

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

400D0333

HOUSE HEALTH AND HUMAN SERVICES COMMITTEE ENGROSSED NO. **HB1028** - 1/27/00

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

1 FOR AN ACT ENTITLED, An Act to permit the provision of certain drugs and drug samples
2 by physician assistants, nurse practitioners, and nurse midwives.

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

4 Section 1. That § 36-4A-22 be amended to read as follows:

5 36-4A-22. Specifically, and by way of limitations, an assistant to the primary care physician
6 may:

7 (1) Take a complete, detailed, and accurate history; do a complete physical examination,
8 when appropriate, to include pelvic and breast examinations specifically excluding
9 endoscopic examinations; record pertinent data in acceptable medical form; and, if the
10 physical examination is for participation in athletics, certify that the patient is healthy
11 and able to participate;

12 (2) Perform or assist in the performance of the following routine laboratory and
13 governing techniques:

14 (a) The drawing of venous or peripheral blood and the routine examination of the
15 blood;

16 (b) Urinary bladder catheterization and routine urinalysis;

- 1 (c) Nasogastric intubation and gastric lavage;
- 2 (d) The collection of and the examination of the stool;
- 3 (e) The taking of cultures;
- 4 (f) The performance and reading of skin tests;
- 5 (g) The performance of pulmonary function tests excluding endoscopic
- 6 procedures;
- 7 (h) The performance of tonometry;
- 8 (i) The performance of ~~audiometry~~ hearing screenings;
- 9 (j) The taking of EKG tracings;
- 10 (3) Make a tentative medical diagnosis and institute therapy or referral; to prescribe
- 11 medication and provide drug samples or a limited supply of labeled medications,
- 12 including controlled drugs or substances listed on Schedule II in chapter 34-20B for
- 13 one period of not more than forty-eight hours, for symptoms and temporary pain
- 14 relief; to treat common childhood diseases; to assist in the follow-up treatment of
- 15 geriatric and psychiatric disorders referred by the physicians. Medications or sample
- 16 drugs provided to patients shall be accompanied with written administration
- 17 instructions and appropriate documentation shall be entered in the patient's medical
- 18 record;
- 19 (4) Perform the following routine therapeutic procedures:
- 20 (a) Injections;
- 21 (b) Immunizations;
- 22 (c) Debridement, suture, and care of superficial wounds;
- 23 (d) Debridement of minor superficial burns;
- 24 (e) Removal of foreign bodies from the external surface of the skin (specifically
- 25 excluding foreign bodies of the cornea);

- 1 (f) Removal of sutures;
- 2 (g) Removal of impacted cerumen;
- 3 (h) Subcutaneous local anesthesia, excluding any nerve blocks;
- 4 (i) Strapping, casting, and splinting of sprains;
- 5 (j) Anterior nasal packing for epistaxis;
- 6 (k) Removal of cast;
- 7 (l) Application of traction;
- 8 (m) Application of physical therapy modalities;
- 9 (n) Incision and drainage of superficial skin infections;
- 10 (5) Assist the primary care physician in health maintenance of his patients by:
 - 11 (a) Well-baby and well-child clinics to include initial and current booster
 - 12 immunization for communicable disease;
 - 13 (b) Pre- and post-natal surveillance to include clinics and home visits;
 - 14 (c) Family planning, counseling, and management;
- 15 (6) Institute emergency measures and emergency treatment or appropriate measures in
 - 16 situations such as cardiac arrest, shock, hemorrhage, convulsions, poisonings, and
 - 17 emergency obstetric delivery. Emergency measures includes writing a chemical or
 - 18 physical restraint order when the patient may do personal harm or harm others;
- 19 (7) Assist the primary care physician in the management of long-term care to include:
 - 20 (a) Ordering indicated laboratory procedures;
 - 21 (b) Managing a medical care regimen for acute and chronically ill patients within
 - 22 established standing orders. (Prescription of modifications needed by patients
 - 23 coping with illness or maintaining health, such as in diet, exercise, relief from
 - 24 pain, medication, and adaptation to handicaps or impairments);
 - 25 (c) Making referrals to appropriate agencies;

