

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

400D0313 **SENATE AGRICULTURE AND NATURAL RESOURCES**
COMMITTEE ENGROSSED NO. HB1023 - 2/11/00

Introduced by: The Committee on Agriculture and Natural Resources at the request of the
Department of Game, Fish, and Parks

1 FOR AN ACT ENTITLED, An Act to prohibit the use of certain equipment in hunting activities

2 at night, to provide certain exemptions from such prohibition, and to revise a related penalty.

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

4 Section 1. That § 41-8-17 be amended to read as follows:

5 41-8-17. ~~No~~ During the time from sunset to sunrise, no person may use or possess night-

6 vision equipment or throw or cast the rays of a spotlight, headlight, or other artificial light on any

7 highway, or in any field, pasture, woodland, forest, or prairie, for the purpose of spotting,

8 locating, or taking or attempting to take or hunt any animal while having in possession or control

9 any firearm, bow or other implement whereby any game could be killed. However, ~~outside of the~~

10 ~~Black Hills fire protection district:~~

11 (1) A person may use a hand held light while on foot, to take raccoons after they have
12 been treed by dogs;

13 (2) A landowner or occupant and one guest accompanied by the landowner or occupant
14 may use an artificial light on ~~his~~ the owner's or occupant's land, with a shotgun using

15 shot shells only or a firearm using a .22 caliber rimfire cartridge, in the taking of

16 ~~rabbits, hares~~ jackrabbits, coyotes, beaver during its hunting season, foxes, raccoons,

1 opossums, badgers, skunks, or rodents; and

2 (3) Any person employed by the Department of Game, Fish and Parks as performing
3 animal damage control ~~officer~~ may use night-vision equipment and artificial lights in
4 the performance of ~~his~~ the person's duty ~~in the taking of nuisance animals on private~~
5 ~~land if the person has obtained written. In the taking of animals causing damage the~~
6 employee shall obtain permission from the owner or lessee of such land.

7 For the purposes of this section, night-vision equipment is an optical device utilizing light
8 amplifying circuits that are electrical or battery powered. The provisions of this section do not
9 apply to a law enforcement officer in the performance of ~~his~~ the officer's duty.

10 A violation of this section is ~~subject to § 41-8-18~~ a Class 2 misdemeanor.

11 Section 2. That § 41-8-18 be amended to read as follows:

12 41-8-18. A violation of § 41-8-2, 41-8-6, or 41-8-15 ~~or 41-8-17~~ is a Class 1 misdemeanor
13 for each prohibited act or each big game animal or any part thereof, taken, caught, killed, sold,
14 offered, or exposed for sale, in possession or in possession with intent to sell, shipped by
15 common carrier, or transported to any point inside or outside the state in violation of law. Upon
16 conviction of any person for hunting or taking big game, except wild turkey, during the
17 nighttime, during a closed season or without a license, the court shall ~~revoke that person's~~
18 ~~hunting privileges for a period of one year, and~~ impose a fine of not less than two hundred fifty
19 dollars for each animal involved and that person shall be required to serve a minimum of three
20 days in the county jail and shall have their hunting privileges revoked pursuant to §§ 41-6-74.1
21 and 41-6-74.2. A second or subsequent conviction of any person for hunting or taking big game,
22 except wild turkey, during the nighttime, during a closed season, or without a license is a Class
23 6 felony. In addition, the court shall revoke that person's hunting privileges for a period of five
24 years.

1 **BILL HISTORY**

2 1/11/00 First read in House and referred to Agriculture and Natural Resources. H.J. 16

3 1/18/00 Scheduled for Committee hearing on this date.

4 1/18/00 Agriculture and Natural Resources Do Pass Amended, Passed, AYES 12, NAYS 1.

5 H.J. 127

6 1/21/00 House of Representatives Deferred to another day. H.J. 183

7 1/24/00 Motion to Amend, Passed. H.J. 210

8 1/24/00 House of Representatives Do Pass Amended, Passed, AYES 48, NAYS 18. H.J. 211

9 1/25/00 First read in Senate and referred to Agriculture and Natural Resources. S.J. 196

10 2/10/00 Scheduled for Committee hearing on this date.

11 2/10/00 Agriculture and Natural Resources Do Pass Amended, Passed, AYES 7, NAYS 0.

12 S.J. 406

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

400D0316 **SENATE AGRICULTURE AND NATURAL RESOURCES**
COMMITTEE ENGROSSED NO. HB1026 - 2/11/00

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

1 FOR AN ACT ENTITLED, An Act to revise certain bonding procedures and the annual fee of
2 agents who sell hunting and fishing licenses for the Department of Game, Fish and Parks.

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

4 Section 1. That § 41-6-59 be amended to read as follows:

5 41-6-59. Any agent, who has been appointed in ~~any~~ the previous year ~~and has provided either~~
6 ~~a bond or other security in any previous year~~ to sell licenses and permits, is not required to
7 furnish a bond or other security ~~if the agent is not issued licenses and permits with a value of~~
8 ~~more than fifty thousand dollars at any one time. An agent, who has previously provided either~~
9 ~~a bond or other security and has licenses and permits of a value no greater than twenty thousand~~
10 ~~dollars issued at any one time, shall pay to the Department of Game, Fish and Parks an annual~~
11 ~~fee of twenty dollars. An agent, who has previously provided either a bond or other security and~~
12 ~~has licenses and permits of a value greater than twenty thousand dollars but less than fifty~~
13 ~~thousand dollars issued to them at any one time, but~~ shall pay the department an annual fee of
14 fifty twenty-five dollars. ~~An agent, who has more than fifty thousand dollars of licenses and~~
15 ~~permits issued at any one time shall be bonded or shall furnish security equal to the total value~~
16 ~~of the licenses and permits issued to the agent at any one time less fifty thousand dollars. Any~~

