

State of South Dakota

EIGHTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2013

400U0196

HOUSE BILL NO. 1116

Introduced by: The Committee on State Affairs at the request of the Office of the Governor

1 FOR AN ACT ENTITLED, An Act to revise the terms and expiration dates of appointees to
2 certain boards and commissions.

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

4 Section 1. That § 36-20B-4 be amended to read as follows:

5 36-20B-4. The South Dakota Board of Accountancy, which has responsibility for the
6 administration and enforcement of this chapter, consists of six members, all of whom shall be
7 residents of this state. Five members shall be appointed by the Governor for three-year terms.
8 Four of the appointed members shall be holders of active certificates and three of these shall be
9 in the practice of public accountancy. One appointed member shall be a lay member who is not
10 a holder of a certificate under this chapter but shall have had professional or practical experience
11 in the use of accounting services and financial statements, so as to be qualified to make
12 judgments about the qualifications and conduct of persons and firms subject to regulation under
13 this chapter. The auditor general shall serve as an ex officio member. The Governor shall, by
14 appointment, fill any vacancy occurring during a term for the remainder of the unexpired term.
15 Any member of the board whose certificate is revoked or suspended shall automatically cease



1 to be a member of the board. The Governor may remove any member of the board for cause.
2 The Governor may stagger the terms to enable the board to have different terms expire each
3 year. No member may serve more than three consecutive full terms. However, appointment to
4 fill an unexpired term is not considered a complete term for this purpose.

5 The terms of members ~~shall~~ begin on October thirty-first of the calendar year in which the
6 Governor appoints the member, unless otherwise designated by the Governor. The appointee's
7 term ~~shall expire~~ expires on October thirtieth in the third year of appointment. ~~Members terms~~
8 ~~that end June 30, 2012, are extended to October 30, 2012. Any member's term ending June 30,~~
9 2013, or thereafter is extended to October thirtieth in the year the term is to expire.

10 Section 2. That § 51A-2-8 be amended to read as follows:

11 51A-2-8. The term of office of members of the commission as created by this chapter ~~shall~~
12 ~~be~~ is three years each. However, the term of office of only one member who is a director or
13 officer of a bank ~~shall~~ may expire each year.

14 Vacancies arising other than from the natural expiration of a term shall be appointed for the
15 remainder of the unexpired term only and such appointees shall meet the qualifications
16 prescribed by law for the vacated position. All appointments to the commission ~~shall be~~ are
17 effective on the thirty-first day of October in which the Governor appoints the member, unless
18 otherwise designated by the Governor. Members shall serve until their successors are appointed
19 and qualified. Any member may be removed by the Governor for cause. The three-year terms
20 ~~shall~~ expire on October thirtieth in the third year of appointment.

21 ~~Members terms that end June 20, 2012, are extended to October 30, 2012. Any member's~~
22 term ending June 30, 2013, or thereafter is extended to October thirtieth in the year the term is
23 to expire.

24 Section 3. That § 62-2-10 be amended to read as follows:

1 62-2-10. The Governor shall appoint a State Workers' Compensation Advisory Council,
2 composed of eight members, four representing employees, two of whom shall be from
3 recommendations submitted by the South Dakota Federation of Labor. No employee
4 representative may be a member of a personnel department. Four shall represent employers. The
5 members may not be all of the same political party. Expenses of council members shall be paid
6 by the Department of Labor and Regulation. The length of terms is three years with no more
7 than three expiring each year. Members shall serve until a new appointment is made by the
8 Governor. The secretary of labor and regulation is a nonvoting member. Five voting members
9 of the council are a quorum for meetings. The lieutenant governor shall serve as the chair and
10 has the right to vote. Any recommendations by the advisory council shall be by majority vote.

11 The terms of members ~~shall~~ begin on October thirty-first of the calendar year in which the
12 Governor appoints the member, unless otherwise designated by the Governor. The appointee's
13 term ~~shall expire~~ expires on October thirtieth in the third year of appointment.

14 ~~Members terms that end June 30, 2012, are extended to October 30, 2012. Any member's~~
15 term ending June 30, 2013, or thereafter is extended to October thirtieth in the year the term is
16 to expire.

