

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

400D0331

HOUSE COMMERCE COMMITTEE ENGROSSED NO. **HB1030** - 1/31/00

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

1 FOR AN ACT ENTITLED, An Act to define the duties of a motor carrier enforcement officer
2 and to revise certain provisions regarding motor carrier inspectors.

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

4 Section 1. That § 32-2-7 be amended to read as follows:

5 32-2-7. Agents, ~~patrolmen,~~ patrol officers, motor carrier enforcement officers, and motor
6 carrier inspectors, ~~and employees~~ of the Department of Commerce and Regulation shall assist
7 in the enforcement of all laws, police regulations, and rules governing motor vehicles and motor
8 carriers over and upon the highways of this state. The agents, ~~patrolmen,~~ patrol
9 officers, motor carrier enforcement officers, and motor carrier inspectors, ~~and employees~~ may stop any vehicle
10 or carrier to examine, measure, or weigh the vehicle and its load and to withdraw and inspect any
11 fuel being transported by the vehicle or used to propel the vehicle. The agents, ~~patrolmen,~~ patrol
12 officers, motor carrier enforcement officers, and motor carrier inspectors, ~~and employees~~ may
13 examine any bill-of-lading, registration, license, or permit to determine if the motor carrier is
14 properly registered, licensed, or permitted and if the load transported is an amount permitted by
15 the commercial motor vehicle license issued to the carrier.

16 Section 2. That § 32-2-8 be amended to read as follows:

1 32-2-8. ~~It shall be the duty of agents, patrolmen~~ Agents, patrol officers, motor carrier
2 enforcement officers, and motor carrier inspectors of the ~~Division of Highway Patrol to~~
3 Department of Commerce and Regulation shall place violators of any of the laws or police
4 regulations of this state, governing operation of motor vehicles or motor carriers, under arrest
5 without warrant for criminal offenses committed in the presence of ~~any such~~ the agent, patrolman
6 patrol officer, motor carrier enforcement officer, or motor carrier inspector, and take the violator
7 and the vehicle which does not conform to such laws or regulations to the nearest convenient
8 circuit court or magistrate court for trial at the earliest opportunity.

9 Section 3. That § 32-9-3.1 be amended to read as follows:

10 32-9-3.1. Any motor vehicle or trailer owned and operated by a resident or a nonresident
11 engaged in the harvest of agricultural products may be operated upon the highways, roads, and
12 streets of this state upon payment of a seventy-five dollar fee. Payment of the fee shall be
13 evidenced by a sticker provided by the department affixed in a conspicuous place on the vehicle
14 as the department may require.

15 The stickers, which are valid for a calendar year, shall be purchased from the county treasurer
16 of any county through which the owner or operator may travel; or from an agent, patrol officer,
17 motor carrier enforcement officer, or motor carrier inspector ~~at a port of entry, or any other~~
18 ~~agent designated by~~ of the department Department of Commerce and Regulation. All fees
19 collected shall be handled, accounted for, and distributed in the same manner as the other fees
20 provided for in this chapter. A violation of this section is a Class 2 misdemeanor.

21 Section 4. That § 32-9-23.2 be amended to read as follows:

22 32-9-23.2. ~~Whenever~~ If a motor carrier in intrastate commerce ~~shall elect~~ elects to pay the
23 commercial motor vehicle fee pursuant to § 32-9-23.1, ~~such~~ the carrier shall make application
24 to an agent, patrol officer, motor carrier enforcement officer, or motor carrier inspector ~~at a port~~
25 ~~of entry, or such other agents as may be designated by~~ of the department Department of

1 Commerce and Regulation.

2 Section 5. That § 32-9-23.5 be amended to read as follows:

3 32-9-23.5. Upon payment of the permit fee set forth in § 32-9-23.1, the carrier shall be issued
4 a receipt which shall be the permit to move such vehicle pursuant to ~~said~~ the permit. The carrier
5 shall retain the receipt or permit in ~~his~~ the carrier's possession for display upon demand of any
6 ~~peace agent, patrol officer, motor carrier enforcement officer, or motor carrier inspector at a port~~
7 ~~of entry, or designated agent of the department~~ Department of Commerce and Regulation.

8 A violation of this section is a Class 2 misdemeanor.

9 Section 6. That § 49-28-36.8 be amended to read as follows:

10 49-28-36.8. Upon payment of the single trip fee, as provided by § 49-28-36.6, the motor
11 carrier shall be issued a receipt which shall be the trip permit. The carrier shall retain the permit
12 in ~~his~~ the carrier's possession for display upon demand of any ~~peace agent, patrol officer, motor~~
13 ~~carrier enforcement officer, or motor carrier inspector at a port of entry or designated agent of~~
14 the Department of Commerce and Regulation. A violation of this section is a Class 2
15 misdemeanor.

1 **BILL HISTORY**

2 1/11/00 First read in House and referred to committee assignment waived. H.J. 17

3 1/12/00 Referred to Commerce. H.J. 33

4 1/15/00 Scheduled for Committee hearing on this date.

5 1/16/00 Scheduled for Committee hearing on this date.

6 1/18/00 Scheduled for Committee hearing on this date.

7 1/18/00 Commerce Do Pass, Passed, AYES 12, NAYS 0. H.J. 108

8 1/19/00 Referred to Commerce. H.J. 149

9 1/27/00 Scheduled for Committee hearing on this date.

10 1/27/00 Commerce Do Pass Amended, Passed, AYES 12, NAYS 0. H.J. 282

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

400D0290

HOUSE COMMERCE COMMITTEE ENGROSSED NO. **HB1035** - 1/18/00

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

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

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding health insurance on
2 a franchise plan and to allow for discounts.

