



# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

400C0229

## HOUSE EDUCATION COMMITTEE ENGROSSED NO. **HB1032** - 1/22/99

Introduced by: The Committee on Education at the request of the Department of Education and Cultural Affairs

1 FOR AN ACT ENTITLED, An Act to revise the causes for which a teacher's certificate may be  
2 revoked or suspended.

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

4 Section 1. That § 13-42-9 be amended to read as follows:

5 13-42-9. The secretary of the Department of Education and Cultural Affairs may revoke or  
6 suspend any certificate for any cause which would have prevented its issue, ~~or after dismissal for~~  
7 plain violation of contract, gross immorality, incompetency, violation of the code of ethics in  
8 effect on January 1, 1999, as determined by the Professional Teachers Practices and Standards  
9 Commission or the Professional Administrators Practices and Standards Commission, or flagrant  
10 neglect of duty, and may suspend any certificate for a period not to exceed one year for breaking  
11 or jumping a contract, if such suspension is requested by the school board.

12 Section 2. Whereas, this Act is necessary for the immediate preservation of the public peace,  
13 health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force and  
14 effect from and after its passage and approval.

1 **BILL HISTORY**

2 1/12/99 First read in House and referred to Education. H.J. 37

3 1/14/99 Scheduled for Committee hearing on this date.

4 1/19/99 Scheduled for Committee hearing on this date.

5 1/19/99 Education Deferred to another day.

6 1/21/99 Scheduled for Committee hearing on this date.

7 1/21/99 Education Do Pass Amended, Passed, AYES 12, NAYS 0. H.J. 106

# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

400C0209

## HOUSE AGRICULTURE AND NATURAL RESOURCES COMMITTEE ENGROSSED NO.

### HB1040 - 1/22/99

Introduced by: The Committee on Agriculture and Natural Resources at the request of the  
Department of Game, Fish, and Parks

1 FOR AN ACT ENTITLED, An Act to repeal certain restrictions regarding the hunting of black  
2 bears, mountain lions, and wolves and to establish civil damages for the unlawful taking of  
3 mountain lions.

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

5 Section 1. That § 41-8-2.1 be repealed.

6 ~~41-8-2.1. No person may hunt, kill, or capture black bears, mountain lions and wolves in~~  
7 ~~South Dakota, except pursuant to § 41-6-29. A violation of this section is a Class 2~~  
8 ~~misdemeanor.~~

9 Section 2. That § 41-1-5.1 be amended to read as follows:

10 41-1-5.1. Any person other than a minor under the age of sixteen years who willfully and  
11 unlawfully kills, destroys, takes, or possesses in this state any animal designated by this section  
12 is liable to the state for damages, which are five thousand dollars for each elk, mountain lion, or  
13 buffalo; ten thousand dollars for each mountain goat or mountain sheep; one thousand dollars  
14 for each deer, antelope, or bobcat. However, the return uninjured of the big game animal to the  
15 place where captured, or to such other place as the Department of Game, Fish and Parks may

1 direct, ~~shall constitute~~ constitutes a discharge of such damages. However, the provisions of this  
2 section do not apply to any person, who, after providing written notice received by the  
3 Department of Game, Fish and Parks, forty-eight hours in advance, takes reasonable actions to  
4 protect the person's land, livestock, or crops from serious and extraordinary damages caused by  
5 elk, deer, ~~or antelope,~~ or mountain lion.

1 **BILL HISTORY**

2 1/12/99 First read in House and referred to Agriculture and Natural Resources. H.J. 39

3 1/21/99 Scheduled for Committee hearing on this date.

4 1/21/99 Agriculture and Natural Resources Do Pass Amended, Passed, AYES 13, NAYS 0.

5 H.J. 104

# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

400C0221

## HOUSE COMMERCE COMMITTEE ENGROSSED NO. **HB1050** - 1/22/99

Introduced by: The Committee on Commerce at the request of the Department of Commerce  
and Regulation

1 FOR AN ACT ENTITLED, An Act to revise the term, creditable coverage, with regard to  
2 health insurance policies and to clarify coverage for guarantee issue.