1 agent, who ~~has was not previously been bonded or who has not previously provided other~~
2 ~~security to~~ appointed in the previous year to sell the licenses and permits, shall be bonded or shall
3 furnish security equal to the total value of the licenses issued to the agent at any one time. A
4 certificate of deposit, money order, or other negotiable instrument issued by a bank, savings and
5 loan association, or a credit union bearing the agent's social security number or employer
6 identification number payable to the department is sufficient security. If an agent fails to timely
7 pay the amount owed to the department, the department may cash the certificate and satisfy the
8 amount owed to the department and remit the balance to the agent. If the agent has paid all the
9 fees owed and requests a return of the certificate of deposit, money order, or other negotiable
10 instrument, the department shall endorse it payable to the agent and return it to the agent. No
11 agent who defaults on payment of the amount owed to the department may be appointed an
12 agent until the unpaid amount, plus interest at the Category B rate of interest as defined in
13 § 54-3-16, is paid.

14 Section 2. This Act is effective on January 1, 2001.

1 **BILL HISTORY**

2 1/11/00 First read in House and referred to Agriculture and Natural Resources. H.J. 17

3 1/18/00 Scheduled for Committee hearing on this date.

4 1/18/00 Deferred by Chair.

5 1/20/00 Scheduled for Committee hearing on this date.

6 1/20/00 Agriculture and Natural Resources Do Pass Amended, Passed, AYES 13, NAYS 0.

7 H.J. 155

8 1/24/00 House of Representatives Do Pass Amended, Passed, AYES 61, NAYS 1. H.J. 212

9 1/25/00 First read in Senate and referred to Agriculture and Natural Resources. S.J. 196

10 2/10/00 Scheduled for Committee hearing on this date.

11 2/10/00 Agriculture and Natural Resources Do Pass Amended, Passed, AYES 8, NAYS 0.

12 S.J. 408

13 2/10/00 Agriculture and Natural Resources Place on Consent Calendar.

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

400D0333

SENATE HEALTH AND HUMAN SERVICES COMMITTEE ENGROSSED NO. **HB1028** - 2/10/00

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~~ medications and provide drug samples or a limited supply of labeled
- 12 medications, including controlled drugs or substances listed on Schedule II in chapter
- 13 34-20B for one period of not more than forty-eight hours, for symptoms and
- 14 temporary pain relief; ~~to~~ treat common childhood diseases; to assist in the follow-up
- 15 treatment of geriatric and psychiatric disorders referred by the physicians. Medications
- 16 or sample 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 of medications and provision of drug samples or a limited supply of
22 labeled medications, including controlled drugs or substances listed on Schedule II in
23 chapter 34-20B for one period of not more than forty-eight hours, for treatment of
24 causative factors and symptoms. Medications or sample drugs provided to patients
25 shall be accompanied with written administration instructions and appropriate

1 documentation 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 of appropriate medications and provision of drug samples or a limited
17 supply of appropriate labeled medications for individuals under the nurse midwife's
18 care pursuant to the scope of practice defined in this section, including controlled
19 drugs or substances listed on Schedule II in chapter 34-20B for one period of not
20 more than forty-eight hours. Medications or sample drugs provided to patients shall
21 be accompanied with written administration instructions and appropriate
22 documentation shall be entered in the 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 1/19/00 Deferred by Chair.

6 1/21/00 Scheduled for Committee hearing on this date.

7 1/21/00 Deferred by Chair.

8 1/26/00 Scheduled for Committee hearing on this date.

9 1/26/00 Health and Human Services Do Pass Amended, Passed, AYES 8, NAYS 4. H.J. 242

10 1/28/00 House of Representatives Deferred to another day.

11 2/1/00 House of Representatives Do Pass Amended, Passed, AYES 62, NAYS 7. H.J. 335

12 2/2/00 First read in Senate and referred to Health and Human Services. S.J. 298

13 2/9/00 Scheduled for Committee hearing on this date.

14 2/9/00 Health and Human Services Do Pass Amended, Passed, AYES 4, NAYS 3. S.J. 400

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

454D0386

SENATE STATE AFFAIRS COMMITTEE

ENGROSSED NO. **HB1095** - 2/10/00

Introduced by: Representatives Hunt, Diedrich (Larry), Fischer-Clemens, Koehn, Monroe, Volesky, and Young and Senators Lawler, Flowers, Hutmacher, Kleven, and Moore

1 FOR AN ACT ENTITLED, An Act to authorize professional corporations, limited liability
2 companies, or limited liability partnerships owned by certain health care professionals of
3 more than one profession.

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

5 Section 1. Terms used in this Act mean:

6 (1) "Authorized licensee," a natural person licensed as a health care professional under
7 Title 36 and entitled to form a professional corporation pursuant to chapters 47-11,
8 47-11A, 47-11B, 47-11C, 47-11D, and 47-11E;

9 (2) "Professional employee," an employee of a professional corporation who is an
10 authorized licensee, but not a shareholder of the corporation.

11 Section 2. For the purposes of this Act, the term, professional corporation, includes a limited
12 liability company organized under chapter 47-34A or a limited liability partnership organized
13 under chapter 48-7. With respect to a limited liability company, references in this Act to articles
14 of incorporation, by-laws, directors, officers, shareholders, and shares of stock refer to articles
15 of organization, operating agreement, governors, managers, members, and membership interest,

1 respectively. With respect to a limited liability partnership, references in this Act to articles of
2 incorporation and by-laws refer to partnership agreement, references to directors, officers, and
3 shareholders refer to partners, and references to shares of stock refer to partnership interests.

4 Section 3. One or more authorized licensees may form a professional corporation for the
5 purpose of rendering two or more kinds of professional services and services ancillary thereto.
6 A professional corporation may not employ a person who is an authorized licensee unless at least
7 one shareholder of the professional corporation is an authorized licensee of the same profession.

