

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

995D0027

HOUSE RETIREMENT LAWS COMMITTEE

ENGROSSED NO. **HB1002** - 2/7/00

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

Introduced by: Representatives Michels, Davis, Diedrich (Larry), Fiegen, and Fischer-Clemens and Senators Olson, Albers, Brown (Arnold), Lawler, and Rounds at the request of the Interim Retirement Laws Committee

1 FOR AN ACT ENTITLED, An Act to require an independent actuarial review of equity issues
2 regarding the South Dakota Retirement System.

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

4 Section 1. An independent actuarial review shall be completed of the South Dakota
5 Retirement System, focusing upon issues of equity regarding member benefits, including, but not
6 limited to, the class A alternate formula, class differences, length of service issues, purchase of
7 credited service, cost of living allowance, death and disability benefits, married members,
8 members with younger spouses, life expectancy, early retirement, and reemployment after
9 retirement.

10 Section 2. The Retirement Laws Committee shall submit a request for proposals, and shall
11 designate an approved actuary to carry out the study no later than July 1, 2000. The approved
12 actuary shall report its findings to the Retirement Laws Committee no later than December 1,
13 2000.

14 Section 3. This independent actuarial review shall be paid for out of the South Dakota
15 retirement system fund. Expenditures shall be disbursed on warrants drawn by the state auditor

1 and shall be supported by vouchers approved by the administrator of the system.

2 Section 4. Whereas, this Act is necessary for the support of the state government and its
3 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full
4 force and effect from and after its passage and approval.

1 **BILL HISTORY**

2 1/11/00 First read in House and referred to committee assignment waived. H.J. 12

3 1/14/00 Referred to Retirement Laws. H.J. 48

4 1/27/00 Scheduled for Committee hearing on this date.

5 1/27/00 Deferred by Chair.

6 2/3/00 Scheduled for Committee hearing on this date.

7 2/3/00 Retirement Laws Do Pass Amended, Passed, AYES 5, NAYS 0. H.J. 411

8 2/4/00 Retirement Laws Hog Housed.

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

285D0028

HOUSE TAXATION COMMITTEE ENGROSSED NO. **HB1005** - 2/4/00

Introduced by: Representatives Lintz, Chicoine, Engbrecht, Juhnke, McNenny, Sutton (Duane), Waltman, and Young and Senators Symens, Madden, Paisley, and Vitter at the request of the Interim Tax Assessment Committee

1 FOR AN ACT ENTITLED, An Act to use agricultural income value to determine the value of
2 agricultural land and to conduct a pilot study on agricultural income value.

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

4 Section 1. That chapter 10-6 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Notwithstanding the provisions of § 10-6-33, agricultural land shall be assessed based on its
7 agricultural income value. The agricultural income value of agricultural land shall be determined
8 on the basis of productivity and the annual earnings capacity of the agricultural land if the land
9 is used for agricultural purposes. The productivity of land and its annual earning capacity shall
10 be based on data collected and analyzed pursuant to sections 2 to 5, inclusive, of this Act.

11 Section 2. That chapter 10-6 be amended by adding thereto a NEW SECTION to read as
12 follows:

13 Agricultural income value is defined as the capitalized average annual earning capacity. The
14 annual earning capacity shall be determined from share rent and, reduced by the estimated
15 property taxes and marketing expenses incurred by agricultural land owners renting agricultural

1 land on a share basis. The capacity of the cropland to produce agricultural products shall be
2 based on average yields for crops or plants under natural conditions. The capacity of
3 noncropland to produce agricultural products shall be based on average acres per animal unit
4 under natural conditions. For the purpose of this section, annual earning capacity for:

- 5 (1) Cropland is thirty percent of the annual gross income produced;
- 6 (2) Noncropland is twenty-five percent of the annual gross income capacity of the land
7 based upon the animal carrying capacity of the land.

8 The economics department of South Dakota State University shall annually compute the
9 average annual earning capacity of cropland and noncropland for each county using the data base
10 defined in section 4 of this Act. The average annual earning capacity shall be capitalized at a rate
11 of six percent to determine the capitalized average annual earning capacity. The economics
12 department shall annually provide the secretary of revenue this information by June first.

13 Section 3. That chapter 10-6 be amended by adding thereto a NEW SECTION to read as
14 follows:

15 Before July first, the secretary of revenue shall annually provide each director of equalization
16 the agricultural income value for each county as computed pursuant to section 2 of this Act.
17 Before November first the director of equalization shall annually determine the assessed value
18 of agricultural land. Agricultural land shall be assessed based on its agricultural income value and
19 adjusted by the following factors:

- 20 (1) The capacity of the land to produce agricultural products as specified in section 2 of
21 this Act; and
- 22 (2) The location, size, soil survey statistics, terrain, and topographical condition of the
23 land including the climate, accessibility, and surface obstructions which can be
24 documented.

25 Section 4. That chapter 10-6 be amended by adding thereto a NEW SECTION to read as

1 follows:

2 The secretary of revenue shall enter into contracts with South Dakota State University and,
3 if necessary, the South Dakota Agricultural Statistics Service for the purpose of creating a data
4 base to determine the agricultural income value of agricultural land by county. A data base for
5 an identifiable region within a county may be created if the director of equalization shows a need
6 for establishing identifiable regions within a county. The secretary shall collect such data for
7 1993, which will serve as the first year of the data base, and each year thereafter. The data base
8 shall consist of the most recent eight years of data that have been collected and the years
9 representing the highest and lowest agricultural income value shall be discarded from the data
10 base. The data base for the 2002 assessment year shall consist of data from 1993 to 2000,
11 inclusive, and the data base for each assessment year thereafter shall be adjusted accordingly.

12 Section 5. That chapter 10-6 be amended by adding thereto a NEW SECTION to read as
13 follows:

14 Agricultural land shall be divided by the director of equalization into categories, including
15 cropland and noncropland, so that the categories reflect uses appropriate for the valuation of
16 such land. Each category shall be divided into subclasses based on soil classification standards
17 developed by the United States Department of Agriculture Natural Resources Conservation
18 Service.

19 Section 6. That chapter 10-6 be amended by adding thereto a NEW SECTION to read as
20 follows:

21 Buildings and structures, other than normally occupied dwellings on agricultural land and
22 automobile garages or portions of buildings used for that purpose, which are used exclusively
23 for agricultural purposes and situated on agricultural land are hereby specifically classified for
24 tax purposes as agricultural property and shall be assessed pursuant to § 10-6-33.

25 Section 7. That chapter 10-6 be amended by adding thereto a NEW SECTION to read as

1 follows:

2 The agricultural income value for agricultural land as determined pursuant to section 1 of this
3 Act represents eighty-five percent of the fair market value.