- 1 (8) Assist the primary care physician in the hospital setting by arranging hospital
2 admissions under the direction of the physician, by accompanying the primary care
3 physician on rounds, and recording the physician's patient progress notes; by
4 accurately and appropriately transcribing and executing specific orders at the direction
5 of the physician; by assistance at surgery; by compiling detailed narrative and case
6 summaries; by completion of the forms pertinent to the patient's medical record;
- 7 (9) Assist the primary care physician in the office in the ordering of drugs and supplies,
8 in the keeping of records, and in the upkeep of equipment;
- 9 (10) Assist the primary care physician in providing services to patients requiring continuing
10 care (nursing home, extended care, and home care) including follow-up visits after the
11 initial treatment by the physician;
- 12 (11) Assist the primary care physician in the completion of official documents such as
13 death certificates, birth certificates, and similar documents required by law, including
14 signing the documents;
- 15 (12) Take X-rays to be read by a physician. A physician's assistant may not administer
16 injections in conjunction with the taking of any X-rays.

17 Section 2. That § 36-9A-12 be amended to read as follows:

18 36-9A-12. A nurse practitioner may perform the following overlapping scope of advanced
19 practice nursing and medical functions pursuant to § 36-9A-15, including:

- 20 (1) The initial medical diagnosis and the institution of a plan of therapy or referral;
- 21 (2) The prescription and provision of drug samples or a limited supply of labeled
22 medications, including controlled drugs or substances listed on Schedule II in chapter
23 34-20B for one period of not more than forty-eight hours, for treatment of causative
24 factors and symptoms. Medications or sample drugs provided to patients shall be
25 accompanied with written administration instructions and appropriate documentation

1 shall be entered in the patient's medical record;

2 (3) The writing of a chemical or physical restraint order when the patient may do personal
3 harm or harm others;

4 (4) The completion and signing of official documents such as death certificates, birth
5 certificates, and similar documents required by law; and

6 (5) The performance of a physical examination for participation in athletics and the
7 certification that the patient is healthy and able to participate in athletics.

8 Section 3. That § 36-9A-13 be amended to read as follows:

9 36-9A-13. A nurse midwife may perform the following overlapping scope of advanced
10 practice nursing and medical functions pursuant to § 36-9A-15, including:

11 (1) Management of the prenatal and postpartum care of the mother-baby unit;

12 (2) Management and direction of the birth;

13 (3) Provision of appropriate health supervision during all phases of the reproductive life
14 span to include family planning services, menopausal care, and cancer screening and
15 prevention; and

16 (4) Prescription and provision of drug samples or a limited supply of appropriate labeled
17 medications for individuals under the nurse midwife's care pursuant to the scope of
18 practice defined in this section, including controlled drugs or substances listed on
19 Schedule II in chapter 34-20B for one period of not more than forty-eight hours.

20 Medications or sample drugs provided to patients shall be accompanied with written
21 administration instructions and appropriate documentation shall be entered in the
22 patient's medical record.

1 **BILL HISTORY**

2 1/11/00 First read in House and referred to Health and Human Services. H.J. 17

3 1/19/00 Scheduled for Committee hearing on this date.

4 1/19/00 Health and Human Services Do Pass Amended, Failed, AYES 6, NAYS 5.

5 1/21/00 Scheduled for Committee hearing on this date.

6 1/26/00 Scheduled for Committee hearing on this date.

7 1/26/00 Health and Human Services Do Pass Amended, Passed, AYES 8, NAYS 4. H.J. 242

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

382D0339

HOUSE COMMERCE COMMITTEE ENGROSSED NO. **HB1092** - 1/26/00

Introduced by: Representatives Konold, Brown (Jarvis), Crisp, Diedtrich (Elmer), Pummel, Smidt, and Wetz and Senators Madden and Brosz

1 FOR AN ACT ENTITLED, An Act to provide for the regulation of home inspectors.

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

3 Section 1. Terms used in this Act mean:

4 (1) "Client," any person who engages, or seeks to engage, the services of a home
5 inspector for the purpose of obtaining inspection of and written report upon the
6 condition of a residential building;

7 (2) "Commission," the South Dakota Real Estate Commission;

8 (3) "Home inspector," any person registered or licensed as a home inspector pursuant to
9 the provisions of this Act;

10 (4) "Home inspection," an inspection and written evaluation of all the following
11 components of a residential building: heating system, cooling system, plumbing
12 system, electrical system, structural components, foundation, roof, masonry structure,
13 and exterior and interior components;

14 (5) "Residential building," a structure consisting of not more than four family dwelling
15 units.

