



# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

347C0060

HOUSE TRANSPORTATION COMMITTEE

ENGROSSED NO. **HB1004** - 2/12/99

Introduced by: Representatives Crisp, Derby, Fischer-Clemens, Konold, and Munson (Donald) and Senators Olson, Hutmacher, and Vitter at the request of the Interim Transportation Committee

1 FOR AN ACT ENTITLED, An Act to increase and revise license fees for certain noncommercial  
2 vehicles, to revise the distribution of license fees, and to increase the excise tax on certain  
3 motor fuels.

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

5 Section 1. That § 32-5-6 be amended to read as follows:

6 32-5-6. License fees and compensation on a noncommercial motor vehicle which is an  
7 automobile, pickup truck, or van as provided by § 32-5-5, shall be determined by the  
8 manufacturer's shipping weight, including accessories, as follows:

- 9 (1) Two thousand pounds or less, inclusive, ~~twenty~~ thirty dollars;
- 10 (2) From 2,001 to 4,000 pounds, inclusive, ~~thirty~~ forty-two dollars;
- 11 (3) From 4,001 to 6,000 pounds, inclusive, ~~forty~~ fifty-five dollars;
- 12 (4) ~~to (11) Repealed by SL 1992, ch 26, § 7~~ Over 6,000 pounds, sixty-five dollars.

13 Section 2. That § 32-5-6.3 be amended to read as follows:

14 32-5-6.3. License fees on a noncommercial motor vehicle which is not an automobile, pickup  
15 truck, or van as ~~provided by~~ licensed pursuant to § 32-5-6 shall be determined by the gross

1 weight of the motor vehicle as defined by subdivision 32-9-1(6), and based on the following:

- 2 (1) Eight thousand pounds or less, inclusive, ~~forty-eight~~ fifty-five dollars;
- 3 (2) For each additional 2,000 pounds or major fraction thereof from 8,001 to 32,000  
4 pounds, inclusive, three dollars;
- 5 (3) For each additional 2,000 pounds or major fraction thereof from 32,001 to 54,000  
6 pounds, inclusive, six dollars;
- 7 (4) For each additional 2,000 pounds or major fraction thereof from 54,001 to 80,000  
8 pounds, inclusive, eighteen dollars;
- 9 (5) For each additional 2,000 pounds or major fraction thereof in excess of 80,000  
10 pounds, twenty-four dollars.

11 It is a Class 2 misdemeanor for a person to operate a motor vehicle licensed pursuant to this  
12 section at a gross weight in excess of the gross weight for which it has been licensed.

13 Section 3. That § 32-5-5 be amended to read as follows:

14 32-5-5. ~~Subject to the provisions of §§ 32-5-17 to 32-5-45, inclusive, license fees and~~  
15 ~~compensation for use of the highways, fees shall be~~ Vehicle license fees provided by this chapter  
16 are based, except as otherwise specifically provided, upon manufacturers' weights, including  
17 accessories. If a noncommercial motor vehicle is an automobile, pickup truck, or van with a  
18 manufacturer's shipping weight, including accessories, of ~~six~~ ten thousand pounds or less, the  
19 license fees for such a motor vehicle shall be as provided by § 32-5-6. However, if the  
20 noncommercial motor vehicle is a pickup truck that weighs more than six thousand pounds, the  
21 owner has the choice of paying the license fees pursuant to § 32-5-6 or paying the license fees  
22 based on the gross weight of the motor vehicle as provided in § 32-5-6.3. The license fees for  
23 a noncommercial motor home are as provided by § 32-5-6.1. The license fees for motorcycles  
24 ~~shall be a motorcycle~~ are as provided by § 32-5-9. The license fees for ~~snowmobiles shall be a~~  
25 snowmobile are as provided by § 32-5-9.1. The license fees for any other noncommercial motor

1 vehicle ~~shall be~~ are based on the gross weight of the motor vehicle and are as provided in  
2 § 32-5-6.3. If the department determines the actual dry weight of any model vehicle with  
3 accessories to be at variance with the manufacturers' shipping weight, the department shall certify  
4 the correct weight to be used in determining fees.

5 These fees shall be paid annually to the county treasurer, ~~and shall be as provided by this~~  
6 ~~chapter.~~

7 Section 4. That § 32-5-8 be amended to read as follows:

8 32-5-8. License fees and compensation for any recreational vehicle as defined in § 32-3-1 or  
9 for any noncommercial trailer and semitrailer, for use of the highways payable under § 32-5-5  
10 and pulled by a noncommercial motor vehicle on which the license fees were paid pursuant to  
11 § 32-5-6, shall be determined upon the basis of their actual weight as follows:

- 12 (1) One thousand pounds or less, inclusive, ~~five~~ ten dollars;
- 13 (2) From 1,001 to 2,000 pounds, inclusive, ~~fifteen~~ twenty dollars;
- 14 (3) From 2,001 to 3,000 pounds, inclusive, ~~twenty-five~~ thirty-five dollars;
- 15 (4) From 3,001 to 4,000 pounds, inclusive, ~~thirty-five~~ forty-five dollars;
- 16 (5) From 4,001 to 5,000 pounds, inclusive, ~~forty-five~~ fifty-five dollars;
- 17 (6) From 5,001 to 6,000 pounds, inclusive, ~~fifty-five~~ sixty-five dollars;
- 18 (7) From 6,001 to 7,000 pounds, inclusive, ~~sixty-five~~ seventy-five dollars;
- 19 (8) From 7,001 to 8,000 pounds, inclusive, ~~seventy-five~~ eighty-five dollars;
- 20 (9) From 8,001 to 9,000 pounds, inclusive, ~~eighty-five~~ ninety-five dollars;
- 21 (10) From 9,001 to 10,000 pounds, inclusive, ~~ninety-five~~ one hundred five dollars;
- 22 (11) For each additional 1,000 pounds or major fraction thereof, in excess of 10,000  
23 pounds, ten dollars.

24 Any trailer or semitrailer licensed pursuant to this section may be pulled by a noncommercial  
25 motor vehicle licensed pursuant to § 32-5-8.1 or a commercially licensed motor vehicle if the

1 motor vehicle is registered at a gross weight to cover the weight of the trailer and its load.

2 Section 5. That § 32-5-8.1 be amended to read as follows:

3 32-5-8.1. Each trailer or semitrailer pulled by a noncommercial motor vehicle on which the  
4 license fees were paid pursuant to § 32-5-6.3 shall have an identification plate displayed in a  
5 conspicuous manner. The fee for the identification plate is ten dollars. The identification plate  
6 is valid for the useful life of the trailer or semitrailer. However, if the title to the trailer or  
7 semitrailer is transferred, the new owner shall within thirty days of the date of transfer make  
8 application to the department for a new identification plate. All revenue raised by the fees shall  
9 be placed in the license plate special revenue fund. However, no identification plate may be  
10 displayed on a recreational vehicle as defined in § 32-3-1. Such a recreational vehicle shall be  
11 licensed pursuant to § 32-5-8.

12 Section 6. That § 32-5-6.1 be amended to read as follows:

13 ~~32-5-6.1. License fees and compensation on recreational motor buses as defined by this~~  
14 ~~section shall be determined pursuant to § 32-5-6.3. However, the maximum license fee and~~  
15 ~~compensation for a recreational motor bus shall be one hundred dollars. For the purposes of this~~  
16 ~~section the term, recreational motor bus, means a motor bus which has been converted for~~  
17 ~~recreational purposes subsequent to the initial retail sale. License fees for any noncommercial~~  
18 ~~motor home shall be determined by the manufacturer's shipping weight, including accessories,~~  
19 ~~as follows:~~

20 (1) Six thousand pounds or less, inclusive, sixty dollars;

21 (2) From 6,001 to 8,000 pounds, inclusive, eighty dollars;

22 (3) From 8,001 to 10,000 pounds, inclusive, one hundred dollars;

23 (4) For each additional 2,000 pounds or major fraction thereof, in excess of 10,000  
24 pounds, twenty dollars.

25 For the purposes of this section, a motor home is a vehicle designed to provide temporary

1 living quarters for recreational, camping, or travel use, built on or permanently attached to a self-  
2 propelled motor vehicle chassis or on a chassis cab or van that is an integral part of the  
3 completed vehicle.

4 Section 7. That § 32-6B-21 be amended to read as follows:

5 32-6B-21. The department shall issue metal numerical license plates to licensed dealers upon  
6 application and payment of a ~~thirty~~ fifty-five dollar yearly fee to be paid at the time of the annual  
7 review date for each set desired. Such fees shall be distributed in the manner specified in  
8 §§ 32-11-2 and 32-11-4.1 to 32-11-9, inclusive. The license plates shall be numbered  
9 consecutively and shall bear as a prefix the number 77. The plates may be issued for a multiple  
10 year period. If a dealer's license is revoked or canceled or the dealer goes out of business the 77  
11 plates shall be returned to the department. If any person operates a motor vehicle with 77 plates  
12 after the dealer license is revoked or canceled or after the dealer goes out of business, or if the  
13 person refuses to return the plates, the person is guilty of a Class 2 misdemeanor.

