



# 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

400D0351

## SENATE EDUCATION COMMITTEE ENGROSSED NO. **SB28** - 1/28/00

Introduced by: The Committee on Education at the request of the Department of Social Services

1 FOR AN ACT ENTITLED, An Act to provide payment of tuition costs to education programs  
2 for students in governmental custody and to eliminate certain payments to educational  
3 programs operated by public school districts.

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

5 Section 1. That § 13-28-39 be amended to read as follows:

6 13-28-39. The Department of Social Services shall pay tuition costs and related service costs  
7 for students in residential treatment centers or group care centers for minors ~~who~~ when the  
8 educational program is not operated by a public school district and the students are under the  
9 care and custody of the Department of Social Services, the ~~Unified Judicial System~~ Department  
10 of Corrections, or other entities approved by the secretary of the Department of Social Services.  
11 For students with disabilities residing in a foster home, the Department of Social Services shall  
12 pay for special education or special education and related services. Students residing in foster  
13 homes must be in the care and custody of the Department of Social Services, the ~~Unified Judicial~~  
14 ~~System~~ Department of Corrections, or other entities approved by the secretary of the  
15 Department of Social Services. The Department of Social Services ~~will have rate setting~~  
16 authority may set rates for tuition costs and related service costs.

1       The secretary of the Department of Social Services may promulgate rules, pursuant to  
2 chapter 1-26, pertaining to:

- 3       (1)    The amount, scope, and duration of services;
- 4       (2)    The basis for and extent of provider payments;
- 5       (3)    The method and amount of payment;
- 6       (4)    The methods of recoupment or recovery of overpayments;
- 7       (5)    Administration, record keeping, and audit requirements;
- 8       (6)    Compliance monitoring;
- 9       (7)    Reporting requirement; and
- 10      (8)    Such other standards and requirements as may be necessary to ensure the efficient  
11            operation and administration of the program.

1 **BILL HISTORY**

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

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

4 1/18/00 Scheduled for Committee hearing on this date.

5 1/18/00 Education Do Pass, Passed, AYES 4, NAYS 2. S.J. 68

6 1/18/00 Referred to Education. S.J. 69

7 1/20/00 Scheduled for Committee hearing on this date.

8 1/27/00 Scheduled for Committee hearing on this date.

9 1/27/00 Education Do Pass Amended, Passed, AYES 7, NAYS 0. S.J. 219

# State of South Dakota

SEVENTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2000

734D0473

## SENATE COMMERCE COMMITTEE ENGROSSED NO. **SB77** - 1/28/00

Introduced by: Senators Rounds and Symens and Representatives Jaspers and Wilson

1 FOR AN ACT ENTITLED, An Act to regulate a manufacturer's right of first refusal.

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

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

5 Notwithstanding the terms of any franchise agreements, the manufacturer or franchisor may  
6 exercise a right of first refusal to acquire the motor vehicle dealer's assets or ownership if all of  
7 the following conditions are met:

8 (1) In order to exercise the right of first refusal, the manufacturer or franchisor shall  
9 notify the motor vehicle dealer in writing within sixty days of its receipt of the  
10 completed proposal for the sale or transfer and all related agreements;

11 (2) The exercise of the right of first refusal will result in the dealer receiving the same or  
12 greater consideration as the dealer has contracted to receive in connection with the  
13 proposed change of ownership or transfer;

14 (3) The proposed sale or transfer of the dealership's assets does not involve the transfer  
15 or sale to a member or members of the family of one or more dealers, or to a qualified  
16 manager with at least two years management experience at the dealership of one or