16 Section 2. The commission shall issue and renew certificates to licensed and registered home

1 inspectors pursuant to the provisions of this Act.

2 Section 3. No person may provide, or hold oneself out as able to provide, a home inspection
3 for compensation unless registered or licensed in accordance with the provisions of this Act. A
4 violation of this section is a Class 1 misdemeanor.

5 Section 4. An applicant for a license as a home inspector shall file a written application
6 provided by the commission showing that the applicant meets the following requirements:

- 7 (1) Good moral character;
- 8 (2) Successful completion of high school or high school equivalency;
- 9 (3) Employment as a registered home inspector for no less than one year and performance
10 of not less than one hundred home inspections for compensation; and
- 11 (4) Successful completion of a licensing examination approved by the commission.

12 Section 5. An applicant for registration as a home inspector shall file a written application
13 provided by the commission showing that the applicant meets the following requirements:

- 14 (1) Good moral character;
- 15 (2) Successful completion of high school or high school equivalency;
- 16 (3) Successful completion of an approved course of study of not less than forty hours, as
17 prescribed by the commission in rules promulgated pursuant to chapter 1-26; and
- 18 (4) Successful completion of a registration examination approved by the commission.

19 Section 6. The commission shall promulgate rules pursuant to chapter 1-26 for licensed and
20 registered home inspectors in the following areas:

- 21 (1) Standards and requirements for prelicense and continuing education, including
22 qualifications of instructors, procedures for granting a certificate of accreditation,
23 notification of a material change in an approved course offering, suspension,
24 revocation, and denial of course approval, certification of attendance, preregistration,
25 and hours required to renew a license or registration;

- 1 (2) A code of ethics and standards of practice;
- 2 (3) Fees for applications, examinations, registration, licensure, and renewals, not to
3 exceed four hundred dollars for application and two hundred dollars for renewal;
- 4 (4) Procedures and qualifications for application, minimum requirements for examination,
5 procedures for the examination and the administration of the examination, the
6 required score for passing the examination, and procedures for replacement of a
7 license;
- 8 (5) Procedures for disciplinary proceedings, including requirements for filing a complaint,
9 dismissal of a complaint, informal and formal resolution of a complaint, formal
10 complaint and answer requirements, final action and review, disqualification of a
11 commission member from a hearing, and authorization for per diem and mileage; and
- 12 (6) Procedures for declaratory rulings, petitions for rules, and contested cases.

13 Section 7. The provisions of this Act do not apply to any of the following persons:

- 14 (1) Any person who is employed as a code enforcement official by the state or a political
15 subdivision of the state when acting within the scope of that governmental
16 employment;
- 17 (2) Any person regulated by the state as an architect, professional engineer, electrical
18 contractor, or plumber, who is acting within the scope of practice of the person's
19 profession or occupation;
- 20 (3) Any real estate broker or salesperson licensed by the state when acting within the
21 scope of that person's license;
- 22 (4) Any real estate appraiser certified, licensed, or registered by the state when acting
23 within the scope of that person's license;
- 24 (5) Any person engaged as an insurance adjuster, when acting within the scope of that
25 person's profession; or

1 (6) Any manufactured home dealer who is licensed by the state, when acting within the
2 scope of that person's license.

3 Section 8. Upon payment to the commission of a fee and the submission of a written
4 application provided by the commission, the commission may issue a home inspector license to
5 any person who holds a valid license issued by another state or possession of the United States
6 or the District of Columbia which has standards substantially equivalent to those of this state,
7 as determined by the commission.

8 Section 9. During the first three hundred sixty-five days after the effective date of this Act,
9 the commission shall issue to any person, upon application, a home inspector license, if the
10 applicant meets the requirements of subdivisions (1), (2), and (4) of section 4 of this Act and has
11 been engaged in the practice of home inspections for compensation for not less than one year
12 prior to the effective date of this Act and has performed not less than one hundred home
13 inspections for compensation.

14 Section 10. Any license or registration expires on December thirty-first of the year following
15 issuance and may be renewed biennially. An application for renewal shall be filed with the
16 commission no later than November thirtieth of the year of expiration. Any renewal application
17 filed after that date is subject to a late renewal penalty of twenty dollars per month or fraction
18 thereof. However, no late renewal may be filed after June thirtieth of the year following the
19 expiration of the registration or license.

