



# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

336C0393

HOUSE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **HB1077** - 2/3/99

Introduced by: Representatives Hunt and Crisp and Senators Everist and Lange

1 FOR AN ACT ENTITLED, An Act to clarify voting eligibility and procedures for certain  
2 municipal incorporation elections.

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

4 Section 1. That chapter 9-3 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 In any election for the original incorporation of a municipality around all or a part of the  
7 shoreline of a lake, all owners of land as shown by the records of the county register of deeds  
8 within the proposed incorporated area, whether residents or not, and all resident voters in the  
9 proposed incorporated area, are entitled to vote.

10 Section 2. That chapter 9-3 be amended by adding thereto a NEW SECTION to read as  
11 follows:

12 The incorporation voting process after election of the inspectors shall be conducted pursuant  
13 to Title 12 and shall include the right to vote by absentee ballot.

14 Section 3. That § 9-3-3 be amended to read as follows:

15 9-3-3. Such persons shall cause an accurate census to be taken of the landowners and the  
16 resident population of the territory included in ~~said~~ the map as of a day not more than thirty days

1 previous to the time of presenting such application to the board of county commissioners as  
2 hereinafter provided. ~~Such~~ The census shall exhibit the name of every landowner and head of a  
3 family residing within ~~such~~ the territory on ~~such~~ that day and the number of persons belonging  
4 to every such family and shall also state the names of all persons residing within ~~such~~ the territory  
5 at ~~such~~ the time. ~~It~~ The census shall be verified by the affidavit of the person taking the ~~same~~  
6 census.

7 Section 4. That § 9-3-5 be amended to read as follows:

8 9-3-5. The application for incorporation shall be by a petition subscribed and verified by the  
9 applicants and subscribed by not less than fifteen percent of the landowners and registered voters  
10 residing within ~~such~~ the territory, based upon the total number of landowners and registered  
11 voters at the last preceding general election. It shall set forth the boundaries and area thereof  
12 according to the survey and the landowner and resident population thereof according to the  
13 census taken. It shall be presented at the time indicated in the notice of ~~such~~ the application or  
14 as soon thereafter as the board of county commissioners can receive and consider the ~~same~~  
15 application.

1 **BILL HISTORY**

2 1/19/99 First read in House and referred to Local Government. H.J. 85

3 1/28/99 Scheduled for Committee hearing on this date.

4 2/2/99 Scheduled for Committee hearing on this date.

5 2/2/99 Local Government Do Pass Amended, Passed, AYES 7, NAYS 6. H.J. 314

# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

336C0400

HOUSE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **HB1096** - 2/3/99

**This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsors.**

Introduced by: Representatives Duenwald, Diedrich (Larry), Hagen, Jaspers, Koehn, Kooistra, Lintz, Monroe, Napoli, Wetz, and Young and Senators Vitter, Drake, Madden, Moore, and Staggers

1 FOR AN ACT ENTITLED, An Act to make the appointment of the county planning commission  
2 permissive.

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

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

5 11-2-2. ~~For the purpose of promoting health, safety, morals, and the general welfare of the~~  
6 ~~county, the~~ The board of county commissioners of each county in the state, ~~shall~~ may appoint  
7 a commission of five or more members, ~~the~~ to be known as the county planning commission. If  
8 a county proposes to enact or implement any purpose set forth in this chapter then the board of  
9 county commissioners shall appoint a county planning commission. The total membership of  
10 ~~which~~ the county planning commission shall always be an uneven number and at least one  
11 member of which shall be a member of the board, ~~to be known as the county planning~~  
12 ~~commission. Such~~ of county commissioners. The county planning commission shall also be is  
13 also the county zoning commission.

1 **BILL HISTORY**

2 1/21/99 First read in House and referred to Local Government. H.J. 108

3 1/26/99 Scheduled for Committee hearing on this date.

4 1/26/99 Local Government Deferred to another day.

5 1/28/99 Scheduled for Committee hearing on this date.

6 2/2/99 Scheduled for Committee hearing on this date.