8 Section 4. No professional corporation may provide any professional service or ancillary
9 service without a certificate of registration from the licensing board of each category of licensee
10 who is a shareholder. An application for such registration shall be made to the applicable boards
11 in writing and shall contain the name and address of the corporation, the information required
12 in section 10 of this Act, and such other information as may be required by each licensing board.

13 Section 5. Upon receipt of an application made pursuant to section 4 of this Act, each
14 licensing board shall investigate the proposed professional corporation. If the board finds that
15 the shareholders and professional employees within its jurisdiction are properly licensed and have
16 no disciplinary action pending before the board and if it appears that the corporation will be
17 conducted in compliance with the law and rules of the board, the board shall issue an annually
18 renewable certificate of registration upon payment of a registration fee in an amount to be
19 established by rule pursuant to chapter 1-26. The application for renewal of a certificate of
20 registration must report any change in status of the corporation or its shareholders. The
21 corporation shall promptly report to any licensing board having jurisdiction the occurrence of
22 any event mentioned in subdivisions (1), (2), and (3) of section 8 of this Act.

23 Section 6. The certificate of registration issued pursuant to section 5 of this Act shall be
24 conspicuously posted upon the premises to which it is applicable.

25 Section 7. An application for an amended certificate of registration shall be filed with any

1 boards having jurisdiction of the professional corporation any time the location or ownership of
2 the professional corporation changes. The respective boards shall investigate the corporation to
3 determine whether it continues to meet the requirements of this Act. Certificates of registration
4 are not assignable.

5 Section 8. Any licensing board having jurisdiction over a professional corporation may
6 suspend or revoke the certificate of registration issued under this Act for any of the following
7 reasons:

- 8 (1) The revocation or suspension of the license to practice of any shareholder or
9 professional employee not promptly removed or discharged by the corporation;
- 10 (2) Unprofessional conduct by any shareholder or professional employee not promptly
11 removed or discharged by the corporation;
- 12 (3) The death of the last remaining shareholder; or
- 13 (4) Upon a finding that the certificate holder has failed to comply with the provisions of
14 this Act or rules prescribed by any licensing board having jurisdiction over the
15 certificate holder.

16 Section 9. Before any certificate of registration is suspended or revoked, the holder is entitled
17 to a hearing pursuant to chapter 1-26 before the board or boards having jurisdiction. The hearing
18 may be held jointly by the boards, but each board shall render its own decision. Any party to such
19 a hearing is entitled to appeal pursuant to chapter 1-26. If any licensing board finds that the
20 suspension or revocation is necessary to protect the public health, safety, or welfare or because
21 willful acts are involved, it may dispense with the requirement of prior notice and hearing.
22 However, the professional corporation shall have a seasonable hearing after any such suspension
23 or revocation.

24 Section 10. In addition to providing the information required by the South Dakota Business
25 Corporation Act, the following information is also required in the forming documents of a

1 professional corporation, the organizing documents of a limited liability company, or the
2 registration documents of a limited liability partnership:

- 3 (1) The name of the corporation, limited liability company, or limited liability partnership;
- 4 (2) The purpose of the corporation, limited liability company, or limited liability
5 partnership;
- 6 (3) A statement that the shareholders of the corporation, members of the limited liability
7 company, or partners in a limited liability partnership may only be professional
8 persons licensed to render the kind of professional service that fit the purpose of the
9 corporation, limited liability company, or limited liability partnership; and
- 10 (4) A statement that the officers and directors of a corporation, the governors and
11 managers of a limited liability company, and the partners of a limited liability
12 partnership, must be professional persons licensed to render the kind of professional
13 services that fit the purpose of the corporation, limited liability company, or limited
14 liability partnership.

15 Section 11. The corporate name of a corporation formed pursuant to this Act shall end with
16 the words, Professional Corporation, or the abbreviation, P.C., or the word, Limited, or the
17 abbreviation, Ltd. The name of any limited liability company shall end with the words,
18 Professional Limited Liability Company, or the abbreviation, P.L.L.C., or the words, Limited
19 Liability Company, or the abbreviation, L.L.C. The name of any limited liability partnership shall
20 end with the words, Professional Limited Liability Partnership, or the abbreviation, P.L.L.P., or
21 the words, Limited Liability Partnership, or the abbreviation, L.L.P.

22 Section 12. A professional corporation may own real and personal property necessary or
23 appropriate for rendering professional service and may invest its funds in real estate, mortgages,
24 stocks, bonds, or any other type of investment.

25 Section 13. This Act does not authorize an individual to practice any profession, or furnish

1 any professional service, for which the individual is not licensed.

2 Section 14. A professional corporation may exercise any powers accorded it by its generally
3 applicable governing law, so long as the professional corporation exercises those powers solely
4 to provide the pertinent professional services or to accomplish tasks ancillary to providing those
5 services.

6 Section 15. No professional corporation may adopt, implement, or follow a policy,
7 procedure, or practice, which would give any licensing board having jurisdiction grounds for
8 disciplinary action, cause a violation of professional ethics, or cause a violation of the
9 professional duty to use due care, against a shareholder or professional employee who follows,
10 agrees to, or acquiesces in the policy, procedure, or practice. Any licensing board having
11 jurisdiction shall be notified of any practice or policy adopted by the professional corporation
12 that violates any provision of this Act. Any dissension or deadlock resulting in a corporate policy
13 or action violating the terms of this Act shall be reported to any licensing board having
14 jurisdiction. Any licensing board having jurisdiction shall have access to any business records and
15 any patient records relevant to the actions of its respective licensee.