14 Section 8. That § 32-11-4.1 be amended to read as follows:

15 32-11-4.1. All funds collected for motor vehicle licenses in each county shall be distributed  
16 in the following manner:

17 (1) ~~Fifty-four~~ Fifty-seven percent of all funds collected shall be transmitted to the  
18 secretary of revenue ~~and, from which one million thirty-three thousand two hundred~~  
19 sixty-nine dollars and ten cents shall be forwarded to the counties for deposit in the  
20 special highway fund of the county, in the same amount as funds were distributed to  
21 the counties by the Department of Game, Fish and Parks for license fees in calendar  
22 year 1997, pursuant to 41-6-70, and the balance shall be credited to the local  
23 government highway and bridge fund;

24 (1A) Twenty-two and one-half percent shall be credited to the general fund of the county  
25 in which they were collected;

1 (2) Fourteen percent shall be retained by the county and placed in a fund to be known as  
 2 the special highway fund, which shall be used for the construction, reconstruction, and  
 3 maintenance of roads and bridges in the county as provided by this section and  
 4 §§ 32-11-5 to 32-11-9, inclusive. If the county in which funds are collected for motor  
 5 vehicle licenses has completed the construction of the county highway system, the  
 6 entire amount in the special highway fund shall be used for township roads, and the  
 7 board of county commissioners may direct the county auditor to pay the collected  
 8 amount directly to the townships pursuant to §§ 32-11-6 and 32-11-7;

9 (3) Five percent shall be forwarded to the municipalities within the counties in the  
 10 following proportions: each municipality within each county shall receive funds in the  
 11 proportion which the total street mileage of each municipality bears to the total street  
 12 mileage of all the municipalities within the county. The apportionment shall be made  
 13 quarterly by the county commissioners at the first meeting in January, April, July, and  
 14 October. In any county having no municipalities, the five percent collection shall be  
 15 placed in the county road and bridge fund of the county;

16 (4) ~~Two~~ One-half percent shall be credited to the state motor vehicle fund; and

17 (5) ~~Two and one-half~~ One percent shall be credited to the state license plate special  
 18 revenue fund.

19 Section 9. That § 32-11-29 be amended to read as follows:

20 32-11-29. The following fees:

21 (1) Fees collected under §§ 32-3-57, 32-5-99, 32-5-111, and 32-7A-14.1;

22 (2) The ~~two percent of~~ motor vehicle license collections referred to in ~~§ 32-11-4.1~~  
 23 subdivision 32-11-4.1(4);

24 (3) The title fees collected under §§ 32-3-18 and 32-3-27;

25 shall be credited to the state motor vehicle fund. All revenues not appropriated from the special

1 revenue fund established by § 32-5-10.2 shall remain in the fund for the next fiscal year and be  
2 used solely for purposes of motorcycle safety courses and motorcycle safety education.

3 Section 10. That § 10-47B-4 be amended to read as follows:

4 10-47B-4. The fuel excise tax rates for the tax imposed by this chapter are as follows:

- 5 (1) Motor fuel (except ethanol blends, E85 and M85 blends, and aviation gasoline) - ~~\$.18~~  
6 \$.21 per gallon;
- 7 (2) Special fuel (except jet fuel) - ~~\$.18~~ \$.21 per gallon;
- 8 (3) Ethanol blends - ~~\$.16~~ \$.19 per gallon;
- 9 (4) Aviation gasoline - \$.06 per gallon;
- 10 (5) Jet fuel - \$.04 per gallon;
- 11 (6) E85 and M85 - ~~\$.06~~ \$.09 per gallon;
- 12 (7) E85 and M85 used in aircraft - \$.04 per gallon;
- 13 (8) Liquid petroleum gas - ~~\$.16~~ \$.19 per gallon;
- 14 (9) Compressed natural gas - ~~\$.06~~ \$.09 per gallon.

15 Section 11. That § 32-5-9 be amended to read as follows:

16 32-5-9. License fees and compensation for use of the highways payable under § 32-5-5 shall  
17 be: ~~seven~~ nine dollars and fifty cents for motorcycles with a piston displacement of less than three  
18 hundred fifty cubic centimeters and ~~ten~~ twelve dollars for motorcycles with a piston displacement  
19 of three hundred fifty cubic centimeters or more.

20 Section 12. That § 32-5-30 be amended to read as follows:

21 32-5-30. If any noncommercial motor vehicle, according to the manufacturer's model year  
22 designation, is ~~five~~ six years old or more on January first of the year for which a license fee is  
23 required, such fee shall be seventy percent of the fee ordinarily prescribed.

1 **BILL HISTORY**

2 1/12/99 First read in House and referred to Transportation. H.J. 32

3 1/20/99 Scheduled for Committee hearing on this date.

4 2/10/99 Scheduled for Committee hearing on this date.

5 2/10/99 Transportation Do Pass Amended, Passed, AYES 8, NAYS 5. H.J. 478

# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

535C0487

SENATE JUDICIARY COMMITTEE  
ENGROSSED NO. **HB1091** - 2/11/99

Introduced by: Representatives Brown (Jarvis), Crisp, and Hunt and Senators Whiting, Everist,  
and Moore

1 FOR AN ACT ENTITLED, An Act to provide that stipulations regarding the value of an estate  
2 being probated and decrees regarding the inheritance tax due be sealed.

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

4 Section 1. That chapter 10-41 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 Upon request of the person filing the report described in § 10-41-17, the stipulation of the  
7 value of any property of the estate as described in § 10-41-32 and the decree of the court as  
8 described in § 10-41-33, shall be sealed and may not be disclosed except by order of the court.  
9 However, the stipulation and decree shall be available to abstractors or employees of abstractors  
10 licensed pursuant to chapter 36-13, employees and agents of title insurance companies licensed  
11 pursuant to chapter 58-25, attorneys who are licensed to practice law pursuant to chapter 16-16  
12 and who are representing a client, relatives, of the decedent within the third degree of kinship,  
13 the spouse of the decedent, joint tenants of the decedent, any intestate heirs of the decedent  
14 which relationship shall be established by sworn affidavit, and such other interested persons as  
15 the court may order upon a showing of the need therefor.

1 **BILL HISTORY**

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

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

4 1/27/99 Judiciary Do Pass Amended, Passed, AYES 10, NAYS 0. H.J. 206

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

6 2/1/99 House of Representatives Deferred to another day. H.J. 292

7 2/2/99 Motion to Amend, Passed. H.J. 322

8 2/2/99 Motion to Amend, Passed. H.J. 322

9 2/2/99 House of Representatives Do Pass Amended, Passed, AYES 69, NAYS 0. H.J. 322

10 2/3/99 First read in Senate and referred to Judiciary. S.J. 322

11 2/10/99 Scheduled for Committee hearing on this date.

12 2/10/99 Judiciary Do Pass Amended, Passed, AYES 7, NAYS 0. S.J. 415

13 2/10/99 Judiciary Place on Consent Calendar.

# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

436C0489

## SENATE JUDICIARY COMMITTEE ENGROSSED NO. **HB1094** - 2/11/99

Introduced by: Representatives Brown (Jarvis), Crisp, and Hunt and Senators Moore and Everist

1 FOR AN ACT ENTITLED, An Act to revise certain guardianship and conservatorship  
2 provisions regarding appointment hearings, financial statements, and successors.

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

4 Section 1. That § 29A-5-204 be amended to read as follows:

5 29A-5-204. Upon the filing of the petition, the court shall issue a notice fixing the date, hour  
6 and location for a hearing to take place within sixty days.

7 At least fourteen days prior to the hearing, the minor, if age ten or older, shall be personally  
8 served with a copy of the notice and petition, and the petitioner shall mail a copy of the notice  
9 and petition to all entities and individuals age ten or older whose names and post office addresses  
10 appear in the petition. ~~The minor may not waive notice and a failure to properly notify the minor~~  
11 ~~shall be jurisdictional.~~ The court may order that no notice of hearing need be given if all persons  
12 entitled to notice waive notice of hearing and the court determines that it would be in the best  
13 interests of the minor and the minor's estate to proceed without notice.

14 Section 2. That § 29A-5-207 be amended to read as follows:

15 29A-5-207. The statement of financial resources ~~and~~ any written report of the court  
16 representative, and any accountings or inventories made by the guardian or conservator shall be

1 sealed upon filing and shall not be made a part of the public record but shall be available to the  
2 court, to the minor, to the petitioner, to the court representative, to their attorneys, to  
3 abstractors or employees of abstractors licensed pursuant to chapter 36-13, to employees and  
4 agents of title insurance companies licensed pursuant to chapter 58-25, to attorneys who are  
5 licensed to practice law pursuant to chapter 16-16 and who are representing a relative of the  
6 minor within the third degree of kinship, to the spouse of the minor, to joint tenants of the minor,  
7 to any intestate heirs of the minor which relationship shall be established by sworn affidavit, and  
8 to such other interested persons as the court may order upon a showing of the need therefor.

9 Section 3. That § 29A-5-502 be amended to read as follows:

10 29A-5-502. The court may appoint additional guardians or conservators and may appoint a  
11 successor guardian or conservator either prior to or at the time of a vacancy. A successor  
12 guardian or conservator appointed prior to a vacancy shall be immediately empowered to assume  
13 the duties of office upon the termination of the predecessor's appointment, but shall be required  
14 to file the requisite acceptance of office and any required bond within sixty days. A successor  
15 guardian or conservator shall succeed to the powers and duties of the predecessor unless  
16 otherwise ordered by the court.

1 **BILL HISTORY**

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

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

4 1/27/99 Judiciary Do Pass, Passed, AYES 11, NAYS 0. H.J. 206

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

6 1/28/99 House of Representatives Do Pass, Passed, AYES 66, NAYS 3. H.J. 248

7 1/29/99 First read in Senate and referred to Judiciary. S.J. 266

8 2/10/99 Scheduled for Committee hearing on this date.

9 2/10/99 Judiciary Do Pass Amended, Passed, AYES 7, NAYS 0. S.J. 415

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

# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

363C0038

## HOUSE COMMERCE COMMITTEE ENGROSSED NO. **HB1121** - 2/12/99

Introduced by: Representatives Brooks, Crisp, Davis, Fischer-Clemens, Fitzgerald, Hagen, Haley, Hanson, Hunt, Koehn, Kooistra, Lockner, Lucas, McCoy, Michels, Monroe, Patterson, Peterson, Roe, Sutton (Daniel), Sutton (Duane), Waltman, and Wilson and Senators Brown (Arnold), Dunn (Rebecca), Everist, Kloucek, Lawler, Madden, Moore, Munson (David), Olson, Shoener, Valandra, and Vitter

1 FOR AN ACT ENTITLED, An Act to provide health insurance coverage for diabetes supplies,  
2 equipment, and self-management training and education.