7 2/2/99 Local Government Do Pass Amended, Passed, AYES 11, NAYS 2. H.J. 315

# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

673C0428

HOUSE STATE AFFAIRS COMMITTEE

ENGROSSED NO. **HB1104** - 2/4/99

**This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsors.**

Introduced by: Representatives Wetz, Derby, Duenwald, Fischer-Clemens, Garnos, Jaspers, Klautt, Koskan, Monroe, and Slaughter and Senators Everist, Benson, Duxbury, Hainje, Shoener, and Vitter

1 FOR AN ACT ENTITLED, An Act to prohibit certain persons from holding elected county  
2 office.

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

4 Section 1. That chapter 7-7 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 No person may hold any county office who is a defaulter to the county.

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

9 A defaulter is a person who is delinquent in paying the person's property taxes as defined in

10 § 10-21-23.

1 **BILL HISTORY**

2 1/21/99 First read in House and referred to State Affairs. H.J. 110

3 1/25/99 Scheduled for Committee hearing on this date.

4 1/27/99 Scheduled for Committee hearing on this date.

5 1/29/99 Scheduled for Committee hearing on this date.

6 2/1/99 Scheduled for Committee hearing on this date.

7 2/3/99 Scheduled for Committee hearing on this date.

8 2/3/99 State Affairs Do Pass Amended, Passed, AYES 7, NAYS 6. H.J. 343

# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

707C0457

HOUSE TRANSPORTATION COMMITTEE

ENGROSSED NO. **HB1116** - 2/4/99

Introduced by: Representatives Duenwald, Apa, Brown (Jarvis), Fryslie, Jaspers, Lintz, Napoli, Putnam, and Wetz and Senators Madden, Albers, and Flowers

1 FOR AN ACT ENTITLED, An Act to establish certain civil penalties for overweight vehicle  
2 violations.

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

4 Section 1. That § 32-22-55 be amended to read as follows:

5 32-22-55. Any person who is convicted of the offense of operating a motor vehicle upon the  
6 public highways of this state with weight upon any wheel, axle, or groups of axles, or upon more  
7 than one thereof, greater than the maximum permitted by §§ 32-22-2 to 32-22-33, inclusive,  
8 32-22-47 and 32-22-48 ~~shall be fined in addition to, and not in substitution for, any other~~  
9 ~~penalties now provided by law for such offense, in addition to any criminal penalty provided by~~  
10 law for such offense, shall be assessed a civil penalty in the following amounts:

11 (1) In an amount equal to five cents per pound for each pound of such excess or  
12 combined excess weight over one thousand pounds if such excess is three thousand  
13 pounds or less;

14 (2) In an amount equal to ten cents per pound for each pound of such excess or combined  
15 excess weight if such excess exceeds three thousand pounds and is four thousand  
16 pounds or less;

1       (3)    In an amount equal to fifteen cents per pound for each pound of such excess or  
2            combined excess weight if such excess exceeds four thousand pounds and is five  
3            thousand pounds or less;

4       (4)    In an amount equal to twenty-five cents per pound for each pound of such excess or  
5            combined excess weight if such excess is more than five thousand pounds.

6       The ~~fine~~ civil penalty schedule in this section is assessed at a single rate according to the  
7       cents per pound penalty for the highest weight violation.

1 **BILL HISTORY**

2 1/22/99 First read in House and referred to Transportation. H.J. 127

3 1/27/99 Scheduled for Committee hearing on this date.

4 1/27/99 Transportation Deferred to another day.

5 2/1/99 Scheduled for Committee hearing on this date.

6 2/3/99 Scheduled for Committee hearing on this date.

7 2/3/99 Transportation Do Pass Amended, Passed, AYES 12, NAYS 0. H.J. 344

# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

625C0433

HOUSE HEALTH AND HUMAN SERVICES  
COMMITTEE ENGROSSED NO. **HB1130** -  
2/4/99

**This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsors.**

Introduced by: Representatives Michels, Diedrich (Elmer), Fischer-Clemens, Sutton (Duane), and Wilson and Senators Albers and Bogue

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the involuntary  
2 commitment of certain mentally ill persons.

