

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

400C0212

HOUSE ENGROSSED NO. **HB1038** - 2/22/99

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

1 FOR AN ACT ENTITLED, An Act to revise the system of issuing and selling certain licenses,
2 permits, and stamps by agents of the Department of Game, Fish and Parks, to repeal the
3 reimbursement to counties for services rendered in such sales, and to provide additional
4 funds to the state animal damage control fund.

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

6 Section 1. That § 41-2-33 be amended to read as follows:

7 41-2-33. The Department of Game, Fish and Parks may appoint license issuing agents to
8 issue on behalf of the department any license, permit, or stamp permitted or provided for by this
9 title and § 32-20A-15.1. ~~The agents shall be bonded in such amounts and conditions as the~~
10 ~~department may deem proper.~~ No conservation officer may be appointed as a license issuing
11 agent. The licensing issuing agents, ~~however,~~ shall receive no compensation from the state for
12 ~~any services or expenses in connection with the issuance of such licenses, and shall remit all~~
13 license fees collected at the time and in the manner required by rules adopted pursuant to
14 ~~§ 41-2-18~~ chapter 1-26.

15 Section 2. That § 41-6-56 be repealed.

16 ~~41-6-56. Licenses issued under §§ 41-6-11 to 41-6-48, inclusive, may be issued only as~~

1 provided by §§ 41-6-57 to 41-6-61, inclusive.

2 Section 3. That § 41-6-57 be repealed.

3 ~~41-6-57. Licenses under §§ 41-6-11 to 41-6-21, inclusive, under § 41-6-23, under~~
4 ~~§§ 41-6-35 to 41-6-37, inclusive, under § 41-17-13, and the permit provided by § 32-20A-15.1~~
5 ~~may be issued by the county treasurer of any county in this state or his duly authorized agents~~
6 ~~who, for such purpose, shall be deemed acting for the game, fish and parks commission as~~
7 ~~hereinafter provided.~~

8 Section 4. That § 41-6-59 be amended to read as follows:

9 41-6-59. ~~The county treasurer may appoint agents within the treasurer's county to sell the~~
10 ~~licenses and the permits provided for in § 41-6-57. No conservation officer may be appointed~~
11 ~~as an agent of the county treasurer. Any agent, who has been appointed by the county treasurer~~
12 ~~in any previous year and has provided either a bond or other security to the county treasurer in~~
13 ~~any previous year, is not required to furnish a bond or other security if the agent is not issued~~
14 ~~licenses and permits with a value of more than fifty thousand dollars at any one time. An agent,~~
15 ~~who has previously provided either a bond or other security and has licenses and permits of a~~
16 ~~value no greater than twenty thousand dollars issued at any one time, shall pay to the Department~~
17 ~~of Game, Fish and Parks an annual fee of twenty dollars. An agent, who has previously provided~~
18 ~~either a bond or other security and has licenses and permits of a value greater than twenty~~
19 ~~thousand dollars but less than fifty thousand dollars issued to them at any one time, shall pay the~~
20 ~~department an annual fee of fifty dollars. An agent, who has more than fifty thousand dollars of~~
21 ~~licenses and permits issued at any one time shall be bonded or shall furnish security equal to the~~
22 ~~total value of the licenses and permits issued to the agent at any one time less fifty thousand~~
23 ~~dollars. Any agent who has not previously been bonded or who has not previously provided~~
24 ~~other security to sell the licenses and permits shall be bonded or shall furnish security equal to~~
25 ~~the total value of the licenses issued to the agent at any one time. A certificate of deposit, money~~

1 order, or other negotiable instrument issued by a bank, savings and loan association, or a credit
2 union bearing the agent's social security number or employer identification number payable to
3 the ~~county treasurer~~ department is sufficient security. If an agent fails to timely pay the amount
4 owed to the ~~county treasurer~~ department, the ~~county treasurer~~ department may cash the
5 certificate and satisfy the amount owed to the ~~county treasurer~~ department and remit the balance
6 to the agent. If the agent has paid all the fees owed to the ~~county treasurer~~ and requests a return
7 of the certificate of deposit, money order, or other negotiable instrument, the ~~county treasurer~~
8 department shall endorse it payable to the agent and return it to the agent. ~~Any~~ No agent who
9 defaults on payment of the amount owed to the ~~county treasurer~~ department may ~~not~~ be
10 appointed an agent by the ~~county treasurer~~ until the unpaid amount, plus interest at the Category
11 B rate of interest as defined in § 54-3-16, is paid.

