

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

995D0027

HOUSE ENGROSSED NO. **HB1002** - 2/9/00

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

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

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

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

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

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

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

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

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

1 **BILL HISTORY**

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

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

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

5 1/27/00 Deferred by Chair.

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

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

8 2/4/00 Retirement Laws Hog Housed.

9 2/8/00 House of Representatives Do Pass Amended, Passed, AYES 62, NAYS 4. H.J. 506

10 2/8/00 House of Representatives Title Amended Passed. H.J. 507

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

905D0524

SENATE JUDICIARY COMMITTEE
ENGROSSED NO. **HB1111** - 2/15/00

Introduced by: Representatives Hunt, Apa, Duniphan, Engbrecht, Fitzgerald, McCoy, McIntyre, Michels, Sutton (Duane), Wilson, and Young and Senators Olson, Flowers, Lawler, and Munson (David)

1 FOR AN ACT ENTITLED, An Act to prohibit an adult from purchasing alcoholic beverages
2 for anyone under the age of twenty-one and to establish a penalty.

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

4 Section 1. That chapter 35-9 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Except as provided in §§ 35-9-1 and 35-9-1.1, it is a Class 1 misdemeanor for any person
7 twenty-one years of age or older to purchase or otherwise acquire alcoholic beverages from a
8 retail establishment and to give or resell the alcoholic beverages to any person under the age of
9 twenty-one years.

1 **BILL HISTORY**

2 1/18/00 First read in House and referred to committee assignment waived. H.J. 114

3 1/19/00 Referred to Judiciary.

4 1/28/00 Scheduled for Committee hearing on this date.

5 1/28/00 Judiciary Do Pass Amended, Passed, AYES 10, NAYS 1. H.J. 284

6 2/1/00 Motion to Amend, Passed, AYES 49, NAYS 19. H.J. 351

7 2/1/00 House of Representatives Do Pass Amended, Passed, AYES 60, NAYS 8. H.J. 352

8 2/2/00 First read in Senate and referred to Judiciary. S.J. 298

9 2/14/00 Scheduled for Committee hearing on this date.

10 2/14/00 Judiciary Do Pass Amended, Passed, AYES 6, NAYS 0. S.J. 468

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

463D0531

HOUSE COMMERCE COMMITTEE ENGROSSED NO. **HB1154** - 2/2/00

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

Introduced by: Representatives Monroe, Brown (Jarvis), Koehn, Koetzle, and Weber and
Senators Whiting, Madden, and Vitter

1 FOR AN ACT ENTITLED, An Act to provide for the provisional licensure of psychologists
2 during the one-year supervised postdoctoral psychological experience.

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

4 Section 1. That chapter 36-27A be amended by adding thereto a NEW SECTION to read
5 as follows:

6 The Board of Examiners of Psychologists may issue a provisional license not to exceed
7 twelve months in duration to an applicant who is completing the one-year supervised
8 postdoctoral psychological experience if the applicant has satisfied the requirements of
9 subdivisions 36-27A-12(1) and (2) and has completed the supervised psychological internship
10 as specified in subdivision 36-27A-12(3).

1 **BILL HISTORY**

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

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

4 2/1/00 Commerce Hog Housed.

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

6 2/1/00 Commerce Do Pass Amended, Passed, AYES 12, NAYS 0. H.J. 343

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

808D0641

SENATE JUDICIARY COMMITTEE ENGROSSED NO. **HB1165** - 2/15/00

Introduced by: Representative Koehn

1 FOR AN ACT ENTITLED, An Act to revise the elements of the crime of bigamy.

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

3 Section 1. That § 22-22-15 be amended to read as follows:

4 22-22-15. ~~Every~~ Any person who, ~~having been~~ while married to another presently living
5 person, marries any other person, is guilty of bigamy. This section does not apply ~~or extend to:~~

6 (1) ~~Any person who was previously married and,~~ whose husband or wife ~~by that former~~
7 ~~marriage~~ has been absent for five successive years without being known to be living
8 by such person;

9 (2) ~~Any person who was previously married and,~~ whose husband or wife ~~by that former~~
10 ~~marriage~~ has absented himself or herself from ~~his or her~~ such spouse by being outside
11 the United States, continuously for five years;

12 (3) ~~Any person who was previously married and,~~ whose marriage has been pronounced
13 void, annulled, or dissolved by a competent court; or

14 (4) Any person, presently married, who believes, in good faith, and has reason to believe,
15 that the marriage has been pronounced void, annulled, or dissolved by a competent
16 court.