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

4 Section 1. That § 58-17-69 be amended to read as follows:

5 58-17-69. For purposes of §§ 58-17-66 to 58-17-87, inclusive, the term, creditable coverage,  
6 means benefits or coverage provided under:

7 (1) An employer-based health insurance or health benefit arrangement that provides  
8 benefits similar to or exceeding benefits provided under the basic health benefit plan  
9 or an employee welfare benefit plan as defined in section 3(1) of the Employee  
10 Retirement Income Security Act of 1974 as adopted by the director pursuant to  
11 chapter 1-26, to the extent that the plan provides directly or through insurance,  
12 reimbursement or otherwise to employees or their dependents medical care for the  
13 diagnosis, cure, mitigation, treatment, or prevention of disease, or amounts paid for  
14 the purpose of affecting any structure or function of the body and amounts paid for  
15 the transportation primarily for and essential to medical care;

16 (2) An individual health benefit plan, including coverage issued by any health maintenance

1 organization or pre-paid hospital or medical services plan that provides benefits  
2 similar to or exceeding the benefits provided under the basic health benefit plan as  
3 approved pursuant to § 58-18B-32, but excluding limited benefit plans and dread  
4 disease plans;

5 (3) Medicare or medicaid;

6 (4) Chapter 55 of Title 10, United States Code;

7 (5) A medical care program of the Indian Health Service or of a tribal organization;

8 (6) A state health benefits risk pool;

9 (7) A health plan offered under Chapter 89 of Title 5, United States Code;

10 (8) A public health plan;

11 (9) A health benefit plan under section 5(e) of the Peace Corps Act (22 U.S.C. 2504(e));

12 (10) A church plan; ~~or~~

13 (11) A college plan; or

14 (12) A short term or limited duration plan.

15 Section 2. That § 58-17-85 be amended to read as follows:

16 58-17-85. If a person has an aggregate of at least twelve months of creditable coverage, the  
17 carrier shall accept such person for coverage under a health benefit plan, which contains benefits  
18 which are equal to or exceed the benefits contained in the basic plan that was approved pursuant  
19 to § 58-18B-32 and the maximum lifetime maximum benefit of the coverage is not less than one  
20 million dollars if the person applies within sixty-three days of the date of losing prior creditable  
21 coverage. In addition to the plan which equals or exceeds the basic coverage, the carrier shall  
22 also offer to the eligible person, the individual standard plan as approved by the director or a plan  
23 with benefits that exceed the standard plan. No carrier is required to issue further individual  
24 health benefit coverage under §§ 58-17-68 to 58-17-87, inclusive, if the individual health benefit  
25 plans issued to high-risk individuals constitute two percent or more of that carrier's earned

1 premium on an annual basis from individual health benefit plans covered by §§ 58-17-66 to  
2 58-17-87, inclusive. Each carrier who meets the two percent earned premium threshold shall  
3 report within thirty days to the director in a format prescribed by the director. If the director  
4 determines that all carriers in the individual market have met the two percent threshold, the  
5 threshold shall, upon order of the director, be expanded an additional two percent. The threshold  
6 shall be expanded in additional two percent increments if all carriers in the individual market  
7 meet the previous threshold. The director may promulgate rules pursuant to chapter 1-26 to  
8 determine which individual policies may be used to determine the two percent threshold, the  
9 procedures involved, and the applicable time frames. In making that determination, the director  
10 shall develop a method designed to limit the number of high-risk individuals to whom any one  
11 carrier may be required to issue coverage. No carrier is required to provide coverage pursuant  
12 to this section if:

- 13 (1) The applicant is eligible for continuation of coverage under an employer plan;
- 14 (2) The applicant's creditable coverage is a conversion plan from an employer group plan;
- 15 or
- 16 (3) The person is covered or eligible to be covered under creditable coverage or lost  
17 creditable coverage due to nonpayment of premiums; or
- 18 (4) The person loses coverage under a short term or limited duration plan.

19 Any person who has exhausted continuation rights and who is eligible for conversion or other  
20 individual or association coverage has the option of obtaining coverage pursuant to this section  
21 or the conversion plan or other coverage. A person who is otherwise eligible for the issuance of  
22 coverage pursuant to this section may not be required to show proof that coverage was denied  
23 by another carrier.

1 **BILL HISTORY**

2 1/12/99 First read in House and referred to Commerce. H.J. 41

3 1/21/99 Scheduled for Committee hearing on this date.

4 1/21/99 Commerce Do Pass Amended, Passed, AYES 13, NAYS 0. H.J. 105

5 1/21/99 Commerce Place on Consent Calendar.