u>	<u>1875</u>	<u>2672</u>	<u>3148</u>	<u>3516</u>	<u>3927</u>	<u>4387</u>
<u>13,251-13,300</u>	<u>1882</u>	<u>2680</u>	<u>3157</u>	<u>3527</u>	<u>3939</u>	<u>4400</u>
<u>13,301-13,350</u>	<u>1889</u>	<u>2687</u>	<u>3167</u>	<u>3537</u>	<u>3951</u>	<u>4413</u>
<u>13,351-13,400</u>	<u>1896</u>	<u>2695</u>	<u>3176</u>	<u>3548</u>	<u>3963</u>	<u>4426</u>
<u>13,401-13,450</u>	<u>1903</u>	<u>2703</u>	<u>3185</u>	<u>3558</u>	<u>3974</u>	<u>4439</u>
<u>13,451-13,500</u>	<u>1910</u>	<u>2710</u>	<u>3195</u>	<u>3569</u>	<u>3986</u>	<u>4452</u>
<u>13,501-13,550</u>	<u>1917</u>	<u>2718</u>	<u>3204</u>	<u>3579</u>	<u>3998</u>	<u>4466</u>
<u>13,551-13,600</u>	<u>1925</u>	<u>2725</u>	<u>3214</u>	<u>3590</u>	<u>4010</u>	<u>4479</u>
<u>13,601-13,650</u>	<u>1932</u>	<u>2733</u>	<u>3223</u>	<u>3600</u>	<u>4021</u>	<u>4492</u>
<u>13,651-13,700</u>	<u>1939</u>	<u>2740</u>	<u>3232</u>	<u>3611</u>	<u>4033</u>	<u>4505</u>
<u>13,701-13,750</u>	<u>1945</u>	<u>2748</u>	<u>3241</u>	<u>3621</u>	<u>4044</u>	<u>4517</u>
<u>13,751-13,800</u>	<u>1950</u>	<u>2755</u>	<u>3250</u>	<u>3630</u>	<u>4055</u>	<u>4529</u>
<u>13,801-13,850</u>	<u>1955</u>	<u>2763</u>	<u>3258</u>	<u>3639</u>	<u>4065</u>	<u>4541</u>
<u>13,851-13,900</u>	<u>1960</u>	<u>2770</u>	<u>3266</u>	<u>3649</u>	<u>4076</u>	<u>4552</u>
<u>13,901-13,950</u>	<u>1965</u>	<u>2778</u>	<u>3275</u>	<u>3658</u>	<u>4086</u>	<u>4564</u>
<u>13,951-14,000</u>	<u>1970</u>	<u>2786</u>	<u>3283</u>	<u>3667</u>	<u>4096</u>	<u>4576</u>
<u>14,001-14,050</u>	<u>1975</u>	<u>2793</u>	<u>3291</u>	<u>3677</u>	<u>4107</u>	<u>4587</u>
<u>14,051-14,100</u>	<u>1980</u>	<u>2801</u>	<u>3300</u>	<u>3686</u>	<u>4117</u>	<u>4599</u>
<u>14,101-14,150</u>	<u>1985</u>	<u>2808</u>	<u>3308</u>	<u>3695</u>	<u>4128</u>	<u>4610</u>
<u>14,151-14,200</u>	<u>1990</u>	<u>2816</u>	<u>3316</u>	<u>3704</u>	<u>4138</u>	<u>4622</u>
<u>14,201-14,250</u>	<u>1996</u>	<u>2823</u>	<u>3325</u>	<u>3714</u>	<u>4148</u>	<u>4634</u>
<u>14,251-14,300</u>	<u>2001</u>	<u>2831</u>	<u>3333</u>	<u>3723</u>	<u>4159</u>	<u>4645</u>
<u>14,301-14,350</u>	<u>2006</u>	<u>2839</u>	<u>3341</u>	<u>3732</u>	<u>4169</u>	<u>4657</u>
<u>14,351-14,400</u>	<u>2011</u>	<u>2846</u>	<u>3350</u>	<u>3742</u>	<u>4180</u>	<u>4669</u>
<u>14,401-14,450</u>	<u>2016</u>	<u>2854</u>	<u>3358</u>	<u>3751</u>	<u>4190</u>	<u>4680</u>
<u>14,451-14,500</u>	<u>2021</u>	<u>2861</u>	<u>3366</u>	<u>3760</u>	<u>4200</u>	<u>4692</u>

<u>14,501-14,550</u>	<u>2026</u>	<u>2869</u>	<u>3375</u>	<u>3770</u>	<u>4211</u>	<u>4703</u>
<u>14,551-14,600</u>	<u>2031</u>	<u>2876</u>	<u>3383</u>	<u>3779</u>	<u>4221</u>	<u>4715</u>
<u>14,601-14,650</u>	<u>2036</u>	<u>2884</u>	<u>3392</u>	<u>3788</u>	<u>4232</u>	<u>4727</u>
<u>14,651-14,700</u>	<u>2041</u>	<u>2892</u>	<u>3400</u>	<u>3798</u>	<u>4242</u>	<u>4738</u>
<u>14,701-14,750</u>	<u>2046</u>	<u>2899</u>	<u>3408</u>	<u>3807</u>	<u>4252</u>	<u>4750</u>
<u>14,751-14,800</u>	<u>2051</u>	<u>2907</u>	<u>3417</u>	<u>3816</u>	<u>4263</u>	<u>4761</u>
<u>14,801-14,850</u>	<u>2056</u>	<u>2914</u>	<u>3425</u>	<u>3826</u>	<u>4273</u>	<u>4773</u>
<u>14,851-14,900</u>	<u>2061</u>	<u>2922</u>	<u>3433</u>	<u>3835</u>	<u>4284</u>	<u>4785</u>
<u>14,901-14,950</u>	<u>2066</u>	<u>2929</u>	<u>3442</u>	<u>3844</u>	<u>4294</u>	<u>4796</u>
<u>14,951-15,000</u>	<u>2071</u>	<u>2937</u>	<u>3450</u>	<u>3853</u>	<u>4304</u>	<u>4808</u>
<u>15,001-15,050</u>	<u>2076</u>	<u>2945</u>	<u>3458</u>	<u>3863</u>	<u>4315</u>	<u>4820</u>
<u>15,051-15,100</u>	<u>2081</u>	<u>2952</u>	<u>3467</u>	<u>3872</u>	<u>4325</u>	<u>4831</u>
<u>15,101-15,150</u>	<u>2086</u>	<u>2960</u>	<u>3475</u>	<u>3881</u>	<u>4336</u>	<u>4843</u>
<u>15,151-15,200</u>	<u>2091</u>	<u>2967</u>	<u>3483</u>	<u>3891</u>	<u>4346</u>	<u>4854</u>
<u>15,201-15,250</u>	<u>2097</u>	<u>2975</u>	<u>3492</u>	<u>3900</u>	<u>4356</u>	<u>4866</u>
<u>15,251-15,300</u>	<u>2102</u>	<u>2982</u>	<u>3500</u>	<u>3909</u>	<u>4367</u>	<u>4878</u>
<u>15,301-15,350</u>	<u>2107</u>	<u>2990</u>	<u>3508</u>	<u>3919</u>	<u>4377</u>	<u>4889</u>
<u>15,351-15,400</u>	<u>2112</u>	<u>2998</u>	<u>3517</u>	<u>3928</u>	<u>4388</u>	<u>4901</u>
<u>15,401-15,450</u>	<u>2117</u>	<u>3005</u>	<u>3525</u>	<u>3937</u>	<u>4398</u>	<u>4913</u>
<u>15,451-15,500</u>	<u>2122</u>	<u>3013</u>	<u>3533</u>	<u>3947</u>	<u>4408</u>	<u>4924</u>
<u>15,501-15,550</u>	<u>2127</u>	<u>3020</u>	<u>3542</u>	<u>3956</u>	<u>4419</u>	<u>4936</u>
<u>15,551-15,600</u>	<u>2132</u>	<u>3028</u>	<u>3550</u>	<u>3965</u>	<u>4429</u>	<u>4947</u>
<u>15,601-15,650</u>	<u>2137</u>	<u>3035</u>	<u>3558</u>	<u>3975</u>	<u>4440</u>	<u>4959</u>
<u>15,651-15,700</u>	<u>2142</u>	<u>3043</u>	<u>3567</u>	<u>3984</u>	<u>4450</u>	<u>4971</u>
<u>15,701-15,750</u>	<u>2147</u>	<u>3051</u>	<u>3575</u>	<u>3993</u>	<u>4460</u>	<u>4982</u>
<u>15,751-15,800</u>	<u>2152</u>	<u>3058</u>	<u>3583</u>	<u>4002</u>	<u>4471</u>	<u>4994</u>
<u>15,801-15,850</u>	<u>2157</u>	<u>3066</u>	<u>3592</u>	<u>4012</u>	<u>4481</u>	<u>5005</u>
<u>15,851-15,900</u>	<u>2162</u>	<u>3073</u>	<u>3600</u>	<u>4021</u>	<u>4492</u>	<u>5017</u>
<u>15,901-15,950</u>	<u>2167</u>	<u>3081</u>	<u>3608</u>	<u>4030</u>	<u>4502</u>	<u>5029</u>
<u>15,951-16,000</u>	<u>2172</u>	<u>3088</u>	<u>3617</u>	<u>4040</u>	<u>4512</u>	<u>5040</u>
<u>16,001-16,050</u>	<u>2177</u>	<u>3096</u>	<u>3625</u>	<u>4049</u>	<u>4523</u>	<u>5052</u>
<u>16,051-16,100</u>	<u>2182</u>	<u>3104</u>	<u>3633</u>	<u>4058</u>	<u>4533</u>	<u>5064</u>
<u>16,101-16,150</u>	<u>2187</u>	<u>3111</u>	<u>3642</u>	<u>4068</u>	<u>4544</u>	<u>5075</u>
<u>16,151-16,200</u>	<u>2192</u>	<u>3119</u>	<u>3650</u>	<u>4077</u>	<u>4554</u>	<u>5087</u>
<u>16,201-16,250</u>	<u>2197</u>	<u>3126</u>	<u>3658</u>	<u>4086</u>	<u>4564</u>	<u>5098</u>
<u>16,251-16,300</u>	<u>2203</u>	<u>3134</u>	<u>3667</u>	<u>4096</u>	<u>4575</u>	<u>5110</u>
<u>16,301-16,350</u>	<u>2208</u>	<u>3141</u>	<u>3675</u>	<u>4105</u>	<u>4585</u>	<u>5122</u>
<u>16,351-16,400</u>	<u>2213</u>	<u>3149</u>	<u>3683</u>	<u>4114</u>	<u>4596</u>	<u>5133</u>
<u>16,401-16,450</u>	<u>2218</u>	<u>3157</u>	<u>3692</u>	<u>4124</u>	<u>4606</u>	<u>5145</u>
<u>16,451-16,500</u>	<u>2223</u>	<u>3164</u>	<u>3700</u>	<u>4133</u>	<u>4616</u>	<u>5157</u>

<u>16,501-16,550</u>	<u>2228</u>	<u>3172</u>	<u>3708</u>	<u>4142</u>	<u>4627</u>	<u>5168</u>
<u>16,551-16,600</u>	<u>2233</u>	<u>3179</u>	<u>3717</u>	<u>4151</u>	<u>4637</u>	<u>5180</u>
<u>16,601-16,650</u>	<u>2238</u>	<u>3187</u>	<u>3725</u>	<u>4161</u>	<u>4648</u>	<u>5191</u>
<u>16,651-16,700</u>	<u>2243</u>	<u>3194</u>	<u>3733</u>	<u>4170</u>	<u>4658</u>	<u>5203</u>
<u>16,701-16,750</u>	<u>2248</u>	<u>3202</u>	<u>3742</u>	<u>4179</u>	<u>4668</u>	<u>5215</u>
<u>16,751-16,800</u>	<u>2253</u>	<u>3210</u>	<u>3750</u>	<u>4189</u>	<u>4679</u>	<u>5226</u>
<u>16,801-16,850</u>	<u>2258</u>	<u>3217</u>	<u>3758</u>	<u>4198</u>	<u>4689</u>	<u>5238</u>
<u>16,851-16,900</u>	<u>2263</u>	<u>3225</u>	<u>3767</u>	<u>4207</u>	<u>4700</u>	<u>5249</u>
<u>16,901-16,950</u>	<u>2268</u>	<u>3232</u>	<u>3775</u>	<u>4217</u>	<u>4710</u>	<u>5261</u>
<u>16,951-17,000</u>	<u>2273</u>	<u>3240</u>	<u>3783</u>	<u>4226</u>	<u>4720</u>	<u>5273</u>
<u>17,001-17,050</u>	<u>2278</u>	<u>3247</u>	<u>3792</u>	<u>4235</u>	<u>4731</u>	<u>5284</u>
<u>17,051-17,100</u>	<u>2283</u>	<u>3255</u>	<u>3800</u>	<u>4245</u>	<u>4741</u>	<u>5296</u>
<u>17,101-17,150</u>	<u>2288</u>	<u>3262</u>	<u>3808</u>	<u>4254</u>	<u>4752</u>	<u>5308</u>
<u>17,151-17,200</u>	<u>2293</u>	<u>3270</u>	<u>3817</u>	<u>4263</u>	<u>4762</u>	<u>5319</u>
<u>17,201-17,250</u>	<u>2298</u>	<u>3278</u>	<u>3825</u>	<u>4273</u>	<u>4772</u>	<u>5331</u>
<u>17,251-17,300</u>	<u>2303</u>	<u>3285</u>	<u>3833</u>	<u>4282</u>	<u>4783</u>	<u>5342</u>
<u>17,301-17,350</u>	<u>2309</u>	<u>3293</u>	<u>3842</u>	<u>4291</u>	<u>4793</u>	<u>5354</u>
<u>17,351-17,400</u>	<u>2314</u>	<u>3300</u>	<u>3850</u>	<u>4300</u>	<u>4804</u>	<u>5366</u>
<u>17,401-17,450</u>	<u>2319</u>	<u>3308</u>	<u>3858</u>	<u>4310</u>	<u>4814</u>	<u>5377</u>
<u>17,451-17,500</u>	<u>2324</u>	<u>3315</u>	<u>3867</u>	<u>4319</u>	<u>4824</u>	<u>5389</u>
<u>17,501-17,550</u>	<u>2329</u>	<u>3323</u>	<u>3875</u>	<u>4328</u>	<u>4835</u>	<u>5400</u>
<u>17,551-17,600</u>	<u>2334</u>	<u>3331</u>	<u>3883</u>	<u>4338</u>	<u>4845</u>	<u>5412</u>
<u>17,601-17,650</u>	<u>2339</u>	<u>3338</u>	<u>3892</u>	<u>4347</u>	<u>4856</u>	<u>5424</u>
<u>17,651-17,700</u>	<u>2344</u>	<u>3346</u>	<u>3900</u>	<u>4356</u>	<u>4866</u>	<u>5435</u>
<u>17,701-17,750</u>	<u>2349</u>	<u>3353</u>	<u>3908</u>	<u>4366</u>	<u>4876</u>	<u>5447</u>
<u>17,751-17,800</u>	<u>2354</u>	<u>3361</u>	<u>3917</u>	<u>4375</u>	<u>4887</u>	<u>5459</u>
<u>17,801-17,850</u>	<u>2359</u>	<u>3368</u>	<u>3925</u>	<u>4384</u>	<u>4897</u>	<u>5470</u>
<u>17,851-17,900</u>	<u>2364</u>	<u>3376</u>	<u>3933</u>	<u>4394</u>	<u>4908</u>	<u>5482</u>
<u>17,901-17,950</u>	<u>2369</u>	<u>3384</u>	<u>3942</u>	<u>4403</u>	<u>4918</u>	<u>5493</u>
<u>17,951-18,000</u>	<u>2374</u>	<u>3391</u>	<u>3950</u>	<u>4412</u>	<u>4928</u>	<u>5505</u>
<u>18,001-18,050</u>	<u>2379</u>	<u>3399</u>	<u>3958</u>	<u>4422</u>	<u>4939</u>	<u>5517</u>
<u>18,051-18,100</u>	<u>2384</u>	<u>3406</u>	<u>3967</u>	<u>4431</u>	<u>4949</u>	<u>5528</u>
<u>18,101-18,150</u>	<u>2389</u>	<u>3414</u>	<u>3975</u>	<u>4440</u>	<u>4960</u>	<u>5540</u>
<u>18,151-18,200</u>	<u>2394</u>	<u>3421</u>	<u>3983</u>	<u>4449</u>	<u>4970</u>	<u>5552</u>
<u>18,201-18,250</u>	<u>2399</u>	<u>3429</u>	<u>3992</u>	<u>4459</u>	<u>4980</u>	<u>5563</u>
<u>18,251-18,300</u>	<u>2404</u>	<u>3437</u>	<u>4000</u>	<u>4468</u>	<u>4991</u>	<u>5575</u>
<u>18,301-18,350</u>	<u>2410</u>	<u>3444</u>	<u>4008</u>	<u>4477</u>	<u>5001</u>	<u>5586</u>
<u>18,351-18,400</u>	<u>2415</u>	<u>3452</u>	<u>4017</u>	<u>4487</u>	<u>5012</u>	<u>5598</u>
<u>18,401-18,450</u>	<u>2420</u>	<u>3459</u>	<u>4025</u>	<u>4496</u>	<u>5022</u>	<u>5610</u>
<u>18,451-18,500</u>	<u>2425</u>	<u>3467</u>	<u>4033</u>	<u>4505</u>	<u>5032</u>	<u>5621</u>

<u>18,501-18,550</u>	<u>2430</u>	<u>3474</u>	<u>4042</u>	<u>4515</u>	<u>5043</u>	<u>5633</u>
<u>18,551-18,600</u>	<u>2435</u>	<u>3482</u>	<u>4050</u>	<u>4524</u>	<u>5053</u>	<u>5644</u>
<u>18,601-18,650</u>	<u>2440</u>	<u>3490</u>	<u>4058</u>	<u>4533</u>	<u>5064</u>	<u>5656</u>
<u>18,651-18,700</u>	<u>2445</u>	<u>3497</u>	<u>4067</u>	<u>4543</u>	<u>5074</u>	<u>5668</u>
<u>18,701-18,750</u>	<u>2450</u>	<u>3505</u>	<u>4075</u>	<u>4552</u>	<u>5084</u>	<u>5679</u>
<u>18,751-18,800</u>	<u>2455</u>	<u>3512</u>	<u>4083</u>	<u>4561</u>	<u>5095</u>	<u>5691</u>
<u>18,801-18,850</u>	<u>2460</u>	<u>3520</u>	<u>4092</u>	<u>4571</u>	<u>5105</u>	<u>5703</u>
<u>18,851-18,900</u>	<u>2465</u>	<u>3527</u>	<u>4100</u>	<u>4580</u>	<u>5116</u>	<u>5714</u>
<u>18,901-18,950</u>	<u>2470</u>	<u>3535</u>	<u>4108</u>	<u>4589</u>	<u>5126</u>	<u>5726</u>
<u>18,951-19,000</u>	<u>2475</u>	<u>3543</u>	<u>4117</u>	<u>4598</u>	<u>5136</u>	<u>5737</u>
<u>19,001-19,050</u>	<u>2480</u>	<u>3550</u>	<u>4125</u>	<u>4608</u>	<u>5147</u>	<u>5749</u>
<u>19,051-19,100</u>	<u>2485</u>	<u>3558</u>	<u>4133</u>	<u>4617</u>	<u>5157</u>	<u>5761</u>
<u>19,101-19,150</u>	<u>2490</u>	<u>3565</u>	<u>4142</u>	<u>4626</u>	<u>5168</u>	<u>5772</u>
<u>19,151-19,200</u>	<u>2495</u>	<u>3573</u>	<u>4150</u>	<u>4636</u>	<u>5178</u>	<u>5784</u>
<u>19,201-19,250</u>	<u>2500</u>	<u>3580</u>	<u>4158</u>	<u>4645</u>	<u>5188</u>	<u>5796</u>
<u>19,251-19,300</u>	<u>2505</u>	<u>3588</u>	<u>4167</u>	<u>4654</u>	<u>5199</u>	<u>5807</u>
<u>19,301-19,350</u>	<u>2510</u>	<u>3596</u>	<u>4175</u>	<u>4664</u>	<u>5209</u>	<u>5819</u>
<u>19,351-19,400</u>	<u>2516</u>	<u>3603</u>	<u>4183</u>	<u>4673</u>	<u>5220</u>	<u>5830</u>
<u>19,401-19,450</u>	<u>2521</u>	<u>3611</u>	<u>4192</u>	<u>4682</u>	<u>5230</u>	<u>5842</u>
<u>19,451-19,500</u>	<u>2526</u>	<u>3618</u>	<u>4200</u>	<u>4692</u>	<u>5240</u>	<u>5854</u>
<u>19,501-19,550</u>	<u>2531</u>	<u>3626</u>	<u>4208</u>	<u>4701</u>	<u>5251</u>	<u>5865</u>
<u>19,551-19,600</u>	<u>2536</u>	<u>3633</u>	<u>4217</u>	<u>4710</u>	<u>5261</u>	<u>5877</u>
<u>19,601-19,650</u>	<u>2541</u>	<u>3641</u>	<u>4225</u>	<u>4719</u>	<u>5272</u>	<u>5888</u>
<u>19,651-19,700</u>	<u>2546</u>	<u>3649</u>	<u>4233</u>	<u>4729</u>	<u>5282</u>	<u>5900</u>
<u>19,701-19,750</u>	<u>2551</u>	<u>3656</u>	<u>4242</u>	<u>4738</u>	<u>5292</u>	<u>5912</u>
<u>19,751-19,800</u>	<u>2556</u>	<u>3664</u>	<u>4250</u>	<u>4747</u>	<u>5303</u>	<u>5923</u>
<u>19,801-19,850</u>	<u>2561</u>	<u>3671</u>	<u>4259</u>	<u>4757</u>	<u>5313</u>	<u>5935</u>
<u>19,851-19,900</u>	<u>2566</u>	<u>3679</u>	<u>4267</u>	<u>4766</u>	<u>5324</u>	<u>5947</u>
<u>19,901-19,950</u>	<u>2571</u>	<u>3686</u>	<u>4275</u>	<u>4775</u>	<u>5334</u>	<u>5958</u>
<u>19,951-20,000</u>	<u>2576</u>	<u>3694</u>	<u>4284</u>	<u>4785</u>	<u>5344</u>	<u>5970</u>
<u>20,001-20,050</u>	<u>2581</u>	<u>3702</u>	<u>4292</u>	<u>4794</u>	<u>5355</u>	<u>5981</u>
<u>20,051-20,100</u>	<u>2586</u>	<u>3709</u>	<u>4300</u>	<u>4803</u>	<u>5365</u>	<u>5993</u>
<u>20,101-20,150</u>	<u>2591</u>	<u>3717</u>	<u>4309</u>	<u>4813</u>	<u>5376</u>	<u>6005</u>
<u>20,151-20,200</u>	<u>2596</u>	<u>3724</u>	<u>4317</u>	<u>4822</u>	<u>5386</u>	<u>6016</u>
<u>20,201-20,250</u>	<u>2601</u>	<u>3732</u>	<u>4325</u>	<u>4831</u>	<u>5396</u>	<u>6028</u>
<u>20,251-20,300</u>	<u>2606</u>	<u>3739</u>	<u>4334</u>	<u>4841</u>	<u>5407</u>	<u>6040</u>
<u>20,301-20,350</u>	<u>2611</u>	<u>3747</u>	<u>4342</u>	<u>4850</u>	<u>5417</u>	<u>6051</u>
<u>20,351-20,400</u>	<u>2617</u>	<u>3755</u>	<u>4350</u>	<u>4859</u>	<u>5428</u>	<u>6063</u>
<u>20,401-20,450</u>	<u>2622</u>	<u>3762</u>	<u>4359</u>	<u>4868</u>	<u>5438</u>	<u>6074</u>
<u>20,451-20,500</u>	<u>2627</u>	<u>3770</u>	<u>4367</u>	<u>4878</u>	<u>5449</u>	<u>6086</u>

<u>20,501-20,550</u>	<u>2632</u>	<u>3777</u>	<u>4375</u>	<u>4887</u>	<u>5459</u>	<u>6098</u>
<u>20,551-20,600</u>	<u>2637</u>	<u>3785</u>	<u>4384</u>	<u>4896</u>	<u>5469</u>	<u>6109</u>
<u>20,601-20,650</u>	<u>2642</u>	<u>3792</u>	<u>4392</u>	<u>4906</u>	<u>5480</u>	<u>6121</u>
<u>20,651-20,700</u>	<u>2647</u>	<u>3800</u>	<u>4400</u>	<u>4915</u>	<u>5490</u>	<u>6132</u>
<u>20,701-20,750</u>	<u>2652</u>	<u>3808</u>	<u>4409</u>	<u>4924</u>	<u>5501</u>	<u>6144</u>
<u>20,751-20,800</u>	<u>2657</u>	<u>3815</u>	<u>4417</u>	<u>4934</u>	<u>5511</u>	<u>6156</u>
<u>20,801-20,850</u>	<u>2662</u>	<u>3823</u>	<u>4425</u>	<u>4943</u>	<u>5521</u>	<u>6167</u>
<u>20,851-20,900</u>	<u>2667</u>	<u>3830</u>	<u>4434</u>	<u>4952</u>	<u>5532</u>	<u>6179</u>
<u>20,901-20,950</u>	<u>2672</u>	<u>3838</u>	<u>4442</u>	<u>4962</u>	<u>5542</u>	<u>6191</u>
<u>20,951-21,000</u>	<u>2677</u>	<u>3845</u>	<u>4450</u>	<u>4971</u>	<u>5553</u>	<u>6202</u>
<u>21,001-21,050</u>	<u>2682</u>	<u>3853</u>	<u>4459</u>	<u>4980</u>	<u>5563</u>	<u>6214</u>
<u>21,051-21,100</u>	<u>2687</u>	<u>3861</u>	<u>4467</u>	<u>4990</u>	<u>5573</u>	<u>6225</u>
<u>21,101-21,150</u>	<u>2692</u>	<u>3868</u>	<u>4475</u>	<u>4999</u>	<u>5584</u>	<u>6237</u>
<u>21,151-21,200</u>	<u>2697</u>	<u>3876</u>	<u>4484</u>	<u>5008</u>	<u>5594</u>	<u>6249</u>
<u>21,201-21,250</u>	<u>2702</u>	<u>3883</u>	<u>4492</u>	<u>5017</u>	<u>5605</u>	<u>6260</u>
<u>21,251-21,300</u>	<u>2707</u>	<u>3891</u>	<u>4500</u>	<u>5027</u>	<u>5615</u>	<u>6272</u>
<u>21,301-21,350</u>	<u>2712</u>	<u>3898</u>	<u>4509</u>	<u>5036</u>	<u>5625</u>	<u>6283</u>
<u>21,351-21,400</u>	<u>2717</u>	<u>3906</u>	<u>4517</u>	<u>5045</u>	<u>5636</u>	<u>6295</u>
<u>21,401-21,450</u>	<u>2723</u>	<u>3914</u>	<u>4525</u>	<u>5055</u>	<u>5646</u>	<u>6307</u>
<u>21,451-21,500</u>	<u>2728</u>	<u>3921</u>	<u>4534</u>	<u>5064</u>	<u>5657</u>	<u>6318</u>
<u>21,501-21,550</u>	<u>2733</u>	<u>3929</u>	<u>4542</u>	<u>5073</u>	<u>5667</u>	<u>6330</u>
<u>21,551-21,600</u>	<u>2738</u>	<u>3936</u>	<u>4550</u>	<u>5083</u>	<u>5677</u>	<u>6342</u>
<u>21,601-21,650</u>	<u>2743</u>	<u>3944</u>	<u>4559</u>	<u>5092</u>	<u>5688</u>	<u>6353</u>
<u>21,651-21,700</u>	<u>2748</u>	<u>3951</u>	<u>4567</u>	<u>5101</u>	<u>5698</u>	<u>6365</u>
<u>21,701-21,750</u>	<u>2753</u>	<u>3959</u>	<u>4575</u>	<u>5111</u>	<u>5709</u>	<u>6376</u>
<u>21,751-21,800</u>	<u>2758</u>	<u>3967</u>	<u>4584</u>	<u>5120</u>	<u>5719</u>	<u>6388</u>
<u>21,801-21,850</u>	<u>2763</u>	<u>3974</u>	<u>4592</u>	<u>5129</u>	<u>5729</u>	<u>6400</u>
<u>21,851-21,900</u>	<u>2768</u>	<u>3982</u>	<u>4600</u>	<u>5139</u>	<u>5740</u>	<u>6411</u>
<u>21,901-21,950</u>	<u>2773</u>	<u>3989</u>	<u>4609</u>	<u>5148</u>	<u>5750</u>	<u>6423</u>
<u>21,951-22,000</u>	<u>2778</u>	<u>3997</u>	<u>4617</u>	<u>5157</u>	<u>5761</u>	<u>6435</u>
<u>22,001-22,050</u>	<u>2783</u>	<u>4004</u>	<u>4625</u>	<u>5166</u>	<u>5771</u>	<u>6446</u>
<u>22,051-22,100</u>	<u>2788</u>	<u>4012</u>	<u>4634</u>	<u>5176</u>	<u>5781</u>	<u>6458</u>
<u>22,101-22,150</u>	<u>2793</u>	<u>4020</u>	<u>4642</u>	<u>5185</u>	<u>5792</u>	<u>6469</u>
<u>22,151-22,200</u>	<u>2798</u>	<u>4027</u>	<u>4650</u>	<u>5194</u>	<u>5802</u>	<u>6481</u>
<u>22,201-22,250</u>	<u>2803</u>	<u>4035</u>	<u>4659</u>	<u>5204</u>	<u>5813</u>	<u>6493</u>
<u>22,251-22,300</u>	<u>2808</u>	<u>4042</u>	<u>4667</u>	<u>5213</u>	<u>5823</u>	<u>6504</u>
<u>22,301-22,350</u>	<u>2813</u>	<u>4050</u>	<u>4675</u>	<u>5222</u>	<u>5833</u>	<u>6516</u>
<u>22,351-22,400</u>	<u>2818</u>	<u>4057</u>	<u>4684</u>	<u>5232</u>	<u>5844</u>	<u>6527</u>
<u>22,401-22,450</u>	<u>2823</u>	<u>4065</u>	<u>4692</u>	<u>5241</u>	<u>5854</u>	<u>6539</u>
<u>22,451-22,500</u>	<u>2829</u>	<u>4072</u>	<u>4700</u>	<u>5250</u>	<u>5865</u>	<u>6551</u>

<u>22,501-22,550</u>	<u>2834</u>	<u>4080</u>	<u>4709</u>	<u>5260</u>	<u>5875</u>	<u>6562</u>
<u>22,551-22,600</u>	<u>2839</u>	<u>4088</u>	<u>4717</u>	<u>5269</u>	<u>5885</u>	<u>6574</u>
<u>22,601-22,650</u>	<u>2844</u>	<u>4095</u>	<u>4725</u>	<u>5278</u>	<u>5896</u>	<u>6586</u>
<u>22,651-22,700</u>	<u>2849</u>	<u>4103</u>	<u>4734</u>	<u>5288</u>	<u>5906</u>	<u>6597</u>
<u>22,701-22,750</u>	<u>2854</u>	<u>4110</u>	<u>4742</u>	<u>5297</u>	<u>5917</u>	<u>6609</u>
<u>22,751-22,800</u>	<u>2859</u>	<u>4118</u>	<u>4750</u>	<u>5306</u>	<u>5927</u>	<u>6620</u>
<u>22,801-22,850</u>	<u>2864</u>	<u>4125</u>	<u>4759</u>	<u>5315</u>	<u>5937</u>	<u>6632</u>
<u>22,851-22,900</u>	<u>2869</u>	<u>4133</u>	<u>4767</u>	<u>5325</u>	<u>5948</u>	<u>6644</u>
<u>22,901-22,950</u>	<u>2874</u>	<u>4141</u>	<u>4775</u>	<u>5334</u>	<u>5958</u>	<u>6655</u>
<u>22,951-23,000</u>	<u>2879</u>	<u>4148</u>	<u>4784</u>	<u>5343</u>	<u>5969</u>	<u>6667</u>
<u>23,001-23,050</u>	<u>2884</u>	<u>4156</u>	<u>4792</u>	<u>5353</u>	<u>5979</u>	<u>6679</u>
<u>23,051-23,100</u>	<u>2889</u>	<u>4163</u>	<u>4800</u>	<u>5362</u>	<u>5989</u>	<u>6690</u>
<u>23,101-23,150</u>	<u>2894</u>	<u>4171</u>	<u>4809</u>	<u>5371</u>	<u>6000</u>	<u>6702</u>
<u>23,151-23,200</u>	<u>2899</u>	<u>4178</u>	<u>4817</u>	<u>5381</u>	<u>6010</u>	<u>6713</u>
<u>23,201-23,250</u>	<u>2904</u>	<u>4186</u>	<u>4825</u>	<u>5390</u>	<u>6021</u>	<u>6725</u>
<u>23,251-23,300</u>	<u>2909</u>	<u>4194</u>	<u>4834</u>	<u>5399</u>	<u>6031</u>	<u>6737</u>
<u>23,301-23,350</u>	<u>2914</u>	<u>4201</u>	<u>4842</u>	<u>5409</u>	<u>6041</u>	<u>6748</u>
<u>23,351-23,400</u>	<u>2919</u>	<u>4209</u>	<u>4850</u>	<u>5418</u>	<u>6052</u>	<u>6760</u>
<u>23,401-23,450</u>	<u>2924</u>	<u>4216</u>	<u>4859</u>	<u>5427</u>	<u>6062</u>	<u>6771</u>
<u>23,451-23,500</u>	<u>2930</u>	<u>4224</u>	<u>4867</u>	<u>5437</u>	<u>6073</u>	<u>6783</u>
<u>23,501-23,550</u>	<u>2935</u>	<u>4231</u>	<u>4875</u>	<u>5446</u>	<u>6083</u>	<u>6795</u>
<u>23,551-23,600</u>	<u>2940</u>	<u>4239</u>	<u>4884</u>	<u>5455</u>	<u>6093</u>	<u>6806</u>
<u>23,601-23,650</u>	<u>2945</u>	<u>4247</u>	<u>4892</u>	<u>5464</u>	<u>6104</u>	<u>6818</u>
<u>23,651-23,700</u>	<u>2950</u>	<u>4254</u>	<u>4900</u>	<u>5474</u>	<u>6114</u>	<u>6830</u>
<u>23,701-23,750</u>	<u>2955</u>	<u>4262</u>	<u>4909</u>	<u>5483</u>	<u>6125</u>	<u>6841</u>
<u>23,751-23,800</u>	<u>2960</u>	<u>4269</u>	<u>4917</u>	<u>5492</u>	<u>6135</u>	<u>6853</u>
<u>23,801-23,850</u>	<u>2965</u>	<u>4277</u>	<u>4925</u>	<u>5502</u>	<u>6145</u>	<u>6864</u>
<u>23,851-23,900</u>	<u>2970</u>	<u>4284</u>	<u>4934</u>	<u>5511</u>	<u>6156</u>	<u>6876</u>
<u>23,901-23,950</u>	<u>2975</u>	<u>4292</u>	<u>4942</u>	<u>5520</u>	<u>6166</u>	<u>6888</u>
<u>23,951-24,000</u>	<u>2980</u>	<u>4300</u>	<u>4950</u>	<u>5530</u>	<u>6177</u>	<u>6899</u>
<u>24,001-24,050</u>	<u>2985</u>	<u>4307</u>	<u>4959</u>	<u>5539</u>	<u>6187</u>	<u>6911</u>
<u>24,051-24,100</u>	<u>2990</u>	<u>4315</u>	<u>4967</u>	<u>5548</u>	<u>6197</u>	<u>6923</u>
<u>24,101-24,150</u>	<u>2995</u>	<u>4322</u>	<u>4975</u>	<u>5558</u>	<u>6208</u>	<u>6934</u>
<u>24,151-24,200</u>	<u>3000</u>	<u>4330</u>	<u>4984</u>	<u>5567</u>	<u>6218</u>	<u>6946</u>
<u>24,201-24,250</u>	<u>3005</u>	<u>4337</u>	<u>4992</u>	<u>5576</u>	<u>6229</u>	<u>6957</u>
<u>24,251-24,300</u>	<u>3010</u>	<u>4345</u>	<u>5000</u>	<u>5586</u>	<u>6239</u>	<u>6969</u>
<u>24,301-24,350</u>	<u>3015</u>	<u>4353</u>	<u>5009</u>	<u>5595</u>	<u>6249</u>	<u>6981</u>
<u>24,351-24,400</u>	<u>3020</u>	<u>4360</u>	<u>5017</u>	<u>5604</u>	<u>6260</u>	<u>6992</u>
<u>24,401-24,450</u>	<u>3025</u>	<u>4368</u>	<u>5025</u>	<u>5613</u>	<u>6270</u>	<u>7004</u>
<u>24,451-24,500</u>	<u>3030</u>	<u>4375</u>	<u>5034</u>	<u>5623</u>	<u>6281</u>	<u>7015</u>

<u>24,501-24,550</u>	<u>3036</u>	<u>4383</u>	<u>5042</u>	<u>5632</u>	<u>6291</u>	<u>7027</u>
<u>24,551-24,600</u>	<u>3041</u>	<u>4390</u>	<u>5050</u>	<u>5641</u>	<u>6301</u>	<u>7039</u>
<u>24,601-24,650</u>	<u>3046</u>	<u>4398</u>	<u>5059</u>	<u>5651</u>	<u>6312</u>	<u>7050</u>
<u>24,651-24,700</u>	<u>3051</u>	<u>4406</u>	<u>5067</u>	<u>5660</u>	<u>6322</u>	<u>7062</u>
<u>24,701-24,750</u>	<u>3056</u>	<u>4413</u>	<u>5075</u>	<u>5669</u>	<u>6333</u>	<u>7074</u>
<u>24,751-24,800</u>	<u>3061</u>	<u>4421</u>	<u>5084</u>	<u>5679</u>	<u>6343</u>	<u>7085</u>
<u>24,801-24,850</u>	<u>3066</u>	<u>4428</u>	<u>5092</u>	<u>5688</u>	<u>6353</u>	<u>7097</u>
<u>24,851-24,900</u>	<u>3071</u>	<u>4436</u>	<u>5100</u>	<u>5697</u>	<u>6364</u>	<u>7108</u>
<u>24,901-24,950</u>	<u>3076</u>	<u>4443</u>	<u>5109</u>	<u>5707</u>	<u>6374</u>	<u>7120</u>
<u>24,951-25,000</u>	<u>3081</u>	<u>4451</u>	<u>5117</u>	<u>5716</u>	<u>6385</u>	<u>7132</u>
<u>25,001-25,050</u>	<u>3086</u>	<u>4459</u>	<u>5126</u>	<u>5725</u>	<u>6395</u>	<u>7143</u>
<u>25,051-25,100</u>	<u>3091</u>	<u>4466</u>	<u>5134</u>	<u>5734</u>	<u>6405</u>	<u>7155</u>
<u>25,101-25,150</u>	<u>3096</u>	<u>4474</u>	<u>5142</u>	<u>5744</u>	<u>6416</u>	<u>7166</u>
<u>25,151-25,200</u>	<u>3101</u>	<u>4481</u>	<u>5151</u>	<u>5753</u>	<u>6426</u>	<u>7178</u>
<u>25,201-25,250</u>	<u>3106</u>	<u>4489</u>	<u>5159</u>	<u>5762</u>	<u>6437</u>	<u>7190</u>
<u>25,251-25,300</u>	<u>3111</u>	<u>4496</u>	<u>5167</u>	<u>5772</u>	<u>6447</u>	<u>7201</u>
<u>25,301-25,350</u>	<u>3116</u>	<u>4504</u>	<u>5176</u>	<u>5781</u>	<u>6457</u>	<u>7213</u>
<u>25,351-25,400</u>	<u>3121</u>	<u>4512</u>	<u>5184</u>	<u>5790</u>	<u>6468</u>	<u>7225</u>
<u>25,401-25,450</u>	<u>3126</u>	<u>4519</u>	<u>5192</u>	<u>5800</u>	<u>6478</u>	<u>7236</u>
<u>25,451-25,500</u>	<u>3131</u>	<u>4527</u>	<u>5201</u>	<u>5809</u>	<u>6489</u>	<u>7248</u>
<u>25,501-25,550</u>	<u>3136</u>	<u>4534</u>	<u>5209</u>	<u>5818</u>	<u>6499</u>	<u>7259</u>
<u>25,551-25,600</u>	<u>3142</u>	<u>4542</u>	<u>5217</u>	<u>5828</u>	<u>6509</u>	<u>7271</u>
<u>25,601-25,650</u>	<u>3147</u>	<u>4549</u>	<u>5226</u>	<u>5837</u>	<u>6520</u>	<u>7283</u>
<u>25,651-25,700</u>	<u>3152</u>	<u>4557</u>	<u>5234</u>	<u>5846</u>	<u>6530</u>	<u>7294</u>
<u>25,701-25,750</u>	<u>3157</u>	<u>4565</u>	<u>5242</u>	<u>5856</u>	<u>6541</u>	<u>7306</u>
<u>25,751-25,800</u>	<u>3162</u>	<u>4572</u>	<u>5251</u>	<u>5865</u>	<u>6551</u>	<u>7318</u>
<u>25,801-25,850</u>	<u>3167</u>	<u>4580</u>	<u>5259</u>	<u>5874</u>	<u>6561</u>	<u>7329</u>
<u>25,851-25,900</u>	<u>3172</u>	<u>4587</u>	<u>5267</u>	<u>5883</u>	<u>6572</u>	<u>7341</u>
<u>25,901-25,950</u>	<u>3177</u>	<u>4595</u>	<u>5276</u>	<u>5893</u>	<u>6582</u>	<u>7352</u>
<u>25,951-26,000</u>	<u>3182</u>	<u>4602</u>	<u>5284</u>	<u>5902</u>	<u>6593</u>	<u>7364</u>
<u>26,001-26,050</u>	<u>3187</u>	<u>4610</u>	<u>5292</u>	<u>5911</u>	<u>6603</u>	<u>7376</u>
<u>26,051-26,100</u>	<u>3192</u>	<u>4618</u>	<u>5301</u>	<u>5921</u>	<u>6613</u>	<u>7387</u>
<u>26,101-26,150</u>	<u>3197</u>	<u>4625</u>	<u>5309</u>	<u>5930</u>	<u>6624</u>	<u>7399</u>
<u>26,151-26,200</u>	<u>3202</u>	<u>4633</u>	<u>5317</u>	<u>5939</u>	<u>6634</u>	<u>7410</u>
<u>26,201-26,250</u>	<u>3207</u>	<u>4640</u>	<u>5326</u>	<u>5949</u>	<u>6645</u>	<u>7422</u>
<u>26,251-26,300</u>	<u>3212</u>	<u>4648</u>	<u>5334</u>	<u>5958</u>	<u>6655</u>	<u>7434</u>
<u>26,301-26,350</u>	<u>3217</u>	<u>4655</u>	<u>5342</u>	<u>5967</u>	<u>6665</u>	<u>7445</u>
<u>26,351-26,400</u>	<u>3222</u>	<u>4663</u>	<u>5351</u>	<u>5977</u>	<u>6676</u>	<u>7457</u>
<u>26,401-26,450</u>	<u>3227</u>	<u>4671</u>	<u>5359</u>	<u>5986</u>	<u>6686</u>	<u>7469</u>
<u>26,451-26,500</u>	<u>3232</u>	<u>4678</u>	<u>5367</u>	<u>5995</u>	<u>6697</u>	<u>7480</u>

<u>26,501-26,550</u>	<u>3237</u>	<u>4686</u>	<u>5376</u>	<u>6005</u>	<u>6707</u>	<u>7492</u>
<u>26,551-26,600</u>	<u>3243</u>	<u>4693</u>	<u>5384</u>	<u>6014</u>	<u>6717</u>	<u>7503</u>
<u>26,601-26,650</u>	<u>3248</u>	<u>4701</u>	<u>5392</u>	<u>6023</u>	<u>6728</u>	<u>7515</u>
<u>26,651-26,700</u>	<u>3253</u>	<u>4708</u>	<u>5401</u>	<u>6032</u>	<u>6738</u>	<u>7527</u>
<u>26,701-26,750</u>	<u>3258</u>	<u>4716</u>	<u>5409</u>	<u>6042</u>	<u>6749</u>	<u>7538</u>
<u>26,751-26,800</u>	<u>3263</u>	<u>4724</u>	<u>5417</u>	<u>6051</u>	<u>6759</u>	<u>7550</u>
<u>26,801-26,850</u>	<u>3268</u>	<u>4731</u>	<u>5426</u>	<u>6061</u>	<u>6770</u>	<u>7562</u>
<u>26,851-26,900</u>	<u>3274</u>	<u>4740</u>	<u>5436</u>	<u>6072</u>	<u>6782</u>	<u>7576</u>
<u>26,901-26,950</u>	<u>3280</u>	<u>4749</u>	<u>5446</u>	<u>6083</u>	<u>6795</u>	<u>7590</u>
<u>26,951-27,000</u>	<u>3286</u>	<u>4758</u>	<u>5456</u>	<u>6095</u>	<u>6808</u>	<u>7604</u>
<u>27,001-27,050</u>	<u>3292</u>	<u>4767</u>	<u>5466</u>	<u>6106</u>	<u>6820</u>	<u>7618</u>
<u>27,051-27,100</u>	<u>3298</u>	<u>4775</u>	<u>5476</u>	<u>6117</u>	<u>6833</u>	<u>7632</u>
<u>27,101-27,150</u>	<u>3304</u>	<u>4784</u>	<u>5487</u>	<u>6128</u>	<u>6846</u>	<u>7646</u>
<u>27,151-27,200</u>	<u>3311</u>	<u>4793</u>	<u>5497</u>	<u>6140</u>	<u>6858</u>	<u>7661</u>
<u>27,201-27,250</u>	<u>3317</u>	<u>4802</u>	<u>5507</u>	<u>6151</u>	<u>6871</u>	<u>7675</u>
<u>27,251-27,300</u>	<u>3323</u>	<u>4811</u>	<u>5517</u>	<u>6162</u>	<u>6883</u>	<u>7689</u>
<u>27,301-27,350</u>	<u>3329</u>	<u>4819</u>	<u>5527</u>	<u>6174</u>	<u>6896</u>	<u>7703</u>
<u>27,351-27,400</u>	<u>3335</u>	<u>4828</u>	<u>5537</u>	<u>6185</u>	<u>6909</u>	<u>7717</u>
<u>27,401-27,450</u>	<u>3341</u>	<u>4837</u>	<u>5547</u>	<u>6196</u>	<u>6921</u>	<u>7731</u>
<u>27,451-27,500</u>	<u>3347</u>	<u>4846</u>	<u>5557</u>	<u>6207</u>	<u>6934</u>	<u>7745</u>
<u>27,501-27,550</u>	<u>3353</u>	<u>4855</u>	<u>5567</u>	<u>6219</u>	<u>6946</u>	<u>7759</u>
<u>27,551-27,600</u>	<u>3359</u>	<u>4863</u>	<u>5577</u>	<u>6230</u>	<u>6959</u>	<u>7773</u>
<u>27,601-27,650</u>	<u>3365</u>	<u>4872</u>	<u>5588</u>	<u>6241</u>	<u>6972</u>	<u>7787</u>
<u>27,651-27,700</u>	<u>3371</u>	<u>4881</u>	<u>5598</u>	<u>6253</u>	<u>6984</u>	<u>7801</u>
<u>27,701-27,750</u>	<u>3377</u>	<u>4890</u>	<u>5608</u>	<u>6264</u>	<u>6997</u>	<u>7815</u>
<u>27,751-27,800</u>	<u>3384</u>	<u>4899</u>	<u>5618</u>	<u>6275</u>	<u>7009</u>	<u>7829</u>
<u>27,801-27,850</u>	<u>3390</u>	<u>4908</u>	<u>5628</u>	<u>6286</u>	<u>7022</u>	<u>7844</u>
<u>27,851-27,900</u>	<u>3396</u>	<u>4916</u>	<u>5638</u>	<u>6298</u>	<u>7035</u>	<u>7858</u>
<u>27,901-27,950</u>	<u>3402</u>	<u>4925</u>	<u>5648</u>	<u>6309</u>	<u>7047</u>	<u>7872</u>
<u>27,951-28,000</u>	<u>3408</u>	<u>4934</u>	<u>5658</u>	<u>6320</u>	<u>7060</u>	<u>7886</u>
<u>28,001-28,050</u>	<u>3414</u>	<u>4943</u>	<u>5668</u>	<u>6332</u>	<u>7072</u>	<u>7900</u>
<u>28,051-28,100</u>	<u>3420</u>	<u>4952</u>	<u>5679</u>	<u>6343</u>	<u>7085</u>	<u>7914</u>
<u>28,101-28,150</u>	<u>3426</u>	<u>4960</u>	<u>5689</u>	<u>6354</u>	<u>7098</u>	<u>7928</u>
<u>28,151-28,200</u>	<u>3432</u>	<u>4969</u>	<u>5699</u>	<u>6365</u>	<u>7110</u>	<u>7942</u>
<u>28,201-28,250</u>	<u>3438</u>	<u>4978</u>	<u>5709</u>	<u>6377</u>	<u>7123</u>	<u>7956</u>
<u>28,251-28,300</u>	<u>3444</u>	<u>4987</u>	<u>5719</u>	<u>6388</u>	<u>7135</u>	<u>7970</u>
<u>28,301-28,350</u>	<u>3451</u>	<u>4996</u>	<u>5729</u>	<u>6399</u>	<u>7148</u>	<u>7984</u>
<u>28,351-28,400</u>	<u>3457</u>	<u>5004</u>	<u>5739</u>	<u>6411</u>	<u>7161</u>	<u>7998</u>
<u>28,401-28,450</u>	<u>3463</u>	<u>5013</u>	<u>5749</u>	<u>6422</u>	<u>7173</u>	<u>8013</u>
<u>28,451-28,500</u>	<u>3469</u>	<u>5022</u>	<u>5759</u>	<u>6433</u>	<u>7186</u>	<u>8027</u>

<u>28,501-28,550</u>	<u>3475</u>	<u>5031</u>	<u>5769</u>	<u>6444</u>	<u>7198</u>	<u>8041</u>
<u>28,551-28,600</u>	<u>3481</u>	<u>5040</u>	<u>5780</u>	<u>6456</u>	<u>7211</u>	<u>8055</u>
<u>28,601-28,650</u>	<u>3487</u>	<u>5048</u>	<u>5790</u>	<u>6467</u>	<u>7224</u>	<u>8069</u>
<u>28,651-28,700</u>	<u>3493</u>	<u>5057</u>	<u>5800</u>	<u>6478</u>	<u>7236</u>	<u>8083</u>
<u>28,701-28,750</u>	<u>3499</u>	<u>5066</u>	<u>5810</u>	<u>6490</u>	<u>7249</u>	<u>8097</u>
<u>28,751-28,800</u>	<u>3505</u>	<u>5075</u>	<u>5820</u>	<u>6501</u>	<u>7262</u>	<u>8111</u>
<u>28,801-28,850</u>	<u>3511</u>	<u>5084</u>	<u>5830</u>	<u>6512</u>	<u>7274</u>	<u>8125</u>
<u>28,851-28,900</u>	<u>3517</u>	<u>5093</u>	<u>5840</u>	<u>6523</u>	<u>7287</u>	<u>8139</u>
<u>28,901-28,950</u>	<u>3524</u>	<u>5101</u>	<u>5850</u>	<u>6535</u>	<u>7299</u>	<u>8153</u>
<u>28,951-29,000</u>	<u>3530</u>	<u>5110</u>	<u>5860</u>	<u>6546</u>	<u>7312</u>	<u>8167</u>
<u>29,001-29,050</u>	<u>3536</u>	<u>5119</u>	<u>5871</u>	<u>6557</u>	<u>7325</u>	<u>8182</u>
<u>29,051-29,100</u>	<u>3542</u>	<u>5128</u>	<u>5881</u>	<u>6569</u>	<u>7337</u>	<u>8196</u>
<u>29,101-29,150</u>	<u>3548</u>	<u>5137</u>	<u>5891</u>	<u>6580</u>	<u>7350</u>	<u>8210</u>
<u>29,151-29,200</u>	<u>3554</u>	<u>5145</u>	<u>5901</u>	<u>6591</u>	<u>7362</u>	<u>8224</u>
<u>29,201-29,250</u>	<u>3560</u>	<u>5154</u>	<u>5911</u>	<u>6602</u>	<u>7375</u>	<u>8238</u>
<u>29,251-29,300</u>	<u>3566</u>	<u>5163</u>	<u>5921</u>	<u>6614</u>	<u>7388</u>	<u>8252</u>
<u>29,301-29,350</u>	<u>3572</u>	<u>5172</u>	<u>5931</u>	<u>6625</u>	<u>7400</u>	<u>8266</u>
<u>29,351-29,400</u>	<u>3578</u>	<u>5181</u>	<u>5941</u>	<u>6636</u>	<u>7413</u>	<u>8280</u>
<u>29,401-29,450</u>	<u>3584</u>	<u>5189</u>	<u>5951</u>	<u>6648</u>	<u>7425</u>	<u>8294</u>
<u>29,451-29,500</u>	<u>3590</u>	<u>5198</u>	<u>5961</u>	<u>6659</u>	<u>7438</u>	<u>8308</u>
<u>29,501-29,550</u>	<u>3597</u>	<u>5207</u>	<u>5972</u>	<u>6670</u>	<u>7451</u>	<u>8322</u>
<u>29,551-29,600</u>	<u>3603</u>	<u>5216</u>	<u>5982</u>	<u>6681</u>	<u>7463</u>	<u>8336</u>
<u>29,601-29,650</u>	<u>3609</u>	<u>5225</u>	<u>5992</u>	<u>6693</u>	<u>7476</u>	<u>8351</u>
<u>29,651-29,700</u>	<u>3615</u>	<u>5234</u>	<u>6002</u>	<u>6704</u>	<u>7488</u>	<u>8365</u>
<u>29,701-29,750</u>	<u>3621</u>	<u>5242</u>	<u>6012</u>	<u>6715</u>	<u>7501</u>	<u>8379</u>
<u>29,751-29,800</u>	<u>3627</u>	<u>5251</u>	<u>6022</u>	<u>6727</u>	<u>7514</u>	<u>8393</u>
<u>29,801-29,850</u>	<u>3633</u>	<u>5260</u>	<u>6032</u>	<u>6738</u>	<u>7526</u>	<u>8407</u>
<u>29,851-29,900</u>	<u>3639</u>	<u>5269</u>	<u>6042</u>	<u>6749</u>	<u>7539</u>	<u>8421</u>
<u>29,901-29,950</u>	<u>3645</u>	<u>5278</u>	<u>6052</u>	<u>6761</u>	<u>7551</u>	<u>8435</u>
<u>29,951-30,000</u>	<u>3651</u>	<u>5286</u>	<u>6062</u>	<u>6772</u>	<u>7564</u>	<u>8449</u>

The share of the custodial parent is presumed to be spent directly for the benefit of the child.

Signed March 18, 2022

Chapter 81
(House Bill 1279)

An Act to revise certain provisions relating to child support.

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

Section 1. That § 25-7-6.4 be AMENDED:

~~25-7-6.4.~~ Except in cases of physical or mental disability as provided in § 25-7-6.26, it is presumed for the purposes of determination of child support that a parent is capable of being employed a minimum of one thousand eight hundred twenty hours per year, ~~including while incarcerated~~, and the parent's child support obligation ~~shall~~ must be calculated at a rate not less than one thousand eight hundred twenty hours at the state minimum wage. ~~Evidence to rebut this presumption may be presented by either parent.~~

Section 2. That § 25-7-6.7 be AMENDED:

~~25-7-6.7.~~ Deductions from monthly gross income ~~shall~~ must be allowed as follows:

- (1) Income taxes payable based on the applicable tax rate for a single taxpayer ~~with one withholding allowance~~ and a monthly payroll period rather than the actual tax rate;
- (2) Social security and ~~medicare~~ Medicare taxes based on the applicable tax rate for an employee or a self-employed taxpayer;
- (3) Contributions to an IRS qualified retirement plan not exceeding ten percent of gross income;
- (4) Actual business expenses of an employee, incurred for the benefit of his employer, not reimbursed;
- (5) Payments made on other support and maintenance orders.

Section 3. That § 25-7-6.10 be AMENDED:

~~25-7-6.10.~~ Deviation from the schedule in § 25-7-6.2 ~~shall~~ must be considered if raised by either party and made only upon the entry of specific findings based upon any of the following factors:

- (1) The income of a subsequent spouse or contribution of a third party to the income or expenses of that parent but only if the application of the schedule works a financial hardship on either parent;
- (2) Any financial condition of either parent ~~which that~~ would make application of the schedule inequitable. If the total amount of the child support obligation, including any adjustments for health insurance and child care costs, exceeds fifty percent of the obligor's monthly net income, it is presumed that the amount of the obligation imposes a financial hardship on the obligor. This presumption may be rebutted based upon other factors set forth in this section;
- (3) Any necessary education or health care special needs of the child;
- (4) The effect of agreements between the parents regarding extra forms of support for the direct benefit of the child;
- (5) The obligation of either parent to provide for subsequent natural children, adopted children, or stepchildren. However, an existing support order may not be modified solely for this reason; or
- (6) The voluntary and unreasonable act of a parent ~~which that~~ causes the parent to be unemployed or underemployed, ~~unless the reduction of income is due to incarceration~~ consistent with the provisions of § 25-7-6.26.

Section 4. That § 25-7-6.13 be AMENDED:

25-7-6.13. All orders for support entered and in effect prior to July 1, ~~2017~~ 2022, may be modified in accordance with this chapter without requiring a showing of a change in circumstances from the entry of the order.

Section 5. That § 25-7-6.14 be AMENDED:

25-7-6.14. If the child resides with the obligor ~~ten~~ six or more nights in a month pursuant to a custody order, the court may, if deemed appropriate under the circumstances, grant an abatement of not less than thirty-eight percent nor more than sixty-six percent of the basic child support obligation for the nights the child resides with the obligor. ~~The order granting the abatement shall specify the number of nights for which the abatement is allowed and the amount of the abatement. In deciding whether an abatement is appropriate, the court shall consider whether it would have a substantial negative effect on the child's standard of living. The court shall allow the abatement to the obligor in the month in which the parenting time is ordered or apportion the abatement over a period of twelve months. It shall be presumed that the parenting time is exercised. If the parenting time exercised substantially deviates from the parenting time ordered, either party may petition the court for modification of the support order without showing any other change in circumstances.~~

In deciding whether an abatement is appropriate, the court or child support referee shall consider the fixed obligations of the custodial parent that are attributable to the child and to the increased non-duplicated costs of the noncustodial parent that are associated with the child's time with the noncustodial parent. The burden is on the noncustodial parent to demonstrate the increased costs that the noncustodial parent incurs for non-duplicated fixed expenditures, including routine clothing costs, costs for extra-curricular activities, school supplies, and other similar non-duplicated fixed expenditures.

The order granting the abatement must specify the number of nights that the abatement is allowed and the amount of the abatement. To calculate an abatement, the court or child support referee shall:

- (1) Determine the basic child support calculation, excluding additional costs including health insurance or child care, and annualize the same;
- (2) Divide the annual amount in subdivision (1) by three hundred sixty-five days to calculate the daily child support amount;
- (3) Multiply the daily child support amount in subdivision (2) by the number of overnights the child spends with the noncustodial parent on a monthly basis; and
- (4) Multiply the amount in subdivision (3) by the abatement percentage utilized. The figure must be annualized and subtracted from the monthly child support obligation.

No abatement may exceed the child support cross credit allowed under § 25-7-6.27.

If the noncustodial parent does not exercise the extended parenting time during a particular year, the noncustodial parent is required to repay the abated amount of child support to the custodial parent.

Section 6. That § 25-7-6.16 be AMENDED:

25-7-6.16. The court shall enter an order addressing how the child's health care needs will be met by medical support. The medical support order ~~shall~~

must include a provision for medical insurance if the insurance is accessible for the child and available to a parent at reasonable cost. Enrollment in public health coverage does not satisfy the medical support obligation if medical insurance is available to one or both of the parents at a reasonable cost and is accessible for the child. Medical insurance is considered accessible if a medical insurance benefit plan is available and provides coverage for the child residing within the geographic area covered by the insurance policy. Medical insurance is considered reasonable in cost if the cost attributable to the child is equal to or less than eight percent of the parent's net income as determined under this chapter, after proportionate medical support credit is applied, and the amount ~~shall~~ must be specified in the order for support.

The cost of the insurance attributable to the child is the cost of adding the child to existing coverage, ~~the difference between self-only coverage and family coverage, or the cost of private medical insurance for the child, or the cost attributable to the child under family coverage.~~ The cost attributable to the child under family coverage is the ~~difference between self-only coverage and cost to the parent to obtain family coverage~~ divided by the number of individuals, ~~excluding the parent,~~ enrolled in the family coverage. The cost so computed ~~shall~~ must be apportioned between the parents on the basis of income or income imputed as provided in this chapter. If one parent pays the entire amount, that parent shall either be reimbursed by the other parent for that parent's portion of the payment or shall receive a credit against ~~his or her~~ the support obligation, whichever is appropriate. Any additional, reasonable health care costs, including medical, optometric, dental or orthodontic, or counseling costs for each minor child ~~which~~ that exceed two hundred fifty dollars in any year and are not covered by insurance, ~~shall~~ must be apportioned between the parents in proportion to the support obligation of each parent. The parent that has primary physical custody of the child is responsible for the first two hundred fifty dollars of health care costs each calendar year.

Section 7. That § 25-7-6.26 be AMENDED:

25-7-6.26. If a parent in a child support establishment or modification proceeding fails to furnish income or other financial information, the parent is in default, and that parent's income for purposes of determining child support shall be computed at a rate not less than the most recent annual pay standard as reported by the Department of Labor and Regulation unless good cause is shown to set support at a lower amount. Income not actually earned by a parent may be imputed to the parent pursuant to this section. Except in cases of physical or mental disability or incarceration for one hundred eighty days or more, it is presumed for the purpose of determining child support in an establishment or modification proceeding that a parent is capable of being employed a minimum of one thousand eight hundred twenty hours per year at the state minimum wage, absent evidence to the contrary. Evidence to rebut this presumption may be presented by either parent.

Income may be imputed to a parent when the parent is unemployed, underemployed, fails to produce sufficient proof of income, has an unknown employment status, or is a full-time or part-time student, whose education or retraining will result, within a reasonable time, in an economic benefit to the child for whom the support obligation is determined, unless the actual income is greater.

In all cases where imputed income is appropriate, the amount imputed must be based upon the following:

- (1) The parent's residence;
- (2) The parent's recent work and earnings history;

- (3) The parent's occupational, educational, and professional qualifications;
- (4) Existing job opportunities and associated earning levels in the community or the local trade area;
- (5) The parent's age, literacy, health, criminal record, record of seeking work, and other employment barriers;
- (6) The availability of employers willing to hire the parent; and
- (7) Other relevant background factors.

Income is not imputed to a parent who is physically or mentally disabled to the extent that the parent cannot earn income; who is incarcerated for more than one hundred eighty days; who has made diligent efforts to find and accept suitable work or to return to customary self-employment, to no avail; or when the court makes a finding that other circumstances exist that make the imputation inequitable, in which case the imputed income may only be decreased to the extent required to remove such inequity.

Imputed income may be in addition to actual income and is not required to reflect the same rate of pay as actual income.

Section 8. That chapter 25-7 be amended with a NEW SECTION:

A written finding for the establishment or modification of a child support order that the application of the child support schedule in § 25-7-6.2 would be unjust or inappropriate in a case is sufficient to rebut the presumption in that case. The best interest of the child must be taken into consideration. Findings to rebut application of the child support schedule must state the amount of support that would have been required under the schedule and include a justification of why the order deviates from the schedule.

Section 9. That § 25-4-43 be REPEALED:

~~When a divorce is granted or a decree for separate maintenance entered or thereafter, and when the court has provided for the maintenance of the children of the marriage, all payments so required by the order of the court may by order of the court be paid to the clerk of courts in the amount and at the time specified in said order, and the clerk shall forthwith disburse the money so received to the party entitled thereto. Upon receipt of written notice of assignment of support obligations to the State of South Dakota the clerk of courts shall pay the support to the Department of Social Services rather than to a family as long as such assignment remains in existence. When the department has no authorization to receive the current support, the department shall notify the clerk to stop sending current support payments to the state. However, back support due and owing prior to termination of public assistance shall be paid to the state. Thereupon adequate accounting records showing receipts and disbursements shall be maintained by the clerk of courts, and the clerk of courts shall maintain a fact sheet in the original case file showing chronologically the date of receipts, dates of disbursements, and names of recipients.~~

Signed March 18, 2022

Chapter 82
(House Bill 1272)

An Act to revise provisions related to counseling for domestic abuse defendants.

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

Section 1. That § 25-10-5.1 be AMENDED:

25-10-5.1. If a court places a defendant on probation upon receiving a verdict or plea of guilty for a crime involving domestic abuse, the court shall order that a condition of the defendant's probation is that ~~he~~ the defendant attend family violence domestic abuse counseling. Failure to attend ~~family violence domestic abuse~~ domestic abuse counseling is a violation of the defendant's probation. Domestic abuse counseling includes issues of power and control, accountability, emotional regulation, or cognitive work addressing errors in thinking. The court may recommend individual or group counseling meeting the requirements of domestic abuse counseling, where available.

Signed March 18, 2022

MINORS

Chapter 83
(House Bill 1110)

An Act to revise a provision related to the appointment of a guardian ad litem or a special advocate to represent an abused or neglected child.

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

Section 1. That § 26-8A-20 be AMENDED:

26-8A-20. If a child is an apparent or alleged abused or neglected child, the court may appoint a special advocate to represent the best interests of the child and to assist the child's attorney. If a child has been adjudicated an abused or neglected child and is removed from the child's home with the child's parents, guardian, or custodian, the court ~~shall appoint a guardian ad litem or a special advocate~~ special advocate if available, and may appoint a guardian ad litem when determined necessary by the court, to represent the best interests of the child and to assist the child's attorney. The guardian ad litem or special advocate is an officer of the court for the purpose of representing the child's best interests. The guardian ad litem or special advocate shall receive all reports concerning the child and may cause the case to be reviewed by the court pursuant to § 26-8A-24.

Signed March 9, 2022

Chapter 84
(House Bill 1099)

An Act to revise provisions related to courtroom modifications for child witnesses.

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

Section 1. That § 26-8A-30 be AMENDED:

26-8A-30. In any proceeding in which a child under the age of twelve, or ~~a child twelve years of age or older who is developmentally disabled as defined in § 27B-1-18,~~ sixteen is describing any act of sexual contact or rape performed with or on the child by another, ~~or describing any act of physical abuse or neglect of the child by another,~~ or any act of physical abuse or neglect of another child, any act of human trafficking of the child by another, or any act constituting a crime of violence as defined in § 22-1-2 committed against the child or another child, the court or any party may move to allow that the testimony of the child be taken in a room other than the courtroom and televised at the same time to the courtroom by closed circuit television equipment. Prior to allowing the child to testify under this section, the court shall hold a hearing outside the presence of the jury and make a finding on the record that testimony by the child in the courtroom will cause the child to suffer more than de minimis emotional distress and that testifying under the provisions of this section is necessary to protect the welfare of the child.

Signed March 15, 2022

MENTALLY ILL PERSONS

Chapter 85
(House Bill 1105)

An Act to allow for a good cause exception to the time for an involuntary commitment hearing.

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

Section 1. That § 27A-10-8 be AMENDED:

27A-10-8. Within five days after the person is taken into custody, within six days if there is a Saturday, Sunday, or holiday within that time period, or within seven days if there is a Saturday, Sunday, and holiday within that time period, the person ~~shall~~ must be provided an involuntary commitment hearing. The hearing may be continued for good cause prior to the running of the applicable time period. The referring county shall pay any expenses incurred by the board holding the hearing, including the transportation of the person to the hearing, subject to reimbursement by the county ultimately proven to be the county of residence.

No lien may be placed against the person for the expenses incurred by the board holding the hearing, including the transportation of the person to the hearing.

Signed February 10, 2022

**Chapter 86
(House Bill 1282)**

An Act to allow inpatient psychiatric facility placement alternatives for certain patients.

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

Section 1. That § 27A-15-3 be AMENDED:

27A-15-3. ~~No~~ Except as otherwise provided in this section, a minor, whether admitted by a parent or involuntarily committed, may not be placed with adult patients, if the inpatient psychiatric facility maintains a separate unit for minors.

A minor may be admitted or committed to a facility ~~which that~~ does not maintain a separate unit for minors, only for acute treatment and evaluation and only for a period not to exceed seven working days. The facility shall provide separate sleeping quarters and separate day areas in which adult patients are not permitted.

A patient who does not meet the definition of a minor, as set forth in § 27A-15-1, but is less than nineteen years of age, may be placed in a separate unit with minors if the patient:

- (1) Is enrolled in a high school or pursuing high school equivalency; and
- (2) Consents to the placement.

The facility shall provide a separate evaluation program ~~of for~~ which specific guidelines ~~are~~ must be approved by the Department of Health.

Signed March 9, 2022

PUBLIC WELFARE AND ASSISTANCE

**Chapter 87
(House Bill 1103)**

An Act to provide a reimbursement schedule for chiropractic, dental, and optometric services under the Medicaid program.

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

Section 1. That chapter 28-6 be amended with a NEW SECTION:

The Department of Social Services shall establish, maintain, and publish a reimbursement schedule for chiropractic, dental, and optometric services delivered under the Medicaid program. The schedule shall provide a reimbursement amount for each service.

The department shall determine reimbursement amounts, for each service, based on a percentage of current normal and customary fees in this state.

The department may seek the assistance of third parties to determine current normal and customary fees.

The department shall promulgate rules, pursuant to chapter 1-26, to establish and annually adjust the reimbursement schedule.

Signed February 17, 2022

UNIFORM PROBATE CODE

Chapter 88

(House Bill 1085)

An Act to expand the eligibility for a small estate probate.

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

Section 1. That § 29A-3-1201 be AMENDED:

29A-3-1201. (a) Thirty days after the death of a decedent, any person indebted to the decedent or having possession of tangible personal property or an instrument evidencing a debt, obligation, stock, or chose in action belonging to the decedent shall make payment of the indebtedness or deliver the tangible personal property or an instrument evidencing a debt, obligation, stock, or chose in action to a person claiming to be the successor of the decedent upon being presented an affidavit made by or on behalf of the successor stating that:

- (1) The value of the entire estate, wherever located, less liens and encumbrances, does not exceed ~~\$50,000~~ \$100,000;
- (2) Thirty days have elapsed since the death of the decedent;
- (3) No application or petition for the appointment of a personal representative is pending or has been granted in any jurisdiction;
- (4) The decedent has not incurred any indebtedness to the Department of Social Services for medical assistance for nursing home or other medical institutional care; and
- (5) The claiming successor is entitled to payment or delivery of the property.

(b) A transfer agent of any security shall change the registered ownership on the books of a corporation from the decedent to the successor or successors upon the presentation of an affidavit as provided in subsection (a).

Signed February 17, 2022

Chapter 89
(House Bill 1115)

An Act to allow succession to real property by an affidavit.

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

Section 1. That a NEW SECTION be added to title 29A:

Sixty days after the death of a decedent, any person claiming to be a successor to the decedent's interest in real property in this state may file, or cause to be filed on their behalf, an affidavit describing the real property owned by the decedent and the interest of the decedent in the property. A certified or authenticated copy of the decedent's death certificate and the affidavit must be filed with the register of deeds office in all counties where the real property of the decedent is located.

All persons claiming as successors or parties legally acting on their behalf shall sign the affidavit.

The affidavit, which is prima facie evidence of the facts included, must state:

- (1) The value of the decedent's interest in all real property located in this state does not exceed fifty thousand dollars. For real estate classified as non-agricultural, the value of the decedent's interest in property may be determined as shown on the assessment rolls for the year in which the decedent died. For real estate classified as agricultural, the value of the decedent's interest shall be the fair market value thereof on the date of the decedent's death.
- (2) That sixty days have elapsed since the death of the decedent;
- (3) That no application or petition for the appointment of a personal representative is pending or has been granted in any jurisdiction;
- (4) That the claiming successor is entitled to the real property because of the homestead allowance under § 29A-2-402, the family allowance under § 29A-2-403, by intestate succession, or by devise under the will of the decedent;
- (5) If succession is claimed to be by will, that the affiant has made an investigation and has been unable to determine any subsequent will;
- (6) That no one other than a claiming successor has a right to the interest of the decedent in the described property;
- (7) Each claiming successor's relationship to the decedent and the value of the entire estate of the decedent;
- (8) That the transfer of title is not subject to a transfer fee pursuant to subdivision 43-4-22(18);
- (9) The decedent has not incurred any indebtedness to the Department of Social Services for medical assistance for nursing home or other medical institutional care; and
- (10) That each person making the affidavit swear or affirm that all statements in the affidavit are true and material and further acknowledge that any false statement may subject the person or persons to criminal penalties.

A successor named in an affidavit under this section has the same protection and liability as a distributee who has received a deed of distribution from a personal representative, as provided in § 29A-3-908, subject to § 29A-3-901.

Any successor named in an affidavit under this section is responsible for seeing that any property received under this section is applied to liens, encumbrances, homestead allowance, exempt property, family allowance, funeral expenses, expenses of administration, and creditor claims.

If an interest in real property transferred under this section is acquired by a purchaser or lender in good faith, for value and without actual notice that the transfer was improper, the purchaser or lender takes title free of any claims of the decedent's estate and incurs no personal liability to the estate, whether or not the transfer was proper. Purchasers and lenders have no duty to inquire whether a transfer was proper.

Nothing in this section affects the rights of a secured creditor or judgment creditor in such property, or prevents any proceeding enforcing any mortgage, pledge, or other liens upon the real property described in the affidavit.

Section 2. That § 7-9-7 be AMENDED:

7-9-7. No register of deeds may accept for record in the office of the register of deeds:

- (1) Any deed, affidavit terminating joint tenancy or life estate interests, or oil, gas, or other mineral lease, or affidavit for succession to real property pursuant to section 1 of this Act that does not include the names of the grantor and the grantee or the lessor and the lessee, the names of the joint tenant, the post office address of the grantee or lessee, and a legal description of the property conveyed or leased;
- (2) Any mortgage that does not include the names of the mortgagor and the mortgagee, the post office address of the mortgagee, a legal description of the property, and the amount of the mortgage and when it is due;
- (3) Any assignment of mortgage or oil, gas, or other mineral lease that does not include the names of the assignor and the assignee, the post office address of the assignee, and a legal description of the property;
- (4) Any deed or contract for deed dated after July 1, 1988 or affidavit for succession to real property pursuant to section 1 of this Act, used in the purchase, exchange, transfer, or assignment of interest in real property that is not accompanied by a certificate of value containing the name and address of the buyer and seller, the legal description of the real property, the actual consideration exchanged for the real property, the relationship of the seller and buyer, if any, and the terms of payment if other than payment in full at the time of sale; or
- (5) A transfer on death deed, pursuant to §§ 29A-6-401 to 29A-6-435, inclusive, is exempt from completing and submitting the certificate of value as set forth in subdivision (4) of this section.

Signed March 9, 2022

HIGHWAYS AND BRIDGES

Chapter 90 (House Bill 1155)

An Act to revise the compensation for a township board member overseer.

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

Section 1. That § 31-13-2 be AMENDED:

31-13-2. The board of township supervisors shall designate at least one of its members to attend to the road business in the township. The member shall receive for ~~his~~ the member's services ~~four~~ twenty dollars per hour, unless otherwise provided by resolution at the annual township meeting. Not more than one supervisor may be paid for services rendered as overseer of any work of construction or repair.

Signed March 9, 2022

Chapter 91 (House Bill 1156)

An Act to revise provisions regarding weed removal along highways.

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

Section 1. That § 31-31-2 be AMENDED:

31-31-2. The owner or occupant of any land abutting or adjoining upon township roads shall cut, remove, or destroy or cause to be cut, removed, or destroyed, grass, weeds, trees, crops, and brush growing on or in the right-of-way of such roads, provided that such roads are left in such condition that any and all undergrowth thereby or thereon can be cut with a mower. A violation of this section is a petty offense.

Section 2. That § 31-31-3 be AMENDED:

31-31-3. Grass, weeds, trees, crops, or brush referred to in §§ 31-31-1 and 31-31-2 ~~shall~~ must be cut, removed, or destroyed between the first day of September and the first day of October of each year, or between dates annually fixed by the board of supervisors.

Section 3. That § 31-31-5 be AMENDED:

31-31-5. If the owner or occupant of land abutting upon or adjoining township roads does not cut, remove, or destroy, or cause to be cut, removed, or destroyed, the grass, weeds, trees, crops, or brush in the right-of-way of such roads between the first day of September and the first day of October, or between the dates annually fixed by the board, the board of supervisors of the township in

which the land is located may employ a person or persons to immediately cut and remove the grass, weeds, trees, crops, and brush on or in the right-of-way of such township roads with compensation at a rate to be fixed and paid by the board.

Section 4. That § 31-31-6 be AMENDED:

31-31-6. The voters at each annual township election shall by majority vote determine whether the amount paid for the cleanup of township roads pursuant to 31-31-5 ~~shall must~~ be paid for by the landowner or the township. If the vote is to have the landowner pay, the amount ~~shall must~~ be certified by the township clerk to the county auditor not later than November first of the same year. The amount ~~shall must~~ be extended on the tax list in a separate column headed "Removal or destruction of grass, weeds, crops, and brush on highways" and ~~shall must~~ become a tax on the land adjoining the highway where the grass, weeds, crops, and brush were cut or removed and ~~shall must~~ be collected as other taxes. If the vote is to have the township pay, the cost of cutting and removal of grass, weeds, crops, and brush ~~shall must~~ be paid out of township funds without extending such cutting and removal costs on the tax lists as tax on the land of the adjoining township landowner.

Signed March 24, 2022

Chapter 92
(House Bill 1070)

**An Act to clarify certain provisions of the rural access infrastructure
improvements grant program.**

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

Section 1. That § 31-34-2 be AMENDED:

31-34-2. Before August 1, 2021, the Department of Revenue shall distribute the sum of three million dollars on a pro rata basis to each county for the purpose of planning and completing an inventory of small structures as prescribed by the Department of Transportation. Before August 1, 2022, the Department of Revenue shall distribute a portion of the sum of three million dollars to each county based on the allocation calculated in accordance with this section for the purposes described in § 31-34-3. Each county's allocated percentage is calculated by using the total number of small structures on township roads and county secondary roads located in a county divided by the sum of all small structures on township roads and county secondary roads in the state as reported to the Department of Transportation, multiplied by one hundred. Each county that receives ~~funds moneys~~ from this rural access infrastructure program shall use the ~~funds moneys~~ in accordance with the provisions of this chapter.

Section 2. That § 31-34-3 be AMENDED:

31-34-3. Each county shall establish a rural access infrastructure fund for the deposit of ~~funds moneys~~ received pursuant to this chapter. ~~The funds shall be distributed by the board of county commissioners board of county commissioners~~ may only distribute fund moneys for ~~only~~ the following expenses:

- (1) Engineering, hydrological studies, planning, materials, and other costs as necessary to plan for and complete the projects;

- (2) Construction, rehabilitation, or replacement of small structures located in townships complying with the requirements of this chapter;
- (3) Construction, rehabilitation, or replacement of small structures described in a county highway and bridge improvement plan that are located on county secondary highways.

The ~~fund~~ moneys may not be used on no maintenance roads or minimum maintenance roads.

Moneys not obligated or spent from a county's fund may be used for the expenses until reverted pursuant to § 4-8-21. Moneys may only be used for the expenses of those small structures inventoried with the department, as referenced in § 31-34-2, by June first of the preceding fiscal year.

Section 3. That § 31-34-4 be AMENDED:

31-34-4. Applications for use of ~~funds~~ moneys allocated to a fund pursuant to this chapter ~~shall must~~ be submitted to the board of county commissioners on or before ~~January fifteenth~~ October thirty-first on forms prescribed by the association of county commissioners. The board of county commissioners shall award the ~~funds~~ moneys no later than ~~March~~ the immediately following January fifteenth.

Applications from townships ~~shall must~~ be accompanied by a resolution approved by the township board of supervisors authorizing the application and any funding commitments made by the township. The township or county share ~~shall be~~ is a minimum of twenty percent of the ~~funds~~ sum necessary to complete the project.

Applications for county secondary highways ~~shall must~~ be submitted by the county highway superintendent.

Section 4. That § 31-34-6 be AMENDED:

31-34-6. A requesting township shall timely file the township small structure improvement plan pursuant to § 31-34-7 with the county highway superintendent and an annual report pursuant to § 8-10-30 in order to be eligible for the funds. Any township requesting use of rural access infrastructure ~~funds~~ moneys pursuant to this chapter shall meet at least one of the following requirements:

- (1) Impose an annual property tax levy of fifty cents per thousand pursuant to § 10-12-28.2; or
- (2) Impose a tax levy opt out pursuant to § 10-13-36.

Section 5. That § 31-34-7 be AMENDED:

31-34-7. To be eligible to receive funding from the rural access infrastructure fund established under this chapter, a township shall, each year by ~~November fifteenth~~ August thirty-first, submit to the county that township is located in, a township small structure improvement plan and any updates shall be made in accordance with this section. The township small structure improvement plan shall include:

- (1) One or more maps showing the location of all small structures within the township;
- (2) The location, width, and length of each small structure;
- (3) A report on the condition of each small structure;

- (4) Whether the small structure is posted for load capacity, and if so, what the posted ~~limit is~~ limits are;
- (5) A list of all small structure improvement projects proposed to be undertaken by the township over the next five years including the location of the project, type of project, source of funding for the project, estimated cost of the project, and the year the project is proposed to be completed; and
- (6) Such additional items as may be prescribed by the Department of Transportation.

Signed February 14, 2022

MOTOR VEHICLES

Chapter 93 (House Bill 1082)

An Act to revise the motor vehicle excise tax on vehicles leased for more than twenty-eight days to include certain off-road vehicles.

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

Section 1. That § 32-5B-1.1 be AMENDED:

32-5B-1.1. For motor vehicles leased for more than twenty-eight days, the lessor shall title and license the motor vehicle and denote the lessee on the application for title. The lessor or the lessee shall pay the motor vehicle excise tax. If the term of the lease is extended or if the vehicle is leased for an additional period of time, the motor vehicle excise tax shall be assessed on the additional lease payments and shall be paid by the lessor. If additional consideration is paid during the course of the lease or upon the termination of the lease, the motor vehicle excise tax shall be assessed upon such amount and paid by the lessor. If a lessee buys the leased vehicle at the end of the lease, excise tax shall be assessed on the purchase prices in § 32-5B-4. The lessor shall assign the title to the lessee and shall deliver it to the county treasurer of the applicant's residence, along with an application certifying the price of the vehicle and the required fees and taxes.

A lessee who entered into a lease prior to July 1, 2000, and who paid excise tax based on the purchase price of the vehicle, including the value of the leased vehicle at the end of the lease, shall receive credit for tax previously paid if the lessee purchases the vehicle at the end of the lease.

An off-road vehicle, as defined by § 32-3-1 and required to be titled pursuant to § 32-20-12 and is titled in this state, that is leased for more than twenty-eight days, is subject to the provisions of this section.

Signed March 7, 2022

Chapter 94
(Senate Bill 176)

An Act to revise provisions regarding self-propelled agriculture units.

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

Section 1. That § 10-47B-3 be AMENDED:

10-47B-3. Terms used in this chapter mean:

- (1) "ASTM," the American Society for Testing and Materials, a private organization that utilizes committees of industry representatives and regulators to develop product quality standards and test methods to be used by industries, regulator agencies, and purchasing agents;
- (1A) "Aviation gasoline," a motor fuel that is formulated and produced specifically for use in aircraft;
- (1B) "Biobutanol," butyl alcohol produced from cereal grains;
- (1C) "Biodiesel," a fuel that is comprised of:
 - (a) Mono-alkyl esters of long chain fatty acids derived from vegetable oils or animal fats, designated B100, and meeting the requirements of the American Society of Testing and Materials D 6751 as of January 1, 2008;
 - (b) A derivative of any organic material, without regard to the process used, that meets the registration requirements for fuels and chemicals established by the Environmental Protection Agency under section 211 of the Clean Air Act (42 U.S.C. 7545) as of January 1, 2008, and the American Society of Testing and Materials (ASTM) D975 or D396 as of January 1, 2008, but does not include oil, natural gas, or coal (including lignite), or any products thereof; or
 - (c) Both;
- (1D) "Biodiesel blend," a blended special fuel containing a minimum of five percent by volume of biodiesel;
- (1E) "Biodiesel producer," a person who engages in the business of producing biodiesel for sale, use, or distribution;
- (2) "Blender," a person engaged in the activity of making blends. A person need not be a blender to mix two or more substances ~~which that~~ have previously been subject to the fuel excise tax imposed by this chapter. A person need not be a blender to mix two or more substances ~~which that~~ have not been subject to the fuel excise tax imposed by this chapter, if the mixed product does not result in producing a motor fuel or special fuel;
- (3) "Blends," one or more petroleum ~~product products~~, mixed with or without another product, regardless of the original character of the product blended, if the product obtained by the blending is capable of use in the generation of power for the propulsion of a motor vehicle, an airplane, or a motorboat. The term does not include those blends that occur in the process of refining by the original refiner of crude petroleum or by the blending of products known as lubricating oil and greases. The term does

- not apply to fuel additives which have been subject to sales or use tax imposed by chapters 10-45 and 10-46, or to dye;
- (3A) "Book transfer," a transaction in which a product is transferred from one supplier or out-of-state supplier or position_holder to another, if:
- (a) The transaction includes a transfer from the person who holds the inventory position for motor fuel or special fuel in the terminal as indicated in the records of the terminal operator; and
 - (b) The transfer is completed within the terminal at the time of the removal from the terminal for delivery to a customer of the transferee. The bill of lading issued by the terminal operator ~~shall~~ must indicate the transferee as the supplier or shipper;
- (4) "Bulk container" or "bulk cargo area," any tank, vessel, or container used to store or transport fuel. This term does not include a supply tank ~~which~~ that is mounted on a motor vehicle and connected to the engine of that motor vehicle;
- (5) "Bulk plant," a motor fuel or special fuel storage facility, other than a terminal, that is primarily used for redistribution of motor fuel or special fuel by a transport truck, tank wagon, or rail car;
- (5A) "Bulk plant operator," a person who has responsibility and physical control over the operation of a bulk plant;
- (6) "Compressed natural gas," natural gas which has been compressed, but not to a liquid state, for use as a motor vehicle fuel and which for purposes of taxation as a motor vehicle fuel, ~~shall~~ must be converted to equivalent liquid gallons of gasoline at the rate of 126.67 cubic feet of natural gas as its natural service delivery line pressure to equal one volumetric gross gallon of gasoline;
- (7) "Compressed natural gas vendor," a person engaged in the business of selling compressed natural gas for use in the engine fuel supply tanks of motor vehicles and is regulated by the Public Utilities Commission;
- (7A) "Consignee," the first person to hold title to fuel after it is withdrawn at a terminal rack or bulk plant and delivered into a bulk cargo area of a transport truck or railcar. The name of the consignee ~~shall~~ must be identified and prominently displayed on the bill of lading;
- (8) "Department," the Department of Revenue;
- (9) "Destination state," the state for which a motor vehicle, railcar, or barge is destined for off-loading of motor fuel or special fuel from its bulk cargo area by the consignee into storage facilities for consumption or resale. If title of the fuel passes from the consignee to another party prior to off-loading, the destination state is the state in which title passes. The destination state ~~shall~~ must be identified and prominently displayed on the bill of lading. If the destination state is not prominently displayed on the bill of lading, it is presumed that South Dakota is the destination state;
- (10) "Ethanol blend," a blended motor fuel containing ethyl alcohol of at least ninety-nine percent purity typically derived from agricultural products ~~which is that are~~ blended exclusively with a product commonly or commercially known or sold as gasoline;
- (10A) "Ethanol broker," any person who engages in the business of marketing ethyl alcohol produced by ethanol producers located in South Dakota;
- (11) Repealed by SL 2009, ch 55, § 3;

- (12) "Ethanol producer," any person who engages in the business of producing ethyl alcohol for sale, use, or distribution;
- (12A) "Ethyl alcohol," a motor fuel typically derived from agricultural products that has been denatured as prescribed in § 10-47B-166. This definition does not apply to § 10-47B-162;
- (13) "Export," with respect:
 - (a) To a seller, when the seller's motor fuel or special fuel is delivered out-of-state by or for the seller; and
 - (b) To a purchaser, when the purchaser's motor fuel or special fuel is delivered out-of-state by or for the purchaser;
- (14) "Exporter," any person, who purchases or owns motor fuel or special fuel in this state and transports or delivers or causes the fuel to be transported or delivered to another state or country by any means other than a pipeline;
- (14A) "Fuel additive," a product purchased or acquired for the purpose of adding it to motor fuel or special fuel which was formulated and produced exclusively to enhance the performance or quality of the fuel. The term does not include kerosene;
- (15) "Gallon," for purposes of fuel taxation, a United States gallon measured on a gross volume basis. Temperature adjusted or net gallons of measurement are not acceptable as units of measurement for taxation purposes unless used for the calculation of liquid petroleum gas, compressed natural gas, or liquid natural gas;
- (16) "Gasoline," a fuel product commonly or commercially known or sold as gasoline or reformulated gasoline, which has not been blended with alcohol, naphtha, or any other fuel products such as casinghead, absorption, drip, or natural gasolines;
- (17) "Heating fuel," a special fuel that is burned in a boiler furnace, or stove for heating or industrial processing purposes;
- (18) "Highway construction work," all work which is performed in any capacity to propel vehicles, machinery, or equipment within the right-of-way in the construction, reconstruction, repair, or maintenance of public highways;
- (18A) "Highway contractor," any person engaged in the activity of highway construction work in this state. The term does not include any person who only owns and operates motor vehicles within the right-of-way hauling gravel or concrete and does not own or operate off-road machinery in the highway construction work;
- (19) "Import," with respect:
 - (a) To a seller, when the seller's motor fuel or special fuel is delivered into South Dakota from out-of-state by or for the seller; and
 - (b) To a purchaser, when the purchaser's motor fuel or special fuel is delivered into South Dakota from out-of-state by or for the purchaser;
- (20) "Importer," any person who purchases or owns motor fuel or special fuel in another state or country and transports or delivers or causes the fuel to be transported or delivered into this state by any means other than pipeline;

- (21) "Jet fuel," a special fuel that is formulated and produced specifically for use in jet aircraft;
- (22) "Liquid," any substance that is liquid in excess of sixty degrees Fahrenheit and a pressure of fourteen and seven-tenths pounds per square inch absolute;
- (22A) "Liquid natural gas," natural gas which has been cooled to approximately - 260 degrees Fahrenheit and is in a liquid state, for use as a motor vehicle fuel and which for purposes of taxation as a motor vehicle fuel, shall be converted to equivalent liquid gallons of gasoline at the rate of 1.5536 gallons of liquid natural gas to equal one volumetric gross gallon of gasoline;
- (22B) "Liquid natural gas vendor," any person engaged in the business of selling liquid natural gas for use in the engine fuel supply tanks of motor vehicles;
- (23) "Liquid petroleum gas," liquid petroleum gas (LPG) when used as a motor vehicle fuel shall be converted for purposes of taxation to equivalent liquid gross gallons using the conversion factor of 4.24 pounds per gallon of liquid at sixty degrees Fahrenheit;
- (24) "Liquid petroleum gas user" a person who uses liquid petroleum gas in the engine fuel supply tank of a motor vehicle and wishes to purchase liquid petroleum gas in bulk into a storage tank which has a delivery hose attached thereto on a tax unpaid basis in this state;
- (25) "Liquid petroleum gas vendor," a person engaged in the business of selling liquid petroleum gas, wholesale or retail, for use in the engine fuel supply tank of a motor vehicle in this state or has the capability of selling liquid petroleum gas for use in the engine fuel supply tank of a motor vehicle. The term applies to any vendor who uses LPG in a motor vehicle;
- (26) Repealed by SL 2009, ch 55, § 8.
- (26A) "Marketer," any person who is engaged in business as a wholesale distributor or retail dealer;
- (26B) "Methanol producer," any person who engages in the business of producing methyl alcohol for sale, use, or distribution;
- (26C) "Methyl alcohol," a motor fuel typically derived from wood products;
- (27) "Motor fuel," includes:
 - (a) All products commonly or commercially known or sold as gasoline, ethyl alcohol, methyl alcohol, and all gasoline blends. These products may include in some quantity casinghead, absorption, natural gasoline, benzol, benzene, naphtha, except that flashing above one hundred degrees Fahrenheit, and Tagliabue closed cup test, which is sold and used only as cleaner's or painter's solvent; and
 - (b) Any liquid prepared, advertised, offered for sale, or sold for use as commonly and commercially used as a fuel in internal combustion engines, which when subjected to distillation in accordance with the standard method of test for distillation of gasoline, naphtha, kerosene, and similar petroleum products (American Society of Testing Material Designation D-86) shows not less than ten percent distilled (recovered) below three hundred forty-seven degrees Fahrenheit and not less than ninety-five percent distilled (recovered) below four hundred sixty-four degrees Fahrenheit;

- (c) The term does not include liquefied gases which would not exist as liquids at a temperature of sixty degrees Fahrenheit and a pressure of fourteen and seven-tenths pounds per square inch absolute;
- (28) "Motor vehicle," includes all vehicles that are required to be registered and licensed by a jurisdiction and are designed for use upon ~~the~~ public roads and highways. ~~Terrigators and spray coupes~~ Self-propelled agricultural application units, as defined in section 2 of this Act, that are not designed for use upon the public roads and highways, are not included in this definition;
- (29) "Nonhighway agricultural use," fuel used off the public highways and roads of this state for producing, raising or growing, and harvesting of food or fiber upon agricultural land, including dairy products, livestock, and crops. The services of custom harvesters, pesticide and fertilizer applicators ~~chemical applicators, fertilizer spreaders~~, hay grinders, and cultivators are considered agricultural purposes;
- (30) "Nonhighway commercial use," fuel used off the public highways and roads of this state for business purposes other than a nonhighway agricultural use. Recreational vehicles including snowmobiles, go-carts, golf carts, bumper boats, and similar vehicles are not included in this definition;
- (31) "Out-of-state supplier," any person who does not meet the geographic jurisdictional connections to this state required of a supplier, and is registered under Section 4101 of the Internal Revenue Code;
- (32) "Person," a natural person, a partnership, a limited partnership, a joint venture, a firm, an association, a corporation, a cooperative, a representative appointed by a court, the state, a political subdivision, or any other entity, group, or syndicate;
- (33) "Petroex number," a string of alpha or numeric characters that are used to communicate transactional information between a transporter or consignee and a supplier;
- (33A) "Public highways or roads," any way or place of whatever nature, including waterways and snowmobile trails, which are open to the use of the public as a matter of right for the purpose of vehicular, snowmobile, or watercraft travel, even if the way or place is temporarily closed for the purpose of construction, reconstruction, maintenance, or repair;
- (33B) "Qualified biobutanol producer," any person who engages in the business of producing biobutanol for sale, use, or distribution and who produced qualified ethyl alcohol on or before December 31, 2006, and is therefore eligible for receiving incentive payments for the production of ethyl alcohol under § 10-47B-162;
- (34) "Qualified motor vehicle," a motor vehicle used, designed, or maintained for the transportation of persons or property and:
- (a) Having two axles and a gross vehicle weight or registered gross vehicle weight exceeding twenty-six thousand pounds;
 - (b) Having three or more axles regardless of weight; or
 - (c) Is used in combination when the weight of such combination exceeds twenty-six thousand pounds gross vehicle weight. The term does not include recreational vehicles used for pleasure;

- (34A) "Racing fuel," a motor or special fuel that is specifically produced for use in race cars;
- (35) "Rack," a dock, a platform, or an open bay with metered pipes, hoses or both that is used for delivering motor fuel or special fuel from a refinery or terminal into the cargo area of a motor vehicle, rail car, marine vessel, or aircraft for subsequent transfer or use into the engine fuel supply tank of a locomotive or any self-propelled vehicle. The term includes a pipe, series of pipes, or pipeline used to withdraw motor fuel or special fuel from one pipeline system to another pipeline system or storage facility, if the fuel withdrawn is committed for sale or use in this state;
- (36) "Retail dealer," a person who sells or distributes motor fuel or special fuel to the end user within this state;
- (37) "Sale," the title of fuel passed from the seller to the buyer for a consideration;
- (38) "Secretary," the secretary of the Department of Revenue;
- (39) "Special fuel," all combustible gases and liquids that are:
- (a) Suitable for the generation of power in an internal combustion engine or motor; or
 - (b) Used exclusively for heating, industrial, or farm purposes other than for the operation of a motor vehicle.

The term includes diesel fuel, fuel oil, heating fuel, biodiesel, all special fuel blends, and all kerosene products except K-1. The term does not include motor fuel, liquid petroleum gas, liquid natural gas, compressed natural gas, or natural gas which is not compressed natural gas. The term, special use fuel, is synonymous with the term, special fuel;

- (40) "Supplier or shipper," a person that imports or acquires upon import into this state motor fuel or special fuel by pipeline or marine vessel from another state, territory, or possession of the United States into a terminal within this state, or that imports motor fuel or special fuel into this state from a foreign country or that produces, manufactures, or refines motor fuel or special fuel within this state, or that owns motor fuel or special fuel in the pipeline and terminal distribution system in this state and makes sales or authorizes removal of motor fuel or special fuel from a terminal in this state at the rack or is the receiving exchange partner in a two party exchange or the final transferee in a book transfer, and is subject to the general taxing or police jurisdiction of this state, or is required to be registered under Section 4101 of the Internal Revenue Code for transactions in taxable fuels in the bulk distribution system. The person need not be required to be registered under Section 4101 of the Internal Revenue Code if operating as a railroad company or utility company. A terminal operator may not be considered a supplier merely because the terminal operator handles motor fuel or special fuel consigned to it within a terminal. The name of the supplier or shipper ~~shall~~ must be identified and prominently displayed on the bill of lading;
- (41) "Tank wagon," a vehicle designed to transport motor fuel or special fuel in bulk, in lots of four thousand two hundred gallons or less;
- (42) "Terminal," a fuel refinery or storage and distribution facility that is supplied by pipeline or marine vessel, from which motor fuel or special fuel may be removed at a rack and that has been registered as a qualified terminal by the Internal Revenue Service for receipt of taxable fuels free of federal fuel taxes;

- (43) "Terminal operator," the person who by ownership or contractual agreement is charged with the responsibility and physical control over the operation of the terminal;
- (44) "Transfer in bulk into or within a terminal" includes the following:
- (a) A marine barge movement of fuel from a refinery or terminal to a terminal;
 - (b) Pipeline movements of fuel from a refinery or terminal to terminal;
 - (c) Book transfers of product within a terminal between suppliers, out-of-state suppliers, or position holders before completion of the removal of the fuel across the terminal rack;
 - (d) Two-party exchanges between licensed suppliers and out-of-state suppliers or position holders;
- (45) "Transmix," the buffer between two different products in a pipeline shipment, or a mix of two different products within a refinery or terminal that results in an off-grade mixture;
- (46) "Transporter or carrier," any person who engages in the activity of interstate or intrastate movement of fuel within this state by transport truck, rail car, or by any other means in quantities of over four thousand two hundred gallons. The term does not include persons who transport fuel by pipeline or barge. The name of the transporter or carrier ~~shall~~ must be identified and prominently displayed on the bill of lading;
- (47) "Transport truck," a vehicle, a combination of vehicles, or railcar designed to transport motor fuel or special fuel in bulk, in lots greater than four thousand two hundred gallons;
- (48) "Two-party exchange," a transaction in which a product is transferred from one supplier or out-of-state supplier or position holder to another in exchange for ~~other~~ another product, sometimes located at a different location, if:
- (a) The transaction includes a transfer from the person who holds the original inventory position for motor fuel or special fuel in the terminal as indicated in the records of the terminal operator; and
 - (b) The exchange transaction is completed before removal from the terminal by the receiving exchange partner. The bill of lading issued by the terminal operator ~~shall~~ must indicate the receiving exchange partner as the supplier or shipper;
- (49) "Wholesale distributor," any person who purchases motor fuel or special fuel from a supplier or another wholesale distributor, or removes the fuel from a terminal at the rack, for subsequent sale to another wholesale distributor or retail dealer.

Section 2. That chapter 32-5B be amended with a NEW SECTION:

Any self-propelled agricultural application unit that is purchased for use in this state is exempt from the provisions of this chapter and chapters 32-3 and 32-5. For purposes of this section, the term, self-propelled agricultural application unit, is defined as equipment designed and used exclusively to carry and apply fertilizer, pesticides, or related products for agricultural purposes. This term does not include an application unit attached to a motor vehicle chassis.

Signed March 8, 2022

Chapter 95
(Senate Bill 74)

An Act to revise provisions regarding out-of-service motor carrier violations.

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

Section 1. That § 32-12A-8.1 be AMENDED:

32-12A-8.1. No person may drive a commercial motor vehicle on the highways of this state while the person, ~~or the commercial motor vehicle, or the motor carrier operation~~ is subject to any out-of-service order. A violation of this section is a Class 1 misdemeanor.

Section 2. That chapter 32-12A be amended with a NEW SECTION:

No person may drive a commercial motor vehicle on the highways of this state while the motor carrier operation employing the person is subject to any out-of-service order. A violation of this section is a Class 2 misdemeanor.

Section 3. That § 32-12A-52 be AMENDED:

32-12A-52. Any person is disqualified from driving a commercial motor vehicle for a period of one hundred eighty days if convicted of a first violation of an out-of-service order pursuant to § 32-12A-8.1.

If a violation of an out-of-service order pursuant to this section occurred while transporting hazardous materials required to be placarded under 49 C.F.R. Part 172, Subpart F, as of January 1, 2015, or while operating a motor vehicle designed to transport sixteen or more passengers, including the driver, the operator is disqualified for a period of one hundred eighty days.

Section 4. That § 32-12A-53 be AMENDED:

32-12A-53. Any person is disqualified from driving a commercial motor vehicle for a period of two years if convicted of two violations of out-of-service orders pursuant to § 32-12A-8.1 in separate incidents during a ten-year period.

If the violations of out-of-service orders pursuant to this section occurred while transporting hazardous materials required to be placarded under 49 C.F.R. Part 172, Subpart F, as of January 1, 2015, or while operating a motor vehicle designed to transport sixteen or more passengers, including the driver, the operator is disqualified for a period of three years.

Section 5. That § 32-12A-54 be AMENDED:

32-12A-54. Any person is disqualified from driving a commercial motor vehicle for a period of three years if convicted of three or more violations of out-of-service orders pursuant to § 32-12A-8.1 in separate incidents during a ten-year period.

If the violations of out-of-service orders pursuant to this section occurred while transporting hazardous materials required to be placarded under 49 C.F.R. Part 172, Subpart F, as of January 1, 2015, or while operating a motor vehicle designed to transport sixteen or more passengers, including the driver, the operator is disqualified for a period of five years.

Section 6. 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 two thousand five hundred dollars for a first conviction and not less than five thousand dollars for a second or subsequent conviction.

Signed February 9, 2022

Chapter 96
(Senate Bill 28)

An Act to disqualify for life any person from driving a commercial vehicle who is convicted of a felony offense involving human trafficking.

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

Section 1. That chapter 32-12A be amended with a NEW SECTION:

If a person is convicted of a felony under chapter 22-49 or a federal felony offense involving a severe form of trafficking in persons, as defined by 22 U.S.C. § 7102(11), as of January 1, 2022, the department shall disqualify that person from driving a commercial motor vehicle for life and the person is not eligible for reinstatement.

Signed February 9, 2022

Chapter 97
(Senate Bill 91)

An Act to revise provisions regarding the use of certain lights by county highway department authorized vehicles.