12 Section 5. That § 41-6-59.1 be amended to read as follows:

13 41-6-59.1. The Game, Fish and Parks Commission may promulgate rules ~~and regulations~~
14 pursuant to chapter 1-26 for the purpose of regulating the remittance to ~~county treasurers~~ the
15 department of fees collected by agents appointed by the ~~county treasurer~~ department for the sale
16 of licenses ~~as provided in § 41-6-67.~~

17 Section 6. That § 41-6-62 be amended to read as follows:

18 41-6-62. ~~Applications for licenses~~ Any application for any license under this ~~chapter~~ title shall
19 show that the applicant is legally eligible for the license for which ~~he~~ the applicant applies. Any
20 person authorized under §§ ~~41-6-56 to 41-2-33 and 41-6-61, inclusive,~~ to issue a license may
21 take the oath of the applicant thereto with the same force and effect as if the oath had been taken
22 by any other officer of this state authorized by law to administer an oath.

23 Section 7. That § 41-6-65 be repealed.

24 ~~41-6-65. The secretary of game, fish and parks shall each year furnish to the treasurer of each~~
25 ~~county a supply of hunting, fishing, and trapping licenses, for which the treasurer shall give his~~

1 receipt, to be filed in the department of game, fish and parks:

2 Section 8. That § 41-6-66 be amended to read as follows:

3 41-6-66. ~~The licenses~~ Any license permitted or provided for in §§ ~~41-6-11 to 41-6-21,~~
4 ~~inclusive, in § 41-6-23, in §§ 41-6-35 to 41-6-37, inclusive, and in § 41-17-13, this title and~~
5 § 32-20A-15.1 shall be in such form as the Game, Fish, and Parks Commission or department
6 ~~directs, and shall be furnished to the various county treasurers without charge, and upon receipt~~
7 ~~of the licenses, the county treasurer is liable under the treasurer's official bond for the license~~
8 ~~blanks delivered and for the proceeds derived from the sale thereof, and is responsible for all~~
9 ~~license blanks issued by the treasurer to, and license fees received by, an agent, except that the~~
10 ~~county treasurer is not liable for any amount an agent fails to pay the county treasurer up to the~~
11 ~~amount of licenses and permits the agent may obtain pursuant to § 41-6-59 without providing~~
12 ~~a bond or other security. The Department of Game, Fish, and Parks may collect any amount~~
13 ~~owed by the agent to the county treasurer for which the county treasurer is not liable.~~

14 Section 9. That § 41-6-67 be repealed.

15 ~~— 41-6-67. The treasurer of each county shall, on or before the fifteenth day of each month,~~
16 ~~submit to the department of game, fish and parks a report of all licenses issued by the treasurer~~
17 ~~and agents appointed by the treasurer under § 41-6-59 during the accounting period prescribed~~
18 ~~by the game, fish and parks commission pursuant to § 41-6-59.1 on forms prescribed and~~
19 ~~furnished by the department. The treasurer shall remit all money collected from the sale of these~~
20 ~~licenses as required by § 4-3-12.1 to be credited to a game, fish and parks fund.~~

21 Section 10. That § 41-6-68 be amended to read as follows:

22 41-6-68. ~~The county treasurer~~ Any agent appointed by the department shall promptly
23 transmit such reports as may be required by the Game, Fish and Parks Commission or the
24 department, together with ~~his county warrant for all license fees received by him and his agents~~
25 during the accounting period designated by the department to be deposited in the game, fish and

1 parks fund.