16 Section 16. This Act does not alter any law applicable to the relationship between a
17 professional licensee furnishing health care services and the person receiving those services,
18 including liability arising out of those services. To the extent required by the licensing law
19 governing any authorized licensee or professional employee, the corporation shall comply with
20 the provisions of such law relevant to the maintenance of professional liability insurance for those
21 affected health care professionals employed by the corporation.

22 Section 17. Patient records shall be kept strictly confidential. No provision of this Act,
23 including interdisciplinary access to patient records by any stockholder, professional employee,
24 or any employee of a professional corporation, constitutes a waiver of any privilege on
25 confidential communications which otherwise exists under any provision of the law of this state.

1 Section 18. The licensing boards having jurisdiction over professional corporations
2 authorized in chapters 47-11, 47-11A, 47-11B, 47-11C, 47-11D, and 47-11E are authorized to
3 promulgate rules pursuant to chapter 1-26 to implement the provisions of this Act, including the
4 following provisions:

- 5 (1) Definition of terms;
- 6 (2) Applications for registration and renewed registration as provided by sections 4 and
7 5 of this Act;
- 8 (3) Procedure for investigations as provided by sections 5 and 15 of this Act;
- 9 (4) Standards for hearings and summary suspension or revocation as provided by section
10 9 of this Act; and
- 11 (5) Interboard consultation and hearings as provided by sections 4, 5, 7, 9, and 15 of this
12 Act.

13 Section 19. The provisions of this Act do not affect or preempt any requirements contained
14 in Title 58.

1 **BILL HISTORY**

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

3 1/21/00 Scheduled for Committee hearing on this date.

4 1/21/00 Judiciary Do Pass, Passed, AYES 12, NAYS 0. H.J. 188

5 1/25/00 House of Representatives Do Pass, Passed, AYES 49, NAYS 19. H.J. 232

6 1/26/00 First read in Senate and referred to Judiciary. S.J. 210

7 2/7/00 Senate Referred to State Affairs.

8 2/9/00 Scheduled for Committee hearing on this date.

9 2/9/00 State Affairs Do Pass Amended, Passed, AYES 9, NAYS 0. S.J. 379

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

941D0492

SENATE ENGROSSED NO. **HB1122** - 2/15/00

Introduced by: Representatives McNenny, Hennies, Juhnke, Napoli, Pummel, and Sutton
(Duane) and Senators Albers and Kleven

1 FOR AN ACT ENTITLED, An Act to require a removal agency to notify a county sheriff or
2 chief of police after removing certain motor vehicles.

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

4 Section 1. That chapter 32-30 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 If any removal agency as defined by § 32-36-2 removes any unattended motor vehicle from
7 a public street or highway and the removal is not at the request of the owner, an authorized agent
8 of the owner, or a law enforcement officer, the removal agency shall report the removal to the
9 county sheriff, if the removal occurred outside any municipality, or to the chief of police, if the
10 removal occurred inside any municipality, within twenty-four hours of removing the motor
11 vehicle. Failure to make a report as provided by this section is a Class 2 misdemeanor.

12 Section 2. That chapter 32-30 be amended by adding thereto a NEW SECTION to read as
13 follows:

14 If a removal agency fails to make a report as required by section 1 of this Act, the removal
15 agency is not entitled to any towing or storage fees for the removed vehicle and no such towing
16 or storage fees may be billed or collected by the removal agency.

1 **BILL HISTORY**

2 1/18/00 First read in House and referred to Local Government. H.J. 116

3 1/27/00 Scheduled for Committee hearing on this date.

4 1/27/00 Deferred by Chair.

5 2/1/00 Scheduled for Committee hearing on this date.

6 2/1/00 Local Government Do Pass Amended, Passed, AYES 13, NAYS 0. H.J. 337

7 2/1/00 Local Government Place on Consent Calendar.

8 2/3/00 House of Representatives Do Pass Amended, Passed, AYES 66, NAYS 3. H.J. 390

9 2/4/00 First read in Senate and referred to Local Government. S.J. 323

10 2/9/00 Scheduled for Committee hearing on this date.

11 2/9/00 Local Government Do Pass Amended, Passed, AYES 7, NAYS 0. S.J. 401

12 2/9/00 Local Government Place on Consent Calendar.

13 2/14/00 Motion to Amend, Passed. S.J. 462

14 2/14/00 Senate Do Pass Amended, Passed, AYES 31, NAYS 1. S.J. 462

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

119D0660

SENATE EDUCATION COMMITTEE
ENGROSSED NO. **HB1193** - 2/11/00

Introduced by: Representatives Cutler, Hunt, and Wudel and Senators Rounds and Moore

1 FOR AN ACT ENTITLED, An Act to clarify the authority of federally regulated charter bus
2 service operators to provide charter bus services to schools.

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

4 Section 1. That § 13-29-1 be amended to read as follows:

5 13-29-1. The school board of any school district may acquire, own, operate, or hire buses
6 for the transportation of students to and from its schools either from within or without the
7 district or for transportation to and from athletic, musical, speech, and other interscholastic
8 contests in which participation is authorized by the school board. The school district may
9 contract with a federally regulated charter bus operation to provide charter bus service for
10 transportation of students, chaperones, and employees to and from athletic, musical, speech,
11 other interscholastic contests, and special events in which participation is authorized by the
12 school board. Buses used for this purpose need not meet requirements of a school bus unless
13 such buses are used for the daily transportation of students to and from schools either from
14 within or without the district. If the use of a school bus is granted by the school board pursuant
15 to subdivision 49-28-2(1) or (8), the school district is not liable for suit or damages which may
16 arise as the result of the use. The school board may authorize the use of the buses owned by the

1 board for transportation of adults pursuant to subdivision 49-28-2(1) or (7). The provisions to
2 transport adults, provided in this section, shall not apply to school districts which contain a first
3 class municipality. Use of a school bus for transportation of persons enumerated in subdivision
4 49-28-2(7) is limited to providing shelter, health care, nutrition, religious activities, and other
5 necessities of life.