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

4 Section 1. That chapter 58-17 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 Every policy of health insurance delivered, issued for delivery, or renewed in this state,  
7 except for policies that provide coverage for specified disease or other limited benefit coverage,  
8 shall provide, in writing, coverage for equipment, supplies, and self-management training and  
9 education, including medical nutrition therapy, for treatment of persons diagnosed with diabetes  
10 if prescribed by a physician or other licensed health care provider legally authorized to prescribe  
11 such treatment.

12 Coverage for equipment and supplies shall include blood glucose monitors, blood glucose  
13 monitors for the legally blind, test strips for glucose monitors, urine testing strips, insulin,  
14 injection aids, lancets, lancet devices, syringes, insulin pumps and all supplies for the pump,

1 insulin infusion devices, prescribed oral agents for controlling blood sugars, glucose agents,  
2 glucagon kits, insulin measurement and administration aids for the visually impaired, and other  
3 medical devices medically necessary for treatment of diabetes.

4 Diabetes self-management training and education shall be covered if: (a) the service is  
5 provided by a physician, nurse, dietitian, pharmacist, or other licensed health care provider who  
6 satisfies the current academic eligibility requirements of the National Certification Board for  
7 Diabetic Educators and has completed a course in diabetes education and training or has been  
8 certified as a diabetes educator; and (b) the training and education is based upon a diabetes  
9 program recognized by the American Diabetes Association or a diabetes program with a  
10 curriculum approved by the American Diabetes Association or the South Dakota Department  
11 of Health.

12 Coverage of diabetes self-management training is limited to (a) persons who are newly  
13 diagnosed with diabetes or have received no prior diabetes education; (b) persons who require  
14 a change in current therapy; (c) persons who have a co-morbid condition such as heart disease  
15 or renal failure; or (d) persons whose diabetes condition is unstable. No less than two  
16 comprehensive education programs per lifetime and up to eight follow-up visits per year may be  
17 covered. Coverage is limited to the closest available qualified education program that provides  
18 the necessary management training to accomplish the prescribed treatment.

19 The benefits provided in this section are subject to the same dollar limits, deductibles,  
20 coinsurance, and other restrictions established for all other benefits covered in the policy.

21 Section 2. That § 58-17-99 be amended to read as follows:

22 58-17-99. The provisions of § 58-17-98 and section 1 of this Act do not apply to any plan,  
23 policy, or contract that provides coverage only for:

- 24 (1) Specified disease;
- 25 (2) Hospital indemnity;

- 1 (3) Fixed indemnity;
- 2 (4) Accident-only;
- 3 (5) Credit;
- 4 (6) Dental;
- 5 (7) Vision;
- 6 (8) Prescription drug;
- 7 (9) Medicare supplement;
- 8 (10) Long-term care;
- 9 (11) Disability income insurance;
- 10 (12) Coverage issued as a supplement to liability insurance;
- 11 (13) Workers' compensation or similar insurance;
- 12 (14) Automobile medical payment insurance; or
- 13 (15) Individual health benefit plans of six-months duration or less that are not renewable.

14 Section 3. That chapter 58-18 be amended by adding thereto a NEW SECTION to read as  
15 follows:

16 Every group health insurance policy delivered, issued for delivery or renewed in this state,  
17 except for policies that provide coverage for special disease or other limited benefit coverage,  
18 shall provide, in writing, coverage for equipment, supplies, and self-management training and  
19 education, including medical nutrition therapy, for treatment of persons diagnosed with diabetes  
20 if prescribed by a physician or other licensed health care provider legally authorized to prescribe  
21 such treatment.

22 Coverage for equipment and supplies shall include blood glucose monitors, blood glucose  
23 monitors for the legally blind, test strips for glucose monitors, urine testing strips, insulin,  
24 injection aids, lancets, lancet devices, syringes, insulin pumps and all supplies for the pump,  
25 insulin infusion devices, prescribed oral agents for controlling blood sugars, glucose agents,

1 glucagon kits, insulin measurement and administration aids for the visually impaired, and other  
2 medical devices medically necessary for treatment of diabetes.

3 Diabetes self-management training and education shall be covered if: (a) the service is  
4 provided by a physician, nurse, dietitian, pharmacist, or other licensed health care provider who  
5 satisfies the current academic eligibility requirements of the National Certification Board for  
6 Diabetic Educators and has completed a course in diabetes education and training or has been  
7 certified as a diabetes educator; and (b) the training and education is based upon a diabetes  
8 program recognized by the American Diabetes Association or a diabetes program with a  
9 curriculum approved by the American Diabetes Association or the South Dakota Department  
10 of Health.

11 Coverage of diabetes self-management training is limited to (a) persons who are newly  
12 diagnosed with diabetes or have received no prior diabetes education; (b) persons who require  
13 a change in current therapy; (c) persons who have a co-morbid condition such as heart disease  
14 or renal failure; or (d) persons whose diabetes condition is unstable. No less than two  
15 comprehensive education programs per lifetime and up to eight follow-up visits per year may be  
16 covered. Coverage is limited to the closest available qualified education program that provides  
17 the necessary management training to accomplish the prescribed treatment.

18 The benefits provided in this section are subject to the same dollar limits, deductibles,  
19 coinsurance, and other restrictions established for all other benefits covered in the policy.

20 Section 4. That § 58-18-81 be amended to read as follows:

21 58-18-81. The provisions of § 58-18-80 and section 3 of this Act do not apply to any plan,  
22 policy, or contract that provides coverage only for:

- 23 (1) Specified disease;
- 24 (2) Hospital indemnity;
- 25 (3) Fixed indemnity;

- 1 (4) Accident-only;
- 2 (5) Credit;
- 3 (6) Dental;
- 4 (7) Vision;
- 5 (8) Prescription drug;
- 6 (9) Medicare supplement;
- 7 (10) Long-term care;
- 8 (11) Disability income insurance;
- 9 (12) Coverage issued as a supplement to liability insurance;
- 10 (13) Workers' compensation or similar insurance;
- 11 (14) Automobile medical payment insurance; or
- 12 (15) Individual health benefit plans of six-months duration or less that are not renewable.

13 Section 5. That chapter 58-18B be amended by adding thereto a NEW SECTION to read  
14 as follows:

15 Every small employer health benefit plan delivered, issued for delivery, or renewed in this  
16 state, except for policies that provide coverage for specified disease or other limited benefit  
17 coverage, shall provide, in writing, coverage for equipment, supplies, and self-management  
18 training and education, including medical nutrition therapy, for treatment of persons diagnosed  
19 with diabetes if prescribed by a physician or other licensed health care provider legally authorized  
20 to prescribe such treatment.

21 Coverage for equipment and supplies shall include blood glucose monitors, blood glucose  
22 monitors for the legally blind, test strips for glucose monitors, urine testing strips, insulin,  
23 injection aids, lancets, lancet devices, syringes, insulin pumps and all supplies for the pump,  
24 insulin infusion devices, prescribed oral agents for controlling blood sugars, glucose agents,  
25 glucagon kits, insulin measurement and administration aids for the visually impaired, and other

1 medical devices medically necessary for treatment of diabetes.

2 Diabetes self-management training and education shall be covered if: (a) the service is  
3 provided by a physician, nurse, dietitian, pharmacist, or other licensed health care provider who  
4 satisfies the current academic eligibility requirements of the National Certification Board for  
5 Diabetic Educators and has completed a course in diabetes education and training or has been  
6 certified as a diabetes educator; and (b) the training and education is based upon a diabetes  
7 program recognized by the American Diabetes Association or a diabetes program with a  
8 curriculum approved by the American Diabetes Association or the South Dakota Department  
9 of Health.

10 Coverage of diabetes self-management training is limited to (a) persons who are newly  
11 diagnosed with diabetes or have received no prior diabetes education; (b) persons who require  
12 a change in current therapy; (c) persons who have a co-morbid condition such as heart disease  
13 or renal failure; or (d) persons whose diabetes condition is unstable. No less than two  
14 comprehensive education programs per lifetime and up to eight follow-up visits per year may be  
15 covered. Coverage is limited to the closest available qualified education program that provides  
16 the necessary management training to accomplish the prescribed treatment.

17 The benefits provided in this section are subject to the same dollar limits, deductibles,  
18 coinsurance, and other restrictions established for all other benefits covered in the plan.

19 Section 6. That § 58-18B-54 be amended to read as follows:

20 58-18B-54. The provisions of § 58-18B-53 and section 5 of this Act do not apply to any  
21 plan, policy, or contract that provides coverage only for:

- 22 (1) Specified disease;
- 23 (2) Hospital indemnity;
- 24 (3) Fixed indemnity;
- 25 (4) Accident-only;

- 1 (5) Credit;
- 2 (6) Dental;
- 3 (7) Vision;
- 4 (8) Prescription drug;
- 5 (9) Medicare supplement;
- 6 (10) Long-term care;
- 7 (11) Disability income insurance;
- 8 (12) Coverage issued as a supplement to liability insurance;
- 9 (13) Workers' compensation or similar insurance;
- 10 (14) Automobile medical payment insurance; or
- 11 (15) Individual health benefit plans of six-months duration or less that are not renewable.