2 Section 11. That § 41-6-69 be amended to read as follows:

3 41-6-69. Not later than the last day of January of each year, ~~the treasurer of each county~~ each
4 agent shall return to the Department of Game, Fish and Parks all unused licenses, together with
5 the stubs or duplicate copies of all licenses issued. ~~Any county not remitting licenses and fees to~~
6 ~~the department of game, fish and parks by the last day of January each year shall be penalized~~
7 ~~one and one-half percent for each month or fraction thereof for the late return of fees and~~
8 ~~licenses. The penalty may not exceed ten percent of the total reimbursement a county receives~~
9 ~~from the department.~~ Following the expiration date of hunting, fishing, and trapping licenses,
10 stamps and permits issued by the department, the department may destroy the licenses, stamps,
11 and permits together with the stubs or duplicate copies upon completion of an audit thereof by
12 the Department of Legislative Audit and filing of a satisfactory report.

13 Section 12. That § 32-20A-15.1 be amended to read as follows:

14 32-20A-15.1. A nonresident owner of an unlicensed snowmobile shall purchase a temporary
15 permit to operate the snowmobile in this state. The fee for the permit is ten dollars. The permit
16 is valid for five consecutive days. All fees collected shall be deposited in the snowmobiles trails
17 fund established by § 32-5-9.2. ~~The Department of Game, Fish and Parks shall supply the county~~
18 ~~treasurers with the necessary permits to implement this section.~~

19 Section 13. That § 41-6-70 be repealed.

20 ~~41-6-70. The game, fish and parks commission shall, at the close of each license year,~~
21 ~~reimburse the various counties for services rendered in connection with the sale of licenses under~~
22 ~~this chapter in the amount of ten percent of all license fees for licenses sold by the county~~
23 ~~treasurer or his agents during such license year, and, in addition, the county treasurers shall also~~
24 ~~be reimbursed ten percent of the fees for the east river and west river prairie firearm deer licenses~~
25 ~~and the east river and west river firearm antelope licenses sold by the department of game, fish~~

1 ~~and parks for the respective counties. No reimbursement may be made for the sale of habitat~~
2 ~~stamps or waterfowl restoration stamps. All money received as such reimbursement shall be~~
3 ~~placed in the special highway fund of the county and shall be apportioned and used as provided~~
4 ~~in §§ 32-11-5 to 32-11-7, inclusive.~~

5 Section 14. That § 40-36-11 be amended to read as follows:

6 40-36-11. Each county shall annually appropriate a sum equal to an assessment on all cattle
7 and sheep based on the most current United States Department of Commerce census of
8 agriculture, and the money shall be remitted to the state treasurer for deposit in the state animal
9 damage control fund. Each county shall be assessed at a rate of twenty-five cents per head for
10 all sheep and six cents per head for all cattle. The Department of Game, Fish and Parks shall
11 certify, to each county auditor, the amount to be appropriated. The state animal damage control
12 fund shall be matched ~~dollar for dollar~~ two dollars for every one dollar of county appropriation
13 by funds of the Department of Game, Fish and Parks to carry out the provisions of this chapter.
14 ~~—The provisions of § 10-12B-16 do not apply to this section.~~

15 Section 15. A portion of the license fees collected by the Department of Game, Fish and
16 Parks that would previously have been paid to counties pursuant to § 41-6-70, in an amount
17 equal to one million thirty-three thousand two hundred sixty-nine dollars and ten cents per year,
18 shall be used only for the following purposes: administration of licensing services provided by
19 the department; increased contribution to the animal damage control fund as provided in section
20 14 of this Act; development of public access, other than fee-title purchase of land, for hunting
21 and fishing; wildlife habitat improvements; management of wildlife damage; or to be credited
22 toward a reduction of resident license fees. The Game, Fish and Parks Commission shall approve
23 amounts allocated to the specific purposes identified in this section.

1 **BILL HISTORY**

2 1/12/99 First read in House and referred to State Affairs. H.J. 39

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

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

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

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

7 2/5/99 Scheduled for Committee hearing on this date.

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

9 2/10/99 Scheduled for Committee hearing on this date.

10 2/17/99 Scheduled for Committee hearing on this date.

11 2/17/99 State Affairs Do Pass Amended, Failed, AYES 6, NAYS 6.

12 2/17/99 State Affairs Report Without Recommendation, AYES 8, NAYS 4.