6 Section 2. That § 13-29-6 be amended to read as follows:

7 13-29-6. Each school bus used for the transportation of school children which is owned by
8 a school district, a nonpublic school or alternative education program or privately owned and
9 operated under a contract with a school board or nonpublic school or alternative instruction
10 program shall be inspected before the beginning of each school year by a representative of the
11 Division of Highway Patrol to certify that the vehicle complies with state law, and rules of the
12 South Dakota Board of Education, the Department of Commerce and Regulation, and the
13 Division of Highway Patrol. However, if a school bus is purchased from a licensed motor vehicle
14 dealer during the school year, the dealer may inspect and certify that the vehicle complies with
15 such law and rules. The owner of any bus certified by a dealer shall have the bus inspected by the
16 Division of Highway Patrol before the beginning of the next school year. ~~A~~ The owner of the bus
17 shall display a certificate certifying that the school bus has successfully passed ~~the~~ inspection ~~shall~~
18 ~~be~~ issued by the Division of Highway Patrol or the dealer in a form prescribed by the Division
19 of Highway Patrol ~~and shall be displayed~~ in the vehicle above the windshield. Any school board,
20 contractor, or person operating a school bus that has not been certified commits a petty offense.
21 This section does not apply to federally regulated charter bus service operations.

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

23 32-32-1. ~~School~~ A school bus shall mean every is any vehicle with a capacity of ten or more
24 pupils ~~excluding~~ and the driver owned or operated by or for a school or a school district as
25 authorized under § 13-29-1, ~~and used for the purpose of transporting to transport~~ school children

1 to and from school or ~~used~~ in connection with school activities. Buses operated by a federally
2 regulated charter bus service provider used in connection with school activities, other than to
3 daily transport children to and from school, need not meet the requirements of this chapter.

1 **BILL HISTORY**

2 1/19/00 First read in House and referred to committee assignment waived. H.J. 140

3 1/20/00 Referred to Education.

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

5 1/27/00 Education Do Pass, Passed, AYES 13, NAYS 0. H.J. 264

6 1/27/00 Education Place on Consent Calendar.

7 1/31/00 House of Representatives Do Pass, Passed, AYES 62, NAYS 2.

8 2/1/00 First read in Senate and referred to Education. S.J. 275

9 2/10/00 Scheduled for Committee hearing on this date.

10 2/10/00 Education Do Pass Amended, Passed, AYES 7, NAYS 0. S.J. 408

11 2/10/00 Education Place on Consent Calendar.

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

175D0060

HOUSE STATE AFFAIRS COMMITTEE

ENGROSSED NO. **SB12** - 2/14/00

Introduced by: The Committee on State Affairs at the request of the Commissioner of School and Public Lands

1 FOR AN ACT ENTITLED, An Act to provide for a conservation easement for certain state
2 lands.

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

4 Section 1. If the federal government conveys the fee title of any land to the State of South
5 Dakota and that land is under the management of the Office of School and Public Lands, the
6 Office of School and Public Lands may reconvey the fee title to another party if the land is no
7 longer used or needed by the state. However, the state may hold a perpetual conservation
8 easement to protect the public interest in preserving the archaeological and paleontological
9 aspects on the land when the fee title is conveyed to another party. The conveyance documents
10 shall specify the conservation easement and the conservation easement shall be made in
11 accordance with §§ 1-19B-56 to 1-19B-60, inclusive.

12 Section 2. The State of South Dakota, when exchanging land pursuant to § 5-3-7 or selling
13 land pursuant to chapter 5-9, may hold a perpetual conservation easement preserving the
14 archaeological and paleontological aspects on such land to protect the public interest. The
15 conveyance documents may specify the conservation easement, if any, and the conservation
16 easement shall be made in accordance with §§ 1-19B-56 to 1-19B-60, inclusive.

1 **BILL HISTORY**

2 1/11/00 First read in Senate and referred to State Affairs. S.J. 16

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

4 1/17/00 Scheduled for Committee hearing on this date.

5 1/19/00 Scheduled for Committee hearing on this date.

6 1/19/00 State Affairs Do Pass Amended, Passed, AYES 9, NAYS 0. S.J. 108

7 1/21/00 Senate Deferred to another day. S.J. 142

8 1/25/00 Motion to Amend, Passed. S.J. 189

9 1/25/00 Senate Do Pass Amended, Passed, AYES 32, NAYS 3. S.J. 189

10 1/26/00 First read in House and referred to State Affairs. H.J. 260

11 2/11/00 Scheduled for Committee hearing on this date.

12 2/11/00 State Affairs Do Pass Amended, Passed, AYES 12, NAYS 0. H.J. 600

13 2/11/00 State Affairs Place on Consent Calendar.

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

400D0294 **SENATE AGRICULTURE AND NATURAL RESOURCES**
COMMITTEE ENGROSSED NO. SB29 - 2/3/00

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

1 FOR AN ACT ENTITLED, An Act to designate areas within the state park system where a park
2 license may be required.

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

4 Section 1. That § 41-17-13 be amended to read as follows:

5 41-17-13. A park license may be required to permit a motor vehicle and the occupants
6 entrance to any state park (except Bear Butte when used by persons participating in religious
7 activities) and to any of the following state recreation areas or state lakeside use areas: Lake
8 Poinsett; the Yankton unit, the Midway unit, and the Gavins Point unit of Lewis and Clark Lake;
9 Sandy Shore; Farm Island; Mina Lake; Richmond Lake; Lake Louise; Pickerel Lake; Angostura;
10 Lake Vermillion; Shadehill; Llewellyn Johns; Burke Lake; Lake Cochrane; West Whitlock; Swan
11 Creek; West Bend; Snake Creek; Walker's Point; Platte Creek; Lake Alvin; Pelican Lake; Bush's
12 Landing; Little Bend; Lake Hiddenwood; East Whitlock; Sutton Bay; Dodge Draw; Lake
13 Thompson; Indian Creek; Downstream (below Oahe Dam); North Point; American Creek;
14 Randall Creek; Chief White Crane; Pierson Ranch; Spring/Cow Creek; Okobojo Point; Walth
15 Bay; Spillway (Fort Randall Dam); Pease Creek; North Wheeler; Whetstone Bay; East Shore;
16 Peoria Flats; West Shore; West Chamberlain; South Shore; Tailrace (Fort Randall Dam);