17 The council shall aid the Department of Labor and Regulation in reviewing the workers'
18 compensation program as to its content, adequacy, and effectiveness and make
19 recommendations for its improvement. The council shall meet as frequently as necessary but
20 not less than twice each year. The council shall make reports of its meetings that shall include
21 a record of its discussions, including all issues voted upon and the vote count, and its
22 recommendations. The council shall make an annual report to the Governor and Legislature by
23 December thirty-first of each year. The department shall make the reports available to any
24 interested persons or groups.

1 Section 4. That § 36-14-2 be amended to read as follows:

2 36-14-2. The Governor shall appoint a Board of Barber Examiners which shall include three
3 professional members. The term of each ~~shall be~~ is three years commencing on the thirty-first
4 day of October. The appointee's term ~~shall expire~~ expires on October thirtieth in the third year
5 of appointment. ~~Members terms that end June 30, 2012, are extended to October 30, 2012. Any~~
6 member's term ending June 30, 2013, or thereafter is extended to October thirtieth in the year
7 the term is to expire. No member may serve more than three consecutive full terms. However,
8 appointment to fill an unexpired term is not considered a complete term for this purpose. Each
9 of these members shall be a practical barber who has followed the occupation of barber in this
10 state for at least five years immediately preceding the barber's appointment. The Governor may
11 remove a member for cause and shall fill all vacancies. Any member appointed to fill a vacancy
12 shall serve the remainder of the unexpired term. The Governor may stagger the terms to enable
13 the board to have different terms expire each year.

14 Section 5. That § 1-36-3 be amended to read as follows:

15 1-36-3. The Board of Social Services is hereby continued within the Department of Social
16 Services and shall consist of seven members, not more than four of which ~~shall~~ may be
17 members of the same political party, appointed by the Governor and subject to removal for
18 cause only. The term of office of each member ~~shall be~~ is three years. The terms of members
19 shall begin on October thirty-first of the calendar year in which the Governor appoints the
20 member, unless otherwise designated by the Governor. The appointee's term ~~shall expire~~ expires
21 on October thirtieth in the third year of appointment.

22 ~~Members terms that end June 30, 2012, are extended to October 30, 2012. Any member's~~
23 term ending June 30, 2013, or thereafter is extended to October thirtieth in the year the term is
24 to expire.

1 A member appointed to fill a vacancy occurring other than by expiration of a term shall be
2 appointed for the unexpired term.

3 Section 6. That § 36-19-2 be amended to read as follows:

4 36-19-2. The State Board of Funeral Service shall include the five professional members
5 who shall be licensed to practice funeral service. The Governor shall appoint the professional
6 members of the board. However, no person may be appointed as a professional member of the
7 board who has not been licensed in this state, as an embalmer and funeral director, or to practice
8 funeral service, for at least five years prior to appointment. The term of office of appointed
9 members ~~shall be~~ is three years. The Governor shall, by appointment, fill any vacancy.

10 The board shall also include two lay members who are users of the services regulated by the
11 board. The term, lay member who is a user, refers to a person who is not licensed by the board
12 but, where practical, uses the service licensed. The term shall be liberally construed to
13 implement the purpose of this section. The Governor shall appoint the lay members. The lay
14 members shall have the same term of office as other members of the board.

15 No board member may serve more than three consecutive full terms. However, appointment
16 to fill an unexpired term is not considered a complete term for this purpose. The Governor may
17 stagger the terms to enable the board to have different terms expire each year.

18 The terms of members ~~shall~~ begin on October thirty-first of the calendar year in which the
19 Governor appoints the member, unless otherwise designated by the Governor. The appointee's
20 term ~~shall expire~~ expires on October thirtieth in the third year of appointment.

21 ~~Members terms that end June 30, 1012, are extended to October 30, 2012. Any member's~~
22 term ending June 30, 2013, or thereafter is extended to October thirtieth in the year the term is
23 to expire.

24 The board shall also include the secretary of health or the secretary's designee as a nonvoting

1 member.

2 Section 7. That § 36-24-5 be amended to read as follows:

3 36-24-5. Board members shall be appointed for a term of three years. Each member shall
4 serve until a successor has been appointed.

5 The terms of members ~~shall~~ begin on October thirty-first of the calendar year in which the
6 Governor appoints the member, unless otherwise designated by the Governor. The appointee's
7 term ~~shall expire~~ expires on October thirtieth in the third year of appointment.