12 Section 7. That chapter 58-38 be amended by adding thereto a NEW SECTION to read as  
13 follows:

14 Every service or indemnity-type contract issued by a nonprofit medical and surgical service  
15 plan corporation delivered, issued for delivery, or renewed in this state, except for policies that  
16 provide coverage for specified disease or other limited benefit coverage, shall provide, in writing,  
17 coverage for equipment, supplies, and self-management training and education, including medical  
18 nutrition therapy, for treatment of persons diagnosed with diabetes if prescribed by a physician  
19 or other licensed health care provider legally authorized to prescribe such treatment.

20 Coverage for equipment and supplies shall include blood glucose monitors, blood glucose  
21 monitors for the legally blind, test strips for glucose monitors, urine testing strips, insulin,  
22 injection aids, lancets, lancet devices, syringes, insulin pumps and all supplies for the pump,  
23 insulin infusion devices, prescribed oral agents for controlling blood sugars, glucose agents,  
24 glucagon kits, insulin measurement and administration aids for the visually impaired, and other  
25 medical devices medically necessary for treatment of diabetes.

1 Diabetes self-management training and education shall be covered if: (a) the service is  
2 provided by a physician, nurse, dietitian, pharmacist, or other licensed health care provider who  
3 satisfies the current academic eligibility requirements of the National Certification Board for  
4 Diabetic Educators and has completed a course in diabetes education and training or has been  
5 certified as a diabetes educator; and (b) the training and education is based upon a diabetes  
6 program recognized by the American Diabetes Association or a diabetes program with a  
7 curriculum approved by the American Diabetes Association or the South Dakota Department  
8 of Health.

9 Coverage of diabetes self-management training is limited to (a) persons who are newly  
10 diagnosed with diabetes or have received no prior diabetes education; (b) persons who require  
11 a change in current therapy; (c) persons who have a co-morbid condition such as heart disease  
12 or renal failure; or (d) persons whose diabetes condition is unstable. No less than two  
13 comprehensive education programs per lifetime and up to eight follow-up visits per year may be  
14 covered. Coverage is limited to the closest available qualified education program that provides  
15 the necessary management training to accomplish the prescribed treatment.

16 The benefits provided in this section are subject to the same dollar limits, deductibles,  
17 coinsurance, and other restrictions established for all other benefits covered in the contract.

18 Section 8. That § 58-38-41 be amended to read as follows:

19 58-38-41. The provisions of § 58-38-40 and section 7 of this Act do not apply to any plan,  
20 policy, or contract that provides coverage only for:

- 21 (1) Specified disease;
- 22 (2) Hospital indemnity;
- 23 (3) Fixed indemnity;
- 24 (4) Accident-only;
- 25 (5) Credit;

- 1 (6) Dental;
- 2 (7) Vision;
- 3 (8) Prescription drug;
- 4 (9) Medicare supplement;
- 5 (10) Long-term care;
- 6 (11) Disability income insurance;
- 7 (12) Coverage issued as a supplement to liability insurance;
- 8 (13) Workers' compensation or similar insurance;
- 9 (14) Automobile medical payment insurance; or
- 10 (15) Individual health benefit plans of six-months duration or less that are not renewable.

11 Section 9. That chapter 58-40 be amended by adding thereto a NEW SECTION to read as  
12 follows:

13 Every service or indemnity-type contract issued by a nonprofit hospital service plan  
14 corporation delivered, issued for delivery, or renewed in this state, except for policies that  
15 provide coverage for specified disease or other limited benefit coverage, shall provide, in writing,  
16 coverage for equipment, supplies, and self-management training and education, including medical  
17 nutrition therapy, for treatment of persons diagnosed with diabetes if prescribed by a physician  
18 or other licensed health care provider legally authorized to prescribe such treatment.

19 Coverage for equipment and supplies shall include blood glucose monitors, blood glucose  
20 monitors for the legally blind, test strips for glucose monitors, urine testing strips, insulin,  
21 injection aids, lancets, lancet devices, syringes, insulin pumps and all supplies for the pump,  
22 insulin infusion devices, prescribed oral agents for controlling blood sugars, glucose agents,  
23 glucagon kits, insulin measurement and administration aids for the visually impaired, and other  
24 medical devices medically necessary for treatment of diabetes.

25 Diabetes self-management training and education shall be covered if: (a) the service is

1 provided by a physician, nurse, dietitian, pharmacist, or other licensed health care provider who  
2 satisfies the current academic eligibility requirements of the National Certification Board for  
3 Diabetic Educators and has completed a course in diabetes education and training or has been  
4 certified as a diabetes educator; and (b) the training and education is based upon a diabetes  
5 program recognized by the American Diabetes Association or a diabetes program with a  
6 curriculum approved by the American Diabetes Association or the South Dakota Department  
7 of Health.

8 Coverage of diabetes self-management training is limited to (a) persons who are newly  
9 diagnosed with diabetes or have received no prior diabetes education; (b) persons who require  
10 a change in current therapy; (c) persons who have a co-morbid condition such as heart disease  
11 or renal failure; or (d) persons whose diabetes condition is unstable. No less than two  
12 comprehensive education programs per lifetime and up to eight follow-up visits per year may be  
13 covered. Coverage is limited to the closest available qualified education program that provides  
14 the necessary management training to accomplish the prescribed treatment.

15 The benefits provided in this section are subject to the same dollar limits, deductibles,  
16 coinsurance, and other restrictions established for all other benefits covered in the contract.

17 Section 10. That § 58-40-38 be amended to read as follows:

18 58-40-38. The provisions of § 58-40-37 and section 9 of this Act do not apply to any plan,  
19 policy, or contract that provides coverage only for:

- 20 (1) Specified disease;
- 21 (2) Hospital indemnity;
- 22 (3) Fixed indemnity;
- 23 (4) Accident-only;
- 24 (5) Credit;
- 25 (6) Dental;

- 1 (7) Vision;
- 2 (8) Prescription drug;
- 3 (9) Medicare supplement;
- 4 (10) Long-term care;
- 5 (11) Disability income insurance;
- 6 (12) Coverage issued as a supplement to liability insurance;
- 7 (13) Workers' compensation or similar insurance;
- 8 (14) Automobile medical payment insurance; or
- 9 (15) Individual health benefit plans of six-months duration or less that are not renewable.

10 Section 11. That chapter 58-41 be amended by adding thereto a NEW SECTION to read as  
11 follows:

12 Every health maintenance contract delivered, issued for delivery, or renewed in this state,  
13 except for policies that provide coverage for specified disease or other limited benefit coverage,  
14 shall provide, in writing, coverage for equipment, supplies, and self-management training and  
15 education, including medical nutrition therapy, for treatment of persons diagnosed with diabetes  
16 if prescribed by a physician or other licensed health care provider legally authorized to prescribe  
17 such treatment.

18 Coverage for equipment and supplies shall include blood glucose monitors, blood glucose  
19 monitors for the legally blind, test strips for glucose monitors, urine testing strips, insulin,  
20 injection aids, lancets, lancet devices, syringes, insulin pumps and all supplies for the pump,  
21 insulin infusion devices, prescribed oral agents for controlling blood sugars, glucose agents,  
22 glucagon kits, insulin measurement and administration aids for the visually impaired, and other  
23 medical devices medically necessary for treatment of diabetes.

24 Diabetes self-management training and education shall be covered if: (a) the service is  
25 provided by a physician, nurse, dietitian, pharmacist, or other licensed health care provider who

1 satisfies the current academic eligibility requirements of the National Certification Board for  
2 Diabetic Educators and has completed a course in diabetes education and training or has been  
3 certified as a diabetes educator; and (b) the training and education is based upon a diabetes  
4 program recognized by the American Diabetes Association or a diabetes program with a  
5 curriculum approved by the American Diabetes Association or the South Dakota Department  
6 of Health.

7 Coverage of diabetes self-management training is limited to (a) persons who are newly  
8 diagnosed with diabetes or have received no prior diabetes education; (b) persons who require  
9 a change in current therapy; (c) persons who have a co-morbid condition such as heart disease  
10 or renal failure; or (d) persons whose diabetes condition is unstable. No less than two  
11 comprehensive education programs per lifetime and up to eight follow-up visits per year may be  
12 covered. Coverage is limited to the closest available qualified education program that provides  
13 the necessary management training to accomplish the prescribed treatment.

14 The benefits provided in this section are subject to the same dollar limits, deductibles,  
15 coinsurance, and other restrictions established for all other benefits covered in the contract.

16 Section 12. That § 58-41-116 be amended to read as follows:

17 58-41-116. The provisions of § 58-41-115 and section 11 of this Act do not apply to any  
18 plan, policy, or contract that provides coverage only for:

- 19 (1) Specified disease;
- 20 (2) Hospital indemnity;
- 21 (3) Fixed indemnity;
- 22 (4) Accident-only;
- 23 (5) Credit;
- 24 (6) Dental;
- 25 (7) Vision;

- 1 (8) Prescription drug;
- 2 (9) Medicare supplement;
- 3 (10) Long-term care;
- 4 (11) Disability income insurance;
- 5 (12) Coverage issued as a supplement to liability insurance;
- 6 (13) Workers' compensation or similar insurance;
- 7 (14) Automobile medical payment insurance; or
- 8 (15) Individual health benefit plans of six-months duration or less that are not renewable.

1 **BILL HISTORY**

2 1/22/99 First read in House and referred to Commerce. H.J. 128

3 2/11/99 Scheduled for Committee hearing on this date.