1 Bigamy is a Class 6 felony.

1 **BILL HISTORY**

2 1/19/00 First read in House and referred to Judiciary. H.J. 135

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

4 1/26/00 Judiciary Do Pass, Passed, AYES 9, NAYS 4. H.J. 251

5 1/27/00 House of Representatives Do Pass, Passed, AYES 56, NAYS 8. H.J. 276

6 1/28/00 First read in Senate and referred to Judiciary. S.J. 245

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

8 2/14/00 Scheduled for Committee hearing on this date.

9 2/14/00 Judiciary Do Pass Amended, Passed, AYES 6, NAYS 0. S.J. 468

10 2/14/00 Judiciary Place on Consent Calendar.

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

456D0556

HOUSE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **HB1191** - 2/9/00

Introduced by: Representatives Earley, Heineman, and Peterson and Senator Hainje

1 FOR AN ACT ENTITLED, An Act to revise the number of temporary on-sale licenses that may
2 be issued by municipalities.

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

4 Section 1. That § 35-4-14.2 be amended to read as follows:

5 35-4-14.2. ~~There may be issued in any~~ Any municipality ~~one~~ may issue an on-sale license to
6 be operated at a convention hall established pursuant to chapter 9-52 or 9-53. Such license shall
7 be issued without regard to the population limitations established pursuant to § 35-4-11. In
8 addition, any municipality with a population exceeding one hundred thousand may issue an on-
9 sale license to be operated at a sporting event held at a publicly owned sports arena or facility
10 that seats a minimum of one thousand persons. Any license issued pursuant to this section shall
11 be issued for a period not to exceed five consecutive days and ~~such~~ the license shall expire at
12 twelve o'clock midnight on the fifth day after issuance. No license may be issued, pursuant to the
13 provisions of this section, in a municipality which operates a license pursuant to § 35-4-14.1. No
14 public hearing is required for the issuance of a license pursuant to this section if the individual
15 applying for ~~such~~ the license holds an on-sale alcoholic beverage license in ~~such~~ the municipality
16 or holds an operating agreement for a municipal on-sale alcoholic beverage license. No person

- 1 who holds an operating agreement for a municipal license pursuant to § 35-4-14.1 may receive
- 2 a license pursuant to this section.

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 Local Government.

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

5 2/3/00 Deferred to 36th legislative day, AYES 8, NAYS 4. H.J. 406

6 2/8/00 Local Government Reconsidered, AYES 11, NAYS 0.

7 2/8/00 Local Government Do Pass Amended, Passed, AYES 11, NAYS 0. H.J. 503

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

636D0591

HOUSE TAXATION COMMITTEE ENGROSSED NO. **HB1205** - 2/9/00

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

Introduced by: Representatives Cutler, Apa, Brown (Richard), Duenwald, Haley, Hanson, Jaspers, Konold, McNenny, Peterson, Smidt, Sutton (Duane), and Waltman and Senators Olson, Albers, Brown (Arnold), Drake, Everist, Flowers, Shoener, Symens, and Vitter

1 FOR AN ACT ENTITLED, An Act to revise certain requirements for moving mobile homes or
2 manufactured homes.

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

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

6 Any transport of a used mobile home or manufactured home by a transporter shall be
7 accompanied with a notification form, as prescribed by the secretary of revenue, stating the point
8 of origin and the point of destination. The transporter shall provide a copy of the notification
9 form to the director of equalization in the county of origin and the county of destination. This
10 section does not apply to any transport regulated under chapter 32-7A. A violation of this
11 section is a Class 2 misdemeanor.

