

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

813D0287

SENATE EDUCATION COMMITTEE

ENGROSSED NO. **SB59** - 1/26/00

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

Introduced by: Senators Albers, Madden, and Vitter and Representatives Engbrecht and Hennies

1 FOR AN ACT ENTITLED, An Act to clarify certain provisions related to the filing of student
2 birth certificates.

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

4 Section 1. That § 13-27-3.1 be amended to read as follows:

5 13-27-3.1. Any person who is required pursuant to § 13-27-1 to cause any child to attend
6 any public or nonpublic school or alternative instruction program pursuant to § 13-27-3 in this
7 state shall, either at the time of enrollment in any school in this state or upon being excused from
8 school attendance pursuant to § 13-27-3 or within thirty days of initial enrollment or excuse,
9 provide the public or nonpublic school or the alternative instruction program with a certified
10 copy of ~~such~~ the child's birth certificate or affidavit in lieu of birth certificate as issued by the
11 Department of Health in such cases where the original birth certificate is deemed unattainable.
12 Any parent or guardian who requests an excuse for his or her child pursuant to § 13-27-3, shall
13 with the initial request for excuse, provide a certified copy of the child's birth certificate or an
14 affidavit notarized or witnessed by two or more witnesses, swearing or affirming that the child
15 identified on the request for excuse is the same person appearing on the child's certified birth

1 certificate. A violation of this section is a Class 2 misdemeanor.

2 Section 2. That § 13-27-3.2 be amended to read as follows:

3 13-27-3.2. Any copy of any certified birth certificate provided pursuant to § 13-27-3.1 shall
4 be maintained by the public or nonpublic school or alternative instruction program and shall
5 ~~become~~ be a part of the child's permanent cumulative school record.

6 Section 3. That § 13-27-3.3 be amended to read as follows:

7 13-27-3.3. The superintendent of any public or nonpublic school or any person who provides
8 alternative instruction in this state who maintains a child's permanent cumulative school record
9 shall ~~regularly~~ report to the ~~state's attorney~~ school board of the district the name and address of
10 any child ~~for whom the school~~ whose permanent cumulative record does not have a copy of a
11 certified birth certificate in violation of § 13-27-3.1 or 13-27-3.2. Upon receipt of the report of
12 violation, the school board shall notify by certified mail the parent or guardian of the child whose
13 record is in violation of §§ 13-27-3.1 and 13-27-3.2. If the violation is not corrected within thirty
14 days after the report, the school board of the district shall notify the state's attorney.

1 **BILL HISTORY**

2 1/15/00 First read in Senate and referred to Education. S.J. 57

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

4 1/20/00 Education Deferred to another day, AYES 4, NAYS 2.

5 1/25/00 Education Hog Housed.

6 1/25/00 Scheduled for Committee hearing on this date.

7 1/25/00 Education Do Pass Amended, Passed, AYES 7, NAYS 0. S.J. 181

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

807D0517

SENATE TRANSPORTATION COMMITTEE

ENGROSSED NO. **SB65** - 1/26/00

Introduced by: Senators Flowers, Dunn (Jim), Duxbury, Hutmacher, Lawler, Madden, Munson (David), Reedy, Rounds, Shoener, Symens, and Vitter and Representatives Putnam, Cerny, Kazmerzak, Konold, Napoli, Sutton (Duane), and Volesky

1 FOR AN ACT ENTITLED, An Act to authorize the Department of Revenue to issue transporter
2 plates for persons hauling new trailers or new or used manufactured or mobile homes.

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

4 Section 1. That chapter 32-9 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Any commercial motor carrier located in the state hauling a new trailer or a new or used
7 manufactured or mobile home with a manufacturer's statement of origin or certificate of title and
8 who has registered with the Department of Revenue as a transporter may use a transporter plate
9 upon the streets and highways for in-transit purposes. The fee for a transporter plate is fifty
10 dollars and the fee shall be deposited in the license plate special revenue fund. Any new trailer
11 with a transporter plate may be used to haul other new trailers. No transporter may use a
12 transporter plate for any other purpose. A violation of this section is a Class 1 misdemeanor.