13 2/18/99 House of Representatives Placed on Calendar, AYES 56, NAYS 14. H.J. 611

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

744C0447

HOUSE ENGROSSED NO. **HB1138** - 2/19/99

Introduced by: Representatives Diedrich (Larry), Brooks, Brown (Richard), Cerny, Chicoine, Crisp, Duniphan, Fischer-Clemens, Garnos, Klaudt, Kooistra, Lucas, McIntyre, McNenny, Michels, Monroe, Peterson, Richter, Sebert, Slaughter, Smidt, Solum, Wetz, and Wilson and Senators Rounds, Albers, Brown (Arnold), Everist, Flowers, Hutmacher, Moore, Munson (David), and Olson

1 FOR AN ACT ENTITLED, An Act to account for how taxes are paid by certain manufactured
2 homes for certain school purposes, to establish how the Department of Revenue shall adjust
3 the computation for local effort, and to classify certain manufactured homes as real property
4 for property tax purposes.

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

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

8 The Department of Revenue shall exclude the real property valuation of manufactured
9 homes, considered as real estate pursuant to § 10-4-2.4, and manufactured homes, converted to
10 real estate after July 1, 1999, when computing local effort pursuant to §§ 13-13-10.1 and 13-37-
11 35 for the purpose of the state aid to education formula. The county auditor shall also exclude
12 such real estate value when computing the tax levy for school purposes. However, such
13 manufactured homes shall continue to be subject to each tax levy.

14 Section 2. That § 10-4-2.4 be amended to read as follows:

1 10-4-2.4. Real property, for the purposes of ad valorem taxation, includes manufactured
2 homes as defined in subdivision 32-3-1(6) with a model year of ~~1997~~ 1994 or newer. This section
3 does not apply to any manufactured home in the inventory of any dealer as defined in subdivision
4 32-7A-1(1).

5 Section 3. That § 10-4-2.6 be amended to read as follows:

6 10-4-2.6. If a manufactured home with a model year of ~~1997~~ 1994 or newer, is sold by a
7 licensed manufactured home dealer, the dealer shall complete the manufactured home listing
8 form, as prescribed by the secretary of revenue, and send the completed form to the director of
9 equalization of the county in which the manufactured home was delivered. The form shall be sent
10 within thirty days after the delivery of the manufactured home.

11 Section 4. That § 10-4-2.4 be amended to read as follows:

12 10-4-2.4. Real property, for the purposes of ad valorem taxation, includes manufactured
13 homes as defined in subdivision 32-3-1(6) with a model year of ~~1997~~ 1990 or newer. This section
14 does not apply to any manufactured home in the inventory of any dealer as defined in subdivision
15 32-7A-1(1).

16 Section 5. That § 10-4-2.6 be amended to read as follows:

17 10-4-2.6. If a manufactured home with a model year of ~~1997~~ 1990 or newer, is sold by a
18 licensed manufactured home dealer, the dealer shall complete the manufactured home listing
19 form, as prescribed by the secretary of revenue, and send the completed form to the director of
20 equalization of the county in which the manufactured home was delivered. The form shall be sent
21 within thirty days after the delivery of the manufactured home.

22 Section 6. The effective date of sections 4 and 5 of this Act is July 1, 2000.

23 Section 7. That § 10-4-2.4 be amended to read as follows:

24 10-4-2.4. Real property, for the purposes of ad valorem taxation, includes manufactured
25 homes as defined in subdivision 32-3-1(6) with a model year of ~~1997~~ 1985 or newer. This section

1 does not apply to any manufactured home in the inventory of any dealer as defined in subdivision
2 32-7A-1(1).

3 Section 8. That § 10-4-2.6 be amended to read as follows:

4 10-4-2.6. If a manufactured home with a model year of ~~1997~~ 1985 or newer, is sold by a
5 licensed manufactured home dealer, the dealer shall complete the manufactured home listing
6 form, as prescribed by the secretary of revenue, and send the completed form to the director of
7 equalization of the county in which the manufactured home was delivered. The form shall be sent
8 within thirty days after the delivery of the manufactured home.

9 Section 9. The effective date of sections 7 and 8 of this Act is July 1, 2001.

10 Section 10. That § 10-4-2.4 be amended to read as follows:

11 10-4-2.4. Real property, for the purposes of ad valorem taxation, includes manufactured
12 homes as defined in subdivision 32-3-1(6) with a model year of ~~1997~~ 1977 or newer. This section
13 does not apply to any manufactured home in the inventory of any dealer as defined in subdivision
14 32-7A-1(1).