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

14 Any transport of a used mobile home or manufactured home by a transporter shall be

1 accompanied with an affidavit from the county treasurer of the county in which the used mobile
2 home or manufactured home is registered, stating that the current year's taxes are paid as
3 described in §§ 10-6-70 to 10-6-73, inclusive, or § 10-9-3. This section does not apply to any
4 transport regulated under chapter 32-7A. A violation of this section is a Class 2 misdemeanor.

5 Section 3. That § 32-5-16.3 be amended to read as follows:

6 32-5-16.3. Any person who moves a mobile home or manufactured home shall obtain a
7 permit, as prescribed by the secretary of revenue, from the county treasurer where the home is
8 located. The permit fee is valid for a single trip from the point of origin to a point of destination
9 within the state. Before the county treasurer may issue a permit, the owner of the mobile home
10 or manufactured home or regulated lender as defined in § 54-3-14 that is repossessing the mobile
11 home or manufactured home shall obtain an affidavit, as prescribed by the secretary of revenue,
12 from the county treasurer stating that the current year's taxes are paid as described in §§ 10-6-70
13 to 10-6-72, inclusive, and § 10-6-73 or 10-9-3. The permit fee for mobile homes and
14 manufactured homes for use on the public highways is fifteen dollars. The fees collected shall be
15 credited to the license plate special revenue fund. The fee and permit imposed by this section
16 does not apply to a new or used mobile home or manufactured home transported by a dealer
17 licensed under chapter 32-7A. A violation of this section is a Class 2 misdemeanor.

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

20 If the owner of the used mobile home or manufactured home fails to obtain an affidavit from
21 the county treasurer of the county in which the used mobile home or manufactured home is
22 registered, stating that the current year's taxes are paid as described in §§ 10-6-70 to 10-6-73,
23 inclusive, or § 10-9-3, the court shall assess a civil penalty of two hundred fifty dollars to the
24 owner. If a regulated lender, as defined in § 54-3-14, is repossessing a used mobile home or
25 manufactured home and fails to obtain an affidavit from the county treasurer of the county in

1 which the used mobile home or manufactured home is registered, stating that the current year's
2 taxes are paid as described in §§ 10-6-70 to 10-6-73, inclusive, or § 10-9-3, the court shall assess
3 a civil penalty of two hundred fifty dollars to the lender. All civil penalties collected pursuant to
4 this section shall be deposited in the county general fund of the county in which the used mobile
5 home or manufactured home is registered.

1 **BILL HISTORY**

2 1/19/00 First read in House and referred to committee assignment waived. H.J. 142

3 1/20/00 Referred to Local Government.

4 1/25/00 House of Representatives Referred to Taxation. H.J. 222

5 2/3/00 Scheduled for Committee hearing on this date.

6 2/3/00 Deferred to 36th legislative day, AYES 9, NAYS 3. H.J. 403

7 2/8/00 Taxation Reconsidered, AYES 9, NAYS 0.

8 2/8/00 Taxation Do Pass Amended, Passed, AYES 10, NAYS 0. H.J. 499

9 2/8/00 Taxation Hog Housed.

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

632D0545

HOUSE EDUCATION COMMITTEE ENGROSSED NO. **HB1210** - 2/4/00

Introduced by: Representatives Clark, Fiegen, Napoli, Putnam, and Wudel and Senators
Staggers and Bogue

1 FOR AN ACT ENTITLED, An Act to modify contract renewal provisions for school district
2 food service purchases and to declare an emergency.

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

4 Section 1. That § 5-18-18.1 be amended to read as follows:

5 5-18-18.1. The ~~purchase~~ purchases by a school district of perishable food, raw materials used
6 in construction or manufacture of products for resale, the contracts for asbestos removal in
7 emergency response actions, and the contracts for services provided by individuals or firms for
8 consultants, audits, legal services, architectural services and engineering, insurance, real estate
9 services, auction services, or transportation of students are exempt from the provisions of this
10 chapter.

11 No contract for the transportation of students may exceed five years. Specific provisions of
12 the contract may be renegotiated during the term of the contract provided that guidelines for
13 making changes are in the contract. Any change made during the term of the contract shall be
14 reported in the school board minutes.