4 Section 8. That § 10-6-1 be amended to read as follows:

5 10-6-1. Terms used in this chapter mean:

- 6 (1) "Credit," every claim and demand for money or other valuable thing and every annuity
7 or sum of money receivable at stated periods, due or to become due, and all claims
8 and demands secured by deeds or mortgages due or to become due, except for
9 contracts for deed and mortgages, in which case the term means only the payment
10 received each year under the contract or mortgage;
- 11 (2) "District," township, municipality, or ward, as the case may be;
- 12 (3) "Full agricultural land value," the value of agricultural land as determined by the
13 application of this chapter;
- 14 (4) "Money," gold and silver coin, treasury notes, bank notes, and every deposit which
15 any person owning the same or holding in trust and residing in this state is entitled to
16 withdraw in money on demand;
- 17 (5) "Tract," "lot," "piece," or "parcel" of real property, or "piece or parcel of land," any
18 contiguous quantity of land in the possession of, owned by, or recorded as, the
19 property of the same claimant, person, or company;
- 20 (6) "True and full value," for all real property, except agricultural land, the usual cash
21 selling price at the place where the property to which the term is applied shall be at
22 the time of the assessment.

23 Section 9. That § 10-6-33.1 be repealed.

24 ~~10-6-33.1. The true and full value in money of agricultural land, as defined by § 10-6-31,~~
25 ~~which has been in primarily agricultural use for at least five successive years immediately~~

1 preceding the tax year for which assessment is to be made shall be the market value as
2 determined for each county through the use of all comparable sales of agricultural land based on
3 consideration of the following factors:

4 ~~— (1) — The capacity of the land to produce agricultural products as defined in § 10-6-33.2;~~
5 ~~and~~

6 ~~— (2) — The soil, terrain, and topographical condition of the property including but not limited~~
7 ~~to capability, the land's use, climate, accessibility, and surface obstructions which can~~
8 ~~be documented through an analysis of land selling prices.~~

9 ~~— The comparable sales that are used shall be evidenced by an instrument recorded with the~~
10 ~~register of deeds of the county in which the land is located, if the date of such instrument and the~~
11 ~~recording date is not more than two years prior to the assessment year.~~

12 Section 10. That § 10-6-33.2 be repealed.

13 ~~— 10-6-33.2. Capacity of land in agricultural use to produce agricultural products shall be based~~
14 ~~on average yields under natural conditions, in the case of land producing crops or plants, and on~~
15 ~~the average "acres per animal unit," in the case of grazing land; said average shall affect each~~
16 ~~operating unit and shall be based on the ten-year period immediately preceding the tax year in~~
17 ~~issue. In determining such capacity to produce, the county director of equalization and/or the~~
18 ~~county board of equalization must take into consideration yields, and/or carrying capacity, as~~
19 ~~determined by the soil conservation service, the agricultural stabilization and conservation~~
20 ~~service, the extension service, federal land bank, and private lending agencies dealing with land~~
21 ~~production capacities.~~

22 Section 11. That § 10-6-33.3 be repealed.

23 ~~— 10-6-33.3. Land or improvement on land within an operating unit which is not used incident~~
24 ~~to an agricultural pursuit shall be separately listed and assessed and the income therefrom shall~~
25 ~~not be used in determining the values for the purposes of §§ 10-6-33.1 and 10-6-33.2.~~

1 Section 12. That § 10-6-33.4 be repealed.

2 ~~10-6-33.4. If agricultural land has been classified pursuant to chapter 10-10, land within these~~
3 ~~classifications and the classifications shall conform to the provisions of §§ 10-6-33.1 to~~
4 ~~10-6-33.3, inclusive.~~

5 Section 13. That § 10-6-33.5 be amended to read as follows:

6 10-6-33.5. The assessment, valuation, equalization, and taxation of school and endowment
7 lands shall be at the same level and on the same basis as lands assessed, valued, and equalized
8 according to ~~§§ 10-6-33.1 to 10-6-33.4, inclusive~~ sections 1 to 5, inclusive, of this Act.

9 Section 14. That § 10-6-33.6 be repealed.

10 ~~10-6-33.6. If the median value per acre in an identifiable region within a county deviates by~~
11 ~~more than ten percent from the county average, the county director of equalization may establish~~
12 ~~a separate market value per acre for the land defined by the director of equalization within that~~
13 ~~region.~~

14 Section 15. That § 10-6-33.7 be repealed.

15 ~~10-6-33.7. Agricultural land in each county shall be divided into the eight classes defined by~~
16 ~~the United States Department of Agriculture's soil conservation service as published in its soil~~
17 ~~survey for each county. The county director of equalization shall, based on the agricultural lands~~
18 ~~soil survey classification, determine a value for each soil type. The value for each soil type shall~~
19 ~~be determined from sales of similar land based upon its soil survey classification, and as adjusted~~
20 ~~for the factors contained in subdivision 10-6-33.1(2). The sales used shall be sales of agricultural~~
21 ~~land that are sold for agricultural purposes.~~

22 Section 16. That § 10-6-33.12 be repealed.

23 ~~10-6-33.12. For the purposes of §§ 10-6-33.8 and 10-6-33.9, there shall be a separate~~
24 ~~median sales to assessment ratio and coefficient of dispersion for agricultural and nonagricultural~~
25 ~~real property.~~

1 Section 17. That § 10-6-33.20 be repealed.

2 ~~10-6-33.20. Any agricultural land, as defined in § 10-6-31.3, which is sold in an increment~~
3 ~~of seventy acres or less, may not be used for the purpose of valuing agricultural land. The sale~~
4 ~~of any agricultural land, which is not used for purpose of valuing agricultural property pursuant~~
5 ~~to this section, may not be used in any sales ratio study.~~

6 Section 18. That § 10-11-56.5 be repealed.

7 ~~10-11-56.5. No sale of any land which is classified pursuant to § 10-6-58 may be used in any~~
8 ~~sales ratio study.~~

9 Section 19. That § 10-11-57 be repealed.

10 ~~10-11-57. In order to determine the ratio for agricultural land assessed pursuant to~~
11 ~~§ 10-6-33.1, the secretary of revenue shall compare the assessed valuations on properties used~~
12 ~~for tax purposes in the year sold with the agricultural values of those properties as determined~~
13 ~~under §§ 10-6-33.1 and 10-6-33.2.~~

14 Section 20. That § 10-12-31.1 be amended to read as follows:

15 10-12-31.1. Notwithstanding other provision of law, when applying the levies for school
16 purposes, the county director of equalization of each county shall adjust the level of assessment
17 in that district so that the level of assessment as indicated by the most recent assessment to sales
18 ratio as provided for in § 10-11-55 and the most recent ~~assessment to full agricultural land value~~
19 ~~ratio~~ agricultural income value as provided for in ~~§ 10-11-57 section 1 of this Act~~ in that district
20 are equal to eighty-five percent of market or agricultural income value. The Department of
21 Revenue shall provide the director of equalization of each county all of the factors of adjustment
22 necessary for the computations required in this section.

