

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

228C0126

SENATE EDUCATION COMMITTEE ENGROSSED NO. **HB1075** - 2/24/99

Introduced by: Representatives Eccarius, Broderick, Brooks, Brown (Richard), Davis, Diedrich (Larry), Duniphan, Fiegen, Fischer-Clemens, Koetzle, Konold, Kooistra, and Richter and Senators Hutmacher, Brown (Arnold), Everist, Flowers, Hainje, Ham, Madden, Moore, Olson, Shoener, Symens, and Vitter

1 FOR AN ACT ENTITLED, An Act to repeal certain provisions related to public school open
2 enrollment procedures and tuition.

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

4 Section 1. That § 13-28-38 be repealed.

5 ~~— 13-28-38. Tuition required pursuant to § 13-28-22 may be waived if agreed to by the school~~
6 ~~boards involved. Notwithstanding §§ 13-6-85, 13-28-10, 13-28-20, and 13-28-21, the decision~~
7 ~~of a school board to waive or not to waive tuition is final except as specifically provided in this~~
8 ~~section. If a school board agrees to waive tuition, the district receiving the student may count~~
9 ~~the student for state funding formula purposes and is entitled to reimbursement for that student~~
10 ~~through the state funding formula. Any request for a waiver of tuition shall be made to the~~
11 ~~affected school boards by the parent or guardian of the affected student. The school boards shall~~
12 ~~take action on the request within forty-five days after receiving the request. A school board's~~
13 ~~decision pursuant to this section may be appealed to the circuit court in the time and manner~~
14 ~~specified by § 13-46-1 or to the secretary of Education and Cultural Affairs within thirty days~~
15 ~~from the date of the decision of the school board by filing a notice with the secretary if the~~

1 ~~Department of Education and Cultural Affairs. The granting of any waiver is not a legal~~
2 ~~precedent for any future request for waiver.~~

3 Section 2. That § 13-28-43 be amended to read as follows:

4 13-28-43. A student's parent or legal guardian who wishes to enroll the student, or an
5 emancipated student who wishes to enroll, under the provisions of §§ 13-28-40 to 13-28-47,
6 inclusive, in a South Dakota school district other than the resident district or in a school within
7 the resident district other than the school to which the student has been assigned shall, ~~not later~~
8 ~~than February first of the school year preceding the year of enrollment,~~ apply on forms provided
9 by the Department of Education and Cultural Affairs.

10 ~~By March first, the~~ The school board or the board's designee of the district in which the
11 student desires to enroll shall approve or disapprove the application. ~~The board and~~ shall notify
12 the applicant and the resident board, if applicable, of its decision within five days of the decision.
13 The district in which the student desires to enroll shall review the applications in the order
14 received.

15 ~~However, intradistrict~~ Intradistrict transfer applications may be accepted and acted upon at
16 any time at the board's discretion if the policies on which the transfer decisions are based are
17 consistent with the other requirements of §§ 13-28-40 to 13-28-47, inclusive.

18 An application may be withdrawn by the applicant ~~any time before March first~~ prior to the
19 approval of the request and upon notification of the district to which the student applied. Once
20 approved by the district in which the student wishes to enroll, the approved application serves
21 as the applicant's notice of intent to enroll in the nonresident district or desired school during the
22 next school year and obligates the student to attend school in the nonresident district or desired
23 school during the next school year semester, unless the affected school board or boards agree
24 in writing to allow the student to transfer back to the resident district or assigned school, or
25 unless the parents, guardians, or emancipated student change residence to another district.

1 ~~If a student's parents, or an emancipated student, move from a resident district into another~~
2 ~~district after February first, the parents or emancipated student may apply for enrollment in a~~
3 ~~nonresident district or in a nonassigned school under provisions of §§ 13-28-40 to 13-28-47,~~
4 ~~inclusive. In such a case, the school boards of both the new resident district and the nonresident~~
5 ~~district shall waive the application and approval dates outlined in §§ 13-28-40 to 13-28-47,~~
6 ~~inclusive, and the affected board shall review the application in a timely manner as outlined~~
7 ~~above. The applicant and the resident board shall be informed of the board's decision within five~~
8 ~~days of the board's action on the application. Once enrolled in a nonresident district or~~
9 ~~nonassigned school, the student may remain enrolled and is not required to resubmit annual~~
10 ~~applications.~~

1 **BILL HISTORY**

2 1/19/99 First read in House and referred to Education. H.J. 84

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

4 1/28/99 Scheduled for Committee hearing on this date.