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

4 Section 1. That chapter 27A-10 be amended by adding thereto a NEW SECTION to read  
5 as follows:

6 If any person presents to a facility licensed by the state as a hospital, other than the Human  
7 Services Center, and after an examination by a qualified mental health professional it is  
8 determined that the person is severely mentally ill and in such condition that immediate  
9 intervention is necessary to protect the person from physical harm to self or others, the qualified  
10 mental health professional may initiate a twenty-four hour hold on the person and retain the  
11 person at the hospital for purposes of observation and emergency treatment. The hospital or the  
12 qualified mental health professional shall notify the chair of the county board of mental illness  
13 of the twenty-four hour hold. The qualified mental health professional shall petition for  
14 commitment of the person according to §§ 27A-10-1 and 27A-10-4. The person shall be

- 1 afforded rights according to § 27A-10-5. If a petition for emergency commitment pursuant to
- 2 § 27A-10-1 is not filed within twenty-four hours, the person shall be released.

1 **BILL HISTORY**

2 1/22/99 First read in House and referred to Health and Human Services. H.J. 130

3 2/3/99 Scheduled for Committee hearing on this date.

4 2/3/99 Health and Human Services Do Pass Amended, Passed, AYES 10, NAYS 1. H.J. 340

# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

463C0561

HOUSE HEALTH AND HUMAN SERVICES  
COMMITTEE ENGROSSED NO. **HB1136** -  
2/4/99

Introduced by: Representatives Fischer-Clemens, Broderick, Cerny, Fryslie, McIntyre, Michels,  
and Solum and Senators Moore, Daugaard, Dennert, and Shoener

1 FOR AN ACT ENTITLED, An Act to revise who may be informed of a decedent's intention to  
2 make an anatomical gift.

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

4 Section 1. That § 34-26-23.2 be amended to read as follows:

5 34-26-23.2. Any state or local law enforcement agency, officer, or personnel, that may have  
6 access to a decedent's motor vehicle operator's license, or the information thereon, shall inform,  
7 upon request, the decedent's attending physician or nurse, next of kin, the coroner, or any other  
8 person having lawful custody of the decedent's body, of any intention of the decedent, as  
9 indicated on the decedent's motor vehicle operator's license, to make an anatomical gift pursuant  
10 to § 34-26-23 or 34-26-23.1. Any state or local law enforcement agency, officer, or personnel  
11 shall also inform, upon request, any procurement agency for anatomical gifts, including organs,  
12 tissues, and eyes, of such intention of the decedent.

1 **BILL HISTORY**

2 1/25/99 First read in House and referred to Health and Human Services. H.J. 172

3 2/3/99 Scheduled for Committee hearing on this date.

4 2/3/99 Health and Human Services Do Pass Amended, Passed, AYES 10, NAYS 0. H.J. 341

5 2/3/99 Health and Human Services Place on Consent Calendar.

# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

670C0568

HOUSE TRANSPORTATION COMMITTEE

ENGROSSED NO. **HB1193** - 2/4/99

Introduced by: Representatives Monroe and Garnos and Senator Rounds

1 FOR AN ACT ENTITLED, An Act to revise the definition of a temporary supplemental lot.

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

3 Section 1. That subdivision (17) of § 32-6B-1 be amended to read as follows:

4 (17) "Temporary supplemental lot," a location other than the principal place of business

5 or supplemental lot but within the same county as the principal place of business, or

6 in an adjoining county, if the adjoining county has no licensed vehicle dealer selling

7 automobiles, pick-ups, or passenger vans and the temporary supplemental lot is no

8 more than ten miles from the principal place of business, where a licensed vehicle

9 dealer or a licensed used vehicle dealer may conduct business for a period of time not

10 to exceed ten consecutive days for a specific purpose such as fairs, auto shows,

11 auctions, shopping center promotions, or tent sales. A temporary supplemental lot

12 shall meet all local zoning and building codes for the type of business being

13 conducted;

14

1 **BILL HISTORY**

2 1/27/99 First read in House and referred to Transportation. H.J. 211

3 2/3/99 Scheduled for Committee hearing on this date.

4 2/3/99 Transportation Do Pass Amended, Passed, AYES 13, NAYS 0. H.J. 345

# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

167C0761

## HOUSE JUDICIARY COMMITTEE ENGROSSED NO. **HB1199** - 2/4/99

**This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsors.**

Introduced by: Representatives Hunt and Fitzgerald and Senators Halverson and Brown  
(Arnold)

1 FOR AN ACT ENTITLED, An Act to restrict the distribution of alcoholic beverages to persons  
2 under twenty-one years of age by parents, guardians, or spouses over twenty-one years of  
3 age.