1 Revheim Park; and Big Sioux. The Game, Fish and Parks Commission shall, by rules
2 promulgated pursuant to chapter 1-26, set annual and daily park entrance fees. The Game, Fish
3 and Parks Commission shall, by rules promulgated pursuant to chapter 1-26, establish a system
4 by which owners of two or more vehicles may purchase an additional license each year for each
5 vehicle registered to the same owner for one-half the price of the annual license. All fees
6 collected in Custer State Park pursuant to this section shall be deposited in the Custer State Park
7 fund established in § 41-17-22. All other fees collected pursuant to this section shall be deposited
8 in the parks and recreation fund established in § 41-17-21.

1 **BILL HISTORY**

2 1/11/00 First read in Senate and referred to State Affairs. S.J. 19

3 1/17/00 Scheduled for Committee hearing on this date.

4 1/25/00 Senate Referred to Agriculture and Natural Resources. S.J. 185

5 2/1/00 Scheduled for Committee hearing on this date.

6 2/1/00 Agriculture and Natural Resources Do Pass Amended, Passed, AYES 8, NAYS 0.

7 S.J. 280

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

926D0507

HOUSE APPROPRIATIONS COMMITTEE

ENGROSSED NO. **SB104** - 2/15/00

Introduced by: Senators Frederick, Albers, Benson, Bogue, Brosz, Brown (Arnold), Daugaard, Dennert, Drake, Dunn (Rebecca), Duxbury, Flowers, Hainje, Ham, Hutmacher, Kleven, Kloucek, Lange, Lawler, Moore, Olson, Reedy, Shoener, Symens, Valandra, and Vitter and Representatives Diedrich (Larry), Brown (Jarvis), Burg, Cerny, Chicoine, Crisp, Diedrich (Elmer), Duenwald, Engbrecht, Fischer-Clemens, Fitzgerald, Fryslie, Garnos, Hagen, Hanson, Hunt, Jaspers, Juhnke, Kazmerzak, Klaudt, Koehn, Koskan, Lintz, Lockner, Lucas, McCoy, McIntyre, McNenny, Michels, Monroe, Nachtigal, Pummel, Putnam, Sebert, Slaughter, Smidt, Sutton (Daniel), Sutton (Duane), Volesky, Waltman, Weber, Wetz, Wilson, Wudel, and Young

1 FOR AN ACT ENTITLED, An Act to appropriate money for the Northern Crops Institute.

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

3 Section 1. There is hereby appropriated from the general fund the sum of twenty-five
4 thousand dollars (\$25,000), or so much thereof as may be necessary, to the Department of
5 Agriculture for a grant to the Northern Crops Institute.

6 Section 2. The secretary of the Department of Agriculture shall approve vouchers and the
7 state auditor shall draw warrants to pay expenditures authorized by this Act.

8 Section 3. Any amounts appropriated in this Act not lawfully expended or obligated by
9 June 30, 2001, shall revert in accordance with § 4-8-21.

1 **BILL HISTORY**

2 1/19/00 First read in Senate and referred to Appropriations. S.J. 111

3 2/1/00 Scheduled for Committee hearing on this date.

4 2/1/00 Deferred by Chair.

5 2/8/00 Scheduled for Committee hearing on this date.

6 2/8/00 Appropriations Do Pass, Passed, AYES 9, NAYS 1. S.J. 346

7 2/9/00 Senate Do Pass, Passed, AYES 32, NAYS 3. S.J. 391

8 2/10/00 First read in House and referred to Appropriations. H.J. 563

9 2/13/00 Scheduled for Committee hearing on this date.

10 2/14/00 Scheduled for Committee hearing on this date.

11 2/14/00 Appropriations Do Pass Amended, Passed, AYES 9, NAYS 0. H.J. 627

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

762D0214

SENATE TAXATION COMMITTEE ENGROSSED NO. **SB122** - 1/31/00

Introduced by: Senators Flowers, Madden, Moore, and Vitter and Representatives Diedrich (Larry), Crisp, Hennies, Kooistra, and Napoli

1 FOR AN ACT ENTITLED, An Act to allow the Department of Revenue to suspend a motor
2 vehicle license, title, or registration if the check used to pay for the motor vehicle's fees is
3 dishonored, to require the department to issue credit to the county treasurer, and to revise
4 the fee that political subdivisions may charge for dishonored checks.

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

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

8 If the county treasurer has issued a distress warrant pursuant to § 10-56-24 and payment or
9 restitution has not been made for the motor vehicle registration, title, or license, the department
10 shall suspend such registration, title, or license. The department shall also issue a credit for the
11 amount of the fee remitted to the department for registering or titling the motor vehicle.

12 Section 2. That § 10-56-1 be amended to read as follows:

13 10-56-1. The procedures provided for in this chapter apply to the collection of any delinquent
14 taxes imposed by chapters 10-43, 10-44, 10-45, 10-46, 10-46A, 10-46B, ~~10-47A~~ 10-47B, 10-50
15 ~~or~~, 10-52, 32-3, 32-5, and 32-5B and §§ 50-11-19 and 50-4-13 to 50-4-17, inclusive.