5 1/28/99 Education Do Pass Amended, Passed, AYES 9, NAYS 3. H.J. 236

6 2/1/99 House of Representatives Do Pass Amended, Passed, AYES 52, NAYS 16. H.J. 298

7 2/2/99 First read in Senate and referred to Education. S.J. 307

8 2/9/99 Scheduled for Committee hearing on this date.

9 2/11/99 Scheduled for Committee hearing on this date.

10 2/16/99 Scheduled for Committee hearing on this date.

11 2/18/99 Scheduled for Committee hearing on this date.

12 2/23/99 Scheduled for Committee hearing on this date.

13 2/23/99 Education Do Pass Amended, Passed, AYES 5, NAYS 0. S.J. 640

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

517C0667

SENATE ENGROSSED NO. **HB1221** - 2/26/99

Introduced by: Representatives Fischer-Clemens, Cerny, Hanson, Patterson, Peterson, and Sutton (Duane) and Senators Moore, Albers, Flowers, and Madden

1 FOR AN ACT ENTITLED, An Act to require that certain persons having contact with pupils
2 in school have a certification of health.

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

4 Section 1. That § 13-43-3 be amended to read as follows:

5 13-43-3. The school board of a public or the governing body of a nonpublic school shall
6 require each employee, each student teacher, and each person providing services for pupils under
7 contract, who is in regular contact with pupils, to submit, within ten days after first being
8 employed, a certification of health signed by a licensed physician, nurse practitioner, certified
9 nurse midwife, or physician's assistant. The certification shall include a statement that there is no
10 evidence of physical condition that would endanger health, safety, or welfare of the pupils in the
11 initial examination. Certification of freedom from tuberculosis shall be established by chest X-ray
12 or negative tuberculin skin tests. The secretary of the Department of Health shall prescribe the
13 form for the certification of health and the certification of freedom from tuberculosis.

1 **BILL HISTORY**

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

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, Passed, AYES 13, NAYS 0. H.J. 314

6 2/3/99 House of Representatives Do Pass, Passed, AYES 53, NAYS 14. H.J. 354

7 2/4/99 First read in Senate and referred to Education. S.J. 343

8 2/9/99 Scheduled for Committee hearing on this date.

9 2/11/99 Scheduled for Committee hearing on this date.

10 2/16/99 Scheduled for Committee hearing on this date.

11 2/18/99 Scheduled for Committee hearing on this date.

12 2/23/99 Scheduled for Committee hearing on this date.

13 2/23/99 Education Do Pass, Passed, AYES 5, NAYS 0. S.J. 640

14 2/23/99 Education Place on Consent Calendar.

15 2/25/99 Motion to Amend, Passed. S.J. 683

16 2/25/99 Senate Do Pass Amended, Passed, AYES 30, NAYS 1. S.J. 684

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

119C0346

SENATE APPROPRIATIONS COMMITTEE

ENGROSSED NO. **SB89** - 2/18/99

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

Introduced by: Senators Hutmacher, Duxbury, Lange, Moore, and Reedy and Representatives Lucas, Burg, Fischer-Clemens, Hagen, Haley, Koetzle, McIntyre, Nachtigal, Patterson, and Waltman

1 FOR AN ACT ENTITLED, An Act to clarify average daily membership in the state aid to
2 education formula.

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

4 Section 1. Students attending the Black Hills Forest High School in Lawrence County may
5 not be included by any school district in its average daily membership for purposes of state aid
6 to education.

1 **BILL HISTORY**

2 1/21/99 First read in Senate and referred to Appropriations. S.J. 146

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

4 2/17/99 Appropriations Hog Housed.

5 2/17/99 Appropriations Hog Housed.

6 2/17/99 Scheduled for Committee hearing on this date.