4 2/11/99 Commerce Do Pass Amended, Passed, AYES 10, NAYS 3. H.J. 482

# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

661C0560

HOUSE HEALTH AND HUMAN SERVICES  
COMMITTEE ENGROSSED NO. **HB1223** -  
2/16/99

Introduced by: Representatives Fischer-Clemens, Garnos, Konold, Michels, and Sebert and  
Senators Everist and Rounds

1 FOR AN ACT ENTITLED, An Act to allow access to a deceased person's medical record.

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

3 Section 1. That § 34-12-15 be amended to read as follows:

4 34-12-15. All superintendents, or managers, or other persons in charge of hospitals, lying-in,  
5 or other institutions, public or private, to which persons resort for treatment of disease,  
6 confinement, or are committed by process of law, shall make and keep a record of all the  
7 personal and statistical particulars relative to the inmates, such record to be made at the time of  
8 their admittance and in such form of certificate as directed by the secretary of health. In case of  
9 persons admitted or committed for treatment of disease, the physician in charge shall specify for  
10 entry in such record the nature of the disease and where in ~~his~~ the physician's opinion it was  
11 contracted. The personal particulars and information required by this section shall be obtained  
12 from the individual, if it is practicable to do so, and if not practicable, shall be obtained in as  
13 complete a manner as possible from relatives, friends, or other persons acquainted with the facts.  
14 Such record shall be open at all times to the inspection of the secretary of health or ~~his~~ an  
15 accredited agent of the secretary.

1 A health care facility shall provide copies of all medical records, reports, and X rays pertinent  
2 to the health of the patient, if available, to a discharged patient or the patient's designee upon  
3 receipt by the health care facility of a written request or a legible copy of a written request signed  
4 by the patient. The health care facility may require before delivery that the patient pay the actual  
5 reproduction and mailing expense.

6 If a personal representative of a deceased patient has not been appointed, the following  
7 surviving family members, in the priority stated, have the right to copies of the patient's medical  
8 record to the same extent as the patient would have the right to copies of the medical record  
9 while alive:

- 10 (1) The spouse, if not legally separated at the time of the patient's death;
- 11 (2) An adult child;
- 12 (3) A parent;
- 13 (4) An adult sibling;
- 14 (5) A grandparent or an adult grandchild;
- 15 (6) An adult aunt or uncle, or an adult niece or nephew.

16 A health care facility, complying in good faith with the provisions of this section, may not  
17 be held liable for any injury or damage proximately resulting from compliance with this section.

18 This section does not apply to chemical dependency treatment facilities.

1 **BILL HISTORY**

2 1/27/99 First read in House and referred to committee assignment waived. H.J. 216

3 1/28/99 Referred to Health and Human Services. H.J. 241

4 2/12/99 Scheduled for Committee hearing on this date.

5 2/12/99 Health and Human Services Do Pass Amended, Passed, AYES 10, NAYS 0. H.J. 505

6 2/12/99 Health and Human Services Place on Consent Calendar.

# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

336C0789

## HOUSE LOCAL GOVERNMENT COMMITTEE

### ENGROSSED NO. **HB1254** - 2/12/99

Introduced by: Representatives Clark, Brown (Richard), Cutler, Diedrich (Elmer), Engbrecht, Hennies, Klaudt, McCoy, Roe, Slaughter, Smidt, Sutton (Duane), and Young and Senators Vitter, Benson, Drake, Kleven, and Madden

1 FOR AN ACT ENTITLED, An Act to revise certain provisions related to local government  
2 officer conflicts of interest.

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

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

5 6-1-1. ~~It shall be unlawful for any~~ No officer of a county, municipality, township, or school  
6 district, who has been elected or appointed, ~~to be interested~~ may have a direct financial interest,  
7 ~~either by himself or as an individual or through an~~ agent, in any contract entered into by ~~said~~ the  
8 county, municipality, township, or school district, either for labor or services to be rendered, or  
9 for the purchase of commodities, materials, supplies, or equipment of any kind, the expense,  
10 price or consideration of which is paid from public funds or from any assessment levied by ~~said~~  
11 the county, municipality, township, or school district, or in the purchase of any real or personal  
12 property belonging to the county, municipality, township, or school district or which ~~shall be~~ is  
13 sold for taxes or assessments or by virtue of legal process at the suit of ~~such~~ the county,  
14 municipality, township, or school district. ~~Such~~ Any such contract ~~shall be~~ is null and void from  
15 the beginning. For purposes of this section, the term, direct financial interest, means that the

- 1 officer has the authority or ability to control, direct, or manage the contract-related activities of
- 2 the entity that has contracted with the county, municipality, township, or school district and will
- 3 gain direct financial benefit as a result of the contract.

1 **BILL HISTORY**

2 1/29/99 First read in House and referred to Local Government. H.J. 267

3 2/9/99 Scheduled for Committee hearing on this date.

4 2/11/99 Scheduled for Committee hearing on this date.

5 2/11/99 Local Government Do Pass Amended, Passed, AYES 11, NAYS 1. H.J. 485

# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

660C0775                    **HOUSE AGRICULTURE AND NATURAL RESOURCES**  
**COMMITTEE ENGROSSED NO. HB1263 - 2/12/99**

Introduced by: Representatives Jaspers and Diedrich (Larry) and Senators Drake and Hainje

1    FOR AN ACT ENTITLED, An Act to establish the agricultural chemical response and  
2        remediation account.

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

4        Section 1. Terms used in this Act mean:

5        (1)    "Agricultural chemical," pesticide, commercial fertilizer, plant amendments, or soil  
6            amendments, but does not include nitrate and related nitrogen or phosphate from a  
7            natural source or wood preservative treatments;

8        (2)    "Board," the agricultural chemical remediation account board;

9        (3)    "Eligible person," a person who meets the eligibility established in section 2 of this  
10           Act;

11       (4)    "Fund," the agricultural chemical remediation account fund;

12       (5)    "Responsible party," a person who at the time of an agricultural chemical incident or  
13           accident has care, custody, or control of, or responsibility for an agricultural chemical,  
14           its container, or residues from such chemicals or containers;

15       (6)    "Secretary," the South Dakota secretary of agriculture;

16       (7)    "Single site," all land and water areas, including air space, and all plants, animals,

1 structures, buildings, contrivances, and machinery whether fixed or mobile, including  
2 anything used for transportation within a one-half mile radius of a discovered or  
3 reported incident where agricultural chemical handling, storage, disposal, and  
4 distribution activities have occurred or are now occurring;

5 (8) "Site assessment," the evaluation of the environmental characteristics of a particular  
6 facility or location where an incident or accident involving agricultural chemicals has  
7 occurred, including hydro geology, soil characteristics, topographical features,  
8 nearness to sources of drinking water, environmental indicators and safeguards,  
9 proximity to sensitive human populations, and available, scientifically valid soil or  
10 water monitoring results. Site assessment may also include the use of predictive  
11 procedures for determining the need for and extent of corrective action;

12 (9) "Source drinking water," a current or potential source of water either from the ground  
13 or surface for human consumption;

14 (10) "Unreasonable adverse effects on humans and the environment," any unreasonable  
15 risk to humans or the environment, taking into account the economic, social, and  
16 environmental costs and benefits to the use of an agricultural chemical; and

17 (11) "Water quality standard," the numerical value expressing the concentration of an  
18 agricultural chemical in sources of drinking water established by the State of South  
19 Dakota, and may include the maximum contaminate level as established under the  
20 Safe Drinking Water Act, as amended to January 1, 1999.

21 Section 2. For the purposes of this Act, an eligible person includes:

22 (1) A responsible party or an owner of real property or a conservation district, but not the  
23 state, a state agency, a political subdivision of the state, the federal government, or  
24 an agency of the federal government;

25 (2) A person involved in a transaction relating to real property who is not a responsible

1 party or owner of the real property, and who voluntarily takes corrective action on  
2 the property in response to a request or order for corrective action from the  
3 Department of Environmental and Natural Resources; and

4 (3) A farmer who voluntarily complies with §§ 38-21-15.1 and 38-19-36.2.

5 Section 3. There is hereby established in the state treasury the agricultural chemical  
6 remediation account fund for the purpose of reimbursing the costs to eligible persons for  
7 voluntary response to, and voluntary remediation of, agricultural chemical incidents, accidents,  
8 or historical contamination. Expenditures of this fund shall be made in accordance with the  
9 provisions of chapter 4-7.

10 Section 4. Notwithstanding the fees imposed by § 38-21-17, the secretary shall impose a  
11 surcharge of twenty dollars per year for a commercial applicator's license. The proceeds from  
12 the surcharge shall be deposited into the fund.

13 Section 5. Notwithstanding the fees imposed by § 38-21-33.5, the secretary shall impose a  
14 surcharge of seventy-five dollars per year for a pesticide dealer license. The proceeds from the  
15 surcharge shall be deposited into the fund.

16 Section 6. Notwithstanding the fees imposed by § 38-19-2.1, the secretary shall impose a  
17 surcharge of seventy-five dollars per year for a commercial fertilizer distribution license. The  
18 proceeds from the surcharge shall be deposited into the fund.

19 Section 7. Notwithstanding the fees imposed by § 38-19-10, the secretary shall impose a  
20 surcharge of no more than twenty-eight cents per ton of fertilizer for the inspection fee. The  
21 proceeds from the surcharge shall be deposited into the fund.

22 Section 8. Notwithstanding the fees imposed by § 38-20A-59, the secretary shall impose a  
23 surcharge on the registration application fee for agricultural pesticides that is no more than two-  
24 tenths of one percent of annual sales on the pesticide in the state, except the surcharge may not  
25 be imposed on nonagricultural pesticides. The proceeds from the surcharge shall be deposited

1 into the fund.

2 Section 9. Money in the agricultural chemical remediation account fund may be only used:

3 (1) By the board to reimburse the secretary for staff and the administrator for  
4 administrative costs up to seventy-five thousand dollars per year; and

5 (2) To reimburse and pay corrective action costs under section 10 of this Act.

6 Section 10. The board shall notify the secretary to collect the fees authorized by sections 4  
7 to 8, inclusive, of this Act. The secretary shall collect the fee beginning July 1, 1999, until the  
8 fund reaches five million dollars or more, at which time the fees shall be reduced. The board shall  
9 notify the secretary if the asset value of the fund falls below five hundred thousand dollars, and  
10 the secretary shall reimpose the fees established in sections 7 and 8 of this Act. Reasonable  
11 forecasts of future expenses and income may be used in reducing or increasing the fees.

