



# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

400C0234

## HOUSE JUDICIARY COMMITTEE ENGROSSED NO. **HB1025** - 1/25/99

Introduced by: The Committee on Health and Human Services at the request of the Department of Social Services

1 FOR AN ACT ENTITLED, An Act to revise confidentiality provisions regarding Department  
2 of Social Services record information concerning abuse or neglect resulting in the fatality or  
3 near fatality of a child.

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

5 Section 1. That § 26-8A-13 be amended to read as follows:

6 26-8A-13. All investigative case records and files relating to reports of child abuse or neglect  
7 are confidential, and no disclosure of any such records, files, or other information may be made  
8 except as authorized in chapter 26-7A or this chapter. Any person who knowingly violates the  
9 confidential nature of the records, files, or information is guilty of a Class 1 misdemeanor. The  
10 Department of Social Services may release records, files, or other information to the following  
11 parties upon the receipt by the department of a request showing that it is necessary for the parties  
12 to have such information in the performance of official functions relating to child abuse or  
13 neglect:

14 (1) The attorney general, the state's attorneys, law enforcement agencies, protective  
15 services workers, and judges of the courts investigating reports of known or  
16 suspected child abuse or neglect;

- 1 (2) The attorney or guardian ad litem of the child who is the subject of the information;
- 2 (3) Public officials or their authorized representatives who require the information in  
3 connection with the discharge of official duties;
- 4 (4) Institutions and agencies that have legal responsibility or authorization to care for,  
5 treat, or supervise a child who is the subject of the information or report;
- 6 (5) An adoptive parent of the child who is the subject of the information or report and a  
7 licensed child welfare agency, a tribal agency which the Department of Social Services  
8 has an agreement with to provide child welfare agency services which would  
9 otherwise require licensure by the department or any private child welfare agency  
10 whose licensure has been waived pursuant to § 26-6-9, for screening of applicants;
- 11 (6) A state, regional, or national registry of child abuse and neglect cases and courts of  
12 record of other states;
- 13 (7) A validly appointed and registered child protection team under § 26-8A-17;
- 14 (8) A physician who is caring for a child whom the physician reasonably suspects may be  
15 abused or neglected;
- 16 (9) State hearing examiners and any person who is the subject of the report for purposes  
17 directly related to review under § 26-8A-11; and
- 18 (10) A person eligible to submit an adoptive home study report under § 25-6-9.1 or  
19 26-4-15. However, the information may only be released for the purpose of screening  
20 applicants.

21 Information received by an authorized receiving party shall be held confidential by the  
22 receiving party. However, the court may order the release of the information or any portion of  
23 it necessary for determination of an issue before the court.

24 However, the Department of Social Services may release information and findings to the  
25 media regarding the abuse or neglect of a child that resulted in a fatality or near fatality of the

1 child if the release of the information has been approved by the prosecutor who has commenced  
2 or who has authority to commence legal action, and, if such disclosure has been authorized by  
3 the court and is not contrary to the best interests of the child, the child's siblings, or other  
4 children in the household. The information to be released shall relate to the acts of child abuse  
5 or neglect that caused the fatality or near fatality of the child. However, the identity of the child  
6 may never be released. For the purpose of this chapter, near fatality means an act that, as  
7 certified by a physician, places the child in serious or critical condition.

1 **BILL HISTORY**

2 1/12/99 First read in House and referred to Judiciary. H.J. 36

3 1/15/99 Scheduled for Committee hearing on this date.

4 1/15/99 Judiciary Deferred to another day.

5 1/22/99 Scheduled for Committee hearing on this date.

6 1/25/99 Scheduled for Committee hearing on this date.

7 1/25/99 Judiciary Do Pass Amended, Passed, AYES 10, NAYS 3. H.J. 168

# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

400C0406

HOUSE TRANSPORTATION COMMITTEE

ENGROSSED NO. **HB1053** - 1/25/99

Introduced by: The Committee on Transportation at the request of the Department of  
Transportation

1 FOR AN ACT ENTITLED, An Act to revise the open container law.

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

3 Section 1. That § 35-1-9.1 be amended to read as follows:

4 35-1-9.1. It is a Class 2 misdemeanor for any person to consume any alcoholic beverage, or  
5 have a package or any receptacle containing an alcoholic beverage in ~~his~~ the person's possession  
6 in a motor vehicle unless the seal of the original package remains unbroken or the alcoholic  
7 beverage is so removed from the passenger area of the motor vehicle that no occupant of the  
8 motor vehicle ~~shall have~~ has access to it while the vehicle is ~~in motion~~ located on a public  
9 highway or the right-of-way of a public highway.

10 Section 2. Terms used in § 35-1-9.1 mean:

11 (1) "Alcoholic beverage," any distilled spirits, wine, and malt beverage as defined in this  
12 section;

13 (2) "Distilled spirits," ethyl alcohol, hydrated oxide of ethyl, spirits of wine, whiskey, rum,  
14 brandy, gin, and other distilled spirits, including all dilutions and mixtures thereof, for  
15 nonindustrial use containing any amount of alcohol;

16 (3) "Malt beverage," beer, ale, porter, stout, and other similar beverages of any name or

1 description made by the alcoholic fermentation of an infusion or decoction, or  
2 combination of both, in potable brewing water, of malted barely with hops, or their  
3 parts, or their products, or from any substitute therefor, and with or without other  
4 malted cereals, and with or without the addition of unmalted or prepared cereals,  
5 other carbohydrates or products prepared therefrom, and with or without the addition  
6 of carbon dioxide, and with or without other wholesome products suitable for human  
7 consumption containing not less than one-half of one percent of alcohol by volume;  
8 and

9 (4) "Wine," any liquid either commonly used, or reasonably adapted to use, for beverage  
10 purposes, and obtained by the fermentation of the natural sugar content of fruits or  
11 other agricultural products containing sugar and containing not less than one-half of  
12 one percent of alcohol by weight but not more than twenty-four percent of alcohol by  
13 volume.