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

Section 1. That § 32-17-42 be AMENDED:

32-17-42. Any motor vehicle authorized by the Department of Transportation, a tow truck or wrecker as defined in § 32-17-10, or a vehicle operated by a member of an organized fire department or organized search and rescue unit or by a person who is an ambulance driver, attendant, or emergency medical technician affiliated with a licensed ambulance service may be equipped with blue lights. This provision does not relieve the driver of ~~such a~~ 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 ~~of any such vehicle~~ from the consequence of a reckless disregard of the safety of others.

No person may use a blue light unless the person is authorized by this chapter and is ~~either operating a Department of Transportation vehicle or a county highway vehicle in performance of their duties in maintaining the highway in~~

performance of winter highway maintenance duties, or 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. ~~The authorization~~ Authorization for use of a blue light in accordance with this chapter may be given by the Department of Transportation, highway patrol, county highway superintendent, chief of ~~the~~ a fire department, coordinator of ~~the~~ a search and rescue unit, or operator or ambulance service director of ~~the~~ an ambulance service only to members of the department or service who are in good standing.

The ~~unauthorized~~ use of a blue light in violation of this section is a Class 2 misdemeanor.

Signed February 23, 2022

Chapter 98
(House Bill 1078)

An Act to authorize the use of electric all-terrain and off-road vehicles on public highways and to declare an emergency.

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

Section 1. That § 32-20-13 be AMENDED:

32-20-13. Any all-terrain vehicle with four or more wheels and with a combustion engine having a piston or rotor displacement of two hundred cubic centimeters or more or any off-road vehicle with two wheels and with a combustion engine having a piston or rotor displacement of one hundred twenty cubic centimeters or more or any all-terrain vehicle, with four or more wheels, propelled by an electric motor that draws power from a battery that is capable of being recharged may be licensed as a motorcycle pursuant to chapter 32-5 to be used on a public highway.

Prior to being licensed, the vehicle shall meet the necessary light, brake, and other vehicle accessory requirements provided by chapters 32-15, 32-17, and 32-18 that are applicable to motorcycles.

This section does not apply to a golf cart, as defined in § 32-14-13, a low-speed vehicle, as described in § 32-3-71, or a toy or youth off-road vehicle.

Any vehicle licensed pursuant to this section may not be operated on the interstate highway system. A person who operates any vehicle licensed pursuant to this section on the interstate highway system is guilty of a Class 2 misdemeanor.

Section 2. 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 23, 2022

Chapter 99
(House Bill 1108)

An Act to revise provisions related to driving under the influence.

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

Section 1. That § 32-23-2 be AMENDED:

32-23-2. If conviction for a violation of § 32-23-1 is for a first offense, ~~such the~~ person is guilty of a Class 1 misdemeanor, and ~~the defendant's driving privileges shall be revoked~~ court shall revoke the person's driver license for not less than thirty days. However, the court may in its discretion issue an order, upon proof of financial responsibility, pursuant to § 32-35-113, permitting the person to operate a vehicle for purposes of employment, 24/7 sobriety testing, attendance at school, child care delivery or pickup, or attendance at counseling programs. The court may also order the revocation of the ~~defendant's~~ person's driving privilege for a further period not to exceed one year or restrict the privilege in such manner as it sees fit for a period not to exceed one year.

Section 2. That § 32-23-3 be AMENDED:

32-23-3. If conviction for a violation of § 32-23-1 is for a second offense, ~~such the~~ person is guilty of a Class 1 misdemeanor, and the court shall, in pronouncing sentence, ~~unconditionally~~ revoke the ~~defendant's~~ person's driver license for a period of not less than one year. However, upon the successful completion of a court-approved chemical dependency program, and proof of financial responsibility pursuant to § 32-35-113, the court may permit the person to drive for the purposes of employment, 24/7 sobriety testing, attendance at school, child care delivery or pickup, or attendance at counseling programs. If ~~such the~~ person is convicted of driving without a license during that period, the person shall be sentenced to the county jail for not less than three days, which sentence may not be suspended.

Section 3. That § 32-23-4 be AMENDED:

32-23-4. If conviction for a violation of § 32-23-1 is for a third offense, the person is guilty of a Class 6 felony, and the court, in pronouncing sentence, shall ~~order that~~ revoke the driver's license of any person so convicted ~~be revoked~~ person's driver license for a period of not less than one year from the date sentence is imposed or one year from the date of initial release from imprisonment, whichever is later. In the event the person is returned to imprisonment prior to the completion of the period of driver's license revocation, time spent imprisoned does not count toward fulfilling the period of revocation. If the person is convicted of driving without a license during that period, ~~he the~~ person shall be sentenced to the county jail for not less than ten days, which sentence may not be suspended. Notwithstanding § 23A-27-19, the court retains jurisdiction to modify the conditions of the license revocation for the term of such revocation. Upon the successful completion of a court-approved chemical dependency counseling program, and proof of financial responsibility pursuant to § 32-35-113, the court may permit the person to operate a vehicle for the purposes of employment, 24/7 sobriety testing, attendance at school, child care delivery or pickup, or attendance at counseling programs.

Section 4. That § 32-23-4.6 be AMENDED:

32-23-4.6. If conviction for a violation of § 32-23-1 is for a fourth offense, the person is guilty of a Class 5 felony, and the court, in pronouncing sentence, shall ~~order that revoke the driver's license of any person so convicted be revoked~~ revoke the person's driver license for a period of not less than two years from the date sentence is imposed or two years from the date of initial release from imprisonment, whichever is later. If the person is returned to imprisonment prior to the completion of the period of driver's license revocation, time spent imprisoned does not count toward fulfilling the period of revocation. If the person is convicted of driving without a license during that period, ~~the person court shall be sentenced~~ sentence the person to the county jail for not less than twenty days, which sentence may not be suspended. Notwithstanding § 23A-27-19, the court retains jurisdiction to modify the conditions of the license revocation for the term of such revocation. Upon the successful completion of a court-approved chemical dependency counseling program, and proof of financial responsibility pursuant to § 32-35-113, the court may permit the person to operate a vehicle for the purposes of employment, 24/7 sobriety testing, attendance at school, child care delivery or pickup, or attendance at counseling programs. Further, sentencing pursuant to this section includes the provisions of § 23A-27-18.

Section 5. That § 32-23-4.7 be AMENDED:

32-23-4.7. If conviction for violation of § 32-23-1 is for a fifth offense, or subsequent offenses thereafter, the person is guilty of a Class 4 felony and the court, in pronouncing sentencing, shall ~~order that the driver's license of any person so convicted be revoked~~ revoke the person's driver license for a period of not less than three years from the date sentence is imposed or three years from the date of initial release from imprisonment, whichever is later. In the event the person is returned to imprisonment prior to the completion of the period of driver's license revocation, time spent imprisoned does not count toward fulfilling the period of revocation. If the person is convicted of driving without a license during that period, ~~the person court shall be sentenced~~ sentence the person to the county jail for not less than twenty days, which sentence may not be suspended. Notwithstanding § 23A-27-19, the court retains jurisdiction to modify the conditions of the license revocation for the term of such revocation. Upon the successful completion of a court-approved chemical dependency counseling program, and proof of financial responsibility pursuant to § 32-35-113, the court may permit the person to operate a vehicle for the purposes of employment, 24/7 sobriety testing, attendance at school, child care delivery or pickup, or attendance at counseling programs.

Section 6. That § 32-23-4.9 be AMENDED:

32-23-4.9. If a conviction for a violation of § 32-23-1 is for a sixth offense, or subsequent offense, and the person had at least five convictions of § 32-23-1 occurring within twenty-five years of the violation being charged, and at least two of those prior convictions having occurred within ten years, the violation is an aggravated offense and the person is guilty of a Class 4 felony.

The court, in pronouncing sentencing, shall ~~order that the driver license of any person so convicted be revoked~~ revoke the person's driver license for a period of not less than three years from the date the sentence is imposed or three years from the date of initial release from imprisonment, whichever is later. If the person is returned to imprisonment prior to the completion of the period of driver license revocation, time spent imprisoned does not count toward fulfilling the period of revocation. If the person is convicted of driving without a license during that period, ~~the person court shall be sentenced~~ sentence the person to the county

jail for not less than twenty days, which sentence may not be suspended. Notwithstanding § 23A-27-19, the court retains jurisdiction to modify the conditions of the license revocation for the term of such revocation.

Upon the person's successful completion of a court-approved chemical dependency counseling program and proof of financial responsibility pursuant to § 32-35-113, the court may permit the person to operate a vehicle for the purposes of employment, 24/7 sobriety testing, attendance at school, child care delivery or pickup, or attendance at counseling programs.

For each person convicted under this section and placed on probation, parole, or released from prison due to a suspended sentence, the person's supervision ~~shall~~ must include at least one of the following: enrollment in an alcohol or drug accountability program, an ignition interlock, a breath alcohol interlock, an alcohol monitoring bracelet, or another enhanced monitoring tool. ~~Supervision of the offender shall be overseen by the~~ The Unified Judicial System shall oversee supervision of the offender if the sentence does not include a term of imprisonment in the penitentiary ~~or by the~~ The Department of Corrections ~~shall oversee supervision of the offender~~ if the sentence includes a term of imprisonment in the penitentiary. Any offender supervised pursuant to this section is not excluded from earned discharge credit as otherwise authorized by statute.

If, during the period of supervision imposed under this section, the person being supervised violates conditions, ~~the offender shall~~ person must be penalized according to the graduated sanctions policy to be established by the Supreme Court or the Department of Corrections, respectively.

Signed February 14, 2022

Chapter 100
(Senate Bill 29)

An Act to authorize highway maintenance vehicles to operate at less than the posted minimum speed on interstate highways.

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

Section 1. That § 32-25-5 be AMENDED:

32-25-5. It is a Class 2 misdemeanor at any time for a person to drive or operate a motor vehicle upon the national system of interstate highways at a speed less than forty miles per hour unless ~~such the~~ the vehicle is ~~so~~ operated pursuant to a permit, issued by the ~~Department of Transportation~~ Department of Public Safety. This section does not apply to highway equipment operated by personnel in the performance of highway maintenance duties.

Signed February 8, 2022

Chapter 101
(House Bill 1084)

**An Act to provide for the regulation of motorized foot scooters and to
declare an emergency.**

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

Section 1. That chapter 32-26 be amended with a NEW SECTION:

Notwithstanding the provisions of § 32-25-27, a municipality may adopt, by ordinance, traffic regulations permitting the use of a motorized foot scooter on any street, bike path, or multi-use path within its platted boundaries.

Section 2. That § 32-26-21.4 be AMENDED:

32-26-21.4. For the purposes of §§ 32-26-21.1 to ~~32-26-21.5~~ 32-26-21.6, inclusive, the term, motorized foot scooter, means a wheeled conveyance, with handlebars, designed to be stood or sat upon by the operator, and powered by an electric motor that is capable of propelling the device with or without human propulsion, and that has no more than two twelve inch or smaller diameter wheels and has a motor that is capable of a maximum speed of fifteen miles per hour on a flat surface with not more than one percent grade in any direction when the motor is engaged. An electric bicycle is not a motorized foot scooter.

Section 3. That § 32-26-21.5 be AMENDED:

32-26-21.5. A motorized foot scooter is exempt from the provisions of chapters 32-3, 32-5, 32-5A, 32-5B, 32-6B, 32-14, 32-15, 32-20, 32-35, 32-37, and 37-5.

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 16, 2022

PUBLIC HEALTH AND SAFETY

Chapter 102
(Senate Bill 93)

**An Act to revise certain provisions related to the use of epinephrine and
supraglottic airway devices by ambulance services.**

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

Section 1. That chapter 34-11 be amended with a NEW SECTION:

Any ambulance service licensed pursuant to this chapter may be equipped with single-dose epinephrine. The department shall adopt statewide protocols for the administration of epinephrine. A copy of the protocols, signed by the medical director of the ambulance service, must be carried in any ambulance equipped with epinephrine. Any emergency medical technician who has received training approved by the department may, pursuant to the protocols, administer epinephrine.

Section 2. That chapter 34-11 be amended with a NEW SECTION:

Any ambulance service licensed pursuant to this chapter may be equipped with a supraglottic airway device. The department shall adopt statewide protocols for the use of supraglottic airway devices. A copy of the protocols, signed by the medical director of the ambulance service, must be carried in any ambulance equipped with a supraglottic airway device. Any emergency medical technician who has received training approved by the department may, pursuant to the protocols, utilize a supraglottic airway device.

Section 3. That § 34-11-2 be AMENDED:

34-11-2. Terms used in §§ 34-11-2 to 34-11-10, inclusive, mean:

- (1) "Air ambulance," an aircraft, fixed wing, or helicopter, that is designated or can be quickly modified to provide transportation of wounded, injured, sick, invalid, or incapacitated human beings or expectant mothers;
- (2) "Ambulance," a vehicle for emergency care with a driver compartment and a patient compartment, carrying all equipment and supplies needed to provide emergency medical technician-basic level emergency care at the scene and enroute to an appropriate medical facility;
- (3) "Ambulance service," any person or organization licensed to provide emergency medical services and patient transport;
- (4) "Emergency medical responder," any person certified by the Department of Health trained to provide simple, noninvasive care focused on lifesaving interventions for critical patients. The emergency medical responder renders on site emergency care while awaiting additional emergency medical services response from an emergency medical technician or higher level personnel. An emergency medical responder may not make decisions independently regarding the appropriate disposition of a patient;
- (5) "License," the permit to provide ambulance service;
- (6) "Licensing agency," the Department of Health;
- (7) "Medical director," a physician licensed pursuant to chapter 36-4 who is responsible for providing medical supervision and direction to an ambulance service; and
- (8) "Operator," any person or entity who has a license from the licensing agency to provide ambulance service.

Section 4. That § 36-4B-38 be REPEALED:

~~The department, under the direction of the board, shall train each emergency medical technician to use an auto injector in the administration of epinephrine in emergency cases of anaphylactic shock.~~

Section 5. That § 36-4B-39 be REPEALED:

~~Any ambulance service staffed by an emergency medical technician may be equipped with epinephrine auto injectors. The board shall adopt statewide protocols for the administration of epinephrine auto injectors. A copy of the board protocols signed by a physician shall be carried in any ambulance equipped with epinephrine auto injectors. Any emergency medical technician who has received training may, pursuant to the protocols, administer epinephrine by use of an auto-injector.~~

Section 6. That § 36-4B-40 be REPEALED:

~~Any ambulance service staffed by an emergency medical technician may be equipped with supraglottic airway devices. The department shall adopt statewide protocols for the use of supraglottic airway devices. A copy of the department protocols signed by the medical director of the ambulance service shall be carried in any ambulance equipped with a supraglottic airway device. Any emergency medical technician who has received training may, pursuant to the protocols, utilize a supraglottic airway device.~~

Signed March 8, 2022

Chapter 103
(House Bill 1123)

An Act to establish licensure for rural emergency hospitals.

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

Section 1. That § 34-12-1.1 be AMENDED:

34-12-1.1. Terms used in this chapter mean:

- (1) "Ambulatory surgery center," any facility ~~which that~~ is not part of a hospital and ~~which that~~ is not an office of a dentist, whether for individual or group practice, in which surgical procedures requiring the use of general anesthesia are performed upon patients;
- (2) "Assisted living center," any institution, rest home, boarding home, place, building, or agency ~~which that~~ is maintained and operated to provide personal care and services ~~which that~~ meet some need beyond basic provision of food, shelter, and laundry;
- (3) "Chemical dependency treatment facility," any facility ~~which that~~ provides a structured inpatient treatment program for alcoholism or drug abuse;
- (4) "Health care facility," any institution, birth center, ambulatory surgery center, chemical dependency treatment facility, hospital, nursing facility, assisted living center, rural primary care hospital, adult foster care home, inpatient hospice, residential hospice, freestanding emergency care facility, community living home, rural emergency hospital, place, building, or agency in which any accommodation is maintained, furnished, or offered for the hospitalization, nursing care, or supervised care of the sick or injured;
- (5) "Hospital," any establishment with an organized medical staff with permanent facilities that include inpatient beds and is primarily engaged

in providing by or under the supervision of physicians, to inpatients, any of the following services: diagnostic or therapeutic services for the medical diagnosis, treatment, or care of injured, disabled, or sick persons; obstetrical services including the care of the newborn; or rehabilitation services for injured, disabled, or sick persons. In no event may the inpatient beds include nursing facility beds or assisted living center beds unless the same are licensed as such pursuant to this chapter;

- (6) "Nursing facility," any facility ~~which that~~ is maintained and operated for the express or implied purpose of providing care to one or more persons whether for consideration or not, who are not acutely ill but require nursing care and related medical services of such complexity as to require professional nursing care under the direction of a physician on a twenty-four hour per day basis; or a facility ~~which that~~ is maintained and operated for the express or implied purpose of providing care to one or more persons, whether for consideration or not, who do not require the degree of care and treatment ~~which that~~ a hospital is designed to provide, but who because of their mental or physical condition require medical care and health services ~~which that~~ can be made available to them only through institutional facilities;
- (7) "Critical access hospital," any nonprofit or public hospital providing emergency care on a twenty-four hour basis located in a rural area ~~which that~~ has limited acute inpatient services, focusing on primary and preventive care, and ~~which that~~ has in effect an agreement with a general hospital that provides emergency and medical backup services and accepts patient referrals from the critical access hospital. For the purposes of this subdivision, a rural area is any municipality ~~of~~ under fifty thousand population;
- (8) "Adult foster care home," a family-style residence ~~which that~~ provides supervision of personal care, health services, and household services for no more than four aged, blind, physically disabled, developmentally disabled, or socially-emotionally disabled adults;
- (9) "Inpatient hospice," any facility ~~which that~~ is not part of a hospital or nursing home ~~which that~~ is maintained and operated for the express or implied purpose of providing all levels of hospice care to terminally ill individuals on a twenty-four hour per day basis;
- (10) "Residential hospice," any facility ~~which that~~ is not part of a hospital or nursing home ~~which that~~ is maintained and operated for the express or implied purpose of providing custodial care to terminally ill individuals on a twenty-four hour per day basis;
- (11) "Birth center," any health care facility at which a woman is scheduled to give birth following a normal, uncomplicated pregnancy, but does not include a hospital or the residence of the woman giving birth;
- (12) "Freestanding emergency medical care facility," any facility structurally separate and distinct from a hospital that directly receives a person and provides emergency medical care;
- (13) "Community living home," any family-style residence whose owner or operator is engaged in the business of providing individualized and independent residential community living supports for compensation to at least one unrelated adult, but no more than four adults, and provides one

or more regularly scheduled health related services, either administered directly or in collaboration with an outside health care provider. This term does not include any setting ~~which that~~ is certified or accredited through chapter 34-20A, title 27A, or title 27B; and

- (14) "Rural emergency hospital," any nonprofit or public health care facility previously licensed as a hospital that provides emergency care on a twenty-four-hour basis, is located in a municipality under fifty thousand population that has no acute inpatient services, and that has in effect a transfer agreement with a level I or II trauma hospital, as designated by the Department of Health, to accept patients from the rural emergency hospital.

Section 2. That § 34-12-6 be AMENDED:

34-12-6. Any application for a license to operate a health care facility ~~shall must~~ be accompanied by a fee. The annual license fee established for each licensure category of health care facilities ~~shall be as follows is:~~

- (1) ~~Nursing~~For a nursing facility of:
- (a) Fifty beds or less, six hundred dollars;
 - (b) Fifty-one to one hundred beds, inclusive, nine hundred dollars;
 - (c) One hundred one to one hundred fifty beds, inclusive, one thousand two hundred dollars; and
 - (d) One hundred fifty-one or more beds, one thousand five hundred dollars;
- (2) ~~Assisted~~For an assisted living center of:
- (a) Sixteen beds or less, one hundred fifty dollars;
 - (b) Seventeen to fifty beds, inclusive, three hundred dollars;
 - (c) Fifty-one to one hundred beds, inclusive, four hundred fifty dollars; and
 - (d) One hundred one or more beds, six hundred dollars;
- (3) ~~Hospital~~For a hospital of:
- (a) Twenty-five beds or less, one thousand dollars;
 - (b) Twenty-six to fifty beds, inclusive, one thousand five hundred dollars;
 - (c) Fifty-one to one hundred beds, inclusive, two thousand dollars;
 - (d) One hundred one to one hundred fifty beds, inclusive, three thousand dollars;
 - (e) One hundred fifty-one to two hundred beds, inclusive, four thousand dollars; and
 - (f) Two hundred one or more beds, five thousand dollars;
- (4) ~~Ambulatory~~For an ambulatory surgery center, five hundred dollars;
- (5) ~~Chemical~~For a chemical dependency treatment facility of:
- (a) Sixteen beds or less, one hundred fifty dollars;

- (b) Seventeen to fifty beds, inclusive, three hundred dollars; and
- (c) Fifty-one or more beds, four hundred fifty dollars;
- (6) ~~Inpatient~~For an inpatient and residential hospice, two hundred dollars;
- (7) ~~Freestanding~~For a freestanding emergency medical care facility, five hundred dollars;
- (8) ~~Community~~For a community living home, one hundred fifty dollars; and
- (9) For a rural emergency hospital, five hundred dollars.

No ~~such~~ fee may be refunded. All fees received by the Department of Health under the provisions of this chapter ~~shall~~ must be paid into the general fund.

Section 3. That § 34-12-52 be AMENDED:

34-12-52. Terms used in this section and §§ 34-12-53 to 34-12-55, inclusive, mean:

- (1) "Department," the Department of Health;
- (2) "Emergency medical services," health care provided to the patient at the scene, during transportation to a medical facility, between medical facilities, and upon entry at the medical facility;
- (3) ~~"Freestanding emergency medical care facility," a facility structurally separate and distinct from a hospital that directly receives a person and provides emergency medical care;~~
- (4) ~~"Hospital," a hospital licensed pursuant to chapter 34-12;~~
- (5) "Trauma," a sudden, severe injury or damage to the body caused by an external force that results in potentially life-threatening injuries or that could result in the following disabilities:
 - (a) Impairment of cognitive or mental abilities;
 - (b) Impairment of physical functioning; or
 - (c) Disturbance of behavioral or emotional functioning;
- (6)(4) "Trauma care system," a statewide system for the prevention of trauma and the provision of optimal medical care to trauma victims that includes both the provision of appropriate health care services and provision of emergency medical care, equipment, and personnel for effective and coordinated prehospital, hospital, inter-hospital, and rehabilitative care for trauma patients;
- (7)(5) "Trauma hospital," a hospital designated by the department as providing a specialized program in trauma care with appropriately trained personnel, equipment, and other facility resources that are specifically organized to provide optimal care to a trauma patient at the facility; and
- (8)(6) "Trauma registry," patient-specific trauma data that is maintained by a health care facility, in a format prescribed by rules promulgated pursuant to § 34-12-54.

Section 4. That § 34-12-53 be AMENDED:

34-12-53. The department shall develop, implement, and administer a trauma care system including a statewide trauma registry that involves all hospitals, freestanding emergency medical care facilities, rural emergency hospitals, and emergency medical services within the state.

Signed March 7, 2022

Chapter 104
(House Bill 1283)

An Act to require the posting of laws regarding hospital, nursing facility, and assisted living center visitation.

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

Section 1. That chapter 34-12 be amended with a NEW SECTION:

The Department of Health shall post on its website all state laws and rules, and all federal laws, regulations, and guidance documents, which address the visitation of patients in hospitals and residents in nursing facilities and assisted living centers.

Signed March 9, 2022

Chapter 105
(Senate Bill 147)

An Act to authorize the construction and operation of a nursing facility in Lyman County and to declare an emergency.

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

Section 1. That chapter 34-12 be amended with a NEW SECTION:

Notwithstanding the provisions of §§ 34-12-35.4 and 34-12-39.2, a new nursing facility may be constructed and operated on the Lower Brule Sioux Reservation in Lyman County, South Dakota. The nursing facility must meet the specifications of this chapter for a licensed nursing facility to participate in the Medicaid program. The number of beds in the nursing facility may not exceed fifty.

Section 2. 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 18, 2022

Chapter 106
(House Bill 1322)

An Act to provide for the direct sale of certain home-produced or home-processed foods and food products.

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

Section 1. That § 34-18-35 be AMENDED:

34-18-35. No Except as otherwise provided in § 34-18-38, the licensure provisions of this chapter do not apply to a person selling non-temperature-controlled baked goods or non-temperature-controlled home-processed canned goods at a farmer's market, roadside stand, or similar venue is required to be licensed pursuant to this chapter. However, any non-temperature-controlled baked goods or non-temperature-controlled home-processed canned goods sold at a farmer's market, roadside stand, or similar venue shall meet the requirements of § 34-18-36, if applicable, and § 34-18-37:

- (1) Non-temperature-controlled food prepared at a residence;
- (2) Home-processed canned goods;
- (3) Baked goods prepared at a residence; or
- (4) Any food product prepared at a residence and authorized under § 34-18-36 or section 3 of this Act.

Section 2. That § 34-18-36 be AMENDED:

34-18-36. No canned good may be sold unless the pH level is 4.6 or less or the water activity level is .85 or less.

Except as otherwise provided in this section, a producer selling canned goods under this section shall, every five years, complete food safety training approved by the department. The training must be available online. The producer shall retain records verifying the timely completion of such training.

A producer selling home-processed goods under this section may, in lieu of the requirement for food safety training, maintain verification of each recipe from a third-party processing authority. The third-party processing authority with must have knowledge of the thermal processing required of food in hermetically-sealed containers and shall verify the method of processing and that the pH or water activity threshold levels are met. The processing authority shall provide any such-verification in writing to the producer.

Section 3. That chapter 34-18 be amended with a NEW SECTION:

Any producer who verifies compliance with the food safety training requirements set forth in accordance with § 34-18-36, may sell the following:

- (1) Any non-heat-processed fermented food, provided the food is consistently maintained at a temperature that is at or below forty-one degrees Fahrenheit;
- (2) Kuchen and baked goods that require time and temperature control for safety, including soft pies, cheesecake, and baked goods having a custard

or cream filling, and sauces and pesto that require time and temperature control for safety, provided the food is consistently maintained at a temperature that is at or below forty-one degrees Fahrenheit; and

- (3) Home-processed frozen fruit and produce, provided the food is consistently maintained at a temperature that is at or below zero degrees Fahrenheit.

Section 4. That § 34-18-37 be AMENDED:

~~34-18-37. Unless otherwise provided in this section, no baked good or canned good~~ Food prepared at a residence may not be sold unless it has a label that includes the following information:

- (1) Name of the product;
- (2) Name of the producer;
- (3) Physical address of production;
- (4) Mailing address of the producer;
- (5) Telephone number of the producer;
- (6) Date the product was made or processed;
- (7) Ingredients; ~~and~~
- (8) In the case of food sold in accordance with section 3 of this Act, a directive to keep refrigerated or frozen; and
- (9) A disclaimer that states: "This product was not produced in a commercial kitchen. It has been home-processed in a kitchen that may also process common food allergens such as tree nuts, peanuts, eggs, soy, wheat, milk, fish, and crustacean shellfish."

Section 5. That § 34-18-38 be AMENDED:

~~34-18-38. Any A person selling non-temperature controlled baked goods~~ food prepared at the person's primary residence, in accordance with § 34-18-35, is exempt from the licensing and license fee provisions of this chapter if:

- (1) ~~The non-temperature controlled baked goods meet~~ food meets the requirements of § 34-18-37;
- (2) ~~The non-temperature controlled baked goods are~~ food is sold in the seller's physical presence at:
 - (a) The seller's primary residence;
 - (b) A farmer's market;
 - (c) A roadside stand; or
 - (d) Other temporary sale venue; and
- (3) The seller, or a person residing at the seller's primary residence, personally delivers the ~~non-temperature controlled baked goods~~ food to the buyer at the completion of the sale.

Signed March 18, 2022

Chapter 107
(House Bill 1176)

An Act to grant immunity from certain liabilities for camping activities.

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

Section 1. That chapter 34-18 be amended with a NEW SECTION:

Terms used in this Act mean:

- (1) "Camping," visiting, staying at, using, and leaving a private campground, including lodging of all types;
- (2) "Inherent risks of camping," dangers and hazards from:
 - (a) Features of the natural world, such as trees, tree stumps, naturally occurring infectious agents, roots, brush, rocks, mud, sand, standing and moving water, and soil;
 - (b) Uneven and unpredictable terrain;
 - (c) Natural bodies of water and accessories permitting the use of natural bodies of water, including piers, docks, swimming and aquatic sports, or recreation facilities or areas;
 - (d) A lack of lighting;
 - (e) Campfires contained in or outside a fire pit or an enclosure provided by the private campground, bonfires, grass or brush fires, wildfires, and forest fires;
 - (f) Weather;
 - (g) Insects, birds, and other wildlife;
 - (h) A violation of safety rules or a disregard for signs or other methods of communicating warnings;
 - (i) Another camper or visitor at the private campground acting in a negligent manner, if the private campground owner or an employee or officer of the private campground owner is not involved;
 - (j) Actions by a camper or visitor that exceed his or her physical limitations or abilities;
 - (k) Actions by a camper or visitor involving climbing, rappelling, caving, mountaineering;
 - (l) Fireworks of a camper, visitor, or offsite entity not authorized by the private campground owner or employee or officer of a private campground owner; and
 - (m) Any person coming onto the campsite not reported to the private campground owner or an employee or officer of the private campground owner.
- (3) "Private campground," any parcel or tract of land, including buildings and other structures, that is owned or operated by a private property owner

where five or more campsites are made available for use as temporary living quarters for recreational, camping, travel, or seasonal use. The term also includes recreational vehicle parks.

Section 2. That chapter 34-18 be amended with a NEW SECTION:

Except as provided under section 3 of this Act, a private campground owner, or an employee or officer of a private campground owner, is not liable if a person is injured or killed or property is damaged as a result of an inherent risk of camping.

Section 3. That chapter 34-18 be amended with a NEW SECTION:

The provisions of section 2 of this Act do not limit the liability of a private campground owner or an employee or officer of a private campground owner who:

- (1) Intentionally causes the injury, death, or property damage;
- (2) Acts with a willful or wanton disregard for the safety of the person or property damaged. This includes conduct committed with an intentional or reckless disregard for the safety of others;
- (3) Fails to use that degree of care that an ordinarily careful and prudent person would use under the same or similar circumstances; or
- (4) Fails to conspicuously post warning signs of a dangerous, inconspicuous condition known to the owner of the private campground, or his or her employees or officers, on the property that the owner owns, leases, rents, or is otherwise in lawful control of or in possession of, if the owner, employee, or officer is aware of the condition by reason of a prior injury involving the same location or the same mechanism of injury. Such warning signs must appear in black letters on a white background with each letter a minimum of one inch in height.

Section 4. That chapter 34-18 be amended with a NEW SECTION:

Every written contract entered into by a private campground owner or an employee or officer of a private campground owner must contain, in clearly readable print, the warning notice specified in this section. A warning sign must be posted at the entrance or registration desk of a private campground. The signs described in section 3, subdivision (4) of this Act and contracts described in this section must contain the following warning:

WARNING

Under South Dakota law, a private campground owner or an employee or officer of a private campground owner is not liable for an injury to or the death of a person or any property damage resulting from the inherent risks of camping.

Signed March 24, 2022

Chapter 108
(Senate Bill 136)

**An Act to revise and clarify certain processes for emergency detention
related to drug and alcohol abuse.**

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

Section 1. That § 34-20A-2 be AMENDED:

34-20A-2. Terms ~~as~~ used in this chapter mean:

- (1) "Accredited prevention or treatment facility," a private or public agency meeting the standards prescribed in § 34-20A-27 or a private or public agency or facility surveyed and accredited by the Joint Commission; an Indian Health Service's quality assurance review under the Indian Health Service Manual, Professional Standards-Alcohol/Substance Abuse; or the Commission on Accreditation of Rehabilitation Facilities; or the Council on Accreditation; under the drug and alcohol treatment standards incorporated and adopted by the division in rules promulgated pursuant to chapter 1-26, if proof of the accreditation, with accompanying recommendations, progress reports and related correspondence are submitted to the ~~Division of Behavioral Health~~ division in a timely manner;
- (2) "Addiction counselor," a person licensed or certified as an addiction counselor by the South Dakota Board of Addiction and Prevention Professionals;
- (3) "Alcoholic," a person who habitually lacks self-control as to the use of alcoholic beverages, or uses alcoholic beverages to the extent that the person's health is substantially impaired or endangered or the person's social or economic function is substantially disrupted;
- (4) "Department," the Department of Social Services;
- (5) "Designated prevention or treatment facility," an accredited agency operating under the direction and control of the state or providing services under this chapter through a contract with the division or treatment facilities operated by the federal government ~~which that~~ may be designated by the division without accreditation by the state;
- (6) "Division," the Division of Behavioral Health within the department;
- (7) "Drug abuser," a person who habitually lacks self-control as to the use of controlled drugs or substances as defined in § 34-20B-3 to the extent that the person's health is substantially impaired or endangered or that the person's social or economic function is substantially disrupted;
- (8) "Incapacitated by alcohol or other drugs," that a person, as a result of the use of alcohol or other drugs, is unconscious or the person's judgment is otherwise so impaired that the person is incapable of realizing and making a rational decision with respect to the person's need for treatment;
- (9) "Incompetent person," a person who has been adjudged incompetent by the circuit court;
- (10) "Intoxicated person," a person who demonstrates diminished mental or physical capacity ~~as a result of the use of~~ while under the influence of alcohol or other drugs;
- (11) "Prevention," purposeful activities designed to promote personal growth of a person and strengthen the aspects of the community environment ~~which that~~ that are supportive to the person in order to preclude, prevent, or impede the development of alcohol or other drug misuse and abuse;
- (12) "Secretary," the secretary of the Department of Social Services;
- (13) "Treatment," the broad range of emergency, outpatient, intermediate, and inpatient services and care, including diagnostic evaluation, ~~which that~~ may be extended to a person experiencing problems as a result of the use of alcohol or other drugs.

Section 2. That § 34-20A-55 be AMENDED:

34-20A-55. Any person who appears to be intoxicated or incapacitated by the effects of alcohol or drugs and is clearly dangerous to the health and safety of ~~himself or herself~~ oneself or others may be taken into protective custody by law enforcement authorities, acting with probable cause. If the person is taken into protective custody, the person ~~shall~~ must be taken to an approved treatment facility offering detoxication services for emergency ~~commitment~~ detainment. If emergency ~~commitment~~ detainment is not appropriate, as determined by the administrator of the treatment facility or an authorized designee, the person may be detained as a patient in protective custody until no longer intoxicated or up to forty-eight hours after admission. If no approved treatment facility is readily available, the person ~~shall~~ must be taken to an emergency medical service or a jail, but only until the person is no longer intoxicated or incapacitated or only so long as may be necessary to prevent injury to ~~himself or herself~~ oneself or others.

Section 3. That § 34-20A-56 be AMENDED:

34-20A-56. Any law enforcement officer, in detaining a person pursuant to § 34-20A-55 and in taking ~~him~~ the person to an approved treatment facility, ~~for emergency commitment~~ detainment, is taking ~~him~~ the person into protective custody and shall make every reasonable effort to protect ~~his~~ the person's health and safety. In taking the person into protective custody, the detaining officer may take reasonable steps to protect ~~himself~~ the officer's person. A taking into protective custody under this section is not an arrest. No entry or other record may be made to indicate that the person has been arrested or charged with a crime.

Section 4. That § 34-20A-57 be AMENDED:

34-20A-57. Law enforcement authorities who act in compliance with §§ 34-20A-55 ~~and~~, 34-20A-56, ~~and~~ 34-20A-66 are acting in the course of their official duty and are not criminally or civilly liable therefor.

Section 5. That § 34-20A-63 be AMENDED:

34-20A-63. An intoxicated person ~~who may be detained in an approved treatment facility for emergency treatment if the person:~~

- (1) Has threatened, attempted, or inflicted physical harm on ~~himself or herself~~ oneself or on another or is likely to inflict physical harm on another unless ~~committed~~ detained; ~~or~~
- (2) Is incapacitated by the effects of alcohol or drugs; or
- (3) Is pregnant and abusing alcohol or drugs;

~~may be committed to an approved treatment facility for emergency treatment. A refusal to undergo treatment does not constitute evidence of lack of judgment as to the need for treatment.~~

Section 6. That § 34-20A-64 be AMENDED:

34-20A-64. Any law enforcement officer, physician, spouse, guardian, or relative of the person to be ~~committed~~ detained, or any other responsible person, may make a written application for ~~commitment~~ detainment under § 34-20A-63, directed to the administrator of the approved treatment facility. The application ~~shall~~ must state the circumstances requiring emergency ~~commitment~~ detainment, including the applicant's personal observations and the specific statements of others, if any, upon which the person making the application relies.

Section 7. That § 34-20A-64.1 be AMENDED:

34-20A-64.1. If any person taken into protective custody, pursuant to § 34-20A-55, or ~~detained~~ under emergency ~~commitment~~ detainment pursuant to § 34-20A-64, is disruptive beyond the ability of the facility to control the person's behavior, or leaves without staff approval, the facility administrator, or an authorized designee, shall contact law enforcement authorities who may further detain the person at whatever level of confinement is necessary to protect the detainee or others.

Section 8. That § 34-20A-65 be AMENDED:

34-20A-65. The administrator of an approved treatment facility or an authorized designee shall refuse an application if the application fails to sustain the grounds for emergency ~~commitment~~ detainment set forth in § 34-20A-63. The administrator of an approved treatment facility or an authorized designee may also refuse an application if, upon personal observation, the person to be detained does not meet the grounds for emergency detainment set forth in § 34-20A-63. The person detained shall be immediately released and ~~shall~~ must be encouraged to seek voluntary treatment if appropriate, unless the person is under protective custody. In that event, the person may be detained until no longer intoxicated or up to forty-eight hours.

Section 9. That § 34-20A-66 be AMENDED:

34-20A-66. Upon approval of the application by the administrator of the approved treatment facility or an authorized designee, the person shall be retained or brought to the facility by a law enforcement officer or any other interested person. A law enforcement officer must only transport the person if criteria for protective custody is met under § 34-20A-55 at the time of transport. A law enforcement officer shall notify the treatment facility if criteria for protective custody under § 34-20A-55 is not met. The person ~~shall~~ must be retained at the facility to which ~~he~~ the person was admitted, or transferred to another appropriate treatment facility, until discharged under § 34-20A-68.

Section 10. That § 34-20A-66.1 be AMENDED:

34-20A-66.1. Payment for treatment under emergency ~~commitment~~ detainment, or under protective custody pursuant to § 34-20A-55 if emergency ~~commitment~~ detainment is not required, may be assessed to the individual, to a legally responsible relative or guardian, to the county of residence if indigent, or billed to the division through contract with an approved treatment facility. Any payment for emergency ~~commitment~~ detainment to the Human Services Center is subject to the requirements of chapter 27A-13.

Section 11. That § 34-20A-67 be AMENDED:

34-20A-67. A copy of the written application for ~~commitment~~ detainment and a written explanation of the person's right to counsel ~~shall~~ must be given to the person within twenty-four hours after ~~commitment~~ detainment by the administrator, who shall provide a reasonable opportunity for the person to consult counsel.

Section 12. That § 34-20A-68 be AMENDED:

34-20A-68. If the administrator or an authorized designee determines that the grounds for ~~commitment~~ emergency detainment no longer exist, the person ~~committed~~ detained under § 34-20A-63 shall be discharged.

Section 13. That § 34-20A-69 be AMENDED:

34-20A-69. No person ~~committed~~ detained under § 34-20A-63 may be detained in any treatment facility for more than five days excluding Saturdays, Sundays, and legal holidays. If a petition for involuntary commitment under § 34-20A-70 has been filed within the five days, excluding Saturdays, Sundays, and legal holidays, and the administrator of an approved treatment facility or an authorized designee finds that grounds for emergency ~~commitment~~ detainment still exist, ~~he~~ the administrator or authorized designee may detain the person until the petition has been heard and determined, but no longer than ten days, excluding Saturdays, Sundays, and legal holidays, after filing the petition.

Section 14. That § 34-20A-73 be AMENDED:

34-20A-73. Upon filing of a petition under § 34-20A-70, the court shall fix a date for a hearing no later than ten days excluding Saturdays, Sundays, and legal holidays after the date the petition was filed. A copy of the petition and of the notice of the hearing, including the date fixed by the court, ~~shall~~ must be served on the petitioner, the person whose commitment is sought, the person's next of kin other than the petitioner, a parent or guardian if a minor, the administrator in charge of the approved treatment facility to which ~~he~~ the person has been ~~committed for emergency care under emergency detention, if applicable,~~ and any other person the court believes advisable. A copy of the petition and certificate ~~shall~~ must be delivered to each person notified.

Section 15. That § 34-20A-76 be AMENDED:

34-20A-76. If the person has refused to be examined by a licensed physician or an addiction counselor, the person shall be given an opportunity to be examined by a court-appointed licensed physician or addiction counselor. If the person refuses ~~and, or~~ and, or there is sufficient evidence to believe that the allegations of the petition are true, or both, or if the court believes that more evidence is necessary, the court may order a temporary commitment and transportation by a law enforcement officer to an approved treatment facility for a period of not more than five days for purposes of a diagnostic examination.

Signed March 15, 2022

Chapter 109
(House Bill 1027)

**An Act to place certain substances 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-12 be AMENDED:

34-20B-12. Any of the following substances, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, is included in Schedule I, unless specifically excepted, whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation:

- (1) Acetylmethadol;

- (2) Allylprodine;
- (3) Alphacetylmethadol, except levo-alphacetylmethadol, also known as levo-alpha-acetylmethadol, levomethadyl acetate or LAAM;
- (4) Alphameprodine;
- (5) Alphamethadol;
- (6) Benzethidine;
- (7) Betacetylmethadol;
- (8) Betameprodine;
- (9) Betamethadol;
- (10) Betaprodine;
- (11) Clonitazene;
- (12) Dextromoramide;
- (13) Diampromide;
- (14) Diethylambutene;
- (15) Dimenoxadol;
- (16) Dimepheptanol;
- (17) Dimethylambutene;
- (18) Dioxaphetyl butyrate;
- (19) Dipipanone;
- (20) Ethylmethylthiambutene;
- (21) Etonitazene;
- (22) Etoxidine;
- (23) Furethidine;
- (24) Hydroxypethidine;
- (25) Ketobemidone;
- (26) Levomoramide;
- (27) Levophenacetylmorphan;
- (28) Mecloqualone;
- (29) Morpheridine;
- (30) Noracymethadol;
- (31) Norlevorphanol;
- (32) Normethadone;
- (33) Norpipanone;
- (34) Phenadoxone;
- (35) Phenampromide;
- (36) Phenomorphan;
- (37) Phenoperidine;

- (38) Piritramide;
- (39) Proheptazine;
- (40) Properidine;
- (41) Racemoramide;
- (42) Trimeperidine;
- (43) Methaqualone;
- (44) N-benzylpiperazine;
- (45) 4-chloro-N-[1-[2-(4-nitrophenyl)ethyl]-2-piperidinylidene]-benzenesulfonamide, W-18;~~and~~
- (46) N,N-diethyl-2-(2-(4 isopropoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine, also known as isotonitazene;
- (47) 2-(2-(4-butoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)-N,N-diethylethan-1-amine (butonitazene);
- (48) 2-(2-(4-ethoxybenzyl)-1H-benzimidazol-1-yl)-N,N-diethylethan-1-amine (etodesnitazene, etazene);
- (49) N,N-diethyl-2-(2-(4-fluorobenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine (flunitazene);
- (50) N,N-diethyl-2-(2-(4-methoxybenzyl)-1H-benzimidazol-1-yl)ethan-1-amine (metodesnitazene);
- (51) N,N-diethyl-2-(2-(4-methoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine (metonitazene);
- (52) 2-(4-ethoxybenzyl)-5-nitro-1-(2-(pyrrolidin-1-yl)ethyl)-1H-benzimidazole (N-pyrrolidino etonitazene, etonitazepyne); and
- (53) N,N-diethyl-2-(5-nitro-2-(4-propoxybenzyl)-1H-benzimidazol-1-yl)ethan-1-amine (protonitazene).

Section 2. That § 34-20B-14 be AMENDED:

34-20B-14. Any material, compound, mixture, or preparation ~~which 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, other than that which occurs in industrial hemp as defined in § 38-35-1 or marijuana in its natural and unaltered state, including any compound, except nabilone or compounds listed under a different schedule, structurally derived from 6,6- 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 1,1- dimethyl moiety, a 1,1- 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-methylenedioxy methamphetamine (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 (e.g. bupropion, pyrovalerone), 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:
- By substitution in the ring system to any extent with alkyl, alkylenedioxy, alkoxy, haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring system by one or more other univalent substituents;
 - By substitution at the 3-position with an acyclic alkyl substituent;
 - 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-methylenedioxypropylpyrovalerone (MDPV); Naphthylpyrovalerone (naphyrone); 4-fluoromethcathinone (flephedrone); 4-methoxymethcathinone (methedrone; Bk-PMMA); Ethcathinone (N-Ethylcathinone); 3,4-methylenedioxyethylcathinone (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-pyrrolidinovalerophenone (alpha-PVP); 3-fluoromethcathinone; 4-Methyl-alpha-pyrrolidinobutiophenone (MPBP); Methyl-alpha-pyrrolidinopropiophenone (MPPP); Methyl-alpha-pyrrolidino-hexanophenone (MPHP); Buphedrone; Methyl-N-ethylcathinone; Pentedrone; Dimethylmethcathinone (DMMC); Dimethylethcathinone (DMEC); Methylenedioxy-methcathinone (MDMC); Pentylone; Ethylethcathinone; Ethylmethcathinone; Fluoroethcathinone; methyl-alpha-pyrrolidinobutiophenone (MPBP); Methylcathinone (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);

- ~~(38)~~(39) 2,5-Dimethoxy-4-ethylamphetamine (DOET);
- ~~(39)~~(40) Alpha-ethyltryptamine;
- ~~(40)~~(41) 4-Bromo-2,5-dimethoxy phenethylamine;
- ~~(41)~~(42) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7);
- ~~(42)~~(43) 1-(3-trifluoromethylphenyl) piperazine (TFMPP);
- ~~(43)~~(44) Alpha-methyltryptamine (AMT);
- ~~(44)~~(45) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT);
- ~~(45)~~(46) 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT);
- ~~(46)~~(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); Pravadoline (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;

- (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);

- (l) 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, tetrahydropyranlmethyl, 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-fluoropntyl)-1H-indole-3-carboxylate (NM2201);

- ~~(47)~~(48) 6,7-dihydro-5H-indeno-(5,6-d)-1,3-dioxol-6-amine (MDAI);
- ~~(48)~~(49) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E);
- ~~(49)~~(50) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D);
- ~~(50)~~(51) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C);
- ~~(51)~~(52) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I);
- ~~(52)~~(53) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2);
- ~~(53)~~(54) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4);
- ~~(54)~~(55) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H);
- ~~(55)~~(56) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N);
- ~~(56)~~(57) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P);
- ~~(57)~~(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, that is to say- 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)phenethylamine (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-b']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);

~~(58)~~(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 (i.e, tryptamine) 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);

~~(59)~~(60) Naphthalen-1-yl-(4-pentyloxynaphthalen-1-yl)methanone (CB-13);

~~(60)~~(61) N-Adamantyl-1-pentyl-1H-Indazole-3-carboxamide (AKB 48);

~~(61)~~(62) 1-(4-Fluorophenyl)piperazine (pFPP);

~~(62)~~(63) 1-(3-Chlorophenyl)piperazine (mCPP);

~~(63)~~(64) 1-(4-Methoxyphenyl)piperazine (pMeOPP);

~~(64)~~(65) 1,4-Dibenzylpiperazine (DBP);

~~(65)~~(66) Isopentadrone;

~~(66)~~(67) Fluoromethamphetamine;

~~(67)~~(68) Fluoroamphetamine;

~~(68)~~(69) Fluorococaine;

~~(69)~~(70) 1-pentyl-8-quinolinyl ester-1H-indole-3-carboxylic acid (PB-22);

~~(70)~~(71) 1-(5-fluoropentyl)-8-quinolinyl ester-1H-indole-3-carboxylic acid (5 Fluoro-PB-22);

~~(71)~~(72) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide (AB-PINACA);

~~(72)~~(73) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide (5 Fluoro-AB-PINACA);

- ~~(73)~~(74) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide (AB-FUBINACA);
- ~~(74)~~(75) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indole-3-carboxamide (ADB-PINACA (ADBICA));
- ~~(75)~~(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)); ~~and~~
- ~~(76)~~(77) N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide (ADB-FUBINACA); and
- ~~(78) N-(1-carbamoyl-2-methyl-propyl)-2-(5-fluoropentyl)-5-(4-fluorophenyl)pyrazole-3-carboxamide (5-Fluoro-3,5-AB-PFUPPYCA).~~

Section 3. That § 34-20B-16 be AMENDED:

34-20B-16. Any of the following substances, including their salts, isomers, and salts of isomers, is included in Schedule II except those narcotic drugs listed in other schedules, whether produced directly or indirectly by extraction from substances of vegetable origin, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

- (1) Opium (except when it meets the requirements of subdivision 34-20B-23(7) or 34-20B-26(5)), coca leaves, and opiate;
- (2) Any salt, compound, derivative, or preparation of opium, coca leaves (including cocaine), or opiate, excluding apomorphine, dextrorphan, naloxone, naloxegol, naldemedine, nalbuphine, nalmeffene, naltrexone, ~~and 6β-naltrexol,~~ and samidorphan;
- (3) Any salt, compound, derivative, or preparation thereof that is chemically equivalent or identical with any of the substances referred to in subdivisions (1) and (2), except that these substances may not include decocainized coca leaves or extraction of coca leaves, which extractions do not contain cocaine or ecgonine; and may not include the isoquinoline alkaloids of opium;
- (4) Opium poppy and poppy straw;
- (5) Amphetamine;
- (6) Methamphetamine;
- (7) Amobarbital;
- (8) Pentobarbital;
- (9) Secobarbital;
- (10) Methylphenidate;
- (11) Phenmetrazine;
- (12) Etorphine;
- (13) Diprenorphine;
- (14) Deleted by SL 2000, ch 170, § 1;
- (15) Nabilone;
- (16) Glutethimide;

- (17) Phencyclidine immediate precursors:
 - (a) 1-phenylcyclohexylamine;
 - (b) 1-piperidinocyclohexanecarbonitrile (PCC);
- (18) Lisdexamfetamine, its salts, isomers, and salts of its isomers;
- (19) Tapentadol; and
- (20) Dronabinol [(-)-delta-9-trans tetrahydrocannabinol] in an oral solution in a drug product approved for marketing by the United States Food and Drug Administration.

Section 4. That § 34-20B-25 be AMENDED:

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

- (1) Chlordiazepoxide, but not including librax (chlordiazepoxide hydrochloride and clindinium bromide) or menrium (chlordiazepoxide and water soluble esterified estrogens);
- (2) Clonazepam;
- (3) Clorazepate;
- (4) Diazepam;
- ~~(4A)~~(5) Flunitrazepam;
- ~~(5)~~(6) Flurazepam;
- ~~(6)~~(7) Mebutamate;
- ~~(7)~~(8) Oxazepam;
- ~~(8)~~(9) Prazepam;
- ~~(9)~~(10) Lorazepam;
- ~~(10)~~(11) Triazolam;
- ~~(11)~~(12) Any substance which contains any quantity of a benzodiazepine, or salt of benzodiazepine, except substances which are specifically listed in other schedules;
- ~~(11A)~~(13) Alprazolam;
- ~~(11B)~~(14) Midazolam;
- ~~(11C)~~(15) Temazepam; ~~(12)~~ — Repealed by SL 2003, ch 183, § 4;
- ~~(13)~~(16) Cathine;
- ~~(14)~~(17) Fencamfamine;
- ~~(15)~~(18) Fenproporex;
- ~~(16)~~(19) Mefenorex;
- ~~(17)~~(20) Pyrovalerone;
- ~~(18)~~(21) Propoxyphene;
- ~~(19)~~(22) Pentazocine;
- ~~(20)~~(23) Diethylpropion;
- ~~(21)~~(24) Ethchlorvynol;

- ~~(22)~~~~(25)~~ Ethinamate;
- ~~(23)~~~~(26)~~ Fenfluramine;
- ~~(24)~~~~(27)~~ Mazindol;
- ~~(25)~~~~(28)~~ Mephobarbital;
- ~~(26)~~~~(29)~~ Methohexitol;
- ~~(27)~~~~(30)~~ Paraldehyde;
- ~~(28)~~~~(31)~~ Pemoline;
- ~~(29)~~~~(32)~~ Petrichloral;
- ~~(30)~~~~(33)~~ Phentermine;
- ~~(31)~~~~(34)~~ Barbital;
- ~~(32)~~~~(35)~~ Phenobarbital;
- ~~(33)~~~~(36)~~ Meprobamate;
- ~~(34)~~~~(37)~~ Zolpidem;
- ~~(35)~~~~(38)~~ Butorphanol;
- ~~(36)~~~~(39)~~ Modafinil, including its salts, isomers, and salts of isomers;
- ~~(37)~~~~(40)~~ Sibutramine;
- ~~(38)~~~~(41)~~ Zaleplon;
- ~~(39)~~~~(42)~~ Dichloralphenazone;
- ~~(40)~~~~(43)~~ Zopiclone (also known as eszopiclone), including its salts, isomers, and salts of isomers;
- ~~(41)~~~~(44)~~ Pregabalin;
- ~~(42)~~~~(45)~~ Lacosamide;
- ~~(43)~~~~(46)~~ Fospropofol, including its salts, isomers, and salts of isomers;
- ~~(44)~~~~(47)~~ Clobazam;
- ~~(45)~~~~(48)~~ Carisoprodol, including its salts, isomers, and salts of isomers;
- ~~(46)~~~~(49)~~ Ezogabine,[-[2-amino-4-(4-fluorobenzylamino)-phenyl]-carbamic acid ethyl ester], including its salts, isomers, and salts of isomers;
- ~~(47)~~~~(50)~~ Lorcaseerin, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible;
- ~~(48)~~~~(51)~~ Alfaxalone, 5[alpha]-pregnan-3[alpha]-ol-11,20-dione, including its salts, isomers, and salts of isomers;
- ~~(49)~~~~(52)~~ Tramadol, 2-[[dimethylamino)methyl]-1-(3-methoxyphenyl)cyclohexanol, its salts, optical and geometric isomers and salts of these isomers;
- ~~(50)~~~~(53)~~ Suvorexant, including its salts, isomers, and salts of isomers;

- ~~(51)~~(54) Eluxadoline, (5-[[[(2S)-2-amino-3-[4-aminocarbonyl]-2,6-dimethylphenyl]-1-oxopropyl]][(1S)-1-(4-phenyl-1H-imidazol-2-yl)ethyl]amino]methyl]-2-methoxybenzoic acid) including its optical isomers and its salts, isomers, and salts of isomers;
- ~~(52)~~(55) Brivaracetam;
- ~~(53)~~(56) Solriamfetol (2-amino-3-phenylpropyl carbamate; benzenepropanol, beta-amino-, carbamate (ester)), including its salts, isomers, and salts of isomers whenever the existence of the salts, isomers, and salts of isomers is possible;
- ~~(54)~~(57) Brexanolone, (3[alpha]-hydroxy-5[alpha]-pregnan-20-one), including its salts, isomers, and salts of isomers whenever the existence of the salts, isomers, and salts of isomers is possible;
- ~~(55)~~(58) Cenobamate ([[(1R)-1-(2-chlorophenyl)-2-(tetrazol-2-yl)ethyl] carbamate; 2H-tetrazole-2-ethanol, alpha-(2-chlorophenyl)-, carbamate (ester), (alphaR)-; carbamic acid (R)-(+)-1-(2-chlorophenyl)-2-(2H-tetrazol-2-yl)ethyl ester);
- ~~(56)~~(59) Lasmiditan [2,4,6-trifluoro-N-(6-(1-methylpiperidine-4-carbonyl)pyridine-2-yl)-benzamide];
- ~~(57)~~(60) Lemborexant, including its salts, isomers, and salts of isomers; ~~and~~
- ~~(58)~~(61) Remimazolam, ~~and~~
- ~~(62)~~ Serdexmethylphenidate.

Section 5. 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 9, 2022

Chapter 110
(House Bill 1038)

An Act to establish an opioid abatement and remediation fund and to declare an emergency.

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

Section 1. That chapter 34-20B be amended with a NEW SECTION:

The opioid abatement and remediation fund is established in the state treasury. Money received from the following sources may be deposited into the fund:

- (1) Money received by the state pursuant to settlements or judgments relating to opioids;
- (2) Any gifts, bequests, or donations; and
- (3) Interest earned on money in the fund established under this section shall be credited to the fund.

All money in the opioid abatement and remediation fund may only be used for purposes relating to opioid abuse treatment, prevention, and recovery programs and must be appropriated through the normal budget process. Expenditures of the state from the fund must be assigned to the Department of Social Services.

Section 2. Money received from the National Settlement Agreement involving Johnson & Johnson, AmerisourceBergen, Cardinal Health, and McKesson, and a Bankruptcy Resolution concerning Purdue Pharma, L.P. entered into by the State and the Participating Local Governments, must be divided with 70% allocated to the State and 30% allocated directly to participating local government subdivisions in proportions based on the opioid negotiation class model to be used only for purposes relating to opioid abuse treatment, prevention, and recovery programs.

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 March 18, 2022

**Chapter 111
(House Bill 1292)**

An Act to regulate delta-8 tetrahydrocannabinol, THC-O acetate, and hexahydrocannabinol for those under the age of twenty-one.

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

Section 1. That chapter 34-20B be amended with a NEW SECTION:

The following actions are unlawful:

- (1) To knowingly sell or distribute a product intended for human consumption containing delta-8 tetrahydrocannabinol, THC-O acetate, or hexahydrocannabinol 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 product intended for human consumption containing delta-8 tetrahydrocannabinol, THC-O acetate, or hexahydrocannabinol to a person under the age of twenty-one; and
- (3) To purchase a product intended for human consumption containing delta-8 tetrahydrocannabinol, THC-O acetate, or hexahydrocannabinol on behalf of, or to give a product intended for human consumption containing delta-8 tetrahydrocannabinol, THC-O acetate, or hexahydrocannabinol 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.

A violation of this section is a Class 2 misdemeanor.

Signed March 9, 2022

Chapter 112
(House Bill 1129)

An Act to prohibit forms of discrimination in access to organ transplantation.

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

Section 1. That chapter 34-26 be amended with a NEW SECTION:

No person may discriminate against an individual at any point in the organ transplant process, solely on the basis of an individual's mental or physical disability, unless the disability has been determined to be medically significant to the provision of an anatomical gift.

A violation of this statute is an unfair or discriminatory practice under chapter 20-13.

Signed March 18, 2022

Chapter 113
(House Bill 1152)

An Act to establish rights regarding the disposition of a person's remains.

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

Section 1. That a NEW SECTION be added to title 34:

A person, who is 18 years of age or older and of sound mind, by entering into a preneed contract as defined by § 55-11-1, may direct the location, manner and conditions of disposition of the person's remains, and the arrangements for funeral goods and services to be provided upon the person's death. The disposition directions and funeral prearrangements that are contained in a preneed contract are not subject to cancellation or substantial revision unless the cancellation or substantial revision has been ordered by a person who the decedent has appointed in the preneed contract as the person authorized to cancel or revise the terms of the preneed contract, or unless any resources set aside to fund the preneed contract are insufficient under the terms of the preneed contract to carry out the disposition directions and funeral prearrangements contained therein.

Section 2. That a NEW SECTION be added to title 34:

Except as provided in sections 1 and 3 of this Act, the duty to bury, find a grave for, and provide the grave of the deceased person with a permanent concrete, metal anchored in concrete, or stone marker, and the right to control the disposition of the remains of a deceased person, the location, manner and conditions of disposition, and arrangements for funeral goods and services to be provided vests in the following, in the order named, provided such person is 18 years or older and is of sound mind:

- (1) A person designated by the decedent as the person with the right to control the disposition in an affidavit executed in accordance with section 4 of this Act;

- (2) A person designated in the federal Record of Emergency Data Form DD 93, or its successor form, to have the right of disposition by a member of the military who dies while under active-duty orders, as described in 10 U.S.C. § 1481, in effect on January 1, 2022;
- (3) The surviving spouse;
- (4) The sole surviving child of the decedent, or if there is more than one child of the decedent, the majority of the surviving children. However, less than one-half of the surviving children are vested with the rights of this section if they have used reasonable efforts to notify all other surviving children of their instructions and are not aware of any opposition to those instructions on the part of more than one-half of all surviving children;
- (5) The surviving parent or parents of the decedent. If one of the surviving parents is absent, the remaining parent is vested with the rights and duties of this section after reasonable efforts have been unsuccessful in locating the absent surviving parent;
- (6) The surviving brother or sister of the decedent, or if there is more than one sibling of the decedent, the majority of the surviving siblings. However, less than the majority of surviving siblings are vested with the rights and duties of this section if they have used reasonable efforts to notify all other surviving siblings of their instructions and are not aware of any opposition to those instructions on the part of more than one-half of all surviving siblings;
- (7) The surviving grandparent of the decedent, or if there is more than one surviving grandparent, the majority of the grandparents. However, less than the majority of the surviving grandparents are vested with the rights and duties of this section if they have used reasonable efforts to notify all other surviving grandparents of their instructions and are not aware of any opposition to those instructions on the part of more than one-half of all surviving grandparents;
- (8) The guardian of the person of the decedent at the time of the decedent's death, if one had been appointed;
- (9) The person named as personal representative in the last will and testament of the decedent;
- (10) The person in the classes of the next degree of kinship, in descending order, under the laws of descent and distribution to inherit the estate of the decedent. If there is more than one person of the same degree, any person of that degree may exercise the right of disposition;
- (11) If the disposition of the remains of the decedent is the responsibility of the state or a political subdivision of the state, the public officer, administrator, or employee responsible for arranging the final disposition of decedent's remains; or
- (12) In the absence of any person under subdivisions (1) to (11), inclusive, of this section, any other person willing to assume the responsibilities to act and arrange the final disposition of the decedent's remains, including the funeral director with custody of the body, after attesting in writing that a good faith effort has been made to no avail to contact the individuals under subdivisions (1) to (11), inclusive, of this section.

Section 3. That a NEW SECTION be added to title 34:

A person entitled under law to the right and duty of disposition forfeits that right and that duty, and the right and duty is passed on to the next qualifying person as listed in section 2 of this Act, in the following circumstances:

- (1) Any person charged with first- or second-degree murder or voluntary manslaughter in connection with the decedent’s death, and whose charges are known to the funeral director; provided, however that if the charges against the person are dismissed, or if the person is acquitted of the charges, the right of disposition is returned to the person;
- (2) Any person who does not exercise the person's right of disposition within two days of notification of the death of decedent or within three days of the date of possession of the decedent's remains by a funeral home, whichever is earlier;
- (3) If the person and the decedent are spouses and a petition to dissolve the marriage is pending at the time of decedent’s death; or
- (4) Where the court, pursuant to section 5 of this Act, determines that the person entitled to the right of disposition and the decedent were estranged at the time of death. For purposes of this subdivision, the term, estranged, means a physical and emotional separation from the decedent at the time of death that has existed for a period of time that clearly demonstrates an absence of due affection, trust, and regard for the decedent.

Section 4. That a NEW SECTION be added to title 34:

A person who is 18 years or older and of sound mind wishing to authorize another person to control the disposition of his or her remains as referenced in section 2 of this Act, may execute an affidavit before a notary public in substantially the following form:

State of _____ }

County of _____ }

I, _____, do hereby designate _____ with the right to control the disposition of my remains upon my death. I _____ have/ _____ have not attached specific directions concerning the disposition of my remains which the designee shall substantially comply with, provided such directions are lawful and there are sufficient resources in my estate to carry out the directions.

Subscribed and sworn to before me this _____ day of the month of _____ of the year _____.

(signature of notary public)

Section 5. That a NEW SECTION be added to title 34:

Notwithstanding sections 1 to 4, inclusive, of this Act, the court of the county where the decedent resided may award the right of disposition to the person determined by the court to be the most fit and appropriate to carry out the right of disposition, and may make decisions regarding the decedent’s remains if those sharing the right of disposition cannot agree. The following provisions apply to the court’s determination:

- (1) If the persons holding the right of disposition are two or more persons with the same relationship to the decedent, and they cannot, by majority vote, make a decision regarding the disposition of the decedent’s remains,

any of the persons or a funeral home with custody of the remains may file a petition asking the court to make a determination in the matter;

- (2) In making a determination under this section, the court shall consider the following:
- (a) The reasonableness and practicality of the proposed funeral arrangements and disposition;
 - (b) The degree of the personal relationship between the decedent and each of the persons claiming the right of disposition;
 - (c) The desires of the person or persons who are ready, able, and willing to pay the cost of the funeral arrangements and disposition;
 - (d) The convenience and needs of other families and friends wishing to pay respects;
 - (e) The desires of the decedent; and
 - (f) The degree to which the funeral arrangements would allow maximum participation by all wishing to pay respect;
- (3) In the event of a dispute regarding the right of disposition, a funeral home is not liable for refusing to accept the remains or to inter or otherwise dispose of the remains of the decedent or complete the arrangements for the final disposition of the remains until the funeral home receives a court order or other written agreement signed by the parties in the disagreement that decides the final disposition of the remains. If the funeral home retains the remains for final disposition while the parties are in disagreement, the funeral home may embalm or refrigerate and shelter the body, or both, in order to preserve it while awaiting the final decision of the court and may add the cost of embalming and refrigeration and sheltering to the final disposition costs. If a funeral home brings an action under this section, the funeral home may add the legal fees and court costs associated with a petition under this section to the cost of final disposition. This section may not be construed to require or to impose a duty upon a funeral home to bring an action under this section. A funeral home and its employees may not be held criminally or civilly liable for choosing not to bring an action under this section; and
- (4) Except to the degree it may be considered by the court under subsection (2)(c), the fact that a person has paid or agreed to pay for all or part of the funeral arrangements and final disposition does not give that person a greater right to the right of disposition than the person would otherwise have. The personal representative of the estate of the decedent does not, by virtue of being the personal representative, have a greater claim to the right of disposition than the person would otherwise have.

Section 6. That a NEW SECTION be added to title 34:

Any person signing a funeral service agreement, cremation authorization form, or any other authorization for disposition is deemed to warrant the truthfulness of any facts set forth therein, including the identity of the decedent whose remains are to be buried, cremated, or otherwise disposed of, and the party's authority to order the disposition. A funeral home shall have the right to rely on the funeral service contract or authorization and shall have the authority to carry out the instructions of the person or persons whom the funeral home reasonably believes holds the right of disposition. The funeral home shall have no responsibility to contact or to independently investigate the existence of any next-

of-kin or relative of the decedent. If there is more than one person in a class who is equal in priority and the funeral home has no knowledge of any objection by other members of such class, the funeral home shall be entitled to rely on and act according to the instructions of the first such person in the class to make funeral and disposition arrangements; provided that no other person in such class objects in writing to the funeral home.

Section 7. That a NEW SECTION be added to title 34:

No funeral home or funeral director who relies in good faith upon the instructions of an individual claiming the right of disposition shall be subject to criminal or civil liability or subject to disciplinary action for carrying out the disposition of the remains in accordance with the instructions.

Section 8. That § 34-26-1 be AMENDED:

34-26-1. Every person has the right to direct the manner in which his body or any part thereof shall be disposed of after his death, and to direct the manner in which any part of his body which becomes separated therefrom during his lifetime shall be disposed of. The provisions of §§ 34-26-4 to 34-26-7, inclusive, of sections 2 to 7, inclusive, of this Act, and of §§ ~~34-26-14 34-26-17~~ to 34-26-19, inclusive, do not apply where such person has given directions for the disposal of his body or any part thereof inconsistent with those provisions.

Section 9. That § 34-26-17 be AMENDED:

34-26-17. In case the person upon whom the right and duty of burial is first cast by the provisions of ~~§ 34-26-16 omits to~~ section 2 of this Act does not make such the burial within a reasonable time, the duty devolves upon the person next specified; and if all omit to act it devolves upon ~~the tenant, or if there is no tenant upon the owner of the premises or master, or if there is no master upon the owner of the vessel in which the death occurs or the body is found; and if all of these omit to act it devolves upon~~ the county of the legal residence of the deceased, and if no such residence is known, then upon the county where the body is first found ~~dead,~~ and in all such cases ~~the said county shall have~~ has a legal preferred claim against the estate of the decedent for the actual expense incurred.

Section 10. That § 34-26A-2 be AMENDED:

34-26A-2. The authorizing agent is any person according to the priority established in ~~§ 34-26-16 section 2 of this Act~~ legally entitled to order the cremation of human remains ~~including a spouse, a parent, a child, or a close relative of the deceased, or in the absence of any of these, a friend of the deceased.~~ For an indigent or any other individual whose final disposition is the responsibility of the state, a public official charged with arranging the final disposition of the deceased may serve as the authorizing agent. For an individual who has donated his body to science, or whose death occurred in a private institution, and in which the institution is charged with making arrangements for the final disposition of the deceased, a representative of the institution may serve as the authorizing agent.

Section 11. That § 55-11-1 be AMENDED:

55-11-1. Before a person's death, ~~he the person~~ or someone on ~~his the~~ person's behalf may direct the location, manner, and conditions of disposition of the person's remains, and the arrangements for funeral goods and services to be provided upon the person's death, and contract with another person for the purchase or rental of personal property or professional services for the final disposition of his the person's body. At least eighty-five percent of all money paid

under the contract ~~shall~~ must be held in a revocable or an irrevocable trust, at the purchaser's option. The money ~~shall~~ must be held in trust until the obligation of the contract is fulfilled according to its terms or, if a revocable trust, the money is refunded to the person who made the payments.

Section 12. That § 34-26-16 be REPEALED:

~~The duty of burying the body of a deceased person and providing the grave with a permanent concrete, metal anchored in concrete, or stone marker devolves upon the persons hereinafter specified:~~

- ~~(1) If the decedent was married the duty of burial devolves upon the husband or wife;~~
- ~~(2) If the decedent was not married but left any kindred, the duty of burial devolves upon the person or persons in the same degree nearest of kin to the decedent, being of adult age, and within this state and possessed of sufficient means to defray the necessary expenses;~~
- ~~(3) If the decedent left no husband or wife nor kindred answering the foregoing description, the duty of burial devolves upon the coroner conducting an inquest upon the body of the decedent, if any such inquest is held; if none, then upon the person charged with the support of the poor in the locality in which the death occurs.~~

Signed March 24, 2022

Chapter 114
(Senate Bill 23)

An Act to revise the definition of bona fide practitioner-patient relationship.

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

Section 1. That § 34-20G-1 be AMENDED:

34-20G-1. Terms used in this chapter mean:

- (1) "Allowable amount of cannabis," ~~means:~~
 - (a) Three ounces of cannabis or less;
 - (b) The quantity of cannabis products as established by rules promulgated by the department under § 34-20G-72;
 - (c) If the cardholder has a registry identification card allowing cultivation, three cannabis plants minimum or as prescribed by physician; and
 - (d) If the cardholder has a registry identification card allowing cultivation, the amount of cannabis and cannabis products that were produced from the cardholder's allowable plants, if the cannabis and cannabis products are possessed at the same property where the plants were cultivated;
- (2) "Bona fide practitioner-patient relationship," ~~is~~ a treatment or consulting relationship between a practitioner and patient, during which:
 - ~~(a) A practitioner and patient have a treatment or consulting~~

- ~~relationship, during the course of which the practitioner has completed an assessment of the patient's medical history and current medical condition, including an appropriate in-person physical examination;~~
- ~~(b) The practitioner has consulted with the patient with respect to the patient's debilitating medical condition; and~~
- ~~(c) The practitioner is available to or offers to provide follow-up care and treatment to the patient, including patient examinations;_~~
- (a) The practitioner completes, at the initial visit, an assessment of the patient's medical history and current medical condition, including an appropriate in-person physical examination;
- (b) The patient is under the practitioner's care for the debilitating medical condition that qualifies the patient for the medical use of cannabis or has been referred by the practitioner caring for the patient's debilitating medical condition that qualifies the patient for the medical use of cannabis to another practitioner;
- (c) The patient has a reasonable expectation that the practitioner providing the written certification will continue to provide follow-up care to the patient to monitor the medical use of cannabis; and
- (d) The relationship is not for the sole purpose of providing a written certification for the medical use of cannabis unless the patient has been referred by a practitioner providing care for the debilitating medical condition that qualifies the patient for the medical use of cannabis.
- (3) "Cannabis products," any concentrated cannabis, cannabis extracts, and products that are infused with cannabis or an extract thereof, and are intended for use or consumption by humans. The term includes edible cannabis products, beverages, topical products, ointments, oils, and tinctures;
- (4) "Cannabis product manufacturing facility," an entity registered with the department pursuant to this chapter that acquires, possesses, manufactures, delivers, transfers, transports, supplies, or sells cannabis products to a medical cannabis dispensary;
- (5) "Cannabis testing facility" or "testing facility," an independent entity registered with the department pursuant to this chapter to analyze the safety and potency of cannabis;
- (6) "Cardholder," a qualifying patient or a designated caregiver who has been issued and possesses a valid registry identification card;
- (7) "Cultivation facility," an entity registered with the department pursuant to this chapter that acquires, possesses, cultivates, delivers, transfers, transports, supplies, or sells cannabis and related supplies to a medical cannabis establishment;
- (8) "Debilitating medical condition,":
- (a) A chronic or debilitating disease or medical condition or its treatment that produces one or more of the following: cachexia or wasting syndrome; severe, debilitating pain; severe nausea; seizures; or severe and persistent muscle spasms, including those characteristic of multiple sclerosis; or

- (b) Any other medical condition or its treatment added by the department, as provided for in § 34-20G-26;
- (9) "Department," ~~means~~ the Department of Health;
- (10) "Designated caregiver," a person who:
 - (a) Is at least twenty-one years of age;
 - (b) Has agreed to assist with a qualifying patient's medical use of cannabis;
 - (c) Has not been convicted of a disqualifying felony offense; and
 - (d) Assists no more than five qualifying patients with the medical use of cannabis, unless the designated caregiver's qualifying patients each reside in or are admitted to a health care facility or residential care facility where the designated caregiver is employed;
- (11) "Disqualifying felony offense," a violent crime that was classified as a felony in the jurisdiction where the person was convicted;
- (12) "Edible cannabis products," any product that:
 - (a) Contains or is infused with cannabis or an extract thereof;
 - (b) Is intended for human consumption by oral ingestion; and
 - (c) Is presented in the form of foodstuffs, beverages, extracts, oils, tinctures, or other similar products;
- (13) "Enclosed, locked facility," any closet, room, greenhouse, building, or other enclosed area that is equipped with locks or other security devices that permit access only by a cardholder or a person allowed to cultivate the plants. Two or more cardholders who reside in the same dwelling may share one enclosed, locked facility for cultivation;
- (14) "Medical cannabis" or "cannabis," marijuana as defined in § 22-42-1;
- (15) "Medical cannabis dispensary" or "dispensary," an entity registered with the department pursuant to this chapter that acquires, possesses, stores, delivers, transfers, transports, sells, supplies, or dispenses cannabis, cannabis products, paraphernalia, or related supplies and educational materials to cardholders;
- (16) "Medical cannabis establishment," a cultivation facility, a cannabis testing facility, a cannabis product manufacturing facility, or a dispensary;
- (17) "Medical cannabis establishment agent," an owner, officer, board member, employee, or volunteer at a medical cannabis establishment;
- (18) "Medical use," includes the acquisition, administration, cultivation, manufacture, delivery, harvest, possession, preparation, transfer, transportation, or use of cannabis or paraphernalia relating to the administration of cannabis to treat or alleviate a registered qualifying patient's debilitating medical condition or symptom associated with the patient's debilitating medical condition. The term does not include:
 - (a) The cultivation of cannabis by a nonresident cardholder;
 - (b) The cultivation of cannabis by a cardholder who is not designated as being allowed to cultivate on the cardholder's registry identification card; or

- (c) The extraction of resin from cannabis by solvent extraction unless the extraction is done by a cannabis product manufacturing facility;
- (19) "Nonresident cardholder," a person who:
- (a) Has been diagnosed with a debilitating medical condition, or is the parent, guardian, conservator, or other person with authority to consent to the medical treatment of a person who has been diagnosed with a debilitating medical condition;
 - (b) Is not a resident of this state or who has been a resident of this state for fewer than forty-five days;
 - (c) Was issued a currently valid registry identification card or its equivalent by another state, district, territory, commonwealth, insular possession of the United States, or country recognized by the United States that allows the person to use cannabis for medical purposes in the jurisdiction of issuance; and
 - (d) Has submitted any documentation required by the department, and has received confirmation of registration;
- (20) "Practitioner," a physician who is licensed with authority to prescribe drugs to humans. In relation to a nonresident cardholder, the term means a person who is licensed with authority to prescribe drugs to humans in the state of the patient's residence;
- (21) "Qualifying patient," a person who has been diagnosed by a practitioner as having a debilitating medical condition;
- (22) "Registry identification card," a document issued by the department that identifies a person as a registered qualifying patient or registered designated caregiver, or documentation that is deemed a registry identification card pursuant to §§ 34-20G-29 to 34-20G-42, inclusive; and
- (23) "Written certification," a document dated and signed by a practitioner, stating that in the practitioner's professional opinion the patient is likely to receive therapeutic or palliative benefit from the medical use of cannabis to treat or alleviate the patient's debilitating medical condition or symptom associated with the debilitating medical condition. This document shall affirm that it is made in the course of a bona fide practitioner-patient relationship and shall specify the qualifying patient's debilitating medical condition.

Signed March 8, 2022

Chapter 115
(Senate Bill 9)

An Act to revise the definition of a designated caregiver.

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

Section 1. That § 34-20G-1 be AMENDED:

34-20G-1. Terms used in this chapter mean:

- (1) "Allowable amount of cannabis," ~~means~~:
 - (a) Three ounces of cannabis or less;
 - (b) The quantity of cannabis products as established by rules promulgated by the department under § 34-20G-72;
 - (c) If the cardholder has a registry identification card allowing cultivation, three cannabis plants minimum or as prescribed by physician; and
 - (d) If the cardholder has a registry identification card allowing cultivation, the amount of cannabis and cannabis products that were produced from the cardholder's allowable plants, if the cannabis and cannabis products are possessed at the same property where the plants were cultivated;
- (2) "Bona fide practitioner-patient relationship,":
 - (a) A practitioner and patient have a treatment or consulting relationship, during the course of which the practitioner has completed an assessment of the patient's medical history and current medical condition, including an appropriate in-person physical examination;
 - (b) The practitioner has consulted with the patient with respect to the patient's debilitating medical condition; and
 - (c) The practitioner is available to or offers to provide follow-up care and treatment to the patient, including patient examinations;
- (3) "Cannabis products," any concentrated cannabis, cannabis extracts, and products that are infused with cannabis or an extract thereof, and are intended for use or consumption by humans. The term includes edible cannabis products, beverages, topical products, ointments, oils, and tinctures;
- (4) "Cannabis product manufacturing facility," an entity registered with the department pursuant to this chapter that acquires, possesses, manufactures, delivers, transfers, transports, supplies, or sells cannabis products to a medical cannabis dispensary;
- (5) "Cannabis testing facility" or "testing facility," an independent entity registered with the department pursuant to this chapter to analyze the safety and potency of cannabis;
- (6) "Cardholder," a qualifying patient or a designated caregiver who has been issued and possesses a valid registry identification card;
- (7) "Cultivation facility," an entity registered with the department pursuant to this chapter that acquires, possesses, cultivates, delivers, transfers, transports, supplies, or sells cannabis and related supplies to a medical cannabis establishment;
- (8) "Debilitating medical condition,":
 - (a) A chronic or debilitating disease or medical condition or its treatment that produces one or more of the following: cachexia or wasting syndrome; severe, debilitating pain; severe nausea; seizures; or severe and persistent muscle spasms, including those characteristic of multiple sclerosis; or
 - (b) Any other medical condition or its treatment added by the department, as provided for in § 34-20G-26;

- (9) "Department," ~~means~~ the Department of Health;
- (10) "Designated caregiver," ~~a person~~ an individual who:
- (a) Is at least twenty-one years of age;
 - (b) Has agreed to assist with a qualifying patient's medical use of cannabis;
 - (c) Has not been convicted of a disqualifying felony offense; and
 - (d) Assists no more than five qualifying patients with the medical use of cannabis, unless the designated caregiver's qualifying patients each reside in or are admitted to a health care facility or residential care facility where the designated caregiver is employed;
- (11) "Disqualifying felony offense," a violent crime that was classified as a felony in the jurisdiction where the person was convicted;
- (12) "Edible cannabis products," any product that:
- (a) Contains or is infused with cannabis or an extract thereof;
 - (b) Is intended for human consumption by oral ingestion; and
 - (c) Is presented in the form of foodstuffs, beverages, extracts, oils, tinctures, or other similar products;
- (13) "Enclosed, locked facility," any closet, room, greenhouse, building, or other enclosed area that is equipped with locks or other security devices that permit access only by a cardholder or a person allowed to cultivate the plants. Two or more cardholders who reside in the same dwelling may share one enclosed, locked facility for cultivation;
- (14) "Medical cannabis" or "cannabis," marijuana as defined in § 22-42-1;
- (15) "Medical cannabis dispensary" or "dispensary," an entity registered with the department pursuant to this chapter that acquires, possesses, stores, delivers, transfers, transports, sells, supplies, or dispenses cannabis, cannabis products, paraphernalia, or related supplies and educational materials to cardholders;
- (16) "Medical cannabis establishment," a cultivation facility, a cannabis testing facility, a cannabis product manufacturing facility, or a dispensary;
- (17) "Medical cannabis establishment agent," an owner, officer, board member, employee, or volunteer at a medical cannabis establishment;
- (18) "Medical use," includes the acquisition, administration, cultivation, manufacture, delivery, harvest, possession, preparation, transfer, transportation, or use of cannabis or paraphernalia relating to the administration of cannabis to treat or alleviate a registered qualifying patient's debilitating medical condition or symptom associated with the patient's debilitating medical condition. The term does not include:
- (a) The cultivation of cannabis by a nonresident cardholder;
 - (b) The cultivation of cannabis by a cardholder who is not designated as being allowed to cultivate on the cardholder's registry identification card; or
 - (c) The extraction of resin from cannabis by solvent extraction unless the extraction is done by a cannabis product manufacturing facility;

- (19) "Nonresident cardholder," a person who:
- (a) Has been diagnosed with a debilitating medical condition, or is the parent, guardian, conservator, or other person with authority to consent to the medical treatment of a person who has been diagnosed with a debilitating medical condition;
 - (b) Is not a resident of this state or who has been a resident of this state for fewer than forty-five days;
 - (c) Was issued a currently valid registry identification card or its equivalent by another state, district, territory, commonwealth, insular possession of the United States, or country recognized by the United States that allows the person to use cannabis for medical purposes in the jurisdiction of issuance; and
 - (d) Has submitted any documentation required by the department, and has received confirmation of registration;
- (20) "Practitioner," a physician who is licensed with authority to prescribe drugs to humans. In relation to a nonresident cardholder, the term means a person who is licensed with authority to prescribe drugs to humans in the state of the patient's residence;
- (21) "Qualifying patient," a person who has been diagnosed by a practitioner as having a debilitating medical condition;
- (22) "Registry identification card," a document issued by the department that identifies a person as a registered qualifying patient or registered designated caregiver, or documentation that is deemed a registry identification card pursuant to §§ 34-20G-29 to 34-20G-42, inclusive; and
- (23) "Written certification," a document dated and signed by a practitioner, stating that in the practitioner's professional opinion the patient is likely to receive therapeutic or palliative benefit from the medical use of cannabis to treat or alleviate the patient's debilitating medical condition or symptom associated with the debilitating medical condition. This document shall affirm that it is made in the course of a bona fide practitioner-patient relationship and shall specify the qualifying patient's debilitating medical condition.

Signed February 14, 2022

Chapter 116
(Senate Bill 5)

An Act to revise acceptable conduct related to the medical use of cannabis.

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

Section 1. That § 34-20G-1 be AMENDED:

34-20G-1. Terms used in this chapter mean:

- (1) "Allowable amount of cannabis," means:
- (a) Three ounces of cannabis or less;
 - (b) The quantity of cannabis products as established by rules promulgated by the department under § 34-20G-72;

- (c) If the cardholder has a registry identification card allowing cultivation, three cannabis plants minimum or as prescribed by physician; and
 - (d) If the cardholder has a registry identification card allowing cultivation, the amount of cannabis and cannabis products that were produced from the cardholder's allowable plants, if the cannabis and cannabis products are possessed at the same property where the plants were cultivated;
- (2) "Bona fide practitioner-patient relationship,":
- (a) A practitioner and patient have a treatment or consulting relationship, during the course of which the practitioner has completed an assessment of the patient's medical history and current medical condition, including an appropriate in-person physical examination;
 - (b) The practitioner has consulted with the patient with respect to the patient's debilitating medical condition; and
 - (c) The practitioner is available to or offers to provide follow-up care and treatment to the patient, including patient examinations;
- (3) "Cannabis products," any concentrated cannabis, cannabis extracts, and products that are infused with cannabis or an extract thereof, and are intended for use or consumption by humans. The term includes edible cannabis products, beverages, topical products, ointments, oils, and tinctures;
- (4) "Cannabis product manufacturing facility," an entity registered with the department pursuant to this chapter that acquires, possesses, manufactures, delivers, transfers, transports, supplies, or sells cannabis products to a medical cannabis dispensary;
- (5) "Cannabis testing facility" or "testing facility," an independent entity registered with the department pursuant to this chapter to analyze the safety and potency of cannabis;
- (6) "Cardholder," a qualifying patient or a designated caregiver who has been issued and possesses a valid registry identification card;
- (7) "Cultivation facility," an entity registered with the department pursuant to this chapter that acquires, possesses, cultivates, delivers, transfers, transports, supplies, or sells cannabis and related supplies to a medical cannabis establishment;
- (8) "Debilitating medical condition,":
- (a) A chronic or debilitating disease or medical condition or its treatment that produces one or more of the following: cachexia or wasting syndrome; severe, debilitating pain; severe nausea; seizures; or severe and persistent muscle spasms, including those characteristic of multiple sclerosis; or
 - (b) Any other medical condition or its treatment added by the department, as provided for in § 34-20G-26;
- (9) "Department," means the Department of Health;
- (10) "Designated caregiver," a person who:
- (a) Is at least twenty-one years of age;

- (b) Has agreed to assist with a qualifying patient's medical use of cannabis;
 - (c) Has not been convicted of a disqualifying felony offense; and
 - (d) Assists no more than five qualifying patients with the medical use of cannabis, unless the designated caregiver's qualifying patients each reside in or are admitted to a health care facility or residential care facility where the designated caregiver is employed;
- (11) "Disqualifying felony offense," a violent crime that was classified as a felony in the jurisdiction where the person was convicted;
- (12) "Edible cannabis products," any product that:
- (a) Contains or is infused with cannabis or an extract thereof;
 - (b) Is intended for human consumption by oral ingestion; and
 - (c) Is presented in the form of foodstuffs, beverages, extracts, oils, tinctures, or other similar products;
- (13) "Enclosed, locked facility," any closet, room, greenhouse, building, or other enclosed area that is equipped with locks or other security devices that permit access only by a cardholder or a person allowed to cultivate the plants. Two or more cardholders who reside in the same dwelling may share one enclosed, locked facility for cultivation;
- (14) "Medical cannabis" or "cannabis," marijuana as defined in § 22-42-1;
- (15) "Medical cannabis dispensary" or "dispensary," an entity registered with the department pursuant to this chapter that acquires, possesses, stores, delivers, transfers, transports, sells, supplies, or dispenses cannabis, cannabis products, paraphernalia, or related supplies and educational materials to cardholders;
- (16) "Medical cannabis establishment," a cultivation facility, a cannabis testing facility, a cannabis product manufacturing facility, or a dispensary;
- (17) "Medical cannabis establishment agent," an owner, officer, board member, employee, or volunteer at a medical cannabis establishment;
- (18) "Medical use," includes the acquisition, administration, cultivation, manufacture, delivery, harvest, possession, preparation, transfer, transportation, or use of cannabis or paraphernalia relating to the administration of cannabis to treat or alleviate a registered qualifying patient's debilitating medical condition or symptom associated with the patient's debilitating medical condition. The term does not include:
- (a) The cultivation of cannabis by a nonresident cardholder;
 - (b) The cultivation of cannabis by a cardholder who is not designated as being allowed to cultivate on the cardholder's registry identification card; or
 - (c) The extraction of resin from cannabis by solvent extraction unless the extraction is done by a cannabis product manufacturing facility;

- (19) "Nonresident cardholder," a person who:
- (a) Has been diagnosed with a debilitating medical condition, or is the parent, guardian, conservator, or other person with authority to consent to the medical treatment of a person who has been diagnosed with a debilitating medical condition;
 - (b) Is not a resident of this state or who has been a resident of this state for fewer than forty-five days;
 - (c) Was issued a currently valid registry identification card or its equivalent by another state, district, territory, commonwealth, insular possession of the United States, or country recognized by the United States that allows the person to use cannabis for medical purposes in the jurisdiction of issuance; and
 - (d) Has submitted any documentation required by the department, and has received confirmation of registration;
- (20) "Practitioner," a physician who is licensed with authority to prescribe drugs to humans. In relation to a nonresident cardholder, the term means a person who is licensed with authority to prescribe drugs to humans in the state of the patient's residence;
- (21) "Qualifying patient," a person who has been diagnosed by a practitioner as having a debilitating medical condition;
- (22) "Registry identification card," a document issued by the department that identifies a person as a registered qualifying patient or registered designated caregiver, or documentation that is deemed a registry identification card pursuant to §§ 34-20G-29 to 34-20G-42, inclusive; and
- (23) "Safety-sensitive job," any position with tasks or duties that an employer reasonably believes could:
- (a) Cause the illness, injury, or death of an individual; or
 - (b) Result in serious property damage;
- (24) "Under the influence of cannabis," any abnormal mental or physical condition that tends to deprive a person of clearness of intellect and control that the person would otherwise possess, as the result of consuming any degree of cannabis or cannabis products;
- (25) "Written certification," a document dated and signed by a practitioner, stating that in the practitioner's professional opinion the patient is likely to receive therapeutic or palliative benefit from the medical use of cannabis to treat or alleviate the patient's debilitating medical condition or symptom associated with the debilitating medical condition. This document shall affirm that it is made in the course of a bona fide practitioner-patient relationship and shall specify the qualifying patient's debilitating medical condition.

Section 2. That § 34-20G-18 be AMENDED:

34-20G-18. This chapter does not authorize any person to engage in, and does not prevent the imposition of any civil, criminal, or other penalty for engaging in, the following conduct:

- (1) Undertaking any task under the influence of cannabis, when doing so would constitute negligence or professional malpractice;

- (2) Possessing cannabis or otherwise engaging in the medical use of cannabis in any correctional facility;
- (3) Smoking or vaping cannabis:
 - (a) On any form of public transportation; ~~or~~
 - (b) In any public place or any place that is open to the public; or
 - (c) If under the age of twenty-one;
- (4) Operating, navigating, or being in actual physical control of any motor vehicle, aircraft, train, or motorboat while under the influence of cannabis, ~~except that a registered qualifying patient or nonresident cardholder is not considered to be under the influence of cannabis solely because of the presence of metabolites or components of cannabis that appear in insufficient concentration to cause impairment; or~~
- (5) Performing any safety-sensitive job under the influence of cannabis.

Section 3. That § 34-20G-24 be AMENDED:

34-20G-24. No employer is required to allow the ingestion, possession, transfer, display, or transportation of cannabis in any workplace or to allow any employee to work while under the influence of cannabis. ~~A registered qualifying patient may not be considered to be under the influence of cannabis solely because of the presence of metabolites or components of cannabis that appear in insufficient concentration to cause impairment. No employer is prohibited from establishing and enforcing a drug free workplace policy that may include a drug testing program that complies with state and federal law and acting with respect to an applicant or employee under the policy.~~

Signed February 10, 2022

Chapter 117
(Senate Bill 19)

An Act to permit certain facilities to establish reasonable restrictions related to the medical use of cannabis.

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

Section 1. That § 34-20G-1 be AMENDED:

34-20G-1. Terms used in this chapter mean:

- (1) "Allowable amount of cannabis," ~~means:~~
 - (a) Three ounces of cannabis or less;
 - (b) The quantity of cannabis products as established by rules promulgated by the department under § 34-20G-72;
 - (c) If the cardholder has a registry identification card allowing cultivation, three cannabis plants minimum or as prescribed by physician; and
 - (d) If the cardholder has a registry identification card allowing cultivation, the amount of cannabis and cannabis products that

were produced from the cardholder's allowable plants, if the cannabis and cannabis products are possessed at the same property where the plants were cultivated;

- (2) "Bona fide practitioner-patient relationship,":
 - (a) A practitioner and patient have a treatment or consulting relationship, during the course of which the practitioner has completed an assessment of the patient's medical history and current medical condition, including an appropriate in-person physical examination;
 - (b) The practitioner has consulted with the patient with respect to the patient's debilitating medical condition; and
 - (c) The practitioner is available to or offers to provide follow-up care and treatment to the patient, including patient examinations;
- (3) "Cannabis products," any concentrated cannabis, cannabis extracts, and products that are infused with cannabis or an extract thereof, and are intended for use or consumption by humans. The term includes edible cannabis products, beverages, topical products, ointments, oils, and tinctures;
- (4) "Cannabis product manufacturing facility," an entity registered with the department pursuant to this chapter that acquires, possesses, manufactures, delivers, transfers, transports, supplies, or sells cannabis products to a medical cannabis dispensary;
- (5) "Cannabis testing facility" or "testing facility," an independent entity registered with the department pursuant to this chapter to analyze the safety and potency of cannabis;
- (6) "Cardholder," a qualifying patient or a designated caregiver who has been issued and possesses a valid registry identification card;
- (7) "Cultivation facility," an entity registered with the department pursuant to this chapter that acquires, possesses, cultivates, delivers, transfers, transports, supplies, or sells cannabis and related supplies to a medical cannabis establishment;
- (8) "Debilitating medical condition,":
 - (a) A chronic or debilitating disease or medical condition or its treatment that produces one or more of the following: cachexia or wasting syndrome; severe, debilitating pain; severe nausea; seizures; or severe and persistent muscle spasms, including those characteristic of multiple sclerosis; or
 - (b) Any other medical condition or its treatment added by the department, as provided for in § 34-20G-26;
- (9) "Department," ~~means~~ the Department of Health;
- (10) "Designated caregiver," a person who:
 - (a) Is at least twenty-one years of age;
 - (b) Has agreed to assist with a qualifying patient's medical use of cannabis;
 - (c) Has not been convicted of a disqualifying felony offense; and
 - (d) Assists no more than five qualifying patients with the medical use of cannabis, unless the designated caregiver's qualifying patients

each reside in or are admitted to a health care facility—~~or residential care facility, as defined in § 34-12-1.1, an accredited prevention or treatment facility, as defined in § 34-20A-2, a mental health center, as defined in § 27A-1-1, a child welfare agency, as defined in § 26-6-1, or a community support provider or community services provider, as defined in § 27B-1-17,~~ where the designated caregiver is employed;

- (11) "Disqualifying felony offense," a violent crime that was classified as a felony in the jurisdiction where the person was convicted;
- (12) "Edible cannabis products," any product that:
 - (a) Contains or is infused with cannabis or an extract thereof;
 - (b) Is intended for human consumption by oral ingestion; and
 - (c) Is presented in the form of foodstuffs, beverages, extracts, oils, tinctures, or other similar products;
- (13) "Enclosed, locked facility," any closet, room, greenhouse, building, or other enclosed area that is equipped with locks or other security devices that permit access only by a cardholder or a person allowed to cultivate the plants. Two or more cardholders who reside in the same dwelling may share one enclosed, locked facility for cultivation;
- (14) "Medical cannabis" or "cannabis," marijuana as defined in § 22-42-1;
- (15) "Medical cannabis dispensary" or "dispensary," an entity registered with the department pursuant to this chapter that acquires, possesses, stores, delivers, transfers, transports, sells, supplies, or dispenses cannabis, cannabis products, paraphernalia, or related supplies and educational materials to cardholders;
- (16) "Medical cannabis establishment," a cultivation facility, a cannabis testing facility, a cannabis product manufacturing facility, or a dispensary;
- (17) "Medical cannabis establishment agent," an owner, officer, board member, employee, or volunteer at a medical cannabis establishment;
- (18) "Medical use," includes the acquisition, administration, cultivation, manufacture, delivery, harvest, possession, preparation, transfer, transportation, or use of cannabis or paraphernalia relating to the administration of cannabis to treat or alleviate a registered qualifying patient's debilitating medical condition or symptom associated with the patient's debilitating medical condition. The term does not include:
 - (a) The cultivation of cannabis by a nonresident cardholder;
 - (b) The cultivation of cannabis by a cardholder who is not designated as being allowed to cultivate on the cardholder's registry identification card; or
 - (c) The extraction of resin from cannabis by solvent extraction unless the extraction is done by a cannabis product manufacturing facility;
- (19) "Nonresident cardholder," a person who:
 - (a) Has been diagnosed with a debilitating medical condition, or is the parent, guardian, conservator, or other person with authority to consent to the medical treatment of a person who has been diagnosed with a debilitating medical condition;

- (b) Is not a resident of this state or who has been a resident of this state for fewer than forty-five days;
 - (c) Was issued a currently valid registry identification card or its equivalent by another state, district, territory, commonwealth, insular possession of the United States, or country recognized by the United States that allows the person to use cannabis for medical purposes in the jurisdiction of issuance; and
 - (d) Has submitted any documentation required by the department, and has received confirmation of registration;
- (20) "Practitioner," a physician who is licensed with authority to prescribe drugs to humans. In relation to a nonresident cardholder, the term means a person who is licensed with authority to prescribe drugs to humans in the state of the patient's residence;
- (21) "Qualifying patient," a person who has been diagnosed by a practitioner as having a debilitating medical condition;
- (22) "Registry identification card," a document issued by the department that identifies a person as a registered qualifying patient or registered designated caregiver, or documentation that is deemed a registry identification card pursuant to §§ 34-20G-29 to 34-20G-42, inclusive; and
- (23) "Written certification," a document dated and signed by a practitioner, stating that in the practitioner's professional opinion the patient is likely to receive therapeutic or palliative benefit from the medical use of cannabis to treat or alleviate the patient's debilitating medical condition or symptom associated with the debilitating medical condition. This document shall affirm that it is made in the course of a bona fide practitioner-patient relationship and shall specify the qualifying patient's debilitating medical condition.

Section 2. That chapter 34-20G be amended with a NEW SECTION:

A health care facility, as defined in § 34-12-1.1, an accredited prevention or treatment facility, as defined in § 34-20A-2, a mental health center, as defined in § 27A-1-1, a child welfare agency, as defined in § 26-6-1, or a community support provider or community services provider, as defined in § 27B-1-17, may adopt restrictions on the use of medical cannabis by a cardholder who resides at, is actively receiving treatment or care from, or is visiting the facility. The restrictions may include a provision that the facility will not store or maintain the cardholder's supply of medical cannabis, that the facility is not responsible for providing the medical cannabis for cardholders, and that the medical cannabis be used only in a place specified by the facility. Nothing in this section requires a facility to adopt such restrictions or requires a facility to allow the consumption of medical cannabis on the grounds of the facility.

No employee or agent of a facility may be subject to arrest, prosecution, or penalty of any kind, or may be denied any right or privilege, including any civil penalty or disciplinary action by a court or occupational or professional licensing board for possession of medical cannabis while carrying out employment duties, including providing or supervising care to a cardholder, or distribution of medical cannabis to a cardholder who resides at or is actively receiving treatment or care at the facility with which the employee or agent is affiliated.

Signed March 18, 2022

Chapter 118
(Senate Bill 4)

**An Act to revise provisions related to a written certification for the medical
use of cannabis.**

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

Section 1. That § 34-20G-1 be AMENDED:

34-20G-1. Terms used in this chapter mean:

- (1) "Allowable amount of cannabis," ~~means:~~
 - (a) Three ounces of cannabis or less;
 - (b) The quantity of cannabis products as established by rules promulgated by the department under § 34-20G-72;
 - (c) If the cardholder has a registry identification card allowing cultivation, three cannabis plants minimum or as prescribed by physician; and
 - (d) If the cardholder has a registry identification card allowing cultivation, the amount of cannabis and cannabis products that were produced from the cardholder's allowable plants, if the cannabis and cannabis products are possessed at the same property where the plants were cultivated;
- (2) "Bona fide practitioner-patient relationship,"
 - (a) A practitioner and patient have a treatment or consulting relationship, during the course of which the practitioner has completed an assessment of the patient's medical history and current medical condition, including an appropriate in-person physical examination;
 - (b) The practitioner has consulted with the patient with respect to the patient's debilitating medical condition; and
 - (c) The practitioner is available to or offers to provide follow-up care and treatment to the patient, including patient examinations;
- (3) "Cannabis products," any concentrated cannabis, cannabis extracts, and products that are infused with cannabis or an extract thereof, and are intended for use or consumption by humans. The term includes edible cannabis products, beverages, topical products, ointments, oils, and tinctures;
- (4) "Cannabis product manufacturing facility," an entity registered with the department pursuant to this chapter that acquires, possesses, manufactures, delivers, transfers, transports, supplies, or sells cannabis products to a medical cannabis dispensary;
- (5) "Cannabis testing facility" or "testing facility," an independent entity registered with the department pursuant to this chapter to analyze the safety and potency of cannabis;
- (6) "Cardholder," a qualifying patient or a designated caregiver who has been issued and possesses a valid registry identification card;

- (7) "Cultivation facility," an entity registered with the department pursuant to this chapter that acquires, possesses, cultivates, delivers, transfers, transports, supplies, or sells cannabis and related supplies to a medical cannabis establishment;
- (8) "Debilitating medical condition,":
 - (a) A chronic or debilitating disease or medical condition or its treatment that produces one or more of the following: cachexia or wasting syndrome; severe, debilitating pain; severe nausea; seizures; or severe and persistent muscle spasms, including those characteristic of multiple sclerosis; or
 - (b) Any other medical condition or its treatment added by the department, as provided for in § 34-20G-26;
- (9) "Department," ~~means~~ the Department of Health;
- (10) "Designated caregiver," a person who:
 - (a) Is at least twenty-one years of age;
 - (b) Has agreed to assist with a qualifying patient's medical use of cannabis;
 - (c) Has not been convicted of a disqualifying felony offense; and
 - (d) Assists no more than five qualifying patients with the medical use of cannabis, unless the designated caregiver's qualifying patients each reside in or are admitted to a health care facility or residential care facility where the designated caregiver is employed;
- (11) "Disqualifying felony offense," a violent crime that was classified as a felony in the jurisdiction where the person was convicted;
- (12) "Edible cannabis products," any product that:
 - (a) Contains or is infused with cannabis or an extract thereof;
 - (b) Is intended for human consumption by oral ingestion; and
 - (c) Is presented in the form of foodstuffs, beverages, extracts, oils, tinctures, or other similar products;
- (13) "Enclosed, locked facility," any closet, room, greenhouse, building, or other enclosed area that is equipped with locks or other security devices that permit access only by a cardholder or a person allowed to cultivate the plants. Two or more cardholders who reside in the same dwelling may share one enclosed, locked facility for cultivation;
- (14) "Medical cannabis" or "cannabis," marijuana as defined in § 22-42-1;
- (15) "Medical cannabis dispensary" or "dispensary," an entity registered with the department pursuant to this chapter that acquires, possesses, stores, delivers, transfers, transports, sells, supplies, or dispenses cannabis, cannabis products, paraphernalia, or related supplies and educational materials to cardholders;
- (16) "Medical cannabis establishment," a cultivation facility, a cannabis testing facility, a cannabis product manufacturing facility, or a dispensary;
- (17) "Medical cannabis establishment agent," an owner, officer, board member, employee, or volunteer at a medical cannabis establishment;

- (18) "Medical use," includes the acquisition, administration, cultivation, manufacture, delivery, harvest, possession, preparation, transfer, transportation, or use of cannabis or paraphernalia relating to the administration of cannabis to treat or alleviate a registered qualifying patient's debilitating medical condition or symptom associated with the patient's debilitating medical condition. The term does not include:
- (a) The cultivation of cannabis by a nonresident cardholder;
 - (b) The cultivation of cannabis by a cardholder who is not designated as being allowed to cultivate on the cardholder's registry identification card; or
 - (c) The extraction of resin from cannabis by solvent extraction unless the extraction is done by a cannabis product manufacturing facility;
- (19) "Nonresident cardholder," a person who:
- (a) Has been diagnosed with a debilitating medical condition, or is the parent, guardian, conservator, or other person with authority to consent to the medical treatment of a person who has been diagnosed with a debilitating medical condition;
 - (b) Is not a resident of this state or who has been a resident of this state for fewer than forty-five days;
 - (c) Was issued a currently valid registry identification card or its equivalent by another state, district, territory, commonwealth, insular possession of the United States, or country recognized by the United States that allows the person to use cannabis for medical purposes in the jurisdiction of issuance; and
 - (d) Has submitted any documentation required by the department, and has received confirmation of registration;
- (20) "Practitioner," a physician who is licensed with authority to prescribe drugs to humans. In relation to a nonresident cardholder, the term means a person who is licensed with authority to prescribe drugs to humans in the state of the patient's residence;
- (21) "Qualifying patient," a person who has been diagnosed by a practitioner as having a debilitating medical condition;
- (22) "Registry identification card," a document issued by the department that identifies a person as a registered qualifying patient or registered designated caregiver, or documentation that is deemed a registry identification card pursuant to §§ 34-20G-29 to 34-20G-42, inclusive; and
- (23) "Written certification," a document dated and signed by a practitioner; ~~stating that in the practitioner's professional opinion the:~~
- ~~(a) Stating that the patient is likely to receive therapeutic or palliative benefit from the medical use of cannabis to treat or alleviate the patient's— has a qualifying debilitating medical condition or symptom associated with the debilitating medical condition.—This document shall affirm that it;—~~
 - ~~(b) Affirming that the document is made in the course of a bona fide practitioner-patient relationship and shall specify;—~~
 - ~~(c) Specifying the qualifying patient's debilitating medical condition; and~~

- (d) Specifying the expiration date of the qualifying patient's written certification, pursuant to § 34-20G-43.