7 2/17/99 Appropriations Do Pass Amended, Passed, AYES 10, NAYS 0. S.J. 516

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

491C0496

SENATE TAXATION COMMITTEE

ENGROSSED NO. **SB111** - 1/28/99

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

Introduced by: Senators Paisley and Everist and Representatives Koskan, Diedrich (Larry), and Wilson

1 FOR AN ACT ENTITLED, An Act to establish certain provisions regarding the taxation of the
2 gross receipts of a professional employer organization.

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

4 Section 1. That chapter 10-45 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 For the purposes of chapter 10-45, gross receipts of a professional employer organization
7 includes only those amounts received as administrative fees from a client company, whether on
8 a fee-for-service basis or as a percentage of total receipts from the client company. The gross
9 receipts do not include any other amount paid by the client company to the professional employer
10 organization for the benefit of any employee, including wages, salaries, payroll taxes, payroll
11 deductions, workers compensation costs, insurance premiums, welfare benefits, and retirement
12 benefits.

13 Section 2. That chapter 10-45 be amended by adding thereto a NEW SECTION to read as
14 follows:

15 For the purposes of section 1 of this Act, the term, professional employer organization,

1 means a firm which:

- 2 (1) Creates a co-employer relationship with the employees of a client company by
- 3 assuming responsibility for payroll, benefits, and other human resources functions;
- 4 (2) Covers at least seventy-five percent of the client company's full-time or full-time
- 5 equivalent employees; and
- 6 (3) Maintains separate books and records of account for each client company.

7 Section 3. That chapter 10-45 be amended by adding thereto a NEW SECTION to read as
8 follows:

9 The provisions of this Act do not apply to the providing of temporary help services or to any
10 other arrangement whereby a firm temporarily assigns employees of the firm to support or
11 supplement a client company's regular work force in special situations such as employee
12 absences, temporary skill shortages, seasonal workloads and special assignments, or projects.

1 **BILL HISTORY**

2 1/22/99 First read in Senate and referred to Taxation. S.J. 162

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

4 1/27/99 Taxation Do Pass Amended, Passed, AYES 9, NAYS 0. S.J. 209

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

993C0555

SENATE ENGROSSED NO. **SB156** - 2/12/99

Introduced by: Senators Hainje, Drake, Lawler, and Paisley and Representatives Cutler, Eccarius, and Lucas

1 FOR AN ACT ENTITLED, An Act to restrict the placement of automated teller machines in the
2 proximity of video lottery terminals.

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

4 Section 1. That § 42-7A-37.1 be amended to read as follows:

5 42-7A-37.1. A business licensed pursuant to subdivisions 35-4-2(12) and (16) may not be
6 a licensed establishment for video lottery placement pursuant to subdivision 42-7A-1(6) unless
7 it is a bar or lounge. For the purposes of this section, a bar or lounge is an enterprise primarily
8 maintained and operated for the selling, dispensing and consumption of alcoholic beverages on
9 the premises and may also include the sale and service of food. A bar or lounge may be physically
10 connected to another enterprise within the same building, which enterprise may be owned or
11 operated by the same person. There may be interior access between a bar or lounge and a
12 connected enterprise. However, there shall be a floor to ceiling opaque wall separation between
13 the two enterprises. A separation wall may be constructed to provide visual and physical access
14 for employees from areas in the building not open to the public. The bar or lounge shall have a
15 separate entrance and exit. A separate entrance and exit is not required if entrance to the bar may
16 only be obtained from the other distinct enterprise and the public may not enter the other

1 enterprise by first passing through the bar or lounge. No automated teller machine or remote
2 service unit, as defined in § 51A-8-1, may be located in the bar or lounge, unless the bar or
3 lounge is located in a gaming establishment licensed pursuant to chapter 42-7B. All video lottery
4 machines shall be adequately monitored during business hours. Adequate monitoring shall be
5 accomplished by the personal presence of an employee or by an employee using video cameras
6 or mirrors and periodic inspections of the bar or lounge. No new license may be issued to any
7 establishment after July 1, 1992, unless such establishment complies with this section. No license
8 may be renewed to any establishment after July 1, 1993, unless such establishment complies with
9 this section.