15 No contract for the services of a food service management company may exceed one year.

16 An original contract for the services of a school food service management company may be

1 renewed annually no more than four times consecutively following the original contract. Both
2 bid and contract shall specify that the contract can be renewed, but the local school is not
3 required to renew the contract. Specific provisions of the original contract may be renegotiated
4 prior to renewal provided that guidelines for making changes are in the original contract. The
5 school board shall record in its minutes any changes made during the term of a food service
6 management contract or renewal.

7 Section 2. 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 from and after its passage and approval.

1 **BILL HISTORY**

2 1/19/00 First read in House and referred to committee assignment waived. H.J. 143

3 1/20/00 Referred to Education.

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

5 2/3/00 Education Do Pass Amended, Passed, AYES 11, NAYS 1. H.J. 382

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

336D0380

HOUSE TRANSPORTATION COMMITTEE

ENGROSSED NO. **HB1214** - 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: Representatives Sebert, Burg, Fischer-Clemens, Lockner, and Putnam and
Senators Olson, Benson, and Duxbury

1 FOR AN ACT ENTITLED, An Act to revise certain segments of the state trunk highway
2 system.

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

4 Section 1. That § 31-4-245 be amended to read as follows:

5 31-4-245. The state trunk highway system includes the following in Lawrence County:

6 From a point on U.S. Highway 14 Alternate southwest of Lead in section five, township four
7 north, range three east, thence northwesterly ~~to a point at Trojan near the northwest corner of~~
8 ~~section thirty-six, township five~~ three and one-tenth miles to the intersection of Stewart Slope
9 Road near the northeast corner of section two, township four north, range two east.

1 **BILL HISTORY**

2 1/20/00 First read in House and referred to Transportation. H.J. 157

3 2/7/00 Transportation Hog Housed.

4 2/7/00 Scheduled for Committee hearing on this date.

5 2/7/00 Deferred to 36th legislative day, AYES 9, NAYS 3.

6 2/7/00 Transportation Reconsidered, AYES 9, NAYS 2.

7 2/7/00 Transportation Do Pass Amended, Passed, AYES 10, NAYS 1. H.J. 448

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

390D0737

HOUSE ENGROSSED NO. **HB1260** - 2/10/00

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

Introduced by: Representatives Fryslie, Chicoine, Juhnke, Kazmerzak, Sebert, and Weber and Senators Frederick and Munson (David)

1 FOR AN ACT ENTITLED, An Act to increase the authorized number of nonresident waterfowl
2 hunting licenses.

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

4 Section 1. That § 41-6-10 be amended to read as follows:

5 41-6-10. Licenses, permits, and stamps issued under this title are classified as follows:

- 6 (1) Disabled hunter permit;
- 7 (2) Export bait dealer license;
- 8 (2A) Fall three-day temporary nonresident waterfowl license;
- 9 (3) Fur dealer's license;
- 10 (4) Hoop net, trap or setline license;
- 11 (5) License for breeding and domesticating animals and birds;
- 12 (6) License to take fur-bearing animals;
- 13 (7) Nonresident big game license;
- 14 (8) Nonresident fishing license;
- 15 (9) Nonresident predator/varmint license;
- 16 (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 special
23 nonresident 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 1/24/00 First read in House and referred to committee assignment waived. H.J. 195

3 1/25/00 Referred to Agriculture and Natural Resources.

4 2/3/00 Agriculture and Natural Resources Hog Housed.

5 2/3/00 Scheduled for Committee hearing on this date.

6 2/3/00 Agriculture and Natural Resources Do Pass Amended, Passed, AYES 11, NAYS 2.