20 Section 11. The commission may suspend, revoke, reprimand, or assess a monetary penalty
21 not to exceed two thousand five hundred dollars, or may provide for a combination or
22 revocation, suspension, reprimand, or monetary penalty, for any violation of this Act or any
23 administrative rule adopted to administer this Act.

24 Section 12. All fees and any fines imposed by the commission shall be paid to the fund of the
25 commission.

1 Section 13. The commission may refuse to grant or may suspend or revoke a home inspector
2 license or registration upon proof, to the satisfaction of the commission, that the holder has:

3 (1) Disclosed any information concerning the results of the home inspection without the
4 approval of a client or the client's representative;

5 (2) Accepted compensation from more than one interested party for the same service
6 without the written consent of all interested parties;

7 (3) Accepted commissions or allowances, directly or indirectly, from other parties dealing
8 with the holder's client in connection with work for which the holder is responsible;
9 or

10 (4) Failed to disclose promptly to a client information about any business interest of the
11 holder which may affect the client in connection with the home inspection.

12 Section 14. This Act is effective on January 1, 2001.

1 **BILL HISTORY**

2 1/15/00 First read in House and referred to Commerce. H.J. 58

3 1/20/00 Scheduled for Committee hearing on this date.

4 1/25/00 Scheduled for Committee hearing on this date.

5 1/25/00 Commerce Do Pass Amended, Passed, AYES 12, NAYS 0. H.J. 221

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

167D0535

HOUSE JUDICIARY COMMITTEE ENGROSSED NO. **HB1128** - 1/27/00

Introduced by: Representatives Brooks, Chicoine, Fischer-Clemens, Garnos, Munson (Donald),
and Sebert and Senators Drake, Duxbury, and Lange

1 FOR AN ACT ENTITLED, An Act to revise certain quorum provisions regarding cooperatives.

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

3 Section 1. That § 47-16-7 be amended to read as follows:

4 47-16-7. A quorum at a member meeting of a cooperative shall be ten percent of the first one
5 hundred members plus five percent of additional members, present in person or represented by
6 delegate. Unless the bylaws fix a larger number of members to constitute a quorum, a quorum
7 ~~shall~~ may never be more than fifty members nor less than five members, or a majority of all
8 members, whichever is smaller. Members represented by signed vote may be counted in
9 computing a quorum only on those questions as to which the signed vote is taken. The
10 sufficiency or requirement of a quorum for the transaction of business at a district meeting of
11 members shall be established in the bylaws. However, the quorum may not be less than five
12 members.

13 Section 2. That § 47-21-56 be amended to read as follows:

14 47-21-56. Unless the bylaws prescribe the presence of a greater percentage or number of the
15 members for a quorum, a quorum for the transaction of business at all meetings of the members
16 of a cooperative having not more than one thousand members, shall be five ~~percentum~~ percent

1 of all members, present in person, and of a cooperative having more than one thousand members,
2 shall be fifty members, present in person. If less than a quorum is present at any meeting, a
3 majority of those present in person may adjourn the meeting from time to time without further
4 notice. The sufficiency or requirement of a quorum for the transaction of business at a district
5 meeting of members shall be established in the bylaws. However, the quorum may not be less
6 than five members.

1 **BILL HISTORY**

2 1/18/00 First read in House and referred to Judiciary. H.J. 117

3 1/26/00 Scheduled for Committee hearing on this date.

4 1/26/00 Judiciary Do Pass Amended, Passed, AYES 12, NAYS 1. H.J. 251

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

349D0539

HOUSE JUDICIARY COMMITTEE ENGROSSED NO. **HB1137** - 1/27/00

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

Introduced by: Representatives Konold, Brooks, Davis, Diedtrich (Elmer), Earley, Engbrecht, Fischer-Clemens, Hennies, McNenny, Michels, Munson (Donald), Sebert, Smidt, Sutton (Daniel), Sutton (Duane), Volesky, and Wilson and Senators Rounds, Benson, Bogue, Brosz, Duxbury, Everist, Ham, Madden, Olson, and Shoener

1 FOR AN ACT ENTITLED, An Act to exempt real estate licensees from certain sex offender
2 notification provisions.

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

4 Section 1. That chapter 36-21A be amended by adding thereto a NEW SECTION to read
5 as follows:

6 No licensee representing a seller or landlord has a duty to investigate, volunteer, or disclose
7 information regarding a registered sex offender residing on or near the property.