1 **BILL HISTORY**

2 1/26/99 First read in Senate and referred to State Affairs. S.J. 198

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

4 2/3/99 State Affairs Do Pass Amended, Passed, AYES 6, NAYS 3. S.J. 312

5 2/5/99 Senate Deferred to another day. S.J. 358

6 2/8/99 Motion to Amend, Passed. S.J. 374

7 2/8/99 Senate Do Pass Amended, Failed, AYES 17, NAYS 16. S.J. 375

8 2/8/99 Intent to reconsider. S.J. 376

9 2/9/99 Senate Reconsidered, AYES 18, NAYS 15. S.J. 401

10 2/10/99 Senate Do Pass Amended, Passed, AYES 21, NAYS 13. S.J. 427

11 2/10/99 Intent to reconsider. S.J. 427

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

903C0629

SENATE ENGROSSED NO. **SB164** - 2/22/99

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

Introduced by: Senators Kloucek and Lange and Representatives Chicoine, Hanson, Kazmerzak, Lockner, Lucas, and Nachtigal

1 FOR AN ACT ENTITLED, An Act to prohibit certain practices by certain livestock packers and
2 live poultry dealers.

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

4 Section 1. The Legislature finds that the enforcement of the federal Packers and Stockyards
5 Act is inadequate and that this trend has intensified in recent years. The failure to enforce the
6 federal Packers and Stockyards Act has resulted in the vast majority of beef in the United States
7 being concentrated in the hands of a small number of packing firms and has restricted fair
8 competition for livestock producers. The only recourse for the State of South Dakota is to enact
9 appropriate provisions for the regulation of packers as provided in section 2 of this Act to
10 protect South Dakota citizens who are directly or indirectly associated with the state's
11 agricultural economy.

12 Section 2. No packer, with respect to livestock, meats, meat food products, or livestock
13 products in unmanufactured form, and no live poultry dealer with respect to live poultry, may:

14 (1) Engage in or use any unfair, unjustly discriminatory, or deceptive practice or device;

15 (2) Make or give any undue or unreasonable preference or advantage to any particular
16 person or locality in any respect whatsoever, or subject any particular person or

1 locality to any undue or unreasonable prejudice or disadvantage in any respect
2 whatsoever;

3 (3) Sell or otherwise transfer to or for any other packer or any live poultry dealer, or buy
4 or otherwise receive from or for any other packer or any live poultry dealer, any
5 article for the purpose or with the effect of apportioning the supply between any such
6 persons, if the apportionment has the tendency or effect of restraining commerce or
7 of creating a monopoly;

8 (4) Sell or otherwise transfer to or for any other person, or buy or otherwise receive from
9 or for any other person, any article for the purpose or with the effect of manipulating
10 or controlling prices, or of creating a monopoly in the acquisition of, buying, selling,
11 or dealing in, any article, or of restraining commerce;

12 (5) Engage in any course of business or do any act for the purpose or with the effect of
13 manipulating or controlling prices, or of creating a monopoly in the acquisition of,
14 buying, selling, or dealing in, any article, or of restraining commerce;

15 (6) Conspire, combine, agree, or arrange with any other person to apportion territory for
16 carrying on business, or to apportion purchases or sales of any article, or to
17 manipulate or control prices; or

18 (7) Conspire, combine, agree, or arrange with any other person to do, or aid and abet the
19 doing of, any act made unlawful by subdivisions (1) to (5), inclusive, of this section.

1 **BILL HISTORY**

2 1/27/99 First read in Senate and referred to Appropriations. S.J. 214

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

4 2/17/99 Appropriations Hog Housed.

5 2/17/99 Scheduled for Committee hearing on this date.

6 2/17/99 Appropriations Do Pass Amended, Passed, AYES 7, NAYS 3. S.J. 514

7 2/19/99 Senate Hog Housed.