23 Section 21. Sections 1 to 3, inclusive, of this Act and sections 5 to 20, inclusive, of this Act
24 are effective on July 1, 2002.

25 Section 22. The secretary of revenue shall conduct a pilot study concerning the use of

1 agricultural income value as a means to value agricultural land. The pilot study shall include an
2 analysis of various capitalization rates and determine the impact of such rates on the total
3 statewide assessed value of agricultural property and its relationship to the total statewide
4 assessed value of all property. The pilot study shall include the counties of Clark, Moody,
5 Turner, Brown, Hyde, Lyman, Corson, Meade, and Custer. The secretary shall, for the purpose
6 of providing information, apply the provisions and procedures provided in this Act to value
7 agricultural land in the selected counties. The secretary shall submit a report detailing the
8 information collected to the Executive Board of the Legislative Research Council by March 31,
9 2001. The Executive Board of the Legislative Research Council, after receipt of the pilot study,
10 may implement an interim study to study the effects of the capitalization rate, preventing a tax
11 shift between agricultural and nonagricultural property, and to evaluate the procedures used to
12 determine agricultural income values, preventing tax shifts within agricultural property.

1 **BILL HISTORY**

2 1/11/00 First read in House and referred to Taxation. H.J. 13

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

4 2/3/00 Scheduled for Committee hearing on this date.

5 2/3/00 Taxation Do Pass Amended, Passed, AYES 10, NAYS 2. H.J. 402

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

271D0270

HOUSE EDUCATION COMMITTEE ENGROSSED NO. **HB1078** - 2/2/00

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

Introduced by: Representatives Brown (Richard), Brooks, Haley, Koetzle, Lucas, and McCoy
and Senators Brosz, Brown (Arnold), and Olson

1 FOR AN ACT ENTITLED, An Act to revise the index factor in the state aid to education
2 formula, to reduce state aid to education to certain school districts with excess general fund
3 cash balances, and to create an education improvement fund.

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

5 Section 1. That § 13-13-10.1 be amended to read as follows:

6 13-13-10.1. Terms used in this chapter mean:

7 (1) "General enrollment average daily membership," the average number of resident and
8 nonresident kindergarten through twelfth grade pupils enrolled in all schools operated
9 by the school district during the previous regular school year, minus average number
10 of pupils for whom the district receives tuition, except pupils described in subdivision
11 (1A) and pupils for whom tuition is being paid pursuant to § 13-28-42 and plus the
12 average number of pupils for whom the district pays tuition, except pupils for whom
13 the district pays tuition pursuant to § 13-28-42;

14 (1A) Nonresident students who are in the care and custody of the Department of Social
15 Services, the Unified Judicial System, the Department of Corrections, or other state

1 agencies and are attending a public school may be included in the average daily
2 membership of the receiving district when enrolled in the receiving district. When
3 counting a student who meets these criteria in its general enrollment average daily
4 membership, the receiving district may begin the enrollment on the first day of
5 attendance. The district of residence prior to the custodial transfer may not include
6 students who meet these criteria in its general enrollment average daily membership
7 after the student ceases to attend school in the resident district;

8 (2) "Adjusted average daily membership," calculated as follows:

9 (a) For districts with a general enrollment average daily membership of two
10 hundred or less, multiply 1.2 times the general enrollment average daily
11 membership;

12 (b) For districts with a general enrollment average daily membership of less than
13 six hundred, but greater than two hundred, raise the general enrollment average
14 daily membership to the 0.8293 power and multiply the result times 2.98;

15 (c) For districts with a general enrollment average daily membership of six hundred
16 or more, multiply 1.0 times their general enrollment average daily membership;

17 (3) "Index factor," is the annual percentage change in the consumer price index for urban
18 wage earners and clerical workers as computed by the Bureau of Labor Statistics of
19 the United States Department of Labor for the year before the year immediately
20 preceding the year of adjustment ~~or three percent, whichever is less~~ plus the
21 enrollment adjustment. However, the index factor may not be less than three percent;

22 (3A) "Enrollment adjustment," is the negative of the annual percent change in the statewide
23 general enrollment average daily membership for the year before the year immediately
24 preceding the year of adjustment. However, the enrollment adjustment may not be less
25 than zero;

1 (4) "Per student allocation," for the period January 1, 1997, to June 30, 1997, inclusive,
2 is \$1,675. For school fiscal year 1998, beginning on July 1, 1997, the per student
3 allocation shall be \$3,350 increased by the index factor. Each school fiscal year
4 thereafter, the per student allocation shall be the previous fiscal year's per student
5 allocation increased by the index factor;

6 (5) "Local need," the per student allocation multiplied by the adjusted average daily
7 membership;

8 (6) "Local effort," the amount of ad valorem taxes generated in a school fiscal year by
9 applying the levies established pursuant to § 10-12-42.

10 Section 2. Any school district that receives revenue resulting from the enrollment adjustment
11 shall use the resulting revenue to increase teachers' salaries. The Department of Education and
12 Cultural Affairs shall certify to each school district the amount of revenue it will receive from
13 general state aid to education resulting from the enrollment adjustment.

14 Section 3. School districts shall certify to the Department of Education and Cultural Affairs
15 that the revenue received resulting from the enrollment adjustment is used to increase teachers'
16 salaries.

17 Section 4. That § 13-37-35.1 be amended to read as follows:

18 13-37-35.1. Terms used in chapter 13-37 mean:

19 (1) "Level one disability," a mild disability;

20 (2) "Level two disability," a mental retardation or emotional disorder;

21 (3) "Level three disability," hearing impairment, deafness, visual impairment,
22 deaf-blindness, orthopedic impairment, or traumatic brain injury;

23 (4) "Level four disability," autism;

24 (5) "Level five disability," multiple disabilities;

25 (6) "Index factor," is the annual percentage change in the consumer price index for urban

1 wage earners and clerical workers as computed by the Bureau of Labor Statistics of
2 the United States Department of Labor for the year before the year immediately
3 preceding the year of adjustment ~~or three percent, whichever is less.~~ However, the
4 index factor may not be less than three percent or greater than five percent;

5 (7) "Local effort," is the amount of taxes payable each year, using a levy for the special
6 education fund of a school district of one dollar and thirty-five cents per thousand
7 dollars of taxable valuation;

8 (8) "Allocation for a student with a level one disability," for the school fiscal year
9 beginning July 1, 1999, is \$3,504. For each school year thereafter, the allocation for
10 a student with a level one disability shall be the previous fiscal year's allocation for
11 such child increased by ~~the lesser of the index factor or three percent;~~

12 (9) "Allocation for a student with a level two disability," for the school fiscal year
13 beginning July 1, 1999, is \$7,914. For each school year thereafter, the allocation for
14 a student with a level two disability shall be the previous fiscal year's allocation for
15 such child increased by ~~the lesser of the index factor or three percent;~~