8 Section 2. That chapter 36-21A be amended by adding thereto a NEW SECTION to read
9 as follows:

10 No licensee representing a buyer or tenant has a duty to investigate or volunteer information
11 regarding a registered sex offender residing on or near the property. However, upon inquiry by
12 the licensee's client, the licensee representing a buyer or tenant shall disclose to the client any
13 actual knowledge that the licensee may have regarding a registered sex offender residing on or
14 near the property.

1 **BILL HISTORY**

2 1/18/00 First read in House and referred to Judiciary. H.J. 119

3 1/24/00 Scheduled for Committee hearing on this date.

4 1/24/00 Judiciary Deferred to another day.

5 1/26/00 Judiciary Hog Housed.

6 1/26/00 Judiciary Do Pass Amended, Passed, AYES 11, NAYS 1. H.J. 252

7 1/26/00 Scheduled for Committee hearing on this date.

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

291D0442

HOUSE TRANSPORTATION COMMITTEE

ENGROSSED NO. **HB1155** - 1/27/00

Introduced by: Representatives Wetz, Brooks, Crisp, Derby, Duenwald, Jaspers, Kazmerzak, Lintz, McNenny, and Sebert and Senators Benson, Drake, Kleven, Kloucek, Reedy, Symens, and Vitter

1 FOR AN ACT ENTITLED, An Act to exempt certain not for hire livestock hauling activities
2 from certain motor carrier and commercial vehicle requirements.

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

4 Section 1. That § 32-9-3 be amended to read as follows:

5 32-9-3. For the purposes of this chapter, the following do not come within the definition of
6 "motor carriers" or "commercial vehicles" if used in intrastate operations:

7 (1) A motor vehicle registered in South Dakota used to carry private business property
8 of five hundred pounds or less;

9 (2) A motor vehicle chassis registered in South Dakota on which is mounted a
10 cornsheller, grain cleaner, feed grinder, grain and alfalfa feed mixing machine,
11 haystack mover, sawmill, water well drilling equipment, power shovel, ditchdigger,
12 mobile crane which exceeds the maximum size or weight limits prescribed by chapter
13 32-22, drag line, posthole auger, and which is not used for demonstration or display
14 purposes outside the limits of a municipality, or a truck tractor and trailer carrying
15 permanently mounted hay grinding equipment;

- 1 (3) Any motor vehicle registered in South Dakota used for the transportation of liquid or
2 solid livestock waste including trailers and equipment used to load liquid or solid
3 livestock waste and any vehicle registered in South Dakota used for the application,
4 distribution, spraying, or transportation from retail business to user of dry, liquid, or
5 anhydrous ammonia fertilizers or agricultural chemicals;
- 6 (4) A motor vehicle registered in South Dakota of less than thirty thousand pounds gross
7 weight owned by a merchant licensed under chapter 10-45 or ~~his~~ the merchant's
8 commissioned paid employee and used to transport the merchant's previously sold
9 merchandise to a purchaser outside the limits of a municipality and to return
10 exchanged property or to transport fuels to a purchaser within a municipality or an
11 unincorporated town which is without such service;
- 12 (5) A motor vehicle registered in South Dakota, owned by a farmer of this state and used
13 by or for the farmer to transport property for ~~his~~ the farmer's farming operation, to
14 transport farm property from farm to farm or from a community or market to ~~his~~ the
15 farm or from ~~his~~ the farm to a community or market, to transport ~~fifteen or less head~~
16 of livestock in a vehicle or combination of vehicles registered at twenty-six thousand
17 pounds or less without monetary compensation, or to transport farm property when
18 the vehicles are used as reimbursement in the ordinary exchange of farm work ~~if the~~
19 ~~provisions of § 49-28-8.2 are met;~~
- 20 (6) A motor vehicle registered in South Dakota operated by or for its owner and
21 exclusively used to transport products originating in or produced from logging or
22 mining operations or lumber milling waste products if such products are owned in fee
23 by the motor vehicle owner;
- 24 (7) Except as provided in § 32-9-3.3, any motor vehicle, trailer, semitrailer, motor
25 propelled, or trailed vehicle chassis registered in South Dakota, which is used for

1 highway construction or for the construction of stock water dugouts, dams, farm and
2 ranch irrigation systems, or other soil and water conservation projects on farms and
3 ranches and used exclusively on the job site. Such equipment may move between job
4 sites or from job site to a central location;