15 Section 11. That § 10-4-2.6 be amended to read as follows:

16 10-4-2.6. If a manufactured home with a model year of ~~1997~~ 1977 or newer, is sold by a
17 licensed manufactured home dealer, the dealer shall complete the manufactured home listing
18 form, as prescribed by the secretary of revenue, and send the completed form to the director of
19 equalization of the county in which the manufactured home was delivered. The form shall be sent
20 within thirty days after the delivery of the manufactured home.

21 Section 12. The effective date of sections 10 and 11 of this Act is July 1, 2002.

1 **BILL HISTORY**

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

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

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

5 2/9/99 Scheduled for Committee hearing on this date.

6 2/11/99 Scheduled for Committee hearing on this date.

7 2/16/99 Scheduled for Committee hearing on this date.

8 2/16/99 Taxation Do Pass Amended, Passed, AYES 11, NAYS 2. H.J. 525

9 2/18/99 Motion to Amend, Passed. H.J. 621

10 2/18/99 House of Representatives Do Pass Amended, Passed, AYES 57, NAYS 12.

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

664C0575

HOUSE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **HB1164** - 2/19/99

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

Introduced by: Representatives Wetz, Klaudt, McNenny, and Young and Senators Brown (Arnold), Benson, and Bogue

1 FOR AN ACT ENTITLED, An Act to provide certain injunctive relief against unwarranted
2 emergency zoning ordinances, zoning maps, and other official controls.

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

4 Section 1. That chapter 11-2 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Any person who is aggrieved by the adoption of an emergency temporary zoning ordinance
7 pursuant to § 11-2-10 or any other emergency ordinance, zoning map, or other official control
8 authorized pursuant to this chapter may seek an injunction against it in any court of appropriate
9 jurisdiction based on the grounds that the emergency temporary zoning ordinance or other
10 emergency ordinance, zoning map, or official control authorized pursuant to this chapter is not
11 necessary to protect the public health, safety, and public welfare. If the court finds that the
12 emergency temporary zoning ordinance or other emergency ordinance, zoning map, or official
13 control authorized pursuant to this chapter is not necessary to protect the public health, safety,
14 and general welfare, the court shall declare the ordinance or other emergency ordinance, zoning
15 map, or official control authorized pursuant to this chapter null and void.

1 **BILL HISTORY**

2 1/26/99 First read in House and referred to Local Government. H.J. 191

3 2/4/99 Scheduled for Committee hearing on this date.

4 2/9/99 Scheduled for Committee hearing on this date.

5 2/9/99 Local Government Tabled, AYES 9, NAYS 3. H.J. 430

6 2/16/99 Local Government Removed from Table, AYES 9, NAYS 4.

7 2/18/99 Local Government Hog Housed.

8 2/18/99 Scheduled for Committee hearing on this date.

9 2/18/99 Local Government Do Pass Amended, Passed, AYES 11, NAYS 0. H.J. 599

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

921C0679

HOUSE ENGROSSED NO. **HB1198** - 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: Representatives Cutler, Crisp, Diedrich (Larry), Haley, Jaspers, Kazmerzak, and Wetz and Senators Kleven, Benson, Frederick, Hutmacher, and Symens

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the expenses of state
2 officers and employees which are reimbursable.

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

4 Section 1. That § 3-9-2 be amended to read as follows:

5 3-9-2. The State Board of Finance ~~shall have authority to~~ may fix the maximum amount
6 which may be allowed per day or fraction of a day as reimbursement for expenses for meals and
7 lodging necessarily incurred by state officers and employees in the performance of their duties
8 as such while away from their places of residence or headquarters station, and change such
9 maximum allowance from time to time as it may deem just and proper under existing conditions.

10 The State Board of Finance ~~shall have authority in its discretion to~~ may authorize reimbursement
11 on a per diem basis, in lieu of the method described above or any other method provided by law,
12 and fix the amount per day or fraction of a day which may be allowed, and may from time to time
13 ~~in its discretion~~ change such amount as it may deem just and proper under existing conditions.