8 ~~Members terms that end June 30, 2012, are extended to October 30, 2012. Any member's~~
9 term ending June 30, 2013, or thereafter is extended to October thirtieth in the year the term is
10 to expire.

11 Section 8. That § 36-35-2 be amended to read as follows:

12 36-35-2. The board consists of five members appointed by the Governor. The terms of the
13 initial members of the board shall be staggered by the drawing of lots with three of the initial
14 members serving a term of three years, two of the initial members serving a term of two years,
15 and one of the initial members serving a term of one year. Any subsequent term on the board
16 ~~shall be~~ is three years. One member of the board shall be a person not licensed by the board.
17 Four members of the board shall be persons licensed by the board. The Governor shall fill any
18 vacancy by appointment to complete the unexpired portion of that member's term. No person
19 may serve more than three consecutive full terms on the board. The appointment to an unexpired
20 term is not considered a full term.

21 The terms of members ~~shall~~ begin on October thirty-first of the calendar year in which the
22 Governor appoints the member, unless otherwise designated by the Governor. The appointee's
23 term ~~shall expire~~ expires on October thirtieth in the third year of appointment.

24 ~~Members terms that end June 30, 2012, are extended to October 30, 2012. Any member's~~

1 term ending June 30, 2013, or thereafter is extended to October thirtieth in the year the term is
2 to expire.

3 Section 9. That § 36-4-1 be amended to read as follows:

4 36-4-1. The State Board of Medical and Osteopathic Examiners, hereinafter called the Board
5 of Examiners, consists of nine members to be appointed by the Governor for terms of three
6 years. No member may serve more than three consecutive full terms. However, appointment to
7 an unexpired term is not considered a full term for this purpose. Each member shall hold office
8 until a successor is appointed and qualified. Any vacancy on the board shall be filled by
9 appointment by the Governor. The board shall at all times include six doctors of medicine and
10 one doctor of osteopathy. The Governor may stagger terms to enable the board to have different
11 terms expire each year.

12 The terms of members ~~shall~~ begin on October thirty-first of the calendar year in which the
13 Governor appoints the member, unless otherwise designated by the Governor. The appointee's
14 term ~~shall expire~~ expires on October thirtieth in the third year of appointment.

15 ~~Members terms that end June 30, 2012, are extended to October 30, 2012: Any member's~~
16 term ending June 30, 2013, or thereafter is extended to October thirtieth in the year the term is
17 to expire.

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

19 36-9-9. The term of office for the members of the Board of Nursing is three years and
20 expires on October thirtieth. Each member shall serve until a successor has been appointed and
21 qualified. No member may be appointed to more than three consecutive full terms. However,
22 appointment of a person to an unexpired term is not considered a full term for this purpose.

23 At the expiration of a term, or if a vacancy occurs, the Governor shall appoint a new board
24 member. The Governor may stagger terms to enable the board to have different terms expire

1 each year.

2 The appointee's term ~~shall expire~~ expires on October thirtieth in the third year of
3 appointment.

4 ~~Members terms that end June 30, 2012, are extended to October 30, 2012. Any member's~~
5 term ending June 30, 2013, or thereafter is extended to October thirtieth in the year the term is
6 to expire.

7 Section 11. That § 36-28-2 be amended to read as follows:

8 36-28-2. The South Dakota State Board for Nursing Facility Administrators consists of
9 eleven members. The members of the board shall be appointed by the Governor and shall
10 include one licensed physician and one registered nurse, neither of whom may be an
11 administrator or an employee of a nursing facility nor have any direct financial interest in
12 nursing facilities; one practicing hospital administrator who is also licensed as a nursing facility
13 administrator; two practicing administrators of proprietary nursing facilities; two practicing
14 administrators of nonprofit nursing facilities; a designee of the secretary of health; a designee
15 of the secretary of social services; and, two members of the general public who are not
16 administrators or employees of a nursing facility and who have no direct financial interest in
17 nursing facilities. The terms of all members ~~shall~~ are to be three years. No member may serve
18 more than three consecutive full terms. The terms of members ~~shall~~ begin on October thirty-first
19 of the calendar year in which the Governor appoints the member, unless otherwise designated
20 by the Governor. The appointee's term ~~shall expire~~ expires on October thirtieth in the third year
21 of appointment. The designees of the health and social services departments shall serve without
22 compensation and reimbursement as provided in § 36-28-25, except that their travel expenses
23 shall be paid by their respective agencies pursuant to § 3-9-2. The appointment to an unexpired
24 term is not considered a full term.