12 Section 11. The fund is attached to the Department of Agriculture for budgeting. All  
13 necessary costs of the Department of Agriculture for these services, not to exceed actual costs,  
14 shall be reimbursed from the revenue of this Act.

15 Section 12. The board shall promulgate rules, pursuant to chapter 1-26, to specify the form  
16 and procedure for applications for compensation from the fund, procedures and criteria for  
17 determining the amount and type of costs that are eligible for reimbursement from the fund,  
18 procedures for acceptable methods of payment from the fund, procedures for persons to perform  
19 services for the fund, the method and forms necessary for the collection of the fees, and other  
20 rules and procedures necessary for carrying out the provisions of this Act. In addition, the board  
21 may promulgate rules to:

22 (1) Contract and cooperate with any person or with any governmental department or  
23 agency;

24 (2) Expend the funds pursuant to sections 14 to 17, inclusive, of this Act appropriate for  
25 its administration;

1 (3) Appoint, discharge, fix compensation for, and prescribe the duties of the personnel  
2 as necessary; and

3 (4) Accept donations of fund property, service, or other assistance from public or private  
4 service sources for the purpose of furthering the objective of the board.

5 Section 13. Revenue from the following sources shall be deposited in the state treasury and  
6 credited to the agricultural response and remediation account fund:

7 (1) Any fees imposed by this Act;

8 (2) Any interest attributable to investment of money in the fund;

9 (3) Any money received by the secretary of agriculture in the form of gifts, grants, or  
10 appropriations from any source intended to be used for the purposes of the fund.

11 Section 14. The board shall reimburse an eligible person for the agricultural chemical  
12 response and reimbursement fund for the reasonable and necessary costs incurred by the eligible  
13 person in taking voluntary action as provided in this Act if the board determines:

14 (1) The eligible person takes all reasonable action necessary to minimize and abate an  
15 incident, and the action is subsequently approved by the Department of Environment  
16 and Natural Resources;

17 (2) The eligible person complies with any reasonable request for corrective action issued  
18 to the eligible person by the Department of Environment and Natural Resources; and

19 (3) The incident is reported as required pursuant to titles 34, 34A, and 38.

20 Section 15. On request by an eligible person, the board may pay the eligible person for the  
21 reasonable and necessary cash disbursements for corrective action costs incurred by the eligible  
22 person as provided in this Act if the board determines:

23 (1) The eligible person pays the first one thousand dollars of the corrective action costs;

24 (2) The eligible person provides the board with a sworn affidavit and other convincing  
25 evidence that the eligible person is unable to pay additional corrective action costs;

1           and

2           (3)   The eligible person continues to assume responsibility for carrying out the  
3           requirements of a corrective action.

4           Section 16. No eligible person may receive payment for, or reimbursement from the fund,  
5           and the person shall refund amounts paid or reimbursed by the board, if false statements or  
6           misrepresentations are made in the affidavit or other evidence submitted to the secretary upon  
7           showing an inability to pay corrective action costs.

8           Section 17. The board may pay an eligible person monies from the agricultural chemical  
9           remediation account fund for:

10          (1)   Ninety percent of the total reasonable and necessary corrective action costs greater  
11           than one thousand dollars and less than or equal to one hundred thousand dollars;

12          (2)   Eighty percent of the total reasonable and necessary corrective action costs greater  
13           than one hundred thousand dollars and less than or equal to two hundred thousand  
14           dollars.

15          Section 18. The agricultural chemical remediation account board is created and shall consist  
16          of the secretary of agriculture, the secretary of the Department of Environment and Natural  
17          Resources, one representative of agricultural chemical manufacturers and wholesalers, one  
18          representative of farmers, and one representative of dealers of retail agricultural chemicals.  
19          Private industry representatives shall be appointed by the secretary who shall consider  
20          recommendations for such appointments by the Ag Unity Group.

21          Section 19. The term of the members of the board is four years, except that the initial  
22          appointments are for staggered terms. Vacancies are appointed under the same conditions as the  
23          term vacated.

24          Section 20. The Board shall annually elect a chair and a vice chair. The chair and vice chair  
25          shall be members of the board and may not be the secretary of agriculture or environment and

1 natural resources. The chair shall preside at regular and special meetings, or the vice chair in the  
2 absence of the chair. A quorum consists of three board members. At least six regular meetings  
3 of the board shall be scheduled a year. A scheduled meeting may be canceled if there is  
4 insufficient business. Special meetings of the board may be called by the chair or by written  
5 request of three board members.

6 Section 21. Compensation for the board shall be paid pursuant to § 4-7-10.4 from the  
7 surcharges collected pursuant to this Act.

8 Section 22. This chapter does not abrogate or limit in any way the rights, powers, duties, and  
9 functions of the Department of Agriculture, Department of Environment and Natural Resources,  
10 or any agency of the state.

11 Section 23. The sum of fifty thousand dollars shall be deposited in the agricultural chemical  
12 response and remediation account on July 1, 1999, from the money collected from the following  
13 sources:

- 14 (1) Commercial fertilizer distributor licenses pursuant to § 38-19-2.1;
- 15 (2) Speciality fertilizer inspection fee pursuant to § 38-19-10;
- 16 (3) Soil conditioner product registration pursuant to § 38-19A-4;
- 17 (4) Pesticide applicator license pursuant to § 38-21-17;
- 18 (5) Pesticide dealer's license pursuant to § 38-21-33.5;
- 19 (6) Pesticide registration fee pursuant to § 38-20A-4.

1 **BILL HISTORY**

2 1/29/99 First read in House and referred to Agriculture and Natural Resources. H.J. 269

3 2/11/99 Scheduled for Committee hearing on this date.

4 2/11/99 Agriculture and Natural Resources Do Pass Amended, Passed, AYES 7, NAYS 4.

5 H.J. 484

# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

754C0818

HOUSE EDUCATION COMMITTEE ENGROSSED NO.

**HB1270** - 2/12/99

Introduced by: Representatives Fitzgerald, Apa, Brooks, Clark, Davis, Earley, Fischer-Clemens, Hagen, Kooistra, Lucas, McCoy, Smidt, and Wilson and Senators Kleven, Drake, and Vitter

1 FOR AN ACT ENTITLED, An Act to permit secondary schools to offer County Extension

2 Service parenting classes for academic credit.

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

4 Section 1. That chapter 13-33 be amended by adding thereto a NEW SECTION to read as

5 follows:

6 Any public or nonpublic secondary school may offer its students, as an elective course,

7 parenting classes conducted by the County Extension Service. The course may be for full or

8 partial credit and shall be a component of a family and consumer sciences or other appropriate

9 class.

1 **BILL HISTORY**

2 2/1/99 First read in House and referred to Education. H.J. 282

3 2/11/99 Scheduled for Committee hearing on this date.

4 2/11/99 Education Do Pass Amended, Passed, AYES 12, NAYS 0. H.J. 486

# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

400C0825

HOUSE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **HB1298** - 2/16/99

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

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

1 FOR AN ACT ENTITLED, An Act to require all programs and degrees provided by the Board  
2 of Regents be offered or conferred by the existing institutions.

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

4 Section 1. That chapter 13-53 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 The Board of Regents may at noncampus locations across the state provide such academic  
7 programs as the board deems appropriate. However, all such academic programs shall be offered  
8 directly by the following institutions:

- 9 (1) University of South Dakota;
- 10 (2) South Dakota State University;
- 11 (3) South Dakota School of Mines and Technology;
- 12 (4) Northern State University;
- 13 (5) Black Hills State University; or
- 14 (6) Dakota State University.

15 No postsecondary degrees may be awarded or conferred except by the above institutions.

1 **BILL HISTORY**

2 2/1/99 First read in House and referred to committee assignment waived. H.J. 287

3 2/2/99 Referred to State Affairs. H.J. 319

4 2/8/99 Scheduled for Committee hearing on this date.

5 2/8/99 State Affairs Do Pass, Failed, AYES 5, NAYS 8.

6 2/8/99 State Affairs Deferred to another day.

7 2/10/99 Scheduled for Committee hearing on this date.

8 2/12/99 State Affairs Hog Housed.

9 2/12/99 State Affairs Do Pass Amended, Passed, AYES 11, NAYS 0. H.J. 506

# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

862C0860

HOUSE JUDICIARY COMMITTEE ENGROSSED NO.

**HB1301** - 2/16/99

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

Introduced by: Representatives Windhorst, Cutler, Smidt, Waltman, Wetz, and Young and  
Senators Staggers and Olson

1 FOR AN ACT ENTITLED, An Act to limit the liability resulting from the manufacture,  
2 distribution, and sale of firearms.

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

4 Section 1. The Legislature finds that the unlawful use of firearms, rather than their lawful  
5 manufacture, distribution, or sale, is the proximate cause of any injury arising from their unlawful  
6 use.

7 Section 2. No firearm manufacturer, distributor, or seller who lawfully manufactures,  
8 distributes, or sells a firearm is liable to any person or entity, or to the estate, successors, or  
9 survivors of either, for any injury suffered, including wrongful death and property damage,  
10 because of the use of such firearm by another.

11 Section 3. No association of persons who hold licenses under Section 923 of Chapter 44 of  
12 Title 18, United States Code, is liable to any person or entity, or to the estate, successors, or  
13 survivors of either, for any injury suffered, including wrongful death and property damage,  
14 because of the use of a firearm sold or manufactured by any licensee who is a member of such  
15 association.