14 Section 3. It is not a violation of section 1 of this Act if an alcoholic beverage is located in  
15 a locked glove compartment of the motor vehicle.

16 Section 4. It is not a violation of section 1 of this Act if an open alcoholic beverage is behind  
17 the last upright seat of the motor vehicle or in an area not normally occupied by the driver or  
18 passengers.

19 Section 5. It is not a violation of section 1 of this Act if any passenger possesses or consumes  
20 an alcoholic beverage in the passenger area of a motor vehicle, such as a bus, taxi, or limousine,  
21 which is designed, maintained, or used primarily for the transportation of persons for  
22 compensation.

23 Section 6. It is not a violation of section 1 of this Act if any passenger possesses or consumes  
24 an alcoholic beverage in the living quarters of a motor home, house coach, or house trailer.

1 **BILL HISTORY**

2 1/12/99 First read in House and referred to Transportation. H.J. 42

3 1/16/99 Scheduled for Committee hearing on this date.

4 1/16/99 Transportation Deferred to another day, AYES 8, NAYS 5.

5 1/25/99 Scheduled for Committee hearing on this date.

6 1/25/99 Transportation Do Pass Amended, Passed, AYES 13, NAYS 0. H.J. 169

# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

771C0076

SENATE LOCAL GOVERNMENT  
COMMITTEE ENGROSSED NO. **SB35** -  
1/19/99

Introduced by: The Committee on Local Government at the request of the State Board of  
Elections

1 FOR AN ACT ENTITLED, An Act to revise the requirements for updating the master  
2 registration list.

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

4 Section 1. That § 12-4-18 be amended to read as follows:

5 12-4-18. The ~~State~~ Department of Health, in conjunction with preparation of abstracts of  
6 vital statistics records made pursuant to § 34-25-46, shall prepare an abstract for the county  
7 auditor, listing names and addresses of voters who have been residents of that county who have  
8 died.

9 The register of deeds shall deliver a list of the names and addresses of all persons who have  
10 died and whose death certificates were filed in ~~his~~ the office during the previous month to the  
11 county auditor by the tenth day of each month.

12 The clerk of courts shall within fifteen days after the close of each month prepare and deliver  
13 to the auditor an abstract from ~~his~~ the records of the names of persons declared mentally  
14 incompetent, convicted and sentenced for a felony in the preceding month. The clerk of courts  
15 shall give ~~such~~ notice in all felony cases including those sentenced to probation. The notice shall

1 be sent to the county auditor of the county in which the person declared incompetent or  
2 convicted resides. ~~A convicted felon who has had his rights suspended under this section may~~  
3 ~~reinstate them by filing the proper release documents with the county auditor.~~ The county auditor  
4 shall ~~make appropriate changes upon~~ remove from the master registration list the names of  
5 persons identified in accordance with the information provided pursuant to this section.

6 Section 2. That chapter 12-4 be amended by adding thereto a NEW SECTION to read as  
7 follows:

8 If requested by the county auditor, a convicted felon shall provide the proper release  
9 documents to the county auditor when registering to vote. The release documents shall certify  
10 that the convicted felon's entire sentence has been completed.

1 **BILL HISTORY**

2 1/12/99 First read in Senate and referred to Local Government. S.J. 21

3 1/16/99 Scheduled for Committee hearing on this date.

4 1/16/99 Local Government Do Pass Amended, Passed, AYES 7, NAYS 0. S.J. 59

5 1/16/99 Local Government Place on Consent Calendar.

# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

655C0031

## SENATE ENGROSSED NO. **SB67** - 1/22/99

Introduced by: Senators Lawler, Dennert, Dunn (Rebecca), Ham, and Kleven and  
Representatives Sutton (Duane), Diedtrich (Elmer), and Waltman

1 FOR AN ACT ENTITLED, An Act to revise certain dates pertaining to the equalization of tax  
2 assessments.

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

4 Section 1. That § 10-11-23 be amended to read as follows:

5 10-11-23. An appeal from the local board of equalization to a county board of equalization  
6 shall be perfected by filing a written notice of appeal with the county auditor on or before the  
7 ~~third~~ first Tuesday in April. Appeals made pursuant to § 10-11-27 shall be perfected by filing a  
8 written notice of appeal with the county auditor on or before the ~~third~~ first Tuesday in April. The  
9 county auditor shall file a copy of the notice of appeal with the appropriate clerk of the local  
10 board of equalization prior to the hearing of the appeal by the county board of equalization.

11 Section 2. That § 10-11-67 be amended to read as follows:

12 10-11-67. Any resident, ~~personally or through an attorney or agent~~, feeling aggrieved by  
13 anything in the assessment roll, may apply, personally or through an attorney or agent, to the  
14 consolidated board of equalization for the correction of alleged errors in the listing or valuation  
15 of the resident's property. A notice of a complaint or grievance shall be filed in writing with the  
16 county auditor no later than the ~~third~~ first Tuesday in April. An appeal to the board shall

1 encompass the aggregate valuation of the property being appealed or the property classification.

1 **BILL HISTORY**

2 1/15/99 First read in Senate and referred to Taxation. S.J. 53

3 1/20/99 Taxation Do Pass, Passed. S.J. 126

4 1/20/99 Scheduled for Committee hearing on this date.

5 1/21/99 Motion to Amend, Passed. S.J. 150

6 1/21/99 Senate Do Pass Amended, Passed, AYES 35, NAYS 0. S.J. 151