16 (10) "Allocation for a student with a level three disability," for the school fiscal year
17 beginning July 1, 1999, is \$10,116. For each school year thereafter, the allocation for
18 a student with a level three disability shall be the previous fiscal year's allocation for
19 such child increased by ~~the lesser of the index factor or three percent;~~

20 (11) "Allocation for a student with a level four disability," for the school fiscal year
21 beginning July 1, 1999, is \$14,705. For each school year thereafter, the allocation for
22 a student with a level four disability shall be the previous fiscal year's allocation for
23 such child increased by ~~the lesser of the index factor or three percent;~~

24 (12) "Allocation for a student with a level five disability," for the school fiscal year
25 beginning July 1, 1999, is \$15,808. For each school year thereafter, the allocation for

1 a student with a level five disability shall be the previous fiscal year's allocation for
2 such child increased by ~~the lesser of the index factor or three percent~~;

3 (13) "Child count," is the number of students in need of special education or special
4 education and related services according to criteria set forth in rules promulgated
5 pursuant to §§ 13-37-1.1 and 13-37-46 submitted to the Department of Education
6 and Cultural Affairs in accordance with rules promulgated pursuant to § 13-37-1.1;

7 (14) "Resident average daily membership," the average number of resident kindergarten
8 through twelfth grade pupils enrolled in all schools operated by the school district
9 during the previous regular school year plus the average number of pupils for whom
10 the district pays tuition and plus the average number of resident pupils enrolled in
11 another school district under the provisions of § 13-28-40;

12 (15) "Nonpublic school," a sectarian organization or entity which is accredited by the
13 secretary of education and cultural affairs for the purpose of instructing children of
14 compulsory school age. This definition excludes any school that receives a majority
15 of its revenues from public funds;

16 (16) "Nonpublic average daily membership," the average number of kindergarten through
17 twelfth grade pupils enrolled during the previous regular school year in all nonpublic
18 schools located within the boundaries of the public school district plus the average
19 number of children under age sixteen who are approved for alternative instruction
20 pursuant to § 13-27-2 during the previous school year;

21 (17) "Special education average daily membership," resident average daily membership
22 plus nonpublic average daily membership;

23 (18) "Local need," an amount to be determined as follows:

24 (a) Multiply the special education average daily membership by 0.089 and multiply
25 the result by the allocation for a student with a level one disability;

- 1 (b) Multiply the number of students having a level two disability as reported on the
 - 2 child count for the previous school fiscal year by the allocation for a student
 - 3 with a level two disability;
 - 4 (c) Multiply the number of students having a level three disability as reported on
 - 5 the child count for the previous school fiscal year by the allocation for a
 - 6 student with a level three disability;
 - 7 (d) Multiply the number of students having a level four disability as reported on the
 - 8 child count for the previous school fiscal year by the allocation for a student
 - 9 with a level four disability;
 - 10 (e) Multiply the number of students having a level five disability as reported on the
 - 11 child count for the previous school fiscal year by the allocation for a student
 - 12 with a level five disability;
 - 13 (f) Sum the results of (a) through (e);
- 14 (19) "Effort factor," the school district's special education tax levy in dollars per thousand
- 15 divided by \$1.35. The maximum effort factor is 1.0.

16 Section 5. Any teacher who teaches in a public school in South Dakota and who has obtained

17 certification by the National Board for Professional Teaching Standards shall receive a payment

18 of one thousand dollars from the Department of Education and Cultural Affairs as partial

19 reimbursement for costs incurred in completing the certification process. If the teacher does not

20 remain a teacher in a South Dakota public school for at least three years following such

21 certification, the teacher shall refund the payment.

22 Section 6. In addition to the reimbursement provided pursuant to section 5 of this Act, any

23 teacher who teaches in a public school in South Dakota and who has obtained certification by

24 the National Board for Professional Teaching Standards shall receive a payment of two thousand

25 dollars per year from the Department of Education and Cultural Affairs for the duration of the

1 certification, not to exceed ten years. A teacher is eligible for payment under this section only
2 if the teacher teaches in a public school in South Dakota.

3 Section 7. Any teacher who teaches in a public school in South Dakota and who has obtained
4 certification by the National Board for Professional Teaching Standards is exempt from any state
5 certification renewal requirements and any other requirements for additional academic training
6 for the duration of the national certification.

7 Section 8. Sections 5, 6, and 7 of this Act are effective on July 1, 2001.

8 Section 9. The Department of Education and Cultural Affairs may promulgate rules pursuant
9 to chapter 1-26 to define general fund balances for the purposes for which the term is used in this
10 Act and criteria for the Excess General Fund Oversight Board to grant waivers and to verify the
11 certification by a school district that revenue resulting from the enrollment adjustment is used
12 to increase teachers' salaries.

1 **BILL HISTORY**

2 1/15/00 First read in House and referred to Education. H.J. 55

3 2/1/00 Education Hog Housed.

4 2/1/00 Scheduled for Committee hearing on this date.

5 2/1/00 Education Do Pass Amended, Passed, AYES 10, NAYS 3. H.J. 324

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

555D0502

SENATE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **HB1086** - 2/3/00

Introduced by: Representatives Duniphan and Chicoine and Senators Ham and Reedy

1 FOR AN ACT ENTITLED, An Act to revise certain provisions related to the care and
2 maintenance of municipal cemeteries.

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

4 Section 1. That § 9-32-20.1 be amended to read as follows:

5 9-32-20.1. ~~If a municipality finds it necessary to acquire heavy machinery to maintain the~~
6 ~~cemetery and to open and close graves, Any municipality may expend~~ a portion of the perpetual
7 ~~care trust fund may be used under the following conditions: if the trust fund is in the amount of~~
8 ~~fifty thousand dollars or more, and the governing board deems it necessary to purchase heavy~~
9 ~~machinery for the proper interment of the deceased, one thousand dollars for each five thousand~~
10 ~~dollars to maintain the cemetery. However, only amounts~~ in excess of fifty thousand dollars may
11 be expended ~~to purchase heavy machinery and used~~ for cemetery uses purposes only. The
12 expenditure of perpetual care trust funds as provided for in this section may only be used once
13 ~~in a seven-year period. For expenditures in excess of five thousand dollars, notice of hearing shall~~
14 be published twice, with the second notice not less than ten days in advance of the hearing.

15 Section 2. That § 9-32-20.2 be repealed.

16 ~~9-32-20.2. For the purposes of § 9-32-20.1, heavy machinery includes diesel or gas~~

1 ~~backhoes, front-end loaders and other similar machinery with the purchase price of ten thousand~~
2 ~~dollars or greater. Heavy machinery does not include small riding lawn mowers, power rakes,~~
3 ~~sod cutters, lawn vacuums or other similar machinery.~~

1 **BILL HISTORY**

2 1/15/00 First read in House and referred to Local Government. H.J. 57

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

4 1/20/00 Local Government Do Pass, Passed, AYES 12, NAYS 0. H.J. 172

5 1/24/00 House of Representatives Do Pass, Passed, AYES 62, NAYS 4. H.J. 213

6 1/25/00 First read in Senate and referred to Local Government. S.J. 197

7 2/2/00 Scheduled for Committee hearing on this date.