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

4 Section 1. That § 58-17-2.1 be amended to read as follows:

5 58-17-2.1. Health insurance on a franchise plan is hereby declared to be that form of health
6 insurance issued to:

7 (1) ~~Five~~ Three or more employees of any corporation, copartnership, or individual
8 employer or any governmental corporation, agency, or department thereof; or

9 (2) Ten or more members of any trade, occupational, or professional association, or of
10 a labor union, or of any other association having had an active existence for at least
11 two years where such association or union has a constitution or bylaws and is formed
12 in good faith for purposes other than that of obtaining insurance;

13 where such persons, with or without their dependents, are issued the same form of an individual
14 policy varying only as to amounts and kinds of coverage applied for by such persons, under an
15 arrangement whereby the premiums on such policies may be paid to the insurer periodically by

1 the employer, with or without payroll deductions, or by the association for its members, or by
2 some designated person acting on behalf of such employer or association or by the insured
3 directly to the insurer, if permitted by the insurer. The term, "employees", as used ~~herein~~ in this
4 section may be deemed to include the officers, managers, and employees and retired employees
5 of the employer and the individual proprietor or partnership.

6 Section 2. That chapter 58-17 be amended by adding thereto a NEW SECTION to read as
7 follows:

8 Health insurance may be marketed on a franchise basis to members or employees of an
9 employer, labor union, or association. Except as provided for by § 58-18B-2, health insurance
10 marketed on a franchise basis may have the individual's premiums paid by the employer, labor
11 union, or association. Marketing a policy on a franchise basis does not exempt any policy from
12 any applicable requirement under this title except as provided in section 3 of this Act.

13 Section 3. That § 58-33-13 be amended to read as follows:

14 58-33-13. No person ~~shall~~ may make or permit any unfair discrimination between individuals
15 of the same class and of essentially the same hazard in the amount of premium, policy fees, or
16 rates charged for any policy or contract of health insurance or in the benefits payable thereunder,
17 or in any of the terms or conditions of such contract, or in any other manner whatever. Violation
18 of this section is a Class 2 misdemeanor. Nothing in this section prohibits different rates charged,
19 or benefits payable, or different underwriting procedures used for individuals insured under a
20 franchise plan or provided discounts based upon administrative savings or incentives for
21 additional family members to purchase insurance.

1 **BILL HISTORY**

2 1/11/00 First read in House and referred to committee assignment waived. H.J. 18

3 1/12/00 Referred to Commerce. H.J. 33

4 1/15/00 Scheduled for Committee hearing on this date.

5 1/16/00 Scheduled for Committee hearing on this date.

6 1/18/00 Scheduled for Committee hearing on this date.

7 1/18/00 Commerce Do Pass Amended, Passed, AYES 12, NAYS 0. H.J. 108

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

291D0442

HOUSE TRANSPORTATION COMMITTEE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 **BILL HISTORY**

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

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

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

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

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

256D0068

SENATE HEALTH AND HUMAN SERVICES
COMMITTEE ENGROSSED NO. **SB5** - 2/8/00

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

Introduced by: Senator Drake and Representatives Monroe, Fryslie, Peterson, Volesky, and Weber at the request of the Interim Health Insurance Committee

1 FOR AN ACT ENTITLED, An Act to require certain reforms of health benefit plans issued
2 before July 1, 1996.

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

4 Section 1. Any health benefit plan issued before July 1, 1996, is subject to the rating
5 limitations provided in this section. For a class of business, the premium rates charged during a
6 rating period to individuals with similar case characteristics for the same or similar coverage, or
7 the rates that could be charged to such individuals under the rating system for that class of
8 business, may not exceed three times the base premium rate after July 1, 2001, two and one-half
9 times the base premium rate after July 1, 2003, and two times the base premium rate after July 1,
10 2005.

1 **BILL HISTORY**

2 1/11/00 First read in Senate and referred to Health and Human Services. S.J. 14

3 1/15/00 Scheduled for Committee hearing on this date.

4 1/15/00 Deferred by Chair.

5 1/24/00 Scheduled for Committee hearing on this date.

6 1/24/00 Deferred by Chair.

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

8 1/26/00 Deferred by Chair.

9 2/7/00 Health and Human Services Hog Housed.

10 2/7/00 Scheduled for Committee hearing on this date.

11 2/7/00 Health and Human Services Do Pass Amended, Passed, AYES 5, NAYS 1. S.J. 337

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

400D0306

SENATE JUDICIARY COMMITTEE ENGROSSED NO. **SB20** - 2/8/00

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

1 FOR AN ACT ENTITLED, An Act to provide for the crime of identity theft.

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

3 Section 1. A person commits the offense of identity theft if the person without the
4 authorization or permission of another person and with the intent to deceive or defraud:

5 (1) Obtains, possesses, transfers, uses, attempts to obtain, or records identifying
6 information not lawfully issued for that person's use; or

7 (2) Accesses or attempts to access the financial resources of that person through the use
8 of identifying information.

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

10 Section 2. For the purposes of this Act, identifying information includes:

11 (1) Birth certificate or passport information;

12 (2) Driver's license numbers;

13 (3) Social security or other taxpayer identification numbers;

14 (4) Checking account numbers;

15 (5) Savings account numbers;

16 (6) Credit card numbers;

- 1 (7) Debit card numbers;
- 2 (8) Personal identification numbers, passwords, or challenge questions;
- 3 (9) User names or identifications;
- 4 (10) Biometric data; or
- 5 (11) Any other numbers, documents, or information which can be used to access a person's
- 6 financial resources.