16 Section 3. That § 10-56-24 be amended to read as follows:

1 10-56-24. A distress warrant may be issued to recover license plates or tags, issued pursuant
2 to chapter 32-5 or 32-9, if the purchaser ~~purchases them~~ purchased the license plates or paid the
3 excise tax pursuant to chapter 32-5B or paid fees pursuant to chapter 32-3 with an insufficient
4 funds or no account check. If the check is not honored pursuant to § 57A-3-422 and is not made
5 good within ten days, the county treasurer shall report the matter to the state's attorney for
6 prosecution.

7 Section 4. That § 57A-3-422 be amended to read as follows:

8 57A-3-422. Any person who issues a check or other draft to the state or any of its political
9 subdivisions which is not honored for any of the following reasons upon presentation is liable for
10 all reasonable costs and expenses of collection:

- 11 (1) The drawer's account is closed;
- 12 (2) The drawer's account does not have sufficient funds; or
- 13 (3) The drawer does not have sufficient credit with the drawee.

14 The costs and expenses provided for in this section are considered reasonable if they do not
15 exceed ~~twenty~~ thirty dollars.

1 **BILL HISTORY**

2 1/19/00 First read in Senate and referred to Taxation. S.J. 115

3 1/28/00 Scheduled for Committee hearing on this date.

4 1/28/00 Taxation Do Pass Amended, Passed, AYES 9, NAYS 0. S.J. 236

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

445D0637

SENATE COMMERCE COMMITTEE ENGROSSED NO. **SB171** - 1/28/00

Introduced by: Senators Brown (Arnold), Lawler, and Shoener and Representatives Earley, Broderick, Konold, and Peterson

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding consumer installment
2 sales contracts.

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

4 Section 1. That § 54-3A-1 be amended to read as follows:

5 54-3A-1. Terms used in this chapter mean:

6 (1) "Cash sale price," the price for which the person making a sale pursuant to an
7 installment sales contract would have sold the goods or services if the sale had been
8 for cash. The cash sale price may include any taxes or license, title, and registration
9 fees actually paid and the cash price of any accessories or services related to the sale,
10 such as charges for delivery, installation, alterations, modifications, ~~and~~
11 improvements, and any other similar charges agreed upon between the parties. The
12 cash price of a motor vehicle may also include a documentary fee or document
13 administration fee for services actually rendered to, for, or on behalf of, the retail
14 buyer, in preparing, handling, and processing documents relating to the motor vehicle
15 and the closing of the retail sale;

16 (2) "Consumer," a natural person who seeks or acquires, or is offered property, services,

1 or credit for personal, family, household, or agricultural purposes;

2 (3) "Consumer transaction," a transaction involving the purchase or sale of goods or
3 services for personal, family, household, or agricultural use from one, who in the
4 ordinary course of business sells goods or services. The parties to a transaction, which
5 involves the purchase or sale of goods or services but which is not a consumer
6 transaction, may agree to be governed by all of the provisions of this chapter with
7 respect to the transaction, and in such event the transaction is deemed to be a
8 consumer transaction for all purposes of this chapter;

9 (4) "Finance charge," however denominated, means the amount which is paid or payable
10 for the privilege of paying for goods or services in one or more installments. It does
11 not include a delinquency charge as permitted in §§ 54-3A-11 and 54-3A-12,
12 additional charges as permitted in § 54-3A-5, or any charge imposed by a creditor
13 upon another person for purchasing or accepting an obligation of a consumer unless
14 the consumer is required to pay any part of that charge in cash, as an addition to the
15 obligation, or as a deduction from the proceeds of the obligation;

16 (5) "Goods," tangible personal chattels, whether or not in existence at the time the
17 transaction is entered into, and including things which, at the time of sale or
18 subsequently, are to be so affixed to real property as to become a part thereof,
19 whether or not severable therefrom, but excluding money, chattel paper, documents
20 of title, and other instruments;

21 (6) "Installment sales contract," an arrangement other than a revolving charge account,
22 entered into in this state evidencing any consumer transaction in which a consumer
23 purchases goods or services from a creditor, under which arrangement a finance
24 charge may be imposed and the consumer agrees to pay for the goods or services in
25 one or more installments;

- 1 (7) "Official fees," the fees prescribed by law for filing, recording, or otherwise perfecting
2 a security interest or the premium payable for any insurance in lieu of perfecting any
3 security interest if the premium does not exceed the fees otherwise prescribed by law;
- 4 (8) "Services" includes:
- 5 (a) Work, labor, and other personal services;
 - 6 (b) Privileges and contract rights with respect to accommodations or facilities,
7 including hotels and restaurants, transportation, education, entertainment,
8 recreation, physical culture, hospital accommodations, funerals, and cemetery
9 associations;
 - 10 (c) Diagnostic work, maintenance, repair, or improvement, other than as part of
11 the manufacture or original construction, of properties; and
 - 12 (d) Insurance;
- 13 (9) "Transaction," all of the agreements made between two or more persons to carry out
14 an exchange of value, including the entire process of soliciting, negotiating, making,
15 performing, and enforcing such agreements, whether or not any agreement is
16 enforceable by action.

1 **BILL HISTORY**

2 1/21/00 First read in Senate and referred to Commerce. S.J. 141

3 1/27/00 Scheduled for Committee hearing on this date.

4 1/27/00 Commerce Do Pass Amended, Passed, AYES 6, NAYS 0. S.J. 217

5 1/27/00 Commerce Place on Consent Calendar.