8 2/2/00 Local Government Do Pass Amended, Passed, AYES 7, NAYS 0. S.J. 287

9 2/2/00 Local Government Place on Consent Calendar.

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

664D0448

HOUSE COMMERCE COMMITTEE ENGROSSED NO. **HB1102** - 2/4/00

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

Introduced by: Representatives Brown (Jarvis) and Diedtrich (Elmer) and Senators Paisley, Lange, and Staggers

- 1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to insurance arbitration.
2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:
3 Section 1. That § 21-25A-3 be amended to read as follows:
4 21-25A-3. This chapter does not apply to insurance policies and every provision in any such
5 policy requiring arbitration or restricting a party thereto or beneficiary thereof from enforcing
6 any right under it by usual legal proceedings in ordinary tribunals or limiting the time to do so
7 is void and unenforceable. However, nothing in this chapter may be deemed to impair the
8 enforcement of or invalidate a contractual provision for arbitration entered into between
9 insurance companies. The parties to a dispute may agree in writing to arbitrate after the
10 occurrence of an event concerning the enforceability, terms, conditions, damages, or any other
11 dispute involving the insurance policy.

1 **BILL HISTORY**

2 1/18/00 First read in House and referred to committee assignment waived. H.J. 112

3 1/19/00 Referred to Judiciary. H.J. 144

4 1/26/00 House of Representatives Referred to Commerce. H.J. 246

5 2/3/00 Commerce Hog Housed.

6 2/3/00 Commerce Hog Housed.

7 2/3/00 Scheduled for Committee hearing on this date.

8 2/3/00 Commerce Do Pass Amended, Passed, AYES 8, NAYS 4. H.J. 404

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

681D0182

HOUSE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **HB1134** - 2/4/00

Introduced by: Representatives Broderick, Chicoine, Cutler, and Wilson and Senators Albers,
Everist and Reedy

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the issuance of on-sale
2 alcoholic beverage licenses within improvement districts.

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

4 Section 1. A county may issue on-sale licenses pursuant to subdivision 35-4-2(6) to be
5 operated only within an improvement district, created pursuant to chapter 7-25A, within the
6 county. The number of licenses issued in the improvement district may not exceed three for the
7 first one thousand of population and may not exceed one for each additional fifteen hundred of
8 population or fraction thereof, including any licenses issued in the improvement district prior to
9 July 1, 2000.

10 Section 2. That § 35-4-11.1 be amended to read as follows:

11 35-4-11.1. If not previously fixed by ordinance or continuing resolution, the board of county
12 commissioners shall on or before the first of September in each year determine the number of
13 on-sale licenses it will approve for the ensuing calendar year and the fees to be charged for the
14 various classifications of licenses. The number of licenses issued may not exceed three for the
15 first one thousand of population and may not exceed one for each additional fifteen hundred of
16 population or fraction thereof, the population to include only those residing within the county

1 but outside the incorporated municipalities and improvement districts, created pursuant to
2 chapter 7-25A, within the county. However, any license issued in an improvement district prior
3 to July 1, 2000, shall be included when calculating the total number of licenses that may be issued
4 by the county where the improvement district is located. No licensee regularly licensed to do
5 business on July 1, 1981, may be denied reissuance of ~~his~~ a license in subsequent years solely by
6 reason of any limitations, based upon population quotas, of the number of licenses authorized
7 or established under the provisions of this title. Licenses issued to concessionaires, and lessees
8 of the State of South Dakota, within the boundaries of state parks, prior to January 1, 1983, may
9 be subtracted when calculating the total number of licenses permitted in this section. The quotas
10 established in this section do not apply to licenses issued pursuant to subdivisions 35-4-2(16) and
11 (17).

1 **BILL HISTORY**

2 1/18/00 First read in House and referred to Local Government. H.J. 118

3 1/23/00 Scheduled for Committee hearing on this date.

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

5 1/25/00 Local Government Do Pass, Failed, AYES 5, NAYS 7.

6 1/25/00 Deferred to 36th legislative day, AYES 7, NAYS 5. H.J. 229

7 2/3/00 Local Government Reconsidered, AYES 11, NAYS 2.

8 2/3/00 Local Government Do Pass Amended, Passed, AYES 11, NAYS 2. H.J. 405

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

498D0511

HOUSE STATE AFFAIRS COMMITTEE

ENGROSSED NO. **HB1166** - 2/7/00

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

Introduced by: Representatives Sutton (Daniel), Brown (Jarvis), Crisp, Engbrecht, Haley, Hanson, Klaudt, Koehn, Koetzle, Kooistra, Lucas, McIntyre, Michels, Nachtigal, Napoli, Patterson, Slaughter, and Weber and Senators Daugaard, Flowers, Hutmacher, Kloucek, Lange, Lawler, and Olson

1 FOR AN ACT ENTITLED, An Act to require minimum training requirements for corrections
2 officers.

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

4 Section 1. That chapter 26-11A be amended by adding thereto a NEW SECTION to read
5 as follows:

6 Any juvenile correctional officer shall complete four hours of instruction regarding domestic
7 abuse and violence. The instruction content shall be approved by the corrections commission
8 established in § 1-15-1.13.

9 Section 2. That chapter 26-11A be amended by adding thereto a NEW SECTION to read
10 as follows:

11 The Department of Social Services shall reimburse the Department of Corrections for any
12 domestic abuse and violence training as prescribed in section 1 of this Act. The Department of
13 Social Services shall use funding received from the Violence Against Women Act, set out in Title
14 IV of the Violent Crime Control and Law Enforcement Act of 1994.

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 State Affairs. H.J. 160

4 1/31/00 Scheduled for Committee hearing on this date.

5 1/31/00 State Affairs Tabled, AYES 7, NAYS 6. H.J. 324

6 2/3/00 Recalled from committee (Rule 7-7). H.J. 388

7 2/4/00 State Affairs Hog Housed.

8 2/4/00 State Affairs Removed from Table, AYES 11, NAYS 1.

9 2/4/00 State Affairs Do Pass Amended, Passed, AYES 7, NAYS 5. H.J. 427

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

472D0594

HOUSE COMMERCE COMMITTEE ENGROSSED NO. **HB1185** - 2/2/00

Introduced by: Representatives Fiegen, Brooks, Crisp, Cutler, Derby, Eccarius, Hunt, Jaspers, Juhnke, McNenny, Peterson, Sutton (Duane), and Wilson and Senators Brown (Arnold), Flowers, and Staggers

1 FOR AN ACT ENTITLED, An Act to allow the offer of an individual health benefit plan
2 without certain mandates.

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

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

6 An insurer may offer an individual health benefit plan without the minimum benefit
7 requirements otherwise required by this chapter, except for the benefits required by §§ 58-17-54,
8 58-17-55, 58-17-56, and 58-17-88.