1 ~~Members terms that end June 30, 2012, are extended to October 30, 2012. Any member's~~
 2 ~~term ending June 30, 2013, or thereafter is extended to October thirtieth in the year the term is~~
 3 ~~to expire.~~

4 Section 12. That § 40-3-2 be amended to read as follows:

5 40-3-2. The Animal Industry Board shall consist of seven members appointed by the
 6 Governor. Any interested farm, commodity, livestock auction or livestock commission, or
 7 veterinary organization may submit nominations to the Governor from which appointments may
 8 be made. Each term ~~shall be~~ is for a period of three years and until the successor is appointed
 9 and qualified. ~~Vacancies~~ Any vacancy may be filled by appointment of the Governor for the
 10 balance of the unexpired term.

11 The terms of members ~~shall~~ begin on October thirty-first of the calendar year in which the
 12 Governor appoints the member, unless otherwise designated by the Governor. The appointee's
 13 term ~~shall expire~~ expires on October thirtieth in the third year of appointment.

14 ~~Members terms that end June 30, 2012, are extended to October 30, 2012. Any member's~~
 15 ~~term ending June 30, 2013, or thereafter is extended to October thirtieth in the year the term is~~
 16 ~~to expire.~~

17 Section 13. That § 40-31-4 be amended to read as follows:

18 40-31-4. The processor members of the American Dairy Association shall be appointed by
 19 the Governor from among a list of nominees supplied by the South Dakota Dairy Association;
 20 ~~said list to.~~ The list shall be at least twice the number of appointments to be made;. Each term
 21 is for a period of two years beginning on ~~July first~~ October thirty-first with one processor
 22 member to be appointed each year as the ~~terms of previous appointees expire~~ term of a previous
 23 appointee expires.

24 Section 14. That § 1-16E-4.1 be amended to read as follows:

1 1-16E-4.1. The Board of Directors of the Value Added Finance Authority consists of seven
 2 members appointed by the Governor. No more than four members may be of the same political
 3 party. ~~For the initial board, the Governor shall appoint four members to four-year terms and~~
 4 ~~three members to two-year terms. Thereafter, the term of each member is four years.~~ A member
 5 appointed to fill a vacancy occurring other than by expiration of a term is appointed for the
 6 remainder of the unexpired term.

7 The terms of members ~~shall~~ begin on October thirty-first of the calendar year in which the
 8 Governor appoints the member, unless otherwise designated by the Governor. The appointee's
 9 term ~~shall expire~~ expires on October thirtieth in the third year of appointment.

10 ~~Members terms that end June 30, 2012, are extended to October 30, 2012. Any member's~~
 11 ~~term ending June 30, 2013, or thereafter is extended to October thirtieth in the year the term is~~
 12 ~~to expire.~~

13 Section 15. That § 36-12-7 be amended to read as follows:

14 36-12-7. If any vacancy occurs among the veterinarians on the State Board of Veterinary
 15 Medical Examiners due to resignation, death, removal from the state, or suspension as provided
 16 in this chapter, or for any other reason, the Governor shall fill such vacancy from the roster of
 17 licensed veterinarians within the state until the next succeeding October thirty-first. The
 18 appointee's term ~~shall expire~~ expires on October thirtieth in the third year of appointment.

19 ~~Members terms that end June 30, 2012, are extended to October 30, 2012. Any member's~~
 20 ~~term ending June 30, 2013, or thereafter is extended to October thirtieth in the year the term is~~
 21 ~~to expire.~~

22 Section 16. That § 38-10-3 be amended to read as follows:

23 38-10-3. There is hereby established a wheat commission for the utilization, research, and
 24 market development of wheat grown in South Dakota. The commission shall be composed of

1 five members who shall be participating growers. The members of the commission shall be
2 appointed by the Governor. Nominations for appointments shall be submitted to the Governor
3 by wheat producers of the state.

4 The terms of members ~~shall~~ begin on October thirty-first of the calendar year in which the
5 Governor appoints the member, unless otherwise designated by the Governor. The appointee's
6 term ~~shall be~~ is for three years and ~~expire~~ expires on October thirtieth in the third year of
7 appointment.