Section 2. That § 34-20G-43 be AMENDED:

34-20G-43. ~~A~~ The registry identification card of a qualifying patient and designated caregiver, if any, expires on the date noted by the practitioner in the qualifying patient's written certification, not to exceed one year after the date of issue. Unless the practitioner states in the written certification that the qualifying patient would benefit from cannabis until a specified earlier date, then the registry identification card expires on that date.

Signed March 8, 2022

Chapter 119
(Senate Bill 24)

An Act to establish a maximum number of cannabis plants that may be cultivated by a medical cannabis cardholder.

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

Section 1. That § 34-20G-1 be AMENDED:

34-20G-1. Terms used in this chapter mean:

- (1) "Allowable amount of cannabis," ~~means:~~
 - (a) Three ounces of cannabis or less;
 - (b) The quantity of cannabis products as established by rules promulgated by the department under § 34-20G-72;
 - (c) If the cardholder has a registry identification card allowing cultivation, ~~three~~ two flowering cannabis plants minimum or as prescribed by physician and two cannabis plants that are not flowering; and
 - (d) If the cardholder has a registry identification card allowing cultivation, the amount of cannabis and cannabis products that were produced from the cardholder's allowable plants, if the cannabis and cannabis products are possessed at the same property where the plants were cultivated;
- (2) "Bona fide practitioner-patient relationship,"
 - (a) A practitioner and patient have a treatment or consulting relationship, during the course of which the practitioner has completed an assessment of the patient's medical history and current medical condition, including an appropriate in-person physical examination;
 - (b) The practitioner has consulted with the patient with respect to the patient's debilitating medical condition; and
 - (c) The practitioner is available to or offers to provide follow-up care and treatment to the patient, including patient examinations;

- (3) "Cannabis products," any concentrated cannabis, cannabis extracts, and products that are infused with cannabis or an extract thereof, and are intended for use or consumption by humans. The term includes edible cannabis products, beverages, topical products, ointments, oils, and tinctures;
- (4) "Cannabis product manufacturing facility," an entity registered with the department pursuant to this chapter that acquires, possesses, manufactures, delivers, transfers, transports, supplies, or sells cannabis products to a medical cannabis dispensary;
- (5) "Cannabis testing facility" or "testing facility," an independent entity registered with the department pursuant to this chapter to analyze the safety and potency of cannabis;
- (6) "Cardholder," a qualifying patient or a designated caregiver who has been issued and possesses a valid registry identification card;
- (7) "Cultivation facility," an entity registered with the department pursuant to this chapter that acquires, possesses, cultivates, delivers, transfers, transports, supplies, or sells cannabis and related supplies to a medical cannabis establishment;
- (8) "Debilitating medical condition,":
 - (a) A chronic or debilitating disease or medical condition or its treatment that produces one or more of the following: cachexia or wasting syndrome; severe, debilitating pain; severe nausea; seizures; or severe and persistent muscle spasms, including those characteristic of multiple sclerosis; or
 - (b) Any other medical condition or its treatment added by the department, as provided for in § 34-20G-26;
- (9) "Department," ~~means~~ the Department of Health;
- (10) "Designated caregiver," a person who:
 - (a) Is at least twenty-one years of age;
 - (b) Has agreed to assist with a qualifying patient's medical use of cannabis;
 - (c) Has not been convicted of a disqualifying felony offense; and
 - (d) Assists no more than five qualifying patients with the medical use of cannabis, unless the designated caregiver's qualifying patients each reside in or are admitted to a health care facility or residential care facility where the designated caregiver is employed;
- (11) "Disqualifying felony offense," a violent crime that was classified as a felony in the jurisdiction where the person was convicted;
- (12) "Edible cannabis products," any product that:
 - (a) Contains or is infused with cannabis or an extract thereof;
 - (b) Is intended for human consumption by oral ingestion; and
 - (c) Is presented in the form of foodstuffs, beverages, extracts, oils, tinctures, or other similar products;
- (13) "Enclosed, locked facility," any closet, room, greenhouse, building, or other enclosed area that is equipped with locks or other security devices

that permit access only by a cardholder or a person allowed to cultivate the plants. Two or more cardholders who reside in the same dwelling may share one enclosed, locked facility for cultivation;

- (14) "Flowering cannabis plant," the reproductive state of the cannabis plant in which the plant shows physical signs of flower budding out of the nodes of the stem;
- (15) "Medical cannabis" or "cannabis," marijuana as defined in § 22-42-1;
- ~~(15)~~(16) "Medical cannabis dispensary" or "dispensary," an entity registered with the department pursuant to this chapter that acquires, possesses, stores, delivers, transfers, transports, sells, supplies, or dispenses cannabis, cannabis products, paraphernalia, or related supplies and educational materials to cardholders;
- ~~(16)~~(17) "Medical cannabis establishment," a cultivation facility, a cannabis testing facility, a cannabis product manufacturing facility, or a dispensary;
- ~~(17)~~(18) "Medical cannabis establishment agent," an owner, officer, board member, employee, or volunteer at a medical cannabis establishment;
- ~~(18)~~(19) "Medical use," includes the acquisition, administration, cultivation, manufacture, delivery, harvest, possession, preparation, transfer, transportation, or use of cannabis or paraphernalia relating to the administration of cannabis to treat or alleviate a registered qualifying patient's debilitating medical condition or symptom associated with the patient's debilitating medical condition. The term does not include:
- (a) The cultivation of cannabis by a nonresident cardholder;
 - (b) The cultivation of cannabis by a cardholder who is not designated as being allowed to cultivate on the cardholder's registry identification card; or
 - (c) The extraction of resin from cannabis by solvent extraction unless the extraction is done by a cannabis product manufacturing facility;
- ~~(19)~~(20) "Nonresident cardholder," a person who:
- (a) Has been diagnosed with a debilitating medical condition, or is the parent, guardian, conservator, or other person with authority to consent to the medical treatment of a person who has been diagnosed with a debilitating medical condition;
 - (b) Is not a resident of this state or who has been a resident of this state for fewer than forty-five days;
 - (c) Was issued a currently valid registry identification card or its equivalent by another state, district, territory, commonwealth, insular possession of the United States, or country recognized by the United States that allows the person to use cannabis for medical purposes in the jurisdiction of issuance; and
 - (d) Has submitted any documentation required by the department, and has received confirmation of registration;
- ~~(20)~~(21) "Practitioner," a physician who is licensed with authority to prescribe drugs to humans. In relation to a nonresident cardholder, the term means a person who is licensed with authority to prescribe drugs to humans in the state of the patient's residence;

- ~~(21)~~(22) "Qualifying patient," a person who has been diagnosed by a practitioner as having a debilitating medical condition;
- ~~(22)~~(23) "Registry identification card," a document issued by the department that identifies a person as a registered qualifying patient or registered designated caregiver, or documentation that is deemed a registry identification card pursuant to §§ 34-20G-29 to 34-20G-42, inclusive; and
- ~~(23)~~(24) "Written certification," a document dated and signed by a practitioner, stating that in the practitioner's professional opinion the patient is likely to receive therapeutic or palliative benefit from the medical use of cannabis to treat or alleviate the patient's debilitating medical condition or symptom associated with the debilitating medical condition. This document shall affirm that it is made in the course of a bona fide practitioner-patient relationship and shall specify the qualifying patient's debilitating medical condition.

Section 2. That § 34-20G-51 be AMENDED:

34-20G-51. Except as provided in § 34-20G-18 and this section, a person may assert the medical purpose for using cannabis as a defense to any prosecution involving cannabis, and such defense is presumed valid where the evidence shows that:

- (1) A practitioner has stated that, in the practitioner's professional opinion, after having completed a full assessment of the person's medical history and current medical condition made in the course of a bona fide practitioner-patient relationship, the patient has a debilitating medical condition and the potential benefits of using cannabis for medical purposes would likely outweigh the health risks for the person;
- (2) The person was in possession of no more than three ounces of cannabis, the amount of cannabis products allowed by department rules, ~~six~~ two flowering cannabis plants ~~minimum or as prescribed by a physician,~~ two cannabis plants that are not flowering, and the cannabis produced by those plants;
- (3) The person was engaged in the acquisition, possession, use, manufacture, cultivation, or transportation of cannabis, paraphernalia, or both, relating to the administration of cannabis to treat or alleviate the person's debilitating medical condition or symptoms associated with the person's debilitating medical condition; and
- (4) Any cultivation of cannabis and storage of more than three ounces of cannabis occurred in a secure location that only the person asserting the defense could access.

Signed March 18, 2022

Chapter 120
(Senate Bill 26)

An Act to revise the definition of practitioner for purposes of the medical cannabis program.

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

Section 1. That § 34-20G-1 be AMENDED:**34-20G-1.** Terms used in this chapter mean:

- (1) "Allowable amount of cannabis," ~~means~~:
 - (a) Three ounces of cannabis or less;
 - (b) The quantity of cannabis products as established by rules promulgated by the department under § 34-20G-72;
 - (c) If the cardholder has a registry identification card allowing cultivation, three cannabis plants minimum or as prescribed by physician; and
 - (d) If the cardholder has a registry identification card allowing cultivation, the amount of cannabis and cannabis products that were produced from the cardholder's allowable plants, if the cannabis and cannabis products are possessed at the same property where the plants were cultivated;
- (2) "Bona fide practitioner-patient relationship,":
 - (a) A practitioner and patient have a treatment or consulting relationship, during the course of which the practitioner has completed an assessment of the patient's medical history and current medical condition, including an appropriate in-person physical examination;
 - (b) The practitioner has consulted with the patient with respect to the patient's debilitating medical condition; and
 - (c) The practitioner is available to or offers to provide follow-up care and treatment to the patient, including patient examinations;
- (3) "Cannabis products," any concentrated cannabis, cannabis extracts, and products that are infused with cannabis or an extract thereof, and are intended for use or consumption by humans. The term includes edible cannabis products, beverages, topical products, ointments, oils, and tinctures;
- (4) "Cannabis product manufacturing facility," an entity registered with the department pursuant to this chapter that acquires, possesses, manufactures, delivers, transfers, transports, supplies, or sells cannabis products to a medical cannabis dispensary;
- (5) "Cannabis testing facility" or "testing facility," an independent entity registered with the department pursuant to this chapter to analyze the safety and potency of cannabis;
- (6) "Cardholder," a qualifying patient or a designated caregiver who has been issued and possesses a valid registry identification card;
- (7) "Cultivation facility," an entity registered with the department pursuant to this chapter that acquires, possesses, cultivates, delivers, transfers, transports, supplies, or sells cannabis and related supplies to a medical cannabis establishment;
- (8) "Debilitating medical condition,":
 - (a) A chronic or debilitating disease or medical condition or its treatment that produces one or more of the following: cachexia or wasting syndrome; severe, debilitating pain; severe nausea; seizures; or severe and persistent muscle spasms, including those

- characteristic of multiple sclerosis; or
- (b) Any other medical condition or its treatment added by the department, as provided for in § 34-20G-26;
- (9) "Department," ~~means~~ the Department of Health;
- (10) "Designated caregiver," a person who:
- (a) Is at least twenty-one years of age;
- (b) Has agreed to assist with a qualifying patient's medical use of cannabis;
- (c) Has not been convicted of a disqualifying felony offense; and
- (d) Assists no more than five qualifying patients with the medical use of cannabis, unless the designated caregiver's qualifying patients each reside in or are admitted to a health care facility or residential care facility where the designated caregiver is employed;
- (11) "Disqualifying felony offense," a violent crime that was classified as a felony in the jurisdiction where the person was convicted;
- (12) "Edible cannabis products," any product that:
- (a) Contains or is infused with cannabis or an extract thereof;
- (b) Is intended for human consumption by oral ingestion; and
- (c) Is presented in the form of foodstuffs, beverages, extracts, oils, tinctures, or other similar products;
- (13) "Enclosed, locked facility," any closet, room, greenhouse, building, or other enclosed area that is equipped with locks or other security devices that permit access only by a cardholder or a person allowed to cultivate the plants. Two or more cardholders who reside in the same dwelling may share one enclosed, locked facility for cultivation;
- (14) "Medical cannabis" or "cannabis," marijuana as defined in § 22-42-1;
- (15) "Medical cannabis dispensary" or "dispensary," an entity registered with the department pursuant to this chapter that acquires, possesses, stores, delivers, transfers, transports, sells, supplies, or dispenses cannabis, cannabis products, paraphernalia, or related supplies and educational materials to cardholders;
- (16) "Medical cannabis establishment," a cultivation facility, a cannabis testing facility, a cannabis product manufacturing facility, or a dispensary;
- (17) "Medical cannabis establishment agent," an owner, officer, board member, employee, or volunteer at a medical cannabis establishment;
- (18) "Medical use," includes the acquisition, administration, cultivation, manufacture, delivery, harvest, possession, preparation, transfer, transportation, or use of cannabis or paraphernalia relating to the administration of cannabis to treat or alleviate a registered qualifying patient's debilitating medical condition or symptom associated with the patient's debilitating medical condition. The term does not include:
- (a) The cultivation of cannabis by a nonresident cardholder;
- (b) The cultivation of cannabis by a cardholder who is not designated as being allowed to cultivate on the cardholder's registry

- identification card; or
- (c) The extraction of resin from cannabis by solvent extraction unless the extraction is done by a cannabis product manufacturing facility;
- (19) "Nonresident cardholder," a person who:
- (a) Has been diagnosed with a debilitating medical condition, or is the parent, guardian, conservator, or other person with authority to consent to the medical treatment of a person who has been diagnosed with a debilitating medical condition;
 - (b) Is not a resident of this state or who has been a resident of this state for fewer than forty-five days;
 - (c) Was issued a currently valid registry identification card or its equivalent by another state, district, territory, commonwealth, insular possession of the United States, or country recognized by the United States that allows the person to use cannabis for medical purposes in the jurisdiction of issuance; and
 - (d) Has submitted any documentation required by the department, and has received confirmation of registration;
- (20) "Practitioner," a physician, physician assistant, or advanced practice registered nurse, who is licensed with authority to prescribe drugs to humans. In relation to a nonresident cardholder, the term means a person who is licensed with authority to prescribe drugs to humans in the state of the patient's residence;
- (21) "Qualifying patient," a person who has been diagnosed by a practitioner as having a debilitating medical condition;
- (22) "Registry identification card," a document issued by the department that identifies a person as a registered qualifying patient or registered designated caregiver, or documentation that is deemed a registry identification card pursuant to §§ 34-20G-29 to 34-20G-42, inclusive; and
- (23) "Written certification," a document dated and signed by a practitioner, stating that in the practitioner's professional opinion the patient is likely to receive therapeutic or palliative benefit from the medical use of cannabis to treat or alleviate the patient's debilitating medical condition or symptom associated with the debilitating medical condition. This document shall affirm that it is made in the course of a bona fide practitioner-patient relationship and shall specify the qualifying patient's debilitating medical condition.

Section 2. That § 34-20G-88 be AMENDED:

34-20G-88. Data kept or maintained by the department may be disclosed solely for:

- (1) The verification of a registration certificate or registry identification card pursuant to this chapter;
- (2) Submission of the annual report required by this chapter;
- (3) Notification of state or local law enforcement of an apparent criminal violation of this chapter;
- (4) Notification of state and local law enforcement about falsified or fraudulent information submitted for the purpose of obtaining or renewing a registry

identification card; or

- (5) Notification of the ~~South Dakota Board of Medical and Osteopathic Examiners~~ applicable licensing board if there is reason to believe that a practitioner provided a written certification and the department has reason to believe the practitioner otherwise violated the standard of care for evaluating a medical condition.

Signed March 18, 2022

Chapter 121
(Senate Bill 15)

An Act to revise provisions providing that certain professions are not subject to discipline for certain conduct relating to medical cannabis.

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

Section 1. That § 34-20G-6 be AMENDED:

34-20G-6. ~~No attorney person licensed by the state or any other governmental entity to engage in any profession, occupation, or other activity is subject to disciplinary action by the State Bar of South Dakota or other professional licensing association for providing legal assistance to a prospective or registered medical cannabis establishment or other related to, denial of the rights and privileges of such license, or otherwise penalized by the licensing authority for lawfully engaging in any activity authorized under this chapter or providing any service to a person engaged in activity that is not subject to criminal penalties under law of this state authorized by this chapter merely because that activity is prohibited by federal law.~~

Signed March 7, 2022

Chapter 122
(Senate Bill 6)

An Act to revise provisions related to prohibited conduct by schools and landlords related to medical cannabis.

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

Section 1. That § 34-20G-19 be AMENDED:

34-20G-19. ~~No school or landlord may refuse to enroll or lease to and may not otherwise penalize a person~~ A cardholder may not be refused enrollment by a school or a lease by a landlord, or otherwise be penalized by a school or landlord solely for the person's status as a cardholder, unless failing to do so would violate federal law or regulations or cause the school or landlord to lose a monetary

or licensing-related benefit under federal law or regulation. This section does not prevent a landlord from imposing reasonable restrictions on the medical use of cannabis by a cardholder who resides at the landlord's property.

Signed March 7, 2022

**Chapter 123
(Senate Bill 7)**

**An Act to revise provisions related to custody and visitation rights by
medical cannabis cardholders.**

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

Section 1. That § 34-20G-21 be AMENDED:

34-20G-21. No person may be denied custody of, ~~or visitation rights with,~~ or parenting time with a minor solely ~~for because the person's status as person is a cardholder, and there.~~ There is no presumption of neglect or child endangerment for conduct allowed under this chapter, unless the person's behavior creates an unreasonable danger to the safety of the minor ~~as established by clear and convincing evidence.~~ Nothing in this chapter supersedes or otherwise affects custody decisions, visitation rights, or parenting time based upon the best interests of the child.

Signed March 7, 2022

**Chapter 124
(Senate Bill 17)**

**An Act to revise provisions regarding cost reimbursement associated with
medical cannabis.**

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

Section 1. That § 34-20G-27 be AMENDED:

34-20G-27. Nothing in this chapter requires:

- (1) A government medical assistance program or private health insurer, workers' compensation insurance carrier, or self-insured employer providing workers' compensation benefits, to reimburse a person for costs associated with the medical use of cannabis;
- (2) Any person or establishment in lawful possession of property to allow a guest, client, customer, or other visitor to smoke cannabis on or in that property; or
- (3) A landlord to allow the cultivation of cannabis on the rental property.

Signed March 7, 2022

**Chapter 125
(House Bill 1097)**

An Act to clarify conduct that is not required related to medical cannabis.

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

Section 1. That § 34-20G-27 be AMENDED:

34-20G-27. Nothing in this chapter requires:

- (1) A government medical assistance program or private insurer to reimburse a person for costs associated with the medical use of cannabis;
- (2) Any person or establishment in lawful possession of property to allow a guest, client, customer, or other visitor to smoke or vape cannabis on or in that property; ~~or~~
- (3) A landlord to allow the cultivation of cannabis on the rental property; ~~or~~
- (4) A state or local government to allow any conduct otherwise permitted by this chapter within a building owned, leased, or occupied by the state or local government.

Signed March 3, 2022

**Chapter 126
(Senate Bill 27)**

An Act to revise the provisions regarding the denial or nonrenewal of a patient registry identification card.

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

Section 1. That § 34-20G-34 be AMENDED:

34-20G-34. The department may deny an application or renewal of a qualifying patient’s registry identification card only if the applicant:

- (1) Does not provide the required information, fee, or materials;
- (2) Does not meet the requirement to obtain a registry identification card as defined in § 34-20G-1;
- (3) ~~_____~~ Previously had a registry identification card revoked; or
- ~~(3)~~(4) Provided false information.

Signed March 8, 2022

Chapter 127
(Senate Bill 21)

An Act to revise provisions related to the revocation of a medical cannabis registry identification card.

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

Section 1. That § 34-20G-36 be AMENDED:

34-20G-36. The department shall give written notice to the qualifying patient of the reason for ~~denying~~:

- (1) ~~Denying a registry identification card to the qualifying patient or to the qualifying patient's designated caregiver; or~~
- (2) ~~Revoking the registry identification card of the qualifying patient or the qualifying patient's designated caregiver.~~

Section 2. That § 34-20G-85 be AMENDED:

34-20G-85. Revocation under § 34-20G-80, 34-20G-83, or 34-20G-84 is a final decision of the department subject to judicial review.

Signed March 18, 2022

Chapter 128
(Senate Bill 13)

An Act to repeal provisions permitting certain documents to serve as temporary registry identification cards for medical cannabis.

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

Section 1. That § 34-20G-38 be REPEALED:

~~Until a qualifying patient who has submitted an application and the required fee to the department receives a registry identification card or a denial, a copy of the patient's application, written certification, and proof that the application was submitted to the department is deemed a registry identification card.~~

Section 2. That § 34-20G-39 be REPEALED:

~~Until a designated caregiver whose qualifying patient has submitted an application and the required fee receives a registry identification card or a denial, a copy of the qualifying patient's application, written certification, and proof that the application was submitted to the department is deemed a registry identification card.~~

Section 3. That § 34-20G-40 be REPEALED:

~~Until twenty five days after the department makes applications available, a valid, written certification issued within the previous year shall be deemed a registry identification card for a qualifying patient.~~

Section 4. That § 34-20G-41 be REPEALED:

~~Until twenty five days after the department makes applications available, the following is considered a designated caregiver registry identification card:~~

- ~~(1) A copy of a qualifying patient's valid written certification issued within the previous year; and~~
- ~~(2) A signed affidavit attesting that the person has significant responsibility for managing the well being of the patient and that the person has been chosen to assist the qualifying patient.~~

Signed February 17, 2022

**Chapter 129
(Senate Bill 14)**

An Act to revise provisions related to the confidential list of medical cannabis cardholders maintained by the Department of Health.

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

Section 1. That § 34-20G-44 be AMENDED:

~~**34-20G-44.** The department shall maintain a confidential list of any person to whom the department has issued a registry identification card and the addresses, phone number, and registry identification number of each person.:~~

- ~~(a) The name, address, phone number, and registry identification card number of each person to whom the department has issued a registry identification card; and~~
- ~~(b) The name, address, and phone number of a registered qualifying patient's parent or legal guardian if the patient is under age eighteen.~~

~~The list may not be combined or linked in any manner with any other list or database, nor may it be used for any purpose not provided for in this chapter.~~

Signed March 8, 2022

**Chapter 130
(Senate Bill 190)**

An Act to revise provisions regarding municipal zoning of medical cannabis establishments.

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

Section 1. That chapter 34-20G be amended with a NEW SECTION:

For purposes of this chapter, any municipality that has not enacted a zoning ordinance pursuant to title 11 governing the location of medical cannabis establishments may enact an ordinance to regulate the place of operation of any cannabis-related establishment under this section.

A municipality may prohibit the location of a medical cannabis establishment in an area in a sensitive land use area and may establish reasonable setbacks. For purposes of this section, a sensitive land use area includes churches, schools, day cares, public service and recreation facilities, places frequented by people under age twenty-one, and parks.

A municipality may require a minimum distance between cannabis-related establishments.

Signed March 3, 2022

**Chapter 131
(Senate Bill 118)**

An Act to establish provisions related to the testing of medical cannabis.

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

Section 1. That chapter 34-20G be amended with a NEW SECTION:

A sample of cannabis or cannabis products submitted to a testing facility must be collected by a designated representative of the testing facility. Testing is only required for cannabis and cannabis products intended for retail sale to a cardholder or nonresident cardholder.

Section 2. That § 34-20G-72 be AMENDED:

~~34-20G-72. Not later than October 29, 2021, the~~The department shall promulgate rules pursuant to chapter 1-26:

- (1) Governing the manner in which the department shall consider petitions from the public to add a debilitating medical condition or treatment to the list of debilitating medical conditions as defined by this chapter, including public notice of and an opportunity to comment in public hearings on the petitions;
- (2) Establishing the form and content of registration and renewal applications submitted under this chapter;
- (3) Establishing a system to numerically score competing medical cannabis establishment applicants, in cases where more applicants apply than are allowed by the local government, that includes analysis of:
 - (a) The preference of the local government;
 - (b) In the case of dispensaries, the suitability of the proposed location and its accessibility for patients;
 - (c) The character, veracity, background, qualifications, and relevant experience of principal officers and board members; and
 - (d) The business plan proposed by the applicant, that in the case of

a cultivation facility or dispensary shall include the ability to maintain an adequate supply of cannabis, plans to ensure safety and security of patrons and the community, procedures to be used to prevent diversion, and any plan for making cannabis available to low-income registered qualifying patients;

- (4) Governing the manner in which the department shall consider applications for and renewals of registry identification cards, that may include creating a standardized written certification form;
- (5) Governing medical cannabis establishments to ensure the health and safety of qualifying patients and prevent diversion and theft without imposing an undue burden or compromising the confidentiality of a cardholder, including:
 - (a) Oversight requirements;
 - (b) Record-keeping requirements;
 - (c) Security requirements, including lighting, physical security, and alarm requirements;
 - (d) Health and safety regulations, including restrictions on the use of pesticides that are injurious to human health;
 - (e) Standards for the manufacture of cannabis products and both the indoor and outdoor cultivation of cannabis by a cultivation facility;
 - (f) Requirements for the transportation and storage of cannabis by a medical cannabis establishment;
 - (g) Employment and training requirements, including requiring that each medical cannabis establishment create an identification badge for each agent;
 - (h) Standards for the safe manufacture of cannabis products, including extracts and concentrates;
 - (i) Restrictions on the advertising, signage, and display of medical cannabis, provided that the restrictions may not prevent appropriate signs on the property of a dispensary, listings in business directories including phone books, listings in marijuana-related or medical publications, or the sponsorship of health or not-for-profit charity or advocacy events;
 - (j) Requirements and procedures for the safe and accurate packaging and labeling of medical cannabis; ~~and~~
 - (k) Certification standards for testing facilities, including requirements for equipment and qualifications for personnel; and
 - (l) Requirements for samples of cannabis and cannabis products submitted to testing facilities, including batch sizes to not exceed fifty pounds of cannabis intended for retail sale, batch sizes for homogenous cannabis products intended for retail sale, and procedures to ensure representative sampling;
- (6) Establishing procedures for suspending or terminating the registration certificates or registry identification cards of cardholders and medical cannabis establishments that commit multiple or serious violations of this chapter;
- (7) Establishing labeling requirements for cannabis and cannabis products, including requiring cannabis product labels to include the following:

- (a) The length of time it typically takes for a product to take effect;
 - (b) Disclosing ingredients and possible allergens;
 - (c) A nutritional fact panel; and
 - (d) Requiring that edible cannabis products be clearly identifiable, when practicable, with a standard symbol indicating that it contains cannabis;
- (8) Establishing procedures for the registration of nonresident cardholders and the cardholder's designation of no more than two dispensaries, which shall require the submission of:
- (a) A practitioner's statement confirming that the patient has a debilitating medical condition; and
 - (b) Documentation demonstrating that the nonresident cardholder is allowed to possess cannabis or cannabis preparations in the jurisdiction where the nonresident cardholder resides;
- (9) Establishing the amount of cannabis products, including the amount of concentrated cannabis, each cardholder and nonresident cardholder may possess; and
- (10) Establishing reasonable application and renewal fees for registry identification cards and registration certificates, according to the following:
- (a) Application fees for medical cannabis establishments may not exceed five thousand dollars, with this upper limit adjusted annually for inflation;
 - (b) The total fees collected shall generate revenues sufficient to offset all expenses of implementing and administering this chapter;
 - (c) A sliding scale of patient application and renewal fees based upon a qualifying patient's household income;
 - (d) The fees charged to qualifying patients, nonresident cardholders, and caregivers shall be no greater than the costs of processing the application and issuing a registry identification card or registration; and
 - (e) The department may accept donations from private sources to reduce application and renewal fees.

A violation of a required or prohibited action under any rule authorized by this section is a Class 2 misdemeanor.

Signed March 18, 2022

Chapter 132
(Senate Bill 10)

**An Act to revise provisions related to verifications required prior to receiving
medical cannabis.**

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

Section 1. That § 34-20G-70 be AMENDED:

34-20G-70. Before cannabis may be dispensed to a cardholder or nonresident cardholder, a dispensary agent:

- (1) Shall ~~make a diligent effort to~~ verify that the registry identification card or registration presented to the dispensary is valid;
- (2) Shall ~~make a diligent effort to verify that the person presenting the documentation is the person identified on the document presented to the dispensary agent~~ identity of the person by requiring the person to present a valid photographic identification document issued by this state, another state, tribe, or the federal government;
- (3) May not dispense an amount of cannabis to a person that would cause the person to possess more than the allowable amount of cannabis; and
- (4) Shall ~~make a diligent effort to~~ verify that the dispensary is the current dispensary that was designated by the cardholder or nonresident cardholder.

Signed February 23, 2022

Chapter 133
(Senate Bill 18)

An Act to revise rulemaking authority related to medical cannabis.

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

Section 1. That § 34-20G-72 be AMENDED:

34-20G-72. ~~Not later than October 29, 2021, the~~ The department shall promulgate rules pursuant to chapter 1-26:

- (1) Governing the manner in which the department shall consider petitions from the public to add a debilitating medical condition or treatment to the list of debilitating medical conditions as defined by this chapter, including public notice of and an opportunity to comment in public hearings on the petitions;
- (2) Establishing the form and content of registration and renewal applications submitted under this chapter;
- (3) Establishing a system to numerically score competing medical cannabis establishment applicants, in cases where more applicants apply than are allowed by the local government, that includes analysis of:
 - (a) The preference of the local government;
 - (b) In the case of dispensaries, the suitability of the proposed location and its accessibility for patients;
 - (c) The character, veracity, background, qualifications, and relevant experience of principal officers and board members; and
 - (d) The business plan proposed by the applicant, that in the case of a cultivation facility or dispensary shall include the ability to maintain an adequate supply of cannabis, plans to ensure safety

- and security of patrons and the community, procedures to be used to prevent diversion, and any plan for making cannabis available to low-income registered qualifying patients;
- (4) Governing the manner in which the department shall consider applications for and renewals of registry identification cards, that may include creating a standardized written certification form;
 - (5) Governing medical cannabis establishments to ensure the health and safety of qualifying patients and prevent diversion and theft without imposing an undue burden or compromising the confidentiality of a cardholder, including:
 - (a) Oversight requirements;
 - (b) Record-keeping requirements;
 - (c) Security requirements, including lighting, physical security, and alarm requirements;
 - (d) Health and safety regulations, including restrictions on the use of pesticides that are injurious to human health;
 - (e) Standards for the manufacture of cannabis products and both the indoor and outdoor cultivation of cannabis by a cultivation facility;
 - (f) Requirements for the transportation and storage of cannabis by a medical cannabis establishment;
 - (g) Employment and training requirements, including requiring that each medical cannabis establishment create an identification badge for each agent;
 - (h) Standards for the safe manufacture of cannabis products, including extracts and concentrates;
 - (i) Restrictions on the advertising, signage, and display of medical cannabis, provided that the restrictions may not prevent appropriate signs on the property of a dispensary, listings in business directories including phone books, listings in marijuana-related or medical publications, or the sponsorship of health or not-for-profit charity or advocacy events;
 - (j) Requirements and procedures for the safe and accurate packaging, ~~and~~ labeling, distribution, and tracking of medical cannabis; and
 - (k) Certification standards for testing facilities, including requirements for equipment and qualifications for personnel;
 - (6) Establishing procedures for suspending or terminating the registration certificates or registry identification cards of cardholders and medical cannabis establishments that commit multiple or serious violations of this chapter;
 - (7) Establishing labeling requirements for cannabis and cannabis products, including requiring cannabis product labels to include the following:
 - (a) The length of time it typically takes for a product to take effect;
 - (b) Disclosing ingredients and possible allergens;
 - (c) A nutritional fact panel; and
 - (d) Requiring that edible cannabis products be clearly identifiable,

- when practicable, with a standard symbol indicating that it contains cannabis;
- (8) Establishing procedures for the registration of nonresident cardholders and the cardholder's designation of no more than two dispensaries, which shall require the submission of:
 - (a) A practitioner's statement confirming that the patient has a debilitating medical condition; and
 - (b) Documentation demonstrating that the nonresident cardholder is allowed to possess cannabis or cannabis preparations in the jurisdiction where the nonresident cardholder resides;
 - (9) Establishing the amount of cannabis products, including the amount of concentrated cannabis, each cardholder and nonresident cardholder may possess; and
 - (10) Establishing reasonable application and renewal fees for registry identification cards and registration certificates, according to the following:
 - (a) Application fees for medical cannabis establishments may not exceed five thousand dollars, with this upper limit adjusted annually for inflation;
 - (b) The total fees collected shall generate revenues sufficient to offset all expenses of implementing and administering this chapter;
 - (c) A sliding scale of patient application and renewal fees based upon a qualifying patient's household income;
 - (d) The fees charged to qualifying patients, nonresident cardholders, and caregivers shall be no greater than the costs of processing the application and issuing a registry identification card or registration; and
 - (e) The department may accept donations from private sources to reduce application and renewal fees.

A violation of a required or prohibited action under any rule authorized by this section is a Class 2 misdemeanor.

Signed February 17, 2022

Chapter 134
(House Bill 1056)

**An Act to revise provisions related to medical cannabis data maintained by
the Department of Health.**

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

Section 1. That § 34-20G-86 be AMENDED:

34-20G-86. Data in a registration application and supporting data submitted by a qualifying patient, designated caregiver, nonresident cardholder or medical cannabis establishment, including data on designated caregiver or

practitioner, ~~is private data that is confidential~~ not a public record open to public access, inspection, or copying under chapter 1-27. All other public records concerning registered medical cannabis establishments are governed by chapter 1-27.

Section 2. That § 34-20G-88 be AMENDED:

34-20G-88. ~~Data Confidential data or data that is not a public record~~ kept or maintained by the department may only be disclosed ~~solely for as necessary to:~~

- (1) ~~The verification of~~ Verify a registration certificate or registry identification card pursuant to this chapter;
- (2) ~~Submission of the annual report required by this chapter;~~
- (3) ~~Notification of state or local~~ Notify law enforcement of an apparent criminal violation of this chapter or respond to law enforcement or prosecutorial officials engaged in the investigation or enforcement of the criminal provisions of this chapter;
- ~~(4)(3)~~ Notify state and local law enforcement about falsified or fraudulent information submitted for the purpose of obtaining or renewing a registry identification card; ~~or~~
- ~~(5)(4)~~ Notify the South Dakota Board of Medical and Osteopathic Examiners if there is reason to believe that a practitioner provided a written certification and the department has reason to believe the practitioner otherwise violated the standard of care for evaluating a medical condition; or respond to the board, if the board is seeking data relevant to an investigation of a person who holds a license issued by the board;
- ~~(5)~~ Any judicial authority under grand jury subpoena or court order or equivalent judicial process for investigation of criminal, civil, or administrative violations related to the use of medical cannabis;
- ~~(6)~~ An authorized employee of the department performing official duties associated with the medical cannabis program; or
- ~~(7)~~ A practitioner to determine if a person in the practitioner's care engages in the medical use of cannabis so the practitioner may assess possible drug interactions or assess other medically necessary concerns.

Signed February 17, 2022

Chapter 135
(Senate Bill 22)

An Act to revise a reference to the Division of Criminal Investigation.

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

Section 1. That § 34-20G-92 be AMENDED:

34-20G-92. The Executive Board of the Legislative Research Council shall appoint an oversight committee comprised of: one member of the House of Representatives, one member of the Senate, one ~~Department~~ Division of Criminal Investigation agent, one staff member from the Office of the Attorney General,

two representatives of law enforcement, one representative from the department, one practitioner with experience in medical cannabis issues, one nurse, one board member or principal officer of a cannabis testing facility, one person with experience in policy development or implementation in the field of medical cannabis, and three qualifying patients.

Signed March 15, 2022

Chapter 136
(Senate Bill 12)

An Act to revise the annual report on medical cannabis by the Department of Health to the Legislature.

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

Section 1. That § 34-20G-94 be AMENDED:

34-20G-94. The department shall report annually to the Legislature on the number of applications for registry identification cards received; the number of qualifying patients and designated caregivers approved; the number of registry identification cards revoked; the number of each type of medical cannabis establishment registered; ~~and the expenses incurred and revenues generated from the medical cannabis program; the number of patient cardholders by medical condition; qualifying patient demographics by age and sex; the number and specialty of the practitioners providing written certifications; the number of medical cannabis establishments by type; the number of licensing violations determined by the department; the impact of medical cannabis on public safety, public health, and behavioral health services; any other information regarding the effects of medical cannabis on the public; and any recommendations.~~ The department may not include identifying information on a qualifying patient, designated caregiver, or practitioner in the report.

Section 2. That § 34-20G-94, as amended by section 1 of this Act, is repealed on June 30, 2025.

Section 3. That § 34-20G-88 be AMENDED:

34-20G-88. Data kept or maintained by the department may be disclosed solely for:

- (1) The verification of a registration certificate or registry identification card pursuant to this chapter;
- (2) ~~Submission of the annual report required by this chapter;~~
- ~~(3)~~ Notification of state or local law enforcement of an apparent criminal violation of this chapter;
- ~~(4)~~(3) Notification of state and local law enforcement about falsified or fraudulent information submitted for the purpose of obtaining or renewing a registry identification card; or
- ~~(5)~~(4) Notification of the South Dakota Board of Medical and Osteopathic Examiners if there is reason to believe that a practitioner provided a written certification and the department has reason to believe the

practitioner otherwise violated the standard of care for evaluating a medical condition.

Section 4. That the amendment to § 34-20G-88 in section 3 of this Act is effective June 30, 2025.

Signed March 8, 2022

Chapter 137
(House Bill 1086)

An Act to provide for the redistribution of donated prescription drugs and medical supplies.

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

Section 1. That a NEW SECTION be added:

Terms used in this Act mean:

- (1) "Medical supply," any product necessary to administer a prescription drug; and
- (2) "Participating pharmacy," a pharmacy that:
 - (a) Is licensed pursuant to chapter 36-11; and
 - (b) Has provided written notice to the State Board of Pharmacy regarding its intent to accept donated prescription drugs and medical supplies, in accordance with sections 2 through 6, inclusive, of this Act.

Section 2. That a NEW SECTION be added to title 34:

Except as otherwise provided in this section, a participating pharmacy may accept a donation of prescriptions drugs and medical supplies if:

- (1) The drugs and medical supplies are in the original, sealed, and tamper-evident packaging, unless the drugs are in single-unit-dose packaging and the single-unit-dose packaging is unopened; and
- (2) The expiration date is at least six months after the date of donation, unless the State Board of Pharmacy has determined that the drug or medical supply is in high demand and dispensable before the expiration date.

A participating pharmacy may not accept the donation of any controlled substance or any drug that has physical signs of tampering, misbranding, deterioration, compromised integrity, or adulteration.

A participating pharmacy may not accept the donation of or distribute any drug subject to the requirements of 21 U.S.C. 355-1(f)(3), as of January 1, 2022.

Section 3. That a NEW SECTION be added to title 34:

A donated drug or medical supply may not be dispensed until a pharmacist, holding a permit issued in accordance with § 36-11-32, has inspected the drug or medical supply and repackaged it, as necessary, for dispensing.

Section 4. That a NEW SECTION be added to title 34:

A participating pharmacy shall:

- (1) Comply with all applicable federal and state laws regarding the storage and dispensing of any donated drugs and medical supplies;
- (2) Accept a prescription transferred pursuant to rules promulgated in accordance with chapter 1-26 by the State Board of Pharmacy; and
- (3) Agree to transfer any donated prescription drug or medical supply in the pharmacy's inventory to another licensed pharmacy, for use by a person who meets the eligibility criteria in accordance with section 7 of this Act.

Section 5. That a NEW SECTION be added to title 34:

A drug or medical supply that has been donated may not be resold or considered eligible for reimbursement under the medical assistance program, as set forth in chapter 28-6.

Nothing in this section requires a health plan or pharmacy benefit manager to be reimbursed for donated drugs or medical supplies.

Section 6. That a NEW SECTION be added to title 34:

A participating pharmacy may charge a fee, in an amount established by the State Board of Pharmacy, for accepting, distributing, or dispensing donated prescription drugs and medical supplies.

Section 7. That a NEW SECTION be added to title 34:

The State Board of Pharmacy shall promulgate rules, in accordance with chapter 1-26, to:

- (1) Establish eligibility criteria for persons to receive donated drugs and medical supplies, provided the criteria:
 - (a) Prioritize persons who are indigent or without insurance coverage; and
 - (b) Permit dispensing to other persons, if the supply of a donated drug or supply exceeds demand;
- (2) Establish standards and procedures for the acceptance, storage, and dispensing of donated prescription drugs and medical supplies;
- (3) Establish standards and procedures for the inspection of donated prescription drugs and medical supplies;
- (4) Establish the fee that a participating pharmacy may charge for accepting, distributing, and dispensing donated prescription drugs and medical supplies, provided the fee does not exceed the reasonable cost incurred by the pharmacy; and
- (5) Develop and make available any forms necessary for the donation, acceptance, and dispensing of donated drugs and medical supplies.

Section 8. That a NEW SECTION be added to title 34:

A drug manufacturer, acting reasonably and in good faith, is not subject to criminal prosecution, or civil liability, for the death of or injury to a person, or for damage to or destruction of property, resulting from any donation, acceptance, or dispensing of a prescription drug under sections 2 through 6, inclusive, of this

Act, nor for any failure to transfer or communicate product information.

Any person, other than a drug manufacturer referenced in this section, acting reasonably and in good faith, is not subject to:

- (1) Criminal prosecution or civil liability, for:
 - (a) The death of, or injury to another person who received a donated prescription drug or medical supply under sections 2 through 6, inclusive, of this Act;
 - (b) Damage to or destruction of property resulting from the donation of a prescription drug or medical supply under sections 2 through 6, inclusive, of this Act; or
- (2) Disciplinary action for any act or omission related to the donation, acceptance, distribution, or dispensing of a donated prescription or medical supply, in accordance with sections 2 through 6, inclusive, of this Act.

Section 9. That a NEW SECTION be added to title 34:

The State Board of Pharmacy shall develop and maintain, for use by prescribers and pharmacists, an electronic database that provides a searchable inventory of prescription drugs and medical supplies donated under this Act.

The board shall post a current list of participating pharmacies on the board's website.

Signed March 9, 2022

ENVIRONMENTAL PROTECTION

Chapter 138 (House Bill 1046)

An Act to revise the disposal fee for large-scale solid waste disposal facilities operated by political subdivisions.

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

Section 1. That § 34A-6-1.17 be AMENDED:

34A-6-1.17. Because of the additional environmental risks attending large-scale solid waste disposal facilities, a solid waste disposal fee of three dollars per ton or part thereof is hereby levied and imposed upon the disposal of solid waste, other than mine wastes, at any solid waste disposal facility in this state, permitted for more than two hundred fifty thousand tons of solid waste per annum. The fee imposed by this section ~~shall be~~ is in addition to all other fees and taxes levied by law and ~~shall must~~ be added to and constitute part of any other fee charged by the operator or owner of the solid waste disposal facility. Neither this fee nor any fees authorized by § 34A-6-1.38 may be imposed upon the disposal of waste by the state ~~or any of its institutions~~. In the case of any solid waste disposal facility that receives solid waste only from entities that have implemented a solid

waste source reduction and recycling program, the fees provided for in this section ~~shall only be~~ are required if the facility receives more than two hundred fifty thousand tons of solid waste per year. Solid waste disposal facilities owned or operated by political subdivisions are exempt from this section.

~~The owner of the solid waste disposal facility shall pay the disposal fee herein imposed shall be paid by the owner of the solid waste disposal facility and remitted to the state treasury.~~ The obligation of the owner to pay the fee accrues at the time solid waste is disposed of at a solid waste facility. The fee imposed by this section ~~shall be~~ is due and payable on or before the fifteenth day of the month next succeeding the month in which the fee accrued, together with a return on such form or forms as may be prescribed by the secretary of revenue. Each owner of a facility who is required to pay the fee imposed by this section shall keep complete and accurate records in such form as the board or the secretary of revenue, by rule promulgated pursuant to chapter 1-26, may require.

Fees collected under this section ~~shall must~~ be deposited in the South Dakota environment and water resources trust fund established pursuant to § 46A-1-82.

Signed February 9, 2022

**Chapter 139
(House Bill 1174)**

An Act to revise requirements for sales of catalytic converters to scrap metal businesses.

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

Section 1. That § 34A-6-108 be AMENDED:

34A-6-108. Terms used in this section and §§ 34A-6-109 to 34A-6-112, inclusive, mean:

- (1) "Industrial or commercial account," any person or business, including a scrap metal business, operating from a fixed location, that sells nonferrous metal to a scrap metal recycler pursuant to a contractual arrangement or agreement;
- (2) "Law enforcement officer," any law enforcement officer as defined in § 23-3-7;
- (3) "Nonferrous metal property," any metal property for which the value of the metal property is derived from the property's content of copper, brass, aluminum, bronze, lead, zinc, platinum, rhodium, palladium, or nickel, or any of their alloys, including detached catalytic converters. Aluminum does not include any food or beverage containers, except for a beer keg;
- (4) "Record," a paper, electronic, or other method of storing information;
- (5) "Scrap metal business," any scrap metal supplier, scrap metal recycling center, or scrap metal processor;
- (6) "Transaction," a pledge to buy, the purchase of, or the trade for any nonferrous metal property by a scrap metal business from any person. A transaction does not include a sale or trade involving any industrial or commercial account.

Section 2. That § 34A-6-109 be AMENDED:

34A-6-109. Each scrap metal business shall keep records of each transaction involving the purchase of nonferrous metal property that exceeds one hundred dollars, provided that records of any transaction involving a detached catalytic converter must be kept regardless of purchase price. The scrap metal business shall be able to produce an accurate and legible record of each transaction involving nonferrous metal property at the location where the scrap metal is purchased. The records shall contain the following:

- (1) Date, location, and value of the transaction;
- (2) Signature of the person selling the nonferrous metal property;
- (3) Name, street address, city, and state of the seller;
- (4) Photocopy of the seller's current driver license or other government issued picture identification card;
- (5) A description of the predominant types of nonferrous metal property involved in the transaction, including the weight, quantity, or volume of the scrap nonferrous metal; and
- (6) Name of the employee representing the scrap metal business in the transaction.

Section 3. That chapter 34A-6 be amended with a NEW SECTION:

Only a scrap metal business with a valid state sales tax license may purchase a detached catalytic converter.

A person may not purchase, trade for, or pledge to buy a detached catalytic converter, or offer or advertise to purchase, trade for, or pledge to buy a detached catalytic converter, unless the person follows the requirements under §§ 34A-6-108 to 34A-6-112, inclusive.

Signed March 15, 2022

ALCOHOLIC BEVERAGES

Chapter 140
(Senate Bill 188)

An Act to allow for unlicensed businesses to store alcoholic beverages.

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

Section 1. That chapter 35-1 be amended with a NEW SECTION:

Any person not licensed under this title may store alcoholic beverages for a fee for any other person not licensed under this title.

Signed March 18, 2022

Chapter 141
(Senate Bill 156)

**An Act to revise certain provisions regarding census estimates for the
purposes of off-sale and on-sale liquor licenses.**

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

Section 1. That § 35-4-11 be AMENDED:

35-4-11. If not fixed by ordinance, the governing body of any municipality may, before the second of September in each year, by resolution, determine the number of on-sale and off-sale licenses that the body will approve for the ensuing calendar year, and the fees to be charged for the various classifications of licenses. The number of on-sale licenses issued pursuant to subdivision 35-4-2(4) may not exceed three each for the first one thousand of population or fraction thereof and may not exceed one each for each additional one thousand five hundred of population or fraction thereof. The number of licenses allowable may not be less than the total number of licenses allowable or issued as of July 1, 1981, and that have never been revoked or not reissued. The municipal governing body shall also establish the fee for on-sale licenses pursuant to subdivisions 35-4-2(4) and (13). The fee applies to all ~~such the~~ on-sale licenses issued in the ensuing calendar year.

For the purposes of this section, population is equal to ~~ninety percent of~~ 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 ~~which 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.

Section 2. That § 35-4-10 be AMENDED:

35-4-10. No more than two 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 one license 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 have never been revoked or not reissued.

For the purposes of this section, population is 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.

Signed March 16, 2022

Chapter 142
(Senate Bill 101)

An Act to revise provisions regarding the sale or service of alcoholic beverages by persons under the age of twenty-one.

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

Section 1. That § 35-4-79.4 be AMENDED:

35-4-79.4. Notwithstanding the provisions of § 35-4-79, any on-sale or off-sale licensee may permit persons eighteen years-~~old~~ or older to sell or serve alcoholic beverages if less than fifty percent of the gross business transacted by the establishment is from the sale of alcoholic beverages, or the licensee or an employee of the licensee that is at least twenty-one years of age is on the premises when the alcoholic beverage is sold or served. For the purposes of this section, the term, to sell or serve alcoholic beverages, ~~does not include~~ includes tending bar or drawing, pouring, or mixing alcoholic beverages. Any person tending bar or drawing, pouring, or mixing alcoholic beverages pursuant to this section must be certified by a nationally recognized alcohol management program.

A violation of this section is a Class 2 misdemeanor.

Signed March 7, 2022

PROFESSIONS AND OCCUPATIONS

Chapter 143
(House Bill 1318)

An Act to prohibit medical abortion by telemedicine and to increase the penalty for the unlicensed practice of medicine when performing a medical abortion.

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

Section 1. That § 36-4-8 be AMENDED:

36-4-8. Any person who practices medicine, osteopathy, or any of the branches thereof without a license, certificate, or permit issued by the board is guilty of a Class 1 misdemeanor. Any person who practices medicine, osteopathy, or any of the branches thereof without a license, certificate, or permit issued by the board and prescribes medicine in order to induce a medical abortion, as defined by section 4 of this Act, is guilty of a Class 6 felony.

Section 2. That chapter 36-4 be amended with a NEW SECTION:

For the purpose of inducing a medical abortion, a pregnant mother may only take the medications Mifepristone or Misoprostol up to nine weeks after

conception. Mifepristone and Misoprostol must be prescribed and dispensed by a licensed physician in a licensed abortion facility consistent with chapter 34-23A and in compliance with the applicable requirements in chapter 36-4.

A pregnant mother may only be administered Mifepristone by the licensed physician who fully complied with all the provisions of § 34-23A-56, and first obtains, from the pregnant mother, all information required by § 34-23A-57 and her informed consent. A different physician may administer Mifepristone and take a signed consent from the pregnant mother only if expressly authorized pursuant to § 34-23A-57.

After taking Mifepristone and undergoing an observation period in the abortion facility, the pregnant mother may return home.

Between twenty-four and seventy-two hours after taking Mifepristone, if the pregnant mother decides to continue with the medical abortion, the pregnant mother must return to the licensed abortion facility to receive the proper amount of Misoprostol. A licensed physician shall dispense the Misoprostol to the pregnant mother in the same manner as required for Mifepristone under this section.

Neither Mifepristone nor Misoprostol may be dispensed for the purpose of inducing a medical abortion in any manner contrary to this section.

The abortion facility staff shall monitor the pregnant mother for complications for a medically necessary period following each administration of the abortion-inducing medications.

The abortion facility staff shall schedule a follow-up appointment with the pregnant mother to return to the abortion facility on the fourteenth day after taking the medication to confirm that the fetus, placenta, and membranes have been fully expelled.

Section 3. That § 34-23A-34 be AMENDED:

34-23A-34. The Department of Health shall prepare a reporting form for physicians which shall provide for the collection of the following information:

- (1) The month, day, and year of the induced abortion;
- (2) The method of abortion used for each induced abortion;
- (3) The approximate gestational age, in weeks, of the unborn child involved in the abortion;
- (4) The age of the mother at the time of the abortion and, if the mother was younger than sixteen years of age at the time the child was conceived, the age of the father, if known;
- (5) The specific reason for the induced abortion, including the following:
 - (a) The pregnancy was a result of rape;
 - (b) The pregnancy was a result of incest;
 - (c) The mother could not afford the child;
 - (d) The mother did not desire to have the child;
 - (e) The mother's emotional health was at risk;
 - (f) The mother would suffer substantial and irreversible impairment of a major bodily function if the pregnancy continued;
 - (g) Other, which shall be specified;

- (6) Whether the induced abortion was paid for by:
 - (a) Private insurance;
 - (b) Public health plan;
 - (c) Other, which shall be specified;
- (7) Whether coverage was under:
 - (a) A-fee-for-service insurance company;
 - (b) A managed care company; or
 - (c) Other, which shall be specified;
- (8) A description of the complications, if any, for each abortion and for the aftermath of each abortion;
- (9) The fee collected for performing or treating the abortion;
- (10) The type of anesthetic, if any, used for each induced abortion;
- (11) The method used to dispose of fetal tissue and remains;
- (12) The specialty area of the physician;
- (13) Whether the physician performing the induced abortion has been subject to license revocation or suspension or other professional sanction;
- (14) The number of previous abortions the mother has had;
- (15) The number of previous live births of the mother, including both living and deceased;
- (16) The date last normal menses began for the mother;
- (17) The name of physician performing the induced abortion;
- (18) The name of hospital or physician office where the induced abortion was performed;
- (19) A unique patient number that can be used to link the report to medical report for inspection, clarification, and correction purposes but that cannot, of itself, reasonably lead to the identification of any person obtaining an abortion;
- (20) Certain demographic information including:
 - (a) State, county, and city of occurrence of abortion;
 - (b) State, county, and city of residence of mother;
 - (c) Marital status of mother;
 - (d) Education status of mother;
 - (e) Race of mother;
- (21) Certain Rhesus factor (Rh) information including:
 - (a) Whether the mother received the Rh test;
 - (b) Whether the mother tested positive for the Rh-negative factor;
 - (c) Whether the mother received a Rho(D) immune globulin injection;
- (22) The sex of the unborn child and the following information:
 - (a) Whether the pregnant mother used a sex-determining test;

- (b) What type of sex-determining test the pregnant mother used; and
 - (c) The approximate gestational age of the unborn child, in weeks, when the test was taken;
- (23) The post-fertilization age of the unborn child and the following information:
- (a) How the post-fertilization age was determined or if a determination was not made, the basis of the determination that an exception existed;
 - (b) Whether an intra-fetal injection was used in an attempt to induce fetal demise;
 - (c) If the unborn child was deemed capable of experiencing pain, pursuant to § 34-23A-70, the basis of the determination that it is a medical emergency;
 - (d) If the unborn child was deemed capable of experiencing pain pursuant to § 34-23A-70, whether the method of the abortion used was that, in reasonable medical judgment, provided the best opportunity for the unborn child to survive and, if such a method was not used, the basis of the determination that termination of the pregnancy in that manner would pose a greater risk either of the death of the pregnant ~~woman~~-mother or of the substantial and irreversible physical impairment of a major bodily function, not including a psychological or emotional condition, of the ~~woman~~-mother than other available methods-;
- (24) The following information concerning the performance of a medical abortion:
- (a) Any complication that requires medical follow-up;
 - (b) The medical follow-up that was required resulting from any complication;
 - (c) The facility where the medical follow-up was performed; and
 - (d) If the pregnant mother was sex trafficked.

Section 4. Sections 2 and 3 of this Act are effective on the date there is no longer an injunction preventing enforcement of the procedures detailed in sections 2 and 3, provided no further appeal is pending or can be made.

Section 5. That chapter 36-4 be amended with a NEW SECTION:

For the purposes of this Act, the term, medical abortion, means a procedure that uses medication to intentionally terminate the life of a human being in the uterus, and does not mean a procedure for the management of a miscarriage.

Signed March 23, 2022

Chapter 144
(House Bill 1121)

**An Act to revise certain provisions related to advanced life support
personnel.**

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

Section 1. That § 36-4B-1 be AMENDED:

36-4B-1. Terms used in this chapter mean:

- (1) "Advanced life support," a level of ~~prehospital and interhospital~~ emergency care consisting of basic life support procedures and definitive therapy including the use of invasive procedures and may include the use of drugs and manual defibrillation;
- (2) "Advanced life support personnel," any person other than a physician who has completed a department and board approved program and is licensed as an emergency medical technician-intermediate/85; emergency medical technician-intermediate/99; emergency medical technician-advanced; or emergency medical technician-paramedic as set forth in this chapter, or its equivalent;
- (3) "Board," the South Dakota Board of Medical and Osteopathic Examiners;
- (4) "Department," the South Dakota State Department of Health;
- (5) "Direct medical control," communications between field personnel and a physician during an emergency run;
- (6) "Emergency medical services," health care provided to the patient ~~at the scene, during transportation to a medical facility, between medical facilities and upon entry at the medical facility~~ by advanced life support personnel licensed pursuant to this chapter;
- (7) "Emergency medical technician-advanced," any person who has successfully completed a program of study approved by the department and the board in all areas of training and skills set forth in the advanced emergency medical technician instructional guidelines and standards, including placement of esophageal and supraglottic airways, intravenous cannulation, shock management, administration of specific medications, and other advanced skills approved by the board, and who is licensed by the board to perform such advanced skills;
- (8) "Emergency medical technician/EMT," any person trained in emergency medical care in accordance with standards prescribed by rules and regulations promulgated pursuant to § 34-11-6, who provides emergency medical services, including automated external defibrillation under indirect medical control, in accordance with the person's level of training;
- (9) "Emergency medical technician-intermediate/85," any person who has successfully completed a department_ and board--approved program of instruction in basic life support and advanced life support skills in shock and fluid therapy, placement of esophageal airways, and other advanced life support skills approved by board action, and who is licensed by the board to perform such skills, including automated external defibrillation;

- (10) "Emergency medical technician-paramedic," any person who has successfully completed a program of study approved by the department and the board and is licensed as an emergency medical technician-paramedic, which includes all training and skills set forth herein for emergency medical technician-intermediate/85 and emergency medical technician-intermediate/99, and other advanced skills programs approved by board action, and who is licensed by the board to perform such intermediate, special, and advanced skills;
- (11) "Emergency medical technician-intermediate/99," any person who has successfully completed a department- and board-approved program of instruction in all areas of emergency medical technician-intermediate/85 curriculum plus other specific areas of emergency medical care in the following areas: manual and automated external defibrillation, telemetered electrocardiography, administration of cardiac drugs, administration of specific medications and solutions, use of adjunctive breathing devices, advanced trauma care, tracheotomy suction, esophageal airways and endotracheal intubation, intraosseous infusion, or other special skills programs approved by board action, and who is licensed by the board to perform intermediate skills plus such special skills;
- (12) "Epinephrine auto-injector," a spring-loaded needle and syringe with a single dose of epinephrine that will automatically release and inject the medicine, any similar automatic pre-filled cartridge injector, or any similar automatic injectable equipment;
- (13) "Good faith," honesty, in fact, in the conduct, or transaction concerned;
- (14) "Gross negligence," the intentional failure to perform a manifest duty in reckless disregard of the consequences as affecting the life or health of another;
- (15) "Hour of advanced life support studies," fifty minutes of training;
- (16) "Indirect medical control," the establishment and implementation of system policies and procedures, such as medical treatment protocols, quality assurance programs and case reviews by a physician licensed in South Dakota;
- (17) "Local government," any county, municipality, township, or village in this state;
- (18) "Medical community," the physicians and medical resources located and available within a geographic area;
- (19) "Medical emergency," an event affecting an individual in such a manner that a need for immediate medical care is created;
- (20) "Patient," an individual who, as a result of illness or injury, needs immediate medical attention, ~~whose physical or mental condition is such that the individual is in imminent danger of loss of life or significant health impairment, or who may be otherwise incapacitated or helpless as a result of a physical or mental condition;~~ and
- (21) "Prehospital care," those emergency medical services rendered to emergency patients in an out-of-hospital setting, administered for analytic, stabilizing, or preventive purposes, ~~precedent to and during transportation of such patients to emergency treatment facilities.~~

Section 2. That § 36-4B-15 be AMENDED:

36-4B-15. Advanced life support personnel shall be supervised by a physician who ~~will observe, direct, review~~ directs and reviews the work records and practice permitted by §§ 36-4B-16 and 36-4B-17, to ensure that the patient is given proper treatment.

Signed March 9, 2022

Chapter 145
(House Bill 1122)

An Act to require criminal background checks for emergency medical technicians and advanced life support personnel.

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

Section 1. That chapter 36-4B be amended with a NEW SECTION:

In addition to the requirements of § 36-4B-13, each applicant for licensure as an advanced life support personnel must submit to a state and federal criminal background check. The applicant must submit a full set of the applicant's fingerprints to the board in a form and manner prescribed by the board. The board shall submit the applicant's fingerprints to the Division of Criminal Investigation to conduct a criminal background check by the division and the Federal Bureau of Investigation. The applicant must sign a release of information to the board, and pay any fee charged for the cost of fingerprinting or conducting the background check.

Upon completion of the background check, the division shall deliver to the board all criminal history record information regarding the applicant, and the board shall consider this information in its determination to issue a license to the applicant. The board may not issue a license to an applicant before receiving this information. The board may only disseminate an applicant's information to a person on or employed by the board.

The board may require any licensee who is the subject of a disciplinary investigation to submit to a state and federal background check. The board may deny the issuance of, suspend, or revoke a license for failure to submit to or cooperate with a background check.

Section 2. That chapter 34-11 be amended with a NEW SECTION:

In addition to the requirements of § 34-11-6, each applicant for emergency medical technician certification must submit to a state and federal criminal background check. The applicant must submit a full set of the applicant's fingerprints to the department in a form and manner prescribed by the department. The department shall submit the applicant's fingerprints to the Division of Criminal Investigation to conduct a criminal background check by the division and the Federal Bureau of Investigation. The applicant must sign a release of information to the department, and pay any fee charged for the cost of fingerprinting or conducting the background check.

Upon completion of the background check, the division shall deliver to the department all criminal history record information regarding the applicant, and the

department shall consider this information in its determination to issue a certification to the applicant. The department may not issue a certification to an applicant before receiving this information. The department may only disseminate an applicant's information to a person employed by the department.

The department may require any certified emergency medical technician who is the subject of a disciplinary investigation to submit to a state and federal background check. The department may deny the issuance of, suspend, or revoke a certification for failure to submit to or cooperate with a background check.

Section 3. That § 36-4B-1 be AMENDED:

36-4B-1. Terms used in this chapter mean:

- (1) "Advanced life support," a level of prehospital and interhospital emergency care consisting of basic life support procedures and definitive therapy including the use of invasive procedures and may include the use of drugs and manual defibrillation;
- (2) "Advanced life support personnel," any person other than a physician who has completed a department and board approved program and is licensed or holds a privilege as an emergency medical technician-intermediate/85; emergency medical technician-intermediate/99; emergency medical technician-advanced; or emergency medical technician-paramedic as set forth in this chapter, or its equivalent;
- (3) "Board," the South Dakota Board of Medical and Osteopathic Examiners;
- (4) "Department," the South Dakota State Department of Health;
- (5) "Direct medical control," communications between field personnel and a physician during an emergency run;
- (6) "Emergency medical services," health care provided to the patient at the scene, during transportation to a medical facility, between medical facilities and upon entry at the medical facility;
- (7) "Emergency medical technician-advanced," any person who has successfully completed a program of study approved by the department and the board in all areas of training and skills set forth in the advanced emergency medical technician instructional guidelines and standards, including placement of esophageal and supraglottic airways, intravenous cannulation, shock management, administration of specific medications, and other advanced skills approved by the board, and who is licensed by the board to perform such advanced skills;
- (8) "Emergency medical technician/EMT," any person trained in emergency medical care in accordance with standards prescribed by rules and regulations promulgated pursuant to § 34-11-6, who provides emergency medical services, including automated external defibrillation under indirect medical control, in accordance with the person's level of training;
- (9) "Emergency medical technician-intermediate/85," any person who has successfully completed a department and board approved program of instruction in basic life support and advanced life support skills in shock and fluid therapy, placement of esophageal airways, and other advanced life support skills approved by board action, and who is licensed by the board to perform such skills, including automated external defibrillation;
- (10) "Emergency medical technician-paramedic," any person who has successfully completed a program of study approved by the department and the board and is licensed as an emergency medical technician-

paramedic, which includes all training and skills set forth herein for emergency medical technician-intermediate/85 and emergency medical technician-intermediate/99, and other advanced skills programs approved by board action, and who is licensed by the board to perform such intermediate, special, and advanced skills;

- (11) "Emergency medical technician-intermediate/99," any person who has successfully completed a department and board approved program of instruction in all areas of emergency medical technician-intermediate/85 curriculum plus other specific areas of emergency medical care in the following areas: manual and automated external defibrillation, telemetered electrocardiography, administration of cardiac drugs, administration of specific medications and solutions, use of adjunctive breathing devices, advanced trauma care, tracheotomy suction, esophageal airways and endotracheal intubation, intraosseous infusion, or other special skills programs approved by board action, and who is licensed by the board to perform intermediate skills plus such special skills;
- (12) "Epinephrine auto-injector," a spring-loaded needle and syringe with a single dose of epinephrine that will automatically release and inject the medicine, any similar automatic pre-filled cartridge injector, or any similar automatic injectable equipment;
- (13) "Good faith," honesty, in fact, in the conduct, or transaction concerned;
- (14) "Gross negligence," the intentional failure to perform a manifest duty in reckless disregard of the consequences as affecting the life or health of another;
- (15) "Hour of advanced life support studies," fifty minutes of training;
- (16) "Indirect medical control," the establishment and implementation of system policies and procedures, such as medical treatment protocols, quality assurance programs and case reviews by a physician licensed in South Dakota;
- (17) "Local government," any county, municipality, township, or village in this state;
- (18) "Medical community," the physicians and medical resources located and available within a geographic area;
- (19) "Medical emergency," an event affecting an individual in such a manner that a need for immediate medical care is created;
- (20) "Patient," an individual who, as a result of illness or injury needs immediate medical attention, whose physical or mental condition is such that the individual is in imminent danger of loss of life or significant health impairment, or who may be otherwise incapacitated or helpless as a result of a physical or mental condition; and
- (21) "Prehospital care," those emergency medical services rendered to emergency patients in an out-of-hospital setting, administered for analytic, stabilizing, or preventive purposes, precedent to and during transportation of such patients to emergency treatment facilities.

Section 4. That § 34-11-2 be AMENDED:

34-11-2. Terms used in ~~§§ 34-11-2 to 34-11-10, inclusive,~~ this chapter mean:

- (1) "Air ambulance," an aircraft, fixed wing, or helicopter, that is designated or can be quickly modified to provide transportation of wounded, injured, sick, invalid, or incapacitated human beings or expectant mothers;
- (2) "Ambulance," a vehicle for emergency care with a driver compartment and a patient compartment, carrying all equipment and supplies needed to provide emergency medical technician-basic level emergency care at the scene and enroute to an appropriate medical facility;
- (3) "Ambulance service," any person or organization licensed to provide emergency medical services and patient transport;
- (4) "Emergency medical responder," any person certified by the Department of Health trained to provide simple, noninvasive care focused on lifesaving interventions for critical patients. The emergency medical responder renders on site emergency care while awaiting additional emergency medical services response from an emergency medical technician or higher level personnel. An emergency medical responder may not make decisions independently regarding the appropriate disposition of a patient;
- (5) "Emergency medical technician" any person trained in emergency medical care in accordance with standards prescribed by rules promulgated pursuant to this chapter, who provides emergency medical services, including automated external defibrillation under indirect medical control, in accordance with the person's level of training;
- (6) "License," the permit to provide ambulance service;
- ~~(6)~~(7) "Licensing agency," the Department of Health;
- ~~(7)~~(8) "Operator," any person or entity who has a license from the licensing agency to provide ambulance service.

Section 5. That § 34-11-5.2 be AMENDED:

34-11-5.2. No person may practice as an emergency medical responder or represent ~~himself or herself oneself~~ as an emergency medical responder unless the person possesses a certification from the department or holds a privilege to practice. The department shall promulgate rules, pursuant to chapter 1-26, for the application, qualifications, issuance, and renewal of a certification of an emergency medical responder. A certification issued under this section shall be renewed every two years.

Signed March 7, 2022

Chapter 146
(House Bill 1285)

An Act to create a critical care endorsement for emergency medical technician-paramedics.

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

Section 1. That chapter 36-4B be amended with a NEW SECTION:

A critical care endorsement is hereby created. The board shall issue the endorsement to any person who is licensed as an emergency medical technician-

paramedic and:

- (1) Completes the educational requirements and training, in critical care transport, approved by the board and promulgated in accordance with section 36-4B-35; or
- (2) Is certified as a critical care paramedic or a flight paramedic by the International Board of Specialty Certification.

Section 2. That § 36-4B-35 be AMENDED:

36-4B-35. The board ~~may shall~~ adopt rules to:

- (1) ~~To establish~~Establish the educational and training curriculum requirements and the examination requirements for applicants to become licensed as advanced life support personnel;
- (2) ~~To establish~~Establish the procedure ~~to be followed~~ for the administration of the advanced life support program ~~designating and designate~~ the responsibilities of the ~~Department of Health~~department and the board;
- (3) ~~To regulate~~Regulate the professional conduct of licensees; and
- (4) Establish the educational and training requirements and conditions for issuance of a critical care endorsement, as provided for in section 1 of this Act.

Signed March 9, 2022

Chapter 147
(House Bill 1028)

An Act to update certain provisions related to the licensure of optometrists.

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

Section 1. That chapter 36-7 be amended with a NEW SECTION:

As used in this chapter, the term, board, means the South Dakota Board of Examiners in Optometry.

Section 2. That § 36-7-3 be AMENDED:

36-7-3. ~~The State Board of Examiners in Optometry consists of four members appointed by the Governor, three of whom shall be fully qualified and licensed to prescribe and administer diagnostic and therapeutic pharmaceutical agents under this chapter. Each member shall have been a resident of this state actually engaged in the practice of optometry at least five years preceding the appointment. Governor shall appoint five members to the board. Four members must be optometrists in active practice in this state for at least five years preceding the appointment. One member must be a representative of the public who is a resident of this state and who is not associated with, or financially interested in, the practice or business of optometry.~~ The term of each member is three years commencing on July first. The Governor shall, by appointment, fill any vacancy.

No member may serve more than three consecutive, full terms. The appointment of a person to an unexpired term is not considered a full term. ~~No member of any optical school or college, or instructor in optometry, or person connected therewith, or any jobber or jobber's representative, is eligible for the board.~~

Section 3. That § 36-7-3.2 be AMENDED:

36-7-3.2. ~~The Board of Examiners in Optometry board shall continue within the Department of Health, and shall retain all its prescribed functions, including administrative functions. The board shall submit such records, information, and reports in the form and at such times as required by the secretary of health, except that the board shall report at least annually.~~

Section 4. That § 36-7-10 be AMENDED:

36-7-10. ~~It is a Class 2 misdemeanor for any person who is not the holder of a certificate of registration or exemption, issued and recorded as provided in this chapter, to practice or offer to practice optometry within the state.~~ It is a Class 2 misdemeanor for any person who is not the holder of a certificate of registration or exemption, issued and recorded as provided in this chapter, to practice or offer to practice optometry within the state.

Section 5. That § 36-7-11 be AMENDED:

36-7-11. ~~A person entitled to practice optometry in South Dakota who is not already registered is any person who furnishes the Board of Examiners in Optometry satisfactory evidence as follows:~~ The board may issue a license to an applicant that:

- ~~(1)~~ That the person is of the full age of ~~Submits an application on a form prescribed by the board;~~
- ~~(2)~~ Pays the application fee set by rules promulgated by the board pursuant to chapter 1-26, not to exceed one hundred seventy-five dollars;
- ~~(3)~~ Is eighteen years or older, and a citizen of the United States or a resident of South Dakota;
- ~~(2)(4)~~ That the person is ~~Is~~ of good moral character;
- ~~(3)(5)~~ That the person is ~~Is~~ a graduate of a recognized Class A an optometric school or college approved by the Board of Examiners Accreditation Council on Optometric Education or the board; and
- ~~(4)(6)~~ That the person possesses a licensed certificate of registration obtained by taking and satisfactorily passing an examination given by the board for purpose of determining the person's qualifications for the practice of optometry ~~Has passed all required sections of a national board examination approved by the board; and~~
- ~~(7)~~ Has committed no act for which disciplinary action may be justified.

Section 6. That § 36-7-12.1 be AMENDED:

36-7-12.1. Any applicant for licensure as an optometrist after July 1, 1986, shall satisfactorily complete all pharmacology studies and clinical experience required by this chapter and the board, and attain a passing grade on the pharmacology portion of ~~the a~~ national board examination approved by the board.

Section 7. That § 36-7-13 be AMENDED:

~~36-7-13. By way of substitution for the requirements in subdivisions 36-7-11(3), (4), and (5) and in §§ 36-7-12, 36-7-12.1 and 36-7-31, a candidate for licensure in this state may be given a certificate of registration by paying a fee, not to exceed one hundred seventy five dollars, upon proof to the Board of Examiners by certified copy of the certificate of registration issued to the candidate by another United States jurisdiction where the requirements for registration are deemed by the South Dakota State Board to be the equivalent to those provided by this chapter if the candidate passes the examination administered by the board required by this chapter or presents satisfactory evidence to the board of having passed substantially similar examinations in another jurisdiction, and the candidate has practiced optometry in the other state for at least five consecutive years immediately prior to the candidate's application for registration in South Dakota. The board may promulgate rules, pursuant to chapter 1-26, to establish standards for licensure through endorsement pursuant to this section, including the level and status of licensure required, the evidence required to establish that the requirements for registration in the jurisdiction in which the candidate is licensed are substantially similar to those required by this chapter, the procedure and contents required for submitting the application, any additional education, testing, or training necessary to ensure the competency of the candidate, and the fee provided for in this section. The board may issue a license to practice as an optometrist by endorsement to a person who has been licensed as an optometrist under the laws of another state or territory under United States jurisdiction if:~~

- ~~(1) The person submits an application and pays the required fee set by rules promulgated by the board pursuant to chapter 1-26, not to exceed one hundred seventy-five dollars;~~
- ~~(2) In the opinion of the board, the applicant meets the qualifications required of an optometrist in this state at the time of the applicant's original licensure; and~~
- ~~(3) The applicant has engaged in the practice of optometry for at least five consecutive years immediately preceding application under this section.~~

~~The board may require additional education, testing, or training before granting licensure if competency of any applicant is in question. Any applicant who has been denied a license by the board must reapply and meet all initial licensure requirements before the board may grant licensure.~~

Section 8. That § 36-7-15 be AMENDED:

~~36-7-15. The Board of Examiners in Optometry shall have power to make and promulgate under the provisions of chapter 1-26 such rules and regulations, not inconsistent with the laws of this state to board may:~~

- ~~(1) Provide for a method of examination of candidates for registration.~~
- ~~(2) Define what shall constitute a recognized Class A optometric school.~~
- ~~(3) Govern the practice of optometry, including the adoption of a code of ethics, or rules of professional conduct for all registrants.~~
- ~~(4) Govern the minimum amount and kind of continuing education in optometry to be required triennially of each optometrist seeking relicensure to practice optometry in the State of South Dakota. Promote the safe and qualified practice of optometry;~~
- ~~(2) Promulgate rules pursuant to chapter 1-26 to govern standards for the safe and qualified practice of optometry, to adopt a code of ethics or~~

professional conduct, and to establish criteria for advertising by optometrists;

- (3) Prepare an annual budget;
- (4) Expend funds for administrative, legal, consultative, and other necessary services from fees received by the board;
- (5) Examine, license, endorse, and renew the licenses of qualified applicants;
- (6) Define what constitutes a recognized optometric school;
- (7) Establish the minimum amount and type of continuing education to be required of each optometrist seeking renewal of a license; and
- (8) Administer oaths and take testimony pursuant to §§ 1-26-19.1 and 1-26-19.2.

Section 9. That § 36-7-17 be AMENDED:

~~36-7-17. Every person who practices optometry, optometrist in South Dakota this state shall furnish the Board of Examiners board~~ satisfactory evidence that ~~he the licensee~~ practices optometry as a profession, in ~~his an~~ individual personal capacity under ~~his the optometrist's~~ own name or as a partner of another ~~registered licensed~~ optometrist and not as a corporation, limited liability company or agent, employee, officer, member, or partner of a corporation or limited liability ~~company~~, except where a practice as an officer, employee, member, or agent of a corporation is established under the terms of chapter 47-11B. A violation of this section is a Class 2 misdemeanor.

Nothing in this section ~~shall preclude~~ precludes a licensed optometrist from serving as a shareholder, officer, or director of a corporation established under the terms of chapter 58-41 as a health maintenance organization ~~or other alternate health care delivery system including, but not limited to, a preferred provider organizations organization~~, individual practices association, or other form of entity whatever established for group health care purposes.

Section 10. That § 36-7-18 be AMENDED:

~~36-7-18. Every person practicing optometry shall:~~

- (1) ~~Display the certificate of registration or exemption in a conspicuous place in the principal office wherein he practices; and~~
- (2) ~~Exhibit the certificate to the State Board of Examiners or its authorized representative upon request.~~

Each optometrist shall conspicuously display any license, and subsequent proof of renewal, issued by the board under this chapter at the optometrist's primary place of practice. A violation of this section is a Class 2 misdemeanor.

Section 11. That § 36-7-20 be AMENDED:

~~36-7-20. Each licensed optometrist residing in or in active practice within the State of South Dakota shall, on or before the first day of October in each year pay to the State Board of Examiners in Optometry a fee to be set in rule by the Board of Examiners, in default of which the board may, in compliance with chapter 1-26, revoke his license or certificate, either for failure to comply with the continuing education requirements or nonpayment of such fee, but the payment of such fee at or before the time of hearing, with such additional sum as may be fixed in rule by the board, shall excuse the default. optometrist licensed pursuant to this chapter shall apply, on a form approved by the board, for a renewal of the~~

license. The renewal must be issued by the board upon payment of a fee set by the board by rule promulgated pursuant to chapter 1-26, not to exceed three hundred dollars, and upon verification that the optometrist has met the requirements for continuing education as provided in § 36-7-20.2. The renewal must be in the form of a receipt acknowledging payment of the required fee and signed by the secretary of the board.

Failure to renew the license on or before October first of each year constitutes a forfeiture of the optometrist's license. The license may be renewed at the discretion of the board upon application and payment of the fee required by § 36-7-11, and a late fee set by the board by rules promulgated pursuant to chapter 1-26, not to exceed one hundred dollars for each month the renewal is late.

Section 12. That § 36-7-20.2 be AMENDED:

~~36-7-20.2. The length of study required by § 36-7-20.1 shall be prescribed by the Board of Examiners in Optometry but shall not exceed forty five hours in any three consecutive calendar years board shall establish requirements for continuing education by rules promulgated pursuant to chapter 1-26. Attendance must be at aAny continuing education course or courses must be certified by the Council of Optometric Practitioner Education or approved by the board. Attendance at any course or courses of study are to be certified by the board upon a form provided by the board and shall must be submitted by each registered optometrist at the time he makes application to the board for the renewal of his license and payment of his renewal fee when renewing a license pursuant to § 36-7-20. In no instance may the board require a greater number of hours of study than are available at approved courses held within the state and shall be allowed to The board may waive any or all of this requirement in case of certified illness or undue hardship.~~

Section 13. That § 36-7-21 be AMENDED:

~~36-7-21. The Board of Examiners shall have power to board may remit the license fee of all registrants while any optometrist on active duty in the armed forces of the United States.~~

For the purposes of this section, the term, active duty in the armed forces, means full-time duty in the active military services and reserve components of the United States, including the National Guard and Reserve, while serving under published orders for active duty or full-time training.

Section 14. That § 36-7-24 be AMENDED:

~~36-7-24. The Board of Examiners board, in compliance with chapter 1-26, may revoke the certificate of impose disciplinary sanctions against any registrant optometrist for any one, or any combination, of the following causes:~~

- (1) Conviction of a felony, as shown by a certified copy of the record of the court of conviction;
- (2) Obtaining, or attempting to obtain, a certificate of registration license by fraudulent misrepresentation;
- (3) Malpractice;
- (4) Continued practice by a person when knowingly having an infectious or contagious disease, or after sustaining a physical or mental disability that renders further practice potentially harmful or dangerous;

- (5) ~~Habitual drunkenness or habitual addiction to the use of morphine, cocaine, or other habit forming drugs~~Use of alcohol or other substances that renders the optometrist unfit to practice with reasonable skill and safety;
- (6) Unprofessional conduct; or
- (7) Failure to submit to or cooperate with the criminal background investigation requested by the board.

Section 15. That § 36-7-25 be AMENDED:

36-7-25. The term, unprofessional conduct, as used in this chapter, means:

- (1) Any conduct of a character likely to deceive or defraud the public;
- (2) The loaning of a license ~~or certificate~~ by any licensed optometrist or any person or corporation;
- (3) ~~The employment of cappers or steers to obtain business~~Violating any provision of this chapter or any rule promulgated by the board;
- (4) Splitting or dividing a fee or compensation with any person or corporation;
- (5) The obtaining of any fee or compensation by fraud or misrepresentation;
- (6) Employing, either directly or indirectly, any suspended or unlicensed optometrist to perform any work covered by this chapter;
- (7) The advertising ~~by any means whatsoever~~ of optometric practice ~~or, treatment or, advice, or costs~~ in which untruthful, improbable, misleading, or impossible statements are made;
- (8) ~~Advertising by printed matter, radio, display, or any other means, the quotation of prices for a discount on or any specific amount of payment for eyeglasses, spectacles, or accessories thereto, ophthalmic lenses, frames or mountings, or the phrases "free examinations," "moderate prices," "low prices," "guaranteed glasses," "satisfaction guaranteed," or any variations thereof, or words of similar import;~~
- (9) ~~Seeking patronage by means of handbills, posters, circulars, newspapers, radio or periodicals, which means set forth more than the name, profession, title, location, phone number and office hours of the optometrist;~~
- (10) ~~Advertising wherein the optometrist employs any form of newspaper, sign, literature or directory professional card or window or public exhibition display of optical materials, handbills, road signs, clock signs, novelties or favors contrary to or violating the code of ethics or any of the other lawful rules and regulations properly promulgated by the state board~~Failure to maintain adequate safety and sanitary conditions, or meet the requirements of an optometric clinic in accordance with the standards set forth in this chapter and any rule promulgated by the board in accordance with chapter 1-26;
- (9) Inappropriate prescribing to any person in quantities and under circumstances apparent to the board that the prescription was not made for legitimate medicinal purposes related to the practice optometry, or prescribing in a manner or in amounts that, in the opinion of the board, endanger the wellbeing of a patient or the public in general;
- (11)(10) The failure to refer a patient to a physician licensed pursuant to chapter 36-4 if examination of the eye indicates a substantial likelihood of

pathology ~~which that~~ requires the attention of a physician ~~licensed pursuant to chapter 36-4;~~

- ~~(12)~~(11) Any conviction of a felony or violation of a Board of Examiners in Optometry rule as determined by the board after notice and hearing pursuant to chapter 1-26 criminal offense related to the practice of optometry;
- ~~(13)~~(12) Consistently misdiagnosing or consistently prescribing improper therapy; ~~or~~
- ~~(14)~~(13) Failing to hold in professional confidence all information concerning a patient;
- (14) Failing to comply with state and federal laws on keeping records regarding possessing and dispensing controlled substances or habit-forming drugs;
- (15) Falsifying the records of a patient;
- (16) Exercising influence within the optometrist-patient relationship for the purpose of engaging a patient in sexual activity. For purposes of this subdivision, the patient is presumed incapable of giving free, full, and informed consent to sexual activity with the optometrist;
- (17) Engaging in sexual harassment;
- (18) Any practice or conduct that tends to constitute a danger to the health, welfare, or safety of patients or the public, or engaging in conduct that is unbecoming of an optometrist;
- (19) Discipline by the licensing board of another state or territory under United States jurisdiction if the violation is also a violation of this chapter or any rule promulgated by the board;
- (20) Not reporting discipline by a licensing board of another state or territory under United States jurisdiction to the board; and
- (21) Not reporting a conviction of a criminal offense arising out of the practice of optometry to the board.

Unprofessional conduct, as defined in this section, ~~shall~~ may not be the basis for criminal prosecution unless otherwise declared unlawful.

Section 16. That § 36-7-27 be AMENDED:

36-7-27. After one year, and upon application and proof that the disqualification has ceased, the ~~Board of Examiners~~ board may reinstate a person whose ~~certificate license~~ has been revoked, if no other basis for denial of the license exists.

Section 17. That § 36-7-3.1 be REPEALED:

~~The membership of the Board of Examiners shall include one lay member who is a user of the services regulated by the board. The term lay member who is a user refers to a person who is not licensed by the board but where practical uses the service licensed, and the meaning shall be liberally construed to implement the purpose of this section. The lay member shall be appointed by the Governor and shall have the same term of office as other members of the board.~~

Section 18. That § 36-7-4 be REPEALED:

~~The Board of Examiners may employ counsel and other necessary assistants to aid in the enforcement of this chapter, the compensation and expenses of whom shall be paid from the funds of the board.~~

Section 19. That § 36-7-5 be REPEALED:

~~The Board of Examiners shall further have power by and through each member thereof to administer oaths and to take testimony pursuant to §§ 1-26-19.1 and 1-26-19.2 in the granting, revoking, or suspending of certificates of registration.~~

Section 20. That § 36-7-6 be REPEALED:

~~The secretary of the State Board of Examiners in Optometry shall receive a salary which shall be fixed by the board, and shall also receive his traveling and other expenses necessarily incurred in the performance of his official duties. Such salary shall be fixed by the board; and all such fees and expenses and the compensation and reimbursement of expenses provided by law for members of the board shall be paid from the fees received by the State Board of Optometry under the provisions of this chapter.~~

Section 21. That § 36-7-8 be REPEALED:

~~The State Board of Examiners in Optometry shall annually, and on or before July first of each year, determine the amount estimated by it to be reasonably required for its purposes for the succeeding year.~~

Section 22. That § 36-7-12 be REPEALED:

~~Any person desiring to take an examination to determine his or her qualifications for the practice of optometry shall file a sworn application with the secretary of the Board of Examiners in Optometry at least thirty days prior to the time set therefor and pay a fee set by rule promulgated pursuant to chapter 1-26 by the Board of Examiners before examination and an additional amount set by rule promulgated pursuant to chapter 1-26 by the Board of Examiners upon issuance of certificate. Upon failure to pass the first examination, the candidate may elect to be reexamined upon payment of such additional amount, not to exceed one hundred dollars, set by rule promulgated pursuant to chapter 1-26 by the Board of Examiners and take another examination within fifteen months.~~

Section 23. That § 36-7-14 be REPEALED:

~~Before any certificate of registration is issued it shall be numbered and recorded in a book kept in the office of the board and its number shall be noted upon the certificate.~~

Section 24. That § 36-7-15.1 be REPEALED:

~~The State Board of Examiners in Optometry shall adopt rules pursuant to chapter 1-26 to specify additional educational qualifications and to ensure professional competence by those practitioners who apply to the board for a certification enabling them to prescribe and administer diagnostic and therapeutic topical pharmaceutical agents as described in § 36-7-1. The board shall, by rules promulgated pursuant to chapter 1-26, establish separate educational and examination requirements for the certification of optometrists for both diagnostic and therapeutic agents. The board shall make available annual, substantial, in-state pharmaceutical education for licensed optometrists. The initial educational~~

~~requirements before certification are at least one hundred fifty classroom hours and at least forty hours of clinical experience in pharmaceutical education dealing with diagnosis and treatment of ocular disease. The board shall require a minimum of five hours of continuing pharmaceutical education annually for each optometrist certified for therapeutic agents.~~

Section 25. That § 36-7-15.2 be REPEALED:

~~Only those optometrists who have satisfactorily completed a curriculum in general and ocular pharmacology at an institution accredited by a regional or professional accreditation organization which is recognized or approved by the council on postsecondary accreditation of the United States Office of Education within the Department of Health and Human Services and approved by the State Board of Examiners in Optometry are eligible to apply for the certificate issued pursuant to § 36-7-15.1. Those practitioners who have established their eligibility pursuant to this section shall also pass an examination approved by the board before they may be certified to administer the topical pharmaceutical agents described by § 36-7-1.~~

Section 26. That § 36-7-15.3 be REPEALED:

~~The board, in certifying optometrists for the use of therapeutic drugs, shall require that all applicants before certification either have taken and successfully passed the treatment and management of ocular disease portion of the National Board of Examiners in Optometry test or have taken and successfully passed an examination prepared or certified by the board as covering all areas of pharmacological education provided to graduates of accredited optometric colleges. The South Dakota State University School of Pharmacy may assist the board in the formulation or administration of the examination of optometrists for competency in therapeutic drugs.~~

Section 27. That § 36-7-19 be REPEALED:

~~The Board of Examiners may, in compliance with chapter 1-26, prescribe the mediums of advertising that may be used by optometrists and the size, nature, and type of signs and professional cards that may be used. Said board shall not have power or authority to fix the fees to be charged by its members for professional services.~~

Section 28. That § 36-7-20.1 be REPEALED:

~~All registered optometrists whenever licensed in the State of South Dakota are and shall be required to take courses of study in subjects relating to the practice of the profession of optometry to the end that the utilization and application of new techniques, scientific and clinical advances, and the achievements of research will assure expansive and comprehensive care to the public.~~

Section 29. That § 36-7-20.3 be REPEALED:

~~The Board of Examiners in Optometry is authorized to use up to one half of its annual renewal fees for the purpose of contracting with institutions of higher learning, professional organizations, or qualified individuals for the providing of educational programs that meet this requirement. The board is further authorized to treat funds set aside for the purpose of continuing education as state funds for the purpose of accepting any funds made available under federal law on a matching basis for the promulgation and maintenance of programs of continuing education.~~

Section 30. That § 36-7-20.4 be REPEALED:

~~Each licensed optometrist residing in or in active practice within the State of South Dakota shall, on or before September first in the third year after his initial licensure, and every third year thereafter, certify on forms provided by the Board of Examiners in Optometry that he has complied with §§ 36-7-20.1 and 36-7-20.2. This provision shall not apply to any licensee serving in the armed forces during any part of the thirty six months preceding the certification nor to any licensee submitting proof that he was suffering from a serious or disabling illness or physical disability which prevented his attendance at any qualified educational program within the State of South Dakota during the thirty six months immediately preceding the certification.~~

Section 31. That § 36-7-29 be REPEALED:

~~There shall be no monetary liability on the part of, and no cause of action for damages shall arise against, any member of a duly appointed committee of a state professional society, comprised of optometrists licensed to practice their profession in the State of South Dakota, for any act or proceeding undertaken or performed within the scope of the functions of any such committee which is formed to maintain the duly established professional standards of the society or the requirements of law, if such committee member acts without malice, has made a reasonable effort to obtain the facts of the matter as to which he acts, and acts in a reasonable belief that the action taken by him is warranted by the facts known to him after such reasonable effort to obtain facts. "Professional society" includes optometric organizations having as members at least a majority of the eligible licensees in the state. The provisions of this section do not affect the official immunity of an officer or employee of a public corporation or of an optometrist serving on a committee or board or other entity authorized by state or federal law.~~

Section 32. That § 36-7-31 be REPEALED:

~~Before using therapeutic pharmaceutical agents for the treatment of glaucoma or ocular hypertension an optometrist certified for diagnostic and therapeutic pharmaceutical agents shall complete education with emphasis on treatment and management of glaucoma and ocular hypertension provided by an institution accredited by a regional or professional accreditation organization which is recognized or approved by the council on postsecondary accreditation of the United States Office of Education within the Department of Health and Human Services and approved by the Board of Examiners in Optometry by rule promulgated pursuant to chapter 1-26. Upon completion of the education, the optometrist shall pass an oral or written examination approved by the board. The board shall suspend the certification for therapeutic pharmaceutical agents of any optometrist who fails to comply with this section by July 1, 1996.~~

Signed February 14, 2022

Chapter 148
(Senate Bill 86)

An Act to revise certain definitions in laws regarding physical therapists.

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

Section 1. That § 36-10-18 be AMENDED:

36-10-18. Terms used in §§ 36-10-18 through 36-10-52 mean:

- (1) "Board of Examiners," or "board," the South Dakota State Board of Medical and Osteopathic Examiners;
- (2) "Physical therapist," a person who is licensed in this state, or who has obtained a compact privilege, to practice physical therapy under the provisions of this chapter;
- (3) "Physical therapy," the practice of physical therapy as defined in § 36-10-18.1;
- (4) "Physical therapist assistant," a person who ~~is a graduate of an accredited physical therapist assistant education program as determined by the board, who has passed an examination approved by the board, and who assists licensed,~~ or who has obtained a compact privilege, to assist in providing physical therapy services under the supervision of a physical therapist under this chapter;
- (5) ~~"Physical therapy advisory committee,"~~ "Committee," the physical therapy advisory committee provided for in this chapter established in § 36-10-19.

Signed March 18, 2022

Chapter 149
(House Bill 1169)

An Act to modify the licensing of barbers.

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

Section 1. That § 36-14-9 be AMENDED:

36-14-9. The Board of Barber Examiners may promulgate reasonable rules, pursuant to chapter 1-26, for the administration of the provisions of this chapter and to prescribe sanitary requirements for barbershops and barber schools. ~~A copy of the rules promulgated by the board shall be furnished by the board to the owner or manager of each barbershop and barber school. A copy of the rules shall be posted in a conspicuous place in each barbershop or barber school.~~

~~The Board of Barber Examiners may also promulgate rules, pursuant to chapter 1-26, to establish:~~

- (1) ~~The fee for the annual renewal of the certificate of registration for barbers pursuant to § 36-14-24;~~
- (2) ~~The fee for the operation of a barber school or college pursuant to § 36-14-24;~~
- (3) ~~The fee for the operation of a barbershop pursuant to § 36-14-27; and~~
- (4) ~~The procedures governing the inspection of barbershops and the barbershop equipment pursuant to § 36-14-28.~~

Section 2. That § 36-14-13 be AMENDED:

36-14-13. Any person who ~~is at least eighteen years of age and has passed a satisfactory examination conducted by the Board of Barber Examiners to determine the person's fitness to practice barbering~~ meets the following

requirements is entitled to a license or certificate of registration as a registered barber:

- (1) Is at least eighteen years old;
- (2) Submits an application in compliance with § 36-14-18;
- (3) Completes fifteen hundred hours of education or equivalent credit hours in a barber college or school approved by the board; and
- (4) Passes the written test and practical barber demonstration certified by the board.
~~is entitled to a certificate of registration as a registered barber.~~

Section 3. That § 36-14-18 be AMENDED:

36-14-18. Each applicant for an examination or initial registration as a barber pursuant to § 36-14-14 shall make application to the Board of Barber Examiners on ~~blank~~ forms prepared and furnished by the board, setting forth, under oath, the particular qualifications of the applicant, ~~and. An applicant by examination~~ shall furnish to the board two five-by-three inch photographs of the applicant, one of which shall be returned to the applicant and presented to the board when the applicant appears for examination. The application shall be accompanied by the required fee.

Signed March 8, 2022

Chapter 150
(House Bill 1062)

An Act to revise a provision regarding when a license is not required of a person installing electric wiring.

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

Section 1. That § 36-16-15 be AMENDED:

36-16-15. No license is required of a person installing electric wiring ~~in the person's own residence or farmstead, including on the premises or on:~~

- (1) The person's own residence;
- (2) The person's own farmstead;
- (3) The premises of a single-family dwelling unit that is in the process of being constructed if the person owns the premises and intends to occupy the premises as the person's residence when construction is complete.; or
- (4) The premises of any private, non-habitable property owned by the person that is not substantially used in connection with a trade or business of the person.

Entrance installations in excess of sixty amperes capacity, circuits or the installation of electrical parts of other apparatus shall be subject to inspection and payment of an inspection fee as provided by §§ 36-16-29 and 36-16-30. Failure to report this work as required by law is a Class 2 misdemeanor.

The commission shall promulgate rules, pursuant to chapter 1-26, to establish criteria for authorizing persons to install electric wiring under this section.

Signed February 8, 2022

Chapter 151
(House Bill 1153)

An Act to revise the number of class hours required to obtain a responsible broker's license.

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

Section 1. That § 36-21A-31 be AMENDED:

36-21A-31. An applicant for a responsible broker's license shall have served actively for two years as a licensed salesperson or broker associate, or a combination thereof, and shall furnish evidence of completion of ~~fifteen~~ twenty-four additional class hours beyond the broker associate level in a course approved by the commission and given by instructors approved by the commission, or in an independent study or distance education course approved by the commission. If the applicant for a responsible broker's license meets all requirements except the ~~fifteen additional class hours~~ requirement for twenty-four additional class hours, the commission or executive director may approve the applicant for a responsible broker's license ~~if the applicant certifies in writing to furnish, conditioned on the applicant furnishing~~ the commission with evidence of completion of the ~~fifteen additional class hours~~ requirement twenty-four additional class hours within six months of the date of the approval. The commission may adopt rules, pursuant to chapter 1-26, to specify requirements for the course of study. Any person licensed as a broker associate under § 36-21A-34.1 shall, in addition to the education requirements of this section, complete the broker examination requirements to qualify as a responsible broker. Any broker licensed prior to July 1, 1996, is exempt from these requirements.

Section 2. This Act is effective on January 1, 2023.

Signed March 8, 2022

Chapter 152
(Senate Bill 45)

An Act to revise notice and record keeping requirements of real estate brokerages.

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

Section 1. That § 36-21A-39 be AMENDED:

36-21A-39. Upon dissolution of a corporation, partnership, limited liability company, or association, the responsible broker shall ~~immediately return~~

~~the firm license to notify the commission within ten days by mail or e-mail.~~

Section 2. That § 36-21A-52 be AMENDED:

36-21A-52. Each person licensed under this chapter shall register the following place of business with the commission:

- (1) For a broker associate or real estate salesperson, the licensee's responsible broker's place of business; or
- (2) For a responsible broker or restricted broker, the licensee's main place of business ~~where all work files are physically maintained and~~, where the commission may send official communication.

In case of removal from the registered address, the licensee and responsible broker shall give written notice to the commission before the removal or within ten days after removal. ~~Failure of a licensee to register a new place of business shall result in that person's license being placed on inactive status.~~ If a licensee fails to register a new place of business, the commission must place the licensee on inactive status.

Signed February 3, 2022

**Chapter 153
(House Bill 1043)**

An Act to revise renewal and licensing requirements for plumbers.

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 fee established by the commission under this section. If the person is not entitled to a renewal, the commission shall register 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. ~~A license issued under this section expires on December thirty first and may be renewed no later than the immediately following January thirty first.~~

The commission shall promulgate rules, pursuant to chapter 1-26, to establish examination and reexamination fees, and license and renewal of license fees for: 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.

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 chapter 36-25 be amended with a NEW SECTION:

A license issued under § 36-25-19 expires annually on the following dates:

- (1) ~~For a plumbing contractor or plumber, December thirty-first; and~~
- (2) ~~For a 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, or individual and small on-site wastewater system installer; June thirtieth.~~

An expired license may be renewed no later than six months following the date of expiration.

Section 3. That § 36-25-24 be AMENDED:

~~36-25-24. Fees~~The commission shall promulgate rules, pursuant to chapter 1-26, on fees for an initial apprentice license, the license's annual renewal, and a temporary license ~~shall be promulgated in rules, pursuant to chapter 1-26, by the commission.~~ The temporary license fees ~~shall be payable~~must be paid prior to taking the examination for the first time. ~~No person may renew an apprentice license once the person has accumulated seven thousand six hundred hours of experience.~~ No fee may exceed fifty dollars.

Section 4. That § 36-25-32 be AMENDED:

~~36-25-32. Commencing January 1, 2010, each~~Each applicant for renewal of a plumbing contractor, plumber, restricted plumbing contractor, restricted plumber, or third year apprentice plumber licensed as an apprentice plumber by examination shall successfully complete a minimum of four hours of continuing education relating to the plumbing trade during the previous ~~calendar year~~license period. An applicant for new licensure as a plumbing contractor or plumber by reciprocity shall successfully complete four hours of continuing education relating to the plumbing trade prior to license issuance.

Signed February 10, 2022

AGRICULTURE AND HORTICULTURE

**Chapter 154
(Senate Bill 88)**

**An Act to revise certain provisions regarding the State Conservation
Commission and conservation districts.**

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

Section 1. That § 38-8-23 be AMENDED:

~~38-8-23. Within thirty-sixty~~ days after receipt of a petition pursuant to § 38-8-22 or within ~~thirty-sixty~~ days after the ~~adoption~~receipt of a resolution pursuant to § 38-8-22.1, the State Conservation Commission shall set a date for a hearing and issue notices and conduct a hearing upon the proposition of combination or division. All voters registered for the last general election within

the territory described in the petition or resolution and other interested parties may be heard.

Signed February 17, 2022

Chapter 155
(Senate Bill 201)

An Act to revise provisions regarding industrial hemp and to declare an emergency.