1 **BILL HISTORY**

2 1/19/00 First read in House and referred to committee assignment waived. H.J. 138

3 1/20/00 Referred to Commerce.

4 2/1/00 Scheduled for Committee hearing on this date.

5 2/1/00 Commerce Do Pass Amended, Passed, AYES 9, NAYS 1. H.J. 343

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

257D0659

HOUSE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **HB1237** - 2/4/00

Introduced by: Representatives Derby, Apa, Brown (Richard), Crisp, Diedrich (Larry), Duenwald, Duniphan, Earley, Garnos, Jaspers, Klaudt, McNenny, Napoli, Pummel, Richter, Sutton (Daniel), Wetz, Wilson, Wudel, and Young and Senators Dunn (Jim), Bogue, Ham, Hutmacher, Kleven, and Shoener

1 FOR AN ACT ENTITLED, An Act to authorize additional licenses to sell alcoholic beverages
2 in certain convention facilities in certain municipalities.

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

4 Section 1. That chapter 35-4 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 In addition to the licenses provided by §§ 35-4-11 and 35-4-11.2, any municipality that is
7 authorized by chapter 42-7B to allow legal games of chance may issue up to twelve additional
8 convention facility on-sale licenses to hotel-motel convention facilities. A hotel-motel convention
9 facility as used in this section is a facility that, in a bona fide manner, is used and kept open for
10 the hosting of large groups of guests for compensation which has at least fifty rooms which are
11 suitable lodging accommodations and convention facilities with seating for at least one hundred
12 fifty persons. In a locally designated historical district, in a municipality that is authorized to
13 conduct gaming by chapter 42-7B, any license created by this section shall be available to
14 buildings subject to rehabilitation and restored according to the U.S. Department of the Interior
15 standards for historic preservation projects codified in 36 C.F.R. 67 as of January 1, 1994. Such

1 a rehabilitation project shall have at least thirty rooms that are suitable lodging accommodations.

1 **BILL HISTORY**

2 1/21/00 First read in House and referred to Local Government. H.J. 177

3 2/3/00 Scheduled for Committee hearing on this date.

4 2/3/00 Local Government Do Pass Amended, Passed, AYES 8, NAYS 5. H.J. 405

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

822D0162

HOUSE EDUCATION COMMITTEE ENGROSSED NO. **HB1249** - 2/7/00

Introduced by: Representatives Sutton (Daniel), Crisp, Davis, Fischer-Clemens, Garnos, Haley, Kooistra, McIntyre, Nachtigal, and Wilson and Senators Olson, Dennert, Reedy, and Staggers

1 FOR AN ACT ENTITLED, An Act to provide for the development and administration by the
2 state of certain standardized academic achievement tests.

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

4 Section 1. That § 13-3-55 be amended to read as follows:

5 13-3-55. Every school district shall administer the same academic achievement test to all
6 students in grades two, four, eight, and eleven. In addition, every school district shall administer
7 to all students in grades five and nine an achievement test to assess writing skills. These tests
8 shall be provided by the Department of Education and Cultural Affairs and shall assess
9 proficiency in meeting state standards. ~~These tests shall be administered starting during the~~
10 ~~1998-1999 school year.~~ On or before the 2002-2003 school year, a criterion-referenced test
11 administered in this state shall be designed by the state as provided in section 2 of this Act.

12 Section 2. That chapter 13-3 be amended by adding thereto a NEW SECTION to read as
13 follows:

14 The task force established pursuant to section 3 of this Act shall oversee the design and
15 implementation of the state-designed achievement tests required pursuant to § 13-3-55. The

1 Department of Education and Cultural Affairs shall develop the tests and shall act as staff for the
2 task force. The department shall consult with experts with appropriate technical qualifications
3 and experience and with stakeholders to establish, for each grade level to be tested, a single
4 statewide norm-referenced or criterion-referenced test, or a combination of a norm-referenced
5 and a criterion-referenced test, which shall be highly correlated with the state's graduation
6 requirements, course guidelines, and academic content standards. The department shall establish
7 one or more months during which schools shall administer the tests to students each school year.
8 The South Dakota Board of Education shall promulgate rules pursuant to chapter 1-26 to
9 provide for the design, administration, and reporting of the tests.

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

12 The South Dakota Academic Achievement Test Task Force is hereby established. The task
13 force shall oversee the design and implementation of statewide academic achievement tests as
14 provided in this Act. The task force shall consist of nine members appointed by the Governor
15 from the following categories:

- 16 (1) Three teachers appointed from a list of candidates selected by the South Dakota
17 Education Association;
- 18 (2) Three school board members appointed from a list of candidates selected by the
19 Associated School Boards of South Dakota;
- 20 (3) One school administrator appointed from a list of candidates selected by the School
21 Administrators of South Dakota;
- 22 (4) One employee of the Department of Education and Cultural affairs; and
- 23 (5) One member of the South Dakota Board of Education.

24 The task force shall report its progress to the 2001 and 2002 Legislatures. The task force
25 shall receive per diem compensation and allowable expense reimbursement in an amount set

1 pursuant to § 4-7-10.4 for all time actually spent while attending task force meetings. The
2 provisions of sections 2 and 3 of this Act shall be implemented using funds from the normal
3 operating budget of the Department of Education and Cultural Affairs.

1 **BILL HISTORY**

2 1/21/00 First read in House and referred to committee assignment waived. H.J. 180

3 1/24/00 Referred to Education.

4 2/3/00 Scheduled for Committee hearing on this date.

5 2/3/00 Education Do Pass Amended, Passed, AYES 8, NAYS 4. H.J. 410

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

714D0626

HOUSE EDUCATION COMMITTEE
ENGROSSED NO. **HB1257** - 2/4/00

Introduced by: Representatives Garnos, Brown (Richard), Earley, Fiegen, Kooistra, Lucas, and
McCoy and Senator Olson

1 FOR AN ACT ENTITLED, An Act to provide financial incentives for teachers who are
2 nationally certified.

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

4 Section 1. Any teacher who teaches in a K-12 public school in South Dakota and who has
5 obtained certification by the Department of Education and Cultural Affairs shall receive a stipend
6 from the local school district sufficient to reimburse the teacher for fees incurred in completing
7 the National Board for Professional Teaching Standards certification process if the teacher
8 successfully completes all such certification requirements.

1 **BILL HISTORY**

2 1/24/00 First read in House and referred to committee assignment waived. H.J. 194

3 1/25/00 Referred to Education.