14 The chair of a commission or council created by chapters 38-10, 38-27, 38-29, and 38-32 may
15 authorize an employee to be reimbursed for actual costs of lodging and meals, excluding

1 alcoholic beverage as defined in subdivision 35-1-1(1) if:

2 (1) The lodging and meals are in furtherance of the state's interests, concerns, and
3 activities;

4 (2) The activities for which the lodging and meals are required fall within the scope of the
5 commission's or council's responsibilities; and

6 (3) The employee is performing official duties related to trade servicing or promotional
7 activities.

8 The authorization shall be made on a form prescribed by the Governor and supported by
9 receipts and shall accompany the claim filed pursuant to § 3-9-8. The provisions of this section
10 and the amounts fixed by the State Board of Finance shall prevail notwithstanding the provisions
11 of other statutes, such as provision that a state officer or employee shall be paid or reimbursed
12 for his actual and necessary traveling expenses.

1 **BILL HISTORY**

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

3 1/28/99 Referred to State Affairs. H.J. 239

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

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

6 2/5/99 Scheduled for Committee hearing on this date.

7 2/8/99 Scheduled for Committee hearing on this date.

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

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

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

11 2/16/99 State Affairs Do Pass Amended, Passed, AYES 11, NAYS 2. H.J. 557

12 2/17/99 State Affairs Hog Housed.

13 2/19/99 Motion to Amend, Passed. H.J. 650

14 2/19/99 House of Representatives Do Pass Amended, Passed, AYES 57, NAYS 12. H.J. 650

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

916C0864

HOUSE ENGROSSED NO. **HB1296** - 2/22/99

Introduced by: Representatives Fitzgerald, Brown (Jarvis), Duniphan, Earley, Peterson, and Volesky and Senators Munson (David), Everist, Frederick, and Lawler

1 FOR AN ACT ENTITLED, An Act to restrict certain criminal liability for alcoholic beverage
2 licensees and to provide for administrative sanctions.

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

4 Section 1. A licensee, licensed pursuant to subdivision 35-4-2(3), (4), (5), (6), (11), (12),
5 (13), (16), (17), or (18), is not in violation of § 35-4-78, and no criminal penalty may be imposed
6 on the licensee if:

7 (1) The person making the sale in violation of § 35-4-78 is an employee or agent of the
8 licensee;

9 (2) The employee or agent does not own a controlling interest in the licensee; and

10 (3) The licensee or person having a controlling interest in the licensee is not present at the
11 time of the sale.

12 Section 2. If a sale is in violation of § 35-4-78 and does not constitute a criminal offense
13 against the licensee, the state's attorney for the county in which the sale took place may as part
14 of any proceeding against the person making the sale request that the court require the licensee
15 to pay a fine in accordance with this Act.

16 Section 3. Upon a request from the state's attorney and notice to the licensee, the court shall

1 conduct a hearing to determine if the licensee is liable under this Act, and upon a finding that the
2 licensee is liable, the court may order the licensee to pay a fine not to exceed:

3 (1) Five hundred dollars upon the first violation within two years;

4 (2) Seven hundred fifty dollars upon the second violation within two years; and

5 (3) One thousand dollars for the third violation within two years.

6 Section 4. For the purpose of this Act, a controlling interest in the licensee means an
7 ownership interest of ten percent or more.

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 Judiciary. H.J. 319

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

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

6 2/10/99 Judiciary Deferred to another day.

7 2/12/99 Scheduled for Committee hearing on this date.

8 2/17/99 Scheduled for Committee hearing on this date.

9 2/17/99 Judiciary Do Pass Amended, Passed, AYES 12, NAYS 0. H.J. 564

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

862C0860

HOUSE ENGROSSED NO. **HB1301** - 2/19/99

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.

16 Section 4. The provisions of this Act do not apply to actions for deceit, breach of contract,

1 or expressed or implied warranties, or for injuries resulting from failure of firearms to operate
2 in a normal or usual manner due to defects or negligence in design or manufacture. The
3 provisions of this Act do not apply to actions arising from the unlawful sale or transfer of
4 firearms, or to instances where the transferor knew, or should have known, that the recipient
5 would engage in the unlawful sale or transfer of the firearm, or would use, or purposely allow
6 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

11 2/17/99 House of Representatives Deferred to another day. H.J. 587

12 2/18/99 Motion to Amend, Passed. H.J. 619

13 2/18/99 House of Representatives Do Pass Amended, Passed, AYES 54, NAYS 14. H.J. 619

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

426C0164

HOUSE ENGROSSED NO. **SB71** - 2/24/99

Introduced by: Senators Kleven, Albers, Benson, Bogue, Madden, Reedy, and Staggers and
Representatives Pummel, Broderick, Hennies, McNenny, and Napoli

1 FOR AN ACT ENTITLED, An Act to require notice to landowners before entry on private
2 lands for certain planning commission functions.