7 H.J. 374

8 2/7/00 House of Representatives Placed on Calendar. H.J. 463

9 2/7/00 Deferred with pending amendment (Rule 5-17). H.J. 467

10 2/9/00 Motion to Amend, Passed. H.J. 537

11 2/9/00 House of Representatives Do Pass Amended, Passed, AYES 62, NAYS 6. H.J. 537

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

913D0742

SENATE JUDICIARY COMMITTEE ENGROSSED NO. **HB1277** - 2/15/00

Introduced by: Representatives Michels, Cutler, Diedrich (Larry), Fischer-Clemens, Roe, and Wilson and Senators Daugaard, Brown (Arnold), Hainje, Moore, Munson (David), and Symens

1 FOR AN ACT ENTITLED, An Act to require the compiling and reporting of certain domestic
2 abuse information.

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

4 Section 1. That § 23A-3-21 be amended to read as follows:

5 23A-3-21. If any law enforcement officer who is responding to a domestic abuse call has
6 probable cause to believe that a crime has been committed, the law enforcement officer shall
7 arrest the person who is suspected of committing the crime and make a complete report of any
8 action taken. The officer shall indicate on the arrest report and the fingerprint document if the
9 arrest is for a crime against a family or household member as defined in § 25-10-1.

10 Section 2. That chapter 23A-2 be amended by adding thereto a NEW SECTION to read as
11 follows:

12 Any summons, complaint, information, indictment, or arrest warrant shall indicate any charge
13 that involves domestic abuse.

14 Section 3. The information required by this Act shall be compiled, maintained, and reported
15 in accordance with chapter 23-6.

1 **BILL HISTORY**

2 1/24/00 First read in House and referred to committee assignment waived. H.J. 198

3 1/25/00 Referred to Judiciary.

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

5 2/2/00 Judiciary Do Pass, Passed, AYES 13, NAYS 0. H.J. 362

6 2/2/00 Judiciary Place on Consent Calendar.

7 2/3/00 House of Representatives Do Pass, Passed, AYES 69, NAYS 0. H.J. 392

8 2/4/00 First read in Senate and referred to Judiciary. S.J. 323

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

10 2/11/00 Scheduled for Committee hearing on this date.

11 2/11/00 Judiciary Do Pass Amended, Passed, AYES 7, NAYS 0. S.J. 452

12 2/11/00 Judiciary Place on Consent Calendar.

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

337D0145

SENATE HEALTH AND HUMAN SERVICES COMMITTEE ENGROSSED NO. **HB1280** - 2/15/00

Introduced by: Representatives Putnam, Broderick, Michels, and Wudel and Senators Albers, Bogue, Drake, Frederick, and Moore

1 FOR AN ACT ENTITLED, An Act to increase the penalty for certain violations regarding vital
2 records and the disposition of dead bodies.

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

4 Section 1. That § 34-25-57 be amended to read as follows:

5 34-25-57. ~~Any~~ No person, officer, agent, or employee of any other person or of any
6 corporation or partnership ~~who shall~~ may:

7 (1) Inter, cremate, or otherwise finally dispose of a dead body of a human being or permit
8 the same to be done or ~~shall~~ remove ~~said~~ the body from the state without authority
9 of a burial or removal permit;

10 (2) Refuse or fail to furnish ~~correctly~~ any information in ~~his~~ such person's possession or
11 ~~shall~~ furnish false information affecting any certificate or record required by this
12 chapter;

13 (3) Intentionally falsify any certificate of birth, death, or burial or removal permit or any
14 record required by this chapter;

15 (4) Being required by this chapter to fill out a certificate of birth or death and file the
16 ~~same~~ certificate with the local registrar or deliver it upon request to any person

1 charged with the duty of filing the ~~same shall~~ certificate, fail, neglect, or refuse to
2 perform;

3 (5) Being a local registrar or deputy registrar, fail, neglect, or refuse to perform ~~his~~ the
4 duty as required by this chapter or by the rules ~~and regulations~~ adopted by the
5 secretary of health or by the instructions and directions of the department;

6 ~~is guilty of a Class 2 misdemeanor~~ A violation of this section is a Class 1 misdemeanor.

1 **BILL HISTORY**

2 1/24/00 First read in House and referred to committee assignment waived. H.J. 199

3 1/25/00 Referred to Health and Human Services.

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

5 2/4/00 Health and Human Services Do Pass, Passed, AYES 11, NAYS 0. H.J. 413

6 2/4/00 Health and Human Services Place on Consent Calendar.

7 2/7/00 House of Representatives Do Pass, Passed, AYES 64, NAYS 1. H.J. 440

8 2/8/00 First read in Senate and referred to Health and Human Services. S.J. 360

9 2/14/00 Scheduled for Committee hearing on this date.