7 Section 3. In any criminal proceeding brought pursuant to section 1 of this Act, the crime

8 shall be considered to have been committed in any county in which any part of the identity theft

9 took place, regardless of whether the defendant was ever actually in such county.

1 **BILL HISTORY**

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

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

4 1/14/00 Judiciary Deferred to another day.

5 2/4/00 Scheduled for Committee hearing on this date.

6 2/4/00 Judiciary Do Pass Amended, Passed, AYES 7, NAYS 0. S.J. 328

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

780D0403

SENATE JUDICIARY COMMITTEE

ENGROSSED NO. **SB70** - 2/8/00

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

Introduced by: Senator Olson and Representatives Fischer-Clemens and Sebert

1 FOR AN ACT ENTITLED, An Act to provide for the assessment of a higher fee for a vehicle
2 dealer license permit purchased beyond the five-day requirement.

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

4 Section 1. That § 32-6B-5 be amended to read as follows:

5 32-6B-5. The following persons are exempt from the provisions of this chapter:

- 6 (1) Any employee of any person licensed as a vehicle dealer if engaged in the specific
7 performance of the employee's duties;
- 8 (2) Any financial institution chartered or licensed in any other jurisdiction that acquires
9 vehicles as an incident to its regular business and sells such vehicles to dealers licensed
10 under this chapter;
- 11 (3) Any nonprofit automobile club if selling automobiles twenty years old or older under
12 the provisions of chapter 32-3;
- 13 (4) Any person acting as an auctioneer if auctioning South Dakota titled vehicles for a
14 licensed dealer or a person who is exempt from the provisions of this chapter;
- 15 (5) Any person engaged in the business of manufacturing or converting new vehicles if
16 selling such vehicles to a licensed dealer holding a franchise from the original

- 1 manufacturer of the vehicle;
- 2 (6) Any person engaged in the business of manufacturing or customizing motorcycles
3 may display but may not sell any motorcycles at an event, if the event lasts three or
4 more days and if the person registers with and purchases a permit from the
5 Department of Revenue at least five days before the event. The person shall pay a fee
6 of one hundred fifty dollars for a ten-day temporary permit. However, if the permit
7 is purchased at least five days before the event, the person shall pay a fee of one
8 hundred dollars for the ten-day temporary permit;
- 9 (7) Any person engaged in the business of manufacturing trailers may display but may not
10 sell any trailers at an event, if the event lasts three or more days and if the person
11 registers with and purchases a permit from the Department of Revenue at least five
12 days before the event. The person shall pay a fee of ~~fifty~~ seventy-five dollars for a
13 ten-day temporary permit. However, if the permit is purchased at least five days
14 before the event, the person shall pay a fee of fifty dollars for the ten-day temporary
15 permit;
- 16 (8) Any person may sell motorcycles at an event, if the event lasts three or more days and
17 if the person registers and purchases a permit from the Department of Revenue at
18 least five days before the event. Before issuance of a permit, the applicant must
19 provide proof they are a licensed dealer in their own state and have no outstanding
20 dealer violations. The permit will only be issued if the motorcycles being sold are not
21 franchised in this state. The person shall pay a fee of ~~two~~ three hundred dollars for a
22 ten-day temporary permit. However, if the permit is purchased at least five days
23 before the event, the person shall pay a fee of two hundred dollars for the ten-day
24 temporary permit;
- 25 (9) Any person may sell trailers at an event, if the event lasts three or more days and if the

1 person registers and purchases a permit from the Department of Revenue at least five
2 days before the event. Before issuance of a permit, the applicant must provide proof
3 they are a licensed dealer in their own state and have no outstanding dealer violations.
4 The permit will only be issued if the trailers being sold are not franchised in this state.
5 The person shall pay a fee of ~~one~~ two hundred and ~~fifty~~ twenty-five dollars for a
6 ten-day temporary permit. However, regardless of whether or not there is a franchise
7 in this state, any person may display a trailer at such an event. However, if the permit
8 is purchased at least five days before the event, the person shall pay a fee of one
9 hundred fifty dollars for the ten-day temporary permit;

10 (10) Any person not engaged in the sale of vehicles as a business and is disposing of
11 vehicles used solely for personal use if the vehicles were acquired and used in good
12 faith and not for the purpose of avoiding the provisions of this chapter;

13 (11) Any person not engaged in the sale of vehicles as a business who operates fleets of
14 vehicles and is disposing of vehicles used in the person's business if the same were
15 acquired and used in good faith and not for the purpose of avoiding the provisions of
16 this chapter;

17 (12) Any person who sells less than five vehicles in a twelve-month period, unless the
18 person is licensed as a dealer in another state or holds himself or herself out as being
19 in the business of selling vehicles. However, if the vehicles are travel trailers, any
20 person who sells less than three travel trailers in a twelve-month period;

21 (13) Any public officer while performing the officer's official duties;

22 (14) Any receiver, trustee, administrator, executor, guardian, or other person appointed
23 by or acting under the judgment or order of any court;

24 (15) Any regulated lenders as that term is defined in § 54-3-14, any insurance company
25 authorized to do business in this state or any financing institution as defined in and

1 licensed pursuant to chapter 54-7 that acquires vehicles as an incident to its regular
2 business;

3 (16) Any towing agency that acquires and sells a vehicle which has been towed at the
4 request of a private landowner under the provision of chapter 32-36 or at the request
5 of a law enforcement officer, if no vehicle is sold for an amount over two hundred
6 dollars; and

7 (17) Any vehicle rental and leasing company that sells its used vehicles to dealers licensed
8 under this chapter.