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

400D0790

HOUSE STATE AFFAIRS COMMITTEE ENGROSSED NO. **SB199** - 2/15/00

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

1 FOR AN ACT ENTITLED, An Act to revise property tax levies for the general fund of a school
2 district.

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

4 Section 1. That chapter 10-12 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Notwithstanding the provisions of § 10-12-42, the levy for taxes payable in 2001 shall be as
7 follows:

8 (1) The maximum tax levy shall be fifteen dollars and ninety-five cents per thousand
9 dollars of taxable valuation subject to the limitations on agricultural property as
10 provided in subdivision (2) of this section, owner-occupied property as provided for
11 in subdivision (3) of this section, and nonagricultural acreage property as provided for
12 in subdivision (4) of this section;

13 (2) The maximum tax levy on agricultural property for such school district shall be four
14 dollars and fifty cents per thousand dollars of taxable valuation. If the districts' levies
15 are less than the maximum levies as stated in chapter 10-13, the levies shall maintain
16 the same proportion to each other as represented in the mathematical relationship at

1 the maximum levies;

2 (3) The maximum tax levy for an owner-occupied single-family dwelling as defined in
3 § 10-13-40, for such school district may not exceed seven dollars and forty-one cents
4 per thousand dollars of taxable valuation. If the district's levies are less than the
5 maximum levies as stated in chapter 10-13, the levies shall maintain the same
6 proportion to each other as represented in the mathematical relationship at the
7 maximum levies;

8 (4) The maximum tax levy on nonagricultural acreage property as defined in § 10-6-
9 33.14, for such school district shall be five dollars and fifty cents per thousand dollars
10 of taxable valuation. If the district's levies are less than the maximum levies as stated
11 in chapter 10-13, the levies shall maintain the same proportion to each other as
12 represented in the mathematical relationship at the maximum levies.

13 All levies in this section shall be imposed on valuations where the median level of assessment
14 represents eighty-five percent of market value as determined by the Department of Revenue.
15 These valuations shall be used for all school funding purposes. If the district has imposed an
16 excess levy pursuant to § 10-12-43, the levies shall maintain the same proportion to each other
17 as represented in the mathematical relationship at the maximum levies in this section. The school
18 district may elect to tax at less than the maximum amounts set forth in this section.

1 **BILL HISTORY**

2 1/24/00 First read in Senate and referred to State Affairs. S.J. 170

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

4 2/4/00 State Affairs Do Pass Amended, Passed, AYES 9, NAYS 0. S.J. 315

5 2/8/00 Senate Do Pass Amended, Passed, AYES 35, NAYS 0. S.J. 355

6 2/9/00 First read in House and referred to State Affairs. H.J. 550

7 2/14/00 Scheduled for Committee hearing on this date.

8 2/14/00 State Affairs Do Pass Amended, Passed, AYES 11, NAYS 2. H.J. 628

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

338D0758

HOUSE STATE AFFAIRS COMMITTEE ENGROSSED NO. **SB202** - 2/15/00

Introduced by: Senators Paisley, Munson (David), and Valandra and Representatives Lucas, Koetzle, Kooistra, McIntyre, and Roe

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to conciliation of labor
2 disputes.

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

4 Section 1. That § 60-10-2 be amended to read as follows:

5 60-10-2. If its efforts as conciliator prove unsuccessful, the Department of Labor shall , if
6 requested by either party, impartially investigate the matters in difference between the parties.
7 The request to the department shall be mailed within twenty days after the conclusion of the
8 conciliation procedure provided for in § 60-10-1. The department shall give each party ample
9 opportunity for presentation of the facts and shall make a report of the issues involved and a
10 recommendation for settlement of ~~the controversy~~ each unresolved issue, including its rationale
11 for any recommendation. The department shall furnish, within twenty days, a copy of its
12 recommendation to each of the parties and to any local newspaper for publication for the
13 information of the public.

14 Section 2. That § 60-10-3 be repealed.

15 ~~60-10-3. The secretary of labor shall have the right, if he so desires, or if requested by either~~
16 ~~party, to call in two capable citizens not directly connected with the dispute, one to be named~~

1 ~~by each party, to assist in the investigation and advise with him as to his recommendations.~~

2 Section 3. That § 3-18-8.1 be amended to read as follows:

3 3-18-8.1. In case of impasse or failure to reach an agreement in negotiations conducted under
4 the provisions of this chapter, either party may request the Department of Labor to intervene
5 under the provisions of §§ 60-10-1 ~~to 60-10-3, inclusive~~ and 60-10-2. Such request shall be
6 mailed within ten days after a written statement is delivered to the designated representative for
7 the other party declaring an impasse. Nothing in this section prohibits the parties to an impasse
8 from adopting any other procedure to facilitate a settlement that is mutually agreeable.

9 Section 4. That § 60-9A-10 be amended to read as follows:

10 60-9A-10. In case of a labor dispute or grievance, including ~~but not limited to~~ an impasse or
11 failure to reach an agreement in negotiations, either party may request the department to
12 intervene under the provisions of §§ 60-10-1 ~~to 60-10-3, inclusive~~ and 60-10-2. Nothing in this
13 section ~~shall prohibit~~ prohibits the parties to such an impasse or dispute from adopting any other
14 procedure to facilitate a settlement that may be mutually agreeable.

1 **BILL HISTORY**

2 1/24/00 First read in Senate and referred to Commerce. S.J. 170

3 2/1/00 Scheduled for Committee hearing on this date.

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

5 2/3/00 Commerce Do Pass, Passed, AYES 4, NAYS 2. S.J. 302

6 2/4/00 Senate Deferred to another day. S.J. 322

7 2/7/00 Motion to Amend, Passed. S.J. 336

8 2/7/00 Senate Do Pass Amended, Passed, AYES 22, NAYS 13. S.J. 336

9 2/8/00 First read in House and referred to State Affairs. H.J. 512

10 2/14/00 Scheduled for Committee hearing on this date.

11 2/14/00 State Affairs Do Pass Amended, Passed, AYES 8, NAYS 5. H.J. 628