5 (8) A motor vehicle used principally for providing prearranged transportation of persons
6 to or from their place of employment and is operated by a person who does not drive
7 the vehicle for ~~his~~ the person's principal occupation, but is driving it only to or from
8 ~~his~~ the person's principal place of employment or for personal use as permitted by the
9 owner of the vehicle;

10 (9) A motor vehicle that is not for hire and is operated solely for educational purposes by
11 a student or an instructor as part of a heavy motor vehicle or heavy equipment
12 operator's course offered by a nonprofit postsecondary institution located in the state;

13 (10) A motor vehicle used for personal purposes and not operated for private business use;

14 (11) A motor vehicle used for recreational purposes and not operated for private business
15 use;

16 (12) A motor vehicle, trailer, semitrailer, motor propelled, or trailed vehicle chassis,
17 registered in South Dakota and used to move equipment involved in soil and water
18 conservation projects or township road work when operated between job sites or
19 from a job site to a central location or point of repair;

20 (13) Any motor vehicle used by an implement dealer to transport farm machinery to and
21 from a county fair or the state fair;

22 (14) A motor vehicle owned by a licensed motor vehicle dealer and used to transport
23 inventory replacement vehicles to the dealer's principal place of business. For the
24 purpose of this subdivision, motor vehicle does not include any motor vehicle which
25 carries inventory replacement vehicles entirely upon its own structure.

1 **BILL HISTORY**

2 1/19/00 First read in House and referred to Transportation. H.J. 133

3 1/24/00 Scheduled for Committee hearing on this date.

4 1/26/00 Scheduled for Committee hearing on this date.

5 1/26/00 Transportation Do Pass Amended, Passed, AYES 12, NAYS 0. H.J. 250

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

880D0663

HOUSE STATE AFFAIRS COMMITTEE ENGROSSED NO. **HB1164** - 1/27/00

Introduced by: Representatives Hunt, Cutler, Fiegen, Koskan, McNenny, and Smidt and
Senators Rounds and Halverson

1 FOR AN ACT ENTITLED, An Act to limit nonresident political contributions under certain
2 circumstances.

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

4 Section 1. That chapter 12-25 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 No candidate for state-wide office or legislative office, nor the committee of any such
7 candidate, may accept, in any calendar year, more than twenty-five percent of the candidate's or
8 committee's total contributions from individual contributors who are not residents of the State
9 of South Dakota, or from political party committees or political action committees not organized
10 in the State of South Dakota.

11 Section 2. That chapter 12-25 be amended by adding thereto a NEW SECTION to read as
12 follows:

13 No political party committee or political action committee organized in the State of South
14 Dakota may accept, in any calendar year, more than twenty-five percent of its total contributions
15 from contributors who are not residents of, or organized in, the State of South Dakota.

1 **BILL HISTORY**

2 1/19/00 First read in House and referred to State Affairs. H.J. 135

3 1/24/00 Scheduled for Committee hearing on this date.

4 1/26/00 Scheduled for Committee hearing on this date.

5 1/26/00 State Affairs Do Pass Amended, Passed, AYES 7, NAYS 5. H.J. 242

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

592D0397

HOUSE JUDICIARY COMMITTEE ENGROSSED NO. **HB1167** - 1/27/00

Introduced by: Representative Napoli and Senator Olson

1 FOR AN ACT ENTITLED, An Act to create a rebuttable presumption that the removal of
2 certain property from the state without payment constitutes fraud.

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

4 Section 1. That chapter 22-30A be amended by adding thereto a NEW SECTION to read
5 as follows:

6 If any person transfers property purchased at a public auction beyond the borders of this state
7 without first either making full payment for the property or obtaining the written consent of the
8 auctioneer to transfer the property out of state, a rebuttable presumption arises that the transfer
9 was made with intent to defraud within the meaning of §§ 22-30A-1 and 22-30A-10 and that the
10 person who is the purchaser and transferrer has committed theft.

1 **BILL HISTORY**

2 1/19/00 First read in House and referred to committee assignment waived. H.J. 135

3 1/20/00 Referred to Judiciary.

4 1/26/00 Scheduled for Committee hearing on this date.

5 1/26/00 Judiciary Do Pass Amended, Passed, AYES 12, NAYS 1. H.J. 252