1 **BILL HISTORY**

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

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

4 1/19/00 Scheduled for Committee hearing on this date.

5 1/24/00 Scheduled for Committee hearing on this date.

6 1/24/00 Deferred to 36th legislative day, AYES 7, NAYS 0. S.J. 175

7 2/4/00 Judiciary Removed from Table.

8 2/7/00 Judiciary Hog Housed.

9 2/7/00 Scheduled for Committee hearing on this date.

10 2/7/00 Judiciary Do Pass Amended, Passed, AYES 7, NAYS 0. S.J. 339

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

536D0410

SENATE JUDICIARY COMMITTEE

ENGROSSED NO. **SB86** - 2/8/00

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

Introduced by: Senators Madden, Albers, Flowers, Hainje, Lawler, Moore, Munson (David), Shoener, Symens, and Vitter and Representatives Konold, Brooks, Diedrich (Larry), Diedrich (Elmer), Duenwald, Eccarius, Fischer-Clemens, Garnos, Hanson, Hennies, Klaudt, Lintz, McCoy, Munson (Donald), Sutton (Duane), Volesky, Wetz, Wilson, and Young

1 FOR AN ACT ENTITLED, An Act to exempt certain traffic violations from the requirement
2 that a restricted minor's permit be suspended.

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

4 Section 1. That § 32-12-15 be amended to read as follows:

5 32-12-15. The issuance of an instruction permit or restricted minor's permit is on a
6 probationary basis. The Department of Commerce and Regulation on the receipt of a record of
7 conviction for a traffic violation classified as a felony or Class 1 misdemeanor, prior to the
8 minor's sixteenth birthday, shall suspend the minor's driving privileges until the minor's sixteenth
9 birthday or as otherwise required by law. Upon the receipt of a record of conviction prior to the
10 minor's sixteenth birthday of any other traffic violation, the department shall suspend an
11 instruction permit or restricted minor's permit for a period of thirty days for a first violation. No
12 permit may be suspended for a first violation of § 32-14-9.1, 32-21-27, 32-25-5, 32-26-6, 32-26-
13 25, 32-26-40, 32-30-20, or 34A-7-7, for a first violation of §§ 32-26-17 to 32-26-20, inclusive,
14 or for a first violation of § 32-25-1.1 or 32-25-7 that is ten miles per hour or less over the speed

1 limit. A second conviction for a traffic violation committed prior to the minor's sixteenth birthday
2 or a conviction for a violation of an instruction permit or restricted minor's permit committed
3 prior to the minor's sixteenth birthday shall result in revocation of the minor's driving privileges
4 until the minor's sixteenth birthday or for a period of ninety days, whichever period is longer, or
5 as otherwise required by law. If a minor has no instruction permit or restricted minor's permit
6 and is convicted of any traffic violation prior to the minor's sixteenth birthday, the department
7 shall suspend or revoke the minor's driving privilege or privilege to apply for a permit or license
8 as provided in this section. Any traffic violation which occurs prior to the issuance of an
9 instruction permit or restricted minor's permit or an operator's license shall be placed on the
10 driving record and given the same consideration as any violation which occurs following the
11 issuance of an instruction permit, restricted minor's permit, or an operator's license.

1 **BILL HISTORY**

2 1/18/00 First read in Senate and referred to Judiciary. S.J. 72

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

4 1/24/00 Deferred to 36th legislative day, AYES 6, NAYS 1. S.J. 175

5 2/7/00 Judiciary Hog Housed.

6 2/7/00 Scheduled for Committee hearing on this date.

7 2/7/00 Judiciary Reconsidered.

8 2/7/00 Judiciary Do Pass Amended, Passed, AYES 6, NAYS 1. S.J. 341

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

826D0617

SENATE JUDICIARY COMMITTEE

ENGROSSED NO. **SB100** - 2/8/00

Introduced by: Senators Dunn (Rebecca), Dennert, Flowers, Hutmacher, Kloucek, Lange, Lawler, Olson, Reedy, and Symens and Representatives Haley, Davis, Fischer-Clemens, Kazmerzak, Koetzle, Lockner, Lucas, Patterson, Sutton (Daniel), and Waltman

1 FOR AN ACT ENTITLED, An Act to provide that certain minors in the custody of the
2 Department of Corrections be segregated from others.

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

4 Section 1. That chapter 26-8B be amended by adding thereto a NEW SECTION to read as
5 follows:

6 While in the physical custody of the Department of Corrections, no child in need of
7 supervision, as defined in § 26-8B-2, may be placed in any facility, program, locality, or
8 environment which causes or is likely to cause the child in need of supervision to be in either
9 direct physical contact or prolonged physical proximity to any delinquent child, as defined in
10 § 26-8C-2. The provisions of this Act do not prohibit the Department of Corrections from
11 placing children in need of supervision in any facility or from requiring children in need of
12 supervision to participate in any program, if the placement or participation can be facilitated
13 without any contact with delinquent children. The provisions of this Act do not apply to children
14 in need of supervision while in any mental health program, chemical dependency treatment
15 program, or private sector placement.

1 Section 2. That chapter 26-8B be amended by adding thereto a NEW SECTION to read as
2 follows:

3 The term, direct physical contact or prolonged physical proximity, as used in this Act, does
4 not refer to accidental contact, minimal incidental contact, or visual contact from a distance
5 sufficient to preclude any likelihood of direct physical contact.