10 2/14/00 Health and Human Services Do Pass Amended, Passed, AYES 4, NAYS 0. S.J. 470

11 2/14/00 Health and Human Services Place on Consent Calendar.

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

179D0630

HOUSE AGRICULTURE AND NATURAL RESOURCES

COMMITTEE ENGROSSED NO. **HB1300** - 2/9/00

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

Introduced by: Representatives Jaspers, Diedrich (Larry), Duenwald, Hanson, Juhnke, Napoli, and Wetz and Senators Symens and Benson

1 FOR AN ACT ENTITLED, An Act to create an office of agricultural policy.

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

3 Section 1. That chapter 1-41 be amended by adding thereto a NEW SECTION to read as
4 follows:

5 There is hereby created within the Department of Agriculture the office of agricultural policy.
6 The office is responsible for researching and developing factual information on issues affecting
7 the State of South Dakota and its agricultural industry. The office may develop briefing
8 documents, policy statements, and other informational documents for the secretary of agriculture
9 and the Governor on a variety of subjects, including:

- 10 (1) Federal legislative or regulatory issues;
- 11 (2) United States Department of Agriculture programs and policies;
- 12 (3) International trade and trade relations;
- 13 (4) Wetlands issues;
- 14 (5) Forestry and timber cutting issues;
- 15 (6) Endangered species issues;

- 1 (7) Railroad issues;
- 2 (8) Landowner rights issues;
- 3 (9) Animal depredation issues;
- 4 (10) Weed and pest control issues;
- 5 (11) Wilderness designation and development areas;
- 6 (12) Food quality, quantity, and protection issues;
- 7 (13) Environmental management issues;
- 8 (14) Wildland fire policy issues; and
- 9 (15) Any other issue or problem designated by the secretary or the Governor.

1 **BILL HISTORY**

2 1/24/00 First read in House and referred to committee assignment waived. H.J. 202

3 1/25/00 Referred to Agriculture and Natural Resources.

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

5 2/8/00 Agriculture and Natural Resources Hog Housed.

6 2/8/00 Scheduled for Committee hearing on this date.

7 2/8/00 Agriculture and Natural Resources Do Pass Amended, Passed, AYES 11, NAYS 0.

8 H.J. 478

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

400D0708

HOUSE ENGROSSED NO. **HB1309** - 2/2/00

Introduced by: Representatives Koehn and Monroe

1 FOR AN ACT ENTITLED, An Act to revise the licensure renewal date for chiropractors.

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

3 Section 1. That § 36-5-14.1 be amended to read as follows:

4 36-5-14.1. Each person receiving a license under the provisions of this chapter shall procure
5 from the secretary-treasurer of the ~~Board of Chiropractic Examiners~~ board on or before the
6 ~~fifteenth day of February~~ thirty-first day of December of each year, a renewal of license. ~~Such~~
7 The renewal shall be issued by the secretary-treasurer upon payment of the fee to be fixed in a
8 rule promulgated by the board pursuant to chapter 1-26, not exceeding the sum of one hundred
9 dollars. The renewal license shall be in the form of a receipt acknowledging payment of the
10 required fee and signed by the secretary-treasurer and shall be issued only to persons certified
11 by the South Dakota Chiropractors Association as members in good standing as defined in
12 § 36-5-18.

1 **BILL HISTORY**

2 1/24/00 First read in House and referred to committee assignment waived. H.J. 204

3 1/25/00 Referred to Health and Human Services.

4 1/28/00 Scheduled for Committee hearing on this date.

5 1/28/00 Health and Human Services Do Pass, Passed, AYES 10, NAYS 2. H.J. 298

6 2/1/00 Motion to Amend, Passed. H.J. 355

7 2/1/00 House of Representatives Do Pass Amended, Passed, AYES 67, NAYS 3. H.J. 355

8 2/1/00 House of Representatives Title Amended Passed. H.J. 355

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

753D0730

HOUSE EDUCATION COMMITTEE ENGROSSED NO. **HB1315** - 2/9/00

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

Introduced by: Representatives Fiegen, Brooks, Brown (Richard), Clark, Crisp, Cutler, Davis, Derby, Diedrich (Larry), Fryslie, Hagen, Heineman, Juhnke, Lockner, McCoy, McNenny, Pummel, Sutton (Duane), Wetz, and Wilson and Senators Daugaard, Hainje, and Hutmacher

1 FOR AN ACT ENTITLED, An Act to authorize use of special education funds for initiatives
2 at the South Dakota School for the Blind and the Visually Impaired and the South Dakota
3 School for the Deaf.