4 2/3/00 Scheduled for Committee hearing on this date.

5 2/3/00 Education Do Pass Amended, Passed, AYES 10, NAYS 2. H.J. 383

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

841D0710

HOUSE STATE AFFAIRS COMMITTEE ENGROSSED NO. **HB1266** - 2/7/00

Introduced by: Representatives Hunt, Apa, Brooks, Brown (Richard), Duenwald, Eccarius, Fitzgerald, Fryslie, Heineman, Klaudt, Koskan, Lucas, Monroe, Peterson, Smidt, Volesky, and Young and Senators Dunn (Rebecca), Everist, and Olson

1 FOR AN ACT ENTITLED, An Act to increase marriage license fees and to allow for a lower
2 fee if the applicants complete premarital counseling.

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

4 Section 1. That § 25-1-10 be amended to read as follows:

5 25-1-10. Previous to any marriage within this state, a license shall be obtained from the
6 county register of deeds of any county, the fee for which is ~~forty~~ seventy dollars, except as
7 provided in section 2 of this Act. ~~Ten~~ Fifteen dollars of the marriage license fee shall be retained
8 by the county in which the fee is collected and placed in the county general fund. ~~Thirty~~ Fifty-five
9 dollars of the marriage license fee shall be deposited in the county domestic abuse program fund.

10 The license and record of marriage form shall be prescribed and furnished by the Department of
11 Health. Certified copies of the marriage record shall be furnished by the county register of deeds
12 for a fee of seven dollars which shall be retained by the county in which the fee is collected and
13 placed in the county general fund.

14 Section 2. That chapter 25-10 be amended by adding thereto a NEW SECTION to read as
15 follows:

1 If the applicants for a marriage license produce written evidence, signed by a premarital
2 education provider, qualified in accordance with section 3 of this Act, of the applicants'
3 completion of premarital education, the applicants may obtain a marriage license for a fee of
4 forty dollars, ten dollars of which shall be retained by the county in which the fee is collected and
5 placed in the county general fund. The remaining thirty dollars of the marriage license fee shall
6 be deposited in the county domestic abuse program fund.

7 Section 3. That chapter 25-10 be amended by adding thereto a NEW SECTION to read as
8 follows:

9 The premarital education described in section 2 of this Act shall consist of at least four hours
10 of instruction to prepare the applicants for marriage, including communication skills, financial
11 management, conflict resolution, parenting skills, and marriage resources. The premarital
12 education shall be provided by an official representative of a religious institution, any member
13 of the clergy authorized to perform marriages, any agent designated by a member of the clergy
14 authorized to perform marriages, a licensed behavioral health professional, a psychologist
15 licensed pursuant chapter 36-27A, a marriage and family therapist licensed pursuant to chapter
16 36-33, a social worker certified or licensed pursuant chapter 36-26, or a counselor licensed or
17 certified pursuant chapter 36-32. A provider of premarital education shall provide proof of the
18 provider's qualifications to the county register of deeds for the county in which the provider
19 intends to provide premarital education.

20 Section 4. That chapter 25-10 be amended by adding thereto a NEW SECTION to read as
21 follows:

22 The county register of deeds shall advise each applicant for a marriage license of this Act
23 before providing the applicant with a marriage license application.

1 **BILL HISTORY**

2 1/24/00 First read in House and referred to committee assignment waived. H.J. 196

3 1/25/00 Referred to State Affairs.

4 2/4/00 Scheduled for Committee hearing on this date.

5 2/4/00 State Affairs Do Pass Amended, Passed, AYES 11, NAYS 1. H.J. 428

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

682D0756

HOUSE COMMERCE COMMITTEE ENGROSSED NO. **HB1288** - 2/4/00

Introduced by: Representatives Hagen, Lucas, and Nachtigal and Senator Valandra

1 FOR AN ACT ENTITLED, An Act to permit tribal identification cards in lieu of other
2 identification when applying for a driver's license.

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

4 Section 1. That § 32-12-3.1 be amended to read as follows:

5 32-12-3.1. Every applicant under this chapter shall, on making application for an operator's
6 license, restricted permit, instruction permit, or nondriver identification card, present to the
7 driver's license examiner a certified copy of a United States birth certificate issued in or by a city,
8 county, or state, a tribal identification card containing the applicant's full name and date of birth
9 issued by any tribal government in South Dakota, a federal census record, a naturalization and
10 immigration record authorizing the applicant's presence in the United States, or a valid passport.
11 The examiner may accept other evidence of birth only if the examiner is satisfied that the
12 applicant cannot, for good reason beyond the applicant's control, produce such primary
13 documents. The Department of Commerce and Regulation may not require new evidence of birth
14 at the time an application is made for an operator's permit by a person holding an operator's
15 license, restricted permit, or instruction permit, if that person's operator's license, restricted
16 permit, or instruction permit is turned in to the department with the application. Any person who

- 1 obtains a license, permit, or identification card pursuant to this section fraudulently or by use of
- 2 a fraudulently obtained document is guilty of a Class 2 misdemeanor.

1 **BILL HISTORY**

2 1/24/00 First read in House and referred to committee assignment waived. H.J. 200

3 1/25/00 Referred to Commerce.

4 2/3/00 Scheduled for Committee hearing on this date.

5 2/3/00 Commerce Do Pass Amended, Passed, AYES 8, NAYS 4. H.J. 404

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

400D0793

HOUSE HEALTH AND HUMAN SERVICES COMMITTEE ENGROSSED NO. **HB1317** - 2/3/00

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

1 FOR AN ACT ENTITLED, An Act to provide additional child safety requirements for children
2 in passenger vehicles.

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

4 Section 1. That chapter 32-37 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 The operator of any passenger vehicle transporting a child who is at least five and under
7 eighteen years of age on the streets and highways of this state shall assure that the child is
8 wearing a properly adjusted and fastened safety seat belt system at all times when the vehicle is
9 in motion. A violation of this section is a petty offense.

10 Section 2. That chapter 32-37 be amended by adding thereto a NEW SECTION to read as
11 follows:

12 The operator and every passenger of any passenger vehicle operated on a public street or
13 highway in this state, who is at least fourteen and under eighteen years of age, shall wear a
14 properly adjusted and fastened safety seat belt system at all times when the vehicle is in motion.
15 A violation of this section is a petty offense. In addition to any court-imposed fine or sanction
16 for a second or subsequent violation of this section, the Department of Commerce and

1 Regulation shall suspend the driver's license of any person found in violation of this section for
2 a period of thirty days.

3 Section 3. That § 32-37-2 be amended to read as follows:

4 32-37-2. The provisions of ~~§ 32-37-1~~ this chapter do not apply:

5 ~~(1) If all seating positions equipped with seat belts are occupied, or~~

6 ~~(2) In in~~ passenger cars manufactured before 1966 that have not been equipped with seat
7 belts.