1 **BILL HISTORY**

2 1/18/00 First read in Senate and referred to Judiciary. S.J. 75

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

4 1/21/00 Deferred by Chair.

5 1/28/00 Scheduled for Committee hearing on this date.

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

7 2/2/00 Deferred by Chair.

8 2/4/00 Scheduled for Committee hearing on this date.

9 2/4/00 Judiciary Do Pass Amended, Passed, AYES 4, NAYS 3. S.J. 327

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

418D0430

SENATE JUDICIARY COMMITTEE

ENGROSSED NO. **SB108** - 2/8/00

Introduced by: Senators Staggers and Albers and Representatives Koehn, Klaudt, Koetzle, and
Patterson

1 FOR AN ACT ENTITLED, An Act to provide for DNA testing for certain inmates for the
2 purposes of determining whether they may have been wrongfully convicted.

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

4 Section 1. Any person confined in the state penitentiary for a conviction of murder or any
5 felony under chapter 22-22 may petition a court of competent jurisdiction to order
6 deoxyribonucleic acid (DNA) testing on evidence relevant to that person's case and on a sample
7 drawn from that person. The court shall schedule a hearing on the petition within one hundred
8 twenty days. The court on hearing the petition shall consider:

9 (1) The likelihood of sufficient DNA being recovered from the evidence to generate a
10 sufficient sample for testing; and

11 (2) The likelihood that the results of DNA testing, if results do not match the DNA of the
12 petitioner, would, if introduced at trial, produce sufficient reasonable doubt to prevent
13 conviction.

14 If the court finds sufficient evidence, it shall order DNA testing to be done at the state's
15 expense. The sample from the petitioner shall be collected by a health professional licensed or
16 certified to do so. The sample from the evidence shall be collected by a competent professional.

1 If the court determines that the results of testing, if introduced at trial, might reasonably produce
2 sufficient doubt regarding the petitioner's guilt or result in a reversal of the petitioner's
3 conviction, the court shall immediately order a trial de novo. If the test results do not result in
4 a new trial or if the petitioner is reconvicted and that conviction, if appealed, is upheld, the
5 petitioner shall reimburse the state for the costs of the services and testing.

6 Section 2. Any court or law enforcement agency of the state shall preserve any DNA
7 evidence in its possession that it knows or should know exists, if that evidence is relevant to any
8 conviction of murder or of any felony under chapter 22-22. No court or law enforcement agency
9 needs to preserve DNA evidence if the conviction has been overturned and the state has
10 exhausted its appeals or declined to appeal, the convicted person has completed the sentence and
11 has not indicated any intention to appeal, or the convicted person has died without filing an
12 appeal.

13 Section 3. This Act is effective January 1, 2002.

1 **BILL HISTORY**

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

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

4 1/21/00 Judiciary Deferred to another day.

5 2/4/00 Scheduled for Committee hearing on this date.

6 2/4/00 Judiciary Do Pass Amended, Passed, AYES 6, NAYS 0. S.J. 327

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

400D0680

SENATE JUDICIARY COMMITTEE
ENGROSSED NO. **SB142** - 2/8/00

Introduced by: Senator Whiting and Representative Fiegen

1 FOR AN ACT ENTITLED, An Act to change the penalties for the sale or purchase of alcoholic
2 beverages involving persons under the age of twenty-one and to provide for the revocation
3 of driving privileges upon conviction.

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

5 Section 1. That § 35-9-1 be amended to read as follows:

6 35-9-1. ~~It is a Class 1 misdemeanor to~~ No person may sell or give for use as a beverage any
7 alcoholic beverage to any person under the age of eighteen years unless:

8 (1) It is done in the immediate presence of a parent or guardian or spouse, who is at least
9 twenty-one years of age, while not on the premises of an establishment licensed for
10 the retail sale of alcoholic beverages pursuant to § 35-4-2 or at a special event for
11 which an alcoholic beverage license has been issued pursuant to § 35-4-11.4; or

12 (2) It is done by prescription or direction of a duly licensed practitioner or nurse of the
13 healing arts for medicinal purposes.

14 Section 2. That § 35-9-1.1 be amended to read as follows:

15 35-9-1.1. ~~It is a Class 2 misdemeanor to~~ No person may sell or give for use as a beverage any
16 alcoholic beverage to any person who is eighteen years of age or older but less than twenty-one

1 years of age unless it is done in the immediate presence of a parent or guardian or spouse over
2 twenty-one years of age or by prescription or direction of a duly licensed practitioner or nurse
3 of the healing arts for medicinal purposes.

4 Section 3. That § 35-9-2 be amended to read as follows:

5 35-9-2. ~~It is a Class 2 misdemeanor for any~~ No person under the age of twenty-one years ~~to~~
6 may purchase, attempt to purchase, or possess or consume alcoholic beverages except when
7 consumed in a religious ceremony and given to said person by an authorized person, or to
8 misrepresent ~~his~~ the person's age with the use of any document for the purpose of purchasing or
9 attempting to purchase alcoholic beverages from any licensee licensed under this title.

10 Section 4. That chapter 35-9 be amended by adding thereto a NEW SECTION to read as
11 follows:

12 Any person who violates § 35-9-1, 35-9-1.1, or 35-9-2 is guilty of a Class 1 misdemeanor.
13 The sentence imposed for a conviction under this section for a first offense carries a minimum
14 sentence of imprisonment in a county jail of twenty-four hours and a fine of five hundred dollars.
15 The sentence imposed for a conviction under this section for a second or subsequent offense
16 carries a minimum sentence of imprisonment in a county jail of forty-eight hours and a fine of one
17 thousand dollars.