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

Section 1. That § 38-35-1 be AMENDED:

38-35-1. Terms used in this chapter mean:

- (1) "Applicant," a person, including the state or any agency or institution thereof, any municipality, political subdivision, public or private corporation, individual, partnership, limited liability company, association, or trust; and includes any officer or governing or managing body of any municipality, political subdivision, or public or private corporation, or limited liability company, applying for an industrial hemp grower license, processor license, or both;
- (2) "Department," the Department of Agriculture and Natural Resources;
- (3) "Greenhouse," any indoor structure or enclosed building capable of continuous cultivation throughout the year, no less than two thousand eight hundred and eighty square feet, not part of a residential dwelling. Greenhouses may contain multiple lots that are separated and identified;
- ~~(2)~~(4) "Hemp" or "industrial hemp," 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 total delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent on a dry weight basis;
- ~~(3)~~(5) "Key participant," a sole proprietor, a partner in a partnership, a principal executive officer for a government entity, or a person with executive managerial control in a corporation or limited liability company;
- ~~(4)~~(6) "Industrial hemp product," a finished manufactured product, or consumer product made from industrial hemp containing cannabidiol that is packaged for individual sale, with a delta-9 tetrahydrocannabinol concentration of not more than three tenths of one percent, derived from or made by processing industrial hemp with a total delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent, derived from or made by processing industrial hemp;
- ~~(5)~~(7) "Lot," a contiguous area in a field or greenhouse containing the same variety or strain of hemp throughout the area;
- (8) "Measurement of uncertainty," the parameter associated with the result of a measurement, that characterizes the dispersion of the values that could reasonably be attributed to the particular quantity subject to measurement;

- ~~(6)~~(9) "Process" or "processing," ~~to convert or converting industrial hemp into industrial hemp product to render raw industrial hemp plants or plant parts from their natural or original state to an initial processed form. Typical processing includes decortication, devitalization, crushing, or extraction;~~
- ~~(7)~~(10) "Processor," a person ~~who processes industrial hemp that converts raw hemp into an initial processed form;~~
- ~~(8)~~(11) "Produce" or "producing," ~~to grow or growing, germinate, dry, sort, grade, bale, grind, mill, pelletize, and harvest hemp plants in the field for processing or in a greenhouse;~~
- (12) "Product in process," the product being processed by a state licensed hemp processor or the transfer of that product at no higher than one percent total delta-9 tetrahydrocannabinol between one or more licensed hemp processors during the process of processing state or federally approved, lab-tested biomass from a licensed grower into a finished industrial hemp product;
- (13) "Remediation," the process of rendering non-compliant cannabis compliant using methods accepted by the USDA;
- ~~(9)~~(14) "Secretary," the secretary of the Department of Agriculture and Natural Resources;~~and~~
- (15) "Total delta-9 THC or total delta-9 tetrahydrocannabinol," the value determined after the process of decarboxylation, or the application of a conversion factor if the testing methodology does not include decarboxylation, that expresses the potential total delta-9 tetrahydrocannabinol content derived from the sum of the THC and THCA content and reported on a dry weight basis; and
- ~~(10)~~(16) "Transporter," any person transporting, hauling, or delivering immature or mature hemp or product in process, but not industrial hemp product or sterilized seeds that are incapable of beginning germination.

Section 2. That § 38-35-2 be AMENDED:

38-35-2. No person may purchase, receive, or obtain industrial hemp or product in process, other than industrial hemp seed or industrial hemp product, for planting, storing, propagating, producing, or processing unless the person has a license as provided by this chapter or is working under contract with or under the direction of a licensee. The licensee is responsible, either civilly or criminally, for any person working under contract with or under the direction of a licensee for all sections of this chapter.

It ~~shall be is~~ a Class 2 misdemeanor to purchase, receive, or obtain industrial hemp or product in process, other than industrial hemp product, for planting, storing, propagating, producing, or processing without a license. No unlicensed person is subject to criminal penalties for possession or distribution of hemp seed.

A person, ~~whether or not licensed, who possesses or distributes a product determined to meet the definition of marijuana is subject to prosecution and penalties for possession or distribution of marijuana under chapter 22-42.~~

Section 3. That § 38-35-3 be AMENDED:

38-35-3. After the department receives approval by the United States Secretary of Agriculture for the state plan submitted pursuant to § 38-35-15, any person seeking to purchase, receive, or obtain industrial hemp, other than

industrial hemp product, for planting, storing, propagating, or producing shall apply to the secretary for a grower license on an application form prescribed by the department and submit a nonrefundable annual application fee. The secretary shall deposit fees collected under this chapter in the hemp regulatory program fund.

~~No application for licensure to plant, grow, or produce industrial hemp may be for less than one-half, contiguous outdoor acres or an indoor greenhouse that may not be less than two thousand eight hundred eighty square feet. An application for licensure to plant, grow, or produce industrial hemp must be for at least one-half, contiguous outdoor acre with a three hundred plant minimum, or in a greenhouse with a fifty plant minimum, or combination thereof. No application for licensure industrial hemp grower's license may be issued by the secretary to plant, grow, or produce industrial hemp may be approved within the corporate limits of any incorporated municipality without receiving verification from the municipality that it meets all applicable municipal zoning regulations.~~

Section 4. That chapter 38-35 be amended with a NEW SECTION:

Any person seeking to plant, store, propagate, or produce industrial hemp for the purpose of research shall apply to the secretary for a research license on an application form prescribed by the department and submit a nonrefundable annual application fee. The secretary shall deposit fees collected under this chapter in the hemp regulatory program fund pursuant to § 38-35-6. Research licensees may be exempt from lot size minimums pursuant to § 38-35-3. Applicants for a research license must be affiliated with an accredited university. Applicants for a research license must submit a summary to the department that outlines the applicant's objectives and a timeline of activities.

All industrial hemp produced or processed under a research license must be:

- (1) Grown, used, or processed for research purposes only; and
- (2) Properly disposed of in a manner to render irretrievable and unable to enter the stream of commerce, except for industrial hemp seed.

Section 5. That § 38-35-4 be AMENDED:

38-35-4. After the department receives approval by the United States Secretary of Agriculture for the state plan submitted pursuant to § 38-35-15, any person seeking to purchase, receive, or obtain industrial hemp, other than industrial hemp product, for processing shall apply to the secretary for a processor license on an application form prescribed by the department and submit a nonrefundable annual application fee. The applicant may submit an application form for a processor license at any time. The secretary shall deposit fees collected under this chapter in the hemp regulatory program fund.

The applicant shall provide to the department the street address, legal description, and ~~global positioning system~~ latitude and longitude coordinates for any location where hemp will be processed under the processor's license and certify that any location where hemp is to be processed is under the control of the applicant. A processor licensee shall provide notice of any change in ownership or location to the department within ten days of a change. Failure to amend change of ownership or location automatically invalidates the license, and a new license must be obtained.

Section 6. That § 38-35-5 be AMENDED:

38-35-5. Each applicant for any license under this chapter, key

participant, and landowner, if the applicant is the lessee, shall submit to a state and federal criminal background investigation by means of fingerprint checks by the Division of Criminal Investigation and the Federal Bureau of Investigation. Upon application for a license, the department shall submit the completed fingerprint cards to the division. Upon completion of the criminal background check, the division shall forward to the department all information obtained as a result of the criminal background check. This information ~~shall~~ must be obtained prior to the licensure of the applicant. All costs or fees associated with the criminal background checks are the responsibility of the applicant. Information provided to the department under this section is confidential, is not public record, and is exempt from the provisions of chapter 1-27. However, the department may share this information with law enforcement and the Department of Public Safety. Failure to submit to or cooperate with a criminal background check is grounds for denial or revocation of a license. The secretary may deny licensure if any applicant, key participant, or landowner has been convicted of a misdemeanor or felony relating to a controlled substance or marijuana under state or federal law within the previous ten years. Licensure under this chapter is not required for employees of the state of South Dakota ~~when~~ if performing official duties. Any person who has previously submitted a fingerprint card to the Division of Criminal Investigation as part of an application under the hemp program is not required to resubmit a fingerprint card but shall authorize the use of the previously submitted fingerprints for an updated state and federal background check. All costs or fees associated with the criminal background checks are the responsibility of the applicant. The secretary may waive the requirement that landowners submit a fingerprint card for a state and federal background check if the applicant is unable to have a fingerprint card completed. Other types of background checks may be required in lieu of fingerprint card.

Section 7. That § 38-35-7 be AMENDED:

38-35-7. If the applicant has completed the application to the satisfaction of the secretary, paid the application fee, returned a criminal background check compliant with § 38-35-5, and is eligible for a license under this chapter, the secretary shall issue the license upon receipt of an annual license fee.

A grower, research, or processor license issued under this chapter is valid for fifteen months from the date of issuance.

The department may deny, revoke, or suspend a license of any person who:

- (1) Violates any provision of this chapter or administrative rule promulgated under the authority of this chapter;
- (2) Violates any rule set forth by the United States Department of Agriculture regarding industrial hemp;
- (3) Provides false or misleading information in connection with any application required by this chapter;
- (4) Has been convicted of a misdemeanor or felony relating to a controlled substance or marijuana under state or federal law within the previous ten years;~~or~~
- (5) Has been charged with or convicted of a misdemeanor or felony relating to a controlled substance or marijuana under state or federal law since the most recent criminal background check;~~;~~ or
- (6) Requests the secretary to revoke or suspend the license.

Any person whose license is denied, revoked, or suspended under this section may request a hearing pursuant to chapter 1-26.

Section 8. That § 38-35-8 be AMENDED:

38-35-8. Within thirty days of planting, each grower licensee under this chapter shall file with the department planting verification documentation as required by the secretary ~~in order to~~ identify the type and variety of each hemp seed planted with its corresponding lot. ~~Any documentation provided under this section is not an open record pursuant to chapter 1-27 and may not be disclosed except to the Department of Public Safety or law enforcement. The department may make publicly available a list of all types and varieties of planted hemp seed submitted to the department.~~

Section 9. That § 38-35-9 be AMENDED:

38-35-9. The secretary ~~shall~~ may contract with the Department of Public Safety to conduct inspections and sampling of ~~each lot~~ lots and any processor location. The department and the Department of Public Safety may enter on any land or other property where hemp is grown, produced, stored, or processed for the purpose of inspections, sample collection, testing, or investigation while enforcing this chapter. Any person who holds a license under this chapter is deemed to have given consent to the reasonable search and seizure of any hemp without a warrant to determine the lawful amount of total delta-9 tetrahydrocannabinol concentration and for enforcement of the provisions of this chapter.

The secretary shall assess a grower inspection fee per lot for grower licensees, a research inspection fee per lot for research licenses, and ~~shall assess~~ a processor inspection fee per location for processor licensees.

Any substance found to be in violation of this chapter is subject to confiscation and disposal at the direction of the Department of Public Safety. Any costs arising from the loss of crop, destruction, confiscation, or disposal are the responsibility of the grower, producer, processor, or owner of the substance. The state is not liable for any confiscation, seizure, disposal, or destruction of any substance carried out under this chapter. Any testing, inspection, and investigation results ~~shall~~ must be provided to the licensee. Notice of any violation ~~shall~~ must be provided to the licensee in writing. Inspection and investigation records are not open records pursuant to chapter 1-27.

Section 10. That § 38-35-10 be AMENDED:

38-35-10. ~~Every lot of~~ At the discretion of the secretary, a grower licensee ~~shall~~ may be inspected and samples collected no more than thirty days before the hemp is harvested. The grower licensee shall contact the Department of Public Safety prior to harvest in order to ensure a reasonable amount of time to schedule an inspection. The grower licensee ~~shall~~ is required to be present during the inspection. No harvested lot of hemp shall be commingled with another harvested lot of ~~hemp or other material. No and no~~ hemp may leave the dominion of control of the grower licensee until the grower licensee receives a laboratory result from the department that confirms each lot complies with 7 U.S.C. Chapter 38, Subchapter VII, as provided in 7 C.F.R 990.70(d) and 990.71(d) in effect as of ~~January 1, 2020~~ March 22, 2021.

Any location of the processor licensee ~~may be~~ is subject to random inspection. The processor licensee ~~shall~~ is required to be present during the inspection.

At the discretion of the secretary, a research licensee may be inspected, and samples may be collected. The research licensee is required to be present during the inspection.

Section 11. That § 38-35-11 be AMENDED:

38-35-11. The department shall promulgate rules, pursuant to chapter 1-26, to:

- (1) Establish application, application form, licensure, and renewal procedures;
- (2) Establish requirements to prevent the spread of hemp and hemp seeds from licensed land areas and provide for the assessment of costs for the remediation thereof;
- (3) Establish criteria and procedures for denial, revocation, or suspension of a license under this chapter;
- (4) Make any modification or addition to the hemp regulatory program in order to comply with any federal statutes or any rules and regulations regarding hemp enacted or implemented by the United States Department of Agriculture;
- (5) Establish a nonrefundable annual license application fee not to exceed fifty dollars, ~~an a non-refundable~~ annual grower license fee not to exceed five hundred dollars, a non-refundable annual research grower license fee not to exceed one hundred dollars, and ~~an a non-refundable~~ annual processor license fee not to exceed two thousand dollars;
- (6) Establish procedures for the collection of planting and harvest data for each lot;
- ~~(7) Establish labeling requirements for hemp; and~~
- ~~(8)(7) Establish rules for corrective action for negligent and culpable violations of this chapter;~~
- ~~(8) Establish transportation documentation requirements;~~
- ~~(9) Establish inspection procedures and requirements, a grower inspection fee per lot not to exceed two hundred fifty dollars, a research inspection fee per lot not to exceed two hundred fifty dollars, a remediation fee not to exceed one hundred dollars per hour, and a processor inspection fee per any processor location not to exceed five hundred dollars; and~~
- ~~(10) Establish sampling and testing procedures to determine if the hemp tested and sampled contains the lawful amount of total delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent.~~

Section 12. That § 38-35-12 be AMENDED:

38-35-12. The Department of Health shall promulgate rules, pursuant to chapter 1-26, to:

- (1) Make any modification or addition to the hemp regulatory program in order to comply with any federal statutes or any rules and regulations regarding hemp enacted or implemented by the United States Department of Agriculture; ~~and~~
- (2) Establish testing procedures to determine if the hemp tested contains the lawful amount of total delta-9 tetrahydrocannabinol concentration in hemp and certifying results; and

(3) Establish labeling requirements for industrial hemp products.

Section 13. That § 38-35-14 be AMENDED:

~~38-35-14. All~~ The department compliance testing shall ~~must~~ be conducted by a laboratory approved by the Drug Enforcement Administration. The laboratory shall report the total delta-9 tetrahydrocannabinol concentration level and the measurement of uncertainty for each sample tested pursuant to this section. If a test reveals a total delta-9 tetrahydrocannabinol concentration of more than three-tenths of one percent but not more than five-tenths of one percent, the licensee may request a retest at the licensee's expense. If, upon the retesting, the total delta-9 tetrahydrocannabinol concentration exceeds three-tenths of one percent, the entire lot from which the noncompliant sample was collected shall either be destroyed ~~as provided by § 38-35-9~~ or remediated and retested according to the United States Department of Agriculture guidelines. However, a sample that tests a result within a measurement of uncertainty that produces a range that includes a total delta-9 tetrahydrocannabinol concentration of three-tenths of one percent is compliant for the purposes of this chapter. ~~For the purposes of this section, the measure of uncertainty means the parameter, associated with the result of a measurement, that characterizes the dispersion of the values that could reasonably be attributed to the particular quantity subject to measurement.~~

Section 14. That § 38-35-16 be AMENDED:

38-35-16. Any transporter is deemed to have given consent to the reasonable search and seizure by law enforcement of any hemp without a warrant to determine the lawful amount of total delta-9 tetrahydrocannabinol concentration. For purposes of this section, product in process that is properly documented is compliant. Any law enforcement officer may require any transporter to stop for the purposes of inspection. During a stop, a law enforcement officer may collect a sample of any hemp for the purpose of testing for any concentration of total delta-9 tetrahydrocannabinol that exceeds three-tenths of one percent on a dry weight basis. Each sample collected by law enforcement may not exceed eight ounces.

It is a Class 2 misdemeanor to transport industrial hemp or product in process, but not industrial hemp product, without appropriate documentation demonstrating compliance with an industrial hemp program of a federal, state, or tribal authority, in addition to any permit or documentation required by § 38-35-17.

Section 15. That § 38-35-17 be AMENDED:

38-35-17. If the transporter is not a grower licensee, that transporter shall have in the transporter's possession the following documentation:

- (1) A copy of the license under which the industrial hemp was grown or produced;
- (2) A laboratory report produced by a Drug Enforcement Administration-registered laboratory that confirms the lot of origin of all hemp being transported complies with 7 U.S.C. Chapter 38, Subchapter VII, as provided in 7 C.F.R. 990.70(d) and 990.71(d) in effect as of ~~January 1, 2020~~ March 22, 2021;
- (3) A signed affirmation from the licensee and the transporter that no illicit drugs or variations of hemp not explicitly authorized by 7 U.S.C. Chapter 38, Subchapter VII will be transported; and
- (4) A bill of lading or manifest that includes the shipment contents, the specific name and address of the transporter, the specific name and address of

the origin and lot of origin, the destination of the shipment, the total weight of the load, and the type of vehicle being used.

Failure to possess the appropriate documentation pursuant to this section is a Class 2 misdemeanor.

Section 16. That § 38-35-18 be AMENDED:

38-35-18. Each applicant, licensee, key participant, and transporter of industrial hemp, other than industrial hemp product, shall abide by any rules set forth by the United States Department of Agriculture and the United States Department of Agriculture-approved state hemp production plan.

Section 17. That chapter 38-35 be amended with a NEW SECTION:

Industrial hemp used in wildlife food plots not intended to be harvested must be sampled by November 1 of the year planted. No cannabidiol varieties shall be grown for the purpose of wildlife food plots.

Section 18. That chapter 38-35 be amended with a NEW SECTION:

No industrial hemp may be grown, stored, or transported concurrently with marijuana. A violation of this section is a Class 2 misdemeanor.

Section 19. That § 38-35-13 be REPEALED:

~~The Department of Public Safety shall promulgate rules, pursuant to chapter 1-26, to:~~

- ~~(1) Make any modification or addition to the hemp regulatory program in order to comply with any federal statutes or any rules and regulations regarding hemp enacted or implemented by the United States Department of Agriculture;~~
- ~~(2) Establish inspection procedures and requirements, a grower inspection fee per lot not to exceed two hundred fifty dollars, and a processor inspection fee per any processor location not to exceed five hundred dollars;~~
- ~~(3) Establish transportation documentation requirements;~~
- ~~(4) Establish sampling and testing procedures to determine if the hemp tested and sampled is the lawful amount of delta-9 tetrahydrocannabinol concentration of not more than three tenths of one percent; and~~
- ~~(5) Establish rules for corrective action for negligent and culpable violations of this chapter.~~

Section 20. 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 18, 2022

ANIMALS AND LIVESTOCK

Chapter 156 (House Bill 1096)

An Act to revise provisions regarding livestock identification.

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

Section 1. That § 40-3-27 be AMENDED.

40-3-27. Programs for identification of animals and premises involved in animal movements--Records--Purpose.

The Animal Industry Board may develop and implement specific programs for the identification of animals and premises involved in animal movements. Any program implemented pursuant to §§ 40-3-27 to 40-3-29, inclusive, ~~shall~~ must provide for confidentiality of identification records other than those records requested by law enforcement officers of the state and those records used for mandatory disease control or eradication efforts. A livestock owner may choose to identify animals using any methods set forth in 9 C.F.R. part 86, as adopted on January 9, 2013, as well as any additional methods that are later approved by the South Dakota Animal Industry Board pursuant to this section.

Any identification program implemented pursuant to §§ 40-3-27 to 40-3-29, inclusive, shall be for the sole purpose of maintaining animal health and ensuring the safety of the food supply.

Signed March 24, 2022

GAME, FISH, PARKS AND FORESTRY

Chapter 157 (Senate Bill 73)

An Act to provide for the use of artificial light and night-vision equipment while hunting coyotes and other predators.

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 ~~take~~:
 - (a) ~~Take~~ raccoons after the raccoons have been treed by dogs, ~~or to engage; or~~
 - (b) ~~Engage~~ in trapping activity and ~~to take~~ trapped fur-bearing animals;
- (2) ~~A person who owns or occupies land and up to two guests accompanying the person may use an artificial light and~~ From January first to August thirty-first, inclusive, a person may use night vision equipment ~~on the person's land, but not artificial light,~~ to take jackrabbits, coyotes, beaver during its hunting season, foxes, raccoons, opossums, badgers, skunks, and rodents, provided ~~they use~~ 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 inches;
- (3) ~~If a person who is at least eighteen years of age owns or occupies land, that person may grant permission for up to two guests to hunt unaccompanied on that person's land for~~ 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, and such guests may use night vision equipment, provided ~~they use~~ 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 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 inches; and
- ~~(4)~~(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 lamination 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 8, 2022

Chapter 158
(House Bill 1131)

An Act to provide for a revocation of hunting, trapping, or fishing privileges.

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

Section 1. That § 41-9-8 be AMENDED:

41-9-8. If a person violates § 41-9-1 or 41-9-2, a court may, upon a finding of guilt or upon a conviction, order the revocation of the person's hunting, fishing, or trapping privileges for one year.

~~Any~~ If a person who knowingly enters or remains on private property for the purpose of hunting, fishing, or trapping, in violation of § 41-9-1 or 41-9-2, the person shall be fined five hundred dollars, and ~~the person~~ shall lose hunting, trapping, or fishing privileges for one year following ~~the~~ a finding of guilt or a conviction.

A person's hunting, fishing, or trapping privileges shall be revoked for two years following a second or subsequent finding of guilt or conviction under § 41-9-1 or ~~§~~ 41-9-2, within ten years.

The ~~sentencing~~ court may order ~~the~~ that any revocation of hunting, fishing, or trapping privileges, authorized by this section, ~~to~~ be served consecutively with any other revocation of ~~the~~ a person's hunting, fishing, or trapping privileges imposed for a violation for which the person is convicted and for which revocation of the privileges is authorized under this title.

If the person is the holder of a license to hunt, trap, or fish, the court shall require ~~that~~ the license holder ~~to~~ surrender and deliver the license to the court, to be returned to the Department of Game, Fish and Parks.

Unarmed retrieval of lawfully taken small game from ~~either~~ private land ~~or~~ land controlled by the Department of Game, Fish and Parks, or other public lands, is not a crime or petty offense, if the retrieval of the small game does not involve the use of a motor vehicle.

It is a Class 2 misdemeanor for any person, while engaged in the retrieval of small game from private land, without permission of the ~~landowner~~ owner or lessee of the land, to intentionally drive or flush any small game located on the land toward other hunters of the retriever's same hunting group, located on other parcels of land or rights-of-way.

It is a Class 2 misdemeanor for any person, who is a member of the same hunting group as the person performing the retrieval without the permission of the ~~landowner~~ owner or lessee of the land, to intentionally discharge a firearm at small game, except waterfowl, that originates from the private land during the retrieval.

This section does not limit any civil remedies available to ~~any~~ a landowner.

Signed March 7, 2022

Chapter 159
(House Bill 1050)

An Act to repeal obsolete lease requirements for the Black Hills Playhouse.

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

Section 1. That § 41-17-11.1 be REPEALED:

~~As consideration to Custer State Park for the use of the land by the Black Hills Playhouse, the Game, Fish and Parks Commission shall negotiate a lease agreement with the playhouse.~~

Section 2. That § 41-17-11.2 be REPEALED:

~~Prior unpaid lease payments required of the Black Hills Playhouse to the Department of Game, Fish and Parks as of July 1, 1996, are waived.~~

Section 3. That § 41-17-11.3 be REPEALED:

~~The lease agreement entered into effective October 1, 1999, by the State of South Dakota by and through the South Dakota Department of Game, Fish and Parks and the Black Hills Playhouse, Inc., is hereby modified and continued and shall remain in full force and effect until September 30, 2019.~~

Section 4. That § 41-17-11.4 be REPEALED:

~~The Black Hills Playhouse, Inc., shall correct to the satisfaction of the state the building violations cited by state inspectors in the Office of Risk Management inspection report dated January 12, 2010. If repairs are not completed on or before September 30, 2012, the lease is null and void.~~

Section 5. That § 41-17-11.5 be REPEALED:

~~The Black Hills Playhouse, Inc., shall expend no less than five percent of its annual operating budget each year for the maintenance and repair of the buildings occupied by the Black Hills Playhouse, Inc. The amount shall be spent according to a plan submitted by the Black Hills Playhouse, Inc., and approved by the Department of Game, Fish and Parks. The Black Hills Playhouse, Inc., shall share in the cost of replacing infrastructure necessary to operate the facility. Any negotiations between the Department of Game, Fish and Parks and the Black Hills Playhouse, Inc., regarding the maintenance and repair plan or the cost share for replacing infrastructure shall be conducted in good faith.~~

Signed February 14, 2022

Chapter 160
(House Bill 1035)

An Act to allow the Department of Agriculture and Natural Resources to collect receipts from timber sales on federal lands and disburse those receipts according to federal law.

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

Section 1. That § 41-20-18 be AMENDED:

41-20-18. The state forester, with the sanction of the Department of Agriculture and Natural Resources, may, upon request, assist and cooperate with any agency of the United States government; all state, county, and municipal agencies; and with any corporation, association, partnership, or individual owning or controlling any forestland, woodland, shelterbelt, or rangeland in the management and protection of such forestland, woodland, shelterbelt, or rangeland, including:

- (1) Preparation of plans for management and protection of forest health including during a declared forest insect or disease emergency; ~~and~~
- (2) Management, surveying, harvesting, marketing, and processing of forest products; ~~and~~
- (3) Collection of receipts from the sale of federal timber and depositing them in the forestry fund as provided in § 41-20-22.

In providing timber sale assistance pursuant to subdivisions (1) and (2) of this section, on private lands, the state forester shall determine that such assistance is not reasonably available through a consulting forester. If the assistance is determined to be unavailable from a consulting forester, the state forester may provide the assistance after courtesy notification to private industrial foresters. However, the assistance provided is limited to thirty man-days over a period of six years per individual owner.

Signed February 10, 2022

RECREATION AND SPORTS

Chapter 161
(Senate Bill 152)

An Act to provide for ticket-in, ticket-out video lottery.

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

Section 1. That § 42-7A-1 be AMENDED:

42-7A-1. Terms used in this chapter mean:

- (1) "Associated equipment," any proprietary device, machine, or part used in the manufacture or maintenance of a video lottery machine, including integrated circuit chips, printed wired assembly, printed wired boards, printing mechanisms, video display monitors, and metering devices;
- (2) "Commission," the South Dakota Lottery Commission;
- (3) "Credit," one, five, ten, or twenty-five cents;
- (4) "Executive director," the executive director of the South Dakota Lottery;
- (5) "Instant lottery," a game that offers preprinted tickets that indicate immediately or in a grand prize drawing whether the player has won a prize;
- (6) "Licensed establishment," a bar or lounge owned or managed by an individual, partnership, corporation, or association licensed to sell alcoholic beverages for consumption upon the premises where sold;
- (7) "Lottery" or "state lottery," any lottery operated pursuant to this chapter;
- (8) "Lottery retailer," any person with whom the South Dakota Lottery has contracted to sell lottery tickets to the public;
- (9) "Lottery vendor" or "vendor," any person who has entered into a major procurement contract with the South Dakota Lottery;
- (10) "Major procurement," any contract with any vendor directly involved in providing facilities, equipment, tickets, and services unique to the lottery, but not including materials, supplies, equipment, and services common to the ordinary operations of state agencies;
- (11) "Net machine income," money put into a video lottery machine minus credits paid out in cash;
- (12) "On-line lottery," a game linked to a central computer via a telecommunications network in which the player selects a specified group of numbers or symbols out of a predetermined range of numbers or symbols as approved by the commission;
- (13) "South Dakota Lottery," the state agency created by this chapter to operate a lottery pursuant to this chapter;
- (14) "Ticket," any tangible evidence issued or authorized by the South Dakota Lottery to prove participation in an instant, on-line, or video lottery game;
- (14A) "Video lottery," any video game of chance played on video lottery machines;
- (15) "Video lottery machine distributor," any individual, entity, partnership, corporation, or association that distributes or sells video lottery machines or associated equipment in this state;
- (16) "Video lottery machine manufacturer," any individual, entity, partnership, corporation, or association that assembles or produces video lottery machines or associated equipment for sale or use in this state;
- (17) "Video lottery machine operator," any individual, entity, partnership, corporation, or association that places video lottery machines or associated equipment for public use in this state; and
- (18) "Video lottery machines," or "machine," any electronic video game machine authorized by the commission that, upon insertion of cash or ticket voucher, is available to play or simulate the play of a video game, including video poker, keno, and blackjack, ~~authorized by the commission~~

utilizing a video display and microprocessors in which, by chance, the player may receive free games or credits that can be redeemed for cash. The term does not include a machine that directly dispenses coins, cash, or tokens.

Section 2. That § 42-7A-37 be AMENDED:

42-7A-37. Each video lottery machine licensed under this chapter:

- (1) Shall offer only games licensed by the South Dakota Lottery and authorized by the commission;
- (2) May not have any means of manipulation that affect the random probabilities of winning a video lottery game;
- (3) Shall have one or more mechanisms that accept coins ~~or~~ cash in the form of bills, or a ticket voucher. The mechanisms shall be designed to prevent obtaining credits without paying by stringing, slamming, drilling, or other means. If such attempts involve physical tampering, the machine shall suspend itself from operation until reset;
- (4) Shall have nonresettable meters housed in any readily accessible locked machine area that keep a permanent record of all cash and ticket vouchers inserted into the machine, all refunds of winnings made by the machine's printer, credits played for video lottery games, and credits won by video lottery players;
- (5) Shall be capable of printing a ticket voucher stating the value of the prize for the player at the completion of each video lottery game ~~the~~ the time of day in a twenty-four hour format showing hours and minutes ~~the~~ the date ~~the~~ the machine serial number ~~the~~ the sequential number of the ticket vouchers ~~and~~ and an encrypted validation number from which the validity of the prize may be determined;
- (6) Shall have accounting software that keeps an electronic record which includes, but is not limited to ~~the~~ the following: total cash inserted into the machine ~~the~~ total cash value of ticket vouchers inserted into the machine, the value of winning tickets claimed by players ~~the~~ the total video lottery credits played and the total video lottery credits awarded by a video lottery game ~~and~~ and the payback percentage credited players of each video lottery game;
- (7) Shall be linked under a central communications system to provide auditing program information as approved by the commission. The communications system shall be installed and all testing conducted no later than December 1, 1989. Until such time, all accounting of machine transactions shall be audited by electronic records maintained by each video lottery machine as required in subdivision (6) of this section. In no event may the communications system approved by the commission limit participation to only one manufacturer of video lottery machines by either the cost in implementing the necessary program modifications to communicate or the inability to communicate with the central communications system. Nothing in this section may be construed as requiring a machine ~~which~~ that only offers video lottery games to be on-line or in constant communication with a central computer.

Signed March 24, 2022

Chapter 162
(Senate Bill 98)

**An Act to add an exemption from the calculation of adjusted gross proceeds
from gaming.**

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

Section 1. That § 42-7B-28.2 be AMENDED:

42-7B-28.2. When calculating adjusted gross proceeds for the purpose of applying the tax imposed by §§ 42-7B-28 and 42-7B-28.1:

- (1) Free play value provided by the operator ~~may is~~ not be included in the gross proceeds; ~~and~~
- (2) Cash prizes deducted ~~shall be~~ are adjusted to not include an amount equal to ninety percent of the free play value provided by the operator; ~~and~~
- (3) The federal excise tax on sports wagers imposed by 26 U.S.C. § 4401 (1982) is a deduction from the adjusted gross proceeds.

Signed March 18, 2022

PROPERTY

Chapter 163
(Senate Bill 87)

**An Act to update the South Dakota Coordinate System to conform to national
standards.**

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

Section 1. That § 43-22-1 be AMENDED:

43-22-1. ~~The systems of plane coordinates which have been established by the United States Department of Commerce, National Oceanic and Atmospheric Administration, The most recent system of plane coordinates established by the National Geodetic Survey for defining and stating the geographic positions or locations of points on, within, or above the surface of the earth within the State of South Dakota are hereafter to be known and designated as the "South Dakota coordinate system of 1927" and the "South Dakota coordinate system of 1983."~~
South Dakota state plane coordinate system.

Section 2. That § 43-22-2 be AMENDED:

43-22-2. ~~For the purpose of the use of these systems the state is divided into a "north zone" and a "south zone."~~ purposes of this chapter, the South Dakota state plane coordinate system is divided into zones established by the National Geodetic Survey as a component of the National Spatial Reference System. Each

zone shall be uniquely and consistently defined within the South Dakota state plane coordinate system.

Section 3. That § 43-22-5 be AMENDED:

~~43-22-5. As established for use in the north zone the South Dakota coordinate system of 1927 or the South Dakota coordinate system of 1983 shall be named, and in any land description in which it is used it shall be designated, the "South Dakota coordinate system of 1927, north zone" or the "South Dakota coordinate system of 1983, north zone."~~

~~As established for use in the south zone, the South Dakota coordinate system of 1927 or the South Dakota coordinate system of 1983 shall be named, and in any land description in which it is used it shall be designated, the "South Dakota coordinate system of 1927, south zone" or the "South Dakota coordinate system of 1983, south zone."~~

The South Dakota state plane coordinate system shall be named in any land description in which it is used, and the zone used shall be specified.

Section 4. That § 43-22-6 be AMENDED:

~~43-22-6. For purposes of more precisely defining the South Dakota coordinate systems of 1927 and 1983, the following definition by the United States Department of Commerce, National Oceanic and Atmospheric Administration, is adopted:~~

- ~~(1) The South Dakota coordinate system of 1927, north zone, is a Lambert conformal projection of the Clarke Spheroid of 1866, having standard parallels at north latitudes 44 degrees 25 minutes and 45 degrees 41 minutes, along which parallels the scale shall be exact. The origin of coordinates is at the intersection of the meridian 100 degrees 00 minutes west of Greenwich and the parallel of 43 degrees 50 minutes north latitude. This origin is given the coordinates: x equals 2,000,000 feet and y equals 0 feet.~~
- ~~(2) The South Dakota coordinate system of 1927, south zone, is a Lambert conformal projection of the Clarke Spheroid of 1866, having standard parallels at north latitudes 42 degrees 50 minutes and 44 degrees 24 minutes, along which parallels the scale shall be exact. The origin of coordinates is at the intersection of the meridian 100 degrees 20 minutes west of Greenwich and the parallel 42 degrees 20 minutes north latitude. This origin is given the coordinates: x equals 2,000,000 feet and y equals 0 feet.~~
- ~~(3) The South Dakota coordinate system of 1983, north zone, is a Lambert conformal conic projection of the North American Datum of 1983, having standard parallels at north latitudes 44 degrees 25 minutes and 45 degrees 41 minutes along which parallels the scale shall be exact. The origin of coordinates is at the intersection of the meridian 100 degrees 00 minutes west of Greenwich and the parallel 43 degrees 50 minutes north latitude. This origin is given the coordinates: x equals 600,000 meters and y equals 0 meters.~~
- ~~(4) The South Dakota coordinate system of 1983, south zone is a Lambert conformal conic projection of the North American Datum of 1983, having standard parallels at north latitudes 42 degrees 50 minutes and 44 degrees 24 minutes along which parallels the scale shall be exact. The origin of coordinates is at the intersection of the meridian 100 degrees 20 minutes west of Greenwich and the parallel 42 degrees 20 minutes north latitude. This origin is given the coordinates: x equals 600,000 meters and~~

y equals 0 meters. The official geodetic datums that geodetic coordinates, including latitude, longitude, ellipsoid height, orthometric height, or dynamic height, are referenced within this state, shall be defined for the National Spatial Reference System or its successor.

Section 5. That § 43-22-8 be AMENDED:

43-22-8. The plane coordinate values for of a point on the earth's surface, to be used to express the geographic position or location of such point in the appropriate zone of these systems, the South Dakota state plane coordinate system, shall consist of two distances, expressed in United States survey feet and decimals of a foot when using the South Dakota coordinate system of 1927 and expressed in United States survey feet and decimals of a foot when using the South Dakota coordinate system of 1983 or meters and decimals of a meter. One of these distances, to be known as the "x coordinate" on North American Datum 1927 and "Easting" on North American Datum 1983, shall give the position in an east and west direction; the other, to be known as the "y coordinate" on North American Datum 1927 and "Northing" on North American Datum 1983, shall give the position in a north and south direction. These coordinates shall be made to depend upon and conform to plane rectangular coordinate values for the monumented points of the North American Horizontal Geodetic Control Network as published by the United States Department of Commerce, National Oceanic and Atmospheric Administration, and whose plane coordinates have been computed on the systems defined in this chapter. Any such station may be used for establishing a survey connection to either South Dakota coordinate system. If the values are expressed in feet, a definition of one foot equals 0.3048 meter exactly is used as the standard foot for the South Dakota state plane coordinate system. One of the two distances, to be known as the east or x-coordinate, gives the distance east of the y-axis; the other, to be known as the north or y-coordinate, gives the distance north of the x-axis. The y-axis of any zone is parallel with the central meridian of that zone. The x-axis of any zone is at the right angles to the central meridian of that zone. Height is the coordinate value of the vertical elements of the National Spatial Reference System expressed as feet or meters and identified as ellipsoid height or orthometric height.

Section 6. That § 43-22-9 be AMENDED:

43-22-9. No coordinates based on either South Dakota coordinate system, purporting to define the position of a point on a land boundary, shall be presented to be recorded in any public land records or deed records unless such point is within one kilometer of a monumented horizontal control station established in conformity with the standards of accuracy and specification for first or second order geodetic surveying as prepared and published by the federal geodetic control committee of the United States Department of Commerce. Standards and specifications of the federal geodetic control committee in force on date of the survey apply. Publishing existing control stations, or the acceptance with intent to publish the newly established stations, by the United States Department of Commerce, National Oceanic and Atmospheric Administration, shall constitute evidence of adherence to the federal geodetic control committee specifications. Above limitations may be modified by a duly authorized state agency to meet local conditions. No coordinates based on the South Dakota state plane coordinate system purporting to define the position of a point on a land boundary may be presented to be recorded in any plat, easement, exhibit, deed, certified corner records, or other document unless the coordinate or coordinates are accompanied by a description of the horizontal datum, realization, and methodology used and published within the same document.

Section 7. That § 43-22-10 be AMENDED:

~~43-22-10. The use of the term "South Dakota coordinate system of 1927 north zone," or "South Dakota coordinate system of 1927 south zone," or the use of the term "South Dakota coordinate system of 1983 north zone," or "South Dakota coordinate system of 1983 south zone," on any map, report of survey, or other document, shall be limited to coordinates based on the South Dakota coordinate systems as defined in this chapter.~~ The use of the term, South Dakota state plane coordinate system, on any map, report of survey, or other documents, is limited to coordinates based on the South Dakota state plane coordinate system as defined in this chapter.

Section 8. That § 43-22-11 be AMENDED:

~~43-22-11. If any tract of land to be defined by a single description extends from one coordinate zone into the other—another of the coordinate zones described by §§ 43-22-3 and 43-22-4 zone, the positions of all points on its boundaries may be referred to either by of the two zones, the zone which—that is used being specifically named in the description.~~

Section 9. That § 43-22-12.1 be AMENDED:

~~43-22-12.1. For purposes of describing the location of any survey station or land boundary corner in the state, it shall be considered is a complete, legal, and satisfactory description of such—the location to give the position of the survey station or land boundary corner on the system of plane coordinates defined in this chapter. Whenever coordinates based on the South Dakota state plane coordinate system are used to describe any tract of land that in the same document is also described by reference to any subdivision, line, or corner of the United States Public Lands Survey, the description by coordinates must be construed as supplemental to the basic description of the subdivision, line, or corner contained in the official plats and field notes filed of record, and in the event of any conflict, the description by reference to the subdivision, line, or corner of the United States Public Lands Survey prevails over the description by coordinates.~~

Section 10. That § 43-22-13 be AMENDED:

~~43-22-13. Nothing contained in this chapter requires a purchaser, mortgagee, or insurer of real property to rely wholly on a land description, any part of which depends exclusively on either South Dakota coordinate system upon the South Dakota state plane coordinate system.~~

Section 11. That chapter 43-22 be amended with a NEW SECTION:

The provisions of this chapter may not be construed to prohibit the appropriate use of other geodetic reference networks.

Section 12. That § 43-22-3 be REPEALED:

~~The area now included in the following counties shall constitute the north zone: Beadle, Brookings, Brown, Butte, Campbell, Clark, Codington, Corson, Day, Deuel, Dewey, Edmunds, Faulk, Grant, Hamlin, Hand, Harding, Hyde, Kingsbury, Lawrence, McPherson, Marshall, Meade, Perkins, Potter, Roberts, Spink, Sully, Walworth, and Ziebach.~~

Section 13. That § 43-22-4 be REPEALED:

~~The area now included in the following counties shall constitute the south zone: Aurora, Bennett, Bon Homme, Brule, Buffalo, Charles Mix, Clay, Custer,~~

~~Davison, Douglas, Fall River, Gregory, Haakon, Hanson, Hughes, Hutchinson, Jackson, Jerauld, Jones, Lake, Lincoln, Lyman, McCook, Mellette, Miner, Minnehaha, Moody, Oglala Lakota, Pennington, Sanborn, Stanley, Todd, Tripp, Turner, Union, and Yankton.~~

Section 14. That § 43-22-14 be REPEALED:

~~The South Dakota coordinate system of 1927 may not be used after January 1, 1991. The South Dakota coordinate system of 1983 shall be the sole system after January 1, 1991.~~

Signed February 17, 2022

**Chapter 164
(House Bill 1177)**

An Act to establish provisions regarding ejection of persons from certain lodging establishments and recreational vehicle facilities.

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

Section 1. That chapter 43-32 be amended with a NEW SECTION:

A hotel, campground, or RV park establishment may eject a person from the establishment premises, without return of the person's rental payment, as per the establishment's cancellation policy, for any of the following reasons:

- (1) Nonpayment of the business's charges for accommodations or services;
- (2) The person is engaged in disorderly conduct, as described in § 22-18-35, or has been the subject of complaints from other guests;
- (3) The person is using the premises for an unlawful act;
- (4) The person brought onto the premises any explosive or destructive device, as those terms are defined in § 22-1-2;
- (5) The person is not a registered guest of the establishment;
- (6) The person has exceeded the limitations for guest room or site occupancy established by the establishment;
- (7) The person has obtained the accommodation under false pretenses;
- (8) The person is a minor and is not under the supervision of the adult who has obtained the accommodation;
- (9) The person has violated any federal, state, or local laws or regulations relating to the establishment; or
- (10) The person has violated any rule of the business that is posted in a conspicuous place at or near the guest registration desk or inside each guest room, as applicable, of the establishment; except that no rule may authorize the establishment to eject or refuse or deny service in violation of chapter 20-13.

Signed March 9, 2022

LIENS

Chapter 165 (House Bill 1289)

An Act to update provisions regarding self-service storage.

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

Section 1. That § 44-14-1 be AMENDED:

44-14-1. Terms used in this chapter mean:

- (1) "Default," any failure of an occupant to perform any obligation or duty at the time and in the manner set forth in the rental agreement or under this chapter;
- (2) "Last known address," that postal or e-mail address provided by the occupant in the latest rental agreement or the postal or e-mail address provided by the occupant in a subsequent written notice of a change of address;
- ~~(2)~~(3) "Occupant," any person entitled to the use of the storage space at a self-service storage facility under a rental agreement, to the exclusion of others a person who rents storage space at a self-service storage facility under a rental agreement, or a sublessee, successor, or assignee;
- ~~(3)~~(4) "Owner," the owner of a self-service storage facility any person who owns, leases, subleases, manages, or operates a self-service storage facility, or an owner's designee, who receives rent from an occupant under a rental agreement;
- ~~(4)~~(5) "Personal property," movable property, including goods, merchandise, and household items stored in a self-service storage facility;
- (6) "Property that has no commercial value," property offered for sale in a sale, conducted pursuant to this chapter, at the self-service storage facility, at the nearest suitable place to where the personal property is held or stored, or online, that receives no bid or offer;
- ~~(5)~~(7) "Rental agreement," any written agreement or lease, written or oral, that establishes or modifies the terms, conditions, rules, or any other provisions concerning the use and occupancy of a storage space at a self-service storage facility; and
- ~~(6)~~(8) "Self-service storage facility," any real property designed and used for the purpose of renting or leasing individual storage space to occupants who are to have access to such for the purpose of storing and removing personal property;
- (9) "Storage space," an individual space at a self-service storage facility that is rented or leased by an occupant under a rental agreement.

Section 2. That § 44-14-2 be AMENDED:

44-14-2. The owner of a self-service storage facility has a lien upon all personal property located at a self-service storage facility for rent, labor, late fees, or other charges, present or future, in relation to the personal property, and for

expenses necessary for its preservation, or expenses reasonably incurred in its sale or other disposition pursuant to this chapter. The lien provided in this chapter attaches as of the date the occupant defaults on the rental agreement. Any lien provided in this chapter, ~~which is recorded pursuant to chapter 44-2,~~ is prior to any other lien or security interest, except for those liens and security interests which were perfected earlier.

Section 3. That § 44-14-3 be AMENDED:

44-14-3. An owner's lien for a claim which has become due ~~shall~~ must be satisfied as follows:

- (1) The occupant and the holder of any lien ~~shall be~~ in the name of the occupant in this state is notified;
- (2) The notice ~~shall be~~ is delivered in person, sent by e-mail if provided in the rental agreement, or sent by regular first-class mail postage prepaid to the last known address of the occupant ~~and, lienholders, and any other person disclosed by the occupant in the rental agreement. A notice under this section is deemed delivered:~~
 - (a) If sent by first-class mail, when deposited with the United States Postal Service and properly addressed with postage prepaid; or
 - (b) If sent by e-mail, when sent to the occupant's last-known e-mail address;
- (3) The notice ~~shall include~~ includes:
 - (a) An itemized statement of the owner's claim showing the sum due at the time of the notice and the date when the sum became due;
 - (b) If known to the owner, a brief and general description of the personal property subject to the lien. The description shall be reasonably adequate to permit the person notified to identify it, except that any container including a trunk, valise, or box that is locked, fastened, sealed, or tied in a manner which deters immediate access to its contents may be described as such without describing its contents;
 - (c) A notice of denial of access to the personal property, if such denial is permitted under the terms of the rental agreement, which provides the name, street address, and telephone number of the owner whom the occupant may contact to respond to this notice;
 - (d) A demand for payment within a specified time not less than fourteen days after delivery of the notice; and
 - (e) A conspicuous statement that unless the claim is paid within the time stated in the notice, the personal property will be advertised for sale or other disposition, and will be sold or otherwise disposed of at a specified time and place;
- (4) After the expiration of the time given in the notice, an advertisement of the sale or other disposition ~~shall be~~ is published ~~once a week for two consecutive weeks~~ in a newspaper of general circulation where the self-service storage facility is located. The advertisement ~~shall include~~ includes:
 - (a) A brief and general description of the personal property reasonably adequate to permit its identification as provided for in subdivision (3) ~~of this section;~~

- (b) The address of the self-service storage facility and the number, if any, of the space where the personal property is located and the name of the occupant; and
 - (c) The time, place, and manner of the sale or other disposition. ~~The sale or other disposition shall take place,~~ not sooner than ~~fifteen~~ seven days after the ~~first~~ publication;
- (5) If there is no newspaper of general circulation where the self-service storage facility is located, in lieu of advertising as set forth in subdivision (4), the advertisement shall may be posted at least ten days before the date of the sale or other disposition in not less than six conspicuous places in the neighborhood where the self-service storage facility is located;
 - (6) Any sale or other disposition of the personal property ~~shall conform~~ conforms to the terms of the notification as provided for in this section;
 - (7) Any sale or other disposition of the personal property ~~shall be is~~ held at the self-service storage facility ~~or,~~ at the nearest suitable place to where the personal property is held or stored, or online. The owner may otherwise dispose of any property that has no commercial value;
 - (8) Before any sale or other disposition of personal property pursuant to this section, the occupant may pay the amount necessary to satisfy the lien, and the reasonable expenses incurred under this section, and thereby redeem the personal property. Upon receipt of such payment, the owner shall return the personal property, and thereafter the owner has no liability to any person with respect to such personal property;
 - (9) A purchaser in good faith of the personal property sold to satisfy a lien, as provided for in this ~~Act chapter,~~ takes the property free of any rights of any person, but subject to the rights of any prior lienholder unless the personal property is consumer goods as defined in ~~§ 57A-9-109(1)~~ § 57A-9-102, despite noncompliance by the owner with the requirements of this section. For the purpose of this section, personal property for which ownership is evidenced by a certificate of title is not consumer goods; ~~and~~
 - (10) In the event of a sale under this section, the owner may, after satisfying all prior liens, satisfy the lien pursuant to this chapter from the proceeds of the sale, but shall hold the balance, if any, for delivery on demand to the occupant. If the occupant does not claim the balance of the proceeds within ~~two~~ three years of the date of sale, the proceeds ~~shall become the property of the owner and the occupant has no further recourse. must be~~ remitted to the Office of State Treasurer as unclaimed property pursuant to chapter 43-41B;
 - (11) An owner acting in accordance with the provisions of this chapter may not be liable to the occupant, lienholder, or any other person unless otherwise agreed upon by all parties in the rental agreement;
 - (12) After the time specified in the notice given under this section expires, if the owner determines, based on the owner's previous experience, that the personal property subject to the lien created has a value of \$300 or less, the owner may dispose of the property at the owner's sole discretion;
 - (13) If the personal property subject to a lien under § 44-14-2 is a titled motor vehicle, boat, trailer, snowmobile, or off-road vehicle, and rent or other charges under the rental agreement remain unpaid for sixty days, the personal property is considered abandoned. The owner shall dispose of the personal property using the process prescribed in §§ 32-36-8 to 32-36-11, inclusive. The Department of Revenue shall provide the owner with

the last known address of the record holder of title and any readily identifiable lien holders free of charge. An owner may not be held liable for damage incurred to an occupant's motor vehicle, boat, or trailer after the owner relinquishes possession of the personal property and the personal property is removed from the self-service storage facility.

Section 4. That § 44-14-6 be AMENDED:

44-14-6. This chapter is effective July 1, ~~1997~~ 2022, and applies to all rental agreements entered into, or extended, or renewed after that date.

Section 5. That chapter 44-14 be amended with a NEW SECTION:

If the rental agreement specifies a limit on the value of personal property the occupant may store in the storage space, the limit is deemed to be the maximum value of the personal property in the occupant's storage space for the purposes of claims against an owner for loss of or damage to personal property.

Section 6. That chapter 44-14 be amended with a NEW SECTION:

Unless the rental agreement provides otherwise, until a sale under this chapter, the exclusive care, custody, and control of all property stored in a storage space remains vested in the occupant, and the occupant shall bear all risks of loss or damage to that property.

Section 7. That chapter 44-14 be amended with a NEW SECTION:

This chapter may not be construed as impairing or affecting the right of an owner and an occupant to create additional rights, duties, or obligations under a rental agreement. In addition to the rights and remedies under this chapter, an owner has the same rights and remedies available to creditors and landlords under the laws of this state.

Section 8. That chapter 44-14 be amended with a NEW SECTION:

The rental agreement must contain a statement in bold type that the occupant must disclose the name and address of any other person with an ownership interest in the personal property. If the occupant does not disclose any other person, the personal property is deemed wholly owned by the occupant.

Signed March 24, 2022

WATER MANAGEMENT

**Chapter 166
(Senate Bill 203)**

An Act to revise certain provisions regarding utility facilities and revenue bonds.

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

Section 1. That § 46A-9-56 be AMENDED:

46A-9-56. Any district organized pursuant to this chapter may borrow money and incur indebtedness for any corporate use or purpose authorized in this chapter and to the extent applicable pursuant to chapter 9-40, provided the indebtedness, liability, or obligation of the district for the payment of money in any manner, and whether arising from contract, implied contract, or otherwise, is payable solely:

- (1) From revenues, income, receipts, and profits derived by the district from its operation and management of systems and irrigation works as provided in this chapter ~~provided~~ or in chapter 9-40; or
- (2) From the issuance or sale by the district of its warrants, notes, revenue bonds, debentures, or other evidences of indebtedness, (hereinafter referred to in this section as "district obligations") payable solely from such revenues, income, receipts, and profits. All bonds shall be authorized, issued, and sold as provided in chapter 6-8B and to the extent applicable under chapter 9-40. However, no bond election is required.

Section 2. That § 46A-9-71 be AMENDED:

46A-9-71. If, in order to borrow money from the federal government or from any of its agencies, or from the State of South Dakota, or from any other public or private provider of financing, it becomes necessary that the water user district mortgage or otherwise hypothecate any of its property or assets to secure the payment of a loan made to it by or from such a source, the district may mortgage or hypothecate the property and assets for ~~such~~ these purposes. Nothing in this section prevents the district from assigning, pledging, or otherwise hypothecating its revenues, incomes, receipts, or profits to secure the payment of indebtedness to the federal government or any federal agency, ~~or the State of South Dakota, or any other public or private provider of financing~~. However, the State of South Dakota may never pledge its credit or funds, or any part of its credit or funds, for the payment or settlement of any indebtedness or obligation whatsoever of any district created under the provisions of this chapter. Nothing in this chapter authorizes any agency of the State of South Dakota to make loans to any such district, unless the agency is otherwise authorized by law to make such loans.

Signed March 16, 2022

CORPORATIONS

**Chapter 167
(House Bill 1229)**

An Act to authorize the formation of corporations and limited liability companies by physical therapists, occupational therapists, and speech-language pathologists.

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

Section 1. That chapter 47-11G be amended with a NEW SECTION:

As used in this chapter:

- (1) "Articles of incorporation," includes the articles of organization of a limited liability company;
- (2) "Corporation," includes both corporations under the South Dakota Business Corporations Act and limited liability companies under the South Dakota Limited Liability Company Act;
- (3) "Director" or "officer," includes any manager of a limited liability company or the members of a limited liability company that does not have managers;
- (4) "Incorporation," includes the organization of a limited liability company;
- (5) "Shareholders," includes the members of a limited liability company; and
- (6) "Shares," includes membership interests in a limited liability company.

Section 2. That chapter 47-11G be amended with a NEW SECTION:

One or more physical therapists licensed pursuant to chapter 36-10, occupational therapists licensed pursuant to chapter 36-31, speech-language pathologists licensed pursuant to chapter 36-37, or any combination of such licensees, may form a corporation under the South Dakota Business Corporation Act. The articles of incorporation must contain provisions complying with the requirements of this chapter.

Section 3. That chapter 47-11G be amended with a NEW SECTION:

A corporation formed pursuant to this chapter may:

- (1) Be organized for the purpose of conducting the practice of physical therapy, occupational therapy, or speech-language pathology, or any combination of such practices; and
- (2) Exercise the powers and privileges conferred upon corporations by the laws of this state.

Section 4. That chapter 47-11G be amended with a NEW SECTION:

The name of a corporation formed pursuant to this chapter must contain the words, professional company or professional corporation or abbreviations thereof, such as Prof. Co., Prof. Corp., P.C., or PC.

The name of a limited liability company formed under this chapter must contain the words, professional limited liability company, or the abbreviation, Prof. L.L.C., Prof. LLC, P.L.L.C., or PLLC.

Section 5. That chapter 47-11G be amended with a NEW SECTION:

All shareholders of a corporation formed pursuant to this chapter must be persons duly licensed by this state and actively engaged in the practice of physical therapy, occupational therapy, or speech-language pathology and must, at all times, own their shares in their own right.

A revocable trust may be a shareholder in a corporation organized under this chapter, for so long as the grantor of the revocable trust is living and is eligible to be a shareholder. After the death of the grantor, the shares owned by a revocable trust are subject to any divestiture and redemption provisions of this chapter, as if the shares were directly owned by the grantor of the trust.

Any shareholder who ceases to be an eligible shareholder must dispose of all shares either to the corporation or to a person who is qualified to be a shareholder.

Section 6. That chapter 47-11G be amended with a NEW SECTION:

The president of a corporation formed pursuant to this chapter must be a shareholder and director. To the extent possible, all other directors and officers must be persons having the qualifications set forth in section 2 of this Act. Lay directors and officers may not exercise any authority over professional matters.

Section 7. That chapter 47-11G be amended with a NEW SECTION:

An obligation of a corporation formed pursuant to this chapter, whether arising in contract, tort, or otherwise, is the obligation of the corporation and the individual whose act or omission gives rise to the obligation. No shareholder, director, officer, member, or manager is personally liable, directly or indirectly, by way of contribution or otherwise, for the obligation based solely on the person's capacity as a shareholder, director, officer, member, or manager.

The limitation of liability does not extend to amounts owed to this state or its political subdivisions for any taxes, or any penalty or interest on such taxes.

Section 8. That chapter 47-11G be amended with a NEW SECTION:

A copy of the articles of incorporation, certified by the secretary of state, must be filed with the licensing board of each shareholder, together with a certified copy of any amendments. The corporation shall also file the names and addresses of each shareholder and the names and addresses of all persons who are not shareholders but are employed by the corporation and licensed to practice physical therapy, occupational therapy, or speech-language pathology in this state.

The respective licensing board must be notified within ten days if any information required by this section changes.

Section 9. That chapter 47-11G be amended with a NEW SECTION:

A corporation formed pursuant to this chapter may adopt a pension profit-sharing, a health and accident, an insurance, or a welfare plan for all or some of its employees, including lay employees, if the plan does not require or result in the sharing of specific or identifiable fees with lay employees, and if any payments made to lay employees or into any such plan on behalf of lay employees are based on their compensation, their length of service, or both, rather than the amount of fees or income received.

Section 10. That chapter 47-11G be amended with a NEW SECTION:

The corporation may not do anything which, if done by a physical therapist, occupational therapist, or speech-language pathologist, would violate the standards of conduct established for those professions.

Nothing in this chapter diminishes or changes the obligation of each physical therapist, occupational therapist, or speech-language pathologist to conduct his or her practice in accordance with the professional standards established by the respective licensing boards.

Signed March 18, 2022

Chapter 168
(House Bill 1060)

**An Act to consolidate certain domestication provisions in the Uniform
Limited Liability Company Act.**

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

Section 1. That § 47-34A-912 be AMENDED:

47-34A-912. (a) After a plan of domestication is approved, a domesticating company shall deliver to the secretary of state for filing articles of domestication, which must include:

- (1) A statement, as the case may be, that the company has been domesticated from or into another jurisdiction;
- (2) The name of the domesticating company and the jurisdiction of its governing statute;
- (3) The name of the domesticated company and the jurisdiction of its governing statute;
- (4) The date the domestication is effective under the governing statute of the domesticated company;
- (5) If the domesticating company was a limited liability company, a statement that the domestication was approved as required by this chapter;
- (6) If the domesticating company was a foreign limited liability company, a statement that the domestication was approved as required by the governing statute of the other jurisdiction; ~~and~~
- (7) If the domesticated company was a foreign limited liability company not authorized to transact business in this state, the street and mailing addresses of an office that the secretary of state may use for the purposes of § 47-34A-913(b); ~~and~~
- (8) If the domesticated company was a foreign limited liability company, articles of organization that comply with the requirements of § 47-34A-203.

(b) A domestication becomes effective:

- (1) When the certificate of organization takes effect, if the domesticated company is a limited liability company; and
- (2) According to the governing statute of the domesticated company, if the domesticated organization is a foreign limited liability company.

Section 2. That § 47-34A-1010 be REPEALED:

~~(a) A foreign limited liability company may become a domestic limited liability company only if the domestication is permitted by the organic law of the foreign limited liability company.~~

~~(b) A domestic limited liability company not required by law to be a domestic limited liability company may become a foreign limited liability company if the domestication is permitted by the laws of the foreign jurisdiction. Regardless of whether the laws of the foreign jurisdiction require the adoption of a plan of~~

domestication, the domestication shall be approved by the adoption of the limited liability company of a plan of domestication in the manner provided in this section and §§ 47-34A-1011 to 47-34A-1016, inclusive.

Section 3. That § 47-34A-1011 be REPEALED:

(a) ~~The plan of domestication shall include:~~

- ~~(1) A statement of the jurisdiction in which the limited liability company is presently domesticated; and~~
- ~~(2) A statement of the jurisdiction in which the limited liability company is to be domesticated.~~

(b) ~~The plan of domestication may include:~~

- ~~(1) As a referenced attachment, the articles of organization of the limited liability company upon its domestication; and~~
- ~~(2) Any other provision relating to the domestication.~~

~~(c) The plan of domestication may also include a provision that the plan may be amended at any time prior to filing the document required by the laws of this state or the other jurisdiction to consummate the domestication.~~

Section 4. That § 47-34A-1012 be REPEALED:

~~In the case of a domestic limited liability company:~~

- ~~(a) Unless the articles of organization or a written operating agreement of the limited liability company provides otherwise, the members of the limited liability company shall approve the plan of domestication by the members in the manner provided in the limited liability company's operating agreement for amendments to the operating agreement or, if no such provision is made in an operating agreement, by all the members.~~
- ~~(b) If an amendment to a plan of domestication is made in accordance with subsection 47-34A-1011(c), and articles of domestication already have been filed with the secretary of state, amended articles of domestication shall be filed with the secretary of state before the effective date of any certificate of domestication issued by the secretary of state for the articles of domestication which the amended articles are to supersede.~~

Section 5. That § 47-34A-1013 be REPEALED:

~~(a) After the domestication of a foreign limited liability company is approved in the manner required by the laws of the jurisdiction in which the limited liability company is organized, the limited liability company shall file with the secretary of state articles of domestication setting forth:~~

- ~~(1) The name of the limited liability company immediately prior to the filing of the articles of domestication and, if that name is unavailable for use in this state or the limited liability company desires to change its name in connection with the domestication, a name that satisfies the requirements of § 47-34A-105;~~
- ~~(2) The plan of domestication; and~~
- ~~(3) The original jurisdiction of the limited liability company and the date the limited liability company was organized in that jurisdiction, and each subsequent jurisdiction and the date the~~

~~limited liability company was domesticated in each such jurisdiction, if any, prior to the filing of the articles of domestication.~~

~~(b) The articles of domestication shall have attached articles of organization that comply with the requirements contained in § 47-34A-203.~~

~~(c) If the secretary of state finds that the articles of domestication comply with the requirements of law and that all required fees have been paid, the secretary of state shall issue a certificate of domestication.~~

~~(d) The articles of domestication shall become effective pursuant to § 47-34A-206.~~

~~(e) A foreign limited liability company's existence as a domestic limited liability company shall begin when the certificate of domestication is effective. Upon becoming effective, the certificate of domestication shall be conclusive evidence that all conditions precedent required to be performed by the foreign limited liability company have been complied with and that the limited liability company has been organized under this chapter.~~

~~(f) If the foreign limited liability company is authorized to transact business in this state under § 47-34A-1004, its certificate of authority is canceled automatically on the effective date of the certificate of domestication issued by the secretary of state.~~

Section 6. That § 47-34A-1014 be REPEALED:

~~(a) If a domestic limited liability company has approved, in the manner required by § 47-34A-1012, a plan of domestication providing for the limited liability company to be domesticated under the laws of another jurisdiction, the limited liability company shall file with the secretary of state articles of organization surrender setting forth:~~

- ~~(1) The name of the limited liability company;~~
- ~~(2) The limited liability company's new jurisdiction of organization;~~
- ~~(3) The plan of domestication;~~
- ~~(4) A statement that the articles of organization surrender are being filed in connection with the domestication of the limited liability company as a foreign limited liability company to be organized under the laws of another jurisdiction and that the limited liability company is surrendering its certificate of organization under the laws of this state;~~
- ~~(5) A statement that the limited liability company revokes the authority of its registered agent to accept service on its behalf and appoints the secretary of state as its agent for service of process in any proceeding based on a cause of action arising during the time it was organized in this state;~~
- ~~(6) A mailing address to which the secretary of state may mail a copy of any process served on the secretary of state under subdivision (5); and~~
- ~~(7) A commitment to notify the secretary of state in the future of any change in the mailing address of the limited liability company.~~

~~(b) If the secretary of state finds that the articles of organization surrender~~

comply with the requirements of law and that all required fees have been paid, the secretary of state shall issue a certificate of organization surrender.

~~(c) The limited liability company shall automatically cease to be a domestic limited liability company when the certificate of organization surrender becomes effective.~~

~~(d) If the former domestic limited liability company intends to continue to transact business in the state, within thirty days after the effective date of the certificate of organization surrender issued pursuant to subsection (b), the former domestic limited liability company shall deliver to the secretary of state an application for a certificate of authority to transact business in the state pursuant to § 47-34A-1002 together with a certificate of existence or a record of similar import authentication by the secretary of state or other official having custody of company records in the state or country under whose law it is organized together with any fee required by § 47-34A-1206 and any other required fee.~~

Section 7. That § 47-34A-1015 be REPEALED:

~~(a) When a foreign limited liability company's certificate of domestication in this state becomes effective, with respect to that limited liability company:~~

- ~~(1) The title to all real estate and other property remains in the limited liability company without reversion or impairment;~~
- ~~(2) The liabilities remain the liabilities of the limited liability company;~~
- ~~(3) A proceeding pending may be continued by or against the limited liability company as if the domestication did not occur;~~
- ~~(4) The articles of organization attached to the articles of domestication constitute the articles of organization of the limited liability company; and~~
- ~~(5) The limited liability company is deemed to:

 - ~~(i) Be organized under the laws of this state for all purposes;~~
 - ~~(ii) Be the same limited liability company as the limited liability company that existed under the laws of the jurisdiction or jurisdictions in which it was originally organized or formerly domesticated; and~~
 - ~~(iii) Have been organized on the date it was originally formed or organized.~~~~

~~(b) Any member of a foreign limited liability company that domesticates into this state who, prior to the domestication, was liable for the liabilities or obligations of the limited liability company is not released from those liabilities or obligations by reason of the domestication.~~

Section 8. That § 47-34A-1016 be REPEALED:

~~(a) Unless the domestic limited liability company's articles of organization, operating agreement, or the plan of domestication provides otherwise, after the domestication has been authorized and at any time before the effective date of the certificate of domestication issued by the Office of the Secretary of State, the domestication may be abandoned by majority vote of the members of the domestic limited liability company.~~

~~(b) If a domestication is abandoned under subsection (a) after articles of organization surrender have been filed with the secretary of state but before the~~

~~certificate of organization surrender has become effective, written notice that the domestication has been abandoned in accordance with this section shall be filed with the secretary of state prior to the effective date of the certificate of organization surrender. The notice shall take effect upon filing and the domestication shall be deemed abandoned and shall not become effective.~~

~~(c) If the domestication of a foreign limited liability company into this state is abandoned in accordance with the laws of the foreign jurisdiction after articles of domestication have been filed with the secretary of state but before the certificate of domestication has become effective in this state, written notice that the domestication has been abandoned shall be filed with the secretary of state prior to the effective date of the certificate of domestication. The notice shall take effect upon filing and the domestication shall be deemed abandoned and shall not become effective.~~

Signed March 7, 2022

PUBLIC UTILITIES AND CARRIERS

Chapter 169 (House Bill 1003)

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, ~~2021~~ 2022, 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, ~~2021~~ 2022, with the following modifications:

- (1) All references to interstate operations shall 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 which 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 390-397;
- (2) For the purposes of part 391.11(b)(1), a driver shall 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 shall be at least eighteen ~~years of age 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 part 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 8, 2022

Chapter 170
(House Bill 1214)

An Act to prohibit forms of caller identification manipulation and to impose a penalty therefor.

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

Section 1. That § 49-31-31 be AMENDED:

49-31-31. It is a Class 1 misdemeanor for a person to use a telephone or other electronic communication device for any of the following purposes:

- (1) To contact another person with intent to terrorize, intimidate, threaten, harass, or annoy such person by using obscene or lewd language or by suggesting a lewd or lascivious act;
- (2) To contact another person with intent to threaten to inflict physical harm or injury to any person or property;
- (3) To contact another person with intent to extort money or other things of value;
- (4) To contact another person with intent to disturb that person by repeated anonymous telephone calls or intentionally failing to replace the receiver or disengage the telephone connection; or
- (5) Except as allowed in section 2 of this Act, to contact or to attempt to contact another person and, in so doing, intentionally cause to be displayed as caller identification, a fictitious or misleading name or telephone number:
 - (a) To defraud, cause harm, or wrongfully obtain anything of value from another person; or
 - (b) Of another person who has not granted the person the right to display that other person's name or phone number, as applicable.

It is a Class 1 misdemeanor for a person to knowingly permit a telephone

or other electronic communication device under his or her control to be used for a purpose prohibited by this section.

Section 2. That chapter 49-31 be amended with a NEW SECTION:

The provisions of subdivision 49-31-31(5) do not apply to:

- (1) An authorized activity of a law enforcement agency;
- (2) Any investigative, protective, or intelligence activity of a law enforcement agency of the United States, this state or its political subdivisions, or another state or its political subdivisions; or an intelligence agency of the United States;
- (3) A protective services or domestic violence shelter or facility;
- (4) A telecommunications company in:
 - (a) Blocking or restricting the name or phone number from being displayed by caller identification equipment or devices; or
 - (b) Displaying caller identification data sent to the company from the caller; or
- (5) Any activity pursuant to a court order that specifically authorizes the use of caller identification manipulation.

Signed March 16, 2022

Chapter 171
(Senate Bill 80)

An Act to exempt the provision of electricity through electric vehicle charging stations from the definition of electric utility.

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

Section 1. That chapter 49-34A be amended with a NEW SECTION:

A person that owns or operates an electric vehicle charging station to resell or provide electricity to the public exclusively for electric vehicle charging is not an electric utility if the person has purchased the electricity from an electric utility that is engaging in the retail sale of electricity within the utility's assigned service area.

Signed February 9, 2022

Chapter 172
(Senate Bill 40)

An Act to establish safety standards regarding biogas gathering lines.

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

Section 1. That a NEW SECTION be added to title 49:

Terms used in this chapter mean:

- (1) "Biogas gathering line," new and existing gathering pipeline facilities in South Dakota that transport gas from a bio-methane producer to an interstate or intrastate gas pipeline;
- (2) "Commission," the Public Utilities Commission;
- (3) "Gas," natural gas, liquefied natural gas, flammable gas, gas which is toxic or corrosive, or liquefied petroleum gas in distribution systems.

Section 2. That a NEW SECTION be added to title 49:

Any person who operates an intrastate biogas gathering line shall prior to operation provide written notice of the location and existence of the biogas gathering line to:

- (1) Any county and township where the biogas gathering line is located;
- (2) The county emergency management office or county equivalent in those counties;
- (3) Any fire department or ambulance service located within ten miles of the biogas gathering line;
- (4) South Dakota One-Call;
- (5) The Commission;
- (6) All landowners of record who own land within six hundred and sixty feet of the biogas gathering line.

All notices must warn of the hazards and dangers associated with the biogas gathering line and its contents.

Section 3. That a NEW SECTION be added to title 49:

Any person who operates a biogas gathering line on an easement or in public right of way must place and maintain signage marking the biogas gathering line for the life of the biogas gathering line. Signage must be in the rights-of-way and placed at all public road crossings and railroad crossings and in sufficient numbers so that the biogas gathering line location is accurately and easily known. Signage must prominently display the operator's name, a twenty-four-hour emergency telephone number for the operator, the word, warning, or danger, and the phrase, biogas pipeline. Prior to commencement of operation, the operator shall certify to the Commission that the operator has completed the requirements of this chapter.

Section 4. That a NEW SECTION be added to title 49:

If the Commission finds, after notice and opportunity for hearing, that a person has failed to comply with any requirement of this chapter, the Commission may suspend or restrict the operation of the pipeline and may order the person to comply with this chapter. The Commission may issue a temporary ex parte order to suspend or restrict operation if the Commission determines a likelihood of immediate serious harm to life, health, environment, or property exists. The operator has the right of appeal from such decisions as provided by chapter 1-26. The Commission may apply to the circuit court in any county in which the biogas gathering line operates for orders that enjoin operation.

Section 5. That a NEW SECTION be added to title 49:

Any person who operates a biogas gathering line other than in compliance with this chapter is guilty of a Class 1 misdemeanor and is subject to a civil penalty of not more than ten thousand dollars.

Signed February 23, 2022

Chapter 173
(Senate Bill 36)

An Act to require financial security for the decommissioning of solar facilities.

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

Section 1. 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 wind turbines ~~shall~~ 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 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. 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 ~~subdivision 49-34A-1(12)~~ § 49-34A-1.

Signed February 9, 2022

Chapter 174
(Senate Bill 35)

An Act to increase penalties for actions related to grain transactions.

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

Section 1. That § 49-43-4.2 be AMENDED:

49-43-4.2. No owner, lessee, or manager of ~~any a~~ public grain warehouse may transact ~~any~~ business as a public grain warehouse until a license has been issued by the commission. Any person who ~~does business as a public grain warehouse without a license~~ violates this section is guilty of a Class 1 misdemeanor.

Each day ~~that a person conducts the business of a public grain warehouse without a license~~ is in violation of this section is a separate offense.

The operation of a public grain warehouse, without a license, may be enjoined by the commission. ~~In addition, the~~

~~The~~ commission may assess a civil fine against an unlicensed warehouse operator in the amount of ~~one five~~ thousand dollars ~~a per day,~~ up to a maximum of ~~twenty fifty~~ thousand dollars.

Section 2. That § 49-43-41 be AMENDED:

49-43-41. Any public grain warehouse operator, owner, manager, or chief executive officer of a grain warehouse, or any other person in a managerial position in the state who refuses access to the warehouse's books and accounts or hinders and delays the commission or any of its employees or agents in examining the books and accounts, may be ~~punished by~~ assessed a civil fine not exceeding ~~two twenty~~ thousand dollars.

Section 3. That § 49-43-62 be AMENDED:

49-43-62. If ~~at any time during~~ the licensing period a grain warehouse operator becomes aware that the grain warehouse is not in compliance with each financial standard, as set forth in the commission's rules, the grain warehouse operator shall immediately notify the commission of the grain warehouse's financial condition. When notification occurs, the commission shall immediately conduct an examination to determine if any grounds for suspension pursuant to § 49-43-5.6 have occurred.

A willful violation of this section that results in a financial loss to a grain depositor is a Class 6 felony.

A willful violation that does not result in a financial loss to a grain depositor is a Class 1 misdemeanor.

~~In addition, the~~ The commission may assess a civil fine against an grain warehouse that is out of compliance grain warehouse a civil fine in an amount not to exceed ~~one five~~ thousand dollars for each day the grain warehouse has been out of compliance, up to a maximum of ~~twenty fifty~~ thousand dollars.

Section 4. That § 49-45-1 be AMENDED:

49-45-1. Before transacting the business of a grain buyer in this state, a person shall obtain a grain buyer license from the commission. A violation of this

section is a Class 1 misdemeanor. Each purchase of grain without a license is a separate offense.

~~Operation as a~~ A grain buyer transacting business without a license may be enjoined upon complaint of the commission. ~~In addition, the~~

The commission may assess a civil fine against an unlicensed grain buyer in the amount of one five thousand dollars for each purchase of grain, up to a maximum fine of twenty fifty thousand dollars per licensing period, as set forth in § 49-45-3.

For purposes of this section, the term, purchase of grain, means the transaction evidenced by the issuance of a uniform scale ticket or receipt, as described in § 49-45-10.1.

Section 5. That § 49-45-25 be AMENDED:

49-45-25. ~~If at any time during the licensing period a grain buyer becomes aware that the grain buyer is not in compliance with each financial standard, as set forth in the commission's rules, the grain buyer shall immediately notify the commission of the grain buyer's financial condition. When notification occurs, the commission shall immediately conduct an examination to determine if any grounds for suspension pursuant to § 49-45-16 have occurred.~~

A willful violation of this section that results in a financial loss to a grain supplier is a Class 6 felony.

A willful violation that does not result in a financial loss to a grain supplier is a Class 1 misdemeanor.

~~In addition, the~~The commission may assess a civil fine, against an out-of-compliance out-of-compliance grain buyer, a civil fine in an amount not to exceed one thousand dollars for each day the grain buyer has been out of compliance, up to a maximum of twenty thousand dollars per licensing period, as set forth in § 49-45-3.

Section 6. That § 49-45-26 be AMENDED:

49-45-26. A grain buyer, the owner, manager, or chief executive officer of a grain buyer, or any other person in a managerial position, whether licensed or unlicensed, who or that purchases grain within the in this state, shall ~~have the ability to,~~ within five working days of an inspector's request, provide to the inspector, at a licensed location within this state or at the offices of the commission, all of the books, accounts, and electronic records relating to the transactions of the grain buyer, either within or without outside the state, upon request or within five working days of the request. Any requested materials shall be provided to the inspector at a licensed location within the state or at the offices of the commission.

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

~~In addition, the~~The commission may assess a civil fine in an amount not to exceed one thousand dollars for each day requested materials are withheld, up to a maximum of twenty thousand dollars per licensing period, as set forth in § 49-45-3.

Signed February 9, 2022

Chapter 175
(Senate Bill 38)

An Act to prohibit a grain broker from engaging in certain transactions or activities and to provide a penalty therefor.

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

Section 1. That § 49-45-1 be AMENDED:

49-45-1. Before transacting the business of a grain buyer in this state, a person shall obtain a grain buyer license from the commission.

A violation of this section is a Class 5 felony if the person holds himself or herself out to be a grain broker and a Class 1 misdemeanor in all other cases. Each purchase of grain without a license is a separate offense.

~~Operation as a~~ A grain buyer transacting business without a license may be enjoined upon complaint of the commission. ~~In addition, the~~

The commission may assess a civil fine against an unlicensed grain buyer in the amount of ~~one~~ five thousand dollars for each purchase of grain, up to a maximum fine of ~~twenty~~ fifty thousand dollars per licensing period, as set forth in § 49-45-3.

For purposes of this section, the term, purchase of grain, means a transaction evidenced by the issuance of a uniform scale ticket or receipt, as described in § 49-45-10.1.

Section 2. That § 49-45-1.1 be AMENDED:

49-45-1.1. Terms used in this chapter mean:

- (1) "Commission," the Public Utilities Commission;
- (2) "Grain," grain, grain sorghums, beans, pulse crops, and oil seeds. The term does not include grain that has been cleaned, processed, and specifically identified for an intended use of planting for reproduction, grain received for consignment that will be processed by the consignee for an intended use of planting for reproduction, or grain purchased to feed livestock;
- (3) "Grain broker," a person who is involved in the negotiation of a grain transaction in this state and:
 - (a) Is compensated for that involvement by at least one party to the transaction; and
 - (b) Does not take title to the grain that is subject to the transaction;
- (4) "Grain buyer," any person who purchases grain for the purpose of reselling the unprocessed grain or who purchases three hundred thousand dollars' worth or more of grain directly from producers in a calendar year. Nothing in this chapter applies to the isolated resale of grain by a producer who does not hold himself or herself out as engaging in the business of reselling grain;
- ~~(4)~~(5) "Holds himself or herself out," the creation of an assumption or the use of any kind of title, sign, symbol, document, or term indicating or conveying the idea that the person whose name is so connected is competent, qualified, authorized, or entitled to engage in certain activities;

(6) "Person," any natural person, firm, corporation, company, limited liability company, partnership, association, or joint stock company, or the lessee, trustee, or receiver appointed by any court for any one of the foregoing;

~~(5)(7) "Producer," a person engaged in the business of grain production; and~~

(8) "Voluntary credit sale," a sale of grain or seeds pursuant to which the sale price is to be paid more than thirty days after the delivery or release of the grain for sale, including those contracts commonly referred to as deferred-payment contracts, deferred-pricing contracts, and price-later contracts;~~and~~

~~(6) "Producer," a person engaged in the business of grain production.~~

Section 3. That chapter 49-45 be amended with a NEW SECTION:

It is a Class 5 felony for a grain broker to:

- (1) Negotiate or attempt to negotiate a grain transaction with a grain buyer, who is not licensed in accordance with this chapter; or
- (2) Take title or attempt to take title to grain that is subject to a transaction being negotiated by the grain broker.

The commission may assess a civil fine against a grain broker in the amount of five thousand dollars for each violation of this section, up to a maximum fine of fifty-thousand dollars, annually.

Signed February 9, 2022

**Chapter 176
(Senate Bill 39)**

An Act to reduce the period for filing claims upon the revocation of a grain buyer license.

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

Section 1. That § 49-45-19 be AMENDED:

49-45-19. Upon the revocation, ~~termination, or cancellation~~ of a grain buyer license, any claim against the grain buyer arising under this chapter ~~shall~~ must be made in writing and filed with the commission, ~~within six months~~ ninety days after receiving notice of the revocation, ~~termination, or cancellation~~.

Upon the revocation of a grain buyer license, the commission shall ~~publish notice of the revocation once;~~

- (1) Once each week for two consecutive weeks, publish notice of the revocation in ~~a~~:
 - (a) A newspaper of general circulation in each county in which the licensee-grain buyer maintains a business location; ~~and in a~~
 - (b) A newspaper of general circulation within the state-

~~The commission shall also send notice of the revocation by certified mail;~~
and

~~(2) Send, by certified mail, to each scale ticket holder named in the an audit prepared pursuant to § 49-45-18. The, a notice shall state the of revocation that includes:~~

~~(a) The name and address of the grain buyer, the;~~

~~(b) The effective date of the revocation, and the;~~

~~(c) The name and address of the surety on the grain buyer bond. The notice shall also state; and~~

~~(d) A statement that any claims against the grain buyer shall must be made in writing and sent by ordinary mail to the commission, within six months ninety days after receiving notice of the revocation.~~

Signed February 9, 2022

Chapter 177
(House Bill 1037)

An Act to revise the penalty for certain willful violations by grain buyers and grain warehouse operators.

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

Section 1. That § 49-45-25 be AMENDED:

49-45-25. If at any time during the licensing period a grain buyer becomes aware that the grain buyer is not in compliance with each financial standard, as set forth in the commission's rules, the grain buyer shall immediately notify the commission of the grain buyer's financial condition. When notification occurs, the commission shall immediately conduct an examination to determine if any grounds for suspension pursuant to § 49-45-16 have occurred. A willful violation of this section that results in a financial loss to a grain supplier is ~~a Class 6 felony punishable as theft under chapter 22-30A.~~ A willful violation that does not result in a financial loss to a grain supplier is a Class 1 misdemeanor.

In addition, the commission may assess a civil fine against an out of compliance grain buyer in an amount not to exceed one thousand dollars for each day the grain buyer has been out of compliance up to a maximum of twenty thousand dollars.

Section 2. That § 49-43-62 be AMENDED:

49-43-62. If at any time during the licensing period a grain warehouse operator becomes aware that the grain warehouse is not in compliance with each financial standard, as set forth in the commission's rules, the grain warehouse operator shall immediately notify the commission of the grain warehouse's financial condition. When notification occurs, the commission shall immediately conduct an examination to determine if any grounds for suspension pursuant to § 49-43-5.6 have occurred. A willful violation of this section that results in a financial loss to a grain depositor is ~~a Class 6 felony punishable as theft under chapter 22-30A.~~ A willful violation that does not result in a financial loss to a grain depositor is a Class 1 misdemeanor.

In addition, the commission may assess a civil fine against an out of compliance grain warehouse in an amount not to exceed one thousand dollars for each day the grain warehouse has been out of compliance up to a maximum of twenty thousand dollars.

Signed March 7, 2022

BANKS AND BANKING

Chapter 178 (Senate Bill 47)

An Act to revise certain provisions regarding money transmission.

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

Section 1. That § 51A-17-1 be AMENDED:

51A-17-1. Terms used in this chapter mean:

- (1) "Applicant," any person filing an application for a license under this chapter;
- (2) "Authorized delegate," any entity designated by the licensee under the provisions of this chapter to sell or issue payment instruments or engage in the business of transmitting money on behalf of a licensee;
- (3) ~~"Control," ownership of, or the power to vote, twenty five percent or more of the outstanding voting securities of a licensee or controlling person. For purposes of determining the percentage of a licensee controlled by any person, there shall be aggregated with the person's interest the interest of any other person controlled by such person or by any spouse, parent, or child of such person;~~
- (4) "Controlling person," any person in control of a licensee;
- ~~(5)~~(4) "Director," the director of the Division of Banking;
- ~~(6)~~(5) "Division," the Division of Banking;
- ~~(7)~~(6) "Electronic instrument," any card or other tangible object for the transmission or payment of money that contains a microprocessor chip, magnetic stripe, or other means for the storage of information, that is prefunded, and for which the value is decremented upon each use. The term does not include a card or other tangible object that is redeemable by the issuer in goods or services;
- ~~(8)~~(7) "Executive officer," the licensee's president, chair of the executive committee, senior officer responsible for the licensee's business, chief financial officer, and any other person who performs similar functions;
- ~~(9)~~(8) "Key shareholder," any person, or group of persons acting in concert, who is the owner of twenty-five percent or more of any voting class of an applicant's stock;
- ~~(10)~~(9) "Licensee," any person licensed pursuant to this chapter;

- ~~(11)~~(10) "Material litigation," any litigation that, according to generally accepted accounting principles, is deemed significant to an applicant's or licensee's financial health and would be required to be referenced in that entity's annual audited financial statements, report to shareholders, or similar documents;
- ~~(12)~~(11) "Monetary value," any medium of exchange, whether or not redeemable in money;
- ~~(13)~~(12) "Money transmission," engagement in the business of the sale or issuance of payment instruments or stored value or of receiving money or monetary value for transmission to a location within or outside the United States by any means, ~~including wire, facsimile, or electronic transfer;~~
- ~~(13A)~~(13) "Nationwide mortgage licensing system and registry," a licensing system developed and maintained by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators for the licensing and registration of licensed mortgage loan originators and other regulated entities;
- (14) "Outstanding payment instrument," any payment instrument issued by the licensee which has been sold in the United States directly by the licensee or any payment instrument issued by the licensee which has been sold by an authorized delegate of the licensee in the United States, which has been reported to the licensee as having been sold, and which has not yet been paid by or for the licensee;
- (15) "Payment instrument," any electronic or written check, draft, money order, travelers check, or other electronic or written instrument or order for the transmission or payment of money, sold or issued to one or more persons, whether or not such instrument is negotiable. The term, payment instrument, does not include any credit card voucher, any letter of credit, or any instrument which is redeemable by the issuer in goods or services;
- (16) "Remit," either the direct payment of the funds to the licensee or its representatives authorized to receive those funds, or the deposit of the funds in a bank, credit union, savings and loan association, or other similar financial institution in an account specified by the licensee;
- (17) "Security device," any surety bond, irrevocable letter of credit, or similar security device;
- (18) "Stored value," monetary value that is evidenced by an electronic record. Stored value does not include any item that is redeemable by the issuer or its affiliates in goods or services of the issuer or its affiliates;
- (19) "Tangible net worth," aggregate assets of a licensee excluding all intangible assets, less liabilities, as determined in accordance with United States generally accepted accounting principles.

Section 2. That chapter 51A-17 be amended with a NEW SECTION:

For purposes of this chapter, the term, control, means:

- (1) The power to vote, directly or indirectly, at least twenty-five percent of the outstanding voting shares or voting interests of a licensee or controlling person;
- (2) The power to elect or appoint a majority of key individuals or executive officers, managers, directors, trustees, or other persons exercising managerial authority of a licensee or controlling person; or

- (3) The power to exercise, directly or indirectly, a controlling influence over the management or policies of a licensee or controlling person.

A person is presumed to exercise controlling influence when the person holds the power to vote, directly or indirectly, at least ten percent of the outstanding voting shares or voting interests of a licensee or controlling person. A person presumed to exercise controlling influence as defined by this section may rebut the presumption of control if the person is a passive investor.

To determine the percentage of a licensee or controlling person controlled by any other person, the person's interest must be aggregated with the interest of the person's spouse, parents, children, siblings, mothers- and fathers-in-law, sons- and daughters-in-law, brothers- and sisters-in-law, and any other person who shares the person's home.

Section 3. That chapter 51A-17 be amended with a NEW SECTION:

For purposes of this chapter, the term, passive investor, means a person that:

- (1) Does not have the power to elect a majority of key individuals or executive officers, managers, directors, trustees, or other persons exercising managerial authority of a licensee or controlling person;
- (2) Is not employed by and does not have any managerial duties of the licensee or controlling person;
- (3) Does not have the power to exercise, directly or indirectly, a controlling influence over the management or policies of a licensee or controlling person; and
- (4) Either:
- (a) Attests to subdivisions (1), (2), and (3), in a form and in a medium prescribed by the director; or
- (b) Commits to the passivity characteristics of subdivisions (1), (2), and (3) in a written document.

Section 4. That § 51A-17-6 be AMENDED:

51A-17-6. Each licensee under this chapter shall maintain at all times have a net worth of not less than one hundred thousand dollars, calculated in accordance with generally accepted accounting principles a tangible net worth of the greater of one hundred thousand dollars or three percent of total assets for the first one hundred million dollars, two percent of additional assets from one hundred million dollars to one billion dollars, and one-half of one percent of additional assets over one billion dollars. Tangible net worth must be demonstrated in an initial application by the applicant's most recent audited financial statement pursuant to §§ 51A-17-13(8) and 51A-17-14(5).

The director has the authority to exempt, in whole or in part, any applicant or licensee from the requirements of this section for good cause.

Section 5. That § 51A-17-10 be AMENDED:

51A-17-10. Each licensee under this chapter shall at all times possess permissible investments having an aggregate market value, calculated in accordance with United States generally accepted accounting principles, of not less than the aggregate face amount of all outstanding payment instruments and stored value issued or sold by the licensee in the United States. This requirement A licensee transmitting virtual currencies shall hold like-kind virtual currencies of the

same volume as that held by the licensee but that is obligated to consumers, in lieu of the permissible investments otherwise required in this section. A licensee conducting money transmission activities shall maintain applicable amounts and types of permissible investments at all times. The requirements of this section may be waived by the director if the dollar volume of a licensee's outstanding payment instruments and stored value does not exceed the security devices posted by the licensee pursuant to § 51A-17-8.

Permissible investments, even if commingled with other assets of the licensee, ~~shall be deemed by operation of law to~~ must be held in trust for the benefit of the purchasers and holders of the licensee's outstanding payment instruments in the event of the bankruptcy of the licensee.

Section 6. That § 51A-17-22 be AMENDED:

51A-17-22. Within fifteen business days of the occurrence of any one of the events listed in this section, a licensee shall ~~file a written report with the director~~ electronically file an amendment or an advance change notice through the nationwide mortgage licensing system and registry describing the event and its expected impact on the licensee's activities in the state. ~~Such~~ The events include:

- (1) Any material changes in information provided in a licensee's application or renewal report;
- (2) The filing for bankruptcy or reorganization by the licensee;
- (3) The institution of revocation or suspension proceedings against the licensee by any state or governmental authority with regard to the licensee's money transmission activities;
- (4) Any felony indictment of the licensee or any of its key officers or directors related to money transmission activities; and
- (5) Any felony conviction of the licensee or any of its key officers or directors related to money transmission activities.

Section 7. That § 51A-17-23 be AMENDED:

51A-17-23. A licensee shall ~~give the director written notice~~ electronically file an advance change notice through the nationwide mortgage licensing system and registry of a proposed change of control within fifteen days after learning of the proposed change of control and request approval of the acquisition. After review of a request for approval, the director may require the licensee to provide additional information concerning the proposed persons in control of the licensee. ~~The additional information shall be~~ is limited to the same types required of the licensee or persons in control of the licensee as part of its original license or renewal application. The director shall approve a request for change of control if, after investigation, the director determines that the person or group of persons requesting approval has the competence, experience, character, and general fitness to operate the licensee or person in control of the licensee in a lawful and proper manner and that the interests of the public will not be jeopardized by the change of control.

Section 8. That § 51A-17-27 be AMENDED:

51A-17-27. ~~The director may conduct an annual on-site examination of a licensee upon reasonable notice to the licensee. The director may examine a licensee without prior notice if the director has a reasonable basis to believe that the licensee is in noncompliance with this chapter. If the director concludes that an on-site examination of a licensee is necessary, the licensee shall pay all~~

~~reasonably incurred costs of such examination. The on-site examination may be conducted in conjunction with examinations to be performed by representatives of any governmental agency. The director, in lieu of an on-site examination, may accept the examination report of any governmental agency, and reports so accepted are considered for all purposes as an official report of the director. The director may waive an on-site examination and only require a self-examination or a report prepared by an independent accounting firm. If a licensee conducts a self-examination, the licensee shall provide any information requested under oath and on forms provided by the division. The reasonable expenses incurred by the division, any governmental agency, or an independent licensed or certified public accountant in making such examination or report shall be borne by the licensee. The director may conduct an examination or investigation of a licensee or authorized delegate or otherwise take independent action authorized by this chapter, rule adopted under this chapter and promulgated pursuant to chapter 1-26, or order issued under this chapter that is reasonably necessary to administer and enforce this chapter, rules adopted under this chapter and promulgated pursuant to chapter 1-26, and other applicable law. The director may:~~

- ~~(1) Conduct an examination either on-site or off-site;~~
- ~~(2) Conduct an examination in conjunction with an examination conducted by representatives of another state agency, an agency of another state, or the federal government;~~
- ~~(3) Accept the examination report of another state agency, agency of another state, or the federal government, or a report prepared by an independent accounting firm. A report accepted under this subdivision is considered an official report of the director; and~~
- ~~(4) Summon and examine, under oath, a key individual, employee of a licensee, or authorized delegate and require the individual, employee, or delegate to produce records regarding any matter related to the condition and business of the licensee or authorized delegate.~~

~~A licensee or authorized delegate shall provide, and the director must have full and complete access to, all records the director may reasonably require to conduct a complete examination. The records must be provided at the location and in the format specified by the director. The director may utilize multistate record production standards and examination procedures when the standards will reasonably achieve the requirements of this section.~~

~~Unless otherwise directed by the director, a licensee shall pay all costs reasonably incurred in connection with an examination of the licensee or the licensee's authorized delegates.~~

Section 9. That § 51A-17-28 be AMENDED:

51A-17-28. The director may request financial data from a licensee in addition to that required under § 51A-17-19, or conduct an ~~on-site~~ examination of any authorized delegate or location of a licensee within this state without prior notice to the authorized delegate or licensee only if the director has a reasonable basis to believe that the licensee or authorized delegate is in noncompliance with this chapter. If the director examines an authorized delegate's operations, the authorized delegate shall pay all reasonably incurred costs of such examination. If the director examines a licensee's location within the state, the licensee shall pay all reasonably incurred costs of such examination.

Section 10. That chapter 51A-17 be amended with a NEW SECTION:

The director may participate in multistate supervisory processes

established between states and coordinated through the Conference of State Bank Supervisors, Money Transmitter Regulators Association, and affiliates and successors thereof for all licensees in this state and other states. As a participant in multistate supervision, the director may:

- (1) Cooperate, coordinate, and share information with other states and federal regulators pursuant to § 51A-17-30;
- (2) Enter into written cooperation, coordination, or information-sharing contracts or agreements with organizations comprised of state or federal governmental agencies; and
- (3) Cooperate, coordinate, and share information with organizations comprised of state or federal governmental agencies, provided that the organizations agree in writing to maintain the confidentiality and security of the shared information pursuant to § 51A-17-30.

The director may not waive, and nothing in this section constitutes a waiver of, the director's authority to conduct an examination, investigation, or otherwise take independent action authorized by this chapter, rule adopted under this chapter, or order issued under this chapter to enforce compliance with applicable state or federal law. A joint examination or investigation, or acceptance of an examination or investigation report, does not constitute a waiver of an examination assessment provided for in this chapter.

Signed February 8, 2022

DEBTOR AND CREDITOR

Chapter 179 (House Bill 1271)

An Act to provide for remote work for employees of money lending licensees and mortgage lender businesses.

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

Section 1. That chapter 54-4 be amended with a NEW SECTION:

An employee of a licensee may work in a remote location other than the business location identified pursuant to § 54-4-40 or 54-4-47, if the licensee:

- (1) Ensures in-person interactions with consumers are not conducted at the remote location and the remote location is not represented to consumers as a business location;
- (2) Maintains secure virtual private networks and other appropriate safeguards for licensee and consumer data, information, and records;
- (3) Employs appropriate risk-based monitoring and oversight processes of work performed from a remote location and maintains records of the processes;

- (4) Ensures consumer information and records are not maintained at the remote location;
- (5) Ensures consumer and licensee information and records remain accessible and available for regulatory oversight and examination; and
- (6) Provides appropriate employee training to keep all conversations about and with consumers conducted from the remote location confidential, as if conducted from the business location, and to ensure remote employees work in an environment that maintains confidentiality.

Section 2. That chapter 54-14 be amended with a NEW SECTION:

An employee of a licensee may work in a remote location other than the business location identified pursuant to § 54-14-14, if the licensee:

- (1) Ensures in-person interactions with consumers are not conducted at the remote location and the remote location is not represented to consumers as a business location;
- (2) Maintains secure virtual private networks and other appropriate safeguards for licensee and consumer data, information, and records;
- (3) Employs appropriate risk-based monitoring and oversight processes of work performed from a remote location and maintains records of the processes;
- (4) Ensures consumer information and records are not maintained at the remote location;
- (5) Ensures consumer and licensee information and records remain accessible and available for regulatory oversight and examination; and
- (6) Provides appropriate employee training to keep all conversations about and with consumers conducted from the remote location confidential, as if conducted from the business location, and to ensure remote employees work in an environment that maintains confidentiality.

Signed March 18, 2022

INSURANCE

Chapter 180
(Senate Bill 160)

An Act to exempt motor vehicle service contracts from the insurance code.

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

Section 1. That § 58-1-2 be AMENDED:

58-1-2. Terms used in this title mean:

- (1) "Alien insurer," one formed under the laws of any country or jurisdiction other than the United States of America, its states, districts, territories,

- and commonwealths;
- (2) "Authorized insurer," one authorized, by a subsisting certificate of authority issued by the director, to engage in the insurance business in this state;
 - (3) "Certificate of authority," permission granted to an insurer to issue policies or make contracts of insurance in this state;
 - (4) "Director," the director of the Division of Insurance;
 - (5) "Division," the Division of Insurance of the Department of Labor and Regulation;
 - (6) "Domestic insurer," one formed under the laws of this state;
 - (7) "Foreign insurer," one formed under the laws of any jurisdiction other than this state; except where distinguished by context, foreign insurer includes an alien insurer;
 - (8) "Insurance," a contract whereby one undertakes to indemnify another or to pay or provide a specified or determinable amount or benefit upon determinable contingencies;
 - (9) "Insurance business," includes the transaction of all matters pertaining to a contract of insurance, both before and after the effectuation of that contract, and all matters arising out of that contract or any claim thereunder;
 - (10) "Insurer," every person engaged as indemnitor, surety, or contractor in the business of entering into contracts of insurance;
 - (11) "License," permission granted to an agent or broker to engage in those activities permitted by such persons under this title;
 - (12) Repealed by SL 2001, ch 263, § 1.
 - (13) "Mechanical breakdown insurance," any contract or agreement, issued by an authorized insurer, to perform or indemnify for a specific duration the repair, replacement, or maintenance of property for operational or structural failure due to a defect in materials, workmanship, or normal wear and tear;
 - (14) "Person," an individual, insurer, company, association, organization, Lloyds, society, reciprocal or inter-insurance exchange, partnership, syndicate, business trust, corporation, and any other legal entity;
 - (15) "Principal office" or "principal place of business," the office or regional home office from which the business affairs of the insurer are directed and managed;
 - (16) "Producer," any person required to be licensed under the laws of this state to sell, solicit, or negotiate insurance. The terms also means an insurance agent;
 - (17) "State," when used in context signifying a jurisdiction other than the State of South Dakota, a state, the District of Columbia, a territory, commonwealth, or possession of the United States of America, or a province of the Dominion of Canada;
 - (18) "Unauthorized insurer," one which does not hold a subsisting certificate of authority issued by the director to engage in the insurance business in this state; and

- (19) "Vehicle theft protection product," a device or system installed on or applied to a motor vehicle that is designed to prevent loss or damage to a motor vehicle from theft.

Section 2. That § 58-1-3 be AMENDED:

58-1-3. No provision of this title applies with respect to:

- (1) Fraternal benefit societies, except as stated in chapter 58-37A;
- (2) Bail bondsmen, other than corporate sureties and their agents, except as stated in chapter 58-22;
- (3) Motor vehicle service contracts ~~which are contracts~~ or agreements to perform or indemnify for a specific duration the repair, replacement, or maintenance of motor vehicles for operational or structural failure due to a defect in materials, workmanship, or normal wear and tear, with or without additional provisions for incidental payment of indemnity under limited circumstances, including towing, rental, and emergency road service. Consideration for a motor vehicle service contract ~~shall~~ must be stated separately from the price of the motor vehicle. A motor vehicle service contract may also provide for:
 - (a) The repair or replacement of motor vehicle windshields, tires, or wheels that are damaged as a result of contact with road hazards;
 - (b) The removal of dents, dings, or creases on a motor vehicle that can be repaired using the process of paintless dent removal without affecting the existing paint finish and without replacing vehicle body panels, sanding, bonding, or painting;
 - (c) The replacement of a motor vehicle key or key-fob in the event that the key or key-fob becomes inoperable, lost, or stolen; or
 - (d) The use, repair, replacement, or maintenance of property; indemnification for repair, replacement, or maintenance, due to excess wear; and the use, damage, or excess mileage that result in a lease-end charge, or any other charge for damage that is deemed as excess wear and use by a lessor under a motor vehicle lease; provided any such payment does not exceed the purchase price of the vehicle;
- (4) Service agreements or extended warranty plans for which the primary purpose is to provide service, repair, or replacement on consumer goods or products, or for indemnification for repair, replacement, or maintenance; for operational or structural failure due to a defect in materials or workmanship, normal wear and tear, power surge; or accidental damage from handling of a consumer good or product, including appliances, merchandise, or equipment, or mechanical/electrical systems in single or multiple-family dwellings. Incidental indemnity payments under such plans where service, repair, or replacement is not feasible or economical does not void this exemption;
- (5) Vehicle theft protection product warranties that provide the warrantor is required to pay to or on behalf of the warranty holder, specified incidental costs as a result of the failure of the vehicle theft protection product to perform pursuant to the terms of the warranty;
- ~~(5)~~(6) Any person, trust, or other entity proven to be under the exclusive regulatory authority of the federal government or another state agency;

- ~~(6)~~(7) Any agreement to provide liability protection entered into pursuant to chapter 1-24 is exempt from the regulatory requirements of Title 58, except to forms of insurance coverage provided by an insurer otherwise subject to the insurance laws of this state;
- ~~(7)~~(8) Any church plan, as defined in section 414(e) of the Internal Revenue Code of 1986, as amended through December 31, 1999, and section (3)(33)(C)(i) of the Employee Retirement Income Security Act of 1974 (29 U.S. C. § 1002(33)(C)(i)); or any church benefits board, as described in section 414(e)(3)(A) of the Internal Revenue Code of 1986, as amended through December 31, 1999, and section (3)(33)(C)(i) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. § 1002(33)(C)(i));
- ~~(8)~~(9) Any debt cancellation contract or debt suspension contract as defined by subdivisions 51A-1-2(10) and 51A-1-2(11) and §§ 54-4-73 and 54-4-74; or
- ~~(9)~~(10) Any damage guarantee program for renters administered by a nonprofit corporation that is recognized as an exempt organization under § 501(c)(3) of the Internal Revenue Code and whose mission is to increase the availability of affordable housing to low and moderate income tenants.

Signed March 3, 2022

Chapter 181
(House Bill 1117)

An Act to revise a certain provision regarding standard nonforfeiture amounts for individual deferred annuities.

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

Section 1. That § 58-15-85 be AMENDED:

58-15-85. The minimum values as specified in §§ 58-15-86 to 58-15-89, inclusive, and 58-15-91 of any paid-up annuity, cash surrender, or death benefits available under an annuity contract shall be based upon minimum nonforfeiture amounts as defined in this section:

- (1) The minimum nonforfeiture amount at any time at or prior to the commencement of any annuity payments shall be equal to an accumulation up to such time at rates of interest as indicated in the second paragraph of this section of considerations (as hereinafter defined) paid prior to such time, decreased by the sum of the following:
 - (a) Any prior withdrawals from or partial surrenders of the contract accumulated at rates of interest as indicated in the second paragraph of this section; and
 - (b) An annual contract charge of fifty dollars accumulated at rates of interest as indicated in second paragraph of this section;
 - (c) Any premium tax paid by the company for the contract, accumulated at rates of interest as indicated in second paragraph of this section; and

- (d) The amount of any indebtedness to the company on the contract, including interest due and accrued;
- (2) The net considerations for a given contract year used to define the minimum nonforfeiture amount shall be an amount equal to eighty-seven and one-half percent of the gross considerations credited to the contract during that contract year.

The interest rate used in determining minimum nonforfeiture amounts shall be an annual rate of interest determined as the lesser of three percent per annum and the following, which shall be specified in the contract if the interest rate will be reset:

- (1) The five-year constant maturity treasury rate reported by the Federal Reserve as of a date, or average over a period, rounded to the nearest one-twentieth of one percent, specified in the contract no longer than fifteen months prior to the contract issue date or redetermination date pursuant to this section;
- (2) Reduced by one hundred twenty-five basis points;
- (3) Where the resulting interest rate is not less than ~~one percent~~ fifteen-hundredths of one percent; and
- (4) The interest rate shall apply for an initial period and may be redetermined for additional periods.

