

# State of South Dakota

NINETY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2018

849Z0323

## HOUSE BILL NO. 1129

Introduced by: Representatives Anderson and Hunhoff and Senators Tidemann and Wiik

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding full-time equivalent  
2 positions.

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

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

5 2-14-2. Terms used throughout the code of laws enacted by § 2-16-13, mean:

6 (1) "According to usage," that which is usual and customary;

7 (2) "Adult," any person who is not a minor as defined in chapter 26-1;

8 (3) "Children" includes children by birth and by adoption;

9 (4) "Compound interest," interest added to the principal as the interest becomes due, and  
10 thereafter made to bear interest;

11 (5) "Corporate surety," a corporation acting as surety for a principal obligor, and which  
12 corporation is duly authorized under the laws of this state to transact business which  
13 involves acting as such surety;

14 (6) "Creditor," except as defined and used in chapters 54-1 and 54-9, everyone to whom  
15 is owed the performance of an obligation;



- 1 (7) "Day," the period from midnight to midnight;
- 2 (8) "Debtor," except as defined and used in chapters 54-1 and 54-9, everyone who owes  
3 to another the performance of an obligation;
- 4 (9) "Decree," the same meaning as the word "judgment";
- 5 (10) "Depose," every mode of written statement under oath or affirmation;
- 6 (11) "Folio," one hundred words, counting every series of figures necessarily used, as a  
7 word; and any portion of a folio when in the whole draft or paper there shall not be  
8 a complete folio and when there shall be any excess of the last folio;
- 9 (12) "Full-time equivalent" or "FTE," a number which designates staffing level where one  
10 full-time equivalent position is equal to the number of days, Monday through Friday,  
11 in a fiscal year, multiplied by eight hours per day. It excludes: paid overtime hours;  
12 hours paid to an employee assigned to a light duty position as approved by the  
13 commissioner of the Bureau of Human Resources due to a temporary partial  
14 disability as defined in subdivision 62-1-1(8); hours paid for accumulated annual  
15 leave and sick leave upon employee termination; hours paid to patient employees of  
16 the institutions under the control of the Department of Human Services or the  
17 Department of Social Services and the Department of Veterans Affairs; hours paid  
18 to work-study students enrolled in postsecondary educational institutions or  
19 postsecondary students employed pursuant to ~~chapter 3-6B~~ through internships in the  
20 legislative branch, judicial branch, or the executive branch; hours paid to students  
21 enrolled in and employed by postsecondary educational institutions; and hours paid  
22 to members of boards and commissions pursuant to § 4-7-10.4. For purposes of  
23 salary computation a nine month or more per year full-time teaching or research  
24 faculty person, or the equivalent thereof, at the institutions under the jurisdiction of

1 the Board of Regents shall be considered one full-time equivalent;

2 (13) "Good faith," an honest intention to abstain from taking any unconscientious  
3 advantage of another, even through the forms or technicalities of law, together with  
4 an absence of all information or belief of facts which would render the transaction  
5 unconscientious;

6 (14) "Indian tribe," any government of any Indian tribe which is located either wholly or  
7 partially within the State of South Dakota and which has a constitution or a charter  
8 approved by the secretary of the Department of the Interior and which possesses the  
9 powers of self-government;

10 (15) "Month," a calendar month;

11 (16) "Municipality," any municipality organized as provided in Title 9;

12 (17) "Oath" includes affirmation;

13 (18) "Person" includes natural persons, partnerships, associations, cooperative  
14 corporations, limited liability companies, and corporations;

15 (19) "Personal property" includes money, goods, chattels, things in action, and evidences  
16 of debt;

17 (20) "Population," the number of inhabitants as determined by the last preceding federal  
18 census;

19 (21) "Property" includes property, real and personal;

20 (22) "Real property" is coextensive with lands, tenements, and hereditaments;

21 (23) "Seal" includes an impression of the seal upon the paper alone, as well as upon wax  
22 or a wafer affixed to the paper, and also the word "seal" written or printed on such  
23 paper;

24 (24) "Several," in relation to number, two or more;

- 1 (25) "Signature or subscription" includes mark, if the person cannot write, the person's  
2 name being written near such mark, and written by a person who writes the person's  
3 own name as a witness;
- 4 (26) "State," the State of South Dakota;
- 5 (27) "Testify," every mode of oral statement under oath or affirmation;
- 6 (28) "Third persons" includes all who are not parties to the obligation or transaction  
7 concerning which the phrase is used;
- 8 (29) "Township boards," the board of supervisors of any organized township;
- 9 (30) "Usual and customary," according to usage; usage is a reasonable and lawful public  
10 custom concerning transactions of the same nature as those which are to be affected  
11 thereby, existing at the place where the obligation is to be performed, and either  
12 known to the parties, or so well established, general, and uniform, that they must be  
13 presumed to have acted with reference thereto;
- 14 (31) "Valuable consideration," a thing of value parted with, or a new obligation assumed  
15 at the time of obtaining the thing, which is a substantial compensation for that which  
16 is obtained thereby. It is also called simply "value";
- 17 (32) "Verdict" includes not only the verdict of a jury, but also the finding upon the facts  
18 of a judge, or of a referee appointed to determine the issues in a cause;
- 19 (33) "Voter," a person duly registered to vote or one who is performing the act of voting;
- 20 (34) "Will" includes a codicil or codicils;
- 21 (35) "Writing" and "written" include typewriting and typewritten, printing and printed,  
22 except in the case of signatures, and where the words are used by way of contrast to  
23 typewriting and printing. Writing may be made in any manner, except that when a  
24 person entitled to require the execution of a writing demands that it be made with

- 1 ink, it must be so made;
- 2 (36) "Year," a calendar year.