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

5 Section 1. That § 35-9-1 be amended to read as follows:

6 35-9-1. It is a Class 1 misdemeanor to sell or give for use as a beverage any alcoholic  
7 beverage to any person under the age of eighteen years ~~unless it is done in the immediate~~  
8 ~~presence of a parent or guardian or spouse over twenty-one years of age or by prescription or~~  
9 ~~direction of a duly licensed practitioner or nurse of the healing arts for medicinal purposes:~~

- 10 (1) It is done in the immediate presence of a parent or guardian or spouse over twenty-  
11 one years of age while not on the premises of an establishment licensed for the retail  
12 sale of alcoholic beverages pursuant to § 35-4-2 or at a special event for which an  
13 alcoholic beverage license has been issued pursuant to § 35-4-11.4; or
- 14 (2) It is done by prescription or direction of a duly licensed practitioner or nurse of the  
15 healing arts for medicinal purposes.

1 Section 2. That § 35-9-1.1 be amended to read as follows:

2 35-9-1.1. It is a Class 2 misdemeanor to sell or give for use as a beverage any alcoholic  
3 beverage to any person who is eighteen years of age or older but less than twenty-one years of  
4 age ~~unless it is done in the immediate presence of a parent or guardian or spouse over~~  
5 ~~twenty-one years of age or by prescription or direction of a duly licensed practitioner or nurse~~  
6 ~~of the healing arts for medicinal purposes;~~

7 (1) It is done in the immediate presence of a parent or guardian or spouse over twenty-  
8 one years of age while not on the premises of an establishment licensed for the retail  
9 sale of alcoholic beverages pursuant to § 35-4-2 or at a special event for which an  
10 alcoholic beverage license has been issued pursuant to § 35-4-11.4; or

11 (2) It is done by prescription or direction of a duly licensed practitioner or nurse of the  
12 healing arts for medicinal purposes.

1 **BILL HISTORY**

2 1/27/99 First read in House and referred to committee assignment waived. H.J. 212

3 1/28/99 Referred to Judiciary. H.J. 240

4 2/1/99 Scheduled for Committee hearing on this date.

5 2/1/99 Judiciary Do Pass Amended, Failed, AYES 6, NAYS 6.

6 2/1/99 Judiciary Deferred to another day.

7 2/3/99 Scheduled for Committee hearing on this date.

8 2/3/99 Judiciary Do Pass Amended, Passed, AYES 13, NAYS 0. H.J. 341

# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

637C0768

## HOUSE EDUCATION COMMITTEE ENGROSSED NO. **HB1203** - 2/3/99

Introduced by: Representatives Brooks, Koskan, and Sebert and Senators Staggers, Bogue, Halverson, Lange, and Rounds

1 FOR AN ACT ENTITLED, An Act to clarify certain provisions relating to the maintenance of  
2 the child's birth certificate with the child's academic record.

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

4 Section 1. That § 13-27-3.1 be amended to read as follows:

5 13-27-3.1. Any person who is required pursuant to § 13-27-1 to cause any child to attend  
6 any public or nonpublic school or alternative instruction program pursuant to § 13-27-3 in this  
7 state shall, either at the time of enrollment in any school in this state or upon being excused from  
8 school attendance pursuant to § 13-27-3 or within thirty days of initial enrollment or excuse,  
9 provide the public school and alternative instruction program with a certified copy of such child's  
10 birth certificate or affidavit in lieu of birth certificate as issued by the department of health in such  
11 cases where the original birth certificate is deemed unattainable. A violation of this section is a  
12 Class 2 misdemeanor.

13 Section 2. That § 13-27-3.2 be amended to read as follows:

14 13-27-3.2. Any copy of any certified birth certificate provided pursuant to § 13-27-3.1 shall  
15 be maintained by the public and nonpublic school or alternative instruction program and shall  
16 become a part of the child's permanent ~~school~~ academic record.