The redetermination date, basis, and period, if any, shall be stated in the contract. The basis is the date or average over a specified period that produces the value of the five-year constant maturity treasury rate to be used at each redetermination date.

During the period or term that a contract provides substantive participation in an equity indexed benefit, it may increase the reduction described above by up to an additional one hundred basis points to reflect the value of the equity index benefit. The present value at the contract issue date, and at each redetermination date thereafter, of the additional reduction may not exceed the market value of the benefit. The director may require a demonstration that the present value of the additional reduction does not exceed the market value of the benefit. Lacking such a demonstration that is acceptable to the director, the director may disallow or limit the additional reduction.

The director may promulgate rules pursuant to chapter 1-26 to implement the provisions of this section and to provide for further adjustments to the calculation of minimum nonforfeiture amounts for contracts that provide substantive participation in an equity index benefit and for other contracts that the director determines adjustments are justified.

Signed March 24, 2022

Chapter 182
(Senate Bill 171)

**An Act to prohibit insurance policies from restricting the method of payment
for dental care.**

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

Section 1. That chapter 58-17 be amended with a NEW SECTION:

No plan of insurance insuring dental care services may contain restrictions on methods of payment to the dentist in which the only acceptable payment method is a credit card payment.

Signed March 3, 2022

Chapter 183
(House Bill 1102)

An Act to reduce the exempt commercial policyholder aggregate premium requirement.

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

Section 1. That § 58-24-68 be AMENDED:

58-24-68. For the purposes of §§ 58-24-68 to 58-24-74, inclusive, the term, exempt commercial policyholder, means any person who applies for or procures any kind of property casualty insurance, except title or workers' compensation insurance, through the use of a risk manager employed or retained by such person, and meets at least two of the following qualifications:

- (1) Has purchased the insurance with aggregate premiums in the sum of at least ~~one hundred fifty~~ thousand dollars, during the most recently completed calendar year;
- (2) Has a net worth of at least ten million dollars, as reported in the policyholder's most recently issued financial statement, reviewed or audited by an independent certified public accountant;
- (3) Has annual net revenues or net sales of at least ten million dollars, as reported in the policyholder's most recently issued financial statement, reviewed or audited by an independent certified public accountant;
- (4) Employs at least one hundred full-time employees, either individually or, if the policyholder is a member of an affiliated group, collectively with all members of the affiliated group;
- (5) Has, if the policyholder is a nonprofit organization, an annual operating budget of at least two million five hundred thousand dollars, for the most recently completed calendar or fiscal year, whichever applies;
- (6) Has, if the policyholder is a public entity, an operating budget of at least ten million dollars, for the most recently completed calendar or fiscal year, whichever applies; or
- (7) Has, if the policyholder is a municipality, a population of at least twenty thousand.

Signed March 18, 2022

Chapter 184
(House Bill 1059)

An Act to permit nonresponsive insurance producer applications be deemed withdrawn as to not constitute a refusal or administrative action.

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

Section 1. That chapter 58-30 be amended with a NEW SECTION:

An application for an insurance producer license must be deemed withdrawn if the director contacts an applicant under this chapter in writing regarding an incomplete application and the director does not receive a response from the applicant within sixty days of the date of the written communication. A withdrawn application under this section is not a refusal to issue a producer license and is not an administrative action reportable to other states.

Signed February 8, 2022

Chapter 185
(House Bill 1130)

An Act to specify taxation, authorization, and standards of practice for the sale of travel insurance.

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

Section 1. That § 58-30-209 be AMENDED:

58-30-209. Terms used in §§ 58-30-209 to 58-30-217, inclusive, mean:

- (1) "Aggregator site," a website that provides access to information regarding insurance products from more than one insurer, including product and insurer information, for use in comparison shopping;
- (2) "Blanket travel insurance," a policy of travel insurance issued to any eligible group providing coverage for specific classes of persons defined in the policy, with coverage provided to all members of the eligible group without a separate charge to individual members of the eligible group;
- (3) "Cancellation fee waiver," a contractual agreement between a supplier of travel services and its customer to waive some or all of the non-refundable cancellation fee provisions of the supplier's underlying travel contract with or without regard to the reason for the cancellation or form of reimbursement;
- (4) "Eligible group," for the purposes of this Act only, two or more persons who are engaged in a common enterprise, or have an economic, educational, or social affinity or relationship, including, but not limited to:
 - (a) An entity engaged in the business of providing travel or travel services, including, but not limited to, tour operators, lodging providers, vacation property owners, hotels and resorts, travel clubs, travel agencies, property managers, cultural exchange

- programs, and common carriers or the operator, owner, or lessor of a means of transportation of passengers, including but not limited to airlines, cruise lines, railroads, steamship companies, and public bus carriers, wherein with regard to any particular travel or type of travel or travelers, all members or customers of the group must have a common exposure to risk in the travel;
- (b) A college, school, or other institution of learning, covering students, teachers, employees, or volunteers;
- (c) An employer covering any group of employees, volunteers, contractors, board of directors, dependents, or guests;
- (d) A sports team, camp, or sponsor thereof, covering participants, members, campers, employees, officials, supervisors, or volunteers;
- (e) A religious, charitable, recreational, educational, or civic organization, or branch thereof, covering any group of members, participants, or volunteers;
- (f) A financial institution or financial institution vendor, or parent holding company, trustee, or agent of or designated by one or more financial institutions or financial institution vendors, including accountholders, credit card holders, debtors, guarantors, or purchasers;
- (g) An incorporated or unincorporated association, including labor unions, having a common interest, constitution and bylaws, and organized and maintained in good faith for purposes other than obtaining insurance for members or participants of such association covering its members;
- (h) A trust or the trustees of a fund established, created or maintained for the benefit of and covering members, employees or customers, subject to the director's permitting the use of a trust and the state's premium tax provisions in § 10-44-2, of one or more associations meeting the above requirements of (g) of this section;
- (i) An entertainment production company covering any group of participants, volunteers, audience members, contestants, or workers;
- (j) A volunteer fire department, ambulance, rescue, police, court, or any first aid, civil defense, or other such volunteer group;
- (k) A preschool, daycare institution for children or adults, and senior citizen club;
- (l) An automobile or truck rental or leasing company covering a group of individuals who may become renters, lessees, or passengers defined by their travel status on the rented or leased vehicles. The common carrier, the operator, owner or lessor of a means of transportation, or the automobile or truck rental or leasing company, is the policyholder for group coverage under this subdivision; or
- (m) Another group where the director has determined that the members are engaged in a common enterprise, or have an economic, educational, or social affinity or relationship, and that issuance of the policy would not be contrary to the public interest;

- (5) "Fulfillment materials," documentation sent to the purchaser of a travel protection plan confirming the purchase and providing the travel protection plan's coverage and assistance details;
- (6) "Group travel insurance," travel insurance issued to any eligible group.
- ~~(1)~~(7) "Limited lines travel insurance producer," a:
- (a) Licensed managing general underwriter;
 - (b) Licensed managing general agent or third party administrator;~~or~~
 - (c) Licensed insurance producer, including a limited lines producer, ~~designated by an insurer as the travel insurance supervising entity as set forth in § 58-30-216; or~~
 - (d) Travel administrator;
- ~~(2)~~(8) "Offer and disseminate," providing general information, including a description of the coverage and price, as well as processing the application, collecting premiums, and performing other activities permitted by the state;
- (9) "Primary certificate holder," an individual person who elects and purchases travel insurance under a group travel insurance policy;
- (10) "Primary policyholder," an individual person who elects and purchases individual travel insurance;
- (11) "Travel administrator," a person who directly or indirectly underwrites; collects charges, collateral, or premiums from; or adjusts or settles claims on; residents of this state, in connection with travel insurance, except that a person is not a travel administrator if that person's only actions that would otherwise cause the person to be considered a travel administrator are the following:
- (a) A person working for a travel administrator to the extent that the person's activities are subject to the supervision and control of the travel administrator;
 - (b) An insurance producer selling insurance or engaged in administrative and claims-related activities within the scope of the producer's license;
 - (c) A travel retailer offering and disseminating travel insurance and registered under the license of a limited lines travel insurance producer in accordance with § 58-30-211;
 - (d) An individual adjusting or settling claims in the normal course of the individual's practice or employment as an attorney-at-law and who does not collect charges or premiums in connection with insurance coverage; or
 - (e) A business entity that is affiliated with a licensed insurer while acting as a travel administrator for the direct and assumed insurance business of an affiliated insurer;
- (12) "Travel assistance services," non-insurance services unrelated to insurance for which the consumer is not indemnified based on a fortuitous event, and where providing the service does not result in transfer or shifting of risk that would constitute the business of insurance. Travel assistance services include but are not limited to:
- (a) Security advisories;

- (b) Destination information;
- (c) Vaccination and immunization information services;
- (d) Travel reservation services;
- (e) Entertainment;
- (f) Activity and event planning;
- (g) Translation assistance;
- (h) Emergency messaging;
- (i) International legal and medical referrals;
- (j) Medical case monitoring;
- (k) Coordination of transportation arrangements;
- (l) Emergency cash transfer assistance;
- (m) Medical prescription replacement assistance;
- (n) Passport and travel document replacement assistance;
- (o) Lost luggage assistance;
- (p) Concierge services; and
- (q) Any other service that is furnished in connection with planned travel.

~~(3)~~(13) "Travel insurance," insurance coverage for personal risks incident to planned travel, including:

- (a) Interruption or cancellation of a trip or event;
- (b) Loss of baggage or personal effects;
- (c) Damages to accommodations or rental vehicles; ~~or~~
- (d) Sickness, accident, disability, or death occurring during travel; ~~;~~
- (e) Emergency evacuation;
- (f) Repatriation of remains; or
- (g) Any other contractual obligations to indemnify or pay a specified amount to the traveler upon determinable contingencies related to travel as approved by the director.

Travel insurance does not include major medical plans, which provide providing comprehensive medical protection for ~~travelers~~ persons with trips or overseas residence or deployment lasting six months or longer, including those working overseas as an ex-patriot or as deployed military personnel or any other product that requires a specific insurance producer license;

(14) "Travel protection plan," a plan that provides travel insurance, travel assistance services, or cancellation fee waivers, or any combination thereof;

~~(4)~~(15) "Travel retailer," a business entity that makes, arranges, or offers planned travel services and may offer and disseminate travel insurance as a service to its customers on behalf of and under the direction of a limited lines travel insurance producer.

Section 2. That chapter 58-30 be amended with a NEW SECTION:

The requirements of §§ 58-30-209 to 58-30-217.1, inclusive, apply to travel insurance that covers any resident of this state, and is sold, solicited, negotiated, or offered in this state, and policies and certificates that are delivered or issued for delivery in this state. The requirements do not apply to cancellation fee waivers or travel assistance services, except as expressly provided in this chapter. All other applicable provisions of this state's insurance laws shall continue to apply to travel insurance except that the specific provisions of §§ 58-30-209 to 58-30-217.1, inclusive, and this Act shall supersede any general provisions of law that would otherwise be applicable to travel insurance.

Section 3. That chapter 58-30 be amended with a NEW SECTION:

Any person licensed as an insurance producer in a line of authority as specified in subdivisions 58-30-152(1), (2), (3), (4), (5), and (6), is authorized to sell, solicit, and negotiate travel insurance. A property and casualty insurance producer is not required to become appointed by an insurer in order to sell, solicit, or negotiate travel insurance.

Section 4. That chapter 58-30 be amended with a NEW SECTION:

Notwithstanding any other provisions of chapter 58-30, no person may act or represent oneself as a travel administrator for travel insurance in this state unless that person:

- (1) Is a licensed property and casualty insurance producer in this state for activities permitted under that producer license;
- (2) Holds a valid managing general agent license in this state; or
- (3) Holds a valid third-party administrator license in this state.

An insurer is responsible for the acts of a travel administrator administering travel insurance underwritten by the insurer, and is responsible for ensuring that the travel administrator maintains all books and records relevant to the insurer to be made available by the travel administrator to the director upon request.

Section 5. That chapter 58-30 be amended with a NEW SECTION:

The following standards apply to the sale, solicitation, and negotiation of travel insurance:

- (1) All documents provided to consumers prior to the purchase of travel insurance, including but not limited to sales materials, advertising materials, and marketing materials, must be consistent with the travel insurance policy itself, including but not limited to, forms, endorsements, policies, rate filings, and certificates of insurance;
- (2) For travel insurance policies or certificates that contain pre-existing condition exclusions, information and an opportunity to learn more about the pre-existing condition exclusions must be provided any time prior to the time of purchase, and in the coverage's fulfillment materials;
- (3) The person shall disclose in the policy documentation and fulfillment materials whether the travel insurance is primary or secondary to other applicable coverage;
- (4) No person offering, soliciting, or negotiating travel insurance or travel protection plans on an individual or group basis may do so by using negative option or opt out, which would require a consumer to take an

affirmative action to deselect coverage, such as unchecking a box on an electronic form, when the consumer purchases a trip; and

(5) The fulfillment materials and the information described in subdivision 58-30-211(1) must be provided to a policyholder or certificate holder as soon as practicable, following the purchase of a travel protection plan. Unless the insured has started a covered trip or filed a claim under the travel insurance coverage, a policyholder or certificate holder may cancel a policy or certificate for a full refund of the travel protection plan price from the date of purchase of a travel protection plan until at least:

(a) Fifteen days following the date of delivery of the travel protection plan's fulfillment materials by postal mail; or

(b) Ten days following the date of delivery of the travel protection plan's fulfillment materials by means other than postal mail.

For the purposes of this section, the term delivery means handing fulfillment materials to the policyholder or certificate holder or sending fulfillment materials by postal mail or electronic means to the policyholder or certificate holder.

Section 6. That § 58-30-215 be AMENDED:

58-30-215. Travel insurance may be provided under an individual policy or under a group, blanket, or master policy. Travel assistance services and cancellation fee waivers are not insurance and not related to insurance.

Section 7. That chapter 58-30 be amended with a NEW SECTION:

Travel protection plans may be offered for one price for the combined features that the travel protection plan offers in this state if:

(1) The travel protection plan clearly discloses to the consumer, at or prior to the time of purchase, that it includes travel insurance, travel assistance services, and cancellation fee waivers, as applicable, and provides information and an opportunity, at or prior to the time of purchase, for the consumer to obtain additional information regarding the features and pricing of each; and

(2) The fulfillment materials:

(a) Describe and delineate the travel insurance, travel assistance services, and cancellation fee waivers in the travel protection plan; and

(b) Include the travel insurance disclosures and the contact information for persons providing travel assistance services, and cancellation fee waivers, as applicable.

Section 8. That chapter 58-30 be amended with a NEW SECTION:

Notwithstanding any other provision of this title, travel insurance must be classified and filed for purposes of rates and forms under an inland marine line of insurance, provided that travel insurance coverages for sickness, accident, disability or death occurring during travel, either exclusively, or in conjunction with related coverages of emergency evacuation or repatriation of remains, or incidental limited property and casualty benefits such as baggage or trip cancellation, may be filed under either an accident and health line of insurance or an inland marine line of insurance.

Eligibility and underwriting standards for travel insurance may be

developed and provided based on travel protection plans designed for individual or identified marketing or distribution channels, if those standards also meet the state's underwriting standards for inland marine.

Section 9. That § 58-30-217 be AMENDED:

58-30-217. The limited lines travel insurance producer and any travel retailer offering and disseminating travel insurance under the limited lines travel insurance producer license shall comply with chapter 58-30 and chapter 58-33. In the event of a conflict between chapters 58-30 and 58-33 and the provisions of §§ 58-30-209 to 58-30-217.1, inclusive, regarding the sale and marketing of travel insurance and travel protection plans, the provisions of §§ 58-30-209 to 58-30-217.1, inclusive, shall control. The following acts constitute unfair trade practices under chapter 58-33:

- (1) Offering or selling illusory travel insurance, meaning a travel insurance policy that could never result in payment of any claims for any insured under the policy; and
- (2) Marketing blanket travel insurance coverage as free.

Section 10. That chapter 58-30 be amended with a NEW SECTION:

The following acts are not unfair trade practices under this chapter or chapter 58-33:

- (1) If travel insurance is marketed directly to a consumer through an insurer's website or by others through an aggregator site, it shall not be an unfair trade practice or other violation of law where an accurate summary of coverage is provided on the web page, so long as the consumer has access to the full provisions of the policy through electronic means; and
- (2) If a consumer's destination jurisdiction requires insurance coverage, it shall not be an unfair trade practice to require that a consumer choose one of the following options as a condition of purchasing a trip or travel package:
 - (a) Purchasing the coverage required by the destination jurisdiction through the travel retailer or limited lines travel insurance producer supplying the trip or travel package; or
 - (b) Agreeing to obtain and provide proof of coverage that meets the destination jurisdiction's requirements prior to departure.

Section 11. That chapter 10-44 be amended with a NEW SECTION:

An insurer shall pay premium tax as provided in § 10-44-2 on travel insurance premiums paid by:

- (1) An individual primary policyholder who is a resident of this state;
- (2) A primary certificate holder who is a resident of this state who elects coverage under a group travel insurance policy; or
- (3) A blanket travel insurance policyholder that is a resident in, or has its principal place of business or the principal place of business of an affiliate or subsidiary that has purchased blanket travel insurance in, this state, for eligible blanket group members, subject to any apportionment rules that apply to the insurer across multiple taxing jurisdictions or that permit the insurer to allocate premium on an apportioned basis in a reasonable and equitable manner in those jurisdictions.

A travel insurer shall document the state of residence or principal place of business of the policyholder or certificate holder and report as premium only the amount allocable to travel insurance and not any amounts received for travel assistance services or cancellation fee waivers.

Signed March 8, 2022

Chapter 186
(Senate Bill 148)

An Act to revise annuity sales standards.

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

Section 1. That § 58-33A-13 be AMENDED:

58-33A-13. Terms used in §§ 58-33A-14 to 58-33A-27, inclusive, mean:

- (1) "Annuity," an annuity that is an insurance product under state law that is individually solicited, whether the product is classified as an individual or group annuity a fixed annuity or variable annuity that is individually solicited, whether the product is classified as an individual or group annuity;
- ~~(2) "Insurer," a company required to be licensed under the laws of this state to provide insurance products, including annuities;~~
- (2) "Cash compensation," any discount, concession, fee, service fee, commission, sales charge, loan, override, or cash benefit received by a producer in connection with the recommendation or sale of an annuity from an insurer, intermediary, or directly from the consumer;
- (3) "Consumer profile information," information that is reasonably appropriate to determine whether a recommendation addresses the consumer's financial situation, insurance needs and financial objectives, including, at a minimum, the following:
 - (a) Age;
 - (b) Annual income;
 - (c) Financial situation and needs, including debts and other obligations;
 - (d) Financial experience;
 - (e) Insurance needs;
 - (f) Financial objectives;
 - (g) Intended use of the annuity;
 - (h) Financial objectives;
 - (i) Existing assets or financial products, including investment, annuity and insurance holdings;
 - (j) Liquidity needs;
 - (k) Liquid net worth;

- (l) Risk tolerance, including but not limited to, willingness to accept non-guaranteed elements in the annuity;
- (m) Financial resources used to fund the annuity; and
- (n) Tax status;
- (4) "FINRA," the Financial Industry Regulatory Authority or a succeeding agency;
- (5) "Intermediary," an entity contracted directly with an insurer or with another entity contracted with an insurer to facilitate the sale of the insurer's annuities by producers;
- ~~(3) "Insurance producer," a person required to be licensed under the laws of this state to sell, solicit or negotiate insurance, including annuities;~~
- (6) "Material conflict of interest," a financial interest of the producer in the sale of an annuity that a reasonable person would expect to influence the impartiality of a recommendation. Material conflict of interest does not include cash compensation or non-cash compensation;
- (7) "Non-cash compensation," any form of compensation that is not cash compensation including health insurance, office rent, office support, and retirement benefits;
- (8) "Non-guaranteed elements," the premiums, credited interest rates including any bonus, benefits, values, dividends, non-interest based credits, charges, or elements of formulas used to determine any of these, that are subject to company discretion and are not guaranteed at issue. An element is considered non-guaranteed if any of the underlying non-guaranteed elements are used in its calculation;
- (9) "Producer," a person or entity required to be licensed under the laws of this state to sell, solicit or negotiate insurance, including annuities. This term also includes an insurer where no producer is involved;
- ~~(4)(10)~~ "Recommendation," advice provided by an insurance producer, or an insurer where no producer is involved, to an individual consumer that was intended to result or results in a purchase, replacement, or exchange of an annuity in accordance with that advice. This term does not include general communication to the public, generalized customer services assistance or administrative support, general educational information and tools, prospectuses, or other product and sales material;
- (11) "Replacement," a transaction in which a new annuity is to be purchased, and it is known or should be known to the proposing producer, or to the proposing insurer whether or not a producer is involved, that by reason of the transaction, an existing annuity or other insurance policy has been or is to be any of the following:
 - (a) Lapsed, forfeited, surrendered, partially surrendered, assigned to the replacing insurer, or otherwise terminated;
 - (b) Converted to reduced paid-up insurance, continued as extended term insurance, or otherwise reduced in value by the use of nonforfeiture benefits or other policy values;
 - (c) Amended so as to effect either a reduction in benefits or in the term for which coverage would otherwise remain in force or for which benefits would be paid;
 - (d) Reissued with any reduction in cash value; or

(e) Used in a financed purchase;

(12) "SEC," the United States Securities and Exchange Commission.

Section 2. That § 58-33A-14 be AMENDED:

58-33A-14. Sections 58-33A-13 to 58-33A-27, inclusive, apply to any recommendation ~~to purchase or exchange or sale of~~ an annuity made to a consumer by an insurance producer, or an insurer if no producer is involved, that results in the purchase or exchange recommended. The purpose of this Act is to require producers, as defined in Section 1 of this Act to act in the best interest of the consumer when making a recommendation of an annuity and to require insurers to establish and maintain a system to supervise recommendations so that the insurance needs and financial objectives of consumers at the time of the transaction are effectively addressed. Nothing in §§ 58-33A-13 to 58-33A-27, inclusive, creates or implies a private cause of action for a violation of §§ 58-33A-13 to 58-33A-27, inclusive, or subjects a producer to civil liability under the best interest standard of care outlined in § 58-33A-16 or under standards governing the conduct of a fiduciary or a fiduciary relationship.

Section 3. That § 58-33A-15 be AMENDED:

58-33A-15. Unless otherwise specifically included, §§ 58-33A-13 to 58-33A-27, inclusive, do not apply to any ~~recommendation~~ transactions involving:

- (1) A direct response solicitation if there is no recommendation based on information collected from the consumer pursuant to §§ 58-33A-13 to 58-33A-27, inclusive; or
- (2) Any contract used to fund:
 - (a) An employee pension or welfare benefit plan that is covered by the Employee Retirement and Income Security Act (ERISA);
 - (b) A plan described by sections 401(a), 401(k), 403(b), 408(k), or 408(p) of the Internal Revenue Code (IRC), as of January 1, ~~2008~~ 2023, if established or maintained by an employer;
 - (c) A government or church plan defined in section 414 of the IRC as of January 1, ~~2008~~ 2023, a government or church welfare benefit plan, or a deferred compensation plan of a state or local government or tax exempt organization under section 457 of the IRC as of January 1, ~~2008~~ 2023; or
 - (d) A nonqualified deferred compensation arrangement established or maintained by an employer or plan sponsor;
- ~~(e)~~ (3) A settlement of or assumption of liabilities associated with personal injury litigation or any dispute or claim resolution process; or
- ~~(f)~~ (4) A formal prepaid funeral contract.

The director may, by rules promulgated pursuant to chapter 1-26, adopt revisions of the Internal Revenue Code which are in substantial compliance with the intent of subsections (b) and (c) of this section.

Section 4. That § 58-33A-16 be AMENDED:

58-33A-16. ~~In recommending to a consumer the purchase of an annuity or the exchange of an annuity that results in another insurance transaction or series of insurance transactions, the insurance producer, or the insurer if no producer is involved, shall have reasonable grounds for believing that the~~

recommendation is suitable for the consumer on the basis of the facts disclosed by the consumer as to the consumer's investments and other insurance products and as to the consumer's financial situation and needs and that there is a reasonable basis to believe all of the following:

(1) The consumer has been reasonably informed of various features of the annuity, such as the potential surrender period and surrender charge, potential tax penalty if the consumer sells, exchanges, surrenders, or annuitizes the annuity, mortality and expense fees, investment advisory fees, potential charges for and features of riders, limitations on interest returns, insurance and investment components, and market risk;

(2) The consumer would benefit from certain features of the annuity, such as tax-deferred growth, annuitization, or death or living benefit;

(3) The particular annuity as a whole, the underlying subaccounts to which funds are allocated at the time of purchase or exchange of the annuity, and riders and similar product enhancements, if any, are suitable (and in the case of an exchange or replacement, the transaction as a whole is suitable) for the particular consumer based on the consumer's suitability information; and

(4) In the case of an exchange or replacement of an annuity, the exchange or replacement is suitable including taking into consideration whether:

(a) The consumer will incur a surrender charge, be subject to the commencement of a new surrender period, lose existing benefits (such as death, living, or other contractual benefits), or be subject to increased fees, investment advisory fees, or charges for riders and similar product enhancements;

(b) The consumer would benefit from product enhancements and improvements; and

(c) The consumer has had another annuity exchange or replacement and, in particular, an exchange or replacement within the preceding thirty-six months.

A producer, when making a recommendation of an annuity, shall act in the best interest of the consumer under the circumstances known at the time the recommendation is made, without placing the producer's or the insurer's financial interest ahead of the consumer's interest. For purposes of this section, a producer has acted in the best interest of the consumer by satisfying the obligations regarding care in sections 7 to 9 of this Act, inclusive, disclosure in sections 11 to 13 of this Act, inclusive, conflict of interest in section 14 of this Act, and documentation in section 15 of this Act. Any requirement applicable to a producer under §§ 58-33A-13 to 58-33A-27, inclusive, must apply to every producer who has exercised material control or influence in the making of a recommendation and has received direct compensation as a result of the recommendation or sale, regardless of whether the producer has had any direct contact with the consumer. Activities such as providing or delivering marketing or educational materials, product wholesaling or other back office product support, and general supervision of a producer do not, in and of themselves, constitute material control or influence.

Section 5. That § 58-33A-17.1 be REPEALED:

Except as permitted under §§ 58-33A-18 and 58-33A-19, no insurer may issue an annuity recommended to a consumer unless there is a reasonable basis to believe the annuity is suitable based on the consumer's suitability information.

Section 6. That § 58-33A-17 be REPEALED:

Prior to the execution of a purchase or exchange of an annuity resulting from a recommendation, an insurance producer, or an insurer if no producer is

~~involved, shall make reasonable efforts to obtain the consumer's suitability information. Suitability information includes:~~

- ~~(1) Age;~~
- ~~(2) Annual income;~~
- ~~(3) Financial situation and needs, including the financial resources used for the funding of the annuity;~~
- ~~(4) Financial experience;~~
- ~~(5) Financial objectives;~~
- ~~(6) Intended use of the annuity;~~
- ~~(7) Financial time horizon;~~
- ~~(8) Existing assets, including investment and life insurance holdings;~~
- ~~(9) Liquidity needs;~~
- ~~(10) Liquid net worth;~~
- ~~(11) Risk tolerance; and~~
- ~~(12) Tax status.~~

Section 7. That chapter 58-33A be amended with a NEW SECTION:

Producers must, in making a recommendation:

- (1) Exercise reasonable diligence, care, and skill to:
 - (a) Know the consumer's financial situation, insurance needs, and financial objectives;
 - (b) Understand the available recommendation options after making a reasonable inquiry into options available to the producer;
 - (c) Have a reasonable basis to believe the recommended option effectively addresses the consumer's financial situation, insurance needs, and financial objectives over the life of the product as evaluated in light of the consumer profile information; and
 - (d) Communicate the basis or bases of the recommendation;
- (2) Make reasonable efforts to obtain consumer profile information from the consumer prior to the recommendation of an annuity;
- (3) Consider the types of products the producer is authorized and licensed to recommend or sell that address the consumer's financial situation, insurance needs, and financial objectives. This does not require analysis or consideration of any products outside the authority and license of the producer or other possible alternative products or strategies available in the market at the time of the recommendation. Producers must be held to standards applicable to producers with similar authority and licensure; and
- (4) Have a reasonable basis to believe the consumer would benefit from certain features of the annuity, such as annuitization, death or living benefit, or other insurance-related features.

Factors generally relevant in making a determination whether an annuity effectively addresses the consumer's financial situation, insurance needs, and financial objectives include the consumer profile information, characteristics of the

insurer, product costs, rates, benefits, and features. The level of importance of each factor in this section may vary depending on the facts and circumstances of a particular case, but each factor may not be considered in isolation.

Section 8. That chapter 58-33A be amended with a NEW SECTION:

The requirements of section 7 of this Act:

- (1) Apply to the particular annuity as a whole, the underlying subaccounts to which funds are allocated at the time of purchase or exchange of an annuity, and riders and similar product enhancements;
- (2) Create a regulatory obligation but do not create a fiduciary obligation or relationship;
- (3) Do not mean the annuity with the lowest one-time or multiple occurrence compensation structure shall necessarily be recommended; and
- (4) Do not mean the producer has ongoing monitoring obligations, although such an obligation may be separately owed under the terms of a fiduciary, consulting, investment advising, or financial planning agreement between the consumer and the producer.

Section 9. That chapter 58-33A be amended with a NEW SECTION:

In the case of an exchange or replacement of an annuity, the producer shall consider the whole transaction, which include taking into consideration whether:

- (1) The consumer will incur a surrender charge, be subject to the commencement of a new surrender period, lose existing benefits, such as death, living, or other contractual benefits, or be subject to increased fees, investment advisory fees, or charges for riders and similar product enhancements;
- (2) The replacing product would substantially benefit the consumer in comparison to the replaced product over the life of the product; and
- (3) The consumer has had another annuity exchange or replacement and, in particular, an exchange or replacement within the preceding sixty months.

Section 10. That § 58-33A-18 be AMENDED:

58-33A-18. Except as provided pursuant to § 58-33A-19, no insurance a producer nor any insurer has any no obligation to a consumer under § 58-33A-16 § 58-33A-17 and sections 7 through 9 of this Act, inclusive, related to any recommendation annuity transaction if:

- (1) A consumer refuses to provide relevant suitability consumer profile information and the annuity transaction is not recommended;
- (2) A consumer decides to enter into an insurance annuity transaction that is not based on a recommendation of the insurer or insurance producer;
- (3) A recommendation was made and was later found to have been prepared based on materially inaccurate information provided by the consumer; or
- (4) No recommendation is made.

Section 11. That chapter 58-33A be amended with a NEW SECTION:

Prior to or at the time of the recommendation or sale of an annuity, the producer shall have a reasonable basis to believe the consumer has been informed

of various features of the annuity including the potential surrender period and surrender charge, potential tax penalty if the consumer sells, exchanges, surrenders, or annuitizes the annuity, mortality and expense fees, investment advisory fees, any annual fees, potential charges for and features of riders or other options of the annuity, limitations on interest returns, potential changes in non-guaranteed elements of the annuity, insurance and investment components, and market risk.

Section 12. That chapter 58-33A be amended with a NEW SECTION:

Prior to or at the time of the recommendation or sale of an annuity, the producer shall prominently disclose to the consumer on a form substantially similar to the form prescribed by the director and available on the division's website:

- (1) A description of the scope and terms of the relationship with the consumer and the role of the producer in the transaction;
- (2) An affirmative statement on whether the producer is licensed and authorized to sell the following products:
 - (a) Fixed annuities;
 - (b) Fixed indexed annuities;
 - (c) Variable annuities;
 - (d) Life insurance;
 - (e) Mutual funds;
 - (f) Stocks and bonds; and
 - (g) Certificates of deposit;
- (3) An affirmative statement describing the insurers the producer is authorized, contracted, appointed, or otherwise able to sell insurance products for using the following descriptions:
 - (a) From one insurer;
 - (b) From two or more insurers; or
 - (c) From two or more insurers although primarily contracted with one insurer;
- (4) A description of the sources and types of cash compensation and non-cash compensation to be received by the producer, including whether the producer is to be compensated for the sale of a recommended annuity by commission as part of premium or other remuneration received from the insurer, intermediary, or other producer or by fee as a result of a contract for advice or consulting services; and
- (5) A notice of the consumer's right to request additional information regarding cash compensation described in section 13 of this Act.

Section 13. That chapter 58-33A be amended with a NEW SECTION:

Upon request of the consumer or the consumer's designated representative, the producer shall disclose:

- (1) A reasonable estimate of the amount of cash compensation to be received by the producer, which may be stated as a range of amounts or percentages; and
- (2) Whether the cash compensation is a one-time or multiple occurrence

amount, and if a multiple occurrence amount, the frequency and amount of the occurrence, which may be stated as a range of amounts or percentages.

Section 14. That chapter 58-33A be amended with a NEW SECTION:

A producer shall identify and avoid or reasonably manage and disclose material conflicts of interest, including material conflicts of interest related to an ownership interest.

Section 15. That chapter 58-33A be amended with a NEW SECTION:

A producer shall, at the time of the recommendation or sale:

- (1) Make a written record of any recommendation and the basis for the recommendation subject to the obligations required in §§ 58-33A-13 to 58-33A-27, inclusive;
- (2) Obtain a consumer signed statement on a form substantially similar to the form prescribed by the director and available on the division's website documenting:
 - (a) A customer's refusal to provide the consumer profile information, if any;
 - (b) A customer's understanding of the ramifications of not providing his or her consumer profile information or providing insufficient consumer profile information; and
- (3) Obtain a consumer signed statement acknowledging the annuity transaction is not recommended if a customer decides to enter into an annuity transaction that is not based on the producer's recommendation on a form substantially similar to a form prescribed by the director.

Section 16. That chapter 58-33A be amended with a NEW SECTION:

Nothing in §§ 58-33A-13 to 58-33A-27, inclusive, should be construed to require a producer to obtain any license other than a producer license with the appropriate line of authority to sell, solicit, or negotiate insurance in this state, including a securities license, in order to fulfill the duties and obligations contained in §§ 58-33A-13 to 58-33A-27, inclusive provided the producer does not give advice or provide services that are otherwise subject to securities laws or engage in any other activity requiring other professional licenses.

Section 17. That § 58-33A-19 be AMENDED:

58-33A-19. An insurer's issuance of an annuity subject to ~~§ 58-33A-16~~ § 58-33A-18 shall be reasonable under all the circumstances actually known to the insurer at the time the annuity is issued.

Section 18. That § 58-33A-19.1 be REPEALED:

~~An insurance producer or, if no insurance producer is involved, the responsible insurer representative, shall at the time of sale:~~

- ~~(1) Make a record of any recommendation subject to § 58-33A-16;~~
- ~~(2) Obtain a customer signed statement documenting a customer's refusal to provide suitability information, if any; and~~
- ~~(3) Obtain a customer signed statement acknowledging that an annuity transaction is not recommended if a customer decides to enter into an~~

~~annuity transaction that is not based on the insurance producer's or insurer's recommendation.~~

Section 19. That chapter 58-33A be amended with a NEW SECTION:

Except as permitted under §§ 58-33A-18 and 58-33A-19, an insurer may not issue an annuity recommended to a consumer unless there is a reasonable basis to believe the annuity would effectively address the particular consumer's financial situation, insurance needs, and financial objectives based on the consumer's profile information.

Section 20. That § 58-33A-20 be AMENDED:

58-33A-20. An insurer shall establish and maintain a supervision system ~~to supervise recommendations~~ that is reasonably designed to achieve compliance with §§ 58-33A-13 to 58-33A-27, inclusive, including:

- (1) The insurer shall establish and maintain reasonable procedures to inform its ~~insurance~~ producers of the requirements of §§ 58-33A-16 to 58-33A-26, inclusive and shall incorporate the requirements of this regulation into relevant ~~insurance~~ producer training manuals;
- (2) The insurer shall establish and maintain standards for ~~insurance~~ producer product training and shall establish and maintain reasonable procedures to require its ~~insurance~~ producers to comply with the requirements of §§ 58-33A-25.1 to 58-33A-25.3, inclusive;
- (3) The insurer shall provide product-specific training and training materials that explain all material features of its annuity products to its ~~insurance~~ producers;
- (4) The insurer shall establish and maintain procedures for review of each recommendation prior to issuance of an annuity that are designed to ensure that there is a reasonable basis to determine that ~~a recommendation is suitable~~ the recommended annuity would effectively address the particular consumer's financial situation, insurance needs, and financial objectives. Such review procedures may apply a screening system for the purpose of identifying selected transactions for additional review and may be accomplished electronically or through other means including, physical review. Such an electronic or other system may be designed to require additional review only of those transactions identified for additional review by the selection criteria;
- (5) The insurer shall establish and maintain reasonable ~~procedure~~ procedures to detect recommendations that are not ~~suitable in compliance with §§ 58-33A-13 to 58-33A-27, inclusive~~. This may include confirmation of consumer ~~suitability~~ profile information, systematic customer surveys, producer and consumer interviews, confirmation letters, producer statements or attestations, and programs of internal monitoring. Nothing in this subdivision prevents an insurer from complying with this subdivision by applying sampling procedures or by confirming ~~suitability~~ consumer profile information or other required information after issuance or delivery of the annuity; ~~and~~
- (6) The insurer shall annually provide a written report to senior management, including to the senior manager responsible for audit functions, that details a review, with appropriate testing, reasonably designed to determine the effectiveness of the supervision system, the exceptions found, and corrective action taken or recommended, if any;

- (7) The insurer shall establish and maintain reasonable procedures to assess, prior to or upon issuance or delivery of an annuity, whether a producer has provided to the consumer the information required to be provided under this section;
- (8) The insurer shall establish and maintain reasonable procedures to identify and address suspicious consumer refusals to provide consumer profile information; and
- (9) The insurer shall establish and maintain reasonable procedures to identify and eliminate any sales contests, sales quotas, bonuses, and non-cash compensation that are based on the sales of specific annuities within a limited period of time. The requirements of this subdivision are not intended to prohibit the receipt of health insurance, office rent, office support, retirement benefits, or other employee benefits by employees as long as those benefits are not based upon the volume of sales of a specific annuity within a limited period of time.

Section 21. That § 58-33A-20.1 be AMENDED:

58-33A-20.1. Nothing in § 58-33A-20 or this section restricts an insurer from contracting for performance of a function required under § 58-33A-20, including maintenance of procedures. An insurer is responsible for taking appropriate corrective action and may be subject to sanctions and penalties pursuant to § 58-33A-26 regardless of whether the insurer contracts for performance of a function and regardless of the insurer's compliance with this section.

An insurer's supervision system under § 58-33A-20 and this section shall include supervision of contractual performance under this section. This includes the following:

- (1) Monitoring and, as appropriate, conducting audits to assure that the contracted function is properly performed; and
- (2) Annually obtaining a certification from a senior manager who has responsibility for the contracted function that the manager has a reasonable basis to represent, and does represent, that the function is properly performed.

An insurer is not required to include in its system of supervision—~~an insurance~~ a producer's recommendations to consumers of products other than the annuities offered by the insurer, consideration of or comparison to options available to the producer, or compensation relating to those options other than annuities or other products offered by the insurer.

Section 22. That § 58-33A-20.2 be AMENDED:

58-33A-20.2. No ~~insurance~~ producer or insurer may dissuade, or attempt to dissuade, a consumer from:

- (1) Truthfully responding to an insurer's request for confirmation of ~~suitability~~ consumer profile information;
- (2) Filing a complaint; or
- (3) Cooperating with the investigation of a complaint.

Section 23. That chapter 58-33A be amended with a NEW SECTION:

The terms used in § 58-33A-25 mean:

- (1) "Comparable standards,":
- (a) With respect to broker-dealers and registered representatives of broker-dealers, applicable SEC and FINRA rules pertaining to best interest obligations and supervision of annuity recommendations and sales, including 17 C.F.R. § 240.15]-1 (2023);
 - (b) With respect to investment advisers registered under federal or state securities laws or investment adviser representatives, the fiduciary duties and all other requirements imposed on such investment advisers or investment adviser representatives by contract or under the Investment Advisers Act of 1940 or applicable state securities law, including the Form ADV and interpretations; and
 - (c) With respect to plan fiduciaries or fiduciaries, the duties, obligations, prohibitions, and all other requirements attendant to such status under Employee Retirement Income Security Act of 1974 (ERISA) or the Internal Revenue Code as of January 1, 2023; and
- (2) "Financial professional," a producer that is regulated and acting as:
- (a) A broker-dealer registered under federal or state securities laws or a registered representative of a broker-dealer;
 - (b) An investment adviser registered under federal or state securities laws or an investment adviser representative associated with the federal or state registered investment adviser; or
 - (c) A plan fiduciary under 29 U.S. Code § 1002(21) (2019) or fiduciary under 26 U.S. Code § 4975(e)(3) (2019).

Section 24. That § 58-33A-25 be AMENDED:

58-33A-25. ~~If the director finds that the Conduct Rules of the Financial Industry Regulatory Authority meet or exceed the requirements of §§ 58-33A-16 to 58-33A-26, inclusive, then any recommendations made for variable annuities that comply with the Conduct Rules of the Financial Industry Regulatory Authority meet the requirements of §§ 58-33A-16 to 58-33A-26, inclusive.~~ Recommendations and sales of annuities made in compliance with comparable standards shall satisfy the requirements of §§ 58-33A-13 to 58-33-27, inclusive. This section applies to all recommendations and sales of annuities made by financial professionals in compliance with business rules, controls, and procedures that satisfy a comparable standard even if such standard would not otherwise apply to the product or recommendation at issue. For this section to apply, an insurer shall:

- (1) Monitor the Financial Industry Regulatory Authority member broker-dealer relevant conduct of the financial professional seeking to rely on this section or the entity responsible for supervising the financial professional, such as the financial professional's broker-dealer or an investment adviser registered under federal or state securities laws using information collected in the normal course of an insurer's business; and
- (2) Provide to the Financial Industry Regulatory Authority member broker-dealer entity responsible for supervising the financial professional seeking to rely on this section, such as the financial professional's broker-dealer or investment adviser registered under federal or state securities laws, information and reports that are reasonably appropriate to assist the Financial Industry Regulatory Authority member broker-dealer entity to

maintain its supervision system.

Nothing in this section shall limit the director's ability to investigate and enforce the provisions of §§ 58-33A-13 to 58-33A-27, inclusive, or limit the insurer's obligation to comply with § 58-33A-20(4), although the insurer may base its analysis on information received from either the financial professional or the entity supervising the financial professional.

Section 25. That § 58-33A-25.1 be AMENDED:

58-33A-25.1. ~~No insurance-producer may solicit the sale of an annuity product unless the insurance-producer has adequate knowledge of the product to recommend the annuity and the insurance-producer is in compliance with the insurer's standards for product training. An insurance A producer may rely on insurer-provided product-specific training standards and materials to comply with this section. An insurance A producer who engages in the sale of annuity products shall complete a one-time four credit training course approved by the director and provided by a director-approved education provider.~~

~~Any insurance producer who holds a life insurance line of authority on July 1, 2012 and who desires to sell annuities shall complete the requirements of this section within six months after July 1, 2012. Any person who obtains a life insurance line of authority on or after July 1, 2012~~A producer who obtains a life insurance line of authority may not engage in the sale of annuities unless the annuity training course required under this section has been completed. The minimum length of the training required under this section shall be sufficient to qualify for at least four continuing education credits, but may be longer. The training required under this section shall~~must~~include information on the following subjects:

- (1) The types of annuities and various classifications of annuities;
- (2) Identification of the parties to an annuity;
- (3) ~~How fixed, variable, and indexed product-specific annuity contract provisions features~~ affect consumers;
- (4) The application of income taxation of qualified and nonqualified annuities;
- (5) The primary uses of annuities; and
- (6) Appropriate standard of conduct, sales practices, replacement, and disclosure requirements.

An insurance producer who has completed an annuity training course approved by the division prior to January 1, 2023 shall, within six months, complete either a new four credit training course approved by the division or an additional one-time one credit training course approved by the division and provided by the division-approved education provider on appropriate sales practices, replacement, and disclosure requirements under §§ 58-33A-13 to 58-33A-27, inclusive.

Section 26. That § 58-33A-25.2 be AMENDED:

58-33A-25.2. Each course provider intending to comply with § 58-33A-25.1 shall cover all subjects listed in § 58-33A-25.1. No provider of such course may present any marketing information or provide training on sales techniques or provide specific information about a particular insurer's products. Additional subjects may be offered in conjunction with and in addition to the required subjects. Each provider of an annuity training course intending to comply with § 58-33A-25.1 shall register as a continuing education provider in this state and

shall comply with the rules applicable to ~~insurance~~ producer continuing education courses as set forth in chapter 58-30.

An annuity training course may be conducted and completed by classroom or self-study methods. Each provider of annuity training shall comply with the reporting requirements and shall issue certificates of completion in accordance with chapter 58-30. The satisfaction of the training requirements of another state that are substantially similar to the provisions of this section satisfy the training requirements of this section and § 58-33A-25.1. The satisfaction of the components of the training requirements of any course or courses with components substantially similar to § 58-33A-25.1 are be deemed to satisfy the training requirements.

Section 27. That § 58-33A-25.3 be AMENDED:

58-33A-25.3. An insurer shall verify that ~~an insurance a~~ producer has completed the annuity training course required pursuant to § 58-33A-25.1 before allowing the producer to sell an annuity product for that insurer. An insurer may satisfy its responsibility under this section by obtaining certificates of completion of the training course or obtaining reports provided by a director-sponsored database system or vendor or from a reasonably reliable commercial database vendor that has a reporting arrangement with an approved insurance education provider.

Section 28. That § 58-33A-26 be AMENDED:

58-33A-26. An insurer is responsible for compliance with §§ 58-33A-13 to 58-33A-27, inclusive. ~~The~~ If a violation occurs because of the action or inaction of the insurer or its producer, the director may order:

- (1) An insurer to take reasonably appropriate corrective action for any consumer harmed by a failure to comply by the insurer's insurer, an entity contracted to perform the insurer's supervisory duties, or by its insurance producer's producer; in violation of §§ 58-33A-13 to 58-33A-27, inclusive;
- (2) ~~An insurance a~~ producer to take reasonably appropriate corrective action for any consumer harmed by the ~~insurance~~-producer's violation of §§ 58-33A-13 to 58-33A-27, inclusive; and
- (3) A general agency or independent agency that employs or contracts with ~~an insurance a~~ producer to sell, or solicit the sale, of annuities to consumers, to take reasonably appropriate corrective action for any consumer harmed by the ~~insurance~~-producer's violation of §§ 58-33A-13 to 58-33A-27, inclusive.

Any violation of ~~§ 58-33A-16, 58-33A-17, or 58-33A-19~~ §§ 58-33A-13 to 58-33A-27, inclusive subjects the insurer, ~~insurance~~ producer, or general agency or independent agency to suspension, revocation, refusal to renew a license, or to a monetary penalty as provided for under this title. However, the penalty may be reduced or eliminated, ~~according to a schedule adopted by the director,~~ if corrective action for the consumer is taken promptly after a violation is discovered or the violation was not part of a pattern or practice.

Section 29. That § 58-33A-27 be AMENDED:

58-33A-27. Each insurer, general agent, independent agency and ~~insurance~~-producer shall maintain or be able to make available to the director records of the information collected from the consumer, disclosures made to the consumer, including summaries of oral disclosures, and other information used in making the recommendations that were the basis for insurance transactions for

five years after the insurance transaction is completed by the insurer. An insurer is permitted, but is not required, to maintain documentation on behalf of ~~an insurance~~ a producer.

Any record required to be maintained by §§ 58-33A-13 to 58-33A-27, inclusive, may be maintained in paper, photographic, microprocess, magnetic, mechanical or electronic media or by any process that accurately reproduces the actual document.

Section 30. The provisions of this Act shall take effect January 1, 2023.

Signed March 7, 2022

AGENCY

Chapter 187 (Senate Bill 79)

An Act to clarify cross-references regarding powers of attorney.

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

Section 1. That § 59-12-8 be AMENDED:

- 59-12-8.** (1) A power of attorney is effective when executed unless the principal provides in the power of attorney that it becomes effective at a future date or upon the occurrence of a future event or contingency.
- (2) If a power of attorney becomes effective upon the occurrence of a future event or contingency, the principal, in the power of attorney, may authorize one or more persons to determine in a writing or other record that the event or contingency has occurred.
- (3) If a power of attorney becomes effective upon the principal's incapacity and the principal has not authorized a person to determine whether the principal is incapacitated, or the person authorized is unable or unwilling to make the determination, the power of attorney becomes effective upon a determination in a writing or other record by:
- (a) A physician or licensed psychologist that the principal is incapacitated within the meaning in ~~§ 59-12-1~~ subsection 59-12-1(5)(a); or
- (b) An attorney at law, a judge, or an appropriate governmental official that the principal is incapacitated within the meaning in ~~§ 59-12-1~~ subsection 59-12-1(5)(b).
- (4) A person authorized by the principal in the power of attorney to determine that the principal is incapacitated may act as the principal's personal representative pursuant to the Health Insurance Portability and Accountability Act, Sections 1171 through 1179 of the Social Security Act,

42 U.S.C. § 1320(d), and applicable regulations, to obtain access to the principal's health care information and communicate with the principal's health care provider.

Signed March 24, 2022

LABOR AND EMPLOYMENT

Chapter 188 (House Bill 1118)

An Act to clarify when a delivery facilitation contractor may be considered an independent contractor.

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

Section 1. That chapter 60-1 be amended with a NEW SECTION:

A delivery facilitation contractor is an independent contractor of a delivery facilitation platform if:

- (1) The delivery facilitation contractor and delivery facilitation platform agree in writing that the delivery facilitation contractor is an independent contractor of the delivery facilitation platform;
- (2) The delivery facilitation platform does not unilaterally prescribe specific hours during which the delivery facilitation contractor must be available to accept service requests submitted through the delivery facilitation platform's digital network;
- (3) The delivery facilitation platform does not prohibit the delivery facilitation contractor from engaging in outside employment or performing services through another delivery facilitation platform except while the delivery facilitation contractor is performing services through the delivery facilitation platform's digital network; and
- (4) The delivery facilitation platform may not terminate the contract of a delivery facilitation contractor for failure or refusal to accept service requests.

For services performed before July 1, 2022, a delivery facilitation contractor is considered an independent contractor of the delivery facilitation platform if the requirements of this section were satisfied at the time the services were performed.

Section 2. That chapter 60-1 be amended with a NEW SECTION:

Terms used in section 1 of this Act mean:

- (1) "Delivery facilitation contractor," a person who:
 - (a) Enters into a written agreement with a delivery facilitation platform to use the delivery facilitation platform's digital network to connect with customers seeking services offered by a delivery

facilitation contractor;

- (b) Performs services for customers through a delivery facilitation platform's digital network in exchange for value; and
- (c) Does not perform services at a physical business location operated by the delivery facilitation platform, if any, in this state.

The term does not include a person transporting freight, sealed or closed envelopes, boxes, parcels, or other similar sealed or closed containers for compensation. The term includes a transportation network company driver as defined in § 32-40-1;

(2) "Delivery facilitation platform," a person who:

- (a) Maintains a digital network to facilitate services by a delivery facilitation contractor to customers seeking those services; and
- (b) Accepts requests from customers only through the delivery facilitation platform's digital network.

The term includes a transportation network company as defined in § 32-40-1.

Signed March 7, 2022

REEMPLOYMENT ASSISTANCE

Chapter 189

(House Bill 1173)

An Act to include a common paymaster as within the meaning of employing unit.

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

Section 1. That § 61-1-3 be AMENDED:

61-1-3. As used in this title, the term, employing unit, means an individual or type of organization, including any partnership, limited liability company, association, trust, estate, joint-stock company, insurance company or corporation, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee or successor thereof, or the legal representative of a deceased person, which has had in its employ one or more individuals performing services for it within this state. Each individual performing services within this state for any employing unit which maintains two or more separate establishments within this state is deemed to be employed by a single employing unit for all the purposes of this title. Each individual employed to perform or to assist in performing the work of any agent or employee of an employing unit is deemed to be employed by the employing unit for all the purposes of this title, whether the individual was hired or paid directly by the employing unit or by the agent or employee, if the employing unit had actual or constructive knowledge of the work.

For purposes of this title, an employing unit includes a common paymaster. As used in this section, the term, common paymaster, means a

business entity that disburses remuneration to employees of two or more business entities on behalf of the other business entities and is responsible for keeping books and records for the payroll with respect to the employees. The amount disbursed to an individual employed concurrently by two or more related business entities is determined by 26 U.S.C. § 3306(p) as of January 1, 2022. The department shall promulgate rules pursuant to chapter 1-26 to determine when a common paymaster relationship exists between business entities.

Signed March 18, 2022



**Chapter 190
(House Bill 1128)**

An Act to protect the integrity of reemployment assistance.

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

Section 1. That chapter 61-6 be amended with a NEW SECTION:

Each month, the Department of Labor and Regulation shall:

- (1) Compare the list of reemployment assistance recipients with new hire records and the state’s New Hire Data and the National Directory of New Hires to verify eligibility; and
- (2) Check the list of reemployment assistance recipients against the Department of Corrections’ list of incarcerated individuals to verify eligibility and ensure program integrity.

The Department of Labor and Regulation may execute a memorandum of understanding with any department, agency, or division to share information under this section.

Signed March 7, 2022



UNCODIFIED ACTS



**Chapter 191
(House Bill 1340)**

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 for common schools.

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

Section 1. There is hereby 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, 2023.

	GENERAL FUNDS	FEDERAL FUNDS	OTHER FUNDS	TOTAL FUNDS
SECTION 2. OFFICE OF THE GOVERNOR				
(1) Office of the Governor				
Personal Services	\$2,071,905	\$0	\$0	\$2,071,905
Operating Expenses	\$482,154	\$0	\$0	\$482,154
Total	\$2,554,059	\$0	\$0	\$2,554,059
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	\$2,611,195	\$342,331	\$827,888	\$3,781,414
Operating Expenses	\$5,975,812	\$28,668,893	\$39,412,700	\$74,057,405
Total	\$8,587,007	\$29,011,224	\$40,240,588	\$77,838,819
FTE				41.6
(4) SD Housing Development Authority - Informational				
Personal Services	\$0	\$1,604,180	\$4,221,179	\$5,825,359
Operating Expenses	\$0	\$711,441	\$8,894,091	\$9,605,532
Total	\$0	\$2,315,621	\$13,115,270	\$15,430,891
FTE				70.0
(5) SD Science and Tech Authority - Informational				
Personal Services	\$0	\$0	\$109,846	\$109,846
Operating Expenses	\$0	\$0	\$558,953	\$558,953
Total	\$0	\$0	\$668,799	\$668,799
FTE				1.0
(6) Ellsworth Authority - Informational				
Operating Expenses	\$0	\$0	\$847,354	\$847,354
Total	\$0	\$0	\$847,354	\$847,354
FTE				0.0
(7) REDI Grants				
Operating Expenses	\$0	\$0	\$1,751,608	\$1,751,608
Total	\$0	\$0	\$1,751,608	\$1,751,608
FTE				0.0

	GENERAL FUNDS	FEDERAL FUNDS	OTHER FUNDS	TOTAL FUNDS
(8) Local Infrastructure Improvement				
Operating Expenses	\$1,470,000	\$0	\$1,470,000	\$2,940,000
Total	\$1,470,000	\$0	\$1,470,000	\$2,940,000
FTE				0.0
(9) Economic Development Partnership				
Operating Expenses	\$0	\$0	\$375,000	\$375,000
Total	\$0	\$0	\$375,000	\$375,000
FTE				0.0
(10) SD Housing Opportunity				
Operating Expenses	\$1,040,000	\$0	\$3,040,000	\$4,080,000
Total	\$1,040,000	\$0	\$3,040,000	\$4,080,000
FTE				0.0
(11) Workforce Education				
Operating Expenses	\$490,000	\$0	\$0	\$490,000
Total	\$490,000	\$0	\$0	\$490,000
FTE				0.0
(12) Lt. Governor				
Personal Services	\$23,547	\$0	\$0	\$23,547
Operating Expenses	\$14,247	\$0	\$0	\$14,247
Total	\$37,794	\$0	\$0	\$37,794
FTE				0.5
(13) DEPARTMENT TOTAL, OFFICE OF THE GOVERNOR				
Personal Services	\$4,706,647	\$1,946,511	\$5,158,913	\$11,812,071
Operating Expenses	\$9,547,213	\$29,380,334	\$56,349,706	\$95,277,253
Total	\$14,253,860	\$31,326,845	\$61,508,619	\$107,089,324
FTE				134.6

SECTION 3. BUREAU OF FINANCE AND MANAGEMENT (BFM)

(1) Bureau of Finance and Management				
Personal Services	\$929,889	\$0	\$2,936,643	\$3,866,532
Operating Expenses	\$307,233	\$0	\$3,751,939	\$4,059,172
Total	\$1,237,122	\$0	\$6,688,582	\$7,925,704
FTE				40.0
(2) Computer Services and Development				
Operating Expenses	\$0	\$0	\$2,000,000	\$2,000,000
Total	\$0	\$0	\$2,000,000	\$2,000,000
FTE				0.0

	GENERAL FUNDS	FEDERAL FUNDS	OTHER FUNDS	TOTAL FUNDS
(3) COVID Pool Funds				
Operating Expenses	\$0	\$100,000,000	\$0	\$100,000,000
Total	\$0	\$100,000,000	\$0	\$100,000,000
FTE				0.0
(4) Building Authority - Informational				
Personal Services	\$0	\$0	\$2,708	\$2,708
Operating Expenses	\$0	\$0	\$1,000,459	\$1,000,459
Total	\$0	\$0	\$1,003,167	\$1,003,167
FTE				0.0
(5) Health and Education Facilities Authority - Informational				
Personal Services	\$0	\$0	\$595,092	\$595,092
Operating Expenses	\$0	\$0	\$278,339	\$278,339
Total	\$0	\$0	\$873,431	\$873,431
FTE				5.0
(6) Employee Compensation and Billing Pools				
Personal Services	\$26,499,354	\$11,324,002	\$30,741,585	\$68,564,941
Operating Expenses	\$1,613,134	\$583,610	\$1,775,573	\$3,972,317
Total	\$28,112,488	\$11,907,612	\$32,517,158	\$72,537,258
FTE				0.0
(7) Educational Enhancement Funding Corporation - Informational				
Operating Expenses	\$0	\$0	\$139,955	\$139,955
Total	\$0	\$0	\$139,955	\$139,955
FTE				0.0
(8) DEPARTMENT TOTAL, BUREAU OF FINANCE AND MANAGEMENT (BFM)				
Personal Services	\$27,429,243	\$11,324,002	\$34,276,028	\$73,029,273
Operating Expenses	\$1,920,367	\$100,583,610	\$8,946,265	\$111,450,242
Total	\$29,349,610	\$111,907,612	\$43,222,293	\$184,479,515
FTE				45.0

SECTION 4. BUREAU OF ADMINISTRATION (BOA)

(1) Administrative Services				
Personal Services	\$0	\$0	\$434,270	\$434,270
Operating Expenses	\$683	\$0	\$117,619	\$118,302
Total	\$683	\$0	\$551,889	\$552,572
FTE				3.5
(2) Central Services				
Personal Services	\$216,292	\$0	\$7,877,150	\$8,093,442
Operating Expenses	\$216,566	\$0	\$20,099,286	\$20,315,852
Total	\$432,858	\$0	\$27,976,436	\$28,409,294
FTE				134.5

	GENERAL FUNDS	FEDERAL FUNDS	OTHER FUNDS	TOTAL FUNDS
(3) State Engineer				
Personal Services	\$0	\$0	\$1,362,311	\$1,362,311
Operating Expenses	\$0	\$0	\$315,171	\$315,171
Total	\$0	\$0	\$1,677,482	\$1,677,482
FTE				16.0
(4) Statewide Maintenance and Repair				
Operating Expenses	\$16,808,337	\$500,000	\$3,839,246	\$21,147,583
Total	\$16,808,337	\$500,000	\$3,839,246	\$21,147,583
FTE				0.0
(5) Office of Hearing Examiners				
Personal Services	\$298,708	\$0	\$0	\$298,708
Operating Expenses	\$79,889	\$0	\$0	\$79,889
Total	\$378,597	\$0	\$0	\$378,597
FTE				3.0
(6) Obligation Recovery Center				
Operating Expenses	\$0	\$0	\$720,000	\$720,000
Total	\$0	\$0	\$720,000	\$720,000
FTE				0.0
(7) Risk Management Administration - Informational				
Personal Services	\$0	\$0	\$699,157	\$699,157
Operating Expenses	\$0	\$0	\$3,470,099	\$3,470,099
Total	\$0	\$0	\$4,169,256	\$4,169,256
FTE				8.0
(8) Risk Management Claims - Informational				
Operating Expenses	\$0	\$0	\$2,226,476	\$2,226,476
Total	\$0	\$0	\$2,226,476	\$2,226,476
FTE				0.0
(9) Captive Insurance Pool				
Operating Expenses	\$0	\$0	\$1,836,000	\$1,836,000
Total	\$0	\$0	\$1,836,000	\$1,836,000
FTE				0.0
(10) DEPARTMENT TOTAL, BUREAU OF ADMINISTRATION (BOA)				
Personal Services	\$515,000	\$0	\$10,372,888	\$10,887,888
Operating Expenses	\$17,105,475	\$500,000	\$32,623,897	\$50,229,372
Total	\$17,620,475	\$500,000	\$42,996,785	\$61,117,260
FTE				165.0

	GENERAL FUNDS	FEDERAL FUNDS	OTHER FUNDS	TOTAL FUNDS
SECTION 5. BUREAU OF INFORMATION AND TELECOMMUNICATIONS (BIT)				
(1) Data Centers				
Personal Services	\$0	\$0	\$6,000,212	\$6,000,212
Operating Expenses	\$0	\$0	\$5,063,309	\$5,063,309
Total	\$0	\$0	\$11,063,521	\$11,063,521
FTE				65.0
(2) Development				
Personal Services	\$0	\$0	\$12,683,180	\$12,683,180
Operating Expenses	\$0	\$0	\$2,152,081	\$2,152,081
Total	\$0	\$0	\$14,835,261	\$14,835,261
FTE				143.0
(3) Telecommunications Services				
Personal Services	\$0	\$0	\$8,542,854	\$8,542,854
Operating Expenses	\$0	\$0	\$14,013,260	\$14,013,260
Total	\$0	\$0	\$22,556,114	\$22,556,114
FTE				95.0
(4) South Dakota Public Broadcasting				
Personal Services	\$3,224,797	\$0	\$1,292,074	\$4,516,871
Operating Expenses	\$1,418,271	\$272,484	\$2,888,235	\$4,578,990
Total	\$4,643,068	\$272,484	\$4,180,309	\$9,095,861
FTE				63.5
(5) BIT Administration				
Personal Services	\$0	\$0	\$1,694,473	\$1,694,473
Operating Expenses	\$0	\$0	\$4,525,553	\$4,525,553
Total	\$0	\$0	\$6,220,026	\$6,220,026
FTE				16.0
(6) State Radio Engineering				
Personal Services	\$964,019	\$11,376	\$12,990	\$988,385
Operating Expenses	\$3,225,057	\$85,408	\$144,022	\$3,454,487
Total	\$4,189,076	\$96,784	\$157,012	\$4,442,872
FTE				11.0
(7) DEPARTMENT TOTAL, BUREAU OF INFORMATION AND TELECOMMUNICATIONS (BIT)				
Personal Services	\$4,188,816	\$11,376	\$30,225,783	\$34,425,975
Operating Expenses	\$4,643,328	\$357,892	\$28,786,460	\$33,787,680
Total	\$8,832,144	\$369,268	\$59,012,243	\$68,213,655
FTE				393.5

	GENERAL FUNDS	FEDERAL FUNDS	OTHER FUNDS	TOTAL FUNDS
SECTION 6. BUREAU OF HUMAN RESOURCES (BHR)				
(1) Personnel Management/Employee Benefits				
Personal Services	\$240,484	\$0	\$5,289,406	\$5,529,890
Operating Expenses	\$64,574	\$0	\$2,452,684	\$2,517,258
Total	\$305,058	\$0	\$7,742,090	\$8,047,148
FTE				73.5
(2) DEPARTMENT TOTAL, BUREAU OF HUMAN RESOURCES (BHR)				
Personal Services	\$240,484	\$0	\$5,289,406	\$5,529,890
Operating Expenses	\$64,574	\$0	\$2,452,684	\$2,517,258
Total	\$305,058	\$0	\$7,742,090	\$8,047,148
FTE				73.5
SECTION 7. DEPARTMENT OF REVENUE				
(1) Administration, Secretary of Revenue				
Personal Services	\$0	\$0	\$2,552,550	\$2,552,550
Operating Expenses	\$0	\$0	\$1,792,944	\$1,792,944
Total	\$0	\$0	\$4,345,494	\$4,345,494
FTE				30.0
(2) Business Tax				
Personal Services	\$0	\$0	\$4,861,917	\$4,861,917
Operating Expenses	\$0	\$0	\$845,202	\$845,202
Total	\$0	\$0	\$5,707,119	\$5,707,119
FTE				69.5
(3) Motor Vehicles				
Personal Services	\$0	\$0	\$3,073,429	\$3,073,429
Operating Expenses	\$0	\$318,147	\$6,621,618	\$6,939,765
Total	\$0	\$318,147	\$9,695,047	\$10,013,194
FTE				48.0
(4) Property Taxes				
Personal Services	\$713,651	\$0	\$0	\$713,651
Operating Expenses	\$269,339	\$0	\$0	\$269,339
Total	\$982,990	\$0	\$0	\$982,990
FTE				9.0
(5) Audits				
Personal Services	\$0	\$0	\$4,483,165	\$4,483,165
Operating Expenses	\$0	\$0	\$527,450	\$527,450
Total	\$0	\$0	\$5,010,615	\$5,010,615
FTE				57.0

	GENERAL FUNDS	FEDERAL FUNDS	OTHER FUNDS	TOTAL FUNDS
(6) Instant and On-line Operations - Informational				
Personal Services	\$0	\$0	\$1,628,150	\$1,628,150
Operating Expenses	\$0	\$0	\$60,987,807	\$60,987,807
Total	\$0	\$0	\$62,615,957	\$62,615,957
FTE				21.0
(7) Video Lottery				
Personal Services	\$0	\$0	\$806,979	\$806,979
Operating Expenses	\$0	\$0	\$1,952,887	\$1,952,887
Total	\$0	\$0	\$2,759,866	\$2,759,866
FTE				10.0
(8) Commission on Gaming - Informational				
Personal Services	\$0	\$0	\$1,187,795	\$1,187,795
Operating Expenses	\$0	\$0	\$9,620,274	\$9,620,274
Total	\$0	\$0	\$10,808,069	\$10,808,069
FTE				16.0
(9) DEPARTMENT TOTAL, DEPARTMENT OF REVENUE				
Personal Services	\$713,651	\$0	\$18,593,985	\$19,307,636
Operating Expenses	\$269,339	\$318,147	\$82,348,182	\$82,935,668
Total	\$982,990	\$318,147	\$100,942,167	\$102,243,304
FTE				260.5

SECTION 8. DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES

(1) Administration, Secretary of Agriculture				
Personal Services	\$1,022,920	\$202,363	\$231,861	\$1,457,144
Operating Expenses	\$476,043	\$185,752	\$206,104	\$867,899
Total	\$1,498,963	\$388,115	\$437,965	\$2,325,043
FTE				19.0
(2) Agricultural and Environmental Services				
Personal Services	\$3,047,177	\$3,239,104	\$2,764,351	\$9,050,632
Operating Expenses	\$638,599	\$3,712,623	\$1,480,476	\$5,831,698
Total	\$3,685,776	\$6,951,727	\$4,244,827	\$14,882,330
FTE				95.9
(3) Resource Conservation & Forestry				
Personal Services	\$1,557,448	\$1,354,325	\$364,548	\$3,276,321
Operating Expenses	\$475,233	\$1,863,736	\$1,278,046	\$3,617,015
Total	\$2,032,681	\$3,218,061	\$1,642,594	\$6,893,336
FTE				45.1

	GENERAL FUNDS	FEDERAL FUNDS	OTHER FUNDS	TOTAL FUNDS
(4) Animal Industry Board				
Personal Services	\$2,046,051	\$1,276,784	\$147,801	\$3,470,636
Operating Expenses	\$409,746	\$680,130	\$3,508,625	\$4,598,501
Total	\$2,455,797	\$1,956,914	\$3,656,426	\$8,069,137
FTE				42.0
(5) American Dairy Association - Informational				
Operating Expenses	\$0	\$0	\$3,893,700	\$3,893,700
Total	\$0	\$0	\$3,893,700	\$3,893,700
FTE				0.0
(6) Wheat Commission - Informational				
Personal Services	\$0	\$0	\$210,727	\$210,727
Operating Expenses	\$0	\$0	\$1,147,124	\$1,147,124
Total	\$0	\$0	\$1,357,851	\$1,357,851
FTE				3.0
(7) Oilseeds Council - Informational				
Personal Services	\$0	\$0	\$1,700	\$1,700
Operating Expenses	\$0	\$0	\$456,000	\$456,000
Total	\$0	\$0	\$457,700	\$457,700
FTE				0.0
(8) Soybean Research and Promotion Council - Informational				
Personal Services	\$0	\$0	\$519,318	\$519,318
Operating Expenses	\$0	\$0	\$11,800,096	\$11,800,096
Total	\$0	\$0	\$12,319,414	\$12,319,414
FTE				9.0
(9) Brand Board - Informational				
Personal Services	\$0	\$0	\$1,957,015	\$1,957,015
Operating Expenses	\$0	\$0	\$483,571	\$483,571
Total	\$0	\$0	\$2,440,586	\$2,440,586
FTE				35.0
(10) Corn Utilization Council - Informational				
Personal Services	\$0	\$0	\$136,367	\$136,367
Operating Expenses	\$0	\$0	\$7,002,163	\$7,002,163
Total	\$0	\$0	\$7,138,530	\$7,138,530
FTE				1.0
(11) Board of Veterinary Medical Examiners - Informational				
Personal Services	\$0	\$0	\$2,893	\$2,893
Operating Expenses	\$0	\$0	\$56,684	\$56,684
Total	\$0	\$0	\$59,577	\$59,577
FTE				0.0

	GENERAL FUNDS	FEDERAL FUNDS	OTHER FUNDS	TOTAL FUNDS
(12) Pulse Crops Council - Informational				
Personal Services	\$0	\$0	\$1,404	\$1,404
Operating Expenses	\$0	\$0	\$39,564	\$39,564
Total	\$0	\$0	\$40,968	\$40,968
FTE				0.0
(13) State Fair				
Personal Services	\$0	\$0	\$1,032,430	\$1,032,430
Operating Expenses	\$324,467	\$0	\$2,825,291	\$3,149,758
Total	\$324,467	\$0	\$3,857,721	\$4,182,188
FTE				19.5
(14) Financial and Technical Assistance				
Personal Services	\$1,750,657	\$1,066,558	\$771,380	\$3,588,595
Operating Expenses	\$319,897	\$1,386,260	\$198,504	\$1,904,661
Total	\$2,070,554	\$2,452,818	\$969,884	\$5,493,256
FTE				32.0
(15) Office of Water				
Personal Services	\$1,348,879	\$1,321,929	\$958,446	\$3,629,254
Operating Expenses	\$338,546	\$852,454	\$408,451	\$1,599,451
Total	\$1,687,425	\$2,174,383	\$1,366,897	\$5,228,705
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	\$315,551	\$315,551
Operating Expenses	\$0	\$0	\$73,969	\$73,969
Total	\$0	\$0	\$389,520	\$389,520
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

	GENERAL FUNDS	FEDERAL FUNDS	OTHER FUNDS	TOTAL FUNDS
(20) DEPARTMENT TOTAL, DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES				
Personal Services	\$10,773,132	\$8,461,063	\$9,415,792	\$28,649,987
Operating Expenses	\$2,982,531	\$8,680,955	\$39,473,369	\$51,136,855
Total	\$13,755,663	\$17,142,018	\$48,889,161	\$79,786,842
FTE				354.5

SECTION 9. DEPARTMENT OF TOURISM

(1) Tourism

Personal Services	\$0	\$0	\$2,268,188	\$2,268,188
Operating Expenses	\$0	\$8,750,000	\$15,304,776	\$24,054,776
Total	\$0	\$8,750,000	\$17,572,964	\$26,322,964
FTE				34.7

(2) Arts

Personal Services	\$0	\$61,872	\$297,599	\$359,471
Operating Expenses	\$0	\$819,110	\$792,846	\$1,611,956
Total	\$0	\$880,982	\$1,090,445	\$1,971,427
FTE				4.0

(3) DEPARTMENT TOTAL, DEPARTMENT OF TOURISM

Personal Services	\$0	\$61,872	\$2,565,787	\$2,627,659
Operating Expenses	\$0	\$9,569,110	\$16,097,622	\$25,666,732
Total	\$0	\$9,630,982	\$18,663,409	\$28,294,391
FTE				38.7

SECTION 10. DEPARTMENT OF GAME, FISH AND PARKS

(1) Administration, Secretary of Game, Fish and Parks

Personal Services	\$159,810	\$0	\$2,450,775	\$2,610,585
Operating Expenses	\$822,978	\$0	\$1,538,491	\$2,361,469
Total	\$982,788	\$0	\$3,989,266	\$4,972,054
FTE				29.3

(2) Wildlife - Informational

Personal Services	\$0	\$5,059,592	\$16,641,506	\$21,701,098
Operating Expenses	\$0	\$14,603,527	\$22,824,331	\$37,427,858
Total	\$0	\$19,663,119	\$39,465,837	\$59,128,956
FTE				295.5

(3) Wildlife, Development, and Improvement - Informational

Operating Expenses	\$0	\$1,707,675	\$3,086,725	\$4,794,400
Total	\$0	\$1,707,675	\$3,086,725	\$4,794,400
FTE				0.0

	GENERAL FUNDS	FEDERAL FUNDS	OTHER FUNDS	TOTAL FUNDS
(4) State Parks and Recreation				
Personal Services	\$3,090,289	\$1,068,008	\$8,609,949	\$12,768,246
Operating Expenses	\$2,459,915	\$2,977,324	\$11,334,165	\$16,771,404
Total	\$5,550,204	\$4,045,332	\$19,944,114	\$29,539,650
FTE				250.0
(5) State Parks and Recreation - Development and Improvement				
Operating Expenses	\$0	\$4,364,446	\$17,253,000	\$21,617,446
Total	\$0	\$4,364,446	\$17,253,000	\$21,617,446
FTE				0.0
(6) Snowmobile Trails - Informational				
Personal Services	\$0	\$0	\$433,804	\$433,804
Operating Expenses	\$0	\$0	\$960,647	\$960,647
Total	\$0	\$0	\$1,394,451	\$1,394,451
FTE				9.1
(7) DEPARTMENT TOTAL, DEPARTMENT OF GAME, FISH AND PARKS				
Personal Services	\$3,250,099	\$6,127,600	\$28,136,034	\$37,513,733
Operating Expenses	\$3,282,893	\$23,652,972	\$56,997,359	\$83,933,224
Total	\$6,532,992	\$29,780,572	\$85,133,393	\$121,446,957
FTE				583.9

SECTION 11. DEPARTMENT OF TRIBAL RELATIONS

(1) Office of Tribal Relations				
Personal Services	\$573,633	\$0	\$0	\$573,633
Operating Expenses	\$157,063	\$0	\$196,000	\$353,063
Total	\$730,696	\$0	\$196,000	\$926,696
FTE				7.0

(2) DEPARTMENT TOTAL, DEPARTMENT OF TRIBAL RELATIONS				
Personal Services	\$573,633	\$0	\$0	\$573,633
Operating Expenses	\$157,063	\$0	\$196,000	\$353,063
Total	\$730,696	\$0	\$196,000	\$926,696
FTE				7.0

SECTION 12. DEPARTMENT OF SOCIAL SERVICES

(1) Administration, Secretary of Social Services				
Personal Services	\$5,865,612	\$7,288,124	\$11,351	\$13,165,087
Operating Expenses	\$6,019,521	\$12,724,016	\$11,864	\$18,755,401
Total	\$11,885,133	\$20,012,140	\$23,215	\$31,920,488
FTE				205.2

	GENERAL FUNDS	FEDERAL FUNDS	OTHER FUNDS	TOTAL FUNDS
(2) Economic Assistance				
Personal Services	\$9,531,843	\$13,048,759	\$27,526	\$22,608,128
Operating Expenses	\$18,475,447	\$71,053,657	\$317,023	\$89,846,127
Total	\$28,007,290	\$84,102,416	\$344,549	\$112,454,255
FTE				320.5
(3) Medical Services				
Personal Services	\$1,543,201	\$3,083,798	\$0	\$4,626,999
Operating Expenses	\$271,858,285	\$472,240,985	\$280,701	\$744,379,971
Total	\$273,401,486	\$475,324,783	\$280,701	\$749,006,970
FTE				56.0
(4) Children's Services				
Personal Services	\$14,036,357	\$10,256,416	\$1,925,043	\$26,217,816
Operating Expenses	\$42,815,424	\$55,607,114	\$3,081,885	\$101,504,423
Total	\$56,851,781	\$65,863,530	\$5,006,928	\$127,722,239
FTE				350.3
(5) Behavioral Health				
Personal Services	\$37,001,588	\$8,867,431	\$2,345,462	\$48,214,481
Operating Expenses	\$74,014,342	\$39,885,274	\$4,461,657	\$118,361,273
Total	\$111,015,930	\$48,752,705	\$6,807,119	\$166,575,754
FTE				630.0
(6) Board of Counselor Examiners - Informational				
Personal Services	\$0	\$0	\$3,549	\$3,549
Operating Expenses	\$0	\$0	\$103,492	\$103,492
Total	\$0	\$0	\$107,041	\$107,041
FTE				0.0
(7) Board of Psychology Examiners - Informational				
Personal Services	\$0	\$0	\$4,136	\$4,136
Operating Expenses	\$0	\$0	\$73,746	\$73,746
Total	\$0	\$0	\$77,882	\$77,882
FTE				0.0
(8) Board of Social Work Examiners - Informational				
Personal Services	\$0	\$0	\$3,405	\$3,405
Operating Expenses	\$0	\$0	\$106,678	\$106,678
Total	\$0	\$0	\$110,083	\$110,083
FTE				0.0
(9) Board of Addiction and Prevention Professionals - Informational				
Personal Services	\$0	\$0	\$9,584	\$9,584
Operating Expenses	\$0	\$0	\$176,726	\$176,726
Total	\$0	\$0	\$186,310	\$186,310
FTE				0.0

	GENERAL FUNDS	FEDERAL FUNDS	OTHER FUNDS	TOTAL FUNDS
(10) DEPARTMENT TOTAL, DEPARTMENT OF SOCIAL SERVICES				
Personal Services	\$67,978,601	\$42,544,528	\$4,330,056	\$114,853,185
Operating Expenses	\$413,183,019	\$651,511,046	\$8,613,772	\$1,073,307,837
Total	\$481,161,620	\$694,055,574	\$12,943,828	\$1,188,161,022
FTE				1,562.0

SECTION 13. DEPARTMENT OF HEALTH

(1) Administration, Secretary of Health				
Personal Services	\$843,521	\$1,272,622	\$819,686	\$2,935,829
Operating Expenses	\$227,408	\$2,916,682	\$920,255	\$4,064,345
Total	\$1,070,929	\$4,189,304	\$1,739,941	\$7,000,174
FTE				34.0

(2) Healthcare Access and Quality and Health Prevention				
Personal Services	\$2,380,886	\$3,957,161	\$72,273	\$6,410,320
Operating Expenses	\$2,895,228	\$10,767,147	\$1,172,571	\$14,834,946
Total	\$5,276,114	\$14,724,308	\$1,244,844	\$21,245,266
FTE				70.0

(3) Family and Community Health				
Personal Services	\$2,790,063	\$11,722,912	\$1,398,154	\$15,911,129
Operating Expenses	\$3,206,525	\$34,840,788	\$5,351,291	\$43,398,604
Total	\$5,996,588	\$46,563,700	\$6,749,445	\$59,309,733
FTE				196.5

(4) Laboratory Services				
Personal Services	\$0	\$1,040,013	\$1,901,571	\$2,941,584
Operating Expenses	\$0	\$12,760,770	\$1,988,477	\$14,749,247
Total	\$0	\$13,800,783	\$3,890,048	\$17,690,831
FTE				31.0

(5) Correctional Health				
Personal Services	\$0	\$0	\$9,605,600	\$9,605,600
Operating Expenses	\$0	\$0	\$16,594,637	\$16,594,637
Total	\$0	\$0	\$26,200,237	\$26,200,237
FTE				110.9

(6) Tobacco Prevention				
Personal Services	\$0	\$272,330	\$0	\$272,330
Operating Expenses	\$0	\$1,318,328	\$4,500,237	\$5,818,565
Total	\$0	\$1,590,658	\$4,500,237	\$6,090,895
FTE				3.0

	GENERAL FUNDS	FEDERAL FUNDS	OTHER FUNDS	TOTAL FUNDS
(7) Epidemiology, Surveillance & Informatics				
Personal Services	\$151,750	\$706,261	\$0	\$858,011
Operating Expenses	\$156,845	\$3,072,637	\$0	\$3,229,482
Total	\$308,595	\$3,778,898	\$0	\$4,087,493
FTE				9.0
(8) Board of Chiropractic Examiners - Informational				
Personal Services	\$0	\$0	\$90,930	\$90,930
Operating Expenses	\$0	\$0	\$45,590	\$45,590
Total	\$0	\$0	\$136,520	\$136,520
FTE				1.0
(9) Board of Dentistry - Informational				
Personal Services	\$0	\$0	\$10,392	\$10,392
Operating Expenses	\$0	\$0	\$470,714	\$470,714
Total	\$0	\$0	\$481,106	\$481,106
FTE				0.0
(10) Board of Hearing Aid Dispensers and Audiologists - Informational				
Personal Services	\$0	\$0	\$1,750	\$1,750
Operating Expenses	\$0	\$0	\$27,826	\$27,826
Total	\$0	\$0	\$29,576	\$29,576
FTE				0.0
(11) Board of Funeral Service - Informational				
Personal Services	\$0	\$0	\$4,016	\$4,016
Operating Expenses	\$0	\$0	\$83,824	\$83,824
Total	\$0	\$0	\$87,840	\$87,840
FTE				0.0
(12) Board of Medical and Osteopathic Examiners - Informational				
Personal Services	\$0	\$0	\$594,615	\$594,615
Operating Expenses	\$0	\$0	\$584,112	\$584,112
Total	\$0	\$0	\$1,178,727	\$1,178,727
FTE				8.0
(13) Board of Nursing - Informational				
Personal Services	\$0	\$0	\$933,634	\$933,634
Operating Expenses	\$0	\$0	\$861,816	\$861,816
Total	\$0	\$0	\$1,795,450	\$1,795,450
FTE				9.0
(14) Board of Nursing Home Administrators - Informational				
Personal Services	\$0	\$0	\$3,373	\$3,373
Operating Expenses	\$0	\$0	\$66,700	\$66,700
Total	\$0	\$0	\$70,073	\$70,073
FTE				0.0

	GENERAL FUNDS	FEDERAL FUNDS	OTHER FUNDS	TOTAL FUNDS
(15) Board of Optometry - Informational				
Personal Services	\$0	\$0	\$1,608	\$1,608
Operating Expenses	\$0	\$0	\$74,257	\$74,257
Total	\$0	\$0	\$75,865	\$75,865
FTE				0.0
(16) Board of Pharmacy - Informational				
Personal Services	\$0	\$80,417	\$784,834	\$865,251
Operating Expenses	\$0	\$400,000	\$663,758	\$1,063,758
Total	\$0	\$480,417	\$1,448,592	\$1,929,009
FTE				6.4
(17) Board of Podiatry Examiners - Informational				
Personal Services	\$0	\$0	\$310	\$310
Operating Expenses	\$0	\$0	\$21,734	\$21,734
Total	\$0	\$0	\$22,044	\$22,044
FTE				0.0
(18) Board of Massage Therapy - Informational				
Personal Services	\$0	\$0	\$1,717	\$1,717
Operating Expenses	\$0	\$0	\$81,996	\$81,996
Total	\$0	\$0	\$83,713	\$83,713
FTE				0.0
(19) Board of Speech Language Pathology - Informational				
Personal Services	\$0	\$0	\$1,221	\$1,221
Operating Expenses	\$0	\$0	\$45,906	\$45,906
Total	\$0	\$0	\$47,127	\$47,127
FTE				0.0
(20) Board of Certified Professional Midwives - Informational				
Personal Services	\$0	\$0	\$1,148	\$1,148
Operating Expenses	\$0	\$0	\$19,566	\$19,566
Total	\$0	\$0	\$20,714	\$20,714
FTE				0.0
(21) DEPARTMENT TOTAL, DEPARTMENT OF HEALTH				
Personal Services	\$6,166,220	\$19,051,716	\$16,226,832	\$41,444,768
Operating Expenses	\$6,486,006	\$66,076,352	\$33,575,267	\$106,137,625
Total	\$12,652,226	\$85,128,068	\$49,802,099	\$147,582,393
FTE				478.8

	GENERAL FUNDS	FEDERAL FUNDS	OTHER FUNDS	TOTAL FUNDS
SECTION 14. DEPARTMENT OF LABOR AND REGULATION				
(1) Administration, Secretary of Labor				
Personal Services	\$61,566	\$3,671,904	\$198,384	\$3,931,854
Operating Expenses	\$1,312,818	\$7,884,720	\$108,659	\$9,306,197
Total	\$1,374,384	\$11,556,624	\$307,043	\$13,238,051
FTE				52.6
(2) Reemployment Assistance				
Personal Services	\$0	\$5,151,160	\$0	\$5,151,160
Operating Expenses	\$0	\$3,769,945	\$0	\$3,769,945
Total	\$0	\$8,921,105	\$0	\$8,921,105
FTE				82.0
(3) Field Operations				
Personal Services	\$610,894	\$10,526,204	\$0	\$11,137,098
Operating Expenses	\$121,061	\$2,645,856	\$0	\$2,766,917
Total	\$731,955	\$13,172,060	\$0	\$13,904,015
FTE				163.0
(4) State Labor Law Administration				
Personal Services	\$691,069	\$260,441	\$291,899	\$1,243,409
Operating Expenses	\$109,359	\$63,982	\$252,654	\$425,995
Total	\$800,428	\$324,423	\$544,553	\$1,669,404
FTE				15.3
(5) Board of Accountancy - Informational				
Personal Services	\$0	\$0	\$171,835	\$171,835
Operating Expenses	\$0	\$0	\$177,555	\$177,555
Total	\$0	\$0	\$349,390	\$349,390
FTE				2.6
(6) Board of Barber Examiners - Informational				
Personal Services	\$0	\$0	\$16,228	\$16,228
Operating Expenses	\$0	\$0	\$9,606	\$9,606
Total	\$0	\$0	\$25,834	\$25,834
FTE				0.2
(7) Cosmetology Commission - Informational				
Personal Services	\$0	\$0	\$260,730	\$260,730
Operating Expenses	\$0	\$0	\$128,424	\$128,424
Total	\$0	\$0	\$389,154	\$389,154
FTE				4.3

	GENERAL FUNDS	FEDERAL FUNDS	OTHER FUNDS	TOTAL FUNDS
(8) Plumbing Commission - Informational				
Personal Services	\$0	\$0	\$537,583	\$537,583
Operating Expenses	\$0	\$0	\$245,860	\$245,860
Total	\$0	\$0	\$783,443	\$783,443
FTE				8.1
(9) Board of Technical Professions - Informational				
Personal Services	\$0	\$0	\$196,098	\$196,098
Operating Expenses	\$0	\$0	\$186,514	\$186,514
Total	\$0	\$0	\$382,612	\$382,612
FTE				3.1
(10) Electrical Commission - Informational				
Personal Services	\$0	\$0	\$1,599,464	\$1,599,464
Operating Expenses	\$0	\$0	\$560,611	\$560,611
Total	\$0	\$0	\$2,160,075	\$2,160,075
FTE				23.1
(11) Real Estate Commission - Informational				
Personal Services	\$0	\$0	\$401,468	\$401,468
Operating Expenses	\$0	\$0	\$236,821	\$236,821
Total	\$0	\$0	\$638,289	\$638,289
FTE				5.1
(12) Abstracters Board of Examiners - Informational				
Personal Services	\$0	\$0	\$7,771	\$7,771
Operating Expenses	\$0	\$0	\$39,048	\$39,048
Total	\$0	\$0	\$46,819	\$46,819
FTE				0.0
(13) South Dakota Athletic Commission - Informational				
Personal Services	\$0	\$0	\$11,460	\$11,460
Operating Expenses	\$0	\$0	\$47,791	\$47,791
Total	\$0	\$0	\$59,251	\$59,251
FTE				0.0
(14) Banking				
Personal Services	\$0	\$0	\$3,506,986	\$3,506,986
Operating Expenses	\$0	\$0	\$1,023,820	\$1,023,820
Total	\$0	\$0	\$4,530,806	\$4,530,806
FTE				37.5
(15) Trust Captive Insurance Company - Informational				
Personal Services	\$0	\$0	\$20,443	\$20,443
Operating Expenses	\$0	\$0	\$164,870	\$164,870
Total	\$0	\$0	\$185,313	\$185,313
FTE				0.0

	GENERAL	FEDERAL	OTHER	TOTAL
	FUNDS	FUNDS	FUNDS	FUNDS
(16) Insurance				
Personal Services	\$0	\$22,158	\$2,828,401	\$2,850,559
Operating Expenses	\$0	\$20,000	\$845,117	\$865,117
Total	\$0	\$42,158	\$3,673,518	\$3,715,676
FTE				37.7

(17) DEPARTMENT TOTAL, DEPARTMENT OF LABOR AND REGULATION				
Personal Services	\$1,363,529	\$19,631,867	\$10,048,750	\$31,044,146
Operating Expenses	\$1,543,238	\$14,384,503	\$4,027,350	\$19,955,091
Total	\$2,906,767	\$34,016,370	\$14,076,100	\$50,999,237
FTE				434.6

SECTION 15. DEPARTMENT OF TRANSPORTATION

(1) General Operations				
Personal Services	\$580,124	\$12,634,775	\$70,447,383	\$83,662,282
Operating Expenses	\$25,865	\$40,363,707	\$101,636,861	\$142,026,433
Total	\$605,989	\$52,998,482	\$172,084,244	\$225,688,715
FTE				1,014.3

(2) Construction Contracts - Informational				
Operating Expenses	\$0	\$367,068,873	\$144,544,285	\$511,613,158
Total	\$0	\$367,068,873	\$144,544,285	\$511,613,158
FTE				0.0

(3) DEPARTMENT TOTAL, DEPARTMENT OF TRANSPORTATION				
Personal Services	\$580,124	\$12,634,775	\$70,447,383	\$83,662,282
Operating Expenses	\$25,865	\$407,432,580	\$246,181,146	\$653,639,591
Total	\$605,989	\$420,067,355	\$316,628,529	\$737,301,873
FTE				1,014.3

SECTION 16. DEPARTMENT OF EDUCATION

(1) General Administration				
Personal Services	\$2,054,529	\$1,383,793	\$277,150	\$3,715,472
Operating Expenses	\$1,549,121	\$150,743,379	\$113,352	\$152,405,852
Total	\$3,603,650	\$152,127,172	\$390,502	\$156,121,324
FTE				45.5

(2) Workforce Education Fund				
Operating Expenses	\$0	\$0	\$1,125,000	\$1,125,000
Total	\$0	\$0	\$1,125,000	\$1,125,000
FTE				0.0

(3) State Aid to General Education				
Operating Expenses	\$552,842,123	\$0	\$0	\$552,842,123
Total	\$552,842,123	\$0	\$0	\$552,842,123
FTE				0.0

	GENERAL FUNDS	FEDERAL FUNDS	OTHER FUNDS	TOTAL FUNDS
(4) State Aid to Special Education				
Operating Expenses	\$83,000,475	\$0	\$0	\$83,000,475
Total	\$83,000,475	\$0	\$0	\$83,000,475
FTE				0.0
(5) Sparsity Payments				
Operating Expenses	\$2,123,230	\$0	\$0	\$2,123,230
Total	\$2,123,230	\$0	\$0	\$2,123,230
FTE				0.0
(6) National Board Certified Teachers and Counselors				
Operating Expenses	\$87,625	\$0	\$0	\$87,625
Total	\$87,625	\$0	\$0	\$87,625
FTE				0.0
(7) Technology and Innovation in Schools				
Operating Expenses	\$12,635,390	\$0	\$2,094,957	\$14,730,347
Total	\$12,635,390	\$0	\$2,094,957	\$14,730,347
FTE				0.0
(8) Technical Colleges				
Personal Services	\$2,909,345	\$0	\$0	\$2,909,345
Operating Expenses	\$26,978,109	\$0	\$185,696	\$27,163,805
Total	\$29,887,454	\$0	\$185,696	\$30,073,150
FTE				2.0
(9) Technical Colleges Tuition Assistance				
Operating Expenses	\$1,831,820	\$0	\$0	\$1,831,820
Total	\$1,831,820	\$0	\$0	\$1,831,820
FTE				0.0
(10) Technical Colleges Instructor Salary Support				
Operating Expenses	\$3,438,528	\$0	\$0	\$3,438,528
Total	\$3,438,528	\$0	\$0	\$3,438,528
FTE				0.0
(11) Education Resources				
Personal Services	\$2,016,868	\$3,826,304	\$313,060	\$6,156,232
Operating Expenses	\$8,329,177	\$185,847,499	\$737,123	\$194,913,799
Total	\$10,346,045	\$189,673,803	\$1,050,183	\$201,070,031
FTE				79.0

	GENERAL FUNDS	FEDERAL FUNDS	OTHER FUNDS	TOTAL FUNDS
(12) History				
Personal Services	\$1,083,404	\$459,188	\$1,467,932	\$3,010,524
Operating Expenses	\$1,394,521	\$811,282	\$1,009,423	\$3,215,226
Total	\$2,477,925	\$1,270,470	\$2,477,355	\$6,225,750
FTE				40.0
(13) Library Services				
Personal Services	\$1,176,465	\$400,060	\$0	\$1,576,525
Operating Expenses	\$880,794	\$895,157	\$27,900	\$1,803,851
Total	\$2,057,259	\$1,295,217	\$27,900	\$3,380,376
FTE				21.5
(14) DEPARTMENT TOTAL, DEPARTMENT OF EDUCATION				
Personal Services	\$9,240,611	\$6,069,345	\$2,058,142	\$17,368,098
Operating Expenses	\$695,090,913	\$338,297,317	\$5,293,451	\$1,038,681,681
Total	\$704,331,524	\$344,366,662	\$7,351,593	\$1,056,049,779
FTE				188.0

SECTION 17. DEPARTMENT OF PUBLIC SAFETY

(1) Administration, Secretary of Public Safety				
Personal Services	\$367,974	\$185,150	\$6,630,405	\$7,183,529
Operating Expenses	\$701,968	\$189,967	\$3,386,854	\$4,278,789
Total	\$1,069,942	\$375,117	\$10,017,259	\$11,462,318
FTE				111.0
(2) Highway Patrol				
Personal Services	\$669,722	\$1,480,723	\$19,905,010	\$22,055,455
Operating Expenses	\$971,886	\$2,733,228	\$6,996,295	\$10,701,409
Total	\$1,641,608	\$4,213,951	\$26,901,305	\$32,756,864
FTE				278.0
(3) Emergency Services				
Personal Services	\$2,323,121	\$2,208,605	\$410,196	\$4,941,922
Operating Expenses	\$906,991	\$8,401,768	\$325,657	\$9,634,416
Total	\$3,230,112	\$10,610,373	\$735,853	\$14,576,338
FTE				75.8
(4) Criminal Justice Services				
Personal Services	\$215,417	\$1,415,998	\$281,453	\$1,912,868
Operating Expenses	\$442,963	\$20,940,796	\$2,202,718	\$23,586,477
Total	\$658,380	\$22,356,794	\$2,484,171	\$25,499,345
FTE				21.0

	GENERAL FUNDS	FEDERAL FUNDS	OTHER FUNDS	TOTAL FUNDS
(5) 911 Coordination Board - Informational				
Personal Services	\$0	\$0	\$206,325	\$206,325
Operating Expenses	\$0	\$250,000	\$4,397,106	\$4,647,106
Total	\$0	\$250,000	\$4,603,431	\$4,853,431
FTE				2.0
(6) DEPARTMENT TOTAL, DEPARTMENT OF PUBLIC SAFETY				
Personal Services	\$3,576,234	\$5,290,476	\$27,433,389	\$36,300,099
Operating Expenses	\$3,023,808	\$32,515,759	\$17,308,630	\$52,848,197
Total	\$6,600,042	\$37,806,235	\$44,742,019	\$89,148,296
FTE				487.8

SECTION 18. BOARD OF REGENTS

(1) Board of Regents Central Office				
Personal Services	\$5,015,155	\$300,000	\$1,975,320	\$7,290,475
Operating Expenses	\$23,033,854	\$4,474,903	\$46,767,538	\$74,276,295
Total	\$28,049,009	\$4,774,903	\$48,742,858	\$81,566,770
FTE				66.5
(2) Research Pool				
Operating Expenses	\$1,000,000	\$0	\$0	\$1,000,000
Total	\$1,000,000	\$0	\$0	\$1,000,000
FTE				0.0
(3) South Dakota Scholarships				
Operating Expenses	\$6,512,930	\$0	\$0	\$6,512,930
Total	\$6,512,930	\$0	\$0	\$6,512,930
FTE				0.0
(4) University of South Dakota				
Personal Services	\$37,062,191	\$7,454,360	\$56,196,317	\$100,712,868
Operating Expenses	\$3,714,485	\$3,480,360	\$40,863,785	\$48,058,630
Total	\$40,776,676	\$10,934,720	\$97,060,102	\$148,771,498
FTE				1,074.9
(5) University of South Dakota Law School				
Personal Services	\$1,837,347	\$75,185	\$2,630,818	\$4,543,350
Operating Expenses	\$206,263	\$2,483	\$1,078,250	\$1,286,996
Total	\$2,043,610	\$77,668	\$3,709,068	\$5,830,346
FTE				34.3
(6) University of South Dakota School of Medicine				
Personal Services	\$21,814,443	\$6,280,689	\$15,536,248	\$43,631,380
Operating Expenses	\$3,664,585	\$5,289,271	\$9,991,297	\$18,945,153
Total	\$25,479,028	\$11,569,960	\$25,527,545	\$62,576,533
FTE				360.5

	GENERAL FUNDS	FEDERAL FUNDS	OTHER FUNDS	TOTAL FUNDS
(7) South Dakota State University				
Personal Services	\$49,249,380	\$8,622,345	\$90,956,474	\$148,828,199
Operating Expenses	\$5,781,590	\$14,601,840	\$70,953,373	\$91,336,803
Total	\$55,030,970	\$23,224,185	\$161,909,847	\$240,165,002
FTE				1,561.7
(8) SDSU Extension				
Personal Services	\$8,856,044	\$3,522,014	\$1,195,752	\$13,573,810
Operating Expenses	\$305,148	\$3,294,724	\$1,476,931	\$5,076,803
Total	\$9,161,192	\$6,816,738	\$2,672,683	\$18,650,613
FTE				180.4
(9) Agricultural Experiment Station				
Personal Services	\$12,729,181	\$5,475,412	\$5,803,878	\$24,008,471
Operating Expenses	\$628,265	\$5,869,911	\$9,887,845	\$16,386,021
Total	\$13,357,446	\$11,345,323	\$15,691,723	\$40,394,492
FTE				236.3
(10) SD School of Mines and Technology				
Personal Services	\$18,575,598	\$6,817,520	\$24,970,390	\$50,363,508
Operating Expenses	\$966,496	\$5,201,512	\$18,999,338	\$25,167,346
Total	\$19,542,094	\$12,019,032	\$43,969,728	\$75,530,854
FTE				448.4
(11) Northern State University				
Personal Services	\$12,772,945	\$1,218,479	\$13,573,711	\$27,565,135
Operating Expenses	\$1,042,961	\$901,088	\$13,815,469	\$15,759,518
Total	\$13,815,906	\$2,119,567	\$27,389,180	\$43,324,653
FTE				326.1
(12) NSU Center for Statewide High School E-Learning				
Personal Services	\$3,262,336	\$0	\$0	\$3,262,336
Operating Expenses	\$322,408	\$0	\$0	\$322,408
Total	\$3,584,744	\$0	\$0	\$3,584,744
FTE				39.9
(13) Black Hills State University				
Personal Services	\$10,694,889	\$1,490,108	\$19,175,941	\$31,360,938
Operating Expenses	\$721,819	\$1,047,223	\$10,110,149	\$11,879,191
Total	\$11,416,708	\$2,537,331	\$29,286,090	\$43,240,129
FTE				355.0
(14) Dakota State University				
Personal Services	\$10,898,595	\$2,817,417	\$23,405,006	\$37,121,018
Operating Expenses	\$785,223	\$2,116,231	\$18,530,417	\$21,431,871
Total	\$11,683,818	\$4,933,648	\$41,935,423	\$58,552,889
FTE				342.8

	GENERAL FUNDS	FEDERAL FUNDS	OTHER FUNDS	TOTAL FUNDS
(15) SD School for the Deaf				
Personal Services	\$2,039,118	\$0	\$0	\$2,039,118
Operating Expenses	\$670,748	\$0	\$468,211	\$1,138,959
Total	\$2,709,866	\$0	\$468,211	\$3,178,077
FTE				26.0
(16) SD School for the Blind and Visually Impaired				
Personal Services	\$2,807,538	\$56,093	\$208,419	\$3,072,050
Operating Expenses	\$559,498	\$27,835	\$161,842	\$749,175
Total	\$3,367,036	\$83,928	\$370,261	\$3,821,225
FTE				45.6
(17) DEPARTMENT TOTAL, BOARD OF REGENTS				
Personal Services	\$197,614,760	\$44,129,622	\$255,628,274	\$497,372,656
Operating Expenses	\$49,916,273	\$46,307,381	\$243,104,445	\$339,328,099
Total	\$247,531,033	\$90,437,003	\$498,732,719	\$836,700,755
FTE				5,098.4

SECTION 19. DEPARTMENT OF THE MILITARY

(1) Adjutant General				
Personal Services	\$500,850	\$0	\$0	\$500,850
Operating Expenses	\$144,898	\$10,306	\$29,254	\$184,458
Total	\$645,748	\$10,306	\$29,254	\$685,308
FTE				5.3
(2) Army Guard				
Personal Services	\$434,698	\$3,450,941	\$0	\$3,885,639
Operating Expenses	\$2,540,982	\$15,726,901	\$0	\$18,267,883
Total	\$2,975,680	\$19,177,842	\$0	\$22,153,522
FTE				63.1
(3) Air Guard				
Personal Services	\$241,691	\$3,135,320	\$0	\$3,377,011
Operating Expenses	\$297,753	\$2,845,140	\$0	\$3,142,893
Total	\$539,444	\$5,980,460	\$0	\$6,519,904
FTE				48.0
(4) DEPARTMENT TOTAL, DEPARTMENT OF THE MILITARY				
Personal Services	\$1,177,239	\$6,586,261	\$0	\$7,763,500
Operating Expenses	\$2,983,633	\$18,582,347	\$29,254	\$21,595,234
Total	\$4,160,872	\$25,168,608	\$29,254	\$29,358,734
FTE				116.4