8 2/19/99 Motion to Amend, Passed. S.J. 599

9 2/19/99 Senate Do Pass Amended, Passed, AYES 32, NAYS 1. S.J. 600

10 2/19/99 Senate Title Amended Passed. S.J. 601

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

770C0787

SENATE ENGROSSED NO. **SB186** - 2/11/99

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

Introduced by: Senators Everist and Halverson and Representatives Peterson, Brooks, Brown (Richard), Chicoine, Fiegen, and Solum

1 FOR AN ACT ENTITLED, An Act to limit the liability of certain persons for year 2000
2 litigation.

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

4 Section 1. Terms used in this Act mean:

5 (1) "Computer," any electronic device or group, network, or other combination of
6 devices using silicon chips, embedded chips, or other electronic systems or processes
7 to store, process, or manipulate information whether independently or in connection
8 with other electronic devices or other machinery or any other device included under
9 § 43-43B-2;

10 (2) "Computer software," any set of instructions, computations, or other data stored or
11 recorded on an electronic or other medium that causes or allows a computer to
12 perform specific functions, calculations, or other activities or any other device
13 included under § 43-43B-2;

14 (3) "Year 2000 disruption," any malfunction or failure of a computer or computer
15 software due to an inability or failure to properly perform operations, computations,
16 or other functions or to properly store, display, transmit, or otherwise manipulate data

1 as a result of an inability or failure to recognize or process dates using the year 2000
2 or any subsequent year;

3 (4) "Year 2000 compliance," reasonable consultation, assessment, analysis, testing, or
4 contingency planning in conformance with generally accepted computer or computer
5 software standards that indicates that any computer or computer software will not
6 suffer a material Year 2000 disruption; or installation of any new computer or
7 computer software or any upgrade to any computer or computer software which is
8 warranted, guaranteed, or otherwise marketed to comply with generally accepted
9 design standards to avoid Year 2000 disruption.

10 Section 2. In any lawsuit based on any Year 2000 disruption, evidence of Year 2000
11 compliance creates a rebuttable presumption that any injury based on a Year 2000 disruption was
12 not caused by negligence of the defendant or that, in any action based on breach of contract
13 resulting from a Year 2000 disruption, failure to perform under the contract was not the fault of
14 the defendant.

15 Section 3. Nothing in this Act abrogates or limits rights under § 57A-2-318.

1 **BILL HISTORY**

2 1/27/99 First read in Senate and referred to State Affairs. S.J. 218

3 2/1/99 Scheduled for Committee hearing on this date.

4 2/5/99 Scheduled for Committee hearing on this date.

5 2/8/99 State Affairs Hog Housed.

6 2/8/99 Scheduled for Committee hearing on this date.

7 2/8/99 State Affairs Do Pass Amended, Passed, AYES 8, NAYS 0. S.J. 362

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

9 2/10/99 Motion to Amend, Passed. S.J. 433

10 2/10/99 Senate Do Pass Amended, Passed, AYES 30, NAYS 3. S.J. 433

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

186C0778

SENATE TAXATION COMMITTEE ENGROSSED NO.

SB205 - 2/11/99

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

Introduced by: Senators Duxbury and Drake and Representatives Lockner, Brown (Jarvis), Burg, and Duenwald

1 FOR AN ACT ENTITLED, An Act to revise the procedure for establishing the tax levy for a
2 school district sending students to an adjoining school district.

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

4 Section 1. That § 13-11-10 be amended by adding a NEW SUBDIVISION to read as
5 follows:

6 The sum of the levies assessed for all funds in the sending district shall be equal to or greater
7 than the sum of all levies for all funds in the receiving district.

1 **BILL HISTORY**

2 1/29/99 First read in Senate and referred to Taxation. S.J. 253

3 2/5/99 Scheduled for Committee hearing on this date.

4 2/10/99 Taxation Hog Housed.

5 2/10/99 Scheduled for Committee hearing on this date.

6 2/10/99 Taxation Do Pass Amended, Passed, AYES 9, NAYS 0. S.J. 417

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

400C0685

HOUSE EDUCATION COMMITTEE ENGROSSED NO. **SB209** - 2/26/99

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

1 FOR AN ACT ENTITLED, An Act to provide certain incentives for school consolidation and
2 to require cooperative education service units to provide certain information to the
3 Department of Education and Cultural Affairs.