18 Section 5. That chapter 35-9 be amended by adding thereto a NEW SECTION to read as
19 follows:

20 If the conviction for a violation of § 35-9-1, 35-9-1.1, or 35-9-2 is for a first offense, the
21 court shall, in addition to any other penalty allowed by law, order the revocation of the
22 defendant's driving privileges for a period not less than thirty days and not to exceed one year.
23 However, the court may, in its discretion, issue an order permitting the person to operate a
24 motor vehicle for purposes of the person's employment or attendance at school or at court-
25 ordered counseling programs during the hours of the day and the days of the week as set forth

1 in the order. The court may also restrict the privilege in such manner as it sees fit for a period
2 not to exceed one year.

3 If the conviction for a violation of § 35-9-1, 35-9-1.1, or 35-9-2 is for a second or
4 subsequent offense, the court shall, in addition to any other penalty allowed by law, order the
5 revocation of the defendant's driving privileges for a period not less than sixty days and not to
6 exceed one year.

1 **BILL HISTORY**

2 1/19/00 First read in Senate and referred to Judiciary. S.J. 119

3 1/31/00 Scheduled for Committee hearing on this date.

4 1/31/00 Deferred by Chair.

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

6 2/4/00 Scheduled for Committee hearing on this date.

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

8 2/7/00 Judiciary Do Pass Amended, Passed, AYES 4, NAYS 3. S.J. 338

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

593D0629 **SENATE AGRICULTURE AND NATURAL RESOURCES**
COMMITTEE ENGROSSED NO. SB150 - 2/3/00

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

Introduced by: Senators Frederick and Symens and Representatives Wetz, Apa, Diedrich (Larry), Diedrich (Elmer), Kazmerzak, McNenny, and Putnam

- 1 FOR AN ACT ENTITLED, An Act to authorize additional nonresident waterfowl licenses.
- 2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:
- 3 Section 1. That § 41-6-10 be amended to read as follows:
- 4 41-6-10. Licenses, permits, and stamps issued under this title are classified as follows:
- 5 (1) Disabled hunter permit;
- 6 (2) Export bait dealer license;
- 7 (2A) Fall three-day temporary nonresident waterfowl license;
- 8 (3) Fur dealer's license;
- 9 (4) Hoop net, trap or setline license;
- 10 (5) License for breeding and domesticating animals and birds;
- 11 (6) License to take fur-bearing animals;
- 12 (7) Nonresident big game license;
- 13 (8) Nonresident fishing license;
- 14 (9) Nonresident predator/varmint license;
- 15 (10) Repealed by SL 1999, ch 213, § 3.

- 1 (11) Nonresident retail bait dealer license;
- 2 (12) Nonresident shooting preserve license;
- 3 (13) Nonresident small game license;
- 4 (14) Nonresident and resident migratory bird certification permit;
- 5 (15) Nonresident wholesale bait dealer license;
- 6 (16) Nonresident wild turkey license;
- 7 (17) Nursing facility group fishing license;
- 8 (18) Park user's license;
- 9 (19) Permit for transportation of big game animal;
- 10 (20) Private fish hatchery license;
- 11 (21) Resident big game license;
- 12 (22) Resident elk license;
- 13 (23) Resident fishing license and resident senior fishing license;
- 14 (24) Repealed by SL 1999, ch 213, § 3.
- 15 (25) Resident retail bait dealer license;
- 16 (26) Resident small game license and resident youth small game license;
- 17 (27) Resident predator/varmint license;
- 18 (28) Resident wholesale bait dealer license;
- 19 (29) Resident wild turkey license;
- 20 (30) Scientific collector's license;
- 21 (31) Special nonresident waterfowl license;
- 22 (32) Repealed by SL 1999, ch 213, § 3.
- 23 (33) Taxidermist's license;
- 24 (33A) Spring ~~five-day~~ snow goose temporary nonresident ~~waterfowl~~ license;
- 25 (33B) Early fall Canada goose temporary nonresident license;

1 (34) Temporary fishing and hunting licenses.

2 The rights and privileges of such licensees are set forth in §§ 41-6-12 to 41-6-45.1, inclusive,
3 and in § 41-17-13. The Game, Fish and Parks Commission shall promulgate rules pursuant to
4 chapter 1-26 to set the fees, eligibility, and duration for such licenses.

5 Section 2. That § 41-6-18.1 be amended to read as follows:

6 41-6-18.1. It is a Class 2 misdemeanor for a nonresident to hunt, take, or kill migratory
7 waterfowl without a special nonresident waterfowl license, a fall three-day temporary
8 nonresident waterfowl license, early fall Canada goose temporary nonresident license, or a spring
9 ~~five-day~~ snow goose temporary nonresident ~~waterfowl~~ license, a migratory bird certification
10 permit, and a federal migratory bird stamp, or in violation of the conditions of the licenses or the
11 rules of the Game, Fish and Parks Commission.

12 A special nonresident waterfowl license, except as otherwise provided in this title, entitles
13 the licensee to hunt migratory waterfowl for ten consecutive days. Four dollars received from
14 the sale of each special nonresident waterfowl license shall be placed in the land acquisition and
15 development fund. The moneys from this fund shall be used to acquire by purchase or lease real
16 property to be used primarily for game production. This license shall be in such form as the
17 Game, Fish and Parks Commission shall prescribe.

18 The provision in this section limiting the validity of a special nonresident waterfowl license
19 to ten consecutive days does not apply in Union, Clay, Bon Homme, Yankton, and Charles Mix
20 counties; and in such counties, the special nonresident waterfowl license is valid during the same
21 period as is a resident waterfowl license.