	GENERAL FUNDS	FEDERAL FUNDS	OTHER FUNDS	TOTAL FUNDS
SECTION 20. DEPARTMENT OF VETERANS' AFFAIRS				
(1) Veterans' Benefits and Services				
Personal Services	\$1,396,812	\$173,636	\$0	\$1,570,448
Operating Expenses	\$563,166	\$51,277	\$61,025	\$675,468
Total	\$1,959,978	\$224,913	\$61,025	\$2,245,916
FTE				22.0
(2) State Veterans' Home				
Personal Services	\$2,264,467	\$2,919,687	\$2,435,550	\$7,619,704
Operating Expenses	\$0	\$0	\$3,347,597	\$3,347,597
Total	\$2,264,467	\$2,919,687	\$5,783,147	\$10,967,301
FTE				118.2
(3) State Veterans' Cemetery				
Personal Services	\$81,062	\$0	\$198,938	\$280,000
Operating Expenses	\$72,192	\$0	\$0	\$72,192
Total	\$153,254	\$0	\$198,938	\$352,192
FTE				5.0
(4) DEPARTMENT TOTAL, DEPARTMENT OF VETERANS' AFFAIRS				
Personal Services	\$3,742,341	\$3,093,323	\$2,634,488	\$9,470,152
Operating Expenses	\$635,358	\$51,277	\$3,408,622	\$4,095,257
Total	\$4,377,699	\$3,144,600	\$6,043,110	\$13,565,409
FTE				145.2
SECTION 21. DEPARTMENT OF CORRECTIONS				
(1) Administration				
Personal Services	\$1,972,389	\$112,655	\$0	\$2,085,044
Operating Expenses	\$1,989,485	\$868,324	\$0	\$2,857,809
Total	\$3,961,874	\$980,979	\$0	\$4,942,853
FTE				23.0
(2) Mike Durfee State Prison				
Personal Services	\$13,370,710	\$77,281	\$0	\$13,447,991
Operating Expenses	\$7,595,539	\$28,845	\$0	\$7,624,384
Total	\$20,966,249	\$106,126	\$0	\$21,072,375
FTE				209.0
(3) State Penitentiary				
Personal Services	\$20,991,373	\$32,076	\$0	\$21,023,449
Operating Expenses	\$7,652,049	\$47,830	\$0	\$7,699,879
Total	\$28,643,422	\$79,906	\$0	\$28,723,328
FTE				327.0

	GENERAL FUNDS	FEDERAL FUNDS	OTHER FUNDS	TOTAL FUNDS
(4) Women's Prison				
Personal Services	\$4,754,956	\$65,548	\$0	\$4,820,504
Operating Expenses	\$2,545,999	\$12,463	\$0	\$2,558,462
Total	\$7,300,955	\$78,011	\$0	\$7,378,966
FTE				75.0
(5) Pheasantland Industries				
Personal Services	\$0	\$0	\$1,207,077	\$1,207,077
Operating Expenses	\$0	\$0	\$3,569,074	\$3,569,074
Total	\$0	\$0	\$4,776,151	\$4,776,151
FTE				18.0
(6) Inmate Services				
Personal Services	\$3,355,427	\$67,373	\$0	\$3,422,800
Operating Expenses	\$33,213,916	\$620,360	\$0	\$33,834,276
Total	\$36,569,343	\$687,733	\$0	\$37,257,076
FTE				49.5
(7) Parole Services				
Personal Services	\$5,124,654	\$0	\$0	\$5,124,654
Operating Expenses	\$2,128,774	\$0	\$0	\$2,128,774
Total	\$7,253,428	\$0	\$0	\$7,253,428
FTE				75.0
(8) Juvenile Community Corrections				
Personal Services	\$1,825,883	\$0	\$0	\$1,825,883
Operating Expenses	\$9,053,219	\$2,316,751	\$0	\$11,369,970
Total	\$10,879,102	\$2,316,751	\$0	\$13,195,853
FTE				23.7
(9) DEPARTMENT TOTAL, DEPARTMENT OF CORRECTIONS				
Personal Services	\$51,395,392	\$354,933	\$1,207,077	\$52,957,402
Operating Expenses	\$64,178,981	\$3,894,573	\$3,569,074	\$71,642,628
Total	\$115,574,373	\$4,249,506	\$4,776,151	\$124,600,030
FTE				800.2

SECTION 22. DEPARTMENT OF HUMAN SERVICES

(1) Administration, Secretary of Human Services				
Personal Services	\$953,820	\$967,377	\$0	\$1,921,197
Operating Expenses	\$353,400	\$173,468	\$2,657	\$529,525
Total	\$1,307,220	\$1,140,845	\$2,657	\$2,450,722
FTE				24.0

	GENERAL FUNDS	FEDERAL FUNDS	OTHER FUNDS	TOTAL FUNDS
(2) Developmental Disabilities				
Personal Services	\$858,824	\$901,200	\$0	\$1,760,024
Operating Expenses	\$89,766,239	\$125,872,651	\$6,671,525	\$222,310,415
Total	\$90,625,063	\$126,773,851	\$6,671,525	\$224,070,439
FTE				22.5
(3) South Dakota Developmental Center - Redfield				
Personal Services	\$8,243,634	\$11,000,847	\$0	\$19,244,481
Operating Expenses	\$2,367,100	\$2,999,048	\$857,224	\$6,223,372
Total	\$10,610,734	\$13,999,895	\$857,224	\$25,467,853
FTE				297.6
(4) Long Term Services and Supports				
Personal Services	\$2,791,146	\$4,921,583	\$27,105	\$7,739,834
Operating Expenses	\$113,755,847	\$151,086,542	\$815,870	\$265,658,259
Total	\$116,546,993	\$156,008,125	\$842,975	\$273,398,093
FTE				101.0
(5) Rehabilitation Services				
Personal Services	\$986,942	\$6,360,313	\$0	\$7,347,255
Operating Expenses	\$4,447,743	\$13,707,748	\$2,441,092	\$20,596,583
Total	\$5,434,685	\$20,068,061	\$2,441,092	\$27,943,838
FTE				102.1
(6) Telecommunication Devices for the Deaf				
Operating Expenses	\$0	\$0	\$1,301,680	\$1,301,680
Total	\$0	\$0	\$1,301,680	\$1,301,680
FTE				0.0
(7) Service to the Blind and Visually Impaired				
Personal Services	\$563,927	\$1,400,187	\$204,916	\$2,169,030
Operating Expenses	\$472,062	\$1,425,839	\$305,500	\$2,203,401
Total	\$1,035,989	\$2,826,026	\$510,416	\$4,372,431
FTE				29.2
(8) DEPARTMENT TOTAL, DEPARTMENT OF HUMAN SERVICES				
Personal Services	\$14,398,293	\$25,551,507	\$232,021	\$40,181,821
Operating Expenses	\$211,162,391	\$295,265,296	\$12,395,548	\$518,823,235
Total	\$225,560,684	\$320,816,803	\$12,627,569	\$559,005,056
FTE				576.4

SECTION 23. SOUTH DAKOTA RETIREMENT SYSTEM

(1) South Dakota Retirement System				
Personal Services	\$0	\$0	\$2,974,514	\$2,974,514
Operating Expenses	\$0	\$0	\$2,110,272	\$2,110,272
Total	\$0	\$0	\$5,084,786	\$5,084,786
FTE				33.0

	GENERAL FUNDS	FEDERAL FUNDS	OTHER FUNDS	TOTAL FUNDS
(2) DEPARTMENT TOTAL, SOUTH DAKOTA RETIREMENT SYSTEM				
Personal Services	\$0	\$0	\$2,974,514	\$2,974,514
Operating Expenses	\$0	\$0	\$2,110,272	\$2,110,272
Total	\$0	\$0	\$5,084,786	\$5,084,786
FTE				33.0

SECTION 24. PUBLIC UTILITIES COMMISSION

(1) Public Utilities Commission (PUC)				
Personal Services	\$575,181	\$218,409	\$2,626,455	\$3,420,045
Operating Expenses	\$60,607	\$64,854	\$731,726	\$857,187
Total	\$635,788	\$283,263	\$3,358,181	\$4,277,232
FTE				31.2

(2) One Call Notification Board - Informational				
Personal Services	\$0	\$0	\$3,000	\$3,000
Operating Expenses	\$0	\$0	\$1,296,100	\$1,296,100
Total	\$0	\$0	\$1,299,100	\$1,299,100
FTE				0.0

(3) DEPARTMENT TOTAL, PUBLIC UTILITIES COMMISSION				
Personal Services	\$575,181	\$218,409	\$2,629,455	\$3,423,045
Operating Expenses	\$60,607	\$64,854	\$2,027,826	\$2,153,287
Total	\$635,788	\$283,263	\$4,657,281	\$5,576,332
FTE				31.2

SECTION 25. UNIFIED JUDICIAL SYSTEM

(1) State Bar Association - Informational				
Personal Services	\$0	\$0	\$257,608	\$257,608
Operating Expenses	\$0	\$0	\$339,219	\$339,219
Total	\$0	\$0	\$596,827	\$596,827
FTE				3.0

(2) Unified Judicial System				
Personal Services	\$46,493,799	\$60,867	\$3,189,197	\$49,743,863
Operating Expenses	\$6,241,692	\$269,646	\$8,979,648	\$15,490,986
Total	\$52,735,491	\$330,513	\$12,168,845	\$65,234,849
FTE				599.2

(3) Equal Access to Our Courts				
Operating Expenses	\$50,000	\$0	\$200,000	\$250,000
Total	\$50,000	\$0	\$200,000	\$250,000
FTE				0.0

	GENERAL FUNDS	FEDERAL FUNDS	OTHER FUNDS	TOTAL FUNDS
(4) DEPARTMENT TOTAL, UNIFIED JUDICIAL SYSTEM				
Personal Services	\$46,493,799	\$60,867	\$3,446,805	\$50,001,471
Operating Expenses	\$6,291,692	\$269,646	\$9,518,867	\$16,080,205
Total	\$52,785,491	\$330,513	\$12,965,672	\$66,081,676
FTE				602.2
SECTION 26. LEGISLATIVE BRANCH				
(1) Legislative Operations				
Single Line Item	\$7,565,246	\$0	\$0	\$7,565,246
Appropriation				
Total	\$7,565,246	\$0	\$0	\$7,565,246
FTE				32.6
(2) Legislative Priority Pilot Program Contingency Fund				
Single Line Item	\$0	\$0	\$755,066	\$755,066
Appropriation				
Total	\$0	\$0	\$755,066	\$755,066
FTE				0.0
(3) Auditor General				
Personal Services	\$3,894,711	\$0	\$0	\$3,894,711
Operating Expenses	\$440,443	\$0	\$0	\$440,443
Total	\$4,335,154	\$0	\$0	\$4,335,154
FTE				40.0
(4) DEPARTMENT TOTAL, LEGISLATIVE BRANCH				
Personal Services	\$3,894,711	\$0	\$0	\$3,894,711
Operating Expenses	\$440,443	\$0	\$0	\$440,443
Single Line Item	\$7,565,246	\$0	\$755,066	\$8,320,312
Appropriation				
Total	\$11,900,400	\$0	\$755,066	\$12,655,466
FTE				72.6
SECTION 27. OFFICE OF THE ATTORNEY GENERAL				
(1) Legal Services Program				
Personal Services	\$4,969,443	\$373,369	\$1,935,571	\$7,278,383
Operating Expenses	\$759,836	\$518,719	\$1,131,535	\$2,410,090
Total	\$5,729,279	\$892,088	\$3,067,106	\$9,688,473
FTE				72.0
(2) Criminal Investigation				
Personal Services	\$7,070,034	\$1,120,082	\$3,352,035	\$11,542,151
Operating Expenses	\$2,474,654	\$1,975,352	\$3,172,882	\$7,622,888
Total	\$9,544,688	\$3,095,434	\$6,524,917	\$19,165,039
FTE				123.5

	GENERAL FUNDS	FEDERAL FUNDS	OTHER FUNDS	TOTAL FUNDS
(3) Law Enforcement Training				
Personal Services	\$0	\$0	\$1,028,615	\$1,028,615
Operating Expenses	\$130,287	\$0	\$1,720,728	\$1,851,015
Total	\$130,287	\$0	\$2,749,343	\$2,879,630
FTE				14.5
(4) 911 Training				
Personal Services	\$0	\$0	\$143,846	\$143,846
Operating Expenses	\$0	\$0	\$101,698	\$101,698
Total	\$0	\$0	\$245,544	\$245,544
FTE				2.0
(5) Insurance Fraud Unit - Informational				
Personal Services	\$0	\$0	\$216,522	\$216,522
Operating Expenses	\$0	\$0	\$79,032	\$79,032
Total	\$0	\$0	\$295,554	\$295,554
FTE				3.0
(6) DEPARTMENT TOTAL, OFFICE OF THE ATTORNEY GENERAL				
Personal Services	\$12,039,477	\$1,493,451	\$6,676,589	\$20,209,517
Operating Expenses	\$3,364,777	\$2,494,071	\$6,205,875	\$12,064,723
Total	\$15,404,254	\$3,987,522	\$12,882,464	\$32,274,240
FTE				215.0

SECTION 28. SCHOOL AND PUBLIC LANDS

(1) Administration of School and Public Lands				
Personal Services	\$556,400	\$0	\$49,613	\$606,013
Operating Expenses	\$151,460	\$0	\$279,915	\$431,375
Total	\$707,860	\$0	\$329,528	\$1,037,388
FTE				7.0

(2) DEPARTMENT TOTAL, SCHOOL AND PUBLIC LANDS				
Personal Services	\$556,400	\$0	\$49,613	\$606,013
Operating Expenses	\$151,460	\$0	\$279,915	\$431,375
Total	\$707,860	\$0	\$329,528	\$1,037,388
FTE				7.0

SECTION 29. SECRETARY OF STATE

(1) Secretary of State				
Personal Services	\$744,799	\$95,945	\$347,077	\$1,187,821
Operating Expenses	\$614,317	\$1,213,161	\$340,022	\$2,167,500
Total	\$1,359,116	\$1,309,106	\$687,099	\$3,355,321
FTE				15.6

	GENERAL FUNDS	FEDERAL FUNDS	OTHER FUNDS	TOTAL FUNDS
(2) DEPARTMENT TOTAL, SECRETARY OF STATE				
Personal Services	\$744,799	\$95,945	\$347,077	\$1,187,821
Operating Expenses	\$614,317	\$1,213,161	\$340,022	\$2,167,500
Total	\$1,359,116	\$1,309,106	\$687,099	\$3,355,321
FTE				15.6
SECTION 30. STATE TREASURER				
(1) Treasury Management				
Personal Services	\$433,570	\$0	\$0	\$433,570
Operating Expenses	\$176,309	\$0	\$0	\$176,309
Total	\$609,879	\$0	\$0	\$609,879
FTE				5.2
(2) Unclaimed Property - Informational				
Personal Services	\$0	\$0	\$470,561	\$470,561
Operating Expenses	\$0	\$0	\$28,701,037	\$28,701,037
Total	\$0	\$0	\$29,171,598	\$29,171,598
FTE				5.8
(3) Investment of State Funds				
Personal Services	\$0	\$0	\$8,403,718	\$8,403,718
Operating Expenses	\$0	\$0	\$2,584,854	\$2,584,854
Total	\$0	\$0	\$10,988,572	\$10,988,572
FTE				35.0
(4) Performance Based Compensation				
Personal Services	\$0	\$0	\$13,283,574	\$13,283,574
Total	\$0	\$0	\$13,283,574	\$13,283,574
FTE				0.0
(5) DEPARTMENT TOTAL, STATE TREASURER				
Personal Services	\$433,570	\$0	\$22,157,853	\$22,591,423
Operating Expenses	\$176,309	\$0	\$31,285,891	\$31,462,200
Total	\$609,879	\$0	\$53,443,744	\$54,053,623
FTE				46.0
SECTION 31. STATE AUDITOR				
(1) State Auditor				
Personal Services	\$1,252,527	\$0	\$0	\$1,252,527
Operating Expenses	\$172,615	\$0	\$0	\$172,615
Total	\$1,425,142	\$0	\$0	\$1,425,142
FTE				16.0

	GENERAL FUNDS	FEDERAL FUNDS	OTHER FUNDS	TOTAL FUNDS
(2) DEPARTMENT TOTAL, STATE AUDITOR				
Personal Services	\$1,252,527	\$0	\$0	\$1,252,527
Operating Expenses	\$172,615	\$0	\$0	\$172,615
Total	\$1,425,142	\$0	\$0	\$1,425,142
FTE				16.0

SECTION 32. STATE

Personal Services	\$475,614,513	\$214,739,449	\$572,562,934	\$1,262,916,896
Operating Expenses	\$1,499,474,488	\$2,051,403,183	\$953,546,771	\$4,504,424,442
Single Line Item Appropriation	\$7,565,246	\$0	\$755,066	\$8,320,312
Total	\$1,982,654,247	\$2,266,142,632	\$1,526,864,771	\$5,775,661,650
FTE				13,996.9

Section 33. The state treasurer shall transfer to the state general fund money from the following funds for the purposes herein indicated:

From the state highway fund:

Radio Communications Operations \$3,478,229

Governor's Office Operations \$110,745

From the game, fish and parks fund:

Radio Communications Operations \$79,073

From the game, fish and parks administrative revolving fund:

Governor's Office Operations \$18,647

From the motor vehicle fund:

Radio Communications Operations \$516,353

Section 34. The state treasurer shall transfer to the state general fund \$2,000,000 from the State Veterans' Home operating fund created by § 33A-4-24.

Section 35. The state treasurer shall transfer, to the state general fund, money from the dakota cement trust fund, 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 36. The state treasurer shall transfer, to the state general fund, money from the health care trust fund, 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 37. The state treasurer shall transfer, to the state general fund, money from the education enhancement trust fund, 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.

Section 38. The state treasurer shall transfer to the state animal disease research and diagnostic laboratory bond redemption and operations fund \$3,350,000 from the state general fund.

Section 39. The state treasurer shall transfer to the precision agriculture fund \$900,000 from the state general fund.

Section 40. By June 30, 2023, the state treasurer shall transfer to the Incarceration Construction Fund the sum of \$70,000,000 from the state general fund.

Section 41. All members of state boards, councils, commissions, and advisory bodies listed in this section, or created by law during the Ninety-seventh and Ninety-eighth Legislative Sessions, are entitled to reimbursement for allowable expenses as approved by the Board of Finance under the provisions of chapter 3-9. The salary or per diem compensation for members of state boards, councils, commissions, and advisory bodies for their work in actual performance of their duties or responsibilities is as follows:

PER DIEM PAYABLE FISCAL

YEARS 2023 & 2024

BOARDS, COMMITTEES, COUNCILS, AND COMMISSIONS

EXECUTIVE MANAGEMENT

<u>Capitol Complex Restoration and Beautification Commission</u>	<u>\$0</u>
<u>Civil Service Commission</u>	<u>\$60</u>
<u>Economic Advisors, Council of</u>	<u>\$0</u>
<u>Economic Development, Board of</u>	<u>\$60</u>
<u>Economic Development Finance Authority</u>	<u>\$0</u>
<u>Educational Enhancement Funding Corporation</u>	<u>\$0</u>
<u>Education Telecommunications, Board of Directors for</u>	<u>\$60</u>
<u>Housing Development Authority</u>	<u>\$75</u>
<u>Internal Control, Board of</u>	<u>\$0</u>
<u>Records Retention, State Board of</u>	<u>\$0</u>
<u>Research and Commercialization Council</u>	<u>\$0</u>
<u>Science and Technology Authority, Board of</u>	<u>\$75</u>
<u>SD Building Authority</u>	<u>\$60</u>
<u>SD Ellsworth Authority</u>	<u>\$0</u>
<u>SD Health and Educational Facilities Authority</u>	<u>\$0</u>
<u>SD State Radio</u>	<u>\$0</u>

REVENUE

Gaming, Commission on \$75

SD Lottery Commission \$75

AGRICULTURE AND NATURAL RESOURCES

American Dairy Association of SD \$60

Animal Industry Board \$60

Brand Board \$60

Corn Utilization Council \$60

Oilseeds Council \$60

SD Pulse Crops Council \$60

Soybean Research and Promotion Council \$60

State Conservation Commission \$60

State Fair Commission \$60

Veterinary Medical Examiners, Board of \$60

Weed and Pest Control Commission \$60

Wheat Commission \$60

Nutrient Research and Education Council \$0

Seed Certification Board \$0

Emergency Response Commission \$0

Minerals and Environment, Board of \$75

Operator Certification Board \$0

Petroleum Release Compensation Board \$60

Small Business Clean Air Compliance Advisory Panel \$0

Water and Natural Resources, Board of \$60

Water Management Board \$60

TOURISM

Arts Council \$60

<u>Tourism, Board of</u>	<u>\$60</u>
<u>GAME, FISH AND PARKS</u>	
<u>Boundary Waters Commission - SD - MN</u>	<u>\$0</u>
<u>Game, Fish and Parks Commission</u>	<u>\$75</u>
<u>Governor's Commission on Ft. Sisseton</u>	<u>\$0</u>
<u>SD Recreation Trail Advisory Board</u>	<u>\$0</u>
<u>SD Snowmobile Advisory Council</u>	<u>\$0</u>
<u>TRIBAL RELATIONS</u>	
<u>SD Geographic Names, Board of</u>	<u>\$0</u>
<u>Native American Advisory Council</u>	<u>\$0</u>
<u>SOCIAL SERVICES</u>	
<u>Addiction and Prevention Professionals, Board of</u>	<u>\$60</u>
<u>Behavioral Health Advisory Council</u>	<u>\$0</u>
<u>Child Support Commission</u>	<u>\$0</u>
<u>Counselors and Marriage and Family Therapists Examiners, Board of</u>	<u>\$60</u>
<u>Medicaid Pharmaceutical and Therapeutics Committee</u>	<u>\$60</u>
<u>Medical Advisory Committee</u>	<u>\$0</u>
<u>Psychologists Examiners, Board of</u>	<u>\$60</u>
<u>Social Services, Board of</u>	<u>\$0</u>
<u>Social Workers Examiners, Board of</u>	<u>\$60</u>
<u>HEALTH</u>	
<u>Certified Professional Midwives, Board of</u>	<u>\$60</u>
<u>Chiropractic Examiners, Board of</u>	<u>\$60</u>
<u>Dentistry, Board of</u>	<u>\$60</u>
<u>Funeral Services, State Board of</u>	<u>\$60</u>
<u>Health Link Advisory Committee</u>	<u>\$0</u>
<u>Hearing Aid Dispensers, Board of</u>	<u>\$60</u>

HIV Prevention Planning Workgroup	\$0
Massage Therapy, Board of	\$60
Medical and Osteopathic Examiners, Board of	\$60
Nursing, Board of	\$60
Nursing Home Administrators, Board of	\$60
Optometry Examiners, Board of	\$60
Pharmacy, Board of	\$60
Preventive Health and Human Services Block Grant Advisory Committee	\$0
Podiatry Examiners, Board of	\$60
Prescription Opioid Abuse Advisory Committee	\$0
Ryan White Care Council	\$0
Speech Language Pathology, Board of	\$60
Tobacco Prevention and Control State Advisory Committee	\$0
<u>LABOR AND REGULATION</u>	
Abstractors Board of Examiners	\$60
Accountancy, SD Board of	\$60
Appraiser Certification Program Advisory Council	\$60
Banking Commission, State	\$60
Barber Examiners, Board of	\$60
Cosmetology Commission	\$60
Electrical Commission, State	\$60
Governor's Task Force on Trust Administration Review and Reform	\$0
Human Rights, Commission on	\$60
Plumbing Commission	\$60
Public Deposit Protection Commission	\$0
Real Estate Commission	\$60
Reemployment Assistance Advisory Council	\$60

<u>SD Athletic Commission</u>	<u>\$60</u>
<u>SD Workforce Development Council</u>	<u>\$60</u>
<u>State Workers' Compensation Advisory Council</u>	<u>\$0</u>
<u>Technical Professions, Board of</u>	<u>\$60</u>
<u>TRANSPORTATION</u>	
<u>Aeronautics Commission</u>	<u>\$60</u>
<u>Railroad Board, SD</u>	<u>\$60</u>
<u>Transportation Commission, State</u>	<u>\$75</u>
<u>EDUCATION</u>	
<u>Advisory Panel for Children with Disabilities</u>	<u>\$0</u>
<u>Education Standards, State Board of</u>	<u>\$75</u>
<u>Extraordinary Cost Oversight Board</u>	<u>\$0</u>
<u>Historical Society Trustees, Board of</u>	<u>\$60</u>
<u>Practitioners, Committee of</u>	<u>\$0</u>
<u>Professional Administrators Practices and Standards Commission</u>	<u>\$60</u>
<u>Professional Practices and Standards Commission</u>	<u>\$60</u>
<u>Richard Hagen-Minerva Harvey Memorial Scholarship Board</u>	<u>\$0</u>
<u>School Finance Accountability Board</u>	<u>\$60</u>
<u>SD Interagency Coordinating Council</u>	<u>\$0</u>
<u>State Library Board</u>	<u>\$60</u>
<u>Teacher Compensation Review Board</u>	<u>\$60</u>
<u>Title III Coordinators Advisory Panel</u>	<u>\$0</u>
<u>Technical Education, Board of</u>	<u>\$75</u>
<u>Virtual High School Advisory</u>	<u>\$0</u>
<u>PUBLIC SAFETY</u>	
<u>Access and Visitation Advisory Group</u>	<u>\$0</u>
<u>Crime Victims Compensation Board</u>	<u>\$60</u>

Fire Marshal's Advisory Board \$0

SD Homeland Security Senior Advisory Committee \$0

SD 9-1-1 Coordination Board \$0

REGENTS

Regents, Board of \$75

MILITARY

Military Affairs, Board of \$60

VETERANS AFFAIRS

Veterans' Commission \$60

CORRECTIONS

Corrections Commission \$0

Council of Juvenile Services \$0

Pardons and Paroles, Board of \$200

The expense reimbursement for each member of the Board of Pardons and Paroles is equal to the daily rate set in § 24-13-5.

HUMAN SERVICES

Aging, Advisory Council on \$60

Blind Vendors Committee \$0

Family Support Council \$60

Planning Council on Developmental Disabilities \$60

Services to the Blind and Visually Impaired, Board of \$60

State Council for Independent Living \$0

Vocational Rehabilitation, Board of \$60

SD RETIREMENT SYSTEM

SD Retirement Board of Trustees \$75

PUBLIC UTILITIES COMMISSION

One Call Notification Board \$0

UNIFIED JUDICIAL SYSTEM

Court Appointed Special Advocate Commission \$0

Equal Access to Our Courts, Commission on \$0

Judicial Qualifications Commission \$60

LEGISLATIVE

The salary or per diem compensation for members of the Legislature is equal to the daily rate set by subdivision 2-4-2(2).

ATTORNEY GENERAL

Government Accountability Board

The salary or per diem compensation for members of the Government Accountability Board is set by § 3-24-1.

Law Enforcement Officers Standards Commission \$60

Open Meeting Commission \$60

SECRETARY OF STATE

Elections, State Board of \$60

Finance, Board of \$0

Help America Vote Act Board \$0

STATE TREASURER

Investment Council \$75

Public Deposit Protection Commission \$0

Signed March 24, 2022

Chapter 192
(Senate Bill 60)

An Act to revise the General Appropriations Act for fiscal year 2022.

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

Section 1. That section 3 of chapter 232 of the 2021 Session Laws be amended to read:

BUREAU OF FINANCE AND MANAGEMENT (BFM)

(1) Bureau of Finance and Management

Personal Services, Other Funds, delete "\$2,744,164" and insert "\$2,883,108"

Operating Expenses, Other Funds, delete "\$3,551,179" and insert "\$3,561,179"

F.T.E, delete "37.0" and insert "39.0"

(4) Health and Education Facilities Authority - Informational

F.T.E, delete "6.0" and insert "5.0"

(5) Employee Compensation and Billing Pools

Operating Expenses, General Funds, delete "\$1,710,383" and insert "\$1,781,413"

Operating Expenses, Federal Funds, delete "\$943,916" and insert "\$949,123"

Operating Expenses, Other Funds, delete "\$2,797,744" and insert "\$3,111,063"

Section 2. That section 4 of chapter 232 of the 2021 Session Laws be amended to read:

BUREAU OF ADMINISTRATION (BOA)

(2) Central Services

Operating Expenses, Other Funds, delete "\$19,576,975" and insert "\$19,766,525"

Section 3. That section 5 of chapter 232 of the 2021 Session Laws be amended to read:

BUREAU OF INFORMATION AND TELECOMMUNICATIONS (BIT)

(1) Data Centers

Operating Expenses, Other Funds, delete "\$4,573,377" and insert "\$5,338,877"

(2) Development

Personal Services, Other Funds, delete "\$12,520,163" and insert "\$12,450,580"

Operating Expenses, Other Funds, delete "\$2,097,181" and insert "\$2,092,181"

F.T.E, delete "144.0" and insert "143.0"

(5) BIT Administration

Operating Expenses, Other Funds, delete "\$352,032" and insert "\$4,490,032"

Section 4. That section 7 of chapter 232 of the 2021 Session Laws be amended to read:

DEPARTMENT OF REVENUE

(3) Motor Vehicles

Operating Expenses, Other Funds, delete "\$6,760,136" and insert "\$11,560,136"

Section 5. That section 8 of chapter 232 of the 2021 Session Laws be amended to read:

DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES

(1) Administration, Secretary of Agriculture

Operating Expenses, Federal Funds, delete "\$18,665" and insert "\$1,318,665"

(14) Financial and Technical Assistance

Operating Expenses, General Funds, delete "\$384,359" and insert "\$1,059,359"

Operating Expenses, Federal Funds, delete "\$648,021" and insert "\$1,348,021"

Section 6. That section 9 of chapter 232 of the 2021 Session Laws be amended to read:

DEPARTMENT OF TOURISM

(2) Arts

Operating Expenses, Federal Funds, delete "\$819,110" and insert "\$1,570,610"

Section 7. That section 10 of chapter 232 of the 2021 Session Laws be amended to read:

DEPARTMENT OF GAME, FISH AND PARKS

(5) State Parks and Recreation - Development and Improvement

Operating Expenses, General Funds, delete "\$0" and insert "\$665,440"

Operating Expenses, Other Funds, delete "\$10,953,000" and insert "\$13,953,000"

Section 8. That section 12 of chapter 232 of the 2021 Session Laws be amended to read:

DEPARTMENT OF SOCIAL SERVICES

(2) Economic Assistance

Operating Expenses, General Funds, delete "\$18,535,510" and insert "\$18,653,881"

Operating Expenses, Federal Funds, delete "\$65,505,983" and insert "\$99,816,394"

(3) Medical Services

Operating Expenses, General Funds, delete "\$237,625,358" and insert "\$228,101,264"

Operating Expenses, Federal Funds, delete "\$443,315,301" and insert "\$522,273,811"

(4) Children's Services

Operating Expenses, General Funds, delete "\$38,723,057" and insert "\$37,704,133"

Operating Expenses, Federal Funds, delete "\$55,076,538" and insert "\$184,917,658"

(5) Behavioral Health

Personal Services, General Funds, delete "\$36,206,693" and insert "\$24,415,797"

Personal Services, Federal Funds, delete "\$8,953,063" and insert "\$20,743,959"

Operating Expenses, General Funds, delete "\$68,703,284" and insert "\$67,211,956"

Operating Expenses, Federal Funds, delete "\$35,498,679" and insert "\$62,887,877"

Section 9. That section 13 of chapter 232 of the 2021 Session Laws be amended to read:

DEPARTMENT OF HEALTH

(2) Health Systems Development and Regulation

Operating Expenses, General Funds, delete "\$1,869,585" and insert "\$1,822,625"

Operating Expenses, Federal Funds, delete "\$7,508,823" and insert "\$20,903,505"

(3) Family and Community Health

Personal Services, Federal Funds, delete "\$11,802,885" and insert "\$11,852,726"

Operating Expenses, Federal Funds, delete "\$16,489,879" and insert "\$48,648,825"

(4) Laboratory Services

Operating Expenses, Federal Funds, delete "\$3,404,873" and insert "\$26,883,626"

(5) Correctional Health

Operating Expenses, Other Funds, delete "\$13,984,865" and insert "\$15,337,537"

Section 10. That section 14 of chapter 232 of the 2021 Session Laws be amended to read:

DEPARTMENT OF LABOR AND REGULATION

(1) Administration, Secretary of Labor

Operating Expenses, Federal Funds, delete "\$7,836,181" and insert "\$9,936,181"

(8) Plumbing Commission - Informational

Personal Services, Other Funds, delete "\$468,238" and insert "\$527,963"

Operating Expenses, Other Funds, delete "\$221,700" and insert "\$244,815"

F.T.E, delete "7.1" and insert "8.1"

Section 11. That section 15 of chapter 232 of the 2021 Session Laws be amended to read:

DEPARTMENT OF TRANSPORTATION

(2) Construction Contracts - Informational

Operating Expenses, Federal Funds, delete "\$347,068,873" and insert "\$453,068,873"

Section 12. That section 16 of chapter 232 of the 2021 Session Laws be amended to read:

DEPARTMENT OF EDUCATION

(1) General Administration

Personal Services, Federal Funds, delete "\$1,047,762" and insert "\$1,371,652"

Operating Expenses, Federal Funds, delete "\$651,516" and insert "\$156,598,230"

(3) State Aid to General Education

Operating Expenses, General Funds, delete "\$510,411,175" and insert "\$501,646,175"

(5) Sparsity Payments

Operating Expenses, General Funds, delete "\$2,099,012" and insert "\$2,064,012"

(8) Technical Colleges

Operating Expenses, General Funds, delete "\$25,348,934" and insert "\$25,167,930"

(11) Education Resources

Personal Services, Federal Funds, delete "\$4,057,890" and insert "\$4,223,564"

Operating Expenses, General Funds, delete "\$8,726,317" and insert "\$8,097,550"

Operating Expenses, Federal Funds, delete "\$179,009,844" and insert "\$276,207,289"

(13) Library Services

Operating Expenses, Federal Funds, delete "\$894,617" and insert "\$2,126,367"

Section 13. That section 17 of chapter 232 of the 2021 Session Laws be amended to read:

DEPARTMENT OF PUBLIC SAFETY

(1) Administration, Secretary of Public Safety

Operating Expenses, Federal Funds, delete "\$4,365" and insert "\$504,365"

(2) Highway Patrol

Operating Expenses, Federal Funds, delete "\$5,965,768" and insert "\$7,465,768"

(3) Emergency Services

Operating Expenses, General Funds, delete "\$901,978" and insert "\$1,581,978"

(4) Legal and Regulatory Services

Operating Expenses, General Funds, delete "\$1,207,045" and insert "\$4,498,045"

Section 14. That section 18 of chapter 232 of the 2021 Session Laws be amended to read:

BOARD OF REGENTS

(3) South Dakota Scholarships

Operating Expenses, General Funds, delete "\$6,481,348" and insert "\$6,181,348"

Operating Expenses, Other Funds, delete "\$0" and insert "\$18,500"

(4) University of South Dakota

Personal Services, Federal Funds, delete "\$6,959,777" and insert "\$7,129,128"

Operating Expenses, General Funds, delete "\$3,423,434" and insert "\$3,830,836"

Operating Expenses, Federal Funds, delete "\$3,830,360" and insert "\$13,368,716"

(7) South Dakota State University

Operating Expenses, General Funds, delete "\$5,693,998" and insert "\$5,434,295"

Operating Expenses, Federal Funds, delete "\$14,601,840" and insert "\$32,276,327"

(10) SD School of Mines and Technology

Operating Expenses, General Funds, delete "\$862,646" and insert "\$907,767"

Operating Expenses, Federal Funds, delete "\$5,201,406" and insert "\$7,214,198"

(11) Northern State University

Personal Services, Federal Funds, delete "\$1,154,988" and insert "\$1,183,488"

Operating Expenses, General Funds, delete "\$1,073,633" and insert "\$1,341,359"

Operating Expenses, Federal Funds, delete "\$936,651" and insert "\$2,709,981"

(12) Black Hills State University

Personal Services, General Funds, delete "\$9,659,237" and insert "\$9,856,255"

Personal Services, Federal Funds, delete "\$1,434,084" and insert "\$1,634,084"

Operating Expenses, General Funds, delete "\$524,079" and insert "\$672,046"

Operating Expenses, Federal Funds, delete "\$1,047,223" and insert "\$4,448,303"

(13) Dakota State University

Personal Services, Federal Funds, delete "\$1,156,582" and insert "\$1,253,082"

Operating Expenses, General Funds, delete "\$638,997" and insert "\$755,952"

Operating Expenses, Federal Funds, delete "\$2,699,792" and insert "\$5,177,361"

(14) SD School for the Deaf

Operating Expenses, General Funds, delete "\$1,079,740" and insert "\$960,974"

(15) SD School for the Blind and Visually Impaired

Operating Expenses, General Funds, delete "\$559,278" and insert "\$549,244"

Section 15. That section 19 of chapter 232 of the 2021 Session Laws be amended to read:

DEPARTMENT OF THE MILITARY

(2) Army Guard

Operating Expenses, General Funds, delete "\$2,512,668" and insert "\$2,479,955"

Operating Expenses, Federal Funds, delete "\$12,770,543" and insert "\$15,667,673"

(3) Air Guard

Operating Expenses, General Funds, delete "\$283,294" and insert "\$288,238"

Operating Expenses, Federal Funds, delete "\$2,802,560" and insert "\$2,817,392"

Section 16. That section 20 of chapter 232 of the 2021 Session Laws be amended to read:

DEPARTMENT OF VETERANS' AFFAIRS

(2) State Veterans' Home

Personal Services, General Funds, delete "\$2,647,825" and insert "\$2,417,825"

Personal Services, Federal Funds, delete "\$3,727,816" and insert "\$3,957,816"

Operating Expenses, Other Funds, delete "\$3,276,591" and insert "\$3,261,772"

Section 17. That section 21 of chapter 232 of the 2021 Session Laws be amended to read:

DEPARTMENT OF CORRECTIONS

(2) Mike Durfee State Prison

Personal Services, General Funds, delete "\$13,177,338" and insert "\$7,483,185"

Personal Services, Federal Funds, delete "\$55,744" and insert "\$5,749,897"

Operating Expenses, General Funds, delete "\$7,023,156" and insert "\$6,978,006"

(3) State Penitentiary

Personal Services, General Funds, delete "\$20,677,108" and insert "\$11,943,142"

Personal Services, Federal Funds, delete "\$31,877" and insert "\$8,765,843"

Operating Expenses, General Funds, delete "\$7,431,612" and insert "\$7,162,779"

(4) Women's Prison

Personal Services, General Funds, delete "\$4,679,573" and insert "\$2,606,149"

Personal Services, Federal Funds, delete "\$65,885" and insert "\$2,139,309"

Operating Expenses, General Funds, delete "\$2,398,893" and insert "\$2,368,293"

(5) Pheasantland Industries

Operating Expenses, Other Funds, delete "\$3,562,594" and insert "\$8,662,594"

(6) Inmate Services

Personal Services, General Funds, delete "\$3,276,465" and insert "\$2,510,758"

Personal Services, Federal Funds, delete "\$85,358" and insert "\$851,065"

Operating Expenses, General Funds, delete "\$30,176,571" and insert "\$25,833,929"

Operating Expenses, Federal Funds, delete "\$620,360" and insert "\$6,315,674"

(7) Parole Services

Personal Services, General Funds, delete "\$4,886,762" and insert "\$3,083,276"

Personal Services, Federal Funds, delete "\$0" and insert "\$1,803,486"

(8) Juvenile Community Corrections

Personal Services, General Funds, delete "\$1,891,015" and insert "\$1,384,877"

Personal Services, Federal Funds, delete "\$0" and insert "\$506,138"

Operating Expenses, General Funds, delete "\$10,402,920" and insert "\$10,177,884"

Operating Expenses, Federal Funds, delete "\$3,515,759" and insert "\$3,740,795"

Section 18. That section 22 of chapter 232 of the 2021 Session Laws be amended to read:

DEPARTMENT OF HUMAN SERVICES

(2) Developmental Disabilities

Operating Expenses, General Funds, delete "\$75,537,104" and insert "\$66,545,847"

Operating Expenses, Federal Funds, delete "\$114,047,151" and insert "\$194,220,699"

Operating Expenses, Other Funds, delete "\$5,730,622" and insert "\$4,872,619"

(3) South Dakota Developmental Center - Redfield

Personal Services, General Funds, delete "\$8,115,819" and insert "\$6,305,460"

Personal Services, Federal Funds, delete "\$11,502,009" and insert "\$11,925,376"

Operating Expenses, General Funds, delete "\$2,239,819" and insert "\$1,949,621"

Operating Expenses, Federal Funds, delete "\$2,982,570" and insert "\$3,343,864"

(4) Long Term Services and Supports

Operating Expenses, General Funds, delete "\$102,813,376" and insert "\$98,876,906"

Operating Expenses, Federal Funds, delete "\$145,362,045" and insert "\$182,474,770"

(5) Rehabilitation Services

Operating Expenses, General Funds, delete "\$4,163,408" and insert "\$3,819,684"

Operating Expenses, Federal Funds, delete "\$13,578,894" and insert "\$15,922,618"

Section 19. That section 26 of chapter 232 of the 2021 Session Laws be amended to read:

UNIFIED JUDICIAL SYSTEM

(2) Unified Judicial System

Personal Services, General Funds, delete "\$45,053,218" and insert "\$39,064,756"

Personal Services, Federal Funds, delete "\$59,875" and insert "\$6,048,337"

Operating Expenses, General Funds, delete "\$6,061,425" and insert "\$5,795,842"

Operating Expenses, Other Funds, delete "\$7,104,678" and insert "\$8,104,678"

Section 20. That section 28 of chapter 232 of the 2021 Session Laws be amended to read:

OFFICE OF THE ATTORNEY GENERAL

(1) Legal Services Program

Operating Expenses, General Funds, delete "\$732,328" and insert "\$742,328"

Operating Expenses, Federal Funds, delete "\$483,485" and insert "\$513,485"

(2) Criminal Investigation

Operating Expenses, General Funds, delete "\$2,018,864" and insert "\$2,479,264"

Operating Expenses, Other Funds, delete "\$3,181,965" and insert "\$3,331,965"

(3) Law Enforcement Training

Operating Expenses, General Funds, delete "\$129,160" and insert "\$219,160"

Operating Expenses, Other Funds, delete "\$1,709,730" and insert "\$1,909,730"

Section 21. That section 30 of chapter 232 of the 2021 Session Laws be amended to read:

SECRETARY OF STATE

(1) Secretary of State

Operating Expenses, Federal Funds, delete "\$1,212,705" and insert "\$5,412,705"

Section 22. That section 32 of chapter 232 of the 2021 Session Laws be amended to read:

STATE AUDITOR

(1) State Auditor

Operating Expenses, General Funds, delete "\$161,086" and insert "\$192,136"

Section 23. Adjust all totals accordingly in sections 1 to 22, inclusive, of this Act.

Section 24. That chapter 232 of the 2021 Session Laws be amended by adding thereto NEW SECTIONS to read:

Section 41. The state treasurer shall transfer to the IT Modernization Fund the sum of four million one hundred and thirty-eight thousand dollars (\$4,138,000) from the state general fund.

Section 42. The state treasurer shall transfer to the Court Security Fund the sum of five million dollars (\$5,000,000) from the state general fund.

Section 43. The state treasurer shall transfer to the Court Appointed Special Advocates Fund the sum of one million dollars (\$1,000,000) from the state general fund.

Section 44. The state treasurer shall transfer to the Incarceration Construction Fund the sum of sixteen million six hundred and forty thousand four hundred and forty-nine dollars (\$16,640,449) from the state general fund.

Section 25. Funds appropriated by this Act which are unspent at the end of Fiscal year 2022 may be carried over to fiscal year 2023

Section 26. This Act is effective June 27, 2022.

Signed March 24, 2022

Chapter 193
(Senate Bill 31)

**An Act to make an appropriation to the Department of Labor and Regulation
for the modernization of the reemployment assistance enterprise system
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 general fund the sum of \$1,500,000, and appropriated the sum of \$6,500,000 in federal fund expenditure authority to the Department of Labor and Regulation, for the purpose of modernizing the reemployment assistance enterprise system.

Section 2. The secretary of the Department of Labor and Regulation 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 March 18, 2022

**Chapter 194
(Senate Bill 33)**

An Act to authorize the Department of Corrections to make healthcare improvements at the South Dakota Women's Prison, 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 hereby appropriated the sum of \$5,750,000 in federal fund expenditure authority to the Department of Corrections for the purpose of design, renovation, construction, furnishing, and equipping the expansion of the healthcare services areas in the South Dakota Women's Prison, including heating, air conditioning, plumbing, water, sewer, electric facilities, architectural and engineering services, and other services and improvements as may be required.

Section 2. The Department of Corrections may adjust such cost estimates to reflect inflation as measured by the Building Cost Index, reported by the Engineering News Record, and additional expenditures required to comply with regulations adopted after the effective date of this Act. However, any adjustments to construction cost estimates for the project may not exceed one hundred and twenty-five percent of the estimated project construction cost stated in section 1 of this Act.

Section 3. The Bureau of Administration, pursuant to chapter 5-14, shall supervise the design, renovation, and construction of facilities approved by this Act.

Section 4. The commissioner of the Bureau of Administration and the secretary of the Department of Corrections shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized by 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. 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 15, 2022

**Chapter 195
(Senate Bill 34)**

An Act to make an appropriation for the enhancement and improvement of state radio infrastructure 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 general fund the sum of \$750,000 to the Bureau of Information and Telecommunications, for the purpose of the enhancement and improvement of state radio infrastructure near Redfield and White River.

Section 2. The commissioner of the Bureau of Information and Telecommunications 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 March 22, 2022

Chapter 196
(Senate Bill 41)

An Act to revise the appropriation for the construction of a National Guard Readiness Center in Sioux Falls, for the purchase and exchange of property between the state and the Sioux Falls Development Foundation, and to declare an emergency.

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

Section 1. That section 2 of chapter 234 of the 2021 Session Laws be AMENDED:

Section 2. There is hereby appropriated from the general fund the sum of ~~\$500,000~~ \$5,685,920, and the sum of ~~\$15,000,000~~ \$16,291,974 in federal fund expenditure authority to the Department of the Military, for purposes of design and construction of a National Guard Readiness Center in Sioux Falls, and to authorize and support activities related to the following property exchange:

- (1) An approximately 32.96-acre parcel located on East Benson Road and North Sycamore Avenue in Sioux Falls that is currently owned by the state, with the following description: Tract 3 less the western most five (5) acres of said Tract, and all of Tract 4, Knabach Addition to the City of Sioux Falls, located in the SE1/4 of Section 35, T102N-R49W of the 5th P.M., City of Sioux Falls, Minnehaha County, South Dakota; and
- (2) An approximately 38.88-acre parcel located on the future North Bahnson Avenue Road in Sioux Falls that is currently owned by the Sioux Falls Development Foundation, with the following description: Tract 3 (excepting Lot H1), East Benson Addition to the City of Sioux Falls; a portion of an unplatted parcel of land described as the Northwest 1/4 (Except H1 through H5, Lacey's Tract 2, Lacey's Addition, Lacey's 2nd Addition and Runge's Addition); and a portion of an unplatted parcel of land described as the West 1/2 of the Southwest 1/4 (excepting Lot H1, Lot H2 and Sioux Empire Development Park 8 Addition), all located in Section 35, Township 102 North, Range 49 West of the 5th P.M. City of Sioux Falls, Minnehaha County, South Dakota.

Section 2. 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 18, 2022

Chapter 197
(Senate Bill 42)

An Act to authorize the Board of Regents to contract for the design and construction of an addition to the wellness center at the University of South Dakota, to make an appropriation therefor, and to declare an emergency.

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

Section 1. The Board of Regents is hereby authorized to contract for the planning, site preparation, construction, furnishing, and equipping of an addition to the wellness center comprised of a fifty-meter competition pool, a wellness pool, hot tub, steam room, expanded wellness locker rooms, athletic locker rooms, offices, meeting rooms, restrooms, seating, and storage at the University of South Dakota, including heating, air conditioning, plumbing, water, sewer, electricity, sidewalks, parking, landscaping, architectural and engineering services, and such other facilities, services or actions as may be required to accomplish the project, for an estimated cost of \$25,000,000, subject to permitted adjustments pursuant to section 3 of this Act.

Section 2. There is hereby appropriated to the Board of Regents, for the purposes authorized in this Act, the sum of \$25,000,000 in other fund expenditure authority, together with any additional sums received pursuant to section 4 of this Act, and permitted adjustments pursuant to section 3 of this Act.

Section 3. The cost estimates contained in this Act have been stated in terms of 2021 values. The Board of Regents may adjust the cost estimates to reflect project inflation as measured by the Building Cost Index, reported by the Engineering News Record, and additional expenditures required to comply with regulations adopted after the effective date of this Act, or additional sums received pursuant to section 4 of this Act. Any adjustments to construction cost estimates for the project may not exceed one hundred twenty-five percent of the estimated project construction cost stated in section 1 of this Act.

Section 4. The Board of Regents may accept, transfer, and expend any funds obtained for the projects authorized in this Act from federal sources, donations, or any other external sources, all of which comprise a special fund for the benefitted project. All moneys deposited into that fund are hereby appropriated to the project authorized by this Act, subject to the limitations stated in sections 1 to 3, inclusive, of this Act.

Section 5. No indebtedness, bond, or obligation incurred or created under the authority of this Act may be or may become a lien, charge, or liability against this state, nor against the property or funds of this state within the meaning of the state's Constitution and laws.

Section 6. The administration of the design and construction of the project authorized in this Act shall be under the general charge and supervision of the Bureau of Administration as provided in chapter 5-14.

Section 7. The executive director of the Board of Regents shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

Section 8. Any amounts appropriated in this Act not lawfully expended or obligated shall revert in accordance with the procedures prescribed in chapter 4-8.

Section 9. 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 21, 2022

Chapter 198
(Senate Bill 43)

An Act to authorize the Board of Regents to contract for the design, renovation, and construction of an addition for a health sciences center at Black Hills State University–Rapid City, to make an appropriation therefor, and to declare an emergency.

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

Section 1. The Board of Regents is hereby authorized to contract for the planning, site preparation, renovation, furnishing, equipping, and construction of an addition for a health sciences center at Black Hills State University–Rapid City, together with furnishings and equipment, including heating, air conditioning, plumbing, water, sewer, electric facilities, sidewalks, parking, landscaping, architectural and engineering services, and such other facilities, services or actions as may be required to accomplish the project authorized in this Act, for an estimated cost of \$15,114,644, subject to permitted adjustments pursuant to section 3 of this Act.

Section 2. There is hereby appropriated to the Board of Regents, for the purposes authorized in this Act, the sum of \$8,000,000 in federal fund expenditure authority from the American Rescue Plan Act (ARPA) Capital Projects Fund moneys; the sum of \$5,114,644 in other fund expenditure authority from those portions of the higher education facilities fund allocable to Black Hills State University and South Dakota State University; and the sum of \$2,000,000 in other fund expenditure authority from donated funds, together with any additional sums received pursuant to section 4 of this Act, and permitted adjustments pursuant to section 3 of this Act.

Section 3. The cost estimates contained in this Act have been stated in terms of 2021 values. The Board of Regents may adjust the cost estimates to reflect project inflation as measured by the Building Cost Index, reported by the Engineering News Record, and additional expenditures required to comply with regulations adopted after the effective date of this Act, or additional sums received pursuant to section 4 of this Act.

Any adjustments to construction cost estimates for the project authorized in this Act may not exceed one hundred twenty-five percent of the estimated cost stated in section 1 of this Act.

Section 4. The Board of Regents may accept, transfer, and expend any funds obtained for the project authorized in this Act from federal sources, donations, or any other external sources, all of which comprise a special fund for the benefitted project. All moneys deposited into that fund are hereby appropriated to the projects authorized by this Act, subject to the limitations stated in sections 1 to 3, inclusive, of this Act.

Section 5. The South Dakota Building Authority may finance the Health Sciences Center authorized in section 1 of this Act, including the issuance of higher education facilities fund bonds not to exceed a total of \$7,114,644, in accordance with this Act and chapter 5-12.

Section 6. No indebtedness, bond, or obligation incurred or created under the authority of this Act may be or may become a lien, charge, or liability against this state, nor against the property or funds of this state, within the meaning of the state's Constitution and laws.

Section 7. The administration of the design and construction of the project authorized in this Act shall be under the general charge and supervision of the Bureau of Administration as provided in chapter 5-14.

Section 8. The executive director of the Board of Regents shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

Section 9. Any amounts appropriated in this Act not lawfully expended or obligated shall revert in accordance with the procedures prescribed in chapter 4-8.

Section 10. The Board of Regents shall comply with any federal guidance on using the American Rescue Plan Capital Projects Fund.

Section 11. 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 21, 2022

Chapter 199
(Senate Bill 44)

An Act to authorize the Board of Regents to contract for the demolition of Briscoe Hall and the existing Lincoln Hall, and the design and construction of the new Lincoln Hall, at Northern State University, to make an appropriation therefor, and to declare an emergency.

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

Section 1. The Board of Regents is hereby authorized to contract for the planning, site preparation, demolition authorized by section 2 of this Act, construction, furnishing,

and equipping of the new Lincoln Hall at Northern State University, together with furnishings and equipment, including heating, air conditioning, plumbing, water, sewer, electric facilities, sidewalks, parking, landscaping, architectural and engineering services, asbestos abatement, and such other facilities, services, or actions as may be required to accomplish the projects authorized in this Act, for an estimated cost of \$29,500,000, subject to permitted adjustments pursuant to section 4 of this Act.

Section 2. The Board of Regents may demolish, remove, and dispose of the structures known as Briscoe Hall, consisting of approximately 16,644 square feet, and the existing Lincoln Hall, consisting of approximately 46,352 square feet, at Northern State University. This project includes demolition, abatement of asbestos or other such hazardous materials, lawful disposal of the fixtures or rubble, and any other action reasonably necessary to prepare the site for the construction of the new Lincoln Hall authorized in section 1 of this Act.

Section 3. There is hereby appropriated to the Board of Regents, for the purposes authorized in this Act, the sum of \$29,500,000 in federal fund expenditure authority from the American Rescue Plan Act (ARPA) Capital Projects Fund moneys, together with any additional sums received pursuant to section 5 of this Act, and permitted adjustments pursuant to section 4 of this Act.

Section 4. The cost estimates contained in this Act have been stated in terms of 2021 values. The Board of Regents may adjust the cost estimates to reflect project inflation as measured by the Building Cost Index, reported by the Engineering News Record, and additional expenditures required to comply with regulations adopted after the effective date of this Act, or additional sums received pursuant to section 5 of this Act. Any adjustments to construction cost estimates for projects authorized in this Act may not exceed one hundred twenty-five percent of the estimated cost stated in section 1 of this Act.

Section 5. The Board of Regents may accept, transfer, and expend any funds obtained for the projects authorized in this Act from federal sources, donations, or any other external sources, all of which comprise a special fund for the benefitted project. All moneys deposited into that fund are hereby appropriated to the projects authorized by this Act, subject to the limitations stated in sections 1 to 4, inclusive, of this Act.

Section 6. No indebtedness, bond, or obligation incurred or created under the authority of this Act may be or may become a lien, charge, or liability against this state, nor against the property or funds of this state within the meaning of the state's Constitution and laws.

Section 7. The administration of the design and construction of the project authorized in this Act shall be under the general charge and supervision of the Bureau of Administration as provided in chapter 5-14.

Section 8. The executive director of the Board of Regents shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

Section 9. Any amounts appropriated in this Act not lawfully expended or obligated shall revert in accordance with the procedures prescribed in chapter 4-8.

Section 10. The Board of Regents shall comply with any federal guidance on using the American Rescue Plan Capital Projects Fund.

Section 11. 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 23, 2022

Chapter 200
(Senate Bill 48)

An Act to make an appropriation for the redesign and renovation of the Wagner Readiness Center and to declare an emergency.

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

Section 1. The Department of the Military may contract for the redesign, renovation, and addition of approximately 6,954 square feet to the Wagner Readiness Center, in Wagner, South Dakota, with furnishings and equipment, including heating, air conditioning, plumbing, water, sewer, electric facilities, sidewalks, parking, landscaping, architectural and engineering services, and other services or actions as may be required to accomplish the project.

Section 2. There is hereby appropriated from the general fund the sum of \$1,000,000 and appropriated the sum of \$3,000,000 in federal fund expenditure authority to the Department of the Military for the purposes authorized in section 1 of this Act.

Section 3. The Department of the Military may adjust such cost estimates to reflect inflation as measured by the Building Cost Index, reported by the Engineering News Record, and additional expenditures required to comply with regulations adopted after the effective date of this Act. However, any adjustments to construction cost estimates for the project may not exceed one hundred twenty-five percent of the estimated project construction cost.

Section 4. In addition to the amounts appropriated in section 2 of this Act, the Department of the Military may accept and expend for the purpose of this Act any funds obtained from gifts, contributions, or any other source if the acceptance and expenditure is approved in accordance with § 4-8B-10.

Section 5. The design and construction of this project shall be under the general charge and supervision of the Department of the Military. The adjutant general of the Department of the Military or the state engineer shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized by section 1 of this Act.

Section 6. Any amounts appropriated in this Act not lawfully expended or obligated shall revert in accordance with the procedures prescribed 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.

Signed March 18, 2022

Chapter 201
(Senate Bill 49)

An Act to authorize the Department of the Military to construct a cold storage building located in Rapid City, South Dakota, to make an appropriation therefor, and to declare an emergency.

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

Section 1. The Department of the Military may contract for the construction, completion, furnishing, equipping, and maintaining of, including heating, plumbing, water, sewer, electric facilities, architectural and engineering services, and such other services or actions as may be required to construct, a cold storage building not to exceed 11,000 square feet, to be located on Range Road Armory or in the immediate vicinity, in Rapid City, South Dakota.

Section 2. There is hereby appropriated from the general fund the sum of \$225,000 and appropriated the sum of \$675,000 in federal fund expenditure authority to the Department of the Military to construct the facilities described in section 1 of 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. The adjutant general of the Department of the Military shall approve all vouchers and the state auditor will draw warrants to pay expenditures authorized by this Act.

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 18, 2022

Chapter 202
(Senate Bill 50)

An Act to make an appropriation for water, wastewater and storm water projects throughout state government, and to declare an emergency.

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

Section 1. There is hereby appropriated the sum of \$60,000,000 in federal fund expenditure authority for the expenditure of state fiscal recovery fund American Rescue Plan Act moneys to the Bureau of Administration for the purpose of providing funding for eligible state agency water, wastewater, and storm water projects.

Section 2. The commissioner of the Bureau of Administration, the secretary of corrections, the adjutant general, the secretary of the Department of Game, Fish and Parks, the executive director of the Board of Regents, the secretary of the Department of Agriculture and Natural Resources, the secretary of the Department of Social

Services, the secretary of the Department of Human Services, the secretary of the Department of Transportation, the secretary of the Department of Veterans' Affairs, and the secretary of the Department of Education shall approve vouchers for eligible projects administered by the officials' respective department, and the state auditor shall draw warrants to pay expenditures authorized by this Act.

Section 3. The agencies listed in section 2 of this Act may adjust such cost estimates to reflect inflation as measured by the Building Cost Index, reported by the Engineering News Record, and additional expenditures required to comply with regulations adopted after the effective date of this Act, or additional sums received pursuant to section 1 of this Act. However, any adjustments to construction cost estimates for the project may not exceed one hundred and twenty-five percent of the estimated project construction cost stated 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. 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 22, 2022

Chapter 203
(Senate Bill 51)

An Act to make an appropriation to support firefighter training equipment and recruitment efforts in the state, 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 general fund the sum of \$2,000,000 to the Department of Public Safety, for the purposes of providing firefighter training equipment and recruitment efforts statewide.

Section 2. The appropriation provided in section 1 shall be used to:

- (1) Purchase two mobile burn trailers and equipment for use by fire departments statewide;
- (2) Assist with the construction of a fire tower and burn room for use by fire departments statewide; and
- (3) Launch a statewide volunteer firefighter recruitment campaign.

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. 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 15, 2022

Chapter 204
(Senate Bill 52)

An Act to make an appropriation for the replacement of the Richmond Lake 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 hereby appropriated from the general fund the sum of \$6,500,000 to the Office of School and Public Lands, for purposes of replacing the Richmond Lake 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 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 March 8, 2022

Chapter 205
(Senate Bill 53)

An Act to authorize the Department of Corrections to purchase certain real property and contract for design of a community work center for offenders committed to the Department of Corrections, to make an appropriation therefor, and to declare an emergency.

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

Section 1. The Department of Corrections may purchase, on behalf of the State of South Dakota, a site comprising about twenty acres of real property that is described as:

Lot K North Valley Subdivision (formerly remainder of Lot A of North Valley Park Subdivision) located in Section 32, T2N, R8E, B.H.M., Rapid City, Pennington County, South Dakota.

Section 2. The Department of Corrections is hereby authorized to contract for the planning and site preparation of a community work center for offenders committed to the Department of Corrections, including architectural services, engineering services, and other services as may be required to accomplish the project.

Section 3. There is hereby appropriated from the general fund the sum of \$3,832,687 to the Department of Corrections for the purposes authorized in Sections 1 and 2 of this Act.

Section 4. The administration of the design of the project authorized in this Act shall be under the general charge and supervision of the Bureau of Administration as provided in chapter 5-14.

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. The secretary of the Department of Corrections shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

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.

Signed March 15, 2022

**Chapter 206
(Senate Bill 54)**

**An Act to appropriate funds for the Dakota State University Cyber Program
Expansion 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 general fund the sum of \$30,000,000, to the Board of Regents, to be used for assisting Dakota State University with their cyber program expansion.

Section 2. The executive director of the Board of Regents 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 March 24, 2022

Chapter 207
(Senate Bill 55)

**An Act to appropriate funds for the expansion of broadband infrastructure
and to declare an emergency.**

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

Section 1. There is hereby appropriated the sum of \$50,000,000 in federal fund expenditure authority to the Governor's Office of Economic Development to be used for grants for the continued expansion of broadband in the state of South Dakota.

Section 2. The commissioner of the Governor's Office of Economic Development 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 March 23, 2022

Chapter 208
(Senate Bill 58)

**An Act to make an appropriation for the construction of a new state public
health laboratory and the renovation of the existing laboratory and to
declare an emergency.**

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

Section 1. The Department of Health may contract for the construction, completion, furnishing, and equipping of a new state public health laboratory, and for the renovation of its existing laboratory facility in Pierre. Contract and funding authority includes costs associated with heating, plumbing, water, sewer, and electric systems, architectural and engineering services, and laboratory equipment for an estimated cost of \$69,615,000, subject to any adjustments pursuant to section 3 of this Act.

Section 2. There is hereby appropriated the sum of \$69,615,000 in federal fund expenditure authority to the Department of Health to construct, equip, and renovate the facilities described in section 1 of this Act.

Section 3. The Department of Health may adjust such cost estimates to reflect the inflation as measured by the Building Cost Index, reported by the Engineering News Record, and additional expenditures required to comply with regulations adopted after the effective date of this Act, or additional sums received pursuant to section 1 of this Act. Any adjustments to construction cost estimates for the project may not exceed

one hundred and twenty-five percent of the estimated project construction cost stated in section 1 of this Act.

Section 4. The commissioner of the Bureau of Administration and 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 5. The Bureau of Administration, pursuant to chapter 5-14, shall supervise the design, renovation, and construction of facilities approved by this Act.

Section 6. Any amounts appropriated in this Act not lawfully expended or obligated shall revert in accordance with the procedures prescribed 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.

Signed March 18, 2022

**Chapter 209
(Senate Bill 61)**

An Act to make an appropriation to the Board of Technical Education to support the purchase of simulation equipment for a health sciences clinical simulation center on the campus of Southeast Technical College 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 general fund the sum of \$4,500,000 to the Board of Technical Education for the purpose of purchasing equipment for a health sciences clinical simulation center on the campus of Southeast Technical College.

Section 2. The general funds appropriated in section 1 of this Act cannot be spent on the reconstruction or renovation of the existing facility. Southeast Technical College will secure local and industry monies to complete necessary renovations and no bonds will be issued for the project provided in this Act.

Section 3. The secretary of education 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 March 21, 2022

Chapter 210
(Senate Bill 62)

An Act to make an appropriation for eligible water, wastewater, storm water, and nonpoint source projects and to declare an emergency.

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

Section 1. There is hereby appropriated the sum of \$600,000,000 in federal fund expenditure authority to the Board of Water and Natural Resources for the purpose of providing grants for eligible water, wastewater, storm water, and nonpoint source projects in accordance with the guidance provided in section 2 of this Act. Moneys shall be provided according to the terms and conditions established by the board.

Section 2. The board and the Department of Agriculture and Natural Resources shall comply with any federal guidance on using the American Rescue Plan Act state fiscal recovery funds and provide grants for water, wastewater, storm water, and nonpoint source projects.

Section 3. To be eligible for funding, projects must go through the department and board's existing funding process, including being listed on the state water plan. The following criteria must be used to determine funding for eligible projects derived from this Act:

- (1) Eligible applicants will receive a minimum of a thirty percent grant award subject to the following limitations. The grant award amount will be limited to a per person project cost based on the population served by the system or municipality, using the 2020 federal census numbers or system service numbers, as determined by the board. The grant limit will apply to each applicant, regardless of the total project cost or the number of projects seeking funding, and will be determined as follows:
 - (a) Systems or municipalities with service populations of up to one thousand may receive up to an eighty percent grant with a maximum total project cost for determining the grant amount limited to nine thousand dollars per person per applicant for all eligible projects considered for grants;
 - (b) Systems or municipalities with service populations up to two thousand five hundred may receive up to a fifty percent grant with a maximum total project cost for determining the grant amount limited to seven thousand dollars per person per applicant for all eligible projects considered for grants; and
 - (c) Systems or municipalities with service populations above two thousand five hundred may receive a thirty percent grant with a maximum total project cost for determining the grant amount limited to three thousand dollars per person per applicant for all eligible projects considered for grants.
- (2) If an applicant uses local America Rescue Plan Act funds towards the project, those funds will be matched with state grant funds up to a maximum of five million dollars per municipality or

system. Funds provided by the board under this section are not considered as part of the grant limits in subdivision (1) of this section;

- (3) The grant limit in subdivision (1) of this section may be exceeded by up to an additional five percent if the board determines that an applicant currently has average per month user rates, or will have average per month user rates upon project completion, that are higher than the following applicable user rate targets:
- (a) Fifty-five dollars for five thousand gallons for water or sewer for municipal users; or
- (b) Seventy-five dollars for seven thousand gallons for water or sewer for non-municipal users.
- (4) Projects addressing regionalization, system consolidation, regionalization and consolidation, environment and health regulatory compliance issues, drought resiliency, water availability, nonpoint source improvements, or other significant environmental issues may receive funding above the grant limits in this Act. The department will evaluate projects and make recommendations to the board for funding based on merits and positive long-term impacts of the project; and
- (5) Eligible engineering studies for projects that contend with long term drought resiliency, drinking water availability issues, or water or wastewater regionalization projects may be awarded a grant up to one hundred percent of study cost.

If the board determines that the average user rate of the system or municipality will be below the user rate targets in subdivision (3) of this section, the grant percentage may be less. The board has discretion to not fund lake dredging and projects that deter cost effective regionalization.

Section 4. The secretary of the department shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

Section 5. Any amounts appropriated in this Act not lawfully expended by June 30, 2027, shall revert in accordance with the procedures prescribed in chapter 4-8.

Section 6. This Act shall be repealed on July 1, 2027.

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.

Signed March 22, 2022

Chapter 211
(Senate Bill 63)

An Act to revise the appropriation for road improvements to the State Veterans Cemetery, to provide for ordinary operations of the cemetery, and to declare an emergency.

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

Section 1. That section 1 of chapter 230 of the 2021 Session Laws be AMENDED:

Section 1. There is hereby appropriated from the general fund the sum of \$1,500,000 and appropriated the sum of \$500,000 in other fund expenditure authority to the Department of Veterans Affairs, for purposes of making improvements to Slip Up Creek Road and 477th Avenue, from the intersection of Slip Up Creek Road and 476th Avenue to the entrance of the South Dakota State Veterans Cemetery on 477th Avenue in Minnehaha County, and for ordinary operations of the State Veterans Cemetery.

Section 2. 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 18, 2022

Chapter 212
(Senate Bill 64)

An Act to make appropriations from the water and environment fund and its revolving fund subfunds for various 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 established pursuant to § 46A-1-60, the sum of \$1,021,500 to the Board of Water and Natural Resources for the purpose of providing a grant to the Department of Agriculture and Natural Resources for hydrology and water management studies to assess, model, and quantify the state’s surface water and groundwater resources. The specific activities to be funded include drilling and development of new ground water observation wells in the Black Hills and Sioux Falls regions where adequate information on the water resources of aquifers is unavailable. Funds must be provided according to terms and conditions established by the Board of Water and Natural Resources. Notwithstanding § 46A-1-61, the board may provide the grant for up to one hundred percent of the nonfederal share of expenditures for hydrology and water management studies.

Section 2. There is hereby appropriated from the South Dakota water and environment fund established pursuant to § 46A-1-60, the sum of \$249,727 to the Board of Water and Natural Resources for the purpose of providing a grant to the project sponsors to be used for the feasibility level study update of the Big Sioux River

flood control study of Watertown and its vicinity, to be completed by the United States Army Corps of Engineers. Funds 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 established pursuant to § 46A-1-60, the sum of \$10,500,000 to the Board of Water and Natural Resources for the purpose of providing grants and loans to project sponsors under the consolidated water facilities construction program established pursuant to § 46A-1-63.1. Funds 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 established pursuant to § 46A-1-60, the sum of \$2,750,000 to the Board of Water and Natural Resources for the purpose of providing grants and loans to project sponsors under the solid waste management program established pursuant to § 46A-1-83. Funds must be provided according to the 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 South Dakota state water pollution control revolving fund program subfund established pursuant to § 46A-1-60.1, the sum of \$300,000 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. Funds 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 established pursuant to § 46A-1-60.1, the sum of \$250,000 to the Board of Water and Natural Resources for the purpose of contracting for the preparation of applications and administration of clean water state revolving fund loans under the state water pollution control revolving fund program established pursuant to § 46A-1-60.1. Funds 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 established pursuant to § 46A-1-60.1, the sum of \$275,000 to the Board of Water and Natural Resources for the purpose of contracting for the preparation of applications and administration of drinking water state revolving fund loans under the state drinking water revolving fund program established pursuant to § 46A-1-60.1. Funds must be provided according to terms and conditions established by the Board of Water and Natural Resources.

Section 8. There is hereby appropriated from federal funds deposited in the state drinking water revolving fund program subfund established pursuant to § 46A-1-60.1, the sum of \$150,000 to the Board of Water and Natural Resources for the purpose of providing small system technical assistance set-aside grants to project sponsors under the state drinking water revolving fund program established pursuant to § 46A-1-60.1. Funds must be provided according to terms and conditions established by the Board of Water and Natural Resources.

Section 9. There is hereby appropriated from federal funds deposited in the state drinking water revolving fund subfund established pursuant to § 46A-1-60.1, the sum of \$1,500,000 to the Board of Water and Natural Resources for the purpose of contracting for a lead service line inventory for all public water systems under the state

drinking water revolving fund program established pursuant to § 46A-1-60.1. Funds must be provided according to terms and conditions established by the Board of Water and Natural Resources.

Section 10. 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 11. Any amounts appropriated in this Act not lawfully expended or obligated shall revert in accordance with the procedures prescribed in chapter 4-8.

Section 12. 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 8, 2022

Chapter 213
(Senate Bill 67)

An Act to make an appropriation to the Department of Game, Fish and Parks to improve and repair infrastructure around Lake Alvin and Newell Lake 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 general fund the sum \$5,600,000 to the Department of Game, Fish and Parks for the purpose of contracting for the construction, reconstruction, renovation, and modernization of infrastructure at Lake Alvin and Newell Lake.

Section 2. The design and construction of improvements shall be under the general charge and supervision of the Bureau of Administration as provided in § 5-14-2.

Section 3. The secretary of the Department of Game, Fish and Parks 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 March 8, 2022

Chapter 214
(Senate Bill 84)

An Act to make an appropriation for the design, renovation, and construction of a multi-purpose facility at the Cottonwood Field Station 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 general fund the sum of \$6,000,000, to the Board of Regents, for purposes of contracting for the design, renovation, and construction of a multi-purpose facility at the Cottonwood Field Station of the Agricultural Experiment Station, located in Jackson County, South Dakota, together with furnishings and equipment, including heating, air conditioning, plumbing, water, sewer, electric facilities, sidewalks, parking, landscaping, architectural and engineering services, and such other facilities, services, and actions necessary to complete the project. The cost of the project is \$6,000,000, subject to any adjustments permitted by this Act.

Section 2. The cost estimates contained in this Act are stated in 2021 values. The Board of Regents may adjust the cost estimates to reflect project inflation, as measured by the Building Cost Index, reported by the Engineering News Record, and make additional expenditures required to comply with regulations adopted after the effective date of this Act, or expend additional sums received pursuant to section 3 of this Act. Adjustments to design and construction cost estimates for the project may not exceed one hundred twenty-five percent of the estimated project cost, as stated in section 1 of this Act.

Section 3. The Board of Regents may accept, transfer, and expend any funds obtained for the projects authorized in this Act from federal sources, donations, or any other external sources, all of which comprise a special fund for the benefitted project.

Section 4. The administration of the design, renovation, and construction of the project authorized in this Act is under the general charge and supervision of the Bureau of Administration, as provided for in chapter 5-14.

Section 5. The executive director of the Board of Regents shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

Section 6. Any amounts appropriated in this Act not lawfully expended or obligated shall revert in accordance with the procedures prescribed 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.

Signed March 24, 2022

Chapter 215
(Senate Bill 97)

An Act to authorize the Board of Regents to acquire the incubator building located on the campus of South Dakota School of Mines and Technology, to contract for the design and renovation thereof, to make an appropriation therefor, and to declare an emergency.

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

Section 1. The Board of Regents may acquire, on behalf of South Dakota School of Mines and Technology, the incubator building located on the campus of South Dakota School of Mines and Technology, at the purchase price of up to \$5,250,000, but not to exceed the appraised value of the building.

Section 2. The Board of Regents is hereby authorized to contract for the planning, design, renovation, furnishing and equipping of the building identified in section 1 of this act, together with heating, air conditioning, plumbing, water, sewer, electric facilities, offices, laboratories, sidewalks, parking, landscaping, architectural, and engineering service, and such other facilities, services or actions as may be required to accomplish the project, for an estimated cost of \$2,000,000, subject to any permitted adjustments pursuant to section 4 of this Act.

Section 3. There is hereby appropriated to the Board of Regents, for the purpose authorized in section 1 of this Act, the sum of \$5,250,000 from the general fund, and appropriated \$2,000,000 in other fund expenditure authority, for the purpose authorized in section 2 of this Act, together with any additional sums received pursuant to section 5 of this Act and permitted adjustments pursuant to section 4 of this Act.

Section 4. The construction cost estimates contained in section 2 of this Act are stated in terms of 2021 values. The Board of Regents may adjust such cost estimates to reflect project inflation as measured by the Building Cost Index, reported by the Engineering News Record, and additional expenditures required to comply with regulations adopted after the effective date of this Act, or additional sums received pursuant to section 5 of this Act. However, any adjustments to construction cost estimates for the project may not exceed one hundred twenty-five percent of the estimated project construction cost stated in section 2 of this Act.

Section 5. The Board of Regents may accept, transfer, and expend any funds obtained for the projects authorized in this Act from federal sources, donations, or any other external sources, all of which comprise a special fund for the benefitted project. All moneys deposited into that fund are hereby appropriated to the projects authorized by this Act, subject to the limitations stated in sections 2 to 4, inclusive, of this Act.

Section 6. The administration of the design and construction of the project authorized in this Act shall be under the general charge and supervision of the Bureau of Administration as provided in chapter 5-14.

Section 7. The executive director of the Board of Regents shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

Section 8. Any amounts appropriated in this Act not lawfully expended or obligated shall revert in accordance with the procedures prescribed in chapter 4-8.

Section 9. 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 24, 2022

**Chapter 216
(Senate Bill 103)**

An Act to make an appropriation to support the teen court grant program 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 general fund the sum of \$500,000 to the Office of the State Treasurer, for the purpose of supporting the teen court grant program.

Section 2. The State Treasurer 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 March 24, 2022

**Chapter 217
(Senate Bill 130)**

An Act to authorize the Board of Regents to acquire property, contract for the design and construction of the Dakota State University Applied Research Lab, to make an appropriation therefor, and to declare an emergency.

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

Section 1. The Board of Regents is hereby authorized to contract for the planning, site preparation, construction, furnishing, and equipping of the Dakota State University Applied Research Lab, together with furnishings and equipment, on the real property acquired pursuant to section 5 of this Act, including heating, air conditioning, plumbing, water, sewer, electric facilities, technology infrastructure, sidewalks, parking, landscaping, architectural and engineering services, and such other facilities, services or actions as may be required to accomplish the project, for an estimated cost of \$50,000,000, subject to permitted adjustments pursuant to section 3 of this Act.

Section 2. There is hereby appropriated to the Board of Regents for the purposes authorized in section 1 of this Act the sum of \$50,000,000 in other fund expenditure authority to expend donations for the purposes of this Act, together with any additional sums received pursuant to section 4 of this Act, and permitted adjustments pursuant to section 3 of this Act.

Section 3. The cost estimates contained in this Act have been stated in terms of 2021 values. The Board of Regents may adjust such cost estimates to reflect project inflation as measured by the Building Cost Index, reported by the Engineering News Record, and additional expenditures required to comply with regulations adopted after the effective date of this Act, or additional sums received pursuant to section 4 of this Act. Any adjustments to construction cost estimates for the project authorized in section 1 of this Act may not exceed one hundred twenty-five percent of the estimated project construction cost stated in section 1 of this Act.

Section 4. The Board of Regents may accept, transfer, and expend any funds obtained for the projects authorized in section 1 of this Act from federal sources, donations, or any other external sources, all of which comprise a special fund for the benefitted project; and all moneys deposited into that fund are hereby appropriated to the project authorized by section 1 of this Act, subject to the limitations stated in sections 1 to 3, inclusive, of this Act.

Section 5. The Board of Regents may accept, on behalf of Dakota State University, for the purposes authorized in sections 1 and 6 of this Act, the donation of up to sixteen acres of real property from Sanford Health, located within the following described parcel:

THE NORTHWEST QUARTER (NW1/4) OF SECTION 6, TOWNSHIP 101 NORTH, RANGE 49 WEST OF THE 5TH P.M., MINNEHAHA COUNTY, SOUTH DAKOTA, ACCORDING TO THE GOVERNMENT SURVEY THEREOF, INCLUDING LOTS FE1 AND FE3 AND EXCEPT LOTS H1, H2, H3 AND H4 AND EXCEPT SANFORD SPORTS COMPLEX SOUTH ADDITION TO THE CITY OF SIOUX FALLS CONTAINED THEREIN.

Section 6. Any transfer of real property pursuant to section 5 of this Act is contingent upon the land and any improvements constructed thereon being used for the operation of technology research and educational programs and related contracted technology service programs in furtherance of Dakota State University's mission and purpose, or related business activity that compliments Dakota State University's technology focus.

Section 7. Notwithstanding any other provision of law, should any real property transferred pursuant to section 5 of this Act cease to be used for the purposes stated in section 6 of this Act, or in the event the Board of Regents, on behalf of Dakota State University, desires to sell any real property transferred pursuant to section 5 of this Act, Sanford Health shall have the option to purchase the real property and any improvements constructed thereon at the then-appraised value.

Section 8. Any deed transferring title pursuant to section 5 of this Act must contain the restrictions necessary to effectuate the requirements of sections 6 and 7 of this Act.

Section 9. The administration of the design and construction of the project authorized in section 1 of this Act shall be under the general charge and supervision of the Bureau of Administration as provided in chapter 5-14.

Section 10. Any amounts appropriated in this Act not lawfully expended or obligated shall revert in accordance with the procedures prescribed in chapter 4-8.

Section 11. The executive director of the Board of Regents shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

Section 12. 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 24, 2022

**Chapter 218
(Senate Bill 132)**

An Act to make an appropriation for multi-media lab equipment at Black Hills State University 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 general fund the sum of \$112,500 to the Board of Regents, for the purpose of purchasing multi-media lab equipment to support the communications program at Black Hills State University.

Section 2. The executive director of the Board of Regents 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 by June 30, 2026, 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 21, 2022

**Chapter 219
(Senate Bill 133)**

An Act to make an appropriation to the Board of Regents to upgrade an education lab and purchase resources at Black Hills State University 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 general fund the sum of \$77,792 to the Board of Regents, for purposes of upgrading a secondary school-level science education lab and associated technology, and purchasing elementary school-level resources and materials, at Black Hills State University.

Section 2. The executive director of the Board of Regents 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 by June 30, 2026, 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 21, 2022

Chapter 220
(Senate Bill 155)

An Act to make an appropriation for programs that assist victims of domestic violence, abuse, and neglect 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 general fund the sum of \$5,000,000 to the Department of Public Safety, for purposes of providing grants through the victims' services program to organizations that provide support for victims of domestic violence, abuse, and neglect.

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 March 24, 2022

Chapter 221
(Senate Bill 161)

An Act to make an appropriation for matching funds to enhance research in manufacturing processes having lunar application and planetary use in tribal housing development and to declare an emergency.

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

Section 1. There is hereby appropriated the sum of \$300,000 in other fund expenditure authority to the Board of Regents, for the purpose of awarding, to an accredited tribal university in this state, a grant that is to be used as matching funds under the National Aeronautics and Space Administration-Marshall Space Flight Center's cooperative agreement entitled Enhancing Research in Additive Manufacturing Processes for Lunar Application and Planetary Use in Tribal Housing Development.

Section 2. The executive director of the Board of Regents 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 by June 30, 2027, 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 24, 2022

Chapter 222
(Senate Bill 170)

An Act to make an appropriation for costs related to forest resiliency and growth in the state 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 general fund the sum of \$100,000 to the coordinated natural resources conservation fund for the purpose of increasing forest resiliency and improving forest growth in this state pursuant to § 38-7-27.

Section 2. 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 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 24, 2022

Chapter 223
(Senate Bill 174)

An Act to make an appropriation to provide a grant for the construction of a facility to provide certain health facilities and services 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 general fund the sum of \$8,000,000 to the Department of Social Services, for the purpose of providing a grant to assist in the construction of a facility that will provide all of the following: specialty rehabilitation pediatric hospital, specialty school for children under twenty-one, intermediate health care facility for children under twenty-one, and outpatient rehabilitation pediatric services.

Section 2. The secretary of the Department of Social Services 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 by June 30, 2026, 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 24, 2022

Chapter 224
(Senate Bill 196)

An Act to make an appropriation to provide grants for certain residential alternative care programs 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 general fund the sum of \$5,000,000 to the Department of Social Services, for the purpose of providing grants to support alcohol and drug abuse recovery programs and services for women delivered through alternative care programs.

Section 2. Before the awarding of grants provided by section 1 of this Act, grantees shall demonstrate the capacity to serve a new or underserved area with qualifying services.

Section 3. The Secretary of Social Services 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 by June 30, 2026, 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 24, 2022

**Chapter 225
(Senate Bill 213)**

An Act to revise Senate Bill 60, the General Appropriations Act for fiscal year 2022, as previously enacted in the Ninety-Seventh Session of the South Dakota Legislature.

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

Section 1. That section 18 of SB 60, as previously enacted in the Ninety-Seventh Session of the South Dakota Legislature, be AMENDED to read:

DEPARTMENT OF HUMAN SERVICES

(2) Developmental Disabilities

Operating Expenses, General Funds, delete "\$75,537,104" and insert "\$66,545,847"

Operating Expenses, Federal Funds, delete "\$114,047,151" and insert "\$194,220,699"

Operating Expenses, Other Funds, delete "\$5,730,622" and insert "\$4,872,619"

(3) South Dakota Developmental Center - Redfield

Personal Services, General Funds, delete "\$8,115,819" and insert "\$6,305,460"

Personal Services, Federal Funds, delete "\$11,502,009" and insert "\$11,925,376"

Operating Expenses, General Funds, delete "\$2,239,819" and insert "\$1,949,621"

Operating Expenses, Federal Funds, delete "\$2,982,570" and insert "\$3,343,864"

(4) Long Term Services and Supports

Operating Expenses, General Funds, delete "\$102,813,376" and insert "\$98,876,906"

Operating Expenses, Federal Funds, delete "\$145,362,045" and insert "~~\$182,474,770~~"\$203,178,280

(5) Rehabilitation Services

Operating Expenses, General Funds, delete "\$4,163,408" and insert "\$3,819,684"

Operating Expenses, Federal Funds, delete "\$13,578,894" and insert "\$15,922,618"

Section 2. Adjust all totals accordingly in section 1 of this Act.

Section 3. Funds appropriated by this Act which are unspent at the end of fiscal year 2022 may be carried over to fiscal year 2023.

Section 4. This Act is effective June 27, 2022.

Signed March 30, 2022

Chapter 226
(House Bill 1013)

An Act to make an appropriation for certain costs related to Capitol Lake 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 general fund the sum of \$500,000 and appropriated the sum of \$3,000,000 in federal fund expenditure authority to the Bureau of Administration, for the purposes of developing a Master Plan for Capitol Lake and the Veterans Memorials at Capitol Lake, for plugging the existing well, and activities to improve the lake water quality.

Section 2. The commissioner of the Bureau of 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. 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 7, 2022

Chapter 227
(House Bill 1016)

An Act to make an appropriation for costs related to disasters in the state 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 general fund the sum of \$2,946,882 to the special emergency and disaster special revenue fund for costs related to disasters in 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. 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 9, 2022

Chapter 228
(House Bill 1017)

An Act to make an appropriation for costs related to suppression of wildfires in the state 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 general fund the sum of \$1,059,318 to the state fire suppression special revenue fund for costs related to the suppression of wildfires in 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. 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 9, 2022

Chapter 229
(House Bill 1018)

An Act to make an appropriation for the construction of a storage garage in Rapid City and to declare an emergency.

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

Section 1. There is hereby appropriated the sum of \$557,330 in other fund expenditure authority to the Department of Public Safety, for the purpose of designing, renovating, constructing, furnishing, and equipping a storage garage facility on the Department of Transportation's Rapid City campus, including heating, air conditioning, plumbing, water, sewer, electrical, architectural and engineering services, and other services as may be required.

Section 2. The Bureau of Administration, pursuant to chapter 5-14, shall supervise the design and construction of this project.

Section 3. The secretary of the Department of Public Safety shall approve vouchers and the state auditor shall draw warrants to pay expenditures as 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 March 7, 2022

**Chapter 230
(House Bill 1019)**

An Act to make an appropriation for the payment of extraordinary litigation expenses 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 general fund the sum of \$1,500,000 to the extraordinary litigation fund, for the purpose of payment of eligible expenses.

Section 2. The commissioner of the Bureau of 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. 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 7, 2022

**Chapter 231
(House Bill 1020)**

An Act to authorize the Bureau of Administration to construct an addition to the Kinsman Building in Pierre, to make an appropriation therefor, and to declare an emergency.

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

Section 1. The Bureau of Administration may contract for the construction, completion, furnishing, equipping, and maintaining of, including heating, plumbing, water, sewer, electric facilities, architectural and engineering services, and such other services or action as may be required to construct an addition to the Kinsman Building on the Capitol Complex, in Pierre, South Dakota.

Section 2. There is hereby appropriated the sum of \$1,450,000 in other fund expenditure authority to the Bureau of Administration for the purposes described in section 1.

Section 3. The commissioner of the Bureau of Administration 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 March 9, 2022

**Chapter 232
(House Bill 1021)**

An Act to authorize the Board of Regents to acquire property, contract for the design and construction of an athletics events center at Dakota State University, to make an appropriation therefor, and to declare an emergency.

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

Section 1. The Board of Regents is hereby authorized to contract for the planning, site preparation, construction, furnishing, and equipping of an athletics events center comprised of a football stadium, athletic fields, track, associated spectator seating, restrooms, concession stands, locker rooms, media area, classrooms, labs, training areas, esports area, offices, club room, service area, meeting rooms, and storage at Dakota State University, including heating, air conditioning, plumbing, water, sewer,

electricity, sidewalks, parking, landscaping, architectural and engineering services, land acquisition, and such other facilities, services or actions as may be required to accomplish the project, for an estimated cost of \$28,047,000, subject to permitted adjustments pursuant to section 3 of this Act.

Section 2. There is hereby appropriated to the Board of Regents, for the purposes authorized in this Act, the sum of \$28,047,000 in other fund expenditure authority from donated funds, together with any additional sums received pursuant to section 4 of this Act, and permitted adjustments pursuant to section 3 of this Act.

Section 3. The cost estimates contained in this Act have been stated in terms of 2021 values. The Board of Regents may adjust such cost estimates to reflect project inflation as measured by the Building Cost Index, reported by the Engineering News Record, and additional expenditures required to comply with regulations adopted after the effective date of this Act, or additional sums received pursuant to section 4 of this Act. Any adjustments to construction cost estimates for the project may not exceed one hundred twenty-five percent of the estimated project construction cost stated in section 1 of this Act.

Section 4. The Board of Regents may accept, transfer, and expend any funds obtained for the projects authorized in this Act from federal sources, donations, or any other external sources, all of which comprise a special fund for the benefitted project. All moneys deposited into that fund are hereby appropriated to the projects authorized by this Act, subject to limitations stated in sections 1 through 3, inclusive, of this Act.

Section 5. The Board of Regents may purchase or otherwise acquire, on behalf of Dakota State University, for the purposes authorized in section 1 of this Act and for an amount not to exceed the appraised value, the following described real estate in the City of Madison, Lake County, South Dakota:

- (1) N341' S459.21' E368.5' LT 1 CO AUD SUB NE1/4 SEC 6-106-52;
- (2) LOT 1 BLOCK 1 DSU FOUNDATION ADD;
- (3) LOT 2 BLOCK 1 DSU FOUNDATION ADD; and
- (4) LOT 3 BLOCK 1 DSU FOUNDATION ADD.

Section 6. No indebtedness, bond, or obligation incurred or created under the authority of this Act may be or may become a lien, charge, or liability against this state, nor against the property or funds of this state, within the meaning of the state's Constitution and laws.

Section 7. The administration of the design and construction of the project authorized in this Act shall be under the general charge and supervision of the Bureau of Administration as provided in chapter 5-14.

Section 8. Any amounts appropriated in this Act not lawfully expended or obligated shall revert in accordance with the procedures prescribed in chapter 4-8.

Section 9. The executive director of the Board of Regents shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

Section 10. 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 9, 2022

Chapter 233
(House Bill 1022)

An Act to authorize the Board of Regents to contract for the design and renovation of, and construction of an addition to, the Stanley J. Marshall Center at South Dakota State University, to make an appropriation therefor, and to declare an emergency.

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

Section 1. The Board of Regents is hereby authorized to contract for the design and renovation of, and construction of an addition to, the Stanley J. Marshall Center at South Dakota State University, together with furnishings and equipment, including heating, air conditioning, plumbing, water, sewer, electric facilities, sidewalks, parking, landscaping, architectural and engineering services, asbestos abatement, and such other facilities, services or actions as may be required to accomplish the project, all at an estimated cost of \$53,168,000, subject to permitted adjustments pursuant to section 3 of this Act.

Section 2. There is hereby appropriated to the Board of Regents, for the purposes authorized in this Act, the sum of \$43,168,000 in other fund expenditure authority from donated funds; the sum of \$4,000,000 in other fund expenditure authority from South Dakota State University other funds; and the sum of \$6,000,000 in other fund expenditure authority from that portion of the higher education facilities fund allocable to South Dakota State University, for the purposes of maintenance and repair to address the portion of the project that would otherwise involve maintenance and repair projects, together with any additional sums received pursuant to section 4 of this Act, and permitted adjustments pursuant to section 3 of this Act.

Section 3. The cost estimates contained in this Act have been stated in terms of 2021 values. The Board of Regents may adjust the cost estimates to reflect project inflation as measured by the Building Cost Index, reported by the Engineering News Record, and additional expenditures required to comply with regulations adopted after the effective date of this Act, or additional sums received pursuant to section 4 of this Act. Any adjustments to design and renovation cost estimates for the project authorized in this Act may not exceed one hundred twenty-five percent of the estimated project cost stated in section 1 of this Act.

Section 4. The Board of Regents may accept, transfer, and expend any funds obtained for the project authorized in this Act from federal sources, donations, or any other external sources, all of which comprise a special fund for the benefitted project or its debt service. All moneys deposited into that fund are hereby appropriated to the projects authorized by this Act, in addition to the amounts otherwise authorized by this Act, subject to the limitations stated in sections 1 to 3, inclusive, of this Act.

Section 5. No indebtedness, bond, or obligation incurred or created under the authority of this Act may be or may become a lien, charge, or liability against this state, nor against the property or funds of this state within the meaning of the state's Constitution and laws.

Section 6. The administration of the design and renovation of the projects authorized in this Act shall be under the general charge and supervision of the Bureau of Administration as provided in chapter 5-14.

Section 7. The executive director of the Board of Regents shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

Section 8. Any amounts appropriated in this Act not lawfully expended or obligated shall revert in accordance with the procedures prescribed in chapter 4-8.

Section 9. 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 9, 2022

Chapter 234
(House Bill 1023)

An Act to authorize the Board of Regents to demolish a South Dakota State University building and to make an appropriation therefor.

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

Section 1. The Board of Regents is hereby authorized to demolish, remove, and dispose of a structure known as the Wecota Annex, connected to the west side of Wecota Hall at South Dakota State University, and consisting of 21,288 square feet. This project includes demolition, abatement of asbestos or other such hazardous materials, the lawful disposal of the fixtures or rubble, enclosing the elevator and stair connection to Wecota Hall, utility termination, site restoration, and any other action reasonably necessary to complete the project, for an estimated cost of \$800,000, subject to permitted adjustments pursuant to section 3 of this Act.

Section 2. There is hereby appropriated to the Board of Regents, for the purposes authorized in this Act, the sum of \$800,000 in other fund expenditure authority, together with any additional sums received pursuant to section 4 of this Act, and permitted adjustments pursuant to section 3 of this Act.

Section 3. The cost estimates contained in this Act have been stated in terms of 2021 values. The Board of Regents may adjust the cost estimates to reflect project inflation as measured by the Building Cost Index, reported by the Engineering News Record, and additional expenditures required to comply with regulations adopted after the effective date of this Act, or additional sums received pursuant to section 4 of this Act. Any adjustments to demolition cost estimates for the project authorized in this Act may not exceed one hundred twenty-five percent of the estimated project cost stated in section 1 of this Act.

Section 4. The Board of Regents may accept, transfer, and expend any funds obtained for the project authorized in this Act from federal sources, donations, or any other external sources, all of which comprise a special fund for the benefitted project. All moneys deposited into that fund are hereby appropriated to the project authorized by this Act, in addition to the amounts otherwise authorized by this Act, subject to the limitations stated in sections 1 through 3, inclusive, of this Act.

Section 5. The executive director of the Board of Regents shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

Section 6. Any amounts appropriated in this Act not lawfully expended or obligated shall revert in accordance with the procedures prescribed in chapter 4-8.

Section 7. The administration of the project authorized in this Act shall be under the general charge and supervision of the Bureau of Administration as provided in chapter 5-14.

Signed March 9, 2022



**Chapter 235
(House Bill 1030)**

An Act to make an appropriation to reimburse certain health care professionals who have complied with the requirements for certain health care recruitment assistance programs 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 general fund the sum of \$690,150 to the Department of Health, for purposes of reimbursing three family physicians, four physician assistants, and four nurse practitioners who have, in the determination of the department, met the requirements of § 34-12G-3; there is also hereby appropriated from the general fund the sum of \$240,339 to the Department of Health, for the purpose of reimbursing eligible health care practitioners who have, in the determination of the department, met the requirements of § 34-12G-12.

Section 2. 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 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 9, 2022



**Chapter 236
(House Bill 1031)**

An Act to make an appropriation to the Board of Technical Education to construct an advanced manufacturing laboratory space and classrooms on the campus of Lake Area Technical College 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 general fund the sum of \$7,500,000 to the Board of Technical Education for the purpose of building an advanced manufacturing laboratory space and classrooms on the campus of Lake Area Technical College.

Section 2. The general funds appropriated in section 1 of this Act are contingent upon Lake Area Technical College receiving a sum of at least \$7,500,000 in donations and provided no bonds will be issued for the project provided in this Act.

Section 3. The administration of the design and construction of the project authorized in this Act shall be under the general charge and supervision of the Bureau of Administration as provided in chapter 5-14.

Section 4. The commissioner of the Bureau of Administration and the secretary of education shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized by 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. 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 21, 2022

Chapter 237
(House Bill 1032)

An Act to make an appropriation to the Board of Technical Education to construct an agriculture and diesel power laboratory and multi-purpose space on the campus of Mitchell Technical College 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 general fund the sum of \$5,000,000 to the Board of Technical Education for the purpose of building an agriculture and diesel power laboratory and multi-purpose space on the campus of Mitchell Technical College.

Section 2. The general funds appropriated in section 1 of this Act are contingent upon Mitchell Technical College receiving a sum of at least \$5,000,000 in donations and provided no bonds will be issued for the project provided in this Act.

Section 3. The administration of the design and construction of the project authorized in this Act shall be under the general charge and supervision of the Bureau of Administration as provided in chapter 5-14.

Section 4. The commissioner of the Bureau of Administration and the secretary of education shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized by 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. 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 21, 2022

Chapter 238
(House Bill 1033)

An Act to make an appropriation for the provision of housing infrastructure loans and grants.

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

Section 1. There is hereby transferred from the general fund to the South Dakota Housing Opportunity fund, created in § 11-13-2, the sum of \$150,000,000. The South Dakota Housing Development Authority shall administer the moneys so transferred for the purpose of providing:

- (1) Loans in the sum of \$100,000,000 for the construction of housing infrastructure; and
- (2) Grants in the sum of \$50,000,000 for the construction of housing infrastructure.

Section 2. Federal fund expenditure authority is hereby appropriated in the sum of \$50,000,000 from the American Rescue Plan Act to the South Dakota Housing Development Authority, for the purpose of providing grants for the construction of housing infrastructure.

Section 3. Loans or grants made available pursuant to this Act must be designated as follows:

- (1) Thirty percent for use in municipalities having a population of fifty thousand or more; and
- (2) Seventy percent for use in all other areas of the state.

Any housing infrastructure project sited in a municipality having a population of fifty thousand or more may receive either a loan or a grant from moneys appropriated or authorized under this Act but may not receive both.

Section 4. Any grant made available by the South Dakota Housing Development Authority pursuant to this Act may not be for an amount greater than one-third of the project's total cost.

Section 5. For purposes of this Act, the term, housing infrastructure, means public:

- (1) Rights of way;
- (2) Water distribution systems;
- (3) Sanitary and storm sewers;

- (4) Streets, roads, and bridges;
- (5) Curbs, gutters, and sidewalks;
- (6) Lift stations;
- (7) Excavation and compaction;
- (8) Traffic signals;
- (9) Street lighting;
- (10) The purchase of land necessary to accommodate projects listed in this section; and
- (11) Any other infrastructure project determined by the South Dakota Housing Development Authority to be consistent with the purposes of this Act.

Section 6. The executive director of the South Dakota Housing Development Authority shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

Section 7. This Act is effective on June 27, 2022.

Signed March 25, 2022

Chapter 239
(House Bill 1034)

An Act to make an appropriation from the coordinated natural resources conservation fund to the State Conservation Commission 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 coordinated natural resources conservation fund the sum of \$500,000, in accordance with subdivision 10-47B-149(5), to the State Conservation Commission.

Section 2. The State Conservation Commission 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 March 9, 2022

**Chapter 240
(House Bill 1047)**

An Act to make an appropriation to the Department of Education to improve and renovate the Cultural Heritage Center 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 general fund the sum of \$8,881,785 and appropriated the sum of \$3,301,800 in other fund expenditure authority, to the Department of Education, for the purpose of renovating and modernizing the Cultural Heritage Center.

Section 2. The Bureau of Administration, pursuant to chapter 5-14, shall supervise the design, renovation, and construction of facilities approved under this Act.

Section 3. The commissioner of the Bureau of Administration and the secretary of the Department of Education 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 March 10, 2022

**Chapter 241
(House Bill 1092)**

An Act to make an appropriation for the precision agriculture cybersecurity CyberAg partnership initiative 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 general fund the sum of \$1,250,000, to the Board of Regents, for purposes of creating the precision agriculture cybersecurity CyberAg partnership initiative between South Dakota State University and Dakota State University, developing undergraduate and graduate curricula, engaging in research, and providing associated outreach programming and communication to address agricultural security threats.

Section 2. The executive director of the Board of Regents 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 March 10, 2022

**Chapter 242
(House Bill 1137)**

An Act to make an appropriation for high performance computing and data storage systems at South Dakota State University 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 general fund the sum of \$1,935,993 to the Board of Regents, for the purpose of purchasing high performance computing cluster and high velocity data storage for South Dakota State University, which will provide access to data processing:

- (1) For vital applications, including engineering, biotechnology, biomedical sciences, and precision agriculture technology; and
- (2) For the general use of students and faculty members.

Section 2. The executive director of the Board of Regents 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 March 10, 2022

**Chapter 243
(House Bill 1209)**

An Act to make an appropriation to the Board of Regents for improving the National Music Museum at the University of South Dakota 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 general fund the sum of \$2,000,000 to the Board of Regents, for purposes of equipping the National Music Museum at the University of South Dakota with educational exhibits for the display and security of the museum's collections.

Section 2. The executive director of the Board of Regents 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 by June 30, 2026, 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 24, 2022

Chapter 244
(House Bill 1210)

An Act to make an appropriation to the Board of Regents to provide grant funding for a new biomedical facility at the research park in Sioux Falls, 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 general fund the sum of \$15,000,000 to the Board of Regents, for the purpose of providing grant funding for the design and construction of a new biomedical innovation facility on the grounds of the USD Discovery District research park in Sioux Falls.

Section 2. The executive director of the Board of Regents 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 March 24, 2022

Chapter 245
(House Bill 1273)

An Act to authorize the Department of the Military to purchase certain real property in Chamberlain and to declare an emergency.

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

Section 1. The Department of the Military may purchase, on behalf of the State of South Dakota, a site comprising about .66 acre adjacent to the National Guard Field Maintenance Shop located in Chamberlain South Dakota, legally described as:

A PLAT OF LOTS 7C-1 AND 7C-2 AND EAST WILL STREET, A SUBDIVISION OF PREVIOUSLY PLATTED LOT 7A-R, BLOCK 5, RIVERVIEW SUBDIVISION IN THE WEST ½ OF THE SE ¼ OF SECTION 10, T 104 N, R 71 W OF THE 5TH P.M., BRULE COUNTY, SOUTH DAKOTA.

Section 2. The total purchase price may not exceed \$105,000 with up to \$2,000 in closing costs.

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 March 18, 2022

Chapter 246
(House Bill 1277)

An Act to make an appropriation to the State Conservation Commission, transfer moneys thereto, and to declare an emergency.

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

Section 1. The state treasurer shall transfer \$3,000,000 from the general fund to the conservation district special revenue fund created in § 38-8-53. The amount transferred in this section is appropriated in other fund expenditure authority to the State Conservation Commission for the purposes of aiding, assisting, and cooperating with state conservation districts to further conservation programs in these districts.

Section 2. The State Conservation Commission 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 by June 30, 2026, 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 24, 2022

**Chapter 247
(House Bill 1306)**

An Act to make an appropriation to rural access infrastructure funds 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 general fund the sum of \$25,000,000 to the Department of Revenue, for the purpose of distribution, in three equal amounts in fiscal years 2023, 2024, and 2025, to county rural access infrastructure funds pursuant to § 31-34-2.