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

5 Section 1. That § 13-13-1.4 be amended to read as follows:

6 13-13-1.4. If two or more school districts consolidate, for a period of ~~three~~ four years after
7 consolidation, the adjusted average daily membership for the newly formed district shall be based
8 upon the general enrollment average daily membership as defined in § 13-13-10.1 of ~~the~~ those
9 school districts that have not previously benefited from this section as they existed prior to
10 consolidation. In years two to four, inclusive, after the consolidation, the relationship between
11 the adjusted average daily membership and general enrollment average daily membership shall
12 be proportional to the relationship that existed for the first year.

13 Section 2. That chapter 13-13 be amended by adding thereto a NEW SECTION to read as
14 follows:

15 In years five to eight, inclusive, after the consolidation of two or more school districts, the
16 adjusted average daily membership for the newly formed district shall be calculated as follows:

- 1 (1) Calculate adjusted average daily membership pursuant to § 13-13-10.1;
- 2 (2) Notwithstanding the four-year time limit, calculate adjusted average daily membership
3 pursuant to § 13-13-1.4;
- 4 (3) Subtract the results of subdivision (1) from the results of subdivision (2);
- 5 (4) Multiply the results of subdivision (3) by eighty percent in the fifth year, sixty percent
6 in the sixth year, forty percent in the seventh year, and twenty percent in the eighth
7 year;
- 8 (5) Add the results of subdivision (1) and the results of subdivision (4).

9 Section 3. That chapter 13-13 be amended by adding thereto a NEW SECTION to read as
10 follows:

11 If two or more school districts consolidate, for a period of four years after consolidation, the
12 newly formed district may opt to have its state aid calculated based on the school districts as they
13 existed prior to consolidation. In years two to four, inclusive, after the consolidation of two or
14 more school districts, the adjusted average daily memberships and the local efforts of the former
15 districts may be based upon a pro-rata share of the adjusted average daily membership and local
16 effort of the newly formed district as compared to the adjusted average daily memberships and
17 the local efforts of the former districts in the first year. Any district that opts to benefit from this
18 section shall notify the secretary of the Department of Education and Cultural Affairs of its intent
19 to do so as part of its reorganization plan. A district that benefits from this section may not
20 benefit from § 13-13-10.1 or section 2 of this Act simultaneously, or in future years.

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

23 In years five to eight, inclusive, after the consolidation of two or more school districts that
24 opted to benefit from section 3 of this Act, state aid shall be calculated as follows:

- 25 (1) Calculate state aid pursuant to § 13-13-73;

1 (2) Notwithstanding the four-year time limit, calculate state aid pursuant to section 3 of
2 this Act;

3 (3) Subtract the results of subdivision (1) from the results of subdivision (2);

4 (4) Multiply the results of subdivision (3) by eighty percent in the fifth year, sixty percent
5 in the sixth year, forty percent in the seventh year, and twenty percent in the eighth
6 year;

7 (5) Add the results of subdivision (1) and the results of subdivision (4).

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

10 Cooperative education service units organized pursuant to this chapter shall file annually with
11 the Department of Education and Cultural Affairs audits of their operation and disclosure
12 statements of all funding sources.

1 **BILL HISTORY**

2 1/29/99 First read in Senate and referred to State Affairs. S.J. 254

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

4 2/8/99 State Affairs Do Pass, Passed, AYES 8, NAYS 0. S.J. 362

5 2/8/99 Scheduled for Committee hearing on this date.

6 2/9/99 Senate Do Pass, Passed, AYES 34, NAYS 0. S.J. 407

7 2/10/99 First read in House and referred to Education. H.J. 473

8 2/23/99 Scheduled for Committee hearing on this date.

9 2/25/99 Scheduled for Committee hearing on this date.