1 **BILL HISTORY**

2 1/15/00 First read in Senate and referred to Transportation. S.J. 58

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

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

5 1/25/00 Transportation Do Pass Amended, Passed, AYES 7, NAYS 0. S.J. 184

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

910D0019

SENATE EDUCATION COMMITTEE

ENGROSSED NO. **SB71** - 1/26/00

Introduced by: Senators Brosz, Everist, Olson, and Reedy and Representatives Konold, Davis, Duniphan, Lockner, and Solum

1 FOR AN ACT ENTITLED, An Act to remove certain restrictions relating to the use of school
2 buses.

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. ~~If the use of a school bus is~~
9 ~~granted by the school board pursuant to subdivision 49-28-2(1) or (8), the school district is not~~
10 ~~liable for suit or damages which may arise as the result of the use. The school board may~~
11 ~~authorize the use of the buses owned by the board for transportation of adults pursuant to~~
12 ~~subdivision 49-28-2(1) or (7). The provisions to transport adults, provided in this section, shall~~
13 ~~not apply to school districts which contain a first class municipality. Use of a school bus for~~
14 ~~transportation of persons enumerated in subdivision 49-28-2(7) is limited to providing shelter,~~
15 ~~health care, nutrition, religious activities and other necessities of life.~~

16 Section 2. That chapter 13-29 be amended by adding thereto a NEW SECTION to read as

1 follows:

2 A school board may allow nonprofit civic organizations or other government entities to use
3 vehicles owned by the school district to transport persons to various activities deemed by the
4 school board to be in the public interest. A school board may adopt policies for the use of its
5 vehicles by other organizations. If the use of a school bus is granted by a school board, the
6 school district is not liable for suit or damages which may result from the operation of the bus
7 by a nonprofit civic organization or other government entity.

1 **BILL HISTORY**

2 1/15/00 First read in Senate and referred to Education. S.J. 59

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

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

5 1/25/00 Education Do Pass Amended, Passed, AYES 6, NAYS 0. S.J. 182

State of South Dakota

SEVENTY-FIFTH SESSION
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291D0592

SENATE TRANSPORTATION COMMITTEE

ENGROSSED NO. **SB109** - 1/26/00

Introduced by: Senators Benson, Albers, Bogue, Brown (Arnold), Dunn (Jim), Frederick, Hainje, Staggers, and Vitter and Representatives Duenwald, Diedrich (Larry), Fitzgerald, Jaspers, Juhnke, McCoy, Peterson, Putnam, Wetz, and Wudel

1 FOR AN ACT ENTITLED, An Act to revise the time requirement for the purchase of
2 temporary permits associated with certain specialty license plates and to declare an
3 emergency.

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

5 Section 1. That § 32-5-140 be amended to read as follows:

6 32-5-140. Upon the sale or transfer of a vehicle bearing specialty license plates that display
7 an organization decal, the plates shall remain with the owner and upon approval by the
8 department may be transferred to another vehicle. Anyone receiving organization license plates
9 ~~shall~~ may at the time of obtaining the specialty plates purchase from the county treasurer a
10 temporary permit. The owner of the specialty plate shall purchase a permit before the sale of the
11 vehicle to an individual. The permit is valid for fifteen days and costs fifteen dollars. The permit
12 shall be vehicle specific and shall be affixed to the vehicle by the seller at the time of sale or
13 transfer of the vehicle. The new owner of the vehicle may use the permit in the interim of
14 registering the vehicle. The permit may not be used for any other purpose than stated. Misuse
15 ~~of the temporary permit or failure to purchase the temporary permit before the sale of the vehicle~~

1 is a Class 2 misdemeanor.

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

4 If, before the effective date of this Act, an applicant requests a refund of the fifteen dollar
5 temporary permit fee, the department shall authorize the refund upon receipt of the request, the
6 temporary permit, and a copy of the registration.

7 Section 3. Whereas, this Act is necessary for the support of the state government and its
8 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full
9 force and effect on April 1, 2000.