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

5 Section 1. That § 13-37-13 be amended to read as follows:

6 13-37-13. ~~Neither the~~ The secretary of the Department of Education and Cultural Affairs;
7 ~~nor or~~ any school district ~~shall~~ may expend any public funds under the provisions of this chapter
8 for the education of children in need enrolled in any state-owned institution, ~~except for~~ including
9 transportation as provided in § 13-37-8.9. The provisions of this chapter may apply to approved
10 programs and services provided by state universities and colleges, and for assignment to
11 institutions outside of South Dakota for services not available within the state.

1 **BILL HISTORY**

2 1/24/00 First read in House and referred to committee assignment waived. H.J. 205

3 1/25/00 Referred to Education.

4 2/8/00 Education Hog Housed.

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

6 2/8/00 Education Do Pass Amended, Passed, AYES 12, NAYS 0. H.J. 481

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

287D0627

HOUSE AGRICULTURE AND NATURAL RESOURCES COMMITTEE ENGROSSED NO. **HCR1004** - 2/2/00

Introduced by: Representatives Weber, Chicoine, Crisp, Engbrecht, Klaudt, Koehn, Kooistra, Lockner, Nachtigal, and Waltman and Senators Symens, Dennert, Duxbury, Kleven, Kloucek, and Lange

1 A CONCURRENT RESOLUTION, Urging Congress to schedule hearings to increase net farm

2 income and improve living conditions in rural America.

3 WHEREAS, the unparalleled agricultural productivity of the American people should be an

4 asset for our nation; and

5 WHEREAS, net cash income for 2000 is projected by the U.S. Department of Agriculture

6 to be \$49.7 billion, which is \$9.4 billion less than 1999; and

7 WHEREAS, the prices paid for farm commodities have been depressed for the past several

8 years; and

9 WHEREAS, U.S. agricultural exports have declined \$10 billion from the record levels of

10 1996; and

11 WHEREAS, U.S. farmers and ranchers need profitable export and domestic markets:

12 NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Seventy-

13 fifth Legislature of the State of South Dakota, the Senate concurring therein, that the United

14 States Congress and federal administration are urged to schedule hearings regarding the best

15 methods of increasing net farm income. Topics should include expanded open and competitive

- 1 markets, commodity deflation, risk management, federal government rules and regulations, and
- 2 the farm bill.

1 **BILL HISTORY**

2 1/27/00 Scheduled for Committee hearing on this date.

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

4 2/1/00 Agriculture and Natural Resources Adopt Resolution as Amended, AYES 12, NAYS 0.

5 H.J. 338

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

485D0628

HOUSE AGRICULTURE AND NATURAL RESOURCES COMMITTEE ENGROSSED NO. **HCR1005** - 2/2/00

Introduced by: Representatives Weber, Chicoine, Crisp, Engbrecht, Klaudt, Koehn, Kooistra, Lockner, Nachtigal, and Waltman and Senators Symens, Dennert, Drake, Duxbury, Kleven, Kloucek, and Lange

1 A CONCURRENT RESOLUTION, Urging the Clinton Administration and Congress to forbid

2 packers from feeding and owning livestock.