10 2/25/99 Education Do Pass Amended, Passed, AYES 12, NAYS 0. H.J. 765

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

750C0861

SENATE ENGROSSED NO. **SB243** - 2/18/99

Introduced by: Senators Benson, Drake, Duxbury, Hainje, and Lawler and Representatives
Duenwald, Derby, and Juhnke

1 FOR AN ACT ENTITLED, An Act to provide for the issuance of specialty license plates and
2 organization decals.

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

4 Section 1. That chapter 32-5 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 An owner of a motor vehicle, who is a resident of this state, who has a valid South Dakota
7 driver's license or South Dakota identification number as assigned by the Department of
8 Commerce and Regulation, may upon request receive a set of specialty license plates that allow
9 for the placement of an organization decal on the plates. The specialty plates are in lieu of regular
10 license plates issued by the county treasurer and may only be used on noncommercial vehicles
11 that are licensed according to §§ 32-5-6 and 32-5-6.3. If the specialty plates are requested at the
12 time of initial application for title and registration of the vehicle, no additional fees are charged
13 for the plates above the costs involved in registering the vehicle. If the specialty plates are
14 requested later or if the vehicle has current South Dakota plates, the owner shall surrender the
15 current plates and pay a ten dollar fee for the specialty plates. This fee is in addition to any
16 applicable costs involved in the registration of the vehicle.

1 Section 2. That chapter 32-5 be amended by adding thereto a NEW SECTION to read as
2 follows:

3 To qualify for an organizational decal, an organization shall be a nonprofit corporation, or
4 a group of nonprofit corporations with a common purpose, on file with the secretary of state's
5 office and shall have a minimum of two hundred members and shall meet the following
6 requirements:

- 7 (1) The primary activity or interest of the organization or group of organizations serves
8 the community, contributes to the welfare of others, and is not offensive or
9 discriminatory in its purpose, nature, activity, or name;
- 10 (2) The name and purpose of the organization or group of organizations does not
11 promote any specific product or brand name that is provided for sale; and
- 12 (3) The purpose of the organization or group of organizations does not promote a
13 specific religion, faith, or anti-religious belief.

14 Section 3. That chapter 32-5 be amended by adding thereto a NEW SECTION to read as
15 follows:

16 At the time of application, the organization or group of organizations shall furnish the
17 department with the following:

- 18 (1) A copy of its articles of incorporation for each organization;
- 19 (2) A copy of its charter or by-laws for each organization;
- 20 (3) Any Internal Revenue Service rulings of each organization's nonprofit tax exemptions
21 status;
- 22 (4) A completed decal design with the organizational logo and the organizational name,
23 or in the case of a group of organizations, a decal design which clearly depicts the
24 common purpose or theme of the group; and
- 25 (5) A completed application for organization decals on a form provided by the

1 department.

2 Section 4. That chapter 32-5 be amended by adding thereto a NEW SECTION to read as
3 follows:

4 Upon approval of an application for organization decals and approval of the design of the
5 organization decal, the department shall furnish the decals to the organization. The organization
6 shall purchase at minimum one hundred sets of the organization decals. The organization shall
7 reimburse the department for the cost of the decals, plus a fifteen percent administrative fee. The
8 organization shall establish criteria for an applicant to qualify for the organization decals and the
9 fee to be charged for the decals. The organization is responsible for the administration and
10 issuance of the decals. Decals other than those authorized and issued by the department are not
11 permitted on license plates. Misuse of the decals or use of unauthorized decals is a Class 2
12 misdemeanor.

13 Section 5. That chapter 32-5 be amended by adding thereto a NEW SECTION to read as
14 follows:

15 Upon the sale or transfer of a vehicle bearing specialty license plates that display an
16 organization decal, the plates shall remain with the owner and upon approval by the department
17 may be transferred to another vehicle. Anyone receiving organization license plates shall at the
18 time of obtaining the specialty plates purchase from the county treasurer a temporary permit. The
19 permit is valid for fifteen days and costs fifteen dollars. The permit shall be vehicle specific and
20 shall be affixed to the vehicle by the seller at the time of sale or transfer of the vehicle. The new
21 owner of the vehicle may use the permit in the interim of registering the vehicle. The permit may
22 not be used for any other purpose than stated. Misuse of the temporary permit is a Class 2
23 misdemeanor.

1 **BILL HISTORY**

2 2/1/99 First read in Senate and referred to Transportation. S.J. 279

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 Transportation Do Pass Amended, Passed, AYES 6, NAYS 0. S.J. 445

6 2/16/99 Senate Deferred to another day. S.J. 506

7 2/17/99 Motion to Amend, Passed. S.J. 528

8 2/17/99 Senate Do Pass Amended, Passed, AYES 33, NAYS 0. S.J. 528