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

4 Section 1. That § 11-6-8 be amended to read as follows:

5 11-6-8. All public officials shall, upon request, furnish to the planning commission, within
6 a reasonable time, such available information as it may require for its work. The commission, its
7 members, and employees, in the performance of its functions, may, after thirty days written
8 notice by certified mail to the landowner, enter upon any land, make examinations and surveys,
9 and place and maintain necessary monuments and marks thereon. In general, the commission
10 ~~shall have all such powers as may be~~ has all powers necessary to enable it to fulfill and perform
11 its functions, promote municipal planning, or carry out all the purposes of this chapter.

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

14 All public officials shall, upon request, furnish to the county planning commission, within a
15 reasonable time, such available information as it may require for its work. The commission, its
16 members and employees, in the performance of its functions, may, after thirty days written notice

1 by certified mail to the landowner, enter upon any land, make examinations and surveys, and
2 place and maintain necessary monuments and marks thereon. In general, the commission has all
3 such powers necessary to enable it to fulfill and perform its functions, promote county planning
4 and zoning, or carry out all the purposes of this chapter.

1 **BILL HISTORY**

2 1/19/99 First read in Senate and referred to Agriculture and Natural Resources. S.J. 117

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

4 1/26/99 Agriculture and Natural Resources Do Pass, Passed, AYES 9, NAYS 0. S.J. 189

5 1/26/99 Agriculture and Natural Resources Place on Consent Calendar.

6 1/27/99 Senate Do Pass, Passed, AYES 35, NAYS 0. S.J. 219

7 1/28/99 First read in House and referred to Local Government. H.J. 256

8 2/16/99 Scheduled for Committee hearing on this date.

9 2/16/99 Local Government Do Pass, Passed, AYES 11, NAYS 2. H.J. 532

10 2/17/99 House of Representatives Deferred to another day. H.J. 589

11 2/18/99 House of Representatives Deferred to another day. H.J. 627

12 2/19/99 House of Representatives Deferred to another day. H.J. 653

13 2/22/99 House of Representatives Deferred to another day. H.J. 692

14 2/23/99 Motion to Amend, Passed. H.J. 722

15 2/23/99 House of Representatives Do Pass Amended, Passed, AYES 50, NAYS 19. H.J. 722

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

375C0098

HOUSE ENGROSSED NO. **SB103** - 2/24/99

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~~ date for an election
20 to be conducted pursuant to Title 12.

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

10 2/9/99 First read in House and referred to Local Government. H.J. 449

11 2/16/99 Scheduled for Committee hearing on this date.

12 2/16/99 Local Government Do Pass, Passed, AYES 13, NAYS 0. H.J. 532

13 2/17/99 House of Representatives Deferred to another day. H.J. 589

14 2/18/99 House of Representatives Deferred to another day. H.J. 627

15 2/19/99 House of Representatives Deferred to another day. H.J. 653

16 2/22/99 House of Representatives Deferred to another day. H.J. 692

17 2/23/99 Motion to Amend, Passed. H.J. 719

18 2/23/99 House of Representatives Do Pass Amended, Passed, AYES 58, NAYS 9. H.J. 719

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

475C0481

HOUSE ENGROSSED NO. **SB130** - 2/24/99

Introduced by: Senators Whiting, Albers, Brosz, Drake, and Stagers and Representatives
Hennies, Duniphan, Fitzgerald, McCoy, and Wilson

1 FOR AN ACT ENTITLED, An Act to revise and expand certain provisions relating to third
2 offense assault.

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

4 Section 1. That § 22-18-1 be amended to read as follows:

5 22-18-1. Any person who:

6 (1) Attempts to cause bodily injury to another, other than a law enforcement officer
7 engaged in the performance of ~~his~~ official duties, and has the actual ability to cause
8 the injury;

9 (2) Recklessly causes bodily injury to another;

10 (3) Negligently causes bodily injury to another with a dangerous weapon;

11 (4) Attempts by physical menace to put another in fear of imminent serious bodily harm,
12 with or without the actual ability to seriously harm the other person; or

13 (5) Intentionally causes bodily injury to another which does not result in serious bodily
14 injury;

15 is guilty of simple assault.