8 ~~Members terms that end June 30, 2012, are extended to October 30, 2012. Any member's~~
9 term ending June 30, 2013, or thereafter is extended to October thirtieth in the year the term is
10 to expire.

11 Section 17. That § 50-2-1 be amended to read as follows:

12 50-2-1. The Aeronautics Commission consists of seven persons appointed by the Governor,
13 who shall each receive the per diem set by § 4-7-10.4 for the time actually spent in the
14 performance of their official duties, together with traveling expenses set by rule of the Board
15 of Finance. At least four members of the commission shall be or have been actively engaged in
16 and have had at least one year of practical experience in civil or military aeronautics.

17 The terms of members ~~shall~~ begin on October thirty-first of the calendar year in which the
18 Governor appoints the member, unless otherwise designated by the Governor. The appointee's
19 term ~~shall be~~ is for three years and ~~expire~~ expires on October thirtieth in the third year of
20 appointment.

21 ~~Members terms that end June 30, 2012, are extended to October 30, 2012. Any member's~~
22 term ending June 30, 2013, or thereafter is extended to October thirtieth in the year the term is
23 to expire.

24 Section 18. That § 1-44-25 be amended to read as follows:

1 1-44-25. The South Dakota State Railroad Board consists of seven members to be appointed
2 by the Governor. Members shall serve a three-year term. No more than five members may be
3 of the same political party. Any member appointed to fill a vacancy arising from other than the
4 natural expiration of a term shall serve only for the unexpired term, but may be reappointed to
5 a full term. The board shall annually choose from its membership a chair, a vice chair, and a
6 secretary-treasurer. No member may be removed from office except for cause.

7 The terms of members ~~shall~~ begin on October thirty-first of the calendar year. The
8 appointee's term ~~shall expire~~ expires on October thirtieth in the third year of appointment.

9 ~~Members terms that end June 30, 2012, are extended to October 30, 2012. Any member's~~
10 term ending June 30, 2013, or thereafter is extended to October thirtieth in the year the term is
11 to expire.

12 Section 19. That § 14-1-55 be amended to read as follows:

13 14-1-55. The Governor shall appoint a State Library Board to perform all functions of the
14 former State Library Commission. The board shall consist of six members appointed by the
15 Governor for three-year terms. The members may not be of all the same political party. The
16 initial terms of the members of the board shall be set by the Governor in such a manner that no
17 more than two members' terms expire in the same year. One member shall be the executive
18 director of the Board of Regents or the executive director's designee. The members shall
19 represent, as nearly as practical, all geographic areas of the state.

20 The terms of members ~~shall~~ begin on October thirty-first of the calendar year in which the
21 Governor appoints the member, unless otherwise designated by the Governor. The appointee's
22 term ~~shall expire~~ expires on October thirtieth in the third year of appointment.

23 ~~Members terms that end June 30, 2012, are extended to October 30, 2012. Any member's~~
24 term ending June 30, 2013, or thereafter is extended to October thirtieth in the year the term is

1 to expire.

2 Section 20. That § 1-15-29 be amended to read as follows:

3 1-15-29. There is hereby established a twenty-member Council of Juvenile Services to be
4 appointed by the Governor and shall be comprised of individuals who have training, experience,
5 or special knowledge of juvenile delinquency prevention or treatment or of the administration
6 of juvenile justice. The membership of the Council of Juvenile Services shall comply with
7 Section 223(a)(3) of the Juvenile Justice and Delinquency Act. The initial members to be
8 appointed shall draw lots to determine who will hold the eight three-year terms, the six two-year
9 terms, and the six one-year terms. Thereafter, each member shall serve a term of three years.
10 Members may be reappointed and may continue to serve an expired term until replaced by the
11 Governor. A chairperson, who may not be a full-time federal, state, or local employee, for the
12 Council of Juvenile Services shall be chosen annually by a majority vote of its members at the
13 first meeting each fiscal year.

14 The terms of members ~~shall~~ begin on October thirty-first of the calendar year in which the
15 Governor appoints the member, unless otherwise designated by the Governor. The appointee's
16 term ~~shall expire~~ expires on October thirtieth in the third year of appointment.

17 ~~—Members terms that end June 30, 2012, are extended to October 30, 2012. Any member's~~
18 term ending June 30, 2013, or thereafter is extended to October thirtieth in the year the term is
19 to expire.