Section 2. The secretary of the Department of Revenue 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 March 22, 2022

SUPREME COURT RULES AND ORDERS

Chapter 248

SCR 21-07

SUPREME COURT RULES AND ORDERS

IN THE SUPREME COURT
OF THE

STATE OF SOUTH DAKOTA

* * * *

IN THE MATTER OF THE AMENDMENT ARTICLE IV, SECTION 4.5 OF THE APPENDIX TO SDCL CH. 16-17	RULE 21-07
--	------------

A hearing was held on August 24, 2021, at Pierre, South Dakota, relating to the amendment of Article IV, Section 4.5 of the Appendix to SDCL Chapter 16-17 and the Court having considered the proposed amendment, oral presentation relating thereto and being fully advised in the premises, now, therefore, it is

ORDERED that Article IV, Section 4.5 of the Appendix to SDCL Chapter 16-17 – The State Bar of South Dakota Bylaws be and it is hereby amended to read in its entirety as follows:

Article IV, Section 4.5 of the Appendix to SDCL Chapter 16-17 – The State Bar of South Dakota Bylaws

4.5. **Membership Fees.** The State Bar may annually impose upon the Members approved State Bar dues (“Dues”), CLE Fee, and Client Assistant Fee (collectively “Membership Fees”). Membership Fees will be set to meet the State Bar’s financial obligations. The Bar Commission may set the Membership Fees based upon membership type or other criteria. The Executive Director will assess Membership Fees on a calendar-year basis. Members must pay the Membership Fees in advance each January 1st.

a. **Approval.** The Supreme Court must approve Membership Fees proposed by the Bar Commission before the Executive Director may assess them on the Members.

b. **Active Member Dues.** Active Member Dues are:

i. **Calendar Year of Admission.** Waived for newly admitted Members the calendar year of admission unless, in a prior year, that Member was a member of another state bar or practiced law in another state or jurisdiction without mandatory bar membership; in either of those cases, the newly admitted Member will pay Dues based on years in practice specified in Paragraph 4.5.b.ii, or 4.5.b.iii, below.

ii. **2nd - 4th Calendar Years after Admission Year.** ~~\$190~~**\$290**, except Members electing Emeritus Status will pay ~~\$100~~**\$125**.

- iii. **5th Calendar Year after Admission Year and Thereafter.** ~~\$315~~\$415, except Members electing Emeritus Status will pay ~~\$100~~\$125.
- c. **Inactive Member Dues.** Inactive Member Dues are ~~\$100~~\$125.
- d. **Continuing Legal Education.** Each Active Member, except Supreme Court Justices, Circuit Court Judges, Magistrate Judges, and Members electing Emeritus Status, must pay a ~~\$100~~\$125 Continuing Legal Education program fee ("CLE Fee").
- e. **Client Assistance Fund.** The State Bar may charge each Active Member, after the calendar year of admission, a Client Assistance Fund fee of \$25 ("Client Assistance Fee"). The State Bar will hold this fee in a separate Client Assistance Fund. The State Bar will charge the Client Assistance Fee whenever the fund balance is less than \$80,000 and will continue to charge the fee until the Client Assistance Fund balance reaches \$100,000. The State Bar will not charge the Client Assistance Fee when the fund balance is \$100,000 or greater. Federal Judges, Supreme Court Justices, Circuit Court Judges, and Magistrate Judges will be exempt from the Client Assistance Fee. The Bar Commission may use the Client Assistance Fund to pay premiums on a group insurance policy should the Commission determine that the purchase of such coverage would be an appropriate use of the fund.
- f. **Failure to Pay.** The Bar Commission may suspend any Member who does not pay the Membership Fees when due, and upon suspension, that Member will not be in good standing with the State Bar. A suspended Member may, at any time within five years of the suspension date, be reinstated upon payment of all delinquent and current Membership Fees ("Delinquent Fees") together with any penalties imposed by the Bar Commission. Penalties imposed by the Bar Commission may not exceed double the Delinquent Fees amount ("Delinquency Penalty"). After five years, a Member may only be reinstated as specified in Paragraph 4.3.

IT IS FURTHER ORDERED that this rule become effective January 1, 2022.

DATED at Pierre, South Dakota, this 1st day of September, 2021.

Chapter 249

SCR 21-08

SUPREME COURT RULES AND ORDERS

IN THE SUPREME COURT
OF THE

STATE OF SOUTH DAKOTA

* * * *

<p>IN THE MATTER OF THE ADOPTION OF THE PREAMBLE AND SCOPE TO THE RULES OF PROFESSIONAL CONDUCT, OF THE APPENDIX TO SDCL CH. 16-18</p>	<p>RULE 21-08</p>
--	-------------------

A hearing was held on August 24, 2021, at Pierre, South Dakota, relating to the adoption of the Preamble and Scope to the Rules of Professional Conduct, of the Appendix to SDCL Chapter 16-18 and the Court having considered the proposed amendment, oral presentation relating thereto and being fully advised in the premises, now, therefore, it is

ORDERED the adoption of the Preamble and Scope to the Rules of Professional Conduct of the Appendix to SDCL Chapter 16-18 be and they are hereby adopted to read in their entirety as follows:

PREAMBLE: A LAWYER'S RESPONSIBILITIES

[1] A lawyer, as a member of the legal profession, is a representative of clients, an officer of the legal system and a public citizen having special responsibility for the quality of justice.

[2] As a representative of clients, a lawyer performs various functions. As advisor, a lawyer provides a client with an informed understanding of the client's legal rights and obligations and explains their practical implications. As advocate, a lawyer zealously asserts the client's position under the rules of the adversary system. As negotiator, a lawyer seeks a result advantageous to the client but consistent with requirements of honest dealings with others. As an evaluator, a lawyer acts by examining a client's legal affairs and reporting about them to the client or to others.

[3] In addition to these representational functions, a lawyer may serve as a third-party neutral, a nonrepresentational role helping the parties to resolve a dispute or other matter. Some of these rules apply directly to lawyers who are or have served as third-party neutrals. See, e.g., Rules 1.12 and 2.4. In addition, there are rules that apply to lawyers who are not active in the practice of law or to practicing lawyers even when they are acting in a nonprofessional capacity. For example, a lawyer who commits fraud in the conduct of a business is subject to discipline for engaging in conduct involving dishonesty, fraud, deceit or misrepresentation. See Rule 8.4.

[4] In all professional functions a lawyer should be competent, prompt and diligent. A lawyer should maintain communication with a client concerning the representation. A lawyer should keep in confidence information relating to representation of a client except so far as disclosure is required or permitted by the Rules of Professional Conduct or other law.

[5] A lawyer's conduct should conform to the requirements of the law, both in professional service to clients and in the lawyer's business and personal affairs. A lawyer should use the law's procedures only for legitimate purposes and not to harass or intimidate others. A lawyer should demonstrate respect for the legal system and for those who serve it, including judges, other lawyers and public officials. While it is a lawyer's duty, when necessary, to challenge the rectitude of official action, it is also a lawyer's duty to uphold legal process.

[6] As a public citizen, a lawyer should seek improvement of the law, access to the legal system, the administration of justice and the quality of service rendered by the legal profession. As a member of a learned profession, a lawyer should cultivate knowledge of the law beyond its use for clients, employ that knowledge in reform of the law and work to strengthen legal education. In addition, a lawyer should further

the public's understanding of and confidence in the rule of law and the justice system because legal institutions in a constitutional democracy depend on popular participation and support to maintain their authority. A lawyer should be mindful of deficiencies in the administration of justice and of the fact that the poor, and sometimes persons who are not poor, cannot afford adequate legal assistance. Therefore, all lawyers should devote professional time and resources and use civic influence to ensure equal access to our system of justice for all those who because of economic or social barriers cannot afford or secure adequate legal counsel. A lawyer should aid the legal profession in pursuing these objectives and should help the bar regulate itself in the public interest.

[7] Many of a lawyer's professional responsibilities are prescribed in the Rules of Professional Conduct, as well as substantive and procedural law. However, a lawyer is also guided by personal conscience and the approbation of professional peers. A lawyer should strive to attain the highest level of skill, to improve the law and the legal profession and to exemplify the legal profession's ideals of public service.

[8] A lawyer's responsibilities as a representative of clients, an officer of the legal system and a public citizen are usually harmonious. Thus, when an opposing party is well represented, a lawyer can be a zealous advocate on behalf of a client and at the same time assume that justice is being done. So also, a lawyer can be sure that preserving client confidences ordinarily serves the public interest because people are more likely to seek legal advice, and thereby heed their legal obligations, when they know their communications will be private.

[9] In the nature of law practice, however, conflicting responsibilities are encountered. Virtually all difficult ethical problems arise from conflict between a lawyer's responsibilities to clients, to the legal system and to the lawyer's own interest in remaining an ethical person while earning a satisfactory living. The Rules of Professional Conduct often prescribe terms for resolving such conflicts. Within the framework of these Rules, however, many difficult issues of professional discretion can arise. Such issues must be resolved through the exercise of sensitive professional and moral judgment guided by the basic principles underlying the Rules. These principles include the lawyer's obligation zealously to protect and pursue a client's legitimate interests, within the bounds of the law, while maintaining a professional, courteous and civil attitude toward all persons involved in the legal system.

[10] The legal profession is largely self-governing. Although other professions also have been granted powers of self-government, the legal profession is unique in this respect because of the close relationship between the profession and the processes of government and law enforcement. This connection is manifested in the fact that ultimate authority over the legal profession is vested largely in the courts.

[11] To the extent that lawyers meet the obligations of their professional calling, the occasion for government regulation is obviated. Self-regulation also helps maintain the legal profession's independence from government domination. An independent legal profession is an important force in preserving government under law, for abuse of legal authority is more readily challenged by a profession whose members are not dependent on government for the right to practice.

[12] The legal profession's relative autonomy carries with it special responsibilities of self-government. The profession has a responsibility to assure that its regulations are conceived in the public interest and not in furtherance of parochial or self-interested concerns of the bar. Every lawyer is responsible for observance of the Rules of Professional Conduct. A lawyer should also aid in securing their observance by other lawyers. Neglect of these responsibilities compromises the independence of the profession and the public interest which it serves.

[13] Lawyers play a vital role in the preservation of society. The fulfillment of this role requires an understanding by lawyers of their relationship to our legal system. The Rules of Professional Conduct, when properly applied, serve to define that relationship.

SCOPE

[14] The Rules of Professional Conduct are rules of reason. They should be interpreted with reference to the purposes of legal representation and of the law itself. Some of the Rules are imperatives, cast in the terms "shall" or "shall not." These define proper conduct for purposes of professional discipline. Others, generally cast in the term "may," are permissive and define areas under the Rules in which the lawyer has discretion to exercise professional judgment. No disciplinary action should be taken when the lawyer chooses not to act or acts within the bounds of such discretion. Other Rules define the nature of relationships between the lawyer and others. The Rules are thus partly obligatory and disciplinary and partly constitutive and descriptive in that they define a lawyer's professional role. Many of the Comments use the term "should." Comments do not add obligations to the Rules but provide guidance for practicing in compliance with the Rules.

[15] The Rules presuppose a larger legal context shaping the lawyer's role. That context includes court rules and statutes relating to matters of licensure, laws defining specific obligations of lawyers and substantive and procedural law in general. The Comments are sometimes used to alert lawyers to their responsibilities under such other law.

[16] Compliance with the Rules, as with all law in an open society, depends primarily upon understanding and voluntary compliance, secondarily upon reinforcement by peer and public opinion and finally, when necessary, upon enforcement through disciplinary proceedings. The Rules do not, however, exhaust the moral and ethical considerations that should inform a lawyer, for no worthwhile human activity can be completely defined by legal rules. The Rules simply provide a framework for the ethical practice of law.

[17] Furthermore, for purposes of determining the lawyer's authority and responsibility, principles of substantive law external to these Rules determine whether a client-lawyer relationship exists. Most of the duties flowing from the client-lawyer relationship attach only after the client has requested the lawyer to render legal services and the lawyer has agreed to do so. But there are some duties, such as that of confidentiality under Rule 1.6, that attach when the lawyer agrees to consider whether a client-lawyer relationship shall be established. See Rule 1.18. Whether a client-lawyer relationship exists for any specific purpose can depend on the circumstances and may be a question of fact.

[18] Under various legal provisions, including constitutional, statutory and common law, the responsibilities of government lawyers may include authority concerning legal matters that ordinarily reposes in the client in private client-lawyer relationships. For example, a lawyer for a government agency may have authority on behalf of the government to decide upon settlement or whether to appeal from an adverse judgment. Such authority in various respects is generally vested in the attorney general and the state's attorney in state government, and their federal counterparts, and the same may be true of other government law officers. Also, lawyers under the supervision of these officers may be authorized to represent several government agencies in intragovernmental legal controversies in circumstances where a private lawyer could not represent multiple private clients. These Rules do not abrogate any such authority.

[19] Failure to comply with an obligation or prohibition imposed by a Rule is a basis for invoking the disciplinary process. The Rules presuppose that disciplinary assessment of a lawyer's conduct will be made on the basis of the facts and

circumstances as they existed at the time of the conduct in question and in recognition of the fact that a lawyer often has to act upon uncertain or incomplete evidence of the situation. Moreover, the Rules presuppose that whether or not discipline should be imposed for a violation, and the severity of a sanction, depend on all the circumstances, such as the willfulness and seriousness of the violation, extenuating factors and whether there have been previous violations.

[20] Violation of a Rule should not itself give rise to a cause of action against a lawyer nor should it create any presumption in such a case that a legal duty has been breached. In addition, violation of a Rule does not necessarily warrant any other non-disciplinary remedy, such as disqualification of a lawyer in pending litigation. The Rules are designed to provide guidance to lawyers and to provide a structure for regulating conduct through disciplinary agencies. They are not designed to be a basis for civil liability. Furthermore, the purpose of the Rules can be subverted when they are invoked by opposing parties as procedural weapons. The fact that a Rule is a just basis for a lawyer's self-assessment, or for sanctioning a lawyer under the administration of a disciplinary authority, does not imply that an antagonist in a collateral proceeding or transaction has standing to seek enforcement of the Rule. Nevertheless, since the Rules do establish standards of conduct by lawyers, a lawyer's violation of a Rule may be evidence of breach of the applicable standard of conduct.

[21] The Comment accompanying each Rule explains and illustrates the meaning and purpose of the Rule. The Preamble and this note on Scope provide general orientation. The Comments are intended as guides to interpretation, but the text of each Rule is authoritative.

IT IS FURTHER ORDERED that this rule become effective immediately.

DATED at Pierre, South Dakota, this 1st day of September, 2021.

Chapter 250
SCR 21-09

SUPREME COURT RULES AND ORDERS

IN THE SUPREME COURT
OF THE

STATE OF SOUTH DAKOTA

* * * *

IN THE MATTER OF THE AMENDMENT APPENDIX TO SDCL CH. 16-18, THE RULES OF PROFESSIONAL CONDUCT, RULE 1.2. SCOPE OF REPRESENTATION AND ALLOCATION OF AUTHORITY BETWEEN CLIENT AND LAWYER	RULE 21-09
--	------------

A hearing was held on August 24, 2021, at Pierre, South Dakota, relating to the amendment of Appendix to SDCL Chapter 16-18, the Rules of Professional Conduct,

Rule 1.2. Scope of Representation and Allocation of Authority Between Client and Lawyer and the Court having considered the proposed amendment, oral presentation relating thereto and being fully advised in the premises, now, therefore, it is

ORDERED that amendment of the Appendix to SDCL Chapter 16-18, the Rules of Professional Conduct, Rule 1.2. Scope of Representation and Allocation of Authority Between Client and Lawyer be and it is hereby amended to read in its entirety as follows:

Appendix to SDCL Chapter 16-18, the Rules of Professional Conduct, Rule 1.2. Scope of Representation and Allocation of Authority Between Client and Lawyer.

(a) Subject to paragraphs (c) and (d), a lawyer shall abide by a client's decisions concerning the objectives of representation and, as required by Rule 1.4, shall consult with the client as to the means by which they are to be pursued. A lawyer may take such action on behalf of the client as is impliedly authorized to carry out the representation. A lawyer shall abide by a client's decision whether to settle a matter. In a criminal case, the lawyer shall abide by the client's decision, after consultation with the lawyer, as to a plea to be entered, whether to waive jury trial and whether the client will testify.

(b) A lawyer's representation of a client, including representation by appointment, does not constitute an endorsement of the client's political, economic, social or moral views or activities.

(c) A lawyer may limit the scope of the representation if the limitation is reasonable under the circumstances and the client gives informed consent.

(d) A lawyer shall not counsel a client to engage, or assist a client, in conduct that the lawyer knows is criminal or fraudulent, but a lawyer may discuss the legal consequences of any proposed course of conduct with a client and may counsel or assist a client to make a good faith effort to determine the validity, scope, meaning or application of the law.

(e) Notwithstanding subsection (d), a lawyer may counsel or assist a client regarding conduct expressly permitted by South Dakota Cannabis laws, even if the same conduct violates federal law, but the lawyer must inform the client that the conduct violates federal law and advise the client about the legal consequences under federal law of the client's proposed course of conduct.

IT IS FURTHER ORDERED that this rule become effective immediately.

DATED at Pierre, South Dakota, this 1st day of September, 2021.

Chapter 251

SCR 21-10

SUPREME COURT RULES AND ORDERS

IN THE SUPREME COURT
OF THE

STATE OF SOUTH DAKOTA

* * * *

IN THE MATTER OF THE AMENDMENT OF SDCL 19-19-404(b)	RULE 21-10
--	------------

A hearing was held on August 24, 2021, at Pierre, South Dakota, relating to the amendment of SDCL 19-19-404(b) and the Court having considered the proposed amendment, oral presentation relating thereto and being fully advised in the premises, now, therefore, it is

ORDERED that SDCL 19-19-404(b) be and it is hereby amended to read in its entirety as follows:

SDCL 19-19-404(b).

(b) Other Crimes crimes, wrongs, or other acts.

- (1) Prohibited Uses. Evidence of a any other crime, wrong, or ~~other~~ act is not admissible to prove a person’s character in order to show that on a particular occasion the person acted in accordance with the character.
- (2) Permitted uses; ~~notice in a criminal case.~~ This evidence may be admissible for another purpose, such as proving motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake, or lack of accident. ~~On request by a defendant in a criminal case, the prosecutor must:~~
- ~~(3) Notice in a criminal case. In a criminal case, the prosecutor must:~~
 - (A) Provide reasonable notice ~~of the general nature~~ of any such evidence that the prosecutor intends to offer at trial, so that the defendant has a fair opportunity to meet it; and
 - (B) Articulate in the notice the permitted purpose for which the prosecutor intends to offer the evidence and the reasoning that supports the purpose; and
 - (C) Do so in writing before trial – or in any form during trial if the court, for good cause, excuses lack of pretrial notice.

IT IS FURTHER ORDERED that this rule become effective January 1, 2022.

DATED at Pierre, South Dakota, this 1st day of September, 2021.

Chapter 252

SCR 21-11

SUPREME COURT RULES AND ORDERS

IN THE SUPREME COURT
OF THE

STATE OF SOUTH DAKOTA

* * * *

IN THE MATTER OF THE AMENDMENT OF SDCL 19-19-807	RULE 21-11
---	------------

A hearing was held on August 24, 2021, at Pierre, South Dakota, relating to the amendment of SDCL 19-19-807 and the Court having considered the proposed amendment, oral presentation relating thereto and being fully advised in the premises, now, therefore, it is

ORDERED that SDCL 19-19-807 be and it is hereby amended to read in its entirety as follows:

SDCL 19-19-807. Residual exception.

(a) In general. Under the following ~~circumstances-conditions~~, a hearsay statement is not excluded by the rule against hearsay even if the statement is not ~~specifically covered by~~ admissible under a hearsay exception in § 19-19-803 or 19-19-804.

- (1) ~~The statement has equivalent circumstantial guarantees of trustworthiness~~ is supported by sufficient guarantees of trustworthiness--after considering the totality of circumstances under which it was made and evidence, if any, corroborating the statement; and
- (2) ~~It is offered as evidence of a material fact;~~
- (3) ~~It is more probative on the point for which it is offered than any other evidence that the proponent can obtain through reasonable efforts;~~ and,
- (4) ~~Admitting it will best serve the purposes of these rules and the interests of justice.~~

(b) Notice. The statement is admissible only if, ~~before the trial or hearing,~~ the proponent gives an adverse party reasonable notice of the intent to offer the statement ~~and its particulars, including the declarant's name and address;--including its substance and the declarant's name--~~ so that the party has a fair opportunity to meet it. The notice must be provided in writing before the trial or hearing--or in any form during the trial or hearing if the court, for good cause, excuses a lack of earlier notice.

IT IS FURTHER ORDERED that this rule become effective January 1, 2022.

DATED at Pierre, South Dakota, this 1st day of September, 2021.

Chapter 253
 SCR 21-12

SUPREME COURT RULES AND ORDERS

IN THE SUPREME COURT
 OF THE

STATE OF SOUTH DAKOTA
 * * * *

IN THE MATTER OF THE AMENDMENT OF SDCL 23A-44-5.1	RULE 21-12
--	------------

A hearing was held on August 24, 2021, at Pierre, South Dakota, relating to the amendment of SDCL 23-44-5.1 and the Court having considered the proposed amendment, oral presentation relating thereto and being fully advised in the premises, now, therefore, it is

ORDERED that SDCL 23A-44-5.1 be and it is hereby amended to read in its entirety as follows:

SDCL 23A-44-5.1. Time allowed for disposition of criminal case--Periods excluded--Dismissal.

(1) Every person indicted, informed or complained against for any offense shall be brought to trial within one hundred eighty days, and such time shall be computed as provided in this section.

(2) Such one hundred eighty day period shall commence to run from the date the defendant has first appeared before a judicial officer on an indictment, information or complaint.

(3) If such defendant is to be tried again following a mistrial, an order for a new trial, or an appeal or collateral attack, such period shall commence to run from the date of the mistrial, filing of the order granting a new trial, or the filing of the mandate on remand.

(4) The following periods shall be excluded in computing the time for trial:

(a) The period of delay resulting from other proceedings concerning the defendant, including but not limited to an examination and hearing on competency and the period during which he is incompetent to stand trial; the time from filing until final disposition of pretrial motions of the defendant, including motions brought under § 23A-8-3; motions for a change of venue; and the time consumed in the trial of other charges against the defendant;

(b) The period of delay resulting from a continuance granted at the request or with the consent of the defendant or his counsel provided it is approved by the court and a written order filed. A defendant without counsel shall not be deemed to have consented to a continuance unless he has been advised by the court of his right to a speedy trial and the effect of his consent;

(c) The period of delay resulting from a continuance granted by the court at the request of the prosecuting attorney if the continuance is granted because of the unavailability of evidence material to the state's case, when the prosecuting attorney has exercised due diligence to obtain such evidence and there are reasonable grounds to believe that such evidence will be available at the later date and provided a written order is filed;

(d) The period of delay resulting from the absence or unavailability of the defendant;

(e) A reasonable period of delay when the defendant is joined for trial with a codefendant as to whom the time for trial has not run and there is good cause for not granting a severance. In all other cases the defendant shall be granted a severance so that he may be tried within the time limits applicable to him;

(f) The period of delay resulting from a change of judge or magistrate obtained by the defendant under chapter 15-12; ~~and~~

(g) The period of delay during the declaration of a judicial emergency by the Supreme Court pursuant to chapter 16-3 which shall be retroactive to the date the judicial emergency is declared; and

~~(h)~~ Other periods of delay not specifically enumerated herein, but only if the court finds that they are for good cause. A motion for good cause need not be made within the one hundred eighty day period.

(5) If a defendant is not brought to trial before the running of the time for trial, as extended by excluded periods, prejudice to the defendant is presumed. Unless the prosecuting attorney rebuts the presumption of prejudice, the defendant shall be entitled to a dismissal with prejudice of the offense charged and any other offense required by law to be joined with the offense charged.

IT IS FURTHER ORDERED that this rule become effective immediately.

DATED at Pierre, South Dakota, this 1st day of September, 2021.

Chapter 254

SCR 22-01

SUPREME COURT RULES AND ORDERS

IN THE SUPREME COURT
OF THE

STATE OF SOUTH DAKOTA

* * * *

IN THE MATTER OF THE AMENDMENT OF SDCL 15-5A-1	RULE 22-01
---	------------

A hearing was held on November 9, 2021, at Pierre, South Dakota, relating to the amendment of SDCL 15-5A-1 and the Court having considered the proposed amendment, oral presentation relating thereto and being fully advised in the premises, now, therefore, it is

ORDERED that SDCL 15-5A-1 be and it is hereby amended to read in its entirety as follows:

SDCL 15-5A-1. General provisions.

Whenever a proceeding in civil or criminal court is permitted under these rules to be conducted by interactive audiovisual device, the device shall enable a judge or magistrate to see and converse simultaneously with the parties, their counsel or other persons including witnesses. The interactive audiovisual signal shall be transmitted live and shall be secure from interception through lawful means by anyone other than the persons participating in the proceeding.

Parties and witnesses appearing by means of an interactive audiovisual device at proceedings authorized under this chapter to be conducted by such device are

deemed to be present at the proceedings. Proceedings conducted by interactive audiovisual device under this chapter are also deemed to be conducted in open court unless otherwise closed to the public pursuant to statute.

A judge or any other person authorized by law to administer oaths may administer an oath to a witness who is not personally present but who is appearing by means of the interactive audiovisual device. The provisions of SDCL § 22-29-1 shall apply even though the person taking the oath was not personally present before the person administering the oath, and prosecution for perjury shall take place in the jurisdiction of the tribunal receiving the interactive audiovisual testimony.

If ~~a party~~ parties and their counsel are at different locations, arrangements must be made so that they can communicate privately. Facilities must be available so that any documents filed or referred to during the interactive audiovisual communication, or required to be provided to a ~~defendant party, his or her counsel, or a witness~~ prior to or during the proceeding, may be transmitted electronically, including, but not limited to, facsimile, personal computers, other terminal devices, and local, state, and national data networks. Any documents furnished by means of such an electronic data transmission may be served or executed by the person to whom it is sent, and returned in the same manner, and with the same force, effect, authority, and liability as an original document. All signatures on the electronic data transmissions shall be treated as original signatures.

Nothing contained herein shall be construed as affecting a defendant's right to waive counsel.

IT IS FURTHER ORDERED that this rule become effective February 1, 2022.

DATED at Pierre, South Dakota, this 5th day of January, 2022.

Chapter 255
SCR 22-02

SUPREME COURT RULES AND ORDERS

IN THE SUPREME COURT
OF THE

STATE OF SOUTH DAKOTA

* * * *

IN THE MATTER OF THE AMENDMENT OF SDCL 15-26A-87.1	RULE 22-02
---	------------

A hearing was held on November 9, 2021, at Pierre, South Dakota, relating to the amendment of SDCL 15-26A-87.1 and the Court having considered the proposed amendment, oral presentation relating thereto and being fully advised in the premises, now, therefore, it is

ORDERED that SDCL 15-26A-87.1 be and it is hereby amended to read in its entirety as follows:

**SDCL 15-26A-87.1. Disposition on briefs and record--Grounds--
Citation of decisions restricted.**

(A) After all briefs have been filed in any appeal, the Supreme Court by unanimous action may, sua sponte, enter an order or memorandum opinion affirming the judgment or order of the trial court for the reason that it is manifest on the face of the briefs and the record that the appeal is without merit because:

- (1) The issues are clearly controlled by settled South Dakota law or federal law binding upon the states;
- (2) The issues are factual and there clearly is sufficient evidence to support the jury verdict or findings of fact below; ~~or~~
- (3) The issues are ones of judicial discretion and there clearly was not an abuse of discretion; ~~or~~
- (4) Other good cause exists for summary affirmance, in which case the order or memorandum shall contain a succinct statement of the reason for affirmance.

(B) Notwithstanding the provision in section (A) requiring unanimous action, an order or memorandum opinion affirming the judgment or order of the trial court may be entered pursuant to subsections (1) through ~~(3)~~ (4) of section (A) on a majority vote, even though the claim may have merit in the view of the minority, provided that all justices participating in the action shall agree that such summary disposition of the action may be made.

(C) After all briefs have been filed in any appeal, the Supreme Court by unanimous action may, sua sponte, enter an order or memorandum opinion reversing the judgment or order of the trial court for the reason that it is manifest on the face of the briefs and the record that it is clear the order or judgment is ~~clearly~~ erroneous for one or more of the following reasons:

- (1) Summary judgment was erroneously granted because a genuine issue of material fact exists;
- (2) The judgment or order was clearly contrary to settled South Dakota law or federal law binding upon the states; ~~or~~
- (3) The issue on appeal is one of judicial discretion and there clearly was an abuse of discretion; ~~or~~
- (4) Other good cause exists for summary reversal, in which case the order or memorandum shall contain a succinct statement of the reason for reversal.

(D) Notwithstanding the provision in section (C) requiring unanimous action, an order or memorandum opinion reversing the judgment or order of the trial court may be entered pursuant to subsections (1) through ~~(3)~~ (4) of section (C) on a majority vote, even though the claim may have merit in the view of the minority, provided that all justices participating in the action shall agree that such summary disposition of the action may be made.

(E) A list indicating the disposition of all decisions rendered by the Supreme Court under this section shall be published quarterly in the Northwestern Reporter. Such decisions shall not be cited or relied upon as authority in any litigation in any court in South Dakota except when the decision establishes the law of the case, res judicata or collateral estoppel, or in a criminal action or proceeding involving the same defendant or a disciplinary action or proceeding involving the same person.

A petition for rehearing of a cause decided under this section may be served and filed pursuant to the provisions of § 15-30-4.

Costs in favor of the prevailing party shall be assessed as provided in chapter 15-30.

IT IS FURTHER ORDERED that this rule become effective February 1, 2022.

DATED at Pierre, South Dakota, this 5th day of January, 2022.

Chapter 256
SCR 22-03

SUPREME COURT RULES AND ORDERS

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

* * * *

IN THE MATTER OF THE AMENDMENT OF SDCL 15-30-1	RULE 22-03
---	------------

A hearing was held on November 9, 2021, at Pierre, South Dakota, relating to the amendment of SDCL 15-30-1 and the Court having considered the proposed amendment, oral presentation relating thereto and being fully advised in the premises, now, therefore, it is

ORDERED that SDCL 15-30-1 be and it is hereby amended to read in its entirety as follows:

SDCL 15-30-1. Remand to trial court to permit motion for new trial.

Whenever, after appeal to the Supreme Court, it shall appear to the satisfaction of the Supreme Court upon application of a party that the ends of justice require that such party should be permitted to make a motion for a new trial for a cause set forth in subdivision 15-6-59(a)(1), (2), (3), or (4), and that sufficient excuse exists for not having made said motion prior to the appeal, the Supreme Court may remand the record to the trial court for the purpose of making such motion, but no such remand shall be made unless such motion can be made and hearing thereon had in the trial court within sixty days from and after the date on which the time for appeal commences unless the Supreme Court extends the time for good cause shown.

IT IS FURTHER ORDERED that this rule become effective February 1, 2022.

DATED at Pierre, South Dakota, this 5th day of January, 2022.

Chapter 257

SCR 22-04

SUPREME COURT RULES AND ORDERS

IN THE SUPREME COURT
OF THE

STATE OF SOUTH DAKOTA

* * * *

IN THE MATTER OF THE AMENDMENT OF THE COMMENTARY TO CANON 3(B)(5) AND (6) CONTAINED IN APPENDIX A TO SDCL CH. 16-2 SOUTH DAKOTA CODE OF JUDICIAL CONDUCT	RULE 22-04
--	------------

A hearing was held on November 9, 2021, at Pierre, South Dakota, relating to the amendment of the commentary to Canon 3(B)(5) and (6) contained in appendix A to SDCL Chapter 16-2 South Dakota Code of Judicial Conduct to clarify the responsibilities and expectations for members or the judiciary related to sexual harassment or sexual misconduct and the Court having considered the proposed amendment, oral presentation relating thereto and being fully advised in the premises, now, therefore, it is

ORDERED that the commentary to Canon 3(B)(5) and (6) contained in appendix A to SDCL Chapter 16-2 South Dakota Code of Judicial Conduct be amended to read in its entirety as follows:

CANON 3 A Judge Shall Perform the Duties of Judicial Office Impartially and Diligently.

B. Adjudicative Responsibilities.

Canon 3(B)(5) and (6)

(5) A judge shall perform judicial duties without bias or prejudice. A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, including but not limited to bias or prejudice based upon race, sex, religion, national origin, disability or age, and shall not permit staff, court officials and others subject to the judge's direction and control to do so.

(6) A judge shall require* lawyers in proceedings before the judge to refrain from manifesting, by words or conduct, bias or prejudice based upon race, sex, religion, national origin, disability or age, against parties, witnesses, counsel or others. This Section 3B(6) does not preclude legitimate advocacy when race, sex, religion, national origin, disability or age, or other similar factors, are issues in the proceeding.

B(5) and (6) COMMENTARY

A judge must refrain from speech, gestures or other conduct that could reasonably be perceived as sexual harassment or sexual misconduct and must require the same standard of conduct of others subject to the judge's direction and control. Sexual harassment or sexual misconduct by a judge while engaging in judicial or

administrative responsibilities or any law-related functions undermines the confidence in the legal profession and the legal system and, as a result, is prejudicial to the administration of justice. Sexual harassment or sexual misconduct includes unwelcome sexual advances, requests for sexual favors, and other objectively offensive verbal or physical conduct or communications sexual in nature.

A judge must perform judicial duties impartially and fairly. A judge who manifests bias on any basis in a proceeding impairs the fairness of the proceeding and brings the judiciary into disrepute. Facial expression and body language, in addition to oral communication, can give to parties or lawyers in the proceeding, jurors, the media and others an appearance of judicial bias. A judge must be alert to avoid behavior that may be perceived as prejudicial.

IT IS FURTHER ORDERED that this rule become effective February 1, 2022.

DATED at Pierre, South Dakota, this 5th day of January, 2022.

Chapter 258
SCR 22-05

SUPREME COURT RULES AND ORDERS

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

* * * *

<p>IN THE MATTER OF THE ADOPTION TO MANDATE SEXUAL HARASSMENT PREVENTION TRAINING FOR JUDGES TO BE ADDED TO A NEW SECTION OF SDCL CH. 16-14 JUDICIAL CONFERENCE</p>	<p>RULE 22-05</p>
---	-------------------

A hearing was held on November 9, 2021, at Pierre, South Dakota, relating to mandating sexual harassment prevention training for judges to be added to a new section to SDCL Chapter 16-14, Judicial Conference and the Court having considered the proposed adoption, oral presentation relating thereto and being fully advised in the premises, now, therefore, it is

ORDERED that the adoption to mandate sexual harassment prevention training for judges to be added to a new section to SDCL Chapter 16-14 Judicial Conference be hereby adopted to read in its entirety as follows:

Sexual Harassment Prevention Training for Judges.

Every judge or retired judge acting pursuant to an appointment by the Chief Justice shall complete sexual harassment prevention training offered by the Unified Judicial System or approved by the Chief Justice within two years after the enactment of this rule or after beginning judicial service and at least once every three years thereafter. Completion of sexual harassment prevention training approved by the State

Bar will meet the requirements of this rule. Failure to complete such required training may be grounds for disciplinary action.

IT IS FURTHER ORDERED that this rule become effective February 1, 2022.

DATED at Pierre, South Dakota, this 5th day of January, 2022.

Chapter 259

SCR 22-06

SUPREME COURT RULES AND ORDERS

IN THE SUPREME COURT
OF THE

STATE OF SOUTH DAKOTA

* * * *

<p>IN THE MATTER OF THE ADOPTION TO MANDATE SEXUAL HARASSMENT PREVENTION TRAINING FOR LAWYERS TO BE ADDED TO A NEW SECTION TO SDCL CH. 16-18 POWERS AND DUTIES OF ATTORNEYS</p>	<p>RULE 22-06</p>
---	-------------------

A hearing was held on November 9, 2021, at Pierre, South Dakota, relating to mandating sexual harassment prevention training for attorneys to be added to a new section to SDCL Chapter 16-18, powers and duties of attorneys and the Court having considered the proposed adoption, oral presentation relating thereto and being fully advised in the premises, now, therefore, it is

ORDERED that the adoption to mandate sexual harassment prevention training for attorneys to be added to a new section to SDCL Chapter 16-18, powers and duties of attorneys be hereby adopted to read in its entirety as follows:

Sexual Harassment Prevention Training for Attorneys.

Each active member of the State Bar of South Dakota shall complete sexual harassment prevention training offered or approved by the State Bar of South Dakota within two years following admission to the practice of law or within two years after the enactment of this rule, and once every three years thereafter. Failure to complete such required training will result in the member being placed on inactive status and may be grounds for disciplinary action.

IT IS FURTHER ORDERED that this rule become effective February 1, 2022.

DATED at Pierre, South Dakota, this 5th day of January, 2022.

Chapter 260
SCR 22-07

SUPREME COURT RULES AND ORDERS

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

* * * *

IN THE MATTER OF THE AMENDMENT OF SDCL 15-12-30	RULE 22-07
--	------------

A hearing was held on February 15, 2022, at Pierre, South Dakota, relating to the amendment of SDCL 15-12-30 and the Court having considered the proposed amendment, oral presentation relating thereto and being fully advised in the premises, now, therefore, it is

ORDERED that SDCL 15-12-30 be and it is hereby amended to read in its entirety as follows:

SDCL 15-12-30. Filing of affidavit-Copies.

Section 1.

The affidavit for change of circuit judge or magistrate shall be filed with the clerk of the circuit court of the county in which the action is pending. The clerk shall deliver a copy of such affidavit to the presiding judge of the circuit. ~~Unless the presiding judge of the circuit court involved has otherwise provided by order or rule to the contrary, the clerk shall forthwith prepare and cause to be delivered to the presiding judge of his circuit a statement complying with subdivision 15-12-34(3) together with a copy of such affidavit.~~ Such clerk shall also forthwith deliver a copy of such affidavit to the judge or magistrate referred to in said affidavit.

IT IS FURTHER ORDERED that this rule become effective July 1, 2022.

DATED at Pierre, South Dakota, this 28th day of February, 2022.

Chapter 261
SCR 22-08

SUPREME COURT RULES AND ORDERS

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

* * * *

IN THE MATTER OF THE ADOPTION OF A NEW SECTION TO SDCL CH. 15-15A	RULE 22-08
--	------------

A hearing was held on February 15, 2022, at Pierre, South Dakota, relating to the adoption of a new section to SDCL Ch. 15-15A and the Court having considered the proposed adoption, oral presentation relating thereto and being fully advised in the premises, now, therefore, it is

ORDERED that the new section be added to SDCL Ch. 15-15A, Unified Judicial System Court Record Rule, it is hereby adopted to read in its entirety as follows:

Section 1.

Any information maintained by the Unified Judicial System for safeguarding and enhancing court security is not accessible to the public unless authorized by an order of the court. This includes information pertaining to the protection of the public, court staff and public property such as:

- a. Any vulnerability or threat assessments;
- b. Response plans intended to prevent or mitigate criminal acts;
- c. Emergency management or response protocols or standards;
- d. Training materials or after-action reports for courthouse security training and assessment;
- e. Intelligence information, complaints, and incident or threat reporting forms; and
- f. Security manuals, standards, procedures, policies, or plans.

IT IS FURTHER ORDERED that this rule become effective immediately.

DATED at Pierre, South Dakota, this 28th day of February, 2022.

Chapter 262

SCR 22-09

SUPREME COURT RULES AND ORDERS

IN THE SUPREME COURT
 OF THE

STATE OF SOUTH DAKOTA

* * * *

IN THE MATTER OF THE ADOPTION OF A RULE REQUIRING COURT-APPROVED PARENTING EDUCATION FOR ACTIONS INVOLVING ISSUES OF CHILD CUSTODY OR VISITATION	RULE 22-09
--	------------

A hearing was held on February 15, 2022, at Pierre, South Dakota, relating to requiring court-approved parenting education for actions involving issues of child

custody or visitation and the Court having considered the proposed adoption, oral presentation relating thereto and being fully advised in the premises, now, therefore, it is

ORDERED that the adoption of a new rule requiring court-approved parenting education for actions involving issues of child custody or visitation be and it is hereby adopted to read in its entirety as follows:

Court-approved parenting education for actions involving issues of child custody or visitation.

The parties to any action which involves the issues of child custody or parenting time will be required to participate in a court-approved course to educate the parties concerning the impact of the action on the child or children. The course shall be completed within sixty days of the service of the summons and complaint, petition or motion in any action involving child custody or parenting time. Participation in the course may only be waived or delayed by the judge presiding over the action for good cause shown. Good cause includes but is not limited to a default by one of the parties or a showing that the parties have previously participated in a court-approved course or its equivalent within the past five years.

Participation in the course is not required for a protection order proceeding or if the proceeding involves termination of parental rights of any of the parties. A final decree shall not be granted or a final order shall not be entered until both parties have complied with this requirement, unless participation in the course is waived or delayed for good cause or is otherwise not required. Each party shall be responsible for arranging their participation in the course and for payment of the costs of participation in the course.

Each party shall submit certification of completion of the course to the court prior to the granting of a final decree or the entry of an order, unless participation in the course is waived or delayed for good cause or is otherwise not required as set forth herein. If participation in the court-approved course is waived or delayed for good cause or is otherwise not required under this section, the judge presiding over the action may order that the parties receive the information in an alternative format.

The State Court Administrator's Office shall certify approved courses for parties required to participate in a course. Approved courses may include those provided by a public or private entity. At a minimum and as appropriate, an approved course shall include information related to the effects of separation or divorce on children, co-parenting skills and responsibilities, children's needs and coping techniques, the options for conflict resolution for parenting time and custodial disputes and the financial responsibilities of parents.

IT IS FURTHER ORDERED that this rule become effective September 1, 2022.

DATED at Pierre, South Dakota, this 28th day of February, 2022.

Chapter 263**SCR 22-10****SUPREME COURT RULES AND ORDERS**

IN THE SUPREME COURT
OF THE

STATE OF SOUTH DAKOTA

* * * *

IN THE MATTER OF THE REVISIONS TO APPENDIX A TO CHAPTER 25-4A SOUTH DAKOTA PARENTING GUIDELINES.	RULE 22-10
--	------------

A hearing was held on February 15, 2022, at Pierre, South Dakota, relating to the proposed revisions to Appendix A to Chapter 25-4a, South Dakota Parenting Guidelines and the Court having considered the proposed adoption, oral presentation relating thereto and being fully advised in the premises, now, therefore, it is

ORDERED that the proposed revisions to Appendix A to Chapter 25-4a, South Dakota Parenting Guidelines, be and they are hereby adopted to read in their entirety as hereto attached:

South Dakota Parenting Guidelines

Enforcement.

These Guidelines are required to be served with the Summons and Complaint in a divorce, paternity action or any other custody action or proceeding. See <https://ujslawhelp.sd.gov/onlineforms.aspx> under divorce or paternity actions for instructions on how to initiate an action (service of summons).

If the parents are able to agree to a schedule other than the guidelines, these Guidelines should be used as a *minimum* direction in creating the parenting time plan. Parents should agree to parenting times that they find reasonable and in the best interest of their children and the Parenting Guidelines are not intended to prevent such agreements.

If the parents are unable to agree on a parenting plan, these Guidelines become mandatory as the parenting plan and are enforceable as a court order upon initiation of a divorce or court action involving custody. SDCL 25-4A-11.

If you disagree with the use of these Guidelines as your parenting time plan, either parent has the right to object. Your written objection shall be filed with the Clerk. After it is filed, a hearing will be held and the Judge will determine your parenting time schedule. Instructions and this objection form can be found at <https://ujslawhelp.sd.gov/defendants.aspx>.

Instructions and forms regarding enforcement can be found at <https://ujslawhelp.sd.gov/enforcement.aspx>.

Guideline 1. For Parents Who Have Children Under Age 5.

1.1. Children Under Age 5 Generally.

- O Newborns (birth to 3 months) and infants (3 – 6 months) have a great need for continuous contact with their primary caregiver, but also frequent contact with both parents who provide a sense of security, nurturing and predictability.
- O Generally, overnights for very young children is not recommended unless the parents are both very closely attached to the children, are able to personally provide primary care, the children are adaptable, and the parents are cooperative.
- O Older children are able to tolerate more and longer separations from one parent or the other.

The following Guidelines for children under age 5 are designed to take into account childhood developmental milestones. Since children mature at different rates, these may need to be adjusted to fit the children’s individual circumstances.

1.2. Birth until 3 Months. Three, 2-hour parenting time periods per week and one weekend parenting time period for 6 hours. In situations where both parents have been engaged in an ongoing caregiving routine with a nursing child, overnights are allowed to continue as much as possible to provide the same caregiving arrangement to the child and maintain stability for the child. If applicable, breastfeeding shall be accommodated, but the parents must cooperate in working out alternatives. See 1.8 below.

1.3. 3 – 6 Months. Recognizing the amount of time each parent spent with the children prior to the parents’ separation and/or since that time, alternative parenting plans are recommended:

- (1) Three, 3-hour custodial periods per week and one weekend day for 6 hours. If applicable, breast feeding shall be accommodated but the parents must cooperate in working out alternatives; or
- (2) Three, 3-hour custodial periods per week and one overnight on a weekend not to exceed 18 hours, if the parent is capable of personally providing primary care. See exceptions in Section 1.8 below; or
- (3) In situations where both parents have been engaged in an ongoing caregiving routine with a child, overnights are allowed to continue as much as possible to provide the same caregiving arrangement to the children and maintain stability for the children.

1.4. 6 – 12 Months. Recognizing the amount of time each parent spent with the children prior to the parents’ separation and/or since that time, alternative parenting times are recommended:

- (1) Three, 4-hour parenting time periods per week and one weekend day for 6 hours; or
- (2) Three, 4-hour parenting time periods per week and one overnight on a weekend not to exceed 18 hours, if the child is not breastfeeding and the parent is capable of personally providing primary care; or

- (3) Children spend time in alternate homes, but spends significantly more time in one parent's home and no more than 1-2 overnights spaced regularly throughout the week at the other parent's home; or
- (4) In situations where both parents have been engaged in an ongoing caregiving routine with a child, overnights are allowed to continue as much as possible to provide the same caregiving arrangement to the children and maintain stability for the children.

1.5. 12 – 36 Months. Recognizing the amount of time each parent spent with the children prior to the parents' separation and/or since that time, alternative parenting times are recommended:

- (1) Three, 8-hour parenting time periods per week on a predictable schedule; or
- (2) Three, 8-hour parenting time periods per week on a predictable schedule and one overnight per week not to exceed 18 hours; or
- (3) Children spends time in alternate homes, but with significantly more time in one parent's home with 1-2 overnights spaced regularly throughout the week. This arrangement requires adaptable children; or
- (4) In situations where both parents have been engaged in an ongoing caregiving routine with the children (nursing or otherwise), overnights are allowed to continue as much as possible to provide the same caregiving arrangement to the children and maintain stability for the children.

1.6. 3 Years – 5 Years. Recognizing the amount of time each parent spent with the children prior to the parents' separation and/or since that time, alternative parenting times are recommended:

- (1) One overnight parenting time period not to exceed 24 hours and two additional 8-hour parenting time periods each week, separate from the overnight, with the children returning to the other parent's home at least 1 hour before bedtime; or
- (2) Two to three overnights at one home, spaced throughout the week, the remaining time at the other parent's home. This arrangement requires adaptable children; or
- (3) In situations where both parents have been engaged in an ongoing caregiving routine with the children, overnights are allowed to continue as much as possible to provide the same caregiving arrangement to the children and maintain stability for the children.

If the parents cannot agree on which provision shall apply in sections 1.2 through 1.6, the parties shall use option 1 until further order of the court. Absent special circumstances as determined by the court, parenting time shall not decrease from one age category to the next.

1.7. Children in Day Care. In families where children are in day care before and/or after parental separation, the children may be able to tolerate more time with each parent earlier than their specific age group indicates above because the children are accustomed to separations from both parents.

1.8. Breastfeeding Children. – Parents must be sensitive to the special needs of breastfeeding children. Children's basic sleeping, feeding, and waking cycles should be

maintained to limit disruption in the children’s routine. Forcibly changing these routines due to the upheaval of parental disagreement is detrimental to the physical health and emotional well-being of the children. On the other hand, it is important that the children be able to bond with both parents.

- a. For children being exclusively breastfed, the nursing child can still have frequent parenting time with the other parent. The amount of time will be guided by/subject to the infant’s feeding schedule, progressing to more time as the child grows older. Both parents should be mindful that a feeding may occur, and the child may return to time with the other parent after the feeding.
- b. Where both parents have been engaged in an ongoing caregiving routine with a nursing child, the same caregiving arrangement should be continued as much as possible to maintain stability for the children.
- c. If the other parent has been caring for the children overnight or for twenty-four hour periods while the nursing mother sleeps or works, that arrangement should/shall continue.
- d. A mother may not use breastfeeding to deprive the other parent of time with the children. If, for example, a nursing mother uses day care or a babysitter for the children, the same accommodations (i.e., bottle feeding with breast milk or formula, or increased time between breast feeding sessions) used with the day care provider or babysitter will be used with the other parent, if the other parent is capable of personally providing the same caregiving.

1.9. Holidays. For children aged 0-5 years, when the parents live and/or celebrate the holiday in the same or a nearby community, the parents shall alternate the following holidays in the chart below. Prior to a child’s 5th birthday, holiday parenting time shall not exceed the longest period of parenting time currently being exercised and shall be scheduled by the parent exercising holiday time. If the parents cannot otherwise agree, the holiday time shall be exercised within the time frames provided in the chart below not to exceed the longest period of parenting time currently being exercised. It is recommended that the parents communicate two weeks in advance about who is exercising what time period for the holidays set forth below. Parenting time, however, shall not be withheld solely for failure to abide by this two-week recommendation.

Holiday	Details	Even-Numbered Years	Odd-Numbered Years
Martin Luther King, Jr. Day weekend	5:00 p.m. Friday – 8:00 a.m. Tuesday	Parent 2	Parent 1
President’s Day weekend	5:00 p.m. Friday – 8:00 a.m. Tuesday	Parent 1	Parent 2
Easter weekend	8:00 a.m. Friday – 8:00 a.m. Monday	Parent 2	Parent 1
Mother’s Day	8:00 a.m. – 8:00 a.m. the following day	Parent 1	Parent 1
Memorial Day	5:00 p.m. Friday – 8:00 a.m. Tuesday	Parent 2	Parent 1
Juneteenth (6/19)	8:00 a.m. – 8:00 a.m. the following day	Parent 1	Parent 2
Father’s Day	8:00 a.m. – 8:00 a.m. the following day	Parent 2	Parent 2
4 th of July	5:00 p.m. July 3rd – 5:00 p.m. July 5th	Parent 1	Parent 2
Labor Day	5:00 p.m. Friday – 8:00 a.m. Tuesday	Parent 1	Parent 2
Native American Day	5:00 p.m. Friday – 8:00 a.m. Tuesday	Parent 2	Parent 1
Halloween	3:00 p.m. – 8:00 p.m.	Parent 1	Parent 2
Thanksgiving	8:00 a.m. Thursday – 5:00 p.m. Sunday	Parent 2	Parent 1
Christmas Eve	8:00 a.m. Christmas Eve – 8:00 a.m.	Parent 2	Parent 1

	Christmas Day		
Christmas Day	8:00 a.m. Christmas Day – 8:00 a.m. December 26th	Parent 1	Parent 2
Child’s Birthday	Ages 0-3 = 4 hours Ages 3-5 = 8 a.m. on date of birthday – 8:00 a.m. the next day (If the birthday falls on a holiday, the parenting time for the birthday shall take place the day before)	Parent 2	Parent 1
Parent 2’s Birthday	Ages 0-3 = 4 hours Ages 3-5 = 8 a.m. on date of birthday – 8:00 a.m. the next day (If the birthday falls on a holiday, the parenting time for the birthday shall take place the day before)	Parent 2	Parent 2
Parent 1’s Birthday	Ages 0-3 = 4 hours Ages 3-5 = 8 a.m. on date of birthday – 8:00 a.m. the next day (If the birthday falls on a holiday, the parenting time for the birthday shall take place the day before)	Parent 1	Parent 1

1.10. Vacation With Children 3 – 5 Years Old. Upon 30 days advance written notice (by mail, email or text message), each parent is entitled to two separate periods of uninterrupted time for up to 5 days each with their children each year, not to conflict with the other parent’s holiday parenting time. Parents are encouraged to coordinate vacation plans. The parents shall consider extending the 5 day time periods to 7 days if the children are adaptable and accustomed to spending time with both parents.

1.11. Long-Distance Parenting. When substantial distance between the parents exists, the ability to exercise these Guidelines is compromised. The parents will need to create a developmentally appropriate parenting plan for their unique situation. When parenting time is unable to be frequent, parents are encouraged to use video/audio contact to build and/or maintain the bond between the children and parent who lives afar.

Guideline 2. For Parents Who Have Children Age 5 and Older And Reside No More Than 200 Miles Apart.

2.1. Weekends. In most cases, it is a positive experience for the children to have both parents involved in taking the children to and from school. Parenting time shall consist of alternate weekends starting Friday upon the release of school or 3:15 p.m., whichever is applicable, and continuing until the return to school Monday or 8:00 a.m., whichever is applicable. Parenting time shall be an equivalent period of time if a parent is unavailable on weekends and the children do not miss school.

2.2. Mid-Week. If time and distance allow, parenting time shall include one mid-week overnight every week, in addition to the weekends in 2.1 above, with the children. If the parents cannot otherwise agree, this mid-week time shall be on Wednesdays and shall start when the children are released from school or at 3:15 p.m., whichever is applicable, and concludes when the children are returned to school the next day or at 8:00 a.m., whichever is applicable. All transportation for the midweek parenting time is the responsibility of the parent exercising the parenting time.

2.3. Summer Break. The children shall be with each parent for one-half of the school summer break. Summer break begins the day after school is released and ends the day before school commences. The parent with whom the children reside the majority of the time during the school year has priority to have the children the week before

school resumes, which counts as part of that parent’s summer break. At the option of the other parent, his/her parenting time during summer break may be consecutive or it may be split into 2 or more blocks of time. This parent shall provide a minimum of 30 days advance notice of the dates selected.

If the children go to summer school and it is impossible for a parent to schedule time other than during summer school, the parent may elect to take the time when the children are in summer school and transport the children to the summer school sessions at the children’s school or an equivalent summer school session in that parent’s community.

The parent with whom the children reside for the majority of the school year shall have the weekend before the beginning and the weekend after the end of the other parent’s summer period, regardless of whose weekend it may be. This weekend time will not be made up.

During any summer vacation parenting times of three or more consecutive weeks, the parent exercising parenting time shall arrange for a mutually convenient 48-hour continuous period of time for the other parent to spend with the children.

2.4. Holidays. The following chart shows the allocation of the holidays between parents. School breaks and release times may be different from school to school and district to district. The school calendar is published on your children’s school’s website before each school year starts. It is important to know these dates / times as they pertain to your children.

Holiday / Special Event	Details / Times	Even-Numbered Years	Odd-Numbered Years
Martin Luther King Jr. Day weekend	Starts when school is released on Friday or 3:15 p.m., whichever is applicable and ends when the children are returned to school on Tuesday or at 8:00 a.m., whichever is applicable.	Parent 2	Parent 1
President’s Day weekend	Starts when school is released on Friday or 3:15 p.m., whichever is applicable and ends when the children are returned to school on Tuesday or at 8:00 a.m., whichever is applicable.	Parent 1	Parent 2
Easter weekend	Starts when school is released for the holiday weekend and ends at 8:00 a.m. on the day school recommences after the holiday weekend.	Parent 2	Parent 1
Spring Break, if one is designated separately from Easter	Starts when school is released for Spring Break and ends at 8:00 a.m. on the day school begins after the break. If a spring break is not granted by the school, this provision would not apply. Also, if the spring break is combined with Easter, this provision would not apply.	Parent 1	Parent 2
Mother’s Day	Starts at 8:00 a.m. on Mother’s Day and ends at 8:00 a.m. on Monday; one overnight.	Parent 1	Parent 1
Memorial Day weekend	Starts when school is released on Friday or 3:15 p.m., whichever is applicable, and ends when the children are returned to school on Tuesday or at 8:00 a.m., whichever is applicable.	Parent 2	Parent 1
Juneteenth	Starts at 8:00 a.m. on 6/19 and ends at 8:00 a.m. on 6/20	Parent 1	Parent 2
Father’s Day	Starts at 8:00 a.m. on Father’s Day and	Parent 2	Parent 2

	ends at 8:00 a.m. on Monday; one overnight.		
4 th of July	Begins July 3 at 5:00 p.m. and ends July 5 at 5:00 p.m.	Parent 1	Parent 2
Labor Day weekend	Starts when school is released on Friday or 3:15 p.m., whichever is applicable, and ends when the children are returned to school on Tuesday or at 8:00 a.m., whichever is applicable.	Parent 1	Parent 2
Native American Day weekend	Starts when school is released on Friday or 3:15 p.m., whichever is applicable, and ends when the children are returned to school on Tuesday or at 8:00 a.m., whichever is applicable.	Parent 2	Parent 1
Halloween	Starts on 10/31 when school releases for the day or 3:15 p.m., whichever is applicable, and concludes on 11/01 when school resumes or at 8:00 a.m., whichever is applicable.	Parent 1	Parent 2
Thanksgiving weekend	Starts when school releases on Wednesday or 3:15 p.m., whichever is applicable, and ends Monday at 8:00 a.m.	Parent 2	Parent 1
Christmas Eve	Starts on 12/23 at 8:00 a.m. and concludes on 12/25 at 8:00 a.m.	Parent 2	Parent 1
Christmas Day	Starts on 12/25 at 8:00 a.m. and concludes on 12/27 at 8:00 a.m.	Parent 1	Parent 2
1 st half of winter break	The winter break starts when the day the children are released from school for the break and continues to the morning of the day the children return to school. The 48-hour parenting times for each Christmas Eve and Christmas Day are not included in the division of the winter break.	Parent 1	Parent 2
2 nd half of winter break, including New Year's holiday	The winter break starts when the day the children are released from school for the break and continues to the morning of the day the children return to school. The 48-hour parenting times for each Christmas Eve and Christmas Day are not included in the division of the winter break.	Parent 2	Parent 1
Children's Birthdays	Starts 8:00 a.m. on date of birthday – 8:00 a.m. the next day (If the birthday falls on a holiday, the parenting time for the birthday shall take place the day before); parenting time shall be with all of the children not just the one who has the birthday.	Parent 2	Parent 1
Parent 2's Birthday	Starts 8:00 a.m. on date of birthday – 8:00 a.m. the next day (If the birthday falls on a holiday, the parenting time for the birthday shall take place the day before).	Parent 2	Parent 2
Parent 1's Birthday	Starts 8:00 a.m. on date of birthday – 8:00 a.m. the next day (If the birthday falls on a holiday, the parenting time for the birthday shall take place the day before).	Parent 1	Parent 1

2.5. Conflicts Between Regular and Holiday Weekends. When there is a conflict between a holiday weekend and the regularly scheduled weekend time, the holiday takes precedence. Unless mutually agreed in writing, there will be no makeup parenting time in conflicts between holiday weekend and the regularly scheduled weekend time.

This may result in one parent having the children for three weekends in a row; however, neither parent shall have the children for more than 3 weekends in a row.

2.6. Parent’s Vacation with Children Age 5 and Older. Each parent is entitled to a vacation with the children totaling up to 14 days, with 7 days being the most that may be exercised at one time. When possible, each parent shall provide the other with 30 days advance notice of their intent to utilize their vacation time. Parents are encouraged to coordinate vacation plans. In the event there is a dispute, the mother gets priority in choosing her vacation periods first in even-numbered years and the father gets priority in choosing his vacation periods first in odd-numbered years.

2.8. Precedence. The allocation of holidays listed in the above chart shall take precedence over vacations. In other words, a parent cannot exercise their vacation with the children when it is the other parent’s holiday. But vacations shall take precedence over the regular parenting time schedule.

2.9. Notice of Canceled Time With the Children. Whenever possible, each parent shall give a minimum of three days’ notice of intent not to exercise all or part of the scheduled time with the children. When such notice is not reasonably possible, the maximum notice permitted by the circumstances, and the explanation, shall be provided to the other parent.

2.10. Pick Up and Return of Children. When the parents live in the same area/community, the responsibility for picking up and returning the children shall be shared. The parent who receives the children for his/her parenting time will pick the children up from the other parent. Both parents have an obligation to be punctual and to arrive at the agreed upon time, not substantially earlier or later. Repeated, unjustified violations of this provision may subject the offender to court sanctions.

Guideline 3. For Parents Who Have Children Age 5 and Older and Reside More Than 200 Miles Apart.

3.1. Holidays. Parents who reside more than 200 miles apart shall exercise the following holidays as follows:

Holiday	Details	Even-Numbered Years	Odd-Numbered Years
Easter weekend	Starts when school is released for the holiday weekend and ends at 8:00 a.m. on the day school recommences after the holiday weekend.	Parent 2	Parent 1
Spring Break, if one is designated separately from Easter	Starts when school is released for Spring Break and ends at 8:00 a.m. on the day school begins after the break. If a spring break is not granted by the school, this provision would not apply. Also, if the spring break is combined with Easter, this provision would not apply.	Parent 1	Parent 2
Thanksgiving	Starts when school releases on Wednesday or 3:15 p.m., whichever is applicable, and ends Monday at 8:00 a.m.	Parent 2	Parent 1
Winter Break	The winter break starts when	Parent 1	Parent 2

	the day the children are released from school for the break and continues to the morning of the day the children return to school.		
--	--	--	--

3.2. Summer Break. The parent with whom the children do not reside during the school year shall have the children for the children’s summer break as follows: summer break begins 3 days after school is released and ends 7 days before school recommences. This allows 10 days of parenting time during the summer with the parent with whom the children reside during the school year. Additionally, the parent with whom the children reside during the school year shall be entitled to exercise a 48 hour period of parenting time with the children every three weeks during the summer break; to be exercised at the sole expense of the parent with whom the children reside during the school year.

3.3. Priority of Summer Time With Parent. Parenting time in the summer with the parent who lives more than 200 miles away takes precedence over summer activities (such as sports) when the parent’s time cannot be reasonably scheduled around such events. Even so, the conscientious parent will often be able to enroll the children in a similar activity in the parent’s community. When each child reaches an age and maturity where activities are very important to them, the parents should reach an agreement that works best for the child.

3.4. Notice. At least sixty (60) days’ notice (recommended to be by mail, email, or text message) shall be given by the parent who lives more than 200 miles away from the children of the date for commencing extended summer parenting time with the children so that the most efficient means of transportation may be obtained and the parents and the children may arrange their schedules. Failure to give the precise number of days’ notice does not entitle the parent with primary residence of the children the right to deny the other parent parenting time with the children.

3.5. Additional Time With the Parent Who Lives More Than 200 Miles Away. The parent who resides more than 200 miles away from the children shall have the following parenting time:

- o If the parent who lives more than 200 miles away wants to travel, at his/her sole expense, to visit with his/her children, this parenting time shall be accommodated for a reasonable time period of no less than 48 hours. However, this is not intended to be exercised more than every other weekend;
- o Where distance and finances permit, additional parenting time for the parent residing more than 200 miles away from the children, such as holiday weekends or special events, is encouraged. Parents are encouraged to reference the holiday schedules set forth in Section 2.4 when determining the allocation and duration of other holidays; and
- o When the parent who lives 200 miles away is in the area where the children reside, or the children are in the area where this parent resides, liberal time with the children based on the circumstances must be allowed. Circumstances will vary and may only allow for a quick visit or may allow for overnight parenting time.

The children may miss some school to spend time with the parent who lives 200 miles away, so long as it does not substantially impair the children’s academic progress. However, additional time with the parent who lives more than 200 miles away from

the child shall not interfere with the alternating holiday schedule set forth in Section 3.1 herein.

Parents are encouraged to communicate with each other and cooperate in creating additional parenting times for the children. If the additional parenting time exceeds 4 hours, the parent who lives more than 200 miles away shall provide as much advance notice as possible, preferably 30 days. Failure to provide notice shall not be the sole reason for denial of additional parenting time.

Guideline 4. General Rules Applicable to All Parents

4.1. Rules of Conduct. A parent shall always avoid speaking negatively about the other parent and must firmly discourage such conduct by relatives or friends. Each parent should speak in positive terms about the other parent in the presence of the children. Each parent shall encourage the children to respect the other parent. Children should never be used by one parent to spy or report on the other parent.

4.2. Relatives. Children will usually benefit from continued contact with all relatives on both sides of the family. Such relationships should be protected and encouraged. But relatives, like parents, need to avoid being critical of either parent in front of the children. Parents should have their children maintain ties with both the maternal and paternal relatives. Usually the children will visit the paternal relatives during times when the children are with their father and the maternal relatives during times when they are with their mother. This may include allowing the children to spend time with these relatives even when the parent is not present.

4.3. Relocation. Relocation is governed by South Dakota state law. See SDCL 25-4A-17. Instructions and forms on how to comply with the requirements surrounding relocation, as well as how to object to a parent's notice of relocation, can be found at www.ujslawhelp.sd.gov.

4.4. Communication between Parents. Parents must always keep each other advised of their home and work addresses and telephone numbers. Whenever possible and unless otherwise stated herein, all communication concerning the children must be conducted directly between the parents (i.e., in person, by telephone, email, text message, communication notebook, a designated third party or co-parenting tool). Absent an emergency, communication should not occur at a parent's place of employment.

4.5. School and Medical Information. Both parents shall keep the other parent informed with the name, address and telephone number of the school where each of their children attends and each parent is authorized to communicate concerning the children directly with the school and with the children's doctors and other professionals, outside the presence of the other parent. Each parent has an obligation to contact the school to ensure receipt of class schedules, school report cards, notices, etc. so that they can remain involved with their children's education. Both parents shall be listed as a parent and emergency contact on all of the children's records, forms, registrations, etc. Attendance at academic or disciplinary meetings pertaining to the minor children shall be limited to the parents and the respective school professional(s). Others may not attend such meetings without advance mutual parental agreement or court order.

Each parent shall immediately notify the other parent of any medical emergencies or serious illnesses of the children. Access to records and information pertaining to minor children, including, but not limited to, medical, dental, therapy, counseling, orthodontia and similar health care and school records must be made equally available to both parents. The parents must make reasonable efforts to ensure that the name and address of the other parent is listed on all such records. If children

are taking medications, both parents shall have access to a sufficient amount for their parenting time as well as the instructions.

The parent who has medical insurance coverage on the children shall supply to the other parent an insurance card or copy thereof and, as applicable, insurance forms and a list of insurer-approved or HMO-qualified health care providers in the area where the other parent is residing. Except in emergencies, the parent taking the children to a doctor, dentist or other provider not so approved or qualified may be required to pay the additional cost for that provider. However, when there is a change in insurance, which requires a change in medical care providers and a child has a chronic illness, thoughtful consideration shall be given by the parents to what is more important, i.e., allowing the child to remain with the original provider or the economic consequences of changing carriers. When there is an obligation to pay medical expenses, the parent responsible for paying shall be promptly furnished with the bill, and where applicable, the explanation of benefits, by the other parent. The parents shall cooperate in submitting bills to the appropriate insurance carrier. Thereafter, the parent responsible for paying the balance of the bill shall make arrangements unless previously paid by the other parent. Insurance refunds shall be promptly turned over to the parent who paid the bill for which the refund was received.

4.6. Extracurricular Activities. Both parents shall consult the other parent prior to enrolling the children in any event that may affect the other parent's parenting time. Both parents shall be listed as a parent and emergency contact on all of the children's records, forms, registrations, etc. Both parents shall be provided access to the name of the coach, director, and organization providing the activity for each child along with their contact information. Both parents shall have the obligation to contact the activity director to ensure receipt of information such as practice schedules, games, parental participation, etc.

4.7. Clothing. In situations where the children reside primarily with one parent, that parent shall send an appropriate supply of children's clothing with the children for the other parent's parenting time. At the conclusion of his/her parenting time, this clothing shall be returned clean (when reasonably possible). Parents must advise, as far in advance as possible, of any special activities so that appropriate clothing for the children may be sent. It is recommended that both parents have some basic clothing available in their home to ensure that all of the children's basic needs are met.

4.8. Withholding Support or Time with the Children. Neither time with the children nor child support is to be withheld because of either parent's failure to comply with a court order. Only the court may enter sanctions for non-compliance. Children generally have a right both to support and, time with both parents, neither of which is dependent upon the other. In other words, if the parent ordered to pay child support fails to do so, he/she is still entitled to their parenting time. Likewise, if one parent denies the other parent parenting time, child support payments must still be made.

Forms and instructions on how to enforce your parenting time can be found on the South Dakota Legal Self-Help Center at <https://ujslawhelp.sd.gov/onlineforms.aspx>.

4.9. Adjustments in Parenting Plan. Parents are expected to fairly modify the parenting plan as family necessities, illnesses, weather or commitments reasonably so require. The parents must work together in good faith to get any missed parenting time rescheduled to occur within a reasonable period of time, usually within 30 days. When possible, each parent must timely advise the other when scheduled parenting time with the children cannot be exercised.

4.10. Children of Different Ages. It usually makes sense for all the children to share the same schedule of parenting time. Having brothers or sisters along can be an important support for children. Because it is intended that parenting time with the children be a shared experience between siblings and, unless these Guidelines or a court order provides otherwise, all the children shall enjoy parenting time together. Parents shall consider the children's best interests when scheduling parenting time especially for newborns and infants who may have developmental needs that may prevent them from immediately experiencing the same schedule as their older siblings. Additionally, older teenagers' special needs for peer involvement and for some control of their own lives may place them on different schedules from their younger brothers and sisters.

4.11. Communication with Children. Unless prohibited by a court order, either parent may mail, call, text, email, FaceTime or skype (or use similar technology) to communicate with the children at reasonable times and with reasonable frequency during those periods the children are with the other parent. The children may, of course, mail, call, text, email, FaceTime or skype (or use similar technology) to communicate with either parent, at reasonable hours or with reasonable frequency.

- Parents are cautioned that communication between the parent and the children should not be so excessive as to interfere with the other parent's time, nor used to undermine the other parent's authority.
- During long vacations, the parent with whom the children are on vacation is required to make the children available for telephone calls with the other parent at least every three days.
- At all other times, the parent the children are with must not refuse to answer the other parents telephone calls or turn off their telephone in order to deny the other parent telephone contact.
- If a parent uses an answering machine or cell phone voicemail, messages left should be returned to that person as soon as possible.
- Parents should agree on a specified time for calls to the children so that the children will be made available no less than three days a week.
- Either parent may provide the children with a cell phone subject to each parent's ability to set restrictions in their home. A parent shall not prohibit contact between the children and the other parent; nor shall they impede the children's ability to contact the other parent during reasonable times and at a reasonable frequency.
- Communication between a parent and the children must not be censored, recorded, or monitored, absent a court order.
- Each parent shall have an unrestricted right to send cards, letters and/or packages to their children. The children shall also have the same right to receive and send items to their parents.

4.12. Social Media. Each parent shall have full access to monitor the social media accounts of the children, but neither shall open or read communications between the children and the other parent.

4.13. Privacy of Residence. A parent shall not enter the residence of the other parent except by express invitation, regardless of whether a parent retains a property interest in the residence. Unless otherwise indicated herein, the children shall be picked up and returned to the front entrance of the other parent's residence. The parent dropping off the children shall not leave until the children are safely inside the other parent's residence. Parents must refrain from surprise visits to the other parent's home.

4.14. Refusal/Hesitation by Children. Parents should always encourage the children to attend parenting time with the other parent absent circumstances outlined in the "Scope of Application" provision on page 3. Parents shall not deny parenting time with the other parent solely based on the refusal of the children.

4.15. Special Considerations for Adolescents. While children never get to choose where they live, the parents should honestly and fairly consider their teenager's wishes regarding time with a parent. Neither parent shall attempt to influence their teenager's wishes on parenting time. Teenagers should explain the reason for their wishes directly to the affected parent, without intervention by the other parent.

4.16. Daycare Providers. When parents reside in the same community, they should use the same day care provider. To the extent feasible, the parents should rely on each other to care for the children when the other parent is unavailable.

4.17. Parents in the Armed Services. When one or both parents are serving in the military, it is important to create a parenting time schedule that focuses on sharing the children when the parents live close to each other and allowing for temporary duty assignment (TDY) possibilities. Military families should also consider what parenting time would look like if TDY's or overseas commitments were engaged requiring one parent to live more than 200 miles from the children. The residential parent shall support the children's relationship with the other parent by having a consistent plan of communication with the military parent.

Legal Notice.

These Guidelines do not provide legal opinions or legal advice and are not intended to serve as a substitute for the advice of licensed, legal professionals.

Laws and interpretations of laws change frequently, and the material contained in these Guidelines have important legal consequences. In using these Guidelines, parents are responsible for determining the applicability of any information contained in this document to their situation and are strongly encouraged to seek professional legal and other expert assistance in resolving their parenting time issues. Parents will often benefit from getting advice from mediators, counselors, therapists, parenting coordinators and lawyers to help them make a parenting time schedule.

Definitions.

Any custody proceeding involving children is going to involve a determination of both legal and physical custody.

"Legal Custody" refers to the legal authority to make major decisions for your children. There are 2 options when it comes to legal custody:

Joint Legal Custody – "[B]oth parents retain full parental rights and responsibilities with respect to their child[ren] and so that both parents must confer on, and participate in, major decisions affecting the welfare of the child[ren]." See SDCL 25-5-7.1.

Sole Legal Custody – one parent shall have the right and responsibility to make the decisions related to health, education and welfare of the children.

"Physical Custody" refers to how parenting time is divided between 2 parties. Parents may agree on the amount of time the children spend with each parent. If parents do not agree, the parenting time schedule set forth herein shall remain in place until a court orders otherwise.

Shared Parenting.

These Guidelines do not address shared parenting, which is defined as “a detailed shared parenting plan which provides that the children will reside no less than 180 nights per calendar year in each parent’s home and that the parents will share the duties and responsibilities of parenting the children and the expenses of the children in proportion to their incomes[.]” SDCL 25-7-6.27. If you are interested in this arrangement, you are strongly encouraged to consult with an attorney of your choosing. More information and sample schedules can be found at <https://ujslawhelp.sd.gov/>.

Scope of Application.

General. These Guidelines are applicable to all custody situations, including divorces with minor children, paternity actions and cases involving joint legal custody where one parent has primary physical custody. These Guidelines are not applicable to situations where the court reasonably believes the children’s physical health or safety is in danger or the children’s emotional development could be significantly impaired. These situations may include, but are not limited to, the following:

- Family Violence (physical, verbal or otherwise);
- Substance Abuse;
- Mental Illness of Parent or Child;
- Risk of Flight with Children;
- Long Interruption of Contact Between Parent and Children;
- A Parent’s New Relationship;
- Religious & Cultural Holidays; or
- An Incarcerated Parent.

In such cases one or both parents may have legal, psychological, substance abuse or emotional problems that may need to be addressed before these Guidelines can be used. The type of help that is needed in such cases is beyond the scope of these Guidelines.

A parent who believes one or more of the above situations exists should file an Objection to the Implementation of the South Dakota Parenting Guidelines (UJS Form 372). This form can be found at <https://ujslawhelp.sd.gov/defendants.aspx>. The opposing parent should also file a response to this Objection and should appear at the hearing.

Existing Parenting Time Orders. Existing parenting time orders on the date of adoption of these revised Guidelines shall be enforced according to the parenting time guidelines that were in effect on the date the parenting time order was issued. Changes to the South Dakota Parenting Time Guidelines do not alone constitute good cause for modifying an existing parenting time order; however, a court or parties to a proceeding may refer to these Guidelines in requesting changes to their parenting time order after the effective date of the Guidelines.

Protection Orders. If a protection order has been established regarding the minor children, that order would prevail over these Guidelines, until a court specifically orders otherwise. If an active protection order prohibits contact between the parents or between one parent and the children, parents are cautioned that the parent who is the subject of the protection order will violate the order if he/she has contact with the other parent and makes agreements as suggested in these Guidelines without permission for contact from the court that issued the protection order.

Additional Resources

There are several resources available to parents who need help in creating, enforcing or improving their parenting plan. Visit <https://ujslawhelp.sd.gov/> (under the

"Parenting" tab) for additional information on mediators, parenting coordinators, co-parenting tools and counseling options.

Additional tips that parents should consider in order to keep the children the focus of the parenting time arrangements can be found in Appendix A.

IT IS FURTHER ORDERED that this rule become effective July 1, 2022.

DATED at Pierre, South Dakota, this 22nd day of March, 2022.

TOPICAL INDEX

	Ch.	Page
Abortion		
Prohibit Threats Made With The Intent To Coerce An Abortion And To Provide A Penalty Therefor.....	61	112
Prohibit Medical Abortion By Telemedicine And To Increase The Penalty For The Unlicensed Practice Of Medicine When Performing A Medical Abortion.....	143	257
Administrative Procedure		
Revise The Approval Process For State Employee Household Moving Allowances	13	28
Revise The Application Process For The Reduction Of Tax On Dwellings Owned By Paraplegics.....	26	51
Revise The Provisions Regarding The Denial Or Nonrenewal Of A Patient Registry Identification Card	126	240
Revise Provisions Related To The Revocation Of A Medical Cannabis Registry Identification Card	127	241
Repeal Provisions Permitting Certain Documents To Serve As Temporary Registry Identification Cards For Medical Cannabis	128	241
Update Certain Provisions Related To The Licensure Of Optometrists	147	267
Revise Renewal And Licensing Requirements For Plumbers	153	280
Revise Certain Provisions Regarding The State Conservation Commission And Conservation Districts	154	281
Establish Safety Standards Regarding Biogas Gathering Lines	172	315
Reduce The Period For Filing Claims Upon The Revocation Of A Grain Buyer License.....	176	321
Adoption		
Provide That The Cost Of A Home Study Required For An Adoption Is The Responsibility Of The Department Of Social Services.....	79	136
Agency		
Clarify Cross References Regarding Powers Of Attorney.....	187	355
Agricultural Land		
Revise The Classification Of Agricultural Land According To Soil Type	28	52
Revise Provisions Regarding Agritourism Liability.....	57	99
Agriculture and Horticulture		
Revise Provisions Regarding Agritourism Liability.....	57	99
Revise Provisions Regarding Self-Propelled Agriculture Units.	94	166
Revise Provisions Regarding Industrial Hemp And To Declare An Emergency	155	282
Revise Provisions Regarding Livestock Identification	156	290
Increase Penalties For Actions Related To Grain Transactions	174	318
Prohibit A Grain Broker From Engaging In Certain Transactions Or Activities And To Provide A Penalty Therefor.....	175	320
Reduce The Period For Filing Claims Upon The Revocation Of A Grain Buyer License.....	176	321
Alcoholic Beverages		
Allow For Unlicensed Businesses To Store Alcoholic Beverages	140	255
Revise Certain Provisions Regarding Census Estimates For The Purposes Of Off-Sale And On-Sale Liquor Licenses.	141	256
Revise Provisions Regarding The Sale Or Service Of Alcoholic Beverages By Persons Under The Age Of Twenty-One.	142	257
Animals and Livestock		
Revise Provisions Regarding Industrial Hemp And To Declare An Emergency	155	282

Revise Provisions Regarding Livestock Identification	156	290
Appointments		
Revise A Reference To The Division Of Criminal Investigation	135	249
Update Certain Provisions Related To The Licensure Of Optometrists	147	267
Appropriation		
Make An Appropriation To Fund Tax Refunds For Elderly Persons And Persons With A Disability And To Declare An Emergency	31	58
Revise The General Appropriations Act For Fiscal Year 2022	192	397
Make An Appropriation To The Department Of Labor And Regulation For The Modernization Of The Reemployment Assistance Enterprise System And To Declare An Emergency	193	407
Authorize The Department Of Corrections To Make Healthcare Improvements At The South Dakota Women's Prison, To Make An Appropriation Therefor, And To Declare An Emergency	194	408
Make An Appropriation For The Enhancement And Improvement Of State Radio Infrastructure And To Declare An Emergency.....	195	408
Revise The Appropriation For The Construction Of A National Guard Readiness Center In Sioux Falls, For The Purchase And Exchange Of Property Between The State And The Sioux Falls Development Foundation, And To Declare An Emergency	196	409
Authorize The Board Of Regents To Contract For The Design And Construction Of An Addition To The Wellness Center At The University Of South Dakota, To Make An Appropriation Therefor, And To Declare An Emergency	197	410
Authorize The Board Of Regents To Contract For The Design, Renovation, And Construction Of An Addition For A Health Sciences Center At Black Hills State University Rapid City, To Make An Appropriation Therefor, And To Declare An Emergency	198	411
Authorize The Board Of Regents To Contract For The Demolition Of Briscoe Hall And The Existing Lincoln Hall, And The Design And Construction Of The New Lincoln Hall At Northern State University, To Make An Appropriation Therefor, And To Declare An Emergency	199	412
Make An Appropriation For The Redesign And Renovation Of The Wagner Readiness Center And To Declare An Emergency	200	414
Authorize The Department Of The Military To Construct A Cold Storage Building Located In Rapid City, South Dakota, To Make An Appropriation Therefor, And To Declare An Emergency	201	415
Make An Appropriation For Water, Wastewater, And Storm Water Projects Throughout State Government, And To Declare An Emergency.....	202	415
Make An Appropriation To Support Firefighter Training Equipment And Recruitment Efforts In The State And To Declare An Emergency.....	203	416
Make An Appropriation For The Replacement Of The Richmond Lake Spillway, For The General Maintenance And Repair Of Other State Owned Dams, And To Declare An Emergency.	204	417
Authorize The Department Of Corrections To Purchase Certain Real Property And Contract For Design Of A Community Work Center For Offenders Committed To The Department Of Corrections, To Make An Appropriation Therefor, And To Declare An Emergency	205	417
Appropriate Funds For The Dakota State University Cyber Program Expansion And To Declare An Emergency	206	418
Appropriate Funds For The Expansion Of Broadband Infrastructure And To Declare An Emergency	207	419
Make An Appropriation For The Construction Of A New State Public Health Laboratory And The Renovation Of The Existing Laboratory And To Declare An Emergency	208	419

Make An Appropriation To The Board Of Technical Education To Support
The Purchase Of Simulation Equipment For A Health Sciences Clinical
Simulation Center On The Campus Of Southeast Technical College
And To Declare An Emergency 209 420

Make An Appropriation For Eligible Water, Wastewater, Storm Water,
And Nonpoint Source Projects And To Declare An Emergency..... 210 421

Revise The Appropriation For Road Improvements To The State
Veterans Cemetery, To Provide For Ordinary Operations Of
The Cemetery, And To Declare An Emergency 211 423

Make Appropriations From The Water And Environment Fund And Its
Revolving Fund Subfunds For Various Water And Environmental
Purposes And To Declare An Emergency 212 423

Make An Appropriation To The Department Of Game Fish And Parks
To Improve And Repair Infrastructure Around Lake Alvin And
Newell Lake And To Declare An Emergency 213 425

Make An Appropriation For The Design, Renovation, And Construction
Of A Multi Purpose Facility At The Cottonwood Field Station
And To Declare An Emergency. 214 426

Authorize The Board Of Regents To Acquire The Incubator Building
Located On The Campus Of South Dakota School Of Mines And Technology,
To Contract For The Design And Renovation Thereof, To Make
An Appropriation Therefor, And To Declare An Emergency 215 427

Make An Appropriation To Support The Teen Court Grant Program
And To Declare An Emergency 216 428

Authorize The Board Of Regents To Acquire Property, Contract For The Design
And Construction Of The Dakota State University Applied Research Lab,
To Make An Appropriation Therefor, And To Declare An Emergency 217 428

Make An Appropriation For Multi Media Lab Equipment
At Black Hills State University And To Declare An Emergency..... 218 430

Make An Appropriation To The Board Of Regents To Upgrade An
Education Lab And Purchase Resources At Black Hills State University
And To Declare An Emergency 219 430

Make An Appropriation For Programs That Assist Victims Of Domestic
Violence, Abuse, And Neglect, And To Declare An Emergency 220 431

Make An Appropriation For Matching Funds To Enhance Research In
Manufacturing Processes Having Lunar Application And Planetary Use
In Tribal Housing Development And To Declare An Emergency 221 431

Make An Appropriation For Costs Related To Forest Resiliency And
Growth In The State And To Declare An Emergency..... 222 432

Make An Appropriation To Provide A Grant For The Construction Of
A Facility To Provide Certain Health Facilities And Services
And To Declare An Emergency 223 433

Make An Appropriation To Provide Grants For Certain Residential
Alternative Care Programs And To Declare An Emergency 224 433

Revise Senate Bill 60, The General Appropriations Act For Fiscal Year 2022,
As Previously Enacted In The Ninety Seventh Session
Of The South Dakota Legislature. 225 434

Make An Appropriation For Certain Costs Related To Capitol Lake
And To Declare An Emergency 226 435

Make An Appropriation For Costs Related To Disasters In The State
And To Declare An Emergency 227 435

Make An Appropriation For The Construction Of A Storage Garage
In Rapid City And To Declare An Emergency..... 229 436

Make An Appropriation For The Payment Of Extraordinary
Litigation Expenses And To Declare An Emergency 230 437

Authorize The Bureau Of Administration To Construct An Addition To The Kinsman Building In Pierre, To Make An Appropriation Therefor, And To Declare An Emergency	231	438
Authorize The Board Of Regents To Acquire Property, Contract For The Design And Construction Of An Athletics Events Center At Dakota State University, To Make An Appropriation Therefor, And To Declare An Emergency	232	438
Authorize The Board Of Regents To Contract For The Design And Renovation Of, And Construction Of An Addition To, The Stanley J. Marshall Center At South Dakota State University, To Make An Appropriation Therefor, And To Declare An Emergency	233	440
Authorize The Board Of Regents To Demolish A South Dakota State University Building And To Make An Appropriation Therefor	234	441
Make An Appropriation To Reimburse Certain Health Care Professionals Who Have Complied With The Requirements For Certain Health Care Recruitment Assistance Programs And To Declare An Emergency.....	235	442
Make An Appropriation To The Board Of Technical Education To Construct An Advanced Manufacturing Laboratory Space And Classrooms On The Campus Of Lake Area Technical College And To Declare An Emergency	236	442
Make An Appropriation To The Board Of Technical Education To Construct An Agriculture And Diesel Power Laboratory And Multi Purpose Space On The Campus Of Mitchell Technical College And To Declare An Emergency. ..	237	443
Make An Appropriation From The Coordinated Natural Resources Conservation Fund To The State Conservation Commission And To Declare An Emergency	239	445
Make An Appropriation To The Department Of Education To Improve And Renovate The Cultural Heritage Center And To Declare An Emergency .	240	446
Make An Appropriation For The Precision Agriculture Cybersecurity Cyber Ag Partnership Initiative And To Declare An Emergency	241	446
Make An Appropriation For High Performance Computing And Data Storage Systems At South Dakota State University And To Declare An Emergency	242	447
Make An Appropriation To The Board Of Regents For Improving The National Music Museum At The University Of South Dakota And To Declare An Emergency	243	447
Make An Appropriation To The Board Of Regents To Provide Grant Funding For A New Biomedical Facility At The Research Park In Sioux Falls And To Declare An Emergency	244	448
Make An Appropriation To The State Conservation Commission, Transfer Moneys Thereto, And To Declare An Emergency	246	449
Make An Appropriation To Rural Access Infrastructure Funds And To Declare An Emergency	247	450
Assault		
Clarify The Processing Of Sexual Assault Kits Performed On Individuals Ages Sixteen And Seventeen	68	122
Athletics		
Protect Fairness In Women's Sports	51	94
Ballot Measures		
Publish Voter Approved Initiated Constitutional Amendments And Initiated Measures In The Session Laws.....	9	23
Clarify Provisions Related To Filing A Petition To Refer An Ordinance Or Resolution	20	47
Boards and Commissions		
Revise Criteria For The South Dakota Freedom Scholarship.....	48	86
Update Certain Provisions Related To The Licensure Of Optometrists	147	267
Revise Certain Definitions In Laws Regarding Physical Therapists.....	148	276
Revise The Number Of Class Hours Required To Obtain A Responsible Broker's License.....	151	279

Revise Certain Provisions Regarding The State Conservation Commission And Conservation Districts 154 281

Provide For Ticket In, Ticket Out Video Lottery..... 161 294

Establish Safety Standards Regarding Biogas Gathering Lines 172 315

Require Financial Security For The Decommissioning Of Solar Facilities.. 173 317

Increase Penalties For Actions Related To Grain Transactions 174 318

Prohibit A Grain Broker From Engaging In Certain Transactions Or Activities And To Provide A Penalty Therefor..... 175 320

Reduce The Period For Filing Claims Upon The Revocation Of A Grain Buyer License 176 321

Make An Appropriation To The State Conservation Commission, Transfer Moneys Thereto, And To Declare An Emergency 246 449

Boards of School Districts

Revise Property Tax Levies For School Districts And To Revise The State Aid To General And Special Education Formulas..... 41 72

Bonds (Public Debt)

Revise Certain Provisions Regarding Utility Facilities And Revenue Bonds.... 166 305

Broadband

Appropriate Funds For The Expansion Of Broadband Infrastructure And To Declare An Emergency 207 419

Business Organizations

Consolidate Certain Domestication Provisions In The Uniform Limited Liability Company Act..... 168 309

Census

Revise Certain Provisions Regarding Census Estimates For The Purposes Of Off-Sale And On-Sale Liquor Licenses. 141 256

Child Abuse

Revise Provisions Related To The Video Recording Of Certain Victim Testimony At A Preliminary Hearing Or Deposition 72 128

Revise A Provision Related To The Appointment Of A Guardian Ad Litem Or A Special Advocate To Represent An Abused Or Neglected Child..... 83 156

Revise Provisions Related To Courtroom Modifications For Child Witnesses 84 157

Make An Appropriation For Programs That Assist Victims Of Domestic Violence, Abuse, And Neglect, And To Declare An Emergency 220 431

Child Custody

Revise Provisions Related To Custody And Visitation Rights By Medical Cannabis Cardholders..... 123 239

Child Support

Revise The Child Support Obligation Schedule..... 80 136

Revise Certain Provisions Relating To Child Support 81 151

Civil Forfeiture

Require Law Enforcement To Report Certain Seizures Of Property 76 132

Code Commission

Publish Voter Approved Initiated Constitutional Amendments And Initiated Measures In The Session Laws..... 9 23

Codify Legislation Enacted In 2021..... 10 24

Colleges and Universities

Permit The Wearing Of A Beaded Graduation Cap At A School Honoring Or Graduation Ceremony 38 66

Require The Board Of Regents To Provide An Annual Presentation To The Special Committee 46 84

Protect Fairness In Women's Sports 51 94

Make An Appropriation For Multi Media Lab Equipment At Black Hills State University And To Declare An Emergency..... 218 430

Make An Appropriation To The Board Of Regents To Upgrade An Education Lab And Purchase Resources At Black Hills State University And To Declare An Emergency	219	430
Confidential Information		
Provide For The Security And Privacy Of Certain Personally Identifiable Information For Judicial Officers And To Declare An Emergency.....	11	26
Clarify The Processing Of Sexual Assault Kits Performed On Individuals Ages Sixteen And Seventeen	68	122
Establish A Process For Requesting Records Prepared Or Maintained By Court Services Officers	74	130
Revise Provisions Related To The Confidential List Of Medical Cannabis Cardholders Maintained By The Department Of Health	129	242
Revise Provisions Related To Medical Cannabis Data Maintained By The Department Of Health	134	248
Contracts		
Exempt Motor Vehicle Service Contracts From The Insurance Code	180	329
Revise A Certain Provision Regarding Standard Nonforfeiture Amounts For Individual Deferred Annuities.....	181	332
Clarify When A Delivery Facilitation Contractor May Be Considered An Independent Contractor.....	188	356
Controlled Substances		
Include Out Of State Convictions As A Basis Of An Enhanced Penalty For Certain Drug Crimes.....	67	121
Place Certain Substances On The Controlled Substances Schedule And To Declare An Emergency	109	193
Establish An Opioid Abatement And Remediation Fund And To Declare An Emergency	110	207
Corporations		
Authorize The Formation Of Corporations And Limited Liability Companies By Physical Therapists, Occupational Therapists, And Speech Language Pathologists.	167	306
Counties		
Modify Provisions Related To County Redistricting.....	19	47
Clarify Provisions Related To Filing A Petition To Refer An Ordinance Or Resolution	20	47
Revise The Discretionary Formula For Reduced Taxation Of New Structures And Residential Property	29	53
Revise Certain Provisions Regarding Local Building Codes	35	64
Modify Legal And Official Notice Publication Requirements.....	55	97
Revise Certain Fees Collected By The Office Of The Secretary Of State ..	70	124
Clarify Certain Provisions Of The Rural Access Infrastructure Improvements Grant Program.....	92	163
Revise Provisions Regarding The Use Of Certain Lights By County Highway Department Authorized Vehicles	97	174
Make An Appropriation To Rural Access Infrastructure Funds And To Declare An Emergency	247	450
Courts and Judiciary		
Provide For The Security And Privacy Of Certain Personally Identifiable Information For Judicial Officers And To Declare An Emergency.....	11	26
Revise Provisions Regarding Court Transcript Costs	52	95
Revise Provisions Related To The Location Of Courtroom Facilities.....	53	96
Revise A Provision Related To The Review Of The Master Jury List.....	54	96
Revise Provisions Related To A Name Change For Certain Crime Victims	59	102
Establish The Burden Of Proof After A Claim Of Immunity	62	113
Modify When A Motion For Expungement Of An Arrest Record May Be Made And To Declare An Emergency	71	128

Revise Provisions Related To The Video Recording Of Certain
Victim Testimony At A Preliminary Hearing Or Deposition 72 128

Establish A Means For Certain Department Of Corrections Inmates To
Earn Credit Against Fines Or Costs Ordered By The Sentencing Court... 73 130

Establish A Process For Requesting Records Prepared Or Maintained
By Court Services Officers 74 130

Revise Certain Provisions Regarding Search Warrants
For Tracking Devices..... 75 131

Revise Provisions Related To Counseling
For Domestic Abuse Defendants 82 156

Revise A Provision Related To The Appointment Of A Guardian Ad Litem
Or A Special Advocate To Represent An Abused Or Neglected Child..... 83 156

Revise Provisions Related To Courtroom Modifications
For Child Witnesses 84 157

Allow For A Good Cause Exception To The Time For
An Involuntary Commitment Hearing 85 157

Revise Provisions Related To Driving Under The Influence..... 99 176

Make An Appropriation To Support The Teen Court Grant Program
And To Declare An Emergency 216 428

Make An Appropriation To Provide Grants For Certain Residential
Alternative Care Programs And To Declare An Emergency 224 433

Crimes

Prohibit Threats Made With The Intent To Coerce An Abortion And To
Provide A Penalty Therefor..... 61 112

Include Intentionally Manipulated Images Or Recordings In The
Crime Of Invasion Of Privacy By Recording 63 114

Enhance The Penalty On Registered Sex Offenders Who Commit Sexual
Contact Without Consent From A Person Capable Of Consenting..... 64 115

Revise The Definition Of Sexual Contact For Purposes Of Sexual Contact
With A Child Under Eighteen By A Person In A Position Of Authority..... 65 115

Include Out Of State Convictions As A Basis Of An Enhanced Penalty
For Certain Drug Crimes..... 67 121

Revise Provisions Regarding Out Of Service Motor Carrier Violations..... 95 173

Disqualify For Life Any Person From Driving A Commercial Vehicle Who Is
Convicted Of A Felony Offense Involving Human Trafficking..... 96 174

Regulate Delta 8 Tetrahydrocannabinol, THC O Acetate, And
Hexahydrocannabinol For Those Under The Age Of Twenty-One. 111 208

Revise Acceptable Conduct Related To The Medical Use Of Cannabis 116 220

Revise Requirements For Sales Of Catalytic Converters To
Scrap Metal Businesses 139 254

Prohibit Medical Abortion By Telemedicine And To Increase
The Penalty For The Unlicensed Practice Of Medicine
When Performing A Medical Abortion 143 257

Provide For A Revocation Of Hunting Trapping Or Fishing Privileges..... 158 292

Prohibit Forms Of Caller Identification Manipulation
And To Impose A Penalty Therefor 170 314

Establish Safety Standards Regarding Biogas Gathering Lines 172 315

Prohibit A Grain Broker From Engaging In Certain Transactions Or
Activities And To Provide A Penalty Therefor..... 175 320

Revise The Penalty For Certain Willful Violations By Grain Buyers
And Grain Warehouse Operators..... 177 322

Criminal Background Investigation

Require Criminal Background Checks For Emergency Medical Technicians
And Advanced Life Support Personnel..... 145 263

Criminal Procedure

Establish The Burden Of Proof After A Claim Of Immunity 62 113

Establish A Means For Certain Department Of Corrections Inmates To Earn Credit Against Fines Or Costs Ordered By The Sentencing Court...	73	130
Revise Certain Provisions Regarding Search Warrants For Tracking Devices.....	75	131
Custody and Investment of State Funds		
Revise Certain Provisions Regarding The Investments Authorized For State Public Funds	17	45
Revise Certain Provisions Of The Higher Education Savings Plan Act.....	49	87
Cyber Security		
Revise Certain Provisions Regarding Records That Are Not Open To Inspection And Copying And Deliberations In An Executive Or Closed Meeting	4	16
Appropriate Funds For The Dakota State University Cyber Program Expansion And To Declare An Emergency	206	418
Make An Appropriation For The Precision Agriculture Cybersecurity Cyber Ag Partnership Initiative And To Declare An Emergency	241	446
Delayed Effective Date		
Revise Provisions Regarding Court Transcript Costs	52	95
Revise The Annual Report On Medical Cannabis By The Department Of Health To The Legislature.....	136	250
Revise The Number Of Class Hours Required To Obtain A Responsible Broker's License.....	151	279
Revise Provisions Regarding Industrial Hemp And To Declare An Emergency	155	282
Developmentally Disabled Persons		
Prohibit Forms Of Discrimination In Access To Organ Transplantation	112	209
Domestic Abuse		
Revise Provisions Related To Counseling For Domestic Abuse Defendants.....	82	156
Make An Appropriation For Programs That Assist Victims Of Domestic Violence, Abuse, And Neglect, And To Declare An Emergency	220	431
Domestic Relations		
Revise Provisions Related To Name Changes When Obtaining A Marriage License	78	135
Driver License		
Revise Provisions Related To Driving Under The Influence.....	99	176
Economic Development		
Amend Certain Provisions Relating To The Small Business Credit Initiative Fund.....	6	21
Make An Appropriation For The Provision Of Housing Infrastructure Loans And Grants.....	238	444
Education		
Revise Provisions Regarding The Teacher Compensation Review Board ..	5	20
Direct The Indian Education Advisory Council To Make An Annual Report To The Governor And The State Tribal Relations Committee.....	7	22
Protect Students And Employees At Institutions Of Higher Education From Divisive Concepts	39	67
Revise The General State Aid Formula To Provide Adjustment For Alternative Education Students Participating In Interscholastic Activities	40	68
Prolong Requirements For Increasing Teacher Compensation	42	79
Clarify The Certification Process For Teachers And School Administrators....	44	82
Provide For The Payment Of Signing Bonuses To School District Staff Members	45	83
Revise And Repeal Certain Provisions Regarding Self Support Tuition Rates At Off Campus Locations Governed By The Board Of Regents.	47	84
Revise Certain Provisions Related To The Partners In Education Tax Credit Program	50	92

Protect Fairness In Women's Sports 51 94
 Make An Appropriation To The Department Of Education To Improve And
 Renovate The Cultural Heritage Center And To Declare An Emergency . 240 446

Elections

Modify Provisions Related To County Redistricting..... 19 47
 Permit Certain Municipalities To Elect Aldermen At Large 21 48
 Prohibit Private Funding Of Election Costs Except For Gifts
 Of A Nominal And Intrinsic Value 36 65

Electrical Wiring

Revise A Provision Regarding When A License Is Not Required
 Of A Person Installing Electric Wiring..... 150 278

Emergency Clause

Provide For The Security And Privacy Of Certain Personally Identifiable
 Information For Judicial Officers And To Declare An Emergency..... 11 26
 Modify Provisions Related To County Redistricting..... 19 47
 Make An Appropriation To Fund Tax Refunds For Elderly Persons
 And Persons With A Disability And To Declare An Emergency 31 58
 Authorize The Construction And Operation Of A Nursing Facility
 In Lyman County And To Declare An Emergency 105 185
 Place Certain Substances On The Controlled Substances Schedule
 And To Declare An Emergency 109 193
 Establish An Opioid Abatement And Remediation Fund
 And To Declare An Emergency 110 207
 Revise Provisions Regarding Industrial Hemp
 And To Declare An Emergency 155 282
 Make An Appropriation To The Department Of Labor And Regulation
 For The Modernization Of The Reemployment Assistance Enterprise System
 And To Declare An Emergency 193 407
 Authorize The Department Of Corrections To Make Healthcare Improvements
 At The South Dakota Women's Prison, To Make An Appropriation Therefor,
 And To Declare An Emergency 194 408
 Make An Appropriation For The Enhancement And Improvement Of
 State Radio Infrastructure And To Declare An Emergency 195 408
 Revise The Appropriation For The Construction Of A National Guard
 Readiness Center In Sioux Falls, For The Purchase And Exchange Of Property
 Between The State And The Sioux Falls Development Foundation,
 And To Declare An Emergency 196 409
 Authorize The Board Of Regents To Contract For The Design And Construction
 Of An Addition To The Wellness Center At The University Of South Dakota,
 To Make An Appropriation Therefor, And To Declare An Emergency 197 410
 Authorize The Board Of Regents To Contract For The Design, Renovation,
 And Construction Of An Addition For A Health Sciences Center At
 Black Hills State University Rapid City, To Make An Appropriation Therefor,
 And To Declare An Emergency 198 411
 Authorize The Board Of Regents To Contract For The Demolition Of Briscoe Hall
 And The Existing Lincoln Hall, And The Design And Construction Of
 The New Lincoln Hall At Northern State University, To Make
 An Appropriation Therefor, And To Declare An Emergency 199 412
 Make An Appropriation For The Redesign And Renovation Of The
 Wagner Readiness Center And To Declare An Emergency 200 414
 Authorize The Department Of The Military To Construct A Cold Storage Building
 Located In Rapid City, South Dakota, To Make An Appropriation Therefor,
 And To Declare An Emergency 201 415
 Make An Appropriation For Water, Wastewater, And Storm Water Projects
 Throughout State Government And To Declare An Emergency..... 202 415
 Make An Appropriation To Support Firefighter Training Equipment And
 Recruitment Efforts In The State And To Declare An Emergency 203 416

Make An Appropriation For The Replacement Of The Richmond Lake Spillway, For The General Maintenance And Repair Of Other State Owned Dams, And To Declare An Emergency.	204	417
Authorize The Department Of Corrections To Purchase Certain Real Property And Contract For Design Of A Community Work Center For Offenders Committed To The Department Of Corrections, To Make An Appropriation Therefor, And To Declare An Emergency	205	417
Appropriate Funds For The Dakota State University Cyber Program Expansion And To Declare An Emergency	206	418
Appropriate Funds For The Expansion Of Broadband Infrastructure And To Declare An Emergency	207	419
Make An Appropriation For The Construction Of A New State Public Health Laboratory And The Renovation Of The Existing Laboratory And To Declare An Emergency	208	419
Make An Appropriation To The Board Of Technical Education To Support The Purchase Of Simulation Equipment For A Health Sciences Clinical Simulation Center On The Campus Of Southeast Technical College And To Declare An Emergency	209	420
Make An Appropriation For Eligible Water, Wastewater, Storm Water, And Nonpoint Source Projects And To Declare An Emergency.....	210	421
Revise The Appropriation For Road Improvements To The State Veterans Cemetery, To Provide For Ordinary Operations Of The Cemetery, And To Declare An Emergency	211	423
Make Appropriations From The Water And Environment Fund And Its Revolving Fund Subfunds For Various Water And Environmental Purposes And To Declare An Emergency	212	423
Make An Appropriation To The Department Of Game Fish And Parks To Improve And Repair Infrastructure Around Lake Alvin And Newell Lake And To Declare An Emergency	213	425
Make An Appropriation For The Design, Renovation, And Construction Of A Multi Purpose Facility At The Cottonwood Field Station And To Declare An Emergency.	214	426
Authorize The Board Of Regents To Acquire The Incubator Building Located On The Campus Of South Dakota School Of Mines And Technology, To Contract For The Design And Renovation Thereof, To Make An Appropriation Therefor, And To Declare An Emergency	215	427
Make An Appropriation To Support The Teen Court Grant Program And To Declare An Emergency	216	428
Authorize The Board Of Regents To Acquire Property, Contract For The Design And Construction Of The Dakota State University Applied Research Lab, To Make An Appropriation Therefor, And To Declare An Emergency	217	428
Make An Appropriation For Multi Media Lab Equipment At Black Hills State University And To Declare An Emergency.....	218	430
Make An Appropriation To The Board Of Regents To Upgrade An Education Lab And Purchase Resources At Black Hills State University And To Declare An Emergency	219	430
Make An Appropriation For Programs That Assist Victims Of Domestic Violence, Abuse, And Neglect, And To Declare An Emergency	220	431
Make An Appropriation For Matching Funds To Enhance Research In Manufacturing Processes Having Lunar Application And Planetary Use In Tribal Housing Development And To Declare An Emergency	221	431
Make An Appropriation For Costs Related To Forest Resiliency And Growth In The State And To Declare An Emergency.....	222	432
Make An Appropriation To Provide A Grant For The Construction Of A Facility To Provide Certain Health Facilities And Services And To Declare An Emergency	223	433