1       Section 4. The provisions of this Act do not apply to actions for deceit, breach of contract,  
2 or expressed or implied warranties, or for injuries resulting from defects or negligence in design  
3 or manufacture. The provisions of this Act do not apply to actions arising from the unlawful sale  
4 or transfer of firearms, or to instances where the transferor knew, or should have known, that  
5 the recipient would engage in the unlawful sale or transfer of the firearm, or would use, or  
6 purposely allow the use of, the firearm in an unlawful, negligent, or improper fashion.

7       For purposes of this section, the potential of a firearm to cause serious injury, damage, or  
8 death as a result of normal function does not constitute a defective condition of the product. A  
9 firearm may not be deemed defective on the basis of its potential to cause serious injury, damage,  
10 or death when discharged.

1 **BILL HISTORY**

2 2/1/99 First read in House and referred to committee assignment waived. H.J. 288

3 2/2/99 Referred to Judiciary. H.J. 319

4 2/8/99 Scheduled for Committee hearing on this date.

5 2/8/99 Judiciary Deferred to another day.

6 2/10/99 Scheduled for Committee hearing on this date.

7 2/10/99 Judiciary Deferred to another day.

8 2/12/99 Judiciary Hog Housed.

9 2/12/99 Scheduled for Committee hearing on this date.

10 2/12/99 Judiciary Do Pass Amended, Passed, AYES 9, NAYS 3. H.J. 502

# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

771C0073

SENATE LOCAL GOVERNMENT  
COMMITTEE ENGROSSED NO. **SB32** -  
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 certain procedures concerning the contents, data,  
2 and form of a municipal initiative and referendum and to provide certain rule-making  
3 authority.

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

5 Section 1. That § 9-20-2 be amended to read as follows:

6 9-20-2. A petition to propose an ordinance or resolution shall be filed with the finance  
7 officer, containing in proper form the proposed ordinance or resolution. It shall be signed by the  
8 required number of the legal resident registered voters of the municipality, ~~each voter adding to~~  
9 ~~his signature his.~~ The signer or circulator shall add the signer's residence mailing address,  
10 ~~including his street and house number, if any, county of voter registration,~~ and date of signing.  
11 ~~The petition shall be verified as required for a referendum petition.~~ The signer's post office box  
12 number may be given in lieu of a street address if the signer lives within a municipality of the  
13 second or third class. No signature on a petition is valid if signed more than six months prior to  
14 the filing of the petitions.

15 Section 2. That § 9-20-8 be amended to read as follows:

1 9-20-8. The referendum petition shall be signed by at least five percent of the legal voters  
2 residing in the municipality. The percentage shall be based on the whole number of voters of the  
3 municipality as determined by the "precinct registration lists" or the "district registration lists"  
4 prepared by the county auditor from the master registration list in conformity to law as of the  
5 time of the filing of the petition. The signer or circulator shall add the signer's residence ~~mailing~~  
6 address, county of voter registration, and date of signing. The signer's post office box number  
7 may be given in lieu of a street address if the signer lives within a municipality of the second or  
8 third class.

9 Section 3. That § 9-20-9 be amended to read as follows:

10 9-20-9. ~~Such referendum petition shall be verified as a petition to initiate a law except that~~  
11 ~~the person verifying the same shall state that he and each of the persons~~ Any person circulating  
12 an initiative or referendum petition shall be a resident and qualified voter of the municipality and  
13 shall verify that each person signing the same petition is a resident and qualified voter of the  
14 municipality, naming it. The State Board of Elections shall promulgate rules pursuant to chapter  
15 1-26 prescribing the format for an initiative and referendum petition and its verification.

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 6, NAYS 1. S.J. 58

# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

771C0075

SENATE LOCAL GOVERNMENT  
COMMITTEE ENGROSSED NO. **SB34** -  
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 certain requirements concerning the certificate for  
2 nomination and to provide certain rule-making authority.

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

4 Section 1. That § 12-7-1 be amended to read as follows:

5 12-7-1. Any candidate for nonjudicial public office who is not nominated by a primary  
6 election may be nominated by filing with the secretary of state or county auditor as prescribed  
7 by § 12-6-4, not prior to ~~May~~ January first at eight a.m. and not later than the ~~first Tuesday in~~  
8 ~~August~~ third Tuesday in June at five p.m. prior to the election, a certificate of nomination, ~~in the~~  
9 ~~form prescribed by the State Board of Elections and which shall otherwise~~ be executed as  
10 provided in chapter 12-6. If the certificate of nomination is mailed by registered mail by the ~~first~~  
11 ~~Tuesday of August~~ third Tuesday in June at five p.m. prior to the election, it ~~shall be considered~~  
12 ~~filed~~ is timely submitted. The certificate shall specify that an independent candidate for  
13 nonjudicial public office shall designate the name of any national political party, or political party  
14 organized pursuant to chapter 12-5, with which the candidate has an affiliation. If no affiliation  
15 exists, the candidate shall ~~designate "independent."~~ be designated by the term, no party. It shall

1 be signed by ~~not less than one percent of the~~ registered voters ~~residing~~ within the district or  
2 political subdivision in and for which the officers are to be elected, ~~based upon~~. The number of  
3 signatures required may not be less than one percent of the total combined vote cast for  
4 Governor at the last certified gubernatorial election within the district or political subdivision.  
5 An independent candidate for Governor shall certify ~~his~~ the candidate's selection for lieutenant  
6 governor to the secretary of state prior to circulation of ~~his~~ the candidate's nominating petition.  
7 An independent candidate for President shall file a declaration of candidacy and a certification  
8 of ~~his~~ the candidate's selection for vice president with the secretary of state prior to circulation  
9 of ~~his~~ the candidate's nominating petitions. The candidate and the candidate's selection for  
10 lieutenant governor or vice president shall sign the certification before it is filed. The State Board  
11 of Elections shall promulgate rules pursuant to chapter 1-26 prescribing the forms for the  
12 certificate of nomination and the certification for lieutenant governor and vice president.

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. 58

# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

178C0494

## SENATE JUDICIARY COMMITTEE ENGROSSED NO. **SB79** - 1/30/99

Introduced by: Senators Albers, Ham, and Vitter and Representatives Weber and Engbrecht

1 FOR AN ACT ENTITLED, An Act to revise the liability for misdemeanor violations of certain  
2 provisions concerning the illegal sale or distribution of tobacco products.

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

4 Section 1. That § 34-46-5 be amended to read as follows:

5 34-46-5. A violation of § 34-46-2 is a Class 2 misdemeanor. A person is not liable for more  
6 than one violation of § ~~34-46-2~~ subdivision 34-46-2(4) on a single day. Reasonable reliance upon  
7 proof of age of the purchaser or the recipient of a tobacco product is a complete defense to any  
8 action brought against a person for the sale or distribution of a tobacco product to a person  
9 under the age of eighteen.

10 Section 2. That chapter 34-46 be amended by adding thereto a NEW SECTION to read as  
11 follows:

12 No person may be charged with more than one violation in any twenty-four hour period  
13 which results from sales to persons purchasing during unannounced random inspections.

1 **BILL HISTORY**

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

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

4 1/25/99 Judiciary Do Pass Amended, Passed, AYES 5, NAYS 2. S.J. 174

5 1/27/99 Referred to Judiciary. S.J. 221

6 1/29/99 Scheduled for Committee hearing on this date.

7 1/29/99 Judiciary Do Pass Amended, Passed, AYES 7, NAYS 0. S.J. 251

# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

925C0042

## SENATE JUDICIARY COMMITTEE ENGROSSED NO. **SB80** - 1/25/99

Introduced by: Senators Albers, Benson, Ham, Kleven, Staggers, and Vitter and  
Representatives Hennies, Engbrecht, and Weber

1 FOR AN ACT ENTITLED, An Act to clarify certain provisions relating to the disposition of  
2 certain controlled weapons or firearms.

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

4 Section 1. That § 23A-37-9 be amended to read as follows:

5 23A-37-9. Articles of contraband or property of an illegal nature shall be destroyed, except  
6 that any articles which are capable of lawful use may in the discretion of the court be sold and  
7 the proceeds disposed of as provided in § 23A-37-10. ~~If there is no claimant or if the right to~~  
8 ~~possession or ownership of seized controlled weapon or firearm cannot be determined after a~~  
9 ~~reasonable period of time, the controlled weapon or firearm shall be delivered to the state~~  
10 ~~forensic laboratory within the office of attorney general. The state forensic laboratory may retain~~  
11 ~~the controlled weapon or firearm for scientific examination purposes or destroy the firearm or~~  
12 ~~controlled weapon. However, the provisions of § 23A-37-13 apply to any controlled weapon or~~  
13 ~~firearm.~~

14 Section 2. That § 23A-37-13 be amended to read as follows:

15 23A-37-13. Any controlled weapon or firearm used in violation of chapter 22-14 shall be  
16 disposed of as follows:

- 1 (1) If it is stolen, it shall be returned to the lawful owner upon proof of ownership; or
- 2 (2) If it is illegal, it shall be destroyed pursuant to law; or
- 3 (3) If it is neither stolen nor illegal, it shall be delivered to the arresting agency or, at the
- 4 direction of the attorney general, to the South Dakota Forensic Laboratory for
- 5 scientific examination purposes, for lawful use or disposal.

6 In the case of a disposition pursuant to subdivision (3), the arresting agency may use,

7 trade-in, or destroy the controlled weapon or firearm.