1 **BILL HISTORY**

2 1/19/00 First read in Senate and referred to Transportation. S.J. 112

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

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

5 1/25/00 Transportation Do Pass Amended, Passed, AYES 7, NAYS 0. S.J. 184

State of South Dakota

SEVENTY-FIFTH SESSION
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671D0553

SENATE COMMERCE COMMITTEE
ENGROSSED NO. **SB136** - 1/26/00

Introduced by: Senators Moore, Albers, and Flowers and Representatives Apa, Davis, Koskan,
and Patterson

1 FOR AN ACT ENTITLED, An Act to prohibit certain activities regarding certain imported
2 cigarettes or tobacco products.

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

4 Section 1. That chapter 10-50 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 No dealer, licensed distributor, licensed wholesaler, or any other person in this state may
7 acquire, import, hold, own, possess, sell, or distribute or transport for sale or distribution:

8 (1) Any cigarettes or tobacco products intended for export or previously exported from
9 the United States;

10 (2) Any cigarettes or tobacco products, the package of which bears any statement, label,
11 stamp, sticker, or notice indicating that the manufacturer did not intend the cigarettes
12 or tobacco products to be sold, distributed, or used in the United States, including
13 labels stating, For Export Only, U.S. Tax-Exempt, For Use Outside U.S., or similar
14 wording; or

15 (3) Any cigarettes or tobacco products that the person knows or has reason to know the
16 manufacturer did not intend to be sold, distributed, or used in the United States.

1 A violation of this section is a Class 1 misdemeanor.

2 Section 2. That chapter 10-50 be amended by adding thereto a NEW SECTION to read as
3 follows:

4 Any cigarettes or tobacco products found at any place in this state that have been imported
5 in violation of this Act are declared to be contraband goods and may be seized without a warrant
6 by the secretary, agents or employees of the secretary, or any law enforcement officer of this
7 state when directed to do so by the secretary. Notwithstanding the provisions of § 10-50-36,
8 cigarettes or tobacco products imported in violation of this Act shall be destroyed by the
9 secretary.

1 **BILL HISTORY**

2 1/19/00 First read in Senate and referred to Commerce. S.J. 118

3 1/25/00 Scheduled for Committee hearing on this date.

4 1/25/00 Commerce Do Pass Amended, Passed, AYES 5, NAYS 1. S.J. 183

State of South Dakota

SEVENTY-FIFTH SESSION
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553D0584

SENATE COMMERCE COMMITTEE ENGROSSED NO. **SB152** - 1/26/00

Introduced by: Senators Halverson, Daugaard, and Olson and Representatives Brown (Jarvis),
Broderick, Earley, and Pummel

1 FOR AN ACT ENTITLED, An Act to provide a financial institution with an insurable interest
2 with reference to personal insurance.

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

4 Section 1. That § 58-10-4 be amended to read as follows:

5 58-10-4. "Insurable interest" with reference to personal insurance includes only interests as
6 follows:

7 (1) For individuals related closely by blood or by law, a substantial interest engendered
8 by love and affection;

9 (2) For other persons, a lawful and substantial economic interest in having the life, health,
10 or bodily safety of the individual insured continue, as distinguished from an interest
11 which would arise only by, or would be enhanced in value by, the death, disablement,
12 or injury of the individual insured;

13 (3) A person who is a party to a contract or option for the purchase or sale of an interest
14 in a business partnership or firm, or of shares of stock of a closed corporation or of
15 an interest in the shares, has an insurable interest in the life of each individual party
16 to the contract and for the purpose of the contract only, in addition to any insurable

1 interest which may otherwise exist as to the life of the individual;

2 (4) A charitable organization that meets the requirements of section 501(c)3 of the
3 Internal Revenue Code of 1986, as amended to January 1, 1992, and owns or
4 purchases life insurance on an insured who consents to the ownership or purchase of
5 the insurance has an insurable interest in the life of the insured;

6 (5) A financial institution, as defined in subdivision 10-43-1(4), to whom a debt is owed
7 has an insurable interest in the life of the insured to the extent of the debt owed by the
8 insured, irrespective of any statute of limitation regarding the enforceability of the
9 debt.

1 **BILL HISTORY**

2 1/20/00 First read in Senate and referred to Commerce. S.J. 128

3 1/25/00 Scheduled for Committee hearing on this date.

4 1/25/00 Commerce Do Pass Amended, Passed, AYES 7, NAYS 0. S.J. 183

5 1/25/00 Commerce Place on Consent Calendar, AYES 0, NAYS 0.