1 Section 3. That § 13-27-3.3 be amended to read as follows:

2 13-27-3.3. The superintendent of any public or nonpublic school or alternative instruction  
3 program in this state shall regularly report to the state's attorney the name and address of any  
4 child for whom the public or nonpublic school or alternative instruction program does not have  
5 a copy of a certified birth certificate in violation of § 13-27-3.1.

1 **BILL HISTORY**

2 1/27/99 First read in House and referred to committee assignment waived. H.J. 213

3 1/28/99 Referred to Education. H.J. 240

4 2/2/99 Scheduled for Committee hearing on this date.

5 2/2/99 Education Do Pass Amended, Passed, AYES 9, NAYS 4. H.J. 314

# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

400C0325

SENATE HEALTH AND HUMAN SERVICES  
COMMITTEE ENGROSSED NO. **SB22** -  
1/19/99

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

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to vital records.

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

3 Section 1. That § 34-25-15 be amended to read as follows:

4 34-25-15. In cases of legitimation, the department, upon receipt of proof of the marriage of  
5 the parents after the birth of the child together with an affidavit of paternity signed by both  
6 parents of the child, shall prepare a new certificate of birth in the new name of the legitimated  
7 child.

8 Within ten days after the filing of an affidavit of acknowledgment of paternity, signed by both  
9 putative parents who are not married, the department shall add the name of the father to the  
10 certificate of birth if paternity is not shown on the record. Upon request of the parents, the  
11 surname of the child may be changed to that of the father or a combination of mother's and  
12 father's surnames, in which case the department shall prepare a new birth certificate. A change  
13 in paternity, which is already shown on a birth certificate, may be made only upon receipt of a  
14 court order determining paternity.

15 Upon receipt of a court order or affidavits determining the paternity of a child pursuant to

1 § 34- 25-13.1, the department shall prepare a new certificate of birth. Each applicant for a new  
2 birth record shall submit a five dollar fee to the department for the preparation and filing of the  
3 record.

4 Section 2. That § 34-25-36 be amended to read as follows:

5 34-25-36. A funeral director, embalmer, or other person who removes from the place of  
6 death or transports or finally disposes of a dead body or fetus, in addition to filing any certificate  
7 or other form required by this chapter, shall keep a record which shall identify the body, and shall  
8 on or before the fifth day of each month report to the ~~state department of health~~ all human bodies  
9 handled during the preceding month on a form provided for that purpose. If no death occurs in  
10 any given month which requires a funeral director to keep a record pursuant to this section, the  
11 funeral director shall report that fact on a form provided for that purpose.

12 Section 3. That § 34-25-43 be amended to read as follows:

13 34-25-43. The ~~state department of health~~ shall prepare, print, and supply to all registrars, all  
14 blanks and forms used in registering, recording, and preserving the reports and returns, or in  
15 otherwise carrying out the purposes of this chapter. No blanks or forms ~~shall~~ may be used other  
16 than those supplied by the ~~state department of health~~ or exact electronic replicas approved by  
17 the department.

18 Section 4. That § 34-25-46 be amended to read as follows:

19 34-25-46. The local registrar shall sign, date, and number consecutively the certificates of  
20 ~~birth, death, and burial or removal permits filed in his office, and sign thereon his name as~~  
21 ~~registrar, together with the date of filing in his office. He shall make a copy of each birth and~~  
22 ~~death certificate filed by him, in the form prescribed by the state department of health. He~~ at the  
23 county office. The local registrar shall transmit weekly to the state department monthly or more  
24 frequently when directed to do so, the original certificates of birth and death and shall maintain  
25 a copy of all death certificates filed in the county. If no vital event occurred death certificates

- 1 were filed in any ~~month, he~~ week, the local registrar shall report that fact on a form provided for
- 2 that purpose.

1 **BILL HISTORY**

2 1/12/99 First read in Senate and referred to Health and Human Services. S.J. 19

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

4 1/16/99 Health and Human Services Do Pass Amended, Passed, AYES 7, NAYS 0. S.J. 61

# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

400C0289

SENATE APPROPRIATIONS COMMITTEE

ENGROSSED NO. **SB25** - 1/26/99

Introduced by: The Committee on Appropriations at the request of the Board of Regents

1 FOR AN ACT ENTITLED, An Act to authorize the sale, exchange, or demolition of a  
2 farmhouse, garage, and corncrib/granary located on the Southeast Agricultural Experiment  
3 Station, to replace the dwelling, and to make an appropriation therefor.