Make An Appropriation To Provide Grants For Certain Residential
Alternative Care Programs And To Declare An Emergency 224 433

Make An Appropriation For Certain Costs Related To Capitol Lake
And To Declare An Emergency 226 435

Make An Appropriation For Costs Related To Disasters In The State
And To Declare An Emergency 227 435

Make An Appropriation For Costs Related To Suppression Of Wildfires
In The State And To Declare An Emergency 228 436

Make An Appropriation For The Construction Of A Storage Garage
In Rapid City And To Declare An Emergency..... 229 436

Make An Appropriation For The Payment Of Extraordinary
Litigation Expenses And To Declare An Emergency 230 437

Authorize The Bureau Of Administration To Construct An Addition
To The Kinsman Building In Pierre, To Make An Appropriation Therefor,
And To Declare An Emergency 231 438

Authorize The Board Of Regents To Acquire Property, Contract For The Design
And Construction Of An Athletics Events Center At Dakota State University,
To Make An Appropriation Therefor, And To Declare An Emergency 232 438

Authorize The Board Of Regents To Contract For The Design And Renovation Of,
And Construction Of An Addition To, The Stanley J. Marshall Center
At South Dakota State University, To Make An Appropriation Therefor,
And To Declare An Emergency 233 440

Authorize The Board Of Regents To Demolish A South Dakota State University
Building And To Make An Appropriation Therefor 234 441

Make An Appropriation To Reimburse Certain Health Care Professionals
Who Have Complied With The Requirements For Certain Health Care
Recruitment Assistance Programs And To Declare An Emergency..... 235 442

Make An Appropriation To The Board Of Technical Education To Construct An
Advanced Manufacturing Laboratory Space And Classrooms On The Campus
Of Lake Area Technical College And To Declare An Emergency 236 442

Make An Appropriation To The Board Of Technical Education To Construct An
Agriculture And Diesel Power Laboratory And Multi Purpose Space On The
Campus Of Mitchell Technical College And To Declare An Emergency. .. 237 443

Make An Appropriation From The Coordinated Natural Resources
Conservation Fund To The State Conservation Commission
And To Declare An Emergency 239 445

Make An Appropriation To The Department Of Education To Improve And
Renovate The Cultural Heritage Center And To Declare An Emergency..... 240 446

Make An Appropriation For The Precision Agriculture Cybersecurity
Cyber Ag Partnership Initiative And To Declare An Emergency 241 446

Make An Appropriation For High Performance Computing
And Data Storage Systems At South Dakota State University
And To Declare An Emergency 242 447

Make An Appropriation To The Board Of Regents For Improving The
National Music Museum At The University Of South Dakota
And To Declare An Emergency 243 447

Make An Appropriation To The Board Of Regents To Provide Grant Funding
For A New Biomedical Facility At The Research Park In Sioux Falls
And To Declare An Emergency 244 448

Make An Appropriation To The State Conservation Commission,
Transfer Moneys Thereto, And To Declare An Emergency 246 449

Make An Appropriation To Rural Access Infrastructure Funds
And To Declare An Emergency 247 450

Emergency Management

Make An Appropriation For Costs Related To Disasters In The State
And To Declare An Emergency 227 435

Make An Appropriation For Costs Related To Suppression Of Wildfires In The State And To Declare An Emergency	228	436
Environmental Protection		
Include Carbon Dioxide And Carbon Dioxide Capture Companies In Certain Provisions Regarding Pipeline Taxation.....	32	61
Revise Requirements For Sales Of Catalytic Converters To Scrap Metal Businesses.....	139	254
Evidence		
Revise Provisions Related To The Video Recording Of Certain Victim Testimony At A Preliminary Hearing Or Deposition	72	128
Revise Provisions Related To Courtroom Modifications For Child Witnesses	84	157
Executive/Judiciary Request		
Update Legal Holidays In South Dakota.....	1	15
Amend Certain Provisions Relating To The Small Business Credit Initiative Fund.....	6	21
Provide For The Security And Privacy Of Certain Personally Identifiable Information For Judicial Officers And To Declare An Emergency.....	11	26
Revise Holiday Pay For State Employees	12	27
Add Gaming Enforcement Agents To Class B Membership Of The South Dakota Retirement System	14	28
Revise Certain Provisions Relating To The South Dakota Retirement System.....	15	35
Revise Certain Provisions Regarding The Investments Authorized For State Public Funds	17	45
Revise Certain References To The Internal Revenue Code	24	50
Revise The Application Process For The Reduction Of Tax On Dwellings Owned By Paraplegics.....	26	51
Make An Appropriation To Fund Tax Refunds For Elderly Persons And Persons With A Disability And To Declare An Emergency	31	58
Revise Property Tax Levies For School Districts And To Revise The State Aid To General And Special Education Formulas.....	41	72
Revise And Repeal Certain Provisions Regarding Self Support Tuition Rates At Off Campus Locations Governed By The Board Of Regents	47	84
Revise Certain Provisions Of The Higher Education Savings Plan Act.....	49	87
Protect Fairness In Women's Sports	51	94
Revise Provisions Related To The Location Of Courtroom Facilities.....	53	96
Revise A Provision Related To The Review Of The Master Jury List.....	54	96
Repeal The Bingo Distributor License And Bingo Manufacturer License And To Repeal The Bingo Tax.....	66	116
Establish A Process For Requesting Records Prepared Or Maintained By Court Services Officers	74	130
Revise Certain Provisions Regarding Search Warrants For Tracking Devices.....	75	131
Revise A Provision Related To The Appointment Of A Guardian Ad Litem Or A Special Advocate To Represent An Abused Or Neglected Child.....	83	156
Allow For A Good Cause Exception To The Time For An Involuntary Commitment Hearing.....	85	157
Disqualify For Life Any Person From Driving A Commercial Vehicle Who Is Convicted Of A Felony Offense Involving Human Trafficking.....	96	174
Revise Provisions Related To Driving Under The Influence.....	99	176
Authorize Highway Maintenance Vehicles To Operate At Less Than The Posted Minimum Speed On Interstate Highways.....	100	178
Establish An Opioid Abatement And Remediation Fund And To Declare An Emergency	110	207
Revise The Disposal Fee For Large Scale Solid Waste Disposal Facilities Operated By Political Subdivisions.....	138	253

Prohibit Medical Abortion By Telemedicine And To Increase The Penalty For The Unlicensed Practice Of Medicine
 When Performing A Medical Abortion 143 257
 Update Certain Provisions Related To The Licensure Of Optometrists 147 267
 Revise Notice And Record Keeping Requirements
 Of Real Estate Brokerages 152 279
 Repeal Obsolete Lease Requirements For The Black Hills Playhouse..... 159 293
 Allow The Department Of Agriculture And Natural Resources
 To Collect Receipts From Timber Sales On Federal Lands
 And Disburse Those Receipts According To Federal Law 160 294
 Update References To Certain Federal Motor Carrier Regulations..... 169 313
 Establish Safety Standards Regarding Biogas Gathering Lines 172 315
 Require Financial Security For The Decommissioning Of Solar Facilities.. 173 317
 Increase Penalties For Actions Related To Grain Transactions 174 318
 Prohibit A Grain Broker From Engaging In Certain Transactions Or
 Activities And To Provide A Penalty Therefor..... 175 320
 Reduce The Period For Filing Claims Upon The Revocation Of
 A Grain Buyer License 176 321
 Revise The Penalty For Certain Willful Violations By Grain Buyers
 And Grain Warehouse Operators..... 177 322
 Revise Certain Provisions Regarding Money Transmission 178 323
 Revise The General Appropriations Act For Fiscal Year 2022 192 397
 Make An Appropriation To The Department Of Labor And Regulation
 For The Modernization Of The Reemployment Assistance Enterprise System
 And To Declare An Emergency 193 407
 Authorize The Department Of Corrections To Make Healthcare Improvements
 At The South Dakota Women's Prison, To Make An Appropriation Therefor,
 And To Declare An Emergency 194 408
 Make An Appropriation For The Enhancement And Improvement Of
 State Radio Infrastructure And To Declare An Emergency..... 195 408
 Revise The Appropriation For The Construction Of A National Guard
 Readiness Center In Sioux Falls, For The Purchase And Exchange Of Property
 Between The State And The Sioux Falls Development Foundation,
 And To Declare An Emergency 196 409
 Authorize The Board Of Regents To Contract For The Design And Construction
 Of An Addition To The Wellness Center At The University Of South Dakota,
 To Make An Appropriation Therefor, And To Declare An Emergency 197 410
 Authorize The Board Of Regents To Contract For The Design, Renovation,
 And Construction Of An Addition For A Health Sciences Center At
 Black Hills State University Rapid City, To Make An Appropriation Therefor,
 And To Declare An Emergency 198 411
 Authorize The Board Of Regents To Contract For The Demolition Of Briscoe Hall
 And The Existing Lincoln Hall, And The Design And Construction Of
 The New Lincoln Hall At Northern State University, To Make
 An Appropriation Therefor, And To Declare An Emergency 199 412
 Make An Appropriation For The Redesign And Renovation Of The
 Wagner Readiness Center And To Declare An Emergency 200 414
 Authorize The Department Of The Military To Construct A Cold Storage Building
 Located In Rapid City, South Dakota, To Make An Appropriation Therefor,
 And To Declare An Emergency 201 415
 Make An Appropriation For Water, Wastewater, And Storm Water Projects
 Throughout State Government And To Declare An Emergency..... 202 415
 Make An Appropriation To Support Firefighter Training Equipment And
 Recruitment Efforts In The State And To Declare An Emergency 203 416
 Make An Appropriation For The Replacement Of The Richmond Lake Spillway,
 For The General Maintenance And Repair Of Other State Owned Dams,
 And To Declare An Emergency. 204 417

Authorize The Department Of Corrections To Purchase Certain Real Property And Contract For Design Of A Community Work Center For Offenders Committed To The Department Of Corrections, To Make An Appropriation Therefor, And To Declare An Emergency	205	417
Appropriate Funds For The Dakota State University Cyber Program Expansion And To Declare An Emergency	206	418
Appropriate Funds For The Expansion Of Broadband Infrastructure And To Declare An Emergency	207	419
Make An Appropriation For The Construction Of A New State Public Health Laboratory And The Renovation Of The Existing Laboratory And To Declare An Emergency	208	419
Make An Appropriation To The Board Of Technical Education To Support The Purchase Of Simulation Equipment For A Health Sciences Clinical Simulation Center On The Campus Of Southeast Technical College And To Declare An Emergency	209	420
Make An Appropriation For Eligible Water, Wastewater, Storm Water, And Nonpoint Source Projects And To Declare An Emergency.....	210	421
Revise The Appropriation For Road Improvements To The State Veterans Cemetery, To Provide For Ordinary Operations Of The Cemetery And To Declare An Emergency	211	423
Make Appropriations From The Water And Environment Fund And Its Revolving Fund Subfunds For Various Water And Environmental Purposes And To Declare An Emergency	212	423
Make An Appropriation To The Department Of Game Fish And Parks To Improve And Repair Infrastructure Around Lake Alvin And Newell Lake And To Declare An Emergency	213	425
Make An Appropriation For Certain Costs Related To Capitol Lake And To Declare An Emergency	226	435
Make An Appropriation For Costs Related To Disasters In The State And To Declare An Emergency	227	435
Make An Appropriation For Costs Related To Suppression Of Wildfires In The State And To Declare An Emergency	228	436
Make An Appropriation For The Construction Of A Storage Garage In Rapid City And To Declare An Emergency.....	229	436
Make An Appropriation For The Payment Of Extraordinary Litigation Expenses And To Declare An Emergency	230	437
Authorize The Bureau Of Administration To Construct An Addition To The Kinsman Building In Pierre, To Make An Appropriation Therefor, And To Declare An Emergency	231	438
Authorize The Board Of Regents To Acquire Property, Contract For The Design And Construction Of An Athletics Events Center At Dakota State University, To Make An Appropriation Therefor, And To Declare An Emergency	232	438
Authorize The Board Of Regents To Contract For The Design And Renovation Of, And Construction Of An Addition To, The Stanley J. Marshall Center At South Dakota State University, To Make An Appropriation Therefor, And To Declare An Emergency	233	440
Authorize The Board Of Regents To Demolish A South Dakota State University Building And To Make An Appropriation Therefor	234	441
Make An Appropriation To Reimburse Certain Health Care Professionals Who Have Complied With The Requirements For Certain Health Care Recruitment Assistance Programs And To Declare An Emergency.....	235	442
Make An Appropriation To The Board Of Technical Education To Construct An Advanced Manufacturing Laboratory Space And Classrooms On The Campus Of Lake Area Technical College And To Declare An Emergency	236	442

Make An Appropriation To The Board Of Technical Education To Construct An Agriculture And Diesel Power Laboratory And Multi Purpose Space On The Campus Of Mitchell Technical College And To Declare An Emergency. .. 237 443

Make An Appropriation For The Provision Of Housing Infrastructure Loans And Grants..... 238 444

Make An Appropriation From The Coordinated Natural Resources Conservation Fund To The State Conservation Commission And To Declare An Emergency 239 445

Make An Appropriation To The Department Of Education To Improve And Renovate The Cultural Heritage Center And To Declare An Emergency..... 240 446

Fees

Revise Provisions Regarding Court Transcript Costs 52 95

Revise Certain Fees Collected By The Office Of The Secretary Of State .. 70 124

Revise The Disposal Fee For Large Scale Solid Waste Disposal Facilities Operated By Political Subdivisions..... 138 253

Modify The Licensing Of Barbers 149 277

Revise Renewal And Licensing Requirements For Plumbers 153 280

Fiduciaries and Trusts

Establish Rights Regarding The Disposition Of A Person's Remains 113 209

Firearms

Define A Loaded Firearm..... 60 103

Repeal References To Nonresident Holders Of Concealed Pistol Permits..... 69 123

Revise Certain Fees Collected By The Office Of The Secretary Of State .. 70 124

Food and Drugs

Revise Certain Provisions Related To The Use Of Epinephrine And Supraglottic Airway Devices By Ambulance Services 102 179

Provide For The Direct Sale Of Certain Home Produced Or Home Processed Foods And Food Products. 106 186

Revise And Clarify Certain Processes For Emergency Detainment Related To Drug And Alcohol Abuse..... 108 189

Fund

Amend Certain Provisions Relating To The Small Business Credit Initiative Fund..... 6 21

Establish An Opioid Abatement And Remediation Fund And To Declare An Emergency 110 207

Allow The Department Of Agriculture And Natural Resources To Collect Receipts From Timber Sales On Federal Lands And Disburse Those Receipts According To Federal Law 160 294

Make An Appropriation For Programs That Assist Victims Of Domestic Violence, Abuse, And Neglect, And To Declare An Emergency 220 431

Make An Appropriation For The Payment Of Extraordinary Litigation Expenses And To Declare An Emergency 230 437

Make An Appropriation To Rural Access Infrastructure Funds And To Declare An Emergency 247 450

Gambling

Repeal The Bingo Distributor License And Bingo Manufacturer License And To Repeal The Bingo Tax..... 66 116

Add An Exemption From The Calculation Of Adjusted Gross Proceeds From Gaming 162 297

Game, Fish, Parks and Forestry

Repeal Obsolete Lease Requirements For The Black Hills Playhouse..... 159 293

Make An Appropriation To The Department Of Game Fish And Parks To Improve And Repair Infrastructure Around Lake Alvin And Newell Lake And To Declare An Emergency 213 425

Grants

Revise Criteria For The South Dakota Freedom Scholarship..... 48 86

Clarify Certain Provisions Of The Rural Access Infrastructure Improvements Grant Program.....	92	163
Make An Appropriation To Provide A Grant For The Construction Of A Facility To Provide Certain Health Facilities And Services And To Declare An Emergency	223	433
Make An Appropriation To Provide Grants For Certain Residential Alternative Care Programs And To Declare An Emergency	224	433
Make An Appropriation For The Provision Of Housing Infrastructure Loans And Grants.....	238	444
Health Care		
Clarify The Processing Of Sexual Assault Kits Performed On Individuals Ages Sixteen And Seventeen.....	68	122
Allow Inpatient Psychiatric Facility Placement Alternatives For Certain Patients	86	158
Provide A Reimbursement Schedule For Chiropractic, Dental, And Optometric Services Under The Medicaid Program.....	87	158
Revise Certain Provisions Related To The Use Of Epinephrine And Supraglottic Airway Devices By Ambulance Services	102	179
Establish Licensure For Rural Emergency Hospitals	103	181
Require The Posting Of Laws Regarding Hospital Nursing Facility And Assisted Living Center Visitation	104	185
Permit Certain Facilities To Establish Reasonable Restrictions Related To The Medical Use Of Cannabis.....	117	224
Provide For The Redistribution Of Donated Prescription Drugs And Medical Supplies	137	251
Revise Certain Provisions Related To Advanced Life Support Personnel ..	144	261
Create A Critical Care Endorsement For Emergency Medical Technician Paramedics.....	146	266
Update Certain Provisions Related To The Licensure Of Optometrists	147	267
Revise Certain Definitions In Laws Regarding Physical Therapists.....	148	276
Prohibit Insurance Policies From Restricting The Method Of Payment For Dental Care.....	182	333
Make An Appropriation To Provide A Grant For The Construction Of A Facility To Provide Certain Health Facilities And Services And To Declare An Emergency	223	433
Make An Appropriation To Reimburse Certain Health Care Professionals Who Have Complied With The Requirements For Certain Health Care Recruitment Assistance Programs And To Declare An Emergency.....	235	442
Higher Education		
Protect Students And Employees At Institutions Of Higher Education From Divisive Concepts	39	67
Require The Board Of Regents To Provide An Annual Presentation To The Special Committee	46	84
Revise And Repeal Certain Provisions Regarding Self Support Tuition Rates At Off Campus Locations Governed By The Board Of Regents.	47	84
Revise Criteria For The South Dakota Freedom Scholarship	48	86
Revise Certain Provisions Of The Higher Education Savings Plan Act.....	49	87
Protect Fairness In Women's Sports	51	94
Authorize The Board Of Regents To Contract For The Design And Construction Of An Addition To The Wellness Center At The University Of South Dakota, To Make An Appropriation Therefor, And To Declare An Emergency	197	410
Authorize The Board Of Regents To Contract For The Design, Renovation, And Construction Of An Addition For A Health Sciences Center At Black Hills State University Rapid City, To Make An Appropriation Therefor, And To Declare An Emergency	198	411

Authorize The Board Of Regents To Contract For The Demolition Of Briscoe Hall
And The Existing Lincoln Hall, And The Design And Construction Of
The New Lincoln Hall At Northern State University, To Make
An Appropriation Therefor, And To Declare An Emergency 199 412

Make An Appropriation To The Board Of Technical Education To Support
The Purchase Of Simulation Equipment For A Health Sciences Clinical
Simulation Center On The Campus Of Southeast Technical College
And To Declare An Emergency 209 420

Make An Appropriation For The Design, Renovation, And Construction
Of A Multi Purpose Facility At The Cottonwood Field Station
And To Declare An Emergency. 214 426

Authorize The Board Of Regents To Acquire The Incubator Building
Located On The Campus Of South Dakota School Of Mines And Technology,
To Contract For The Design And Renovation Thereof, To Make
An Appropriation Therefor, And To Declare An Emergency 215 427

Authorize The Board Of Regents To Acquire Property, Contract For The Design
And Construction Of The Dakota State University Applied Research Lab,
To Make An Appropriation Therefor, And To Declare An Emergency 217 428

Make An Appropriation For Multi Media Lab Equipment
At Black Hills State University And To Declare An Emergency..... 218 430

Make An Appropriation To The Board Of Regents To Upgrade An
Education Lab And Purchase Resources At Black Hills State University
And To Declare An Emergency 219 430

Make An Appropriation For Matching Funds To Enhance Research In
Manufacturing Processes Having Lunar Application And Planetary Use
In Tribal Housing Development And To Declare An Emergency 221 431

Make An Appropriation To The Board Of Technical Education To Construct An
Advanced Manufacturing Laboratory Space And Classrooms On The Campus
Of Lake Area Technical College And To Declare An Emergency 236 442

Make An Appropriation To The Board Of Technical Education To Construct An
Agriculture And Diesel Power Laboratory And Multi Purpose Space On The
Campus Of Mitchell Technical College And To Declare An Emergency. .. 237 443

Make An Appropriation For The Precision Agriculture Cybersecurity
Cyber Ag Partnership Initiative And To Declare An Emergency 241 446

Make An Appropriation To The Board Of Regents For Improving The
National Music Museum At The University Of South Dakota
And To Declare An Emergency 243 447

Make An Appropriation To The Board Of Regents To Provide Grant Funding
For A New Biomedical Facility At The Research Park In Sioux Falls
And To Declare An Emergency 244 448

Highways, Roads, and Bridges

Revise The Compensation For A Township Board Member Overseer..... 90 162

Revise Provisions Regarding Weed Removal Along Highways..... 91 162

Clarify Certain Provisions Of The Rural Access Infrastructure
Improvements Grant Program..... 92 163

Revise Provisions Regarding Out Of Service Motor Carrier Violations..... 95 173

Revise Provisions Regarding The Use Of Certain Lights
By County Highway Department Authorized Vehicles 97 174

Authorize The Use Of Electric All Terrain And Off Road Vehicles
On Public Highways And To Declare An Emergency..... 98 175

Authorize Highway Maintenance Vehicles To Operate At Less Than
The Posted Minimum Speed On Interstate Highways..... 100 178

Hoghouse-Vehicle Bill

Modify Provisions Related To County Redistricting..... 19 47

Require Law Enforcement To Report Certain Seizures Of Property 76 132

Make An Appropriation For Matching Funds To Enhance Research In Manufacturing Processes Having Lunar Application And Planetary Use In Tribal Housing Development And To Declare An Emergency	221	431
Hunting		
Provide For The Use Of Artificial Light And Night Vision Equipment While Hunting Coyotes And Other Predators	157	290
Provide For A Revocation Of Hunting Trapping Or Fishing Privileges.....	158	292
Indian Tribes		
Direct The Indian Education Advisory Council To Make An Annual Report To The Governor And The State Tribal Relations Committee.....	7	22
Industrial Hemp		
Revise Provisions Regarding Industrial Hemp And To Declare An Emergency	155	282
Initiated Measures		
Require State Agencies To Provide Certain Information For Initiated Measure Or Constitutional Amendment Fiscal Notes	8	23
Insurance		
Permit Municipalities To Contribute More To The Cost Of Insurance Provided To Certain Officers Or Retired Employees	23	49
Revise Provisions Regarding Cost Reimbursement Associated With Medical Cannabis	124	239
Exempt Motor Vehicle Service Contracts From The Insurance Code	180	329
Revise A Certain Provision Regarding Standard Nonforfeiture Amounts For Individual Deferred Annuities.....	181	332
Prohibit Insurance Policies From Restricting The Method Of Payment For Dental Care.....	182	333
Reduce The Exempt Commercial Policyholder Aggregate Premium Requirement	183	334
Permit Nonresponsive Insurance Producer Applications Be Deemed Withdrawn As To Not Constitute A Refusal Or Administrative Action	184	335
Specify Taxation Authorization And Standards Of Practice For The Sale Of Travel Insurance.....	185	335
Revise Annuity Sales Standards	186	342
Judicial Remedies		
Revise Provisions Related To A Name Change For Certain Crime Victims.....	59	102
Revise Provisions Related To The Revocation Of A Medical Cannabis Registry Identification Card	127	241
Labor and Employment		
Revise Acceptable Conduct Related To The Medical Use Of Cannabis	116	220
Revise Renewal And Licensing Requirements For Plumbers	153	280
Clarify When A Delivery Facilitation Contractor May Be Considered An Independent Contractor.....	188	356
Include A Common Paymaster As Within The Meaning Of Employing Unit	189	357
Land Records		
Update The South Dakota Coordinate System To Conform To National Standards	163	297
Law Enforcement		
Clarify The Processing Of Sexual Assault Kits Performed On Individuals Ages Sixteen And Seventeen.....	68	122
Revise Certain Fees Collected By The Office Of The Secretary Of State ..	70	124
Revise Certain Provisions Regarding Search Warrants For Tracking Devices.....	75	131
Revise And Clarify Certain Processes For Emergency Detainment Related To Drug And Alcohol Abuse.....	108	189
Leased Property		
Grant Immunity From Certain Liabilities For Camping Activities	107	188

Revise Provisions Related To Prohibited Conduct By Schools And Landlords Related To Medical Cannabis	122	238
Establish Provisions Regarding Ejection Of Persons From Certain Lodging Establishments And Recreational Vehicle Facilities	164	301
Legislative Oversight		
Facilitate Legislative Oversight Of Settlement Agreements Involving A State Entity Or Official	16	45
Repeal Certain Reporting Requirements To The Executive Board Of The Legislative Research Council	37	66
Legislature and Statutes		
Require State Agencies To Provide Certain Information For Initiated Measure Or Constitutional Amendment Fiscal Notes	8	23
Codify Legislation Enacted In 2021	10	24
Repeal Certain Reporting Requirements To The Executive Board Of The Legislative Research Council	37	66
Liability		
Protect Fairness In Women's Sports	51	94
Revise Provisions Regarding Agritourism Liability.....	57	99
Limit Liability For Certain Child Welfare Agency Licensees.....	58	102
Grant Immunity From Certain Liabilities For Camping Activities	107	188
Licensure		
Repeal The Bingo Distributor License And Bingo Manufacturer License And To Repeal The Bingo Tax.....	66	116
Authorize The Use Of Electric All Terrain And Off Road Vehicles On Public Highways And To Declare An Emergency.....	98	175
Establish Licensure For Rural Emergency Hospitals	103	181
Provide For The Direct Sale Of Certain Home Produced Or Home Processed Foods And Food Products.	106	186
Revise Provisions Providing That Certain Professions Are Not Subject To Discipline For Certain Conduct Relating To Medical Cannabis.....	121	238
Revise Provisions Regarding The Sale Or Service Of Alcoholic Beverages By Persons Under The Age Of Twenty-One.	142	257
Update Certain Provisions Related To The Licensure Of Optometrists.....	147	267
Revise Certain Definitions In Laws Regarding Physical Therapists.....	148	276
Modify The Licensing Of Barbers	149	277
Revise A Provision Regarding When A License Is Not Required Of A Person Installing Electric Wiring.....	150	278
Revise The Number Of Class Hours Required To Obtain A Responsible Broker's License.....	151	279
Revise Notice And Record Keeping Requirements Of Real Estate Brokerages	152	279
Revise Renewal And Licensing Requirements For Plumbers	153	280
Revise Provisions Regarding Industrial Hemp And To Declare An Emergency	155	282
Increase Penalties For Actions Related To Grain Transactions	174	318
Prohibit A Grain Broker From Engaging In Certain Transactions Or Activities And To Provide A Penalty Therefor.....	175	320
Reduce The Period For Filing Claims Upon The Revocation Of A Grain Buyer License	176	321
Revise Certain Provisions Regarding Money Transmission	178	323
Provide For Remote Work For Employees Of Money Lending Licensees And Mortgage Lender Businesses.....	179	328
Permit Nonresponsive Insurance Producer Applications Be Deemed Withdrawn As To Not Constitute A Refusal Or Administrative Action.....	184	335
Liens		
Update Provisions Regarding Self Service Storage.	165	302

Limited Liability Companies

Authorize The Formation Of Corporations And Limited Liability Companies By Physical Therapists, Occupational Therapists, And Speech Language Pathologists.	167	306
Consolidate Certain Domestication Provisions In The Uniform Limited Liability Company Act.....	168	309

Litigation

Facilitate Legislative Oversight Of Settlement Agreements Involving A State Entity Or Official	16	45
Make An Appropriation For The Payment Of Extraordinary Litigation Expenses And To Declare An Emergency	230	437

Local Government Generally

Revise Certain Provisions Regarding Local Building Codes	35	64
Permit The Wearing Of A Beaded Graduation Cap At A School Honoring Or Graduation Ceremony	38	66
Clarify Conduct That Is Not Required Related To Medical Cannabis	125	240
Revise The Disposal Fee For Large Scale Solid Waste Disposal Facilities Operated By Political Subdivisions.....	138	253

Lottery

Provide For Ticket In, Ticket Out Video Lottery.....	161	294
--	-----	-----

Marijuana

Regulate Delta 8 Tetrahydrocannabinol, THC O Acetate, And Hexahydrocannabinol For Those Under The Age Of Twenty-One.	111	208
Revise The Definition Of Bona Fide Practitioner Patient Relationship.	114	214
Revise The Definition Of A Designated Caregiver	115	217
Revise Acceptable Conduct Related To The Medical Use Of Cannabis	116	220
Permit Certain Facilities To Establish Reasonable Restrictions Related To The Medical Use Of Cannabis.....	117	224
Revise Provisions Related To A Written Certification For The Medical Use Of Cannabis	118	228
Establish A Maximum Number Of Cannabis Plants That May Be Cultivated By A Medical Cannabis Cardholder	119	231
Revise The Definition Of Practitioner For Purposes Of The Medical Cannabis Program	120	234
Revise Provisions Providing That Certain Professions Are Not Subject To Discipline For Certain Conduct Relating To Medical Cannabis.....	121	238
Revise Provisions Related To Prohibited Conduct By Schools And Landlords Related To Medical Cannabis	122	238
Revise Provisions Related To Custody And Visitation Rights By Medical Cannabis Cardholders.....	123	239
Revise Provisions Regarding Cost Reimbursement Associated With Medical Cannabis	124	239
Clarify Conduct That Is Not Required Related To Medical Cannabis	125	240
Revise The Provisions Regarding The Denial Or Nonrenewal Of A Patient Registry Identification Card	126	240
Revise Provisions Related To The Revocation Of A Medical Cannabis Registry Identification Card	127	241
Repeal Provisions Permitting Certain Documents To Serve As Temporary Registry Identification Cards For Medical Cannabis	128	241
Revise Provisions Related To The Confidential List Of Medical Cannabis Cardholders Maintained By The Department Of Health	129	242
Revise Provisions Regarding Municipal Zoning Of Medical Cannabis Establishments.....	130	242
Establish Provisions Related To The Testing Of Medical Cannabis	131	243
Revise Provisions Related To Verifications Required Prior To Receiving Medical Cannabis	132	245
Revise Rulemaking Authority Related To Medical Cannabis.....	133	246

Revise Provisions Related To Medical Cannabis Data Maintained By
 The Department Of Health 134 248
 Revise A Reference To The Division Of Criminal Investigation 135 249
 Revise The Annual Report On Medical Cannabis By The
 Department Of Health To The Legislature..... 136 250
 Revise Provisions Regarding Industrial Hemp
 And To Declare An Emergency 155 282

Marriage

Revise Provisions Related To Name Changes
 When Obtaining A Marriage License 78 135

Medical Cannabis

Revise The Definition Of Bona Fide Practitioner Patient Relationship. 114 214
 Revise The Definition Of A Designated Caregiver 115 217
 Revise Acceptable Conduct Related To The Medical Use Of Cannabis 116 220
 Permit Certain Facilities To Establish Reasonable Restrictions
 Related To The Medical Use Of Cannabis 117 224
 Revise Provisions Related To A Written Certification For
 The Medical Use Of Cannabis 118 228
 Establish A Maximum Number Of Cannabis Plants That May Be
 Cultivated By A Medical Cannabis Cardholder 119 231
 Revise The Definition Of Practitioner For Purposes Of The
 Medical Cannabis Program 120 234
 Revise Provisions Providing That Certain Professions Are Not Subject
 To Discipline For Certain Conduct Relating To Medical Cannabis..... 121 238
 Revise Provisions Related To Prohibited Conduct By Schools
 And Landlords Related To Medical Cannabis 122 238
 Revise Provisions Related To Custody And Visitation Rights
 By Medical Cannabis Cardholders..... 123 239
 Revise Provisions Regarding Cost Reimbursement Associated With
 Medical Cannabis 124 239
 Clarify Conduct That Is Not Required Related To Medical Cannabis 125 240
 Revise The Provisions Regarding The Denial Or Nonrenewal
 Of A Patient Registry Identification Card 126 240
 Revise Provisions Related To The Revocation Of A
 Medical Cannabis Registry Identification Card 127 241
 Repeal Provisions Permitting Certain Documents To Serve As
 Temporary Registry Identification Cards For Medical Cannabis 128 241
 Revise Provisions Related To The Confidential List Of Medical Cannabis
 Cardholders Maintained By The Department Of Health 129 242
 Revise Provisions Regarding Municipal Zoning Of
 Medical Cannabis Establishments..... 130 242
 Establish Provisions Related To The Testing Of Medical Cannabis 131 243
 Revise Provisions Related To Verifications Required Prior To
 Receiving Medical Cannabis 132 245
 Revise Rulemaking Authority Related To Medical Cannabis 133 246
 Revise Provisions Related To Medical Cannabis Data Maintained By
 The Department Of Health 134 248
 Revise A Reference To The Division Of Criminal Investigation 135 249
 Revise The Annual Report On Medical Cannabis By The
 Department Of Health To The Legislature..... 136 250

Mentally Ill Persons

Allow Inpatient Psychiatric Facility Placement Alternatives
 For Certain Patients 86 158

Military Affairs

Revise The Appropriation For The Construction Of A National Guard Readiness Center In Sioux Falls, For The Purchase And Exchange Of Property Between The State And The Sioux Falls Development Foundation, And To Declare An Emergency	196	409
Make An Appropriation For The Redesign And Renovation Of The Wagner Readiness Center And To Declare An Emergency	200	414
Authorize The Department Of The Military To Construct A Cold Storage Building Located In Rapid City, South Dakota, To Make An Appropriation Therefor, And To Declare An Emergency	201	415
Authorize The Department Of The Military To Purchase Certain Real Property In Chamberlain And To Declare An Emergency	245	449

Minors

Limit Liability For Certain Child Welfare Agency Licensees	58	102
Allow Inpatient Psychiatric Facility Placement Alternatives For Certain Patients	86	158

Money Lending

Provide For Remote Work For Employees Of Money Lending Licensees And Mortgage Lender Businesses.....	179	328
---	-----	-----

Money Transmission

Revise Certain Provisions Regarding Money Transmission	178	323
--	-----	-----

Motor Vehicles

Revise The Motor Vehicle Excise Tax On Vehicles Leased For More Than Twenty Eight Days To Include Certain Off Road Vehicles.....	93	165
Revise Provisions Regarding Out Of Service Motor Carrier Violations.....	95	173
Disqualify For Life Any Person From Driving A Commercial Vehicle Who Is Convicted Of A Felony Offense Involving Human Trafficking.....	96	174
Revise Provisions Regarding The Use Of Certain Lights By County Highway Department Authorized Vehicles	97	174
Authorize The Use Of Electric All Terrain And Off Road Vehicles On Public Highways And To Declare An Emergency.....	98	175
Authorize Highway Maintenance Vehicles To Operate At Less Than The Posted Minimum Speed On Interstate Highways.....	100	178
Provide For The Regulation Of Motorized Foot Scooters And To Declare An Emergency	101	179
Revise Requirements For Sales Of Catalytic Converters To Scrap Metal Businesses.....	139	254
Update References To Certain Federal Motor Carrier Regulations.....	169	313
Exempt The Provision Of Electricity Through Electric Vehicle Charging Stations From The Definition Of Electric Utility.....	171	315
Exempt Motor Vehicle Service Contracts From The Insurance Code	180	329

Motorcycles

Authorize The Use Of Electric All Terrain And Off Road Vehicles On Public Highways And To Declare An Emergency.....	98	175
--	----	-----

Municipal Government

Permit Certain Municipalities To Elect Aldermen At Large	21	48
Clarify Signature Requirements On Petitions Regarding The Change Of Form Of Government In Municipalities.....	22	48
Permit Municipalities To Contribute More To The Cost Of Insurance Provided To Certain Officers Or Retired Employees	23	49
Revise The Discretionary Formula For Reduced Taxation Of New Structures And Residential Property	29	53
Revise Certain Provisions Regarding Local Building Codes	35	64
Modify Legal And Official Notice Publication Requirements.....	55	97
Provide For The Regulation Of Motorized Foot Scooters And To Declare An Emergency	101	179

Revise Provisions Regarding Municipal Zoning Of
 Medical Cannabis Establishments..... 130 242

Revise Certain Provisions Regarding Census Estimates
 For The Purposes Of Off-Sale And On-Sale Liquor Licenses. 141 256

Revise Provisions Regarding The Sale Or Service Of Alcoholic Beverages
 By Persons Under The Age Of Twenty-One. 142 257

Native Americans

Designate The Traditional Flute As The Official
 Indigenous Musical Instrument Of South Dakota 2 15

Permit The Wearing Of A Beaded Graduation Cap At A
 School Honoring Or Graduation Ceremony 38 66

Natural Resources

Revise Certain Provisions Regarding The State Conservation Commission
 And Conservation Districts..... 154 281

Allow The Department Of Agriculture And Natural Resources To
 Collect Receipts From Timber Sales On Federal Lands
 And Disburse Those Receipts According To Federal Law 160 294

Make An Appropriation For Costs Related To Forest Resiliency And
 Growth In The State And To Declare An Emergency..... 222 432

Make An Appropriation From The Coordinated Natural Resources
 Conservation Fund To The State Conservation Commission
 And To Declare An Emergency 239 445

Non-Ad Valorem Taxes

Revise Provisions Regarding Self-Propelled Agriculture Units. 94 166

Notice and Publication

Modify Legal And Official Notice Publication Requirements..... 55 97

Revise Notice And Record Keeping Requirements
 Of Real Estate Brokerages..... 152 279

Revise Certain Provisions Regarding The State Conservation
 Commission And Conservation Districts 154 281

Establish Safety Standards Regarding Biogas Gathering Lines 172 315

Reduce The Period For Filing Claims Upon The Revocation Of
 A Grain Buyer License 176 321

Nursing Homes

Require The Posting Of Laws Regarding Hospital Nursing Facility
 And Assisted Living Center Visitation 104 185

Authorize The Construction And Operation Of A Nursing Facility
 In Lyman County And To Declare An Emergency 105 185

Oaths and Acknowledgments

Provide For The Remote Witnessing Of Certain Legal Instruments..... 56 98

Obscenity and Public Indecency

Include Intentionally Manipulated Images Or Recordings In The
 Crime Of Invasion Of Privacy By Recording 63 114

Parental Control

Revise Provisions Related To Custody And Visitation Rights
 By Medical Cannabis Cardholders..... 123 239

Penal Institutions, Probation and Parole

Create The Incarceration Construction Fund For The
 Capital Construction Of Such Facilities 3 16

Establish A Means For Certain Department Of Corrections Inmates To
 Earn Credit Against Fines Or Costs Ordered By The Sentencing Court... 73 130

Prohibit Sexual Contact Between Prison Employees And Prisoners..... 77 134

Protect The Integrity Of Reemployment Assistance 190 358

Authorize The Department Of Corrections To Make Healthcare Improvements
 At The South Dakota Women's Prison, To Make An Appropriation Therefor,
 And To Declare An Emergency 194 408

Penalty

Enhance The Penalty On Registered Sex Offenders Who Commit Sexual Contact Without Consent From A Person Capable Of Consenting.....	64	115
Disqualify For Life Any Person From Driving A Commercial Vehicle Who Is Convicted Of A Felony Offense Involving Human Trafficking.....	96	174
Regulate Delta 8 Tetrahydrocannabinol, THC O Acetate, And Hexahydrocannabinol For Those Under The Age Of Twenty-One.	111	208
Prohibit Forms Of Discrimination In Access To Organ Transplantation	112	209
Revise Acceptable Conduct Related To The Medical Use Of Cannabis	116	220
Revise Provisions Providing That Certain Professions Are Not Subject To Discipline For Certain Conduct Relating To Medical Cannabis.....	121	238
Prohibit Medical Abortion By Telemedicine And To Increase The Penalty For The Unlicensed Practice Of Medicine When Performing A Medical Abortion.....	143	257
Provide For A Revocation Of Hunting Trapping Or Fishing Privileges.....	158	292
Prohibit Forms Of Caller Identification Manipulation And To Impose A Penalty Therefor.....	170	314
Establish Safety Standards Regarding Biogas Gathering Lines	172	315
Increase Penalties For Actions Related To Grain Transactions	174	318
Prohibit A Grain Broker From Engaging In Certain Transactions Or Activities And To Provide A Penalty Therefor.....	175	320
Revise The Penalty For Certain Willful Violations By Grain Buyers And Grain Warehouse Operators.....	177	322

Personal Rights and Obligations

Prohibit Forms Of Discrimination In Access To Organ Transplantation	112	209
Establish Rights Regarding The Disposition Of A Person's Remains	113	209

Petitions

Clarify Provisions Related To Filing A Petition To Refer An Ordinance Or Resolution	20	47
Clarify Signature Requirements On Petitions Regarding The Change Of Form Of Government In Municipalities.....	22	48

Planning, Zoning and Housing Programs

Revise Provisions Regarding Municipal Zoning Of Medical Cannabis Establishments.....	130	242
Authorize The Department Of Corrections To Purchase Certain Real Property And Contract For Design Of A Community Work Center For Offenders Committed To The Department Of Corrections, To Make An Appropriation Therefor, And To Declare An Emergency	205	417
Make An Appropriation For The Provision Of Housing Infrastructure Loans And Grants.....	238	444

Procurement of Public Improvements

Include Certain Costs As Project Costs For Tax Increment Financing Districts	34	63
Clarify Certain Provisions Of The Rural Access Infrastructure Improvements Grant Program.....	92	163
Make An Appropriation For The Enhancement And Improvement Of State Radio Infrastructure And To Declare An Emergency.....	195	408
Authorize The Board Of Regents To Contract For The Design And Construction Of An Addition To The Wellness Center At The University Of South Dakota, To Make An Appropriation Therefor, And To Declare An Emergency	197	410
Authorize The Board Of Regents To Contract For The Design, Renovation, And Construction Of An Addition For A Health Sciences Center At Black Hills State University Rapid City, To Make An Appropriation Therefor, And To Declare An Emergency	198	411

Authorize The Board Of Regents To Contract For The Demolition Of Briscoe Hall
 And The Existing Lincoln Hall, And The Design And Construction Of
 The New Lincoln Hall At Northern State University, To Make
 An Appropriation Therefor, And To Declare An Emergency 199 412

Make An Appropriation For The Redesign And Renovation Of The
 Wagner Readiness Center And To Declare An Emergency 200 414

Authorize The Department Of The Military To Construct A Cold Storage Building
 Located In Rapid City, South Dakota, To Make An Appropriation Therefor,
 And To Declare An Emergency 201 415

Make An Appropriation For Water, Wastewater, And Storm Water Projects
 Throughout State Government And To Declare An Emergency..... 202 415

Make An Appropriation For The Replacement Of The Richmond Lake Spillway,
 For The General Maintenance And Repair Of Other State Owned Dams,
 And To Declare An Emergency. 204 417

Appropriate Funds For The Expansion Of Broadband Infrastructure
 And To Declare An Emergency 207 419

Make An Appropriation For The Construction Of A New State Public Health
 Laboratory And The Renovation Of The Existing Laboratory
 And To Declare An Emergency 208 419

Make An Appropriation For Eligible Water, Wastewater, Storm Water,
 And Nonpoint Source Projects And To Declare An Emergency..... 210 421

Revise The Appropriation For Road Improvements To The State
 Veterans Cemetery, To Provide For Ordinary Operations Of
 The Cemetery, And To Declare An Emergency 211 423

Make An Appropriation To The Department Of Game Fish And Parks
 To Improve And Repair Infrastructure Around Lake Alvin And
 Newell Lake And To Declare An Emergency 213 425

Make An Appropriation For The Design, Renovation, And Construction
 Of A Multi Purpose Facility At The Cottonwood Field Station
 And To Declare An Emergency. 214 426

Authorize The Board Of Regents To Acquire The Incubator Building
 Located On The Campus Of South Dakota School Of Mines And Technology,
 To Contract For The Design And Renovation Thereof, To Make
 An Appropriation Therefor, And To Declare An Emergency 215 427

Authorize The Board Of Regents To Acquire Property, Contract For The Design
 And Construction Of The Dakota State University Applied Research Lab,
 To Make An Appropriation Therefor, And To Declare An Emergency 217 428

Make An Appropriation To The Board Of Regents To Upgrade An
 Education Lab And Purchase Resources At Black Hills State University
 And To Declare An Emergency 219 430

Make An Appropriation For The Construction Of A Storage Garage
 In Rapid City And To Declare An Emergency..... 229 436

Authorize The Bureau Of Administration To Construct An Addition To
 The Kinsman Building In Pierre, To Make An Appropriation Therefor,
 And To Declare An Emergency 231 438

Authorize The Board Of Regents To Acquire Property, Contract For The Design
 And Construction Of An Athletics Events Center At Dakota State University,
 To Make An Appropriation Therefor, And To Declare An Emergency 232 438

Authorize The Board Of Regents To Contract For The Design And Renovation Of,
 And Construction Of An Addition To, The Stanley J. Marshall Center
 At South Dakota State University, To Make An Appropriation Therefor,
 And To Declare An Emergency 233 440

Authorize The Board Of Regents To Demolish A South Dakota State University
 Building And To Make An Appropriation Therefor..... 234 441

Make An Appropriation To The Board Of Technical Education To Construct An Advanced Manufacturing Laboratory Space And Classrooms On The Campus Of Lake Area Technical College And To Declare An Emergency	236	442
Make An Appropriation To The Board Of Technical Education To Construct An Agriculture And Diesel Power Laboratory And Multi Purpose Space On The Campus Of Mitchell Technical College And To Declare An Emergency. ...	237	443
Make An Appropriation To The Department Of Education To Improve And Renovate The Cultural Heritage Center And To Declare An Emergency	240	446
Professions and Occupations		
Provide For The Redistribution Of Donated Prescription Drugs And Medical Supplies	137	251
Revise Certain Provisions Related To Advanced Life Support Personnel ..	144	261
Require Criminal Background Checks For Emergency Medical Technicians And Advanced Life Support Personnel.....	145	263
Create A Critical Care Endorsement For Emergency Medical Technician Paramedics.	146	266
Revise Certain Definitions In Laws Regarding Physical Therapists.....	148	276
Modify The Licensing Of Barbers	149	277
Revise The Number Of Class Hours Required To Obtain A Responsible Broker's License.....	151	279
Revise Renewal And Licensing Requirements For Plumbers	153	280
Authorize The Formation Of Corporations And Limited Liability Companies By Physical Therapists, Occupational Therapists, And Speech Language Pathologists.	167	306
Promulgation of Rules		
Revise The Classification Of Agricultural Land According To Soil Type	28	52
Prohibit Private Funding Of Election Costs Except For Gifts Of A Nominal And Intrinsic Value	36	65
Require Law Enforcement To Report Certain Seizures Of Property	76	132
Provide That The Cost Of A Home Study Required For An Adoption Is The Responsibility Of The Department Of Social Services.....	79	136
Provide A Reimbursement Schedule For Chiropractic, Dental, And Optometric Services Under The Medicaid Program	87	158
Revise Rulemaking Authority Related To Medical Cannabis.....	133	246
Provide For The Redistribution Of Donated Prescription Drugs And Medical Supplies	137	251
Create A Critical Care Endorsement For Emergency Medical Technician Paramedics.	146	266
Update Certain Provisions Related To The Licensure Of Optometrists	147	267
Modify The Licensing Of Barbers	149	277
Revise Renewal And Licensing Requirements For Plumbers	153	280
Revise Provisions Regarding Industrial Hemp And To Declare An Emergency	155	282
Include A Common Paymaster As Within The Meaning Of Employing Unit	189	357
Property		
Revise The Freeze On Assessments For Dwellings Of Disabled And Senior Citizens.....	30	56
Revise Certain Provisions Regarding Local Building Codes	35	64
Allow Succession To Real Property By An Affidavit	89	160
Revise Provisions Regarding Weed Removal Along Highways.....	91	162
Grant Immunity From Certain Liabilities For Camping Activities	107	188
Revise Notice And Record Keeping Requirements Of Real Estate Brokerages	152	279

Update The South Dakota Coordinate System To Conform To National Standards 163 297

Authorize The Department Of The Military To Purchase Certain Real Property In Chamberlain And To Declare An Emergency 245 449

Property Tax

Increase Household Income Thresholds For A Paraplegic Tax Reduction . 25 50

Revise The Application Process For The Reduction Of Tax On Dwellings Owned By Paraplegics 26 51

Provide A Partial Property Tax Exemption For The Surviving Spouses Of Certain Veterans 27 51

Revise The Classification Of Agricultural Land According To Soil Type 28 52

Revise The Discretionary Formula For Reduced Taxation Of New Structures And Residential Property 29 53

Revise The Freeze On Assessments For Dwellings Of Disabled And Senior Citizens 30 56

Make An Appropriation To Fund Tax Refunds For Elderly Persons And Persons With A Disability And To Declare An Emergency 31 58

Include Certain Costs As Project Costs For Tax Increment Financing Districts 34 63

Revise Property Tax Levies For School Districts And To Revise The State Aid To General And Special Education Formulas 41 72

Public Fiscal Administration

Require State Agencies To Provide Certain Information For Initiated Measure Or Constitutional Amendment Fiscal Notes 8 23

Revise Certain Provisions Regarding The Investments Authorized For State Public Funds 17 45

Revise Certain Provisions Regarding Utility Facilities And Revenue Bonds 166 305

Revise The General Appropriations Act For Fiscal Year 2022 192 397

Public Health and Safety

Allow Inpatient Psychiatric Facility Placement Alternatives For Certain Patients 86 158

Revise Certain Provisions Related To The Use Of Epinephrine And Supraglottic Airway Devices By Ambulance Services 102 179

Establish Licensure For Rural Emergency Hospitals 103 181

Provide For The Direct Sale Of Certain Home Produced Or Home Processed Foods And Food Products. 106 186

Grant Immunity From Certain Liabilities For Camping Activities 107 188

Revise And Clarify Certain Processes For Emergency Detainment Related To Drug And Alcohol Abuse..... 108 189

Require Criminal Background Checks For Emergency Medical Technicians And Advanced Life Support Personnel..... 145 263

Make An Appropriation To Support Firefighter Training Equipment And Recruitment Efforts In The State And To Declare An Emergency 203 416

Make An Appropriation For The Construction Of A New State Public Health Laboratory And The Renovation Of The Existing Laboratory And To Declare An Emergency 208 419

Make An Appropriation For Programs That Assist Victims Of Domestic Violence, Abuse, And Neglect, And To Declare An Emergency 220 431

Make An Appropriation To Provide Grants For Certain Residential Alternative Care Programs And To Declare An Emergency 224 433

Make An Appropriation For Costs Related To Disasters In The State And To Declare An Emergency 227 435

Make An Appropriation For Costs Related To Suppression Of Wildfires In The State And To Declare An Emergency 228 436

Make An Appropriation To Reimburse Certain Health Care Professionals Who Have Complied With The Requirements For Certain Health Care Recruitment Assistance Programs And To Declare An Emergency.....	235	442
Public Property, Purchases and Contracts		
Require The POW MIA Flag Be Displayed In The Senate And House Of Representative Chambers	18	46
Provide For The Payment Of Signing Bonuses To School District Staff Members	45	83
Make An Appropriation For Certain Costs Related To Capitol Lake And To Declare An Emergency	226	435
Authorize The Board Of Regents To Acquire Property Contract For The Design And Construction Of An Athletics Events Center At Dakota State University, To Make An Appropriation Therefor, And To Declare An Emergency	232	438
Authorize The Department Of The Military To Purchase Certain Real Property In Chamberlain And To Declare An Emergency	245	449
Public Records and Files		
Revise Certain Provisions Regarding Records That Are Not Open To Inspection And Copying And Deliberations In An Executive Or Closed Meeting	4	16
Modify When A Motion For Expungement Of An Arrest Record May Be Made And To Declare An Emergency	71	128
Revise Provisions Related To Medical Cannabis Data Maintained By The Department Of Health	134	248
Public Utilities and Carriers		
Establish Safety Standards Regarding Biogas Gathering Lines	172	315
Require Financial Security For The Decommissioning Of Solar Facilities..	173	317
Increase Penalties For Actions Related To Grain Transactions	174	318
Prohibit A Grain Broker From Engaging In Certain Transactions Or Activities And To Provide A Penalty Therefor.....	175	320
Reduce The Period For Filing Claims Upon The Revocation Of A Grain Buyer License	176	321
Public Waters		
Make An Appropriation For The Replacement Of The Richmond Lake Spillway, For The General Maintenance And Repair Of Other State Owned Dams, And To Declare An Emergency.	204	417
Recreation and Sports		
Revise Provisions Regarding Agritourism Liability.....	57	99
Add An Exemption From The Calculation Of Adjusted Gross Proceeds From Gaming	162	297
Redistricting		
Modify Provisions Related To County Redistricting.....	19	47
Reemployment Assistance		
Include A Common Paymaster As Within The Meaning Of Employing Unit	189	357
Protect The Integrity Of Reemployment Assistance	190	358
Make An Appropriation To The Department Of Labor And Regulation For The Modernization Of The Reemployment Assistance Enterprise System And To Declare An Emergency	193	407
Reports		
Revise Provisions Regarding The Teacher Compensation Review Board ..	5	20
Direct The Indian Education Advisory Council To Make An Annual Report To The Governor And The State Tribal Relations Committee.....	7	22
Revise The Annual Report On Medical Cannabis By The Department Of Health To The Legislature.....	136	250
Make An Appropriation For Programs That Assist Victims Of Domestic Violence, Abuse, And Neglect, And To Declare An Emergency	220	431

Retail Sales and Service Tax

Make An Appropriation To Fund Tax Refunds For Elderly Persons And Persons With A Disability And To Declare An Emergency	31	58
Exempt Gross Receipts Of Certain Coaches From Certain Gross Receipts Taxes	33	62

Retirement System

Add Gaming Enforcement Agents To Class B Membership Of The South Dakota Retirement System	14	28
Revise Certain Provisions Relating To The South Dakota Retirement System.....	15	35

School Curriculum

Protect Students And Employees At Institutions Of Higher Education From Divisive Concepts	39	67
--	----	----

School Districts

Protect Students And Employees At Institutions Of Higher Education From Divisive Concepts	39	67
Revise Property Tax Levies For School Districts And To Revise The State Aid To General And Special Education Formulas.....	41	72
Modify Tuition Responsibilities For Children In Residential Treatment Centers	43	80
Provide For The Payment Of Signing Bonuses To School District Staff Members	45	83
Protect Fairness In Women's Sports	51	94
Modify Legal And Official Notice Publication Requirements.....	55	97
Revise Provisions Related To Prohibited Conduct By Schools And Landlords Related To Medical Cannabis	122	238

Schools

Permit The Wearing Of A Beaded Graduation Cap At A School Honoring Or Graduation Ceremony	38	66
Modify Tuition Responsibilities For Children In Residential Treatment Centers	43	80
Clarify The Certification Process For Teachers And School Administrators....	44	82
Protect Fairness In Women's Sports	51	94

Session Laws

Publish Voter Approved Initiated Constitutional Amendments And Initiated Measures In The Session Laws.....	9	23
---	---	----

Sex Offenses

Enhance The Penalty On Registered Sex Offenders Who Commit Sexual Contact Without Consent From A Person Capable Of Consenting.....	64	115
Revise The Definition Of Sexual Contact For Purposes Of Sexual Contact With A Child Under Eighteen By A Person In A Position Of Authority.....	65	115
Revise Provisions Related To The Video Recording Of Certain Victim Testimony At A Preliminary Hearing Or Deposition	72	128
Revise Provisions Related To Courtroom Modifications For Child Witnesses	84	157

Solar

Require Financial Security For The Decommissioning Of Solar Facilities.....	173	317
--	-----	-----

Speech and Expression

Permit The Wearing Of A Beaded Graduation Cap At A School Honoring Or Graduation Ceremony	38	66
--	----	----

Speed Limits

Authorize Highway Maintenance Vehicles To Operate At Less Than The Posted Minimum Speed On Interstate Highways.....	100	178
--	-----	-----

State Affairs and Government

Update Legal Holidays In South Dakota.....	1	15
--	---	----

Designate The Traditional Flute As The Official Indigenous Musical Instrument Of South Dakota	2	15
Facilitate Legislative Oversight Of Settlement Agreements Involving A State Entity Or Official	16	45
Repeal Certain Reporting Requirements To The Executive Board Of The Legislative Research Council	37	66
Permit The Wearing Of A Beaded Graduation Cap At A School Honoring Or Graduation Ceremony	38	66
Modify Legal And Official Notice Publication Requirements.....	55	97
Revise Certain Fees Collected By The Office Of The Secretary Of State ..	70	124
Clarify Conduct That Is Not Required Related To Medical Cannabis	125	240
State Aid to Education		
Revise The Discretionary Formula For Reduced Taxation Of New Structures And Residential Property	29	53
Revise The General State Aid Formula To Provide Adjustment For Alternative Education Students Participating In Interscholastic Activities.....	40	68
Revise Property Tax Levies For School Districts And To Revise The State Aid To General And Special Education Formulas.....	41	72
Prolong Requirements For Increasing Teacher Compensation	42	79
Modify Tuition Responsibilities For Children In Residential Treatment Centers	43	80
State Emblems		
Designate The Traditional Flute As The Official Indigenous Musical Instrument Of South Dakota	2	15
State Employees		
Update Legal Holidays In South Dakota.....	1	15
Revise Holiday Pay For State Employees	12	27
Revise The Approval Process For State Employee Household Moving Allowances	13	28
Add Gaming Enforcement Agents To Class B Membership Of The South Dakota Retirement System	14	28
Facilitate Legislative Oversight Of Settlement Agreements Involving A State Entity Or Official	16	45
Prohibit Sexual Contact Between Prison Employees And Prisoners.....	77	134
State Funds		
Create The Incarceration Construction Fund For The Capital Construction Of Such Facilities	3	16
Revise Certain Provisions Regarding The Investments Authorized For State Public Funds.....	17	45
Prohibit Private Funding Of Election Costs Except For Gifts Of A Nominal And Intrinsic Value	36	65
Require The Board Of Regents To Provide An Annual Presentation To The Special Committee	46	84
Revise Certain Fees Collected By The Office Of The Secretary Of State ..	70	124
Revise The General Appropriations Act For Fiscal Year 2022	192	397
Revise Senate Bill 60, The General Appropriations Act For Fiscal Year 2022, As Previously Enacted In The Ninety Seventh Session Of The South Dakota Legislature.	225	434
State's Attorneys		
Establish The Burden Of Proof After A Claim Of Immunity	62	113
Students		
Permit The Wearing Of A Beaded Graduation Cap At A School Honoring Or Graduation Ceremony	38	66
Modify Tuition Responsibilities For Children In Residential Treatment Centers	43	80
Revise Criteria For The South Dakota Freedom Scholarship.....	48	86

Make An Appropriation To Support The Teen Court Grant Program
And To Declare An Emergency 216 428

Tax Exemptions

Increase Household Income Thresholds For A Paraplegic Tax Reduction . 25 50

Revise The Application Process For The Reduction Of Tax On Dwellings
Owned By Paraplegics 26 51

Provide A Partial Property Tax Exemption For The Surviving Spouses
Of Certain Veterans 27 51

Revise The Discretionary Formula For Reduced Taxation Of
New Structures And Residential Property 29 53

Revise The Freeze On Assessments For Dwellings Of
Disabled And Senior Citizens 30 56

Exempt Gross Receipts Of Certain Coaches From
Certain Gross Receipts Taxes 33 62

Taxation

Revise Certain References To The Internal Revenue Code 24 50

Increase Household Income Thresholds For A Paraplegic Tax Reduction . 25 50

Revise The Application Process For The Reduction Of Tax On Dwellings
Owned By Paraplegics 26 51

Provide A Partial Property Tax Exemption For The Surviving Spouses
Of Certain Veterans 27 51

Revise The Discretionary Formula For Reduced Taxation Of
New Structures And Residential Property 29 53

Revise The Freeze On Assessments For Dwellings Of
Disabled And Senior Citizens 30 56

Include Carbon Dioxide And Carbon Dioxide Capture Companies
In Certain Provisions Regarding Pipeline Taxation 32 61

Exempt Gross Receipts Of Certain Coaches From
Certain Gross Receipts Taxes 33 62

Include Certain Costs As Project Costs For Tax Increment
Financing Districts 34 63

Revise Certain Provisions Related To The Partners In Education
Tax Credit Program 50 92

Repeal The Bingo Distributor License And Bingo Manufacturer License
And To Repeal The Bingo Tax 66 116

Revise The Motor Vehicle Excise Tax On Vehicles Leased For More
Than Twenty Eight Days To Include Certain Off Road Vehicles 93 165

Revise Provisions Regarding Self-Propelled Agriculture Units. 94 166

Add An Exemption From The Calculation Of Adjusted Gross Proceeds
From Gaming 162 297

Specify Taxation Authorization And Standards Of Practice
For The Sale Of Travel Insurance 185 335

Teachers

Revise Provisions Regarding The Teacher Compensation Review Board .. 5 20

Prolong Requirements For Increasing Teacher Compensation 42 79

Clarify The Certification Process For Teachers And School Administrators.... 44 82

Provide For The Payment Of Signing Bonuses
To School District Staff Members 45 83

Technical Corrections

Update References To Certain Federal Motor Carrier Regulations..... 169 313

Technical/Cleanup Changes

Repeal Obsolete Lease Requirements For The Black Hills Playhouse..... 159 293

Clarify Cross References Regarding Powers Of Attorney..... 187 355

Technology

Revise Certain Provisions Regarding Records That Are Not Open To Inspection
And Copying And Deliberations In An Executive Or Closed Meeting 4 16

Clarify When A Delivery Facilitation Contractor May Be Considered An Independent Contractor.....	188	356
Make An Appropriation For High Performance Computing And Data Storage Systems At South Dakota State University And To Declare An Emergency	242	447
Telecommunications		
Provide For The Remote Witnessing Of Certain Legal Instruments	56	98
Prohibit Medical Abortion By Telemedicine And To Increase The Penalty For The Unlicensed Practice Of Medicine When Performing A Medical Abortion.....	143	257
Prohibit Forms Of Caller Identification Manipulation And To Impose A Penalty Therefor	170	314
Make An Appropriation For The Enhancement And Improvement Of State Radio Infrastructure And To Declare An Emergency.....	195	408
Therapists and Counselors		
Authorize The Formation Of Corporations And Limited Liability Companies By Physical Therapists, Occupational Therapists, And Speech Language Pathologists.	167	306
Townships		
Revise The Compensation For A Township Board Member Overseer.....	90	162
Revise Provisions Regarding Weed Removal Along Highways.....	91	162
Clarify Certain Provisions Of The Rural Access Infrastructure Improvements Grant Program.....	92	163
Trade		
Specify Taxation Authorization And Standards Of Practice For The Sale Of Travel Insurance.....	185	335
Transfer of Funds		
Revise The General Appropriations Act For Fiscal Year 2022	192	397
Authorize The Board Of Regents To Contract For The Design And Renovation Of, And Construction Of An Addition To, The Stanley J. Marshall Center At South Dakota State University, To Make An Appropriation Therefor, And To Declare An Emergency	233	440
Authorize The Board Of Regents To Demolish A South Dakota State University Building And To Make An Appropriation Therefor.....	234	441
Tuition		
Revise And Repeal Certain Provisions Regarding Self Support Tuition Rates At Off Campus Locations Governed By The Board Of Regents.....	47	84
Uniform Laws		
Clarify Cross References Regarding Powers Of Attorney.....	187	355
Uniform Probate Code		
Expand The Eligibility For A Small Estate Probate	88	159
Allow Succession To Real Property By An Affidavit	89	160
Utilities		
Exempt The Provision Of Electricity Through Electric Vehicle Charging Stations From The Definition Of Electric Utility.....	171	315
Veterans Affairs		
Require The POW MIA Flag Be Displayed In The Senate And House Of Representative Chambers	18	46
Provide A Partial Property Tax Exemption For The Surviving Spouses Of Certain Veterans	27	51
Revise The Appropriation For Road Improvements To The State Veterans Cemetery, To Provide For Ordinary Operations Of The Cemetery, And To Declare An Emergency	211	423
Vital Records		
Revise Provisions Related To A Name Change For Certain Crime Victims.....	59	102
Revise Provisions Related To Name Changes When Obtaining A Marriage License	78	135

Voting

Permit Certain Municipalities To Elect Aldermen At Large 21 48

Water Management

Revise Certain Provisions Regarding Utility Facilities And Revenue Bonds..... 166 305

Make An Appropriation For Water, Wastewater, And Storm Water Projects
Throughout State Government And To Declare An Emergency..... 202 415

Make An Appropriation For Eligible Water, Wastewater, Storm Water,
And Nonpoint Source Projects And To Declare An Emergency..... 210 421

Make Appropriations From The Water And Environment Fund And Its
Revolving Fund Subfunds For Various Water And Environmental
Purposes And To Declare An Emergency 212 423

Workers' Compensation

Revise Provisions Regarding Cost Reimbursement Associated
With Medical Cannabis 124 239

CROSS REFERENCE TABLE

Bill	Chap.	Bill	Chap.	Bill	Chap.	Bill	Chap.
1	10	62	210	174	223	1063	13
2	9	63	211	176	94	1065	69
4	118	64	212	187	8	1068	68
5	116	67	213	188	140	1069	67
6	122	68	12	190	130	1070	92
7	123	71	50	195	62	1075	55
9	115	73	157	196	224	1076	21
10	132	74	95	197	18	1078	98
12	136	77	64	199	59	1079	52
13	128	79	187	201	155	1080	42
14	129	80	171	203	166	1082	93
15	121	81	65	212	70	1083	27
17	124	83	71	213	225	1084	101
18	133	84	214	1001	30	1085	88
19	117	86	148	1002	17	1086	137
21	127	87	163	1003	169	1087	4
22	135	88	154	1009	49	1092	241
23	114	90	35	1010	24	1096	156
24	119	91	97	1011	26	1097	125
26	120	93	102	1012	39	1099	84
27	126	95	5	1013	226	1100	72
28	96	97	215	1014	31	1102	183
29	100	98	162	1016	227	1103	87
31	193	101	142	1017	228	1104	53
33	194	103	216	1018	229	1105	85
34	195	107	56	1019	230	1106	11
35	174	108	37	1020	231	1107	74
36	173	118	131	1021	232	1108	99
37	66	119	77	1022	233	1109	54
38	175	120	63	1023	234	1110	83
39	176	122	36	1024	47	1113	61
40	172	130	217	1025	1	1115	89
41	196	131	46	1027	109	1117	181
42	197	132	218	1028	147	1118	188
43	198	133	219	1030	235	1119	40
44	199	135	57	1031	236	1120	32
45	152	136	108	1032	237	1121	144
46	51	138	20	1033	238	1122	145
47	178	144	3	1034	239	1123	103
48	200	147	105	1035	160	1127	19
49	201	148	186	1036	75	1128	190
50	202	152	161	1037	177	1129	112
51	203	154	48	1038	110	1130	185
52	204	155	220	1041	16	1131	158
53	205	156	141	1043	153	1133	79
54	206	160	180	1046	138	1137	242
55	207	161	221	1047	240	1152	113
56	15	162	29	1050	159	1153	151
57	14	165	33	1051	6	1155	90
58	208	167	44	1056	134	1156	91
59	41	169	73	1059	184	1162	60
60	192	170	222	1060	168	1169	149
61	209	171	182	1062	150	1173	189
1174	139						

Bill	Chap.	Bill	Chap.	Bill	Chap.	Bill	Chap.
1176	107						
1177	164						
1185	38						
1195	7						
1196	2						
1197	34						
1209	243						
1210	244						
1214	170						
1229	167						
1268	78						
1271	179						
1272	82						
1273	245						
1275	22						
1277	246						
1278	80						
1279	81						
1282	86						
1283	104						
1284	25						
1285	146						
1286	23						
1289	165						
1292	111						
1293	58						
1302	43						
1306	247						
1308	45						
1318	143						
1322	106						
1325	28						
1328	76						
1340	191						
SCR 21-07	248						
SCR 21-08	249						
SCR 21-09	250						
SCR 21-10	251						
SCR 21-11	252						
SCR 21-12	253						
SCR 22-01	254						
SCR 22-02	255						
SCR 22-03	256						
SCR 22-04	257						
SCR 22-05	258						
SCR 22-06	259						
SCR 22-07	260						
SCR 22-08	261						
SCR 22-09	262						
SCR 22-10	263						

TABLE OF ENACTED, AMENDED, AND REPEALED SECTIONS

	Section	Ch.	Page
STATE AFFAIRS AND GOVERNMENT			
1-5-1, amended	Sec. 1	1	15
1-6-16.11, enacted	Sec. 1	2	15
1-15-37, enacted	Sec. 1	3	16
1-25-2, amended	Sec. 2	4	16
1-27-1.5, amended	Sec. 1	4	16
1-45-39, amended	Sec. 1	5	20
1-53-15, amended	Sec. 1	6	21
1-53-16, amended	Sec. 2	6	21
1-53-17, amended	Sec. 3	6	21
1-53-18, amended	Sec. 4	6	21
1-53-19, amended	Sec. 5	6	21
1-54-11, amended	Sec. 1	7	22
LEGISLATURE AND STATUTES			
2-9-30, amended	Sec. 1	8	23
2-13-2, amended	Sec. 1	9	23
2-16-13, amended	Sec. 1	10	24
2-16-15, amended	Sec. 2	10	24
2-16-16, amended	Sec. 3	10	24
PUBLIC OFFICERS AND EMPLOYEES			
3-1A-5, amended (effective February 14, 2022)	Sec. 1	11	26
3-1A-5.1, enacted (effective February 14, 2022)	Sec. 2	11	26
3-6C-20, amended	Sec. 1	12	27
3-9-9, amended	Sec. 1	13	28
3-9-11, amended	Sec. 2	13	28
3-12C-101, amended	Sec. 1	14	28
3-12C-101, amended	Sec. 1	15	35
3-12C-206, amended	Sec. 2	15	35
3-12C-818, amended	Sec. 3	15	35
3-12C-826, amended	Sec. 4	15	35
3-12C-902, amended	Sec. 5	15	35
3-12C-907, amended	Sec. 6	15	35
3-12C-1301, amended	Sec. 7	15	35
3-12C-1303, amended	Sec. 8	15	35
3-12C-1402, amended	Sec. 9	15	35
3-12C-1404, amended	Sec.10	15	35
3-12C-1503, amended	Sec.11	15	35
3-21-14, enacted	Sec. 1	16	45
PUBLIC FISCAL ADMINISTRATION			
4-5-26, amended	Sec. 1	17	45
PUBLIC PROPERTY, PURCHASES AND CONTRACTS			
5-15-53, enacted	Sec. 1	18	46
COUNTIES			
7-8-10, amended	Sec. 1	19	47
7-8-12.3, amended	Sec. 2	19	47
7-9-7, amended	Sec. 2	89	160
7-18A-16, amended	Sec. 1	20	47
MUNICIPAL GOVERNMENT			
9-8-4.1, enacted	Sec. 1	21	48
9-11-6, amended	Sec. 1	22	48
9-14-35, amended	Sec. 1	23	49
TAXATION			
10-1-47, amended	Sec. 1	24	50

10-4-24.12, amended	Sec. 2	25	50
10-4-24.13, amended	Sec. 1	25	50
10-4-24.14, enacted	Sec. 1	26	51
10-4-41, amended	Sec. 1	27	51
10-6-130, amended	Sec. 1	28	52
10-6-137, amended	Sec. 1	29	53
10-6-137.1, enacted	Sec. 2	29	53
10-6-138, amended	Sec. 3	29	53
10-6-141, amended	Sec. 4	29	53
10-6A-1, amended	Sec. 1	30	56
10-6A-2, amended	Sec. 2	30	56
10-6A-3, amended	Sec. 3	30	56
10-12-42, amended	Sec. 1	41	72
10-12-44, amended	Sec. 5	29	53
10-18A-5, amended (effective March 18, 2022)	Sec. 5	31	58
10-18A-6, amended (effective March 18, 2022)	Sec. 6	31	58
10-37-1, amended	Sec. 1	32	61
10-37-12, amended	Sec. 2	32	61
10-37-14, amended	Sec. 3	32	61
10-44-2.2, enacted	Sec.11	185	335
10-45-114, enacted	Sec. 1	33	62
10-45A-5, amended (effective March 18, 2022)	Sec. 7	31	58
10-45A-6, amended (effective March 18, 2022)	Sec. 8	31	58
10-46-74, enacted	Sec. 2	33	62
10-47B-3, amended	Sec. 1	94	166
10-59-1, amended	Sec.14	66	116
PLANNING, ZONING AND HOUSING PROGRAMS			
11-9-15, amended	Sec. 1	34	63
11-9-20, amended	Sec. 6	29	53
11-10-5, amended	Sec. 1	35	64
11-10-6, amended	Sec. 2	35	64
11-10-12, enacted	Sec. 3	35	64
11-10-13, enacted	Sec. 4	35	64
ELECTIONS			
12-1-11, amended	Sec. 1	36	65
12-4-2, amended (effective February 14, 2022)	Sec. 3	11	26
12-4-9.3, enacted (effective February 14, 2022)	Sec. 4	11	26
12-9-21, enacted (effective February 14, 2022)	Sec. 5	11	26
12-25-31, amended (effective February 14, 2022)	Sec. 6	11	26
12-25-31.1, enacted (effective February 14, 2022).....	Sec. 7	11	26
EDUCATION			
13-1-62 , repealed	Sec. 1	37	66
13-1-66, amended	Sec. 1	38	66
13-1-67, enacted	Sec. 1	39	67
13-1-68, enacted	Sec. 2	39	67
13-1-69, enacted	Sec. 3	39	67
13-1-70, enacted	Sec. 4	39	67
13-1-71, enacted	Sec. 5	39	67
13-13-10.1, amended	Sec. 1	40	68
13-13-10.1, amended	Sec. 2	41	72
13-13-20.4, amended	Sec. 7	29	53
13-13-73.6, amended	Sec. 1	42	79
13-28-10, amended	Sec. 1	43	80
13-28-11, amended	Sec. 2	43	80
13-28-37.1, amended	Sec. 2	47	84
13-28-39, amended	Sec. 3	43	80
13-28-52, amended	Sec. 4	43	80

13-37-16, amended	Sec. 3	41	72
13-37-35.1, amended	Sec. 4	41	72
13-42-7, repealed	Sec. 3	44	82
13-42-9, amended	Sec. 1	44	82
13-42-67, amended	Sec. 2	44	82
13-43-61, amended	Sec. 1	45	83
13-43-62, amended	Sec. 2	45	83
13-43-63, amended	Sec. 3	45	83
13-49-40, enacted	Sec. 1	46	84
13-51-1.2, repealed	Sec. 3	47	84
13-51-1.3, amended	Sec. 1	47	84
13-55-2.1, repealed	Sec. 4	47	84
13-55A-15, amended	Sec. 1	48	86
13-55A-16, amended	Sec. 2	48	86
13-55A-17, amended	Sec. 3	48	86
13-63-1, amended	Sec. 1	49	87
13-63-3, amended	Sec. 2	49	87
13-63-4, amended	Sec. 3	49	87
13-63-9, amended	Sec. 4	49	87
13-63-12, amended	Sec. 5	49	87
13-63-13, amended	Sec. 6	49	87
13-63-18, amended	Sec. 7	49	87
13-63-21.1, enacted	Sec. 8	49	87
13-63-23, amended	Sec. 9	49	87
13-63-30, amended	Sec.10	49	87
13-65-1, amended	Sec. 1	50	92
13-65-3, amended	Sec. 2	50	92
13-67-1, enacted	Sec. 1	51	94
13-67-2, enacted	Sec. 2	51	94
13-67-3, enacted	Sec. 3	51	94
13-67-4, enacted	Sec. 4	51	94
13-67-5, enacted	Sec. 5	51	94
CIVIL PROCEDURE			
15-5A-1, amended (effective February 1, 2022).....	Sec. 3	254	461
15-12-30, amended	Sec. 3	260	468
15-15-7, amended (effective January 1, 2023)	Sec. 1	52	95
15-15A-16, enacted (effective February 28, 2022)	Sec. 3	261	468
15-26A-87.1, amended (effective February 1, 2022).....	Sec. 3	255	462
15-30-1, amended (effective February 1, 2022).....	Sec. 3	256	464
COURTS AND JUDICIARY			
16-2-A, amended (effective February 1, 2022).....	Sec. 3	257	465
16-6-7, amended	Sec. 1	53	96
16-13-15, amended	Sec. 1	54	96
16-14-7, enacted (effective February 1, 2022).....	Sec. 3	258	466
16-17-A, amended (effective January 1, 2022)	Sec. 5	248	451
16-18-A, amended (effective September 1, 2021)	Sec. 3	249	452
16-18-A, amended (effective September 1, 2021).....	Sec. 3	250	456
16-18-1.1, enacted (effective February 1, 2022)	Sec. 3	259	467
NOTICE AND PUBLICATION			
17-2-1, amended	Sec. 1	55	97
17-2-2.1, amended	Sec. 2	55	97
17-2-2.4, amended	Sec. 3	55	97
17-2-28, amended	Sec. 4	55	97
OATHS AND ACKNOWLEDGMENTS			
18-8-1, enacted	Sec. 1	56	98
18-8-2, enacted	Sec. 2	56	98
18-8-3, enacted	Sec. 3	56	98

18-8-4, enacted	Sec. 4	56	98
18-8-5, enacted	Sec. 5	56	98
18-8-6, enacted	Sec. 6	56	98
EVIDENCE			
19-19-404, amended (effective January 1, 2022)	Sec. 3	251	457
19-19-807, amended (effective January 1, 2022)	Sec. 3	252	458
PERSONAL RIGHTS AND OBLIGATIONS			
20-9-12, amended	Sec. 1	57	99
20-9-13, amended	Sec. 2	57	99
20-9-14, amended	Sec. 3	57	99
20-9-15, amended	Sec. 4	57	99
20-9-16, amended	Sec. 5	57	99
20-9-16.1, enacted	Sec. 7	57	99
20-9-17, amended	Sec. 6	57	99
JUDICIAL REMEDIES			
21-3-15, enacted	Sec. 1	58	102
21-37-5.2, amended	Sec. 1	59	102
CRIMES			
22-1-2, amended	Sec. 1	60	103
22-14-9.2, repealed	Sec. 1	69	123
22-17-13, amended	Sec. 1	61	112
22-17-13.1, enacted	Sec. 2	61	112
22-17-14, amended	Sec. 3	61	112
22-18-4.8, amended	Sec. 1	62	113
22-21-4, amended	Sec. 1	63	114
22-22-7.4, amended	Sec. 1	64	115
22-22-7.8, amended	Sec. 1	65	115
22-25-25, amended	Sec. 1	66	116
22-25-28, amended	Sec. 2	66	116
22-25-29, amended	Sec. 3	66	116
22-25-30, repealed	Sec. 4	66	116
22-25-31, repealed	Sec. 5	66	116
22-25-36, repealed	Sec. 6	66	116
22-25-37, repealed	Sec. 7	66	116
22-25-38, repealed	Sec. 8	66	116
22-25-41, amended	Sec. 9	66	116
22-25-48, repealed	Sec.10	66	116
22-25-49, repealed	Sec.11	66	116
22-25-50, amended	Sec.12	66	116
22-25-51, repealed	Sec.13	66	116
22-42-2, amended	Sec. 1	67	121
LAW ENFORCEMENT			
23-5C-2, amended	Sec. 1	68	122
23-5C-3, amended	Sec. 2	68	122
23-7-7, amended	Sec. 2	69	123
23-7-7.4, repealed	Sec. 3	69	123
23-7-8.2, amended	Sec. 1	70	124
23-7-8.11, amended	Sec. 2	70	124
23-7-53, amended	Sec. 3	70	124
23-7-56, amended	Sec. 4	70	124
23-7-60, amended	Sec. 5	70	124
23-7-62, amended	Sec. 6	70	124
23-7-69, amended	Sec. 7	70	124
23-7-72, enacted	Sec. 8	70	124
CRIMINAL PROCEDURE			
23A-3-27, amended (effective March 15, 2022)	Sec. 1	71	128
23A-12-9, amended	Sec. 1	72	128

23A-12-10, amended	Sec. 2	72	128
23A-27-25.7, enacted	Sec. 1	73	130
23A-27-25.8, enacted	Sec. 2	73	130
23A-27-47, amended	Sec. 1	74	130
23A-27-47.1, enacted	Sec. 2	74	130
23A-28C-8, amended	Sec. 3	72	128
23A-35-4.3, amended	Sec. 1	75	131
23A-44-5.1, amended (effective September 1, 2021).....	Sec. 3	253	459
23A-49-21, enacted	Sec. 1	76	132
23A-49-22, enacted	Sec. 2	76	132
23A-49-23, enacted	Sec. 3	76	132
23A-49-24, enacted	Sec. 4	76	132
23A-49-25, enacted	Sec. 5	76	132
PENAL INSTITUTIONS, PROBATION AND PAROLE			
24-1-26.1, amended	Sec. 1	77	134
DOMESTIC RELATIONS			
25-1-10.1, amended	Sec. 1	78	135
25-4-43, repealed	Sec. 9	81	151
25-4A-A, amended	Sec. 3	263	471
25-4A-32, amended (effective September 1, 2022)	Sec. 3	262	469
25-6-9.1, amended	Sec. 1	79	136
25-7-6.2, amended	Sec. 1	80	136
25-7-6.4, amended	Sec. 1	81	151
25-7-6.7, amended	Sec. 2	81	151
25-7-6.10, amended	Sec. 3	81	151
25-7-6.13, amended	Sec. 4	81	151
25-7-6.14, amended	Sec. 5	81	151
25-7-6.16, amended	Sec. 6	81	151
25-7-6.26, amended	Sec. 7	81	151
25-7-6.29, enacted	Sec. 8	81	151
25-10-5.1, amended	Sec. 1	82	156
MINORS			
26-8A-20, amended	Sec. 1	83	156
26-8A-30, amended	Sec. 1	84	157
MENTALLY ILL PERSONS			
27A-10-8, amended	Sec. 1	85	157
27A-15-3, amended	Sec. 1	86	158
PUBLIC WELFARE AND ASSISTANCE			
28-6-1.2, enacted	Sec. 1	87	158
UNIFORM PROBATE CODE			
29A-3-1201, amended	Sec. 1	88	159
29A-3-1203, enacted	Sec. 1	89	160
HIGHWAYS AND BRIDGES			
31-13-2, amended	Sec. 1	90	162
31-31-2, amended	Sec. 1	91	162
31-31-3, amended	Sec. 2	91	162
31-31-5, amended	Sec. 3	91	162
31-31-6, amended	Sec. 4	91	162
31-34-2, amended	Sec. 1	92	163
31-34-3, amended	Sec. 2	92	163
31-34-4, amended	Sec. 3	92	163
31-34-6, amended	Sec. 4	92	163
31-34-7, amended	Sec. 5	92	163
MOTOR VEHICLES			
32-5B-1.1, amended	Sec. 1	93	165
32-5B-2.2, enacted	Sec. 2	94	166
32-12A-8.1, amended	Sec. 1	95	173

32-12A-8.2, enacted Sec. 2 95 173
 32-12A-52, amended Sec. 3 95 173
 32-12A-53, amended Sec. 4 95 173
 32-12A-54, amended Sec. 5 95 173
 32-12A-56, amended Sec. 6 95 173
 32-12A-68, enacted Sec. 1 96 174
 32-17-42, amended Sec. 1 97 174
 32-20-13, amended (effective February 23, 2022) Sec. 1 98 175
 32-23-2, amended Sec. 1 99 176
 32-23-3, amended Sec. 2 99 176
 32-23-4, amended Sec. 3 99 176
 32-23-4.6, amended Sec. 4 99 176
 32-23-4.7, amended Sec. 5 99 176
 32-23-4.9, amended Sec. 6 99 176
 32-25-5, amended Sec. 1 100 178
 32-26-21.4, amended (effective March 16, 2022)..... Sec. 2 101 179
 32-26-21.5, amended (effective March 16, 2022)..... Sec. 3 101 179
 32-26-21.6, enacted (effective March 16, 2022)..... Sec. 1 101 179

PUBLIC HEALTH AND SAFETY

34-11-2, amended Sec. 3 102 179
 34-11-2, amended Sec. 4 145 263
 34-11-5.2, amended Sec. 5 145 263
 34-11-6.5, enacted Sec. 2 145 263
 34-11-13, enacted Sec. 1 102 179
 34-11-14, enacted Sec. 2 102 179
 34-12-1.1, amended Sec. 1 103 181
 34-12-6, amended Sec. 2 103 181
 34-12-11.2, enacted Sec. 1 104 185
 34-12-39.8, enacted (effective March 18, 2022)..... Sec. 1 105 185
 34-12-52, amended Sec. 3 103 181
 34-12-53, amended Sec. 4 103 181
 34-18-35, amended Sec. 1 106 186
 34-18-36, amended Sec. 2 106 186
 34-18-36.1, enacted Sec. 3 106 186
 34-18-37, amended Sec. 4 106 186
 34-18-38, amended Sec. 5 106 186
 34-18-39, enacted Sec. 1 107 188
 34-18-40, enacted Sec. 2 107 188
 34-18-41, enacted Sec. 3 107 188
 34-18-42, enacted Sec. 4 107 188
 34-20A-2, amended Sec. 1 108 189
 34-20A-55, amended Sec. 2 108 189
 34-20A-56, amended Sec. 3 108 189
 34-20A-57, amended Sec. 4 108 189
 34-20A-63, amended Sec. 5 108 189
 34-20A-64, amended Sec. 6 108 189
 34-20A-64.1, amended Sec. 7 108 189
 34-20A-65, amended Sec. 8 108 189
 34-20A-66, amended Sec. 9 108 189
 34-20A-66.1, amended Sec.10 108 189
 34-20A-67, amended Sec.11 108 189
 34-20A-68, amended Sec.12 108 189
 34-20A-69, amended Sec.13 108 189
 34-20A-73, amended Sec.14 108 189
 34-20A-76, amended Sec.15 108 189
 34-20B-12, amended (effective February 9, 2022) Sec. 1 109 193
 34-20B-14, amended (effective February 9, 2022) Sec. 2 109 193

34-20B-16, amended (effective February 9, 2022)	Sec. 3	109	193
34-20B-25, amended (effective February 9, 2022)	Sec. 4	109	193
34-20B-116, enacted (effective March 18, 2022).....	Sec. 1	110	207
34-20B-117, enacted	Sec. 1	111	208
34-20G-1, amended	Sec. 1	116	220
34-20G-1, amended	Sec. 1	115	217
34-20G-1, amended	Sec. 1	114	214
34-20G-1, amended	Sec. 1	118	228
34-20G-1, amended	Sec. 1	117	224
34-20G-1, amended	Sec. 1	120	234
34-20G-1, amended	Sec. 1	119	231
34-20G-6, amended	Sec. 1	121	238
34-20G-18, amended	Sec. 2	116	220
34-20G-19, amended	Sec. 1	122	238
34-20G-21, amended	Sec. 1	123	239
34-20G-24, amended	Sec. 3	116	220
34-20G-25.1, enacted	Sec. 2	117	224
34-20G-27, amended	Sec. 1	125	240
34-20G-27, amended	Sec. 1	124	239
34-20G-34, amended	Sec. 1	126	240
34-20G-36, amended	Sec. 1	127	241
34-20G-38 , repealed	Sec. 1	128	241
34-20G-39 , repealed	Sec. 2	128	241
34-20G-40 , repealed	Sec. 3	128	241
34-20G-41 , repealed	Sec. 4	128	241
34-20G-43, amended	Sec. 2	118	228
34-20G-44, amended	Sec. 1	129	242
34-20G-51, amended	Sec. 2	119	231
34-20G-58.1, enacted	Sec. 1	130	242
34-20G-65.1, enacted	Sec. 1	131	243
34-20G-70, amended	Sec. 1	132	245
34-20G-72, amended	Sec. 1	133	246
34-20G-72, amended	Sec. 2	131	243
34-20G-85, amended	Sec. 2	127	241
34-20G-86, amended	Sec. 1	134	248
34-20G-88, amended	Sec. 2	134	248
34-20G-88, amended	Sec. 2	120	234
34-20G-88, amended	Sec. 3	136	250
34-20G-92, amended	Sec. 1	135	249
34-20G-94, amended	Sec. 1	136	250
34-20H-1, enacted	Sec. 1	137	251
34-20H-2, enacted	Sec. 2	137	251
34-20H-3, enacted	Sec. 3	137	251
34-20H-4, enacted	Sec. 4	137	251
34-20H-5, enacted	Sec. 5	137	251
34-20H-6, enacted	Sec. 6	137	251
34-20H-7, enacted	Sec. 7	137	251
34-20H-8, enacted	Sec. 8	137	251
34-20H-9, enacted	Sec. 9	137	251
34-23A-34, amended	Sec. 3	143	257
34-25-16.8, enacted	Sec. 2	59	102
34-26-1, amended	Sec. 8	113	209
34-26-16 , repealed	Sec.12	113	209
34-26-17, amended	Sec. 9	113	209
34-26-47.1, enacted	Sec. 1	112	209
34-26-74, enacted	Sec. 1	113	209
34-26-75, enacted	Sec. 2	113	209

34-26-76, enacted	.....	Sec. 3	113	209
34-26-77, enacted	.....	Sec. 4	113	209
34-26-78, enacted	.....	Sec. 5	113	209
34-26-79, enacted	.....	Sec. 6	113	209
34-26-80, enacted	.....	Sec. 7	113	209
34-26A-2, amended	.....	Sec.10	113	209

ENVIRONMENTAL PROTECTION

34A-6-1.17, amended	.....	Sec. 1	138	253
34A-6-108, amended	.....	Sec. 1	139	254
34A-6-109, amended	.....	Sec. 2	139	254
34A-6-109.2, enacted	.....	Sec. 3	139	254

ALCOHOLIC BEVERAGES

35-1-5.9, enacted	.....	Sec. 1	140	255
35-4-10, amended	.....	Sec. 2	141	256
35-4-11, amended	.....	Sec. 1	141	256
35-4-79.4, amended	.....	Sec. 1	142	257

PROFESSIONS AND OCCUPATIONS

36-4-8, amended	.....	Sec. 1	143	257
36-4-47, enacted	.....	Sec. 2	143	257
36-4-48, enacted	.....	Sec. 5	143	257
36-4B-1, amended	.....	Sec. 1	144	261
36-4B-1, amended	.....	Sec. 3	145	263
36-4B-13.1, enacted	.....	Sec. 1	145	263
36-4B-15, amended	.....	Sec. 2	144	261
36-4B-18.1, enacted	.....	Sec. 1	146	266
36-4B-35, amended	.....	Sec. 2	146	266
36-4B-38 , repealed	.....	Sec. 4	102	179
36-4B-39 , repealed	.....	Sec. 5	102	179
36-4B-40 , repealed	.....	Sec. 6	102	179
36-7-1.3, enacted	.....	Sec. 1	147	267
36-7-3, amended	.....	Sec. 2	147	267
36-7-3.1, repealed	.....	Sec.17	147	267
36-7-3.2, amended	.....	Sec. 3	147	267
36-7-4 , repealed	.....	Sec.18	147	267
36-7-5 , repealed	.....	Sec.19	147	267
36-7-6 , repealed	.....	Sec.20	147	267
36-7-8 , repealed	.....	Sec.21	147	267
36-7-10, amended	.....	Sec. 4	147	267
36-7-11, amended	.....	Sec. 5	147	267
36-7-12.1, amended	.....	Sec. 6	147	267
36-7-12 , repealed	.....	Sec.22	147	267
36-7-13, amended	.....	Sec. 7	147	267
36-7-14 , repealed	.....	Sec.23	147	267
36-7-15, amended	.....	Sec. 8	147	267
36-7-15.1, repealed	.....	Sec.24	147	267
36-7-15.2, repealed	.....	Sec.25	147	267
36-7-15.3, repealed	.....	Sec.26	147	267
36-7-17, amended	.....	Sec. 9	147	267
36-7-18, amended	.....	Sec.10	147	267
36-7-19 , repealed	.....	Sec.27	147	267
36-7-20, amended	.....	Sec.11	147	267
36-7-20.1, repealed	.....	Sec.28	147	267
36-7-20.2, amended	.....	Sec.12	147	267
36-7-20.3, repealed	.....	Sec.29	147	267
36-7-20.4, repealed	.....	Sec.30	147	267
36-7-21, amended	.....	Sec.13	147	267
36-7-24, amended	.....	Sec.14	147	267

36-7-25, amended	Sec.15	147	267
36-7-27, amended	Sec.16	147	267
36-7-29 , repealed	Sec.31	147	267
36-7-31 , repealed	Sec.32	147	267
36-10-18, amended	Sec. 1	148	276
36-14-9, amended	Sec. 1	149	277
36-14-13, amended	Sec. 2	149	277
36-14-18, amended	Sec. 3	149	277
36-16-15, amended	Sec. 1	150	278
36-21A-31, amended (effective January 1, 2023)	Sec. 1	151	279
36-21A-39, amended	Sec. 1	152	279
36-21A-52, amended	Sec. 2	152	279
36-25-19, amended	Sec. 1	153	280
36-25-19.4, enacted	Sec. 2	153	280
36-25-24, amended	Sec. 3	153	280
36-25-32, amended	Sec. 4	153	280
AGRICULTURE AND HORTICULTURE			
38-8-23, amended	Sec. 1	154	281
38-35-1, amended (effective March 18, 2022)	Sec. 1	155	282
38-35-2, amended (effective March 18, 2022)	Sec. 2	155	282
38-35-3, amended (effective March 18, 2022)	Sec. 3	155	282
38-35-3.1, enacted (effective March 18, 2022)	Sec. 4	155	282
38-35-4, amended (effective March 18, 2022)	Sec. 5	155	282
38-35-5, amended (effective March 18, 2022)	Sec. 6	155	282
38-35-7, amended (effective March 18, 2022)	Sec. 7	155	282
38-35-8, amended (effective March 18, 2022)	Sec. 8	155	282
38-35-9, amended (effective March 18, 2022)	Sec. 9	155	282
38-35-10, amended (effective March 18, 2022)	Sec.10	155	282
38-35-11, amended (effective March 18, 2022)	Sec.11	155	282
38-35-12, amended (effective March 18, 2022)	Sec.12	155	282
38-35-13 , repealed (effective March 18, 2022)	Sec.19	155	282
38-35-14, amended (effective March 18, 2022)	Sec.13	155	282
38-35-16, amended (effective March 18, 2022)	Sec.14	155	282
38-35-17, amended (effective March 18, 2022)	Sec.15	155	282
38-35-18, amended (effective March 18, 2022)	Sec.16	155	282
38-35-22, enacted (effective March 18, 2022)	Sec.17	155	282
38-35-23, enacted (effective March 18, 2022)	Sec.18	155	282
ANIMALS AND LIVESTOCK			
40-3-27, amended	Sec. 1	156	290
GAME, FISH, PARKS AND FORESTRY			
41-1-1, amended	Sec. 2	60	103
41-8-17, amended	Sec. 1	157	290
41-9-8, amended	Sec. 1	158	292
41-17-11.1, repealed	Sec. 1	159	293
41-17-11.2, repealed	Sec. 2	159	293
41-17-11.3, repealed	Sec. 3	159	293
41-17-11.4, repealed	Sec. 4	159	293
41-17-11.5, repealed	Sec. 5	159	293
41-20-18, amended	Sec. 1	160	294
RECREATION AND SPORTS			
42-7A-1, amended	Sec. 1	161	294
42-7A-37, amended	Sec. 2	161	294
42-7B-28.2, amended	Sec. 1	162	297
PROPERTY			
43-22-1, amended	Sec. 1	163	297
43-22-2, amended	Sec. 2	163	297
43-22-3 , repealed	Sec.12	163	297

43-22-4 , repealed	Sec.13	163	297
43-22-5, amended	Sec. 3	163	297
43-22-6, amended	Sec. 4	163	297
43-22-8, amended	Sec. 5	163	297
43-22-9, amended	Sec. 6	163	297
43-22-10, amended	Sec. 7	163	297
43-22-11, amended	Sec. 8	163	297
43-22-12.1, amended	Sec. 9	163	297
43-22-13, amended	Sec.10	163	297
43-22-14 , repealed	Sec.14	163	297
43-22-15, enacted	Sec.11	163	297
43-31-37, amended (effective March 18, 2022)	Sec. 4	31	58
43-32-37, enacted	Sec. 1	164	301
LIENS			
44-14-1, amended	Sec. 1	165	302
44-14-2, amended	Sec. 2	165	302
44-14-3, amended	Sec. 3	165	302
44-14-6, amended	Sec. 4	165	302
44-14-7, enacted	Sec. 5	165	302
44-14-8, enacted	Sec. 6	165	302
44-14-9, enacted	Sec. 7	165	302
44-14-10, enacted	Sec. 8	165	302
WATER MANAGEMENT			
46A-9-56, amended	Sec. 1	166	305
46A-9-71, amended	Sec. 2	166	305
CORPORATIONS			
47-11G-1, enacted	Sec. 1	167	306
47-11G-2, enacted	Sec. 2	167	306
47-11G-3, enacted	Sec. 3	167	306
47-11G-4, enacted	Sec. 4	167	306
47-11G-5, enacted	Sec. 5	167	306
47-11G-6, enacted	Sec. 6	167	306
47-11G-7, enacted	Sec. 7	167	306
47-11G-8, enacted	Sec. 8	167	306
47-11G-10, enacted	Sec. 9	167	306
47-11G-11, enacted	Sec.10	167	306
47-34A-912, amended	Sec. 1	168	309
47-34A-1010 , repealed	Sec. 2	168	309
47-34A-1011 , repealed	Sec. 3	168	309
47-34A-1012 , repealed	Sec. 4	168	309
47-34A-1013 , repealed	Sec. 5	168	309
47-34A-1014 , repealed	Sec. 6	168	309
47-34A-1015 , repealed	Sec. 7	168	309
47-34A-1016 , repealed	Sec. 8	168	309
PUBLIC UTILITIES AND CARRIERS			
49-28A-3, amended	Sec. 1	169	313
49-31-31, amended	Sec. 1	170	314
49-31-31.2, enacted	Sec. 2	170	314
49-34A-116, enacted	Sec. 1	171	315
49-34C-1, enacted	Sec. 1	172	315
49-34C-2, enacted	Sec. 2	172	315
49-34C-3, enacted	Sec. 3	172	315
49-34C-4, enacted	Sec. 4	172	315
49-34C-5, enacted	Sec. 5	172	315
49-41B-39, amended	Sec. 1	173	317
49-43-4.2, amended	Sec. 1	174	318
49-43-41, amended	Sec. 2	174	318

49-43-62, amended	Sec. 2	177	322
49-43-62, amended	Sec. 3	174	318
49-45-1, amended	Sec. 1	175	320
49-45-1, amended	Sec. 4	174	318
49-45-1.1, amended	Sec. 2	175	320
49-45-19, amended	Sec. 1	176	321
49-45-25, amended	Sec. 1	177	322
49-45-25, amended	Sec. 5	174	318
49-45-26, amended	Sec. 6	174	318
49-45-29, enacted	Sec. 3	175	320
BANKS AND BANKING			
51A-17-1, amended	Sec. 1	178	323
51A-17-2.1, enacted	Sec. 2	178	323
51A-17-2.2, enacted	Sec. 3	178	323
51A-17-6, amended	Sec. 4	178	323
51A-17-10, amended	Sec. 5	178	323
51A-17-22, amended	Sec. 6	178	323
51A-17-23, amended	Sec. 7	178	323
51A-17-27, amended	Sec. 8	178	323
51A-17-28, amended	Sec. 9	178	323
51A-17-51, enacted	Sec.10	178	323
DEBTOR AND CREDITOR			
54-4-47.1, enacted	Sec. 1	179	328
54-14-40, enacted	Sec. 2	179	328
FIDUCIARIES AND TRUSTS			
55-11-1, amended	Sec.11	113	209
INSURANCE			
58-1-2, amended	Sec. 1	180	329
58-1-3, amended	Sec. 2	180	329
58-15-85, amended	Sec. 1	181	332
58-17-171, enacted	Sec. 1	182	333
58-24-68, amended	Sec. 1	183	334
58-30-150.1, enacted	Sec. 1	184	335
58-30-209, amended	Sec. 1	185	335
58-30-209.1, enacted	Sec. 2	185	335
58-30-209.2, enacted	Sec. 3	185	335
58-30-209.3, enacted	Sec. 4	185	335
58-30-212.1, enacted	Sec. 5	185	335
58-30-215, amended	Sec. 6	185	335
58-30-215.1, enacted	Sec. 7	185	335
58-30-215.2, enacted	Sec. 8	185	335
58-30-217, amended	Sec. 9	185	335
58-30-217.1, enacted	Sec.10	185	335
58-33A-13, amended (effective January 1, 2023).....	Sec. 1	186	342
58-33A-14, amended (effective January 1, 2023).....	Sec. 2	186	342
58-33A-15, amended (effective January 1, 2023).....	Sec. 3	186	342
58-33A-16, amended (effective January 1, 2023).....	Sec. 4	186	342
58-33A-16.1, enacted (effective January 1, 2023).....	Sec. 7	186	342
58-33A-16.2, enacted (effective January 1, 2023).....	Sec. 8	186	342
58-33A-16.3, enacted (effective January 1, 2023).....	Sec. 9	186	342
58-33A-16.4, enacted (effective January 1, 2023).....	Sec.11	186	342
58-33A-16.5, enacted (effective January 1, 2023).....	Sec.12	186	342
58-33A-16.6, enacted (effective January 1, 2023).....	Sec.13	186	342
58-33A-16.7, enacted (effective January 1, 2023).....	Sec.14	186	342
58-33A-17.1, repealed (effective January 1, 2023).....	Sec. 5	186	342
58-33A-17, repealed (effective January 1, 2023).....	Sec. 6	186	342
58-33A-18, amended (effective January 1, 2023).....	Sec.10	186	342

58-33A-19, amended (effective January 1, 2023).....	Sec.17	186	342
58-33A-19.1, repealed (effective January 1, 2023).....	Sec.18	186	342
58-33A-19.2, enacted (effective January 1, 2023).....	Sec.15	186	342
58-33A-19.3, enacted (effective January 1, 2023).....	Sec.19	186	342
58-33A-20, amended (effective January 1, 2023).....	Sec.20	186	342
58-33A-20.1, amended (effective January 1, 2023).....	Sec.21	186	342
58-33A-20.2, amended (effective January 1, 2023).....	Sec.22	186	342
58-33A-25, amended (effective January 1, 2023).....	Sec.24	186	342
58-33A-25.1, amended (effective January 1, 2023).....	Sec.25	186	342
58-33A-25.2, amended (effective January 1, 2023).....	Sec.26	186	342
58-33A-25.3, amended (effective January 1, 2023).....	Sec.27	186	342
58-33A-25.4, enacted (effective January 1, 2023).....	Sec.16	186	342
58-33A-25.5, enacted (effective January 1, 2023).....	Sec.23	186	342
58-33A-26, amended (effective January 1, 2023).....	Sec.28	186	342
58-33A-27, amended (effective January 1, 2023).....	Sec.29	186	342
AGENCY			
59-12-8, amended	Sec. 1	187	355
LABOR AND EMPLOYMENT			
60-1-7, enacted	Sec. 1	188	356
60-1-8, enacted	Sec. 2	188	356
REEMPLOYMENT ASSISTANCE			
61-1-3, amended	Sec. 1	189	357
61-6-68, enacted	Sec. 1	190	358

200 copies of this document were printed by the Legislative Research Council
at an approximate cost of \$28.04 per copy