- 1 more of these dealers, or to a partnership or corporation controlled by such persons;
- 2 (4) The manufacturer or franchisor agrees to pay the reasonable expenses, including
- 3 attorney fees which do not exceed the usual, customary, and reasonable fees charged
- 4 for similar work done for other clients, incurred by the proposed owner or transferee
- 5 prior to the manufacturer's or franchisor's exercise of its right of first refusal in
- 6 negotiating and implementing the contract for the proposed sale or transfer of the
- 7 dealership or dealership assets. Such expenses and attorney fees shall be paid to the
- 8 proposed new owner or transferee at the time of closing of the sale or transfer for
- 9 which the manufacturer or franchisor exercised its right of first refusal. No payment
- 10 of such expenses and attorney fees is required if the new owner or transferee has not
- 11 submitted an accounting of those expenses within thirty days of the dealer's receipt
- 12 of the manufacturer's or franchisor's written request for such an accounting. A
- 13 manufacturer or franchisor may request such accounting before exercising a right of
- 14 first refusal; and
- 15 (5) The dealer does not have any liability to any person as a result of a manufacturer or
- 16 franchisor exercising a right of first refusal.

1 **BILL HISTORY**

2 1/18/00 First read in Senate and referred to Commerce. S.J. 70

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

4 1/27/00 Commerce Do Pass Amended, Passed, AYES 7, NAYS 0. S.J. 217

# State of South Dakota

SEVENTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2000

239D0472

## SENATE COMMERCE COMMITTEE ENGROSSED NO. **SB84** - 1/28/00

Introduced by: Senators Rounds, Kloucek, and Symens and Representatives Jaspers and Wilson

1 FOR AN ACT ENTITLED, An Act to regulate the ownership of motor vehicle dealerships.

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

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

5 In this Act, the term, manufacturer, includes a representative or a person or entity who is  
6 affiliated with a manufacturer or representative, or who, directly or indirectly through an  
7 intermediary, is controlled by, or is under common control with, the manufacturer. For purposes  
8 of this section, a person or entity is controlled by a manufacturer if the manufacturer has the  
9 authority directly or indirectly, by law or by agreement of the parties, to direct or influence the  
10 management and policies of the person or entity.

11 Section 2. That chapter 32-6B be amended by adding thereto a NEW SECTION to read as  
12 follows:

13 Except as otherwise provided by this Act, no manufacturer or franchisor may directly or  
14 indirectly:

15 (1) Own an interest in a vehicle dealer or dealership;

16 (2) Operate or control a vehicle dealer or dealership; or

1 (3) Act in the capacity of a vehicle dealer.

2 Section 3. A manufacturer or franchisor may own an interest in a franchised vehicle dealer,  
3 or otherwise control a dealership, for a period not to exceed twelve months from the date the  
4 manufacturer or franchisor acquires the dealership if:

5 (1) The person from whom the manufacturer or franchisor acquired the dealership was  
6 a franchised dealer; and

7 (2) The dealership is for sale by the manufacturer or franchisor at a reasonable price and  
8 on reasonable terms and conditions.

9 Section 4. That chapter 32-6B be amended by adding thereto a NEW SECTION to read as  
10 follows:

11 For the purpose of broadening the diversity of its dealer body and enhancing opportunities  
12 for qualified persons who are part of a group who have historically been underrepresented in its  
13 dealer body, or other qualified persons who lack the resources to purchase a dealership outright,  
14 but for no other purpose, a manufacturer or franchisor may temporarily own an interest in a  
15 dealership if the manufacturer's or franchisor's participation in the dealership is in a bona fide  
16 relationship with a franchised vehicle dealer who:

17 (1) Has made a significant investment in the dealership, subject to loss;

18 (2) Has an ownership interest in the dealership; and

19 (3) Operates the dealership under a plan to acquire full ownership of the dealership within  
20 a reasonable time and under reasonable terms and conditions.

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

23 On a showing by a manufacturer or franchisor of good cause, the department may extend the  
24 time limit set forth in section 3 of this Act. No extension under this section may exceed twelve  
25 months. An application for an extension after the first extension is granted is subject to protest

- 1 by a vehicle dealer of the same line-make whose dealership is located in the same county as, or
- 2 within fifteen miles of, the dealership owned or controlled by the manufacturer or franchisor. The
- 3 department may not grant more than two extensions.