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

5 Section 1. The Board of Regents may sell, exchange, or demolish building CCFH, a multi-  
6 story wood frame farmhouse, building CCG, a wood frame garage, and building 5006, a  
7 corncrib/granary, all of which are located on the Southeast Agricultural Experiment Station, near  
8 Beresford, in Clay County.

9 Section 2. The Board of Regents may contract to replace the dwelling with an appropriate  
10 residential structure on the Southeast Agricultural Experiment Station, near Beresford, in Clay  
11 County.

12 Section 3. The estimated cost for the actions authorized by this Act is one hundred five  
13 thousand dollars (\$105,000). This amount is appropriated from other funds or Board of Regents  
14 endowed institution interest and income fund earnings allocated to South Dakota State  
15 University to the Board of Regents for the purposes of this Act.

16 Section 4. The Board of Regents may accept, transfer, and expend any funds obtained for

1 these purposes from federal sources, gifts, contributions, or any other source, all of which shall  
2 be deemed appropriated to the purposes of this Act.

3 Section 5. The design and construction of the replacement dwelling shall be under the general  
4 charge and supervision of the Bureau of Administration as provided in chapter 5-14. The  
5 commissioner of the Bureau of Administration and the executive director of the Board of  
6 Regents shall approve vouchers and the state auditor shall draw warrants to pay expenditures  
7 authorized by this Act.

1 **BILL HISTORY**

2 1/12/99 First read in Senate and referred to Appropriations. S.J. 19

3 1/26/99 Scheduled for Committee hearing on this date.

4 1/26/99 Appropriations Do Pass Amended, Passed, AYES 8, NAYS 1. S.J. 188

# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

400C0211

SENATE TRANSPORTATION COMMITTEE

ENGROSSED NO. **SB40** - 1/22/99

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

1 FOR AN ACT ENTITLED, An Act to establish certain prohibitions on use of temporary thirty-  
2 day snowmobile and boat license permits and to provide for a penalty thereof.

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

4 Section 1. That § 32-6C-10 be amended to read as follows:

5 32-6C-10. If a snowmobile is sold by a licensed dealer, the dealer may provide a temporary  
6 thirty-day license permit which is a permit to operate the snowmobile in this state for a period  
7 of thirty days after the date of sale or until the time the purchaser receives the regular license  
8 decals from the county treasurer, whichever occurs first. No dealer may use the permit upon any  
9 snowmobile owned by the dealer or for any purpose other than for snowmobiles sold by the  
10 dealer. No person may renew the temporary thirty-day license permit nor change or alter the date  
11 or other information thereon. A violation of this section is a Class 1 misdemeanor.

12 Section 2. That § 32-3A-10 be amended to read as follows:

13 32-3A-10. If a new or used boat is sold by a boat manufacturer or boat dealer, the boat  
14 manufacturer or boat dealer may provide a temporary tag permit to operate the boat in this state  
15 for thirty days after the date of sale of the boat or until the time the purchaser receives the  
16 licenses from the county treasurer, whichever occurs first. The temporary boat license tags shall

1 be displayed as required by § 32-3A-5 and rules promulgated, pursuant to chapter 1-26, by the  
2 department. No dealer may use the permit upon any boat owned by the dealer or for any purpose  
3 other than for boats sold by the manufacturer or dealer. No person may renew the temporary  
4 thirty-day license permit nor change or alter the date or other information thereon. A violation  
5 of this section is a Class 1 misdemeanor.

1 **BILL HISTORY**

2 1/12/99 First read in Senate and referred to Transportation. S.J. 22

3 1/19/99 Scheduled for Committee hearing on this date.

4 1/21/99 Scheduled for Committee hearing on this date.