16 Simple assault is a Class 1 misdemeanor. However, if the defendant has been convicted of,

1 ~~or entered a plea of guilty to, two or more violations of this section § 22-18-1, 22-18-1.1, 22-18-~~
2 ~~26, or 22-18-29~~ within five years of committing the current offense, the defendant is guilty of
3 a Class 6 felony.

4 Section 2. That chapter 22-18 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Any conviction for, or plea of guilty to, an offense in another state which, if committed in this
7 state, would constitute a violation of § 22-18-1, 22-18-1.1, 22-18-26, or 22-18-29, and which
8 occurs within five years prior to the date of the violation being charged, shall be used to
9 determine if the violation to be charged is a third or subsequent offense pursuant to section 1 of
10 this Act.

1 **BILL HISTORY**

2 1/25/99 First read in Senate and referred to Judiciary. S.J. 179

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

4 2/5/99 Judiciary Do Pass, Passed, AYES 7, NAYS 0. S.J. 364

5 2/9/99 Senate Do Pass, Passed, AYES 34, NAYS 0. S.J. 404

6 2/10/99 First read in House and referred to Judiciary. H.J. 473

7 2/17/99 Scheduled for Committee hearing on this date.

8 2/17/99 Judiciary Do Pass Amended, Passed, AYES 11, NAYS 1. H.J. 566

9 2/19/99 House of Representatives Deferred to another day. H.J. 653

10 2/22/99 House of Representatives Deferred to another day. H.J. 692

11 2/23/99 Motion to Amend, Passed. H.J. 724

12 2/23/99 House of Representatives Do Pass Amended, Passed, AYES 61, NAYS 9. H.J. 725

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

543C0740

HOUSE ENGROSSED NO. **SB176** - 2/24/99

Introduced by: Senator Whiting and Representative Jaspers

1 FOR AN ACT ENTITLED, An Act to restrict the possession of firearms on certain off-road
2 vehicles.

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

4 Section 1. That § 32-20-6.6 be amended to read as follows:

5 32-20-6.6. No person, other than a law enforcement officer or conservation officer, or any
6 person on the person's own land or land leased by the person, may operate or ride on any
7 motorcycle or off-road vehicle with any firearm in the person's possession unless the firearm is
8 completely unloaded and within a carrying case which encloses the entire firearm. However, this
9 section does not apply to any person who is carrying a pistol and possesses a permit to carry a
10 concealed pistol issued pursuant to chapter 23-7. This section shall be enforced by all law
11 enforcement officers including conservation officers, notwithstanding the provisions of § 41-15-
12 10.1. A violation of this section is a Class 2 misdemeanor.

1 **BILL HISTORY**

2 1/27/99 First read in Senate and referred to Judiciary. S.J. 216

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

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

5 2/8/99 Judiciary Do Pass Amended, Passed, AYES 6, NAYS 0. S.J. 367

6 2/8/99 Judiciary Place on Consent Calendar.

7 2/10/99 Senate Do Pass Amended, Passed, AYES 34, NAYS 0. S.J. 424

8 2/11/99 First read in House and referred to Transportation. H.J. 490

9 2/17/99 Scheduled for Committee hearing on this date.

10 2/17/99 Transportation Do Pass, Passed, AYES 11, NAYS 2. H.J. 566

11 2/18/99 House of Representatives Deferred to another day. H.J. 627

12 2/19/99 House of Representatives Deferred to another day. H.J. 653

13 2/22/99 House of Representatives Deferred to another day. H.J. 692

14 2/23/99 Motion to Amend, Passed. H.J. 724

15 2/23/99 House of Representatives Do Pass Amended, Passed, AYES 57, NAYS 13. H.J. 724