1 **BILL HISTORY**

2 1/18/00 First read in Senate and referred to Commerce. S.J. 71

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

4 1/27/00 Commerce Do Pass Amended, Passed, AYES 7, NAYS 0. S.J. 217

# State of South Dakota

SEVENTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2000

660D0178

## SENATE EDUCATION COMMITTEE ENGROSSED NO. **SB164** - 1/28/00

Introduced by: Senators Reedy, Brosz, and Kloucek and Representatives Lucas, Chicoine, Fischer-Clemens, Kooistra, McCoy, McIntyre, Patterson, and Wilson

1 FOR AN ACT ENTITLED, An Act to establish qualifications for substitute teachers.

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

3 Section 1. That chapter 13-43 be amended by adding thereto a NEW SECTION to read as  
4 follows:

5 Any person who is employed as a substitute teacher in any school in which teachers are  
6 required to be certified shall be at least a high school graduate, shall be at least twenty-one years  
7 of age, and shall complete an orientation program that includes, but is not limited to the  
8 following areas:

- 9 (1) Classroom management;  
10 (2) Student safety and health; and  
11 (3) School district policies and procedures.

12 The school administration is responsible for supervision of the substitute teacher and for  
13 providing any testing or training necessary to meet the requirements of subdivisions (1) to (3),  
14 inclusive, of this section. No person may be employed as a substitute teacher at such a school  
15 unless the person has signed a statement that the person has not during the previous five years  
16 been convicted of any crime involving moral turpitude, including traffic in narcotics.

1 **BILL HISTORY**

2 1/21/00 First read in Senate and referred to Education. S.J. 139

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

4 1/27/00 Education Do Pass Amended, Passed, AYES 7, NAYS 0. S.J. 218

# State of South Dakota

SEVENTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2000

708D0700

SENATE COMMERCE COMMITTEE

ENGROSSED NO. **SB165** - 1/28/00

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

Introduced by: Senators Reedy, Albers, Flowers, and Lawler and Representatives Brown (Richard), Clark, and Engbrecht

1 FOR AN ACT ENTITLED, An Act to allow a farm winery to hold an on-sale retail license.

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

3 Section 1. That chapter 35-12 be amended by adding thereto a NEW SECTION to read as  
4 follows:

5 The holder of a farm winery license may also hold on the premises where the wine is  
6 produced, an on-sale license issued pursuant to subdivision 35-4-2(4) or (6) and subject to the  
7 quota established in § 35-4-11 or 35-4-11.1.

1 **BILL HISTORY**

2 1/21/00 First read in Senate and referred to Commerce. S.J. 139

3 1/27/00 Commerce Hog Housed.

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

5 1/27/00 Commerce Do Pass Amended, Passed, AYES 7, NAYS 0. S.J. 216

# 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

457D0559

## SENATE TRANSPORTATION COMMITTEE ENGROSSED NO. **SB203** - 1/28/00

Introduced by: Senator Paisley and Representative Roe

1 FOR AN ACT ENTITLED, An Act to provide for highway signs denominating South Dakota  
2 as the Home of the Great Sioux Nations.

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

4 Section 1. That chapter 31-2 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 The secretary of the Department of Transportation shall, in consultation with the  
7 Transportation Commission and the Office of Tribal Governmental Relations, design, produce,  
8 and erect companion signs to be displayed in conjunction with or in proximity to any South  
9 Dakota welcome sign erected and maintained at or near the state borders along any state trunk  
10 highway. The companion signs shall indicate and emphasize the relationship and role of the Sioux  
11 people in the heritage of South Dakota and shall, at a minimum, bear the inscription, HOME OF  
12 THE GREAT SIOUX NATIONS.

1 **BILL HISTORY**

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

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

4 1/27/00 Transportation Do Pass Amended, Passed, AYES 5, NAYS 1. S.J. 219