22 The Game, Fish and Parks Commission may issue no more than four thousand nonresident
23 waterfowl licenses in a calendar year.

24 Section 3. That § 41-6-18.4 be amended to read as follows:

25 41-6-18.4. The Game, Fish and Parks Commission may promulgate rules in accordance with

1 chapter 1-26 to authorize the department to issue up to two thousand fall three-day temporary
2 nonresident waterfowl licenses, up to two thousand early fall Canada goose temporary
3 nonresident licenses, and a number of spring ~~five-day~~ snow goose temporary nonresident
4 ~~waterfowl~~ licenses to be determined by the department, and to establish the fee therefor, validity
5 of the licenses issued, types of waterfowl to be hunted, and areas in which hunting is permitted.
6 The fall three-day temporary nonresident waterfowl licenses are valid only on private property,
7 but are not valid on private property leased by the department for public hunting or on highways
8 or other public rights-of-way within this state that otherwise meet the requirements of
9 § 41-9-1.3. Revenue from the sale of fall three-day temporary nonresident waterfowl licenses
10 shall be deposited in the department's land acquisition and development fund to be used to
11 acquire, by lease, permit, or otherwise, interests in real property to be used for providing
12 waterfowl hunting public access in the counties adjacent to the Missouri River. Revenue from
13 the sale of early fall Canada goose temporary nonresident licenses shall be deposited in the
14 department's land acquisition and development fund to be used to acquire by lease, permit, or
15 otherwise, interests in real property to be used for providing waterfowl hunting public access.
16 Before promulgating rules which permit the issuance of fall three-day temporary nonresident
17 waterfowl licenses, the commission shall determine that adequate waterfowl hunting public
18 access has been provided through the department's land acquisition and development fund or
19 through other means.

20 Section 4. That § 41-6-72 be amended to read as follows:

21 41-6-72. Licenses issued under this title ~~shall expire on~~ at the end of the last day of December
22 of the calendar year for which they were issued unless specified otherwise in this chapter or as
23 limited or provided by the applicable license and rules promulgated by the Game, Fish and Parks
24 Commission in accordance with chapter 1-26. Waterfowl hunting licenses expire at the end of
25 the last day of the hunting season for which the license was issued.

1 Section 5. That § 41-6-15 be repealed.

2 ~~—41-6-15. Any hunting or fishing license shall expire on the last day of December in the year~~
3 ~~in which it was purchased or as limited and provided by the applicable license.~~

4 Section 6. The issuance, licensure, and revenue dedication requirements relating to early fall
5 Canada goose temporary nonresident licenses contained in sections 1 to 3, inclusive, of this Act
6 are repealed on June 30, 2003.

1 **BILL HISTORY**

2 1/20/00 First read in Senate and referred to Agriculture and Natural Resources. S.J. 127

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

4 2/1/00 Agriculture and Natural Resources Do Pass Amended, Passed, AYES 8, NAYS 0.

5 S.J. 281

6 2/1/00 Agriculture and Natural Resources Place on Consent Calendar.

7 2/2/00 Agriculture and Natural Resources Hog Housed.

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

655D0715

SENATE JUDICIARY COMMITTEE

ENGROSSED NO. **SB161** - 2/8/00

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

Introduced by: Senators Bogue and Everist and Representatives Hunt and Fischer-Clemens

1 FOR AN ACT ENTITLED, An Act to restrict the legal responsibility to provide financial
2 support for certain family members.

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

4 Section 1. That § 25-7-27 be amended to read as follows:

5 25-7-27. ~~Every~~ Any adult child, having the financial ability ~~so~~ to do so, shall provide
6 necessary food, clothing, shelter, or medical attendance for a parent who is unable to provide for
7 ~~himself; provided that~~ oneself. ~~However,~~ no claim ~~shall~~ may be made against such adult child
8 ~~until notice has been given such adult child~~ the adult child is given written notice that his the
9 child's parent is unable to provide for himself oneself, and such adult child ~~shall have~~ has refused
10 to provide for ~~his~~ the child's parent. Notice required by this section shall be given within ninety
11 days after the necessary food, clothing, shelter, or medical attendance was first provided for the
12 parent. However, in the case of fraud or misrepresentation, notice shall be provided within ninety
13 days after such fraud or misrepresentation is known or should have been known. If the parent
14 or someone acting on behalf of the parent makes application for assistance pursuant to chapter
15 28-13, the county shall give the written notice required herein within ninety days after it receives
16 the application of notice required under § 28-13-1, 28-13-32.3, 28-13-32.4, or 28-13-34.1,

1 whichever is sooner.

1 **BILL HISTORY**

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

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

4 1/24/00 Deferred by Chair.

5 1/26/00 Scheduled for Committee hearing on this date.

6 1/26/00 Judiciary Deferred to another day.

7 1/28/00 Scheduled for Committee hearing on this date.

8 1/31/00 Scheduled for Committee hearing on this date.

9 1/31/00 Deferred to 36th legislative day, AYES 5, NAYS 1. S.J. 262

10 2/7/00 Judiciary Hog Housed.

11 2/7/00 Scheduled for Committee hearing on this date.

12 2/7/00 Judiciary Reconsidered.

13 2/7/00 Judiciary Do Pass Amended, Failed, AYES 3, NAYS 3.