5 1/21/99 Transportation Do Pass Amended, Passed, AYES 7, NAYS 0. S.J. 141

# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

718C0028

## HOUSE JUDICIARY COMMITTEE ENGROSSED NO. **SB76** - 2/4/99

Introduced by: Senator Daugaard and Representative Fiegen

1 FOR AN ACT ENTITLED, An Act to constitute corporate acknowledgment as prima facie  
2 evidence of authority to execute certain documents.

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

4 Section 1. That § 43-25-21 be amended to read as follows:

5 43-25-21. The corporate seal of any corporation attached to a deed, mortgage, assignment  
6 of mortgage, release of mortgage, or other ~~instruments~~ instrument executed and acknowledged  
7 by any officer of such corporation ~~shall be~~ is prima facie evidence that such officer was duly  
8 authorized to execute such instrument on behalf of such corporation. Likewise, a corporate  
9 acknowledgment attached to or made part of any deed, mortgage, assignment of mortgage,  
10 release of mortgage, or other instrument executed by any officer of such corporation, except as  
11 provided in § 51A-4-11, is prima facie evidence that such officer was duly authorized to execute  
12 such instrument on behalf of such corporation.

1 **BILL HISTORY**

2 1/21/99 First read in Senate and referred to Judiciary. S.J. 144

3 1/27/99 Scheduled for Committee hearing on this date.

4 1/27/99 Judiciary Do Pass, Passed, AYES 7, NAYS 0. S.J. 208

5 1/27/99 Judiciary Place on Consent Calendar.

6 1/28/99 Senate Do Pass, Passed, AYES 34, NAYS 0. S.J. 235

7 1/29/99 First read in House and referred to Judiciary. H.J. 272

8 2/3/99 Scheduled for Committee hearing on this date.

9 2/3/99 Judiciary Do Pass Amended, Passed, AYES 13, NAYS 0. H.J. 343

10 2/3/99 Judiciary Place on Consent Calendar.

# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

763C0345

## HOUSE JUDICIARY COMMITTEE ENGROSSED NO. **SB94** - 2/4/99

Introduced by: Senators Daugaard, Brosz, Brown (Arnold), Madden, Olson, and Shoener and Representatives Michels, Broderick, Davis, Diedrich (Larry), Duniphan, Fiegen, Fischer-Clemens, Fitzgerald, Hennies, McCoy, McIntyre, Peterson, Sebert, and Solum

1 FOR AN ACT ENTITLED, An Act to allow certain law enforcement officers or the Department  
2 of Social Services to take photographs, videotapes, or electronic images of a child if abuse  
3 or neglect is suspected.

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

5 Section 1. That § 26-8A-16 be amended to read as follows:

6 26-8A-16. Any person ~~receiving~~ who receives a report under § 26-8A-3 may ~~require that~~  
7 take or cause to be taken color photographs ~~be taken~~, videotapes, or other images of the areas  
8 of trauma visible on a child who is the subject of the report and may require a radiological or  
9 other medical examination or testing of the child without the consent of the child's parents,  
10 guardian, or custodian. All photographs, videotapes, or other images taken pursuant to this  
11 section shall be taken by a law enforcement official ~~or by official~~, the Department of Social  
12 Services, or a person authorized by a law enforcement official or the department. All  
13 photographs, videotapes, other images, X rays, and test results, or copies of them, shall be sent  
14 to the appropriate law enforcement agency or state's attorney or to the Department of Social  
15 Services. These photographs, videotapes, and other images need not be made a part of the

1 child's medical or hospital records. Any photograph, videotapes, or other image in the possession  
2 of the Department of Social Services shall be destroyed by the Department of Social Services  
3 if no criminal prosecution or civil action is initiated within three years of the date that such  
4 material was received by the Department of Social Services.

1 **BILL HISTORY**

2 1/22/99 First read in Senate and referred to Judiciary. S.J. 159

3 1/25/99 Scheduled for Committee hearing on this date.

4 1/25/99 Judiciary Do Pass, Passed, AYES 7, NAYS 0. S.J. 173

5 1/26/99 Senate Do Pass, Passed, AYES 31, NAYS 3. S.J. 200

6 1/27/99 First read in House and referred to Judiciary. H.J. 227

7 2/3/99 Scheduled for Committee hearing on this date.

8 2/3/99 Judiciary Do Pass Amended, Passed, AYES 12, NAYS 0. H.J. 343