1 **BILL HISTORY**

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

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

4 1/25/99 Judiciary Do Pass Amended, Passed, AYES 7, NAYS 0. S.J. 174

# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

375C0098

## SENATE ENGROSSED NO. **SB103** - 2/9/99

Introduced by: Senators Brosz, Brown (Arnold), Frederick, Reedy, and Shoener and  
Representatives Konold, Duniphan, Fryslie, Haley, Munson (Donald), and  
Solum

1 FOR AN ACT ENTITLED, An Act to revise the election procedure for forming a municipality.

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

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

4 9-3-3. ~~Such persons~~ Any person making application for the organization of a municipality

5 shall cause an accurate census to be taken of the landowners and the resident population of the

6 ~~territory included in said map as of a day~~ proposed municipality not more than thirty days

7 previous to the time of presenting ~~such~~ the application to the board of county commissioners ~~as~~

8 ~~hereinafter provided. Such.~~ The census shall exhibit the name of ~~every head of a family~~ each

9 landowner and person residing ~~within such territory on such day~~ in the proposed municipality and

10 the number of persons belonging to ~~every such~~ each family ~~and shall also state the names of all~~

11 ~~persons residing within such territory at such time. It~~ as of a certain date. The census shall be

12 verified by the affidavit of the person taking the ~~same~~ census.

13 Section 2. That § 9-3-5 be amended to read as follows:

14 9-3-5. The application for incorporation shall be by a petition ~~subscribed and~~ verified by the

15 ~~applicants and subscribed~~ circulator and signed by not less than ~~fifteen~~ twenty-five percent of the

16 ~~registered voters residing within such territory, based upon the total number of registered voters~~

1 ~~at the last preceding general election. It~~ qualified voters who are either registered voters in the  
2 proposed municipality or landowners in the proposed municipality who are also registered voters  
3 of this state. The application shall set forth identify the type of government to be formed, the  
4 number of trustees, commissioners, or wards in the municipality, the boundaries and area ~~thereof~~  
5 according to the survey, and the resident population ~~thereof~~ according to the census taken. It  
6 The application shall be presented at the time indicated in the notice of ~~such~~ the application or  
7 as soon thereafter as the board of county commissioners can receive and consider the ~~same~~  
8 application.

9 Section 3. That § 9-3-6 be amended to read as follows:

10 9-3-6. If the board, after proof by affidavit or oral examination of witnesses, ~~shall be~~ is  
11 satisfied that the requirements of this chapter have been fully complied with, ~~it~~ the board shall  
12 make an order declaring that ~~such territory~~ the proposed municipality shall, with the assent of  
13 the qualified voters who are either registered voters in the proposed municipality or landowners  
14 in the proposed municipality who are also registered voters ~~thereof as hereinafter provided of~~  
15 this state, be an incorporated municipality by the name specified in the application. ~~Such~~ The  
16 name shall be different from that of any other municipality in this state. ~~It~~ The board shall also  
17 include in ~~such~~ the order a notice for a meeting ~~of the voters resident in the proposed~~  
18 ~~municipality, at a convenient place therein, on some day within one month therefrom, to~~  
19 ~~determine whether such territory shall become an incorporated municipality and election to be~~  
20 held as provided in §§ 6-16-3 to 6-16-5, inclusive.

21 Section 4. That § 9-3-17 be amended to read as follows:

22 9-3-17. ~~There shall be~~ Each official elected at the first election ~~three trustees at large, who~~  
23 shall hold ~~their offices~~ office until the first Monday in May next following or until ~~their~~  
24 ~~successors are elected and qualified. The trustees shall appoint a finance officer and a treasurer~~  
25 a successor is elected and qualified.

1 Section 5. That § 9-3-7 be repealed.

2 ~~9-3-7. The board shall give ten days' notice of such meeting by publication and by posting~~  
3 ~~a copy of such notice at ten of the most public places in the proposed municipality.~~

4 Section 6. That § 9-3-8 be repealed.

5 ~~9-3-8. At such meeting the polls shall be kept open from nine o'clock in the forenoon until~~  
6 ~~four o'clock in the afternoon.~~

7 Section 7. That § 9-3-9 be repealed.

8 ~~9-3-9. The voters at such meeting shall first elect three inspectors, who shall elect one of~~  
9 ~~their number as clerk and shall without delay open the polls to receive the ballots of the voters.~~

1 **BILL HISTORY**

2 1/22/99 First read in Senate and referred to Local Government. S.J. 161

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

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

5 2/1/99 Local Government Do Pass, Passed, AYES 4, NAYS 1. S.J. 271

6 2/2/99 Senate Deferred to another day. S.J. 304

7 2/4/99 Senate Deferred to another day. S.J. 337

8 2/8/99 Motion to Amend, Passed. S.J. 370

9 2/8/99 Senate Do Pass Amended, Passed, AYES 26, NAYS 8. S.J. 370

# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

851C0518

## SENATE JUDICIARY COMMITTEE ENGROSSED NO. **SB106** - 1/30/99

Introduced by: Senators Hainje, Albers, Ham, Kleven, and Vitter and Representatives Michels, Duniphan, Fitzgerald, Koetzle, and McNenny

1 FOR AN ACT ENTITLED, An Act to increase the penalty for failure to stop for an emergency  
2 vehicle.

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

4 Section 1. That § 32-31-6.1 be amended to read as follows:

5 32-31-6.1. Upon approaching from any direction any stopped authorized emergency vehicle  
6 making use of visual signals meeting the requirements of this chapter, the driver of ~~every~~ any  
7 other vehicle shall come to a complete stop before ~~he~~ the driver reaches the stopped emergency  
8 vehicle ~~and~~. The driver may, unless otherwise directed, proceed with caution only after ~~he~~ the  
9 driver has ascertained that it is safe to do so. A violation of this section is a Class 2 misdemeanor.  
10 However, a violation of this section is a Class 1 misdemeanor if the emergency vehicle referred  
11 to in this section is an ambulance, fire department vehicle, or a rescue vehicle which is at the  
12 scene of an accident or a fire and the failure to stop results in an injury to an emergency worker  
13 or damage to any such authorized emergency vehicle.

1 **BILL HISTORY**

2 1/22/99 First read in Senate and referred to Judiciary. S.J. 161

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

4 1/29/99 Scheduled for Committee hearing on this date.

5 1/29/99 Judiciary Do Pass Amended, Passed, AYES 7, NAYS 0. S.J. 251

# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

543C0628

## HOUSE JUDICIARY COMMITTEE ENGROSSED NO. **SB126** - 2/16/99

Introduced by: Senators Lawler, Dennert, Hainje, and Munson (David) and Representatives Cutler, Diedrich (Elmer), Fischer-Clemens, Hennies, Sutton (Duane), and Waltman

1 FOR AN ACT ENTITLED, An Act to provide for the confidentiality of certain ambulance  
2 patient information.

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

4 Section 1. That chapter 34-11 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 Any patient information identifying the patient's name, address, diagnosis, or treatment  
7 received by an ambulance service under the authority of this chapter is not a public record and  
8 is confidential, except for official purposes, and may not be published or disclosed without  
9 authorization from the patient or the patient's designee.

1 **BILL HISTORY**

2 1/25/99 First read in Senate and referred to Judiciary. S.J. 178

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

4 1/27/99 Judiciary Do Pass Amended, Passed, AYES 5, NAYS 2. S.J. 209

5 1/29/99 Senate Do Pass Amended, Passed, AYES 28, NAYS 5. S.J. 263

6 2/1/99 First read in House and referred to committee assignment waived. H.J. 300

7 2/2/99 Referred to Judiciary. H.J. 332

8 2/12/99 Scheduled for Committee hearing on this date.

9 2/12/99 Judiciary Do Pass Amended, Passed, AYES 9, NAYS 2. H.J. 504

# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

715C0444

## SENATE ENGROSSED NO. **SB134** - 2/5/99

Introduced by: Senators Brown (Arnold), Dunn (Jim), Flowers, Lawler, Madden, Rounds, and Whiting and Representatives Fischer-Clemens, Brooks, Brown (Richard), McCoy, Monroe, and Peterson

1 FOR AN ACT ENTITLED, An Act to require certain health plans to cover certain dental care  
2 services.

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

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

5 58-17-1. No policy of health insurance ~~shall~~ may be delivered or issued for delivery to any  
6 person in this state unless it otherwise complies with this title, ~~and complies~~ with §§ 58-17-1.1  
7 to 58-17-11, inclusive, and with this Act.

8 Section 2. That chapter 58-17 be amended by adding thereto a NEW SECTION to read as  
9 follows:

10 Any health benefit plan as defined by § 58-17-63 shall cover anesthesia and hospital charges  
11 for dental care provided to a covered person who:

- 12 (1) Is a child under age five; or  
13 (2) Is severely disabled or otherwise suffers from a developmental disability as determined  
14 by a licensed physician which places such person at serious risk.

15 Such coverage applies regardless of whether the services are provided in a hospital or a  
16 dental office. A health carrier may require prior authorization of hospitalization for dental care

1 procedures in the same manner that prior authorization is required for hospitalization for other  
2 covered diseases or conditions.

3 Section 3. That chapter 58-18 be amended by adding thereto a NEW SECTION to read as  
4 follows:

5 Any health benefit plan as defined by § 58-18-42 shall cover anesthesia and hospital charges  
6 for dental care provided to a covered person who:

- 7 (1) Is a child under age five; or
- 8 (2) Is severely disabled or otherwise suffers from a developmental disability as determined  
9 by a licensed physician which places such person at serious risk.

10 Such coverage applies regardless of whether the services are provided in a hospital or a  
11 dental office. A health carrier may require prior authorization of hospitalization for dental care  
12 procedures in the same manner that prior authorization is required for hospitalization for other  
13 covered diseases or conditions.

1 **BILL HISTORY**

2 1/26/99 First read in Senate and referred to Health and Human Services. S.J. 193

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

4 2/3/99 Health and Human Services Do Pass, Passed, AYES 5, NAYS 2. S.J. 316

5 2/4/99 Motion to Amend, Passed. S.J. 339

6 2/4/99 Senate Do Pass Amended, Passed, AYES 29, NAYS 4. S.J. 339