14 2/7/00 Judiciary Do Pass Amended, Passed, AYES 4, NAYS 3. S.J. 338

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

922D0765

SENATE STATE AFFAIRS COMMITTEE

ENGROSSED NO. **SB184** - 2/7/00

Introduced by: Senators Hainje, Albers, Brown (Arnold), Daugaard, Duxbury, Everist, Frederick, Halverson, Lange, Munson (David), Paisley, Reedy, and Staggers and Representatives Peterson, Broderick, Brown (Richard), Chicoine, Crisp, Diedrich (Larry), Earley, Fiegen, Fryslie, Heineman, Hunt, Kazmerzak, Richter, Roe, Slaughter, Sutton (Daniel), and Wudel

1 FOR AN ACT ENTITLED, An Act to authorize the construction of an inmate housing unit on
2 the grounds of the state penitentiary complex in Minnehaha County, to make an
3 appropriation therefor, to authorize local governments to contract with the state for the care
4 of local prisoners, and to declare an emergency.

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

6 Section 1. The Department of Corrections may construct, complete, furnish, and equip a
7 secure housing unit on the grounds of the state penitentiary complex in Minnehaha County,
8 including architectural and engineering services, plumbing, water, sewer, heating, ventilation,
9 electric facilities, site preparation, construction of sidewalks and driveways, and landscaping the
10 grounds of the facility.

11 Section 2. The Department of Corrections may expend ten million dollars (\$10,000,000) in
12 federal or other funds, or so much thereof as may be necessary, for the planning, design, and
13 construction of the secure housing unit authorized in section 1 of this Act.

14 Section 3. The Department of Corrections may accept, transfer, and expend any funds

1 obtained for these purposes from federal sources, gifts, contributions, or any other source, all
2 of which shall be deemed appropriated to this construction.

3 Section 4. The design and construction of this unit shall be under the general charge and
4 supervision of the Bureau of Administration as provided in chapter 5-14.

5 Section 5. The funds authorized by this Act shall be paid on warrants drawn by the state
6 auditor on vouchers approved by the Bureau of Administration and Department of Corrections.

7 Section 6. That chapter 24-11 be amended by adding thereto a NEW SECTION to read as
8 follows:

9 Any county or municipality of this state may enter into an agreement with the Department
10 of Corrections for the care and maintenance of accused or convicted persons who would
11 normally be held in a local jail pursuant to § 24-11-1. Such persons may be housed by the
12 Department of Corrections inside Department of Corrections housing units subject to provisions
13 of the agreement as provided for in this section and section 7 of this Act.

14 Section 7. That chapter 1-15 be amended by adding thereto a NEW SECTION to read as
15 follows:

16 The Department of Corrections may enter into an agreement with any county or municipality
17 of this state to provide for the care and maintenance of accused or convicted persons who would
18 normally be held in a local jail pursuant to § 24-11-1.

19 Section 8. If no agreement as provided for in sections 6 and 7 of this Act is mutually agreed
20 upon in writing by the Department of Corrections and a county or municipality, the authorization
21 provided for in sections 1 and 2 of this Act is null and void.

22 Section 9. Notwithstanding any other provision of law, and unless otherwise specified by
23 agreement, a county, municipality, or any of its elected officials that enter into an agreement with
24 the Department of Corrections for the care and maintenance of accused or convicted persons,
25 as set forth in section 6 of this Act, shall have no further responsibility for the care and

1 maintenance of such persons for such time that they are in the exclusive care and control of the
2 department.

3 Section 10. Whereas, this Act is necessary for the support of the state government and its
4 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full
5 force and effect from and after its passage and approval.

1 **BILL HISTORY**

2 1/24/00 First read in Senate and referred to State Affairs. S.J. 167

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

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

5 2/4/00 State Affairs Do Pass Amended, Passed, AYES 8, NAYS 1. S.J. 315

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

547D0763

SENATE JUDICIARY COMMITTEE

ENGROSSED NO. **SB195** - 2/8/00

Introduced by: Senators Lawler, Kloucek, Lange, and Stagers and Representatives Duenwald, Apa, Brown (Jarvis), Chicoine, Diedrich (Elmer), Heineman, Juhnke, Monroe, Sebert, and Waltman

1 FOR AN ACT ENTITLED, An Act to prohibit or restrict certain acts in relation to human
2 embryos.

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

4 Section 1. No person may knowingly destroy a human embryo for the purpose of
5 nontherapeutic research. A violation of this section is a Class 1 misdemeanor.

6 Section 2. No person may knowingly subject a human embryo to substantial risk of injury or
7 death for the purpose of nontherapeutic research. A violation of this section is a Class 1
8 misdemeanor.

9 Section 3. No person may use for research purposes cells or tissues that the person knows
10 were obtained by performing the activities described in sections 1 and 2 of this Act. A violation
11 of this section is a Class 1 misdemeanor.

12 Section 4. For purposes of this Act, the term, nontherapeutic research, means research that
13 is not intended to help preserve the life and health of the particular embryo subjected to risk. It
14 does not include in vitro fertilization and accompanying embryo transfer to a woman's body or
15 any diagnostic test which may assist in the future care of a child subjected to such tests.

1 Section 5. For purposes of this Act, the term, human embryo, means a living organism of the
2 species Homo sapiens at the earliest stages of development (including the single-celled stage)
3 that is not located in a woman's body.

4 Section 6. For the purposes of this Act, the terms, knowingly destroy and knowingly subject,
5 include the sale or transfer of human embryos with the knowledge that the embryos will be
6 destroyed, subjected to risk of injury, or used for research purposes, in violation of this Act.

1 **BILL HISTORY**

2 1/24/00 First read in Senate and referred to Judiciary. S.J. 169

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

4 2/4/00 Judiciary Do Pass Amended, Passed, AYES 7, NAYS 0. S.J. 328