1 **BILL HISTORY**

2 1/25/00 First read in House and referred to committee assignment waived. H.J. 223

3 1/26/00 Referred to Transportation. H.J. 247

4 1/27/00 House of Representatives Referred to Health and Human Services. H.J. 267

5 2/2/00 Scheduled for Committee hearing on this date.

6 2/2/00 Health and Human Services Do Pass Amended, Passed, AYES 9, NAYS 3. H.J. 362

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

995D0024

SENATE RETIREMENT LAWS COMMITTEE

ENGROSSED NO. **SB6** - 1/28/00

Introduced by: Senators Rounds, Albers, Brown (Arnold), Lawler, and Olson and
Representatives Diedrich (Larry), Davis, Fiegen, Fischer-Clemens, and Michels
at the request of the Interim Retirement Laws Committee

1 FOR AN ACT ENTITLED, An Act to provide for the increase of Class A employee and
2 employer contributions to the South Dakota Retirement System.

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

4 Section 1. That § 3-12-71 be amended to read as follows:

5 3-12-71. The member shall make a contribution and the employer shall make an equal
6 contribution, except as otherwise specified, at the following rates:

7 (1) Class A members five percent of compensation through June 30, 2002, and six
8 percent of compensation after June 30, 2002;

9 (2) Justices, judges, and law-trained magistrates nine percent of compensation;

10 (3) All other Class B members eight percent of compensation.

11 The employer shall cause to be deducted on each payroll of a member for each payroll period
12 the contribution payable by the member as provided in this section.

13 ~~Effective July 1, 1984, contributions~~ Contributions required of members by this section shall
14 be made by the participating unit pursuant to the provisions of § 414(h)(2) of the Internal
15 Revenue Code of 1954, as amended and in effect on January 1, 1984. Such contributions shall

- 1 be classified as member contributions for all purposes under this chapter. A member may not
- 2 receive the amount of such contributions directly rather than as contributions under this section.

1 **BILL HISTORY**

2 1/11/00 First read in Senate and referred to Retirement Laws. S.J. 15

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

4 1/26/00 Retirement Laws Do Pass Amended, Passed, AYES 5, NAYS 0. S.J. 220

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

400D0307

HOUSE JUDICIARY COMMITTEE ENGROSSED NO. **SB21** - 2/1/00

Introduced by: The Committee on Judiciary at the request of the Attorney General

1 FOR AN ACT ENTITLED, An Act to allow for additional public distribution of sex offender
2 information.

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

4 Section 1. That § 22-22-34 be amended to read as follows:

5 22-22-34. The Division of Criminal Investigation may make the file available to any regional
6 or national registry of sex offenders. The division shall accept files from any regional or national
7 registry of sex offenders and shall make such files available ~~when~~ if requested pursuant to
8 §§ 22-22-30 to 22-22-39, inclusive. The division may compile regional or statewide registration
9 lists for public inspection as provided by chapter 1-27 or public distribution, including electronic
10 or internet distribution.

1 **BILL HISTORY**

2 1/11/00 First read in Senate and referred to Judiciary. S.J. 17

3 1/14/00 Scheduled for Committee hearing on this date.

4 1/14/00 Judiciary Do Pass, Passed, AYES 5, NAYS 1. S.J. 42

5 1/15/00 Senate Do Pass, Failed, AYES 14, NAYS 18. S.J. 61

6 1/15/00 Intent to reconsider. S.J. 61

7 1/18/00 Senate Reconsidered, AYES 27, NAYS 7. S.J. 69

8 1/19/00 Senate Deferred to another day. S.J. 120

9 1/20/00 Motion to Amend, Passed. S.J. 129

10 1/20/00 Senate Do Pass Amended, Passed, AYES 29, NAYS 5. S.J. 130

11 1/21/00 First read in House and referred to Judiciary. H.J. 185

12 1/31/00 Scheduled for Committee hearing on this date.

13 1/31/00 Judiciary Do Pass Amended, Passed, AYES 8, NAYS 5. H.J. 298

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

400D0328

SENATE COMMERCE COMMITTEE ENGROSSED NO. **SB33** - 1/14/00

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

1 FOR AN ACT ENTITLED, An Act to define the duty of insurers and rights of consumers with
2 regard to auto insurance damage claims.

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

4 Section 1. That chapter 58-12 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 For the purposes of this Act, paintless dent repair is any auto body repair that removes minor
7 dents by using specifically designed tools to manipulate and flex the metal from the backside of
8 the dent without the necessity of sanding, priming, or painting.

9 Section 2. That chapter 58-12 be amended by adding thereto a NEW SECTION to read as
10 follows:

11 Any insurer providing commercial or personal motor vehicle insurance in this state
12 responsible for repairing a damaged vehicle for which it is liable shall provide sufficient
13 compensation to the insured to restore the vehicle to substantially the same physical condition
14 as prior to the damage, regardless of whether the insured actually chooses to repair the vehicle.

15 The insurer may adjust claims based in whole or in part upon the paintless dent repair method
16 if:

- 1 (1) The damage is such that the paintless dent repair method is likely to place the
2 damaged area or a portion thereof in substantially the same condition as prior to the
3 damage;
- 4 (2) A paintless dent repair shop holding a South Dakota sales tax license is willing to
5 perform the work as estimated within a reasonable time frame in the local market area
6 of the insured; and
- 7 (3) The written estimate provided to the insured prominently discloses the following:
 - 8 (a) That the repair estimate is based in whole or in part upon the paintless dent
9 repair method. Each item of damage adjusted using that method shall be
10 identified;
 - 11 (b) That paintless dent repair may not be the appropriate repair method for all
12 types of damage;
 - 13 (c) That, if the insurer is liable for the damage listed on the estimate, the insurer
14 shall provide sufficient compensation to restore the vehicle to substantially the
15 same physical condition; and
 - 16 (d) That for any damage which paintless dent repair is appropriate, the insured may
17 choose not to repair the vehicle or to have the vehicle repaired using a different
18 method of repair. If the insured chooses either of these options, the insurer is
19 liable only for the cost of the paintless dent repair method.

20 If, for any portion of the vehicle's damage that the insurer has a duty to repair, the paintless
21 dent repair method is inappropriate, the insurer shall compensate the insured for the amount
22 necessary to complete the repairs in the local market area of the insured. The insurer may not
23 require the insured to travel an unreasonable distance to obtain a repair estimate or to have the
24 vehicle repaired. The insurer may not name a repair shop as payee on a compensation check or
25 draft unless agreed to by the insured.

1 **BILL HISTORY**

2 1/11/00 First read in Senate and referred to Commerce. S.J. 20

3 1/13/00 Scheduled for Committee hearing on this date.

4 1/13/00 Commerce Do Pass Amended, Passed, AYES 5, NAYS 0. S.J. 36

5 1/13/00 Commerce Place on Consent Calendar.