3 WHEREAS, in 1919 the Federal Trade Commission declared the Big Five Packers were in

4 the position to monopolize all the nation's food supply; and

5 WHEREAS, in 1920 the Big Five controlled roughly two-thirds of cattle slaughter; and

6 WHEREAS, the Packers and Stockyards Act of 1921 was enacted to strengthen existing

7 anti-trust laws and to prevent these or other companies from monopolizing the meat industry

8 again; and

9 WHEREAS, in 1983 the top four slaughterers had approximately thirty-six percent of the

10 market, in 1993 the top four slaughterers controlled approximately seventy percent and is now

11 over eighty percent; and

12 WHEREAS, three major corporations, Con Agra, Excel-Cargil, and IBP, control more than

13 eighty percent of the beef packing industry and together control major shares of the pork and

14 lamb slaughter industries:

15 NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Seventy-

1 fifth Legislature of the State of South Dakota, the Senate concurring therein, that the Clinton
2 administration including Secretary of Agriculture Dan Glickman, Assistant Secretary Mike Dunn,
3 and GIPSA Administrator Jim Baker, and the U.S. Congress are urged to prohibit packers from
4 controlling, feeding, or owning livestock unless the packer is a cooperative where the producers
5 have sufficient interest in livestock or the livestock are purchased within fourteen days of
6 slaughter. Packers currently feeding livestock should have a reasonable length of time to divest
7 themselves of their livestock feeding enterprises.

1 **BILL HISTORY**

2 1/27/00 Scheduled for Committee hearing on this date.

3 2/1/00 Agriculture and Natural Resources Adopt Resolution as Amended, AYES 12, NAYS 0.

4 H.J. 339

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

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

534D0603

HOUSE AGRICULTURE AND NATURAL RESOURCES COMMITTEE ENGROSSED NO. **HCR1007** - 2/2/00

Introduced by: Representatives Wetz, Brooks, Diedrich (Larry), Fryslie, Garnos, Jaspers, Juhnke, Klaudt, Koskan, Lintz, and McNenny and Senators Bogue, Brown (Arnold), Dunn (Jim), Frederick, Rounds, and Vitter

- 1 A CONCURRENT RESOLUTION, Supporting country-of-origin labeling of meat products.
- 2 WHEREAS, consumers are entitled to know the origin of the meat they purchase; and
- 3 WHEREAS, domestic livestock producers deserve fair and honest representation in the
- 4 marketplace for meat products derived from their livestock; and
- 5 WHEREAS, current meat labeling and inspection laws and regulations do not require
- 6 country-of-origin labeling; and
- 7 WHEREAS, United States agriculture operates in a worldwide market; and
- 8 WHEREAS, United States livestock producers are committed to produce meat products of
- 9 high quality and fulfill consumer desires for food safety and nutritional value:
- 10 NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Seventy-
- 11 fifth Legislature of the State of South Dakota, the Senate concurring therein, that the South
- 12 Dakota Legislature supports legislation requiring country-of-origin labeling of meat products at
- 13 the retail level.

1 **BILL HISTORY**

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

3 2/1/00 Agriculture and Natural Resources Adopt Resolution as Amended, AYES 12, NAYS 0.

4 H.J. 339

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

285D0081

HOUSE TAXATION COMMITTEE ENGROSSED NO. **SB8** - 2/11/00

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

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the establishment of
2 a separate market value for land in an identifiable region.

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

4 Section 1. That § 10-6-33.6 be amended to read as follows:

5 10-6-33.6. If the median market value per acre in an identifiable region within a county
6 deviates by more than ten percent from the county ~~average~~ median market value per acre, the
7 county director of equalization may establish a separate market value per acre for the land
8 defined by the director of equalization within that identifiable region.

1 **BILL HISTORY**

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

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

4 1/14/00 Taxation Do Pass, Passed, AYES 9, NAYS 0. S.J. 43

5 1/15/00 Senate Deferred to another day. S.J. 55

6 1/19/00 Senate Do Pass, Passed, AYES 27, NAYS 8. S.J. 120

7 1/20/00 First read in House and referred to Taxation. H.J. 170

8 2/10/00 Scheduled for Committee hearing on this date.

9 2/10/00 Taxation Do Pass Amended, Passed, AYES 12, NAYS 0. H.J. 557

10 2/10/00 Taxation Place on Consent Calendar.

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

870D0100

HOUSE ENGROSSED NO. **SB16** - 2/14/00

Introduced by: The Committee on Local Government at the request of the Secretary of State

1 FOR AN ACT ENTITLED, An Act to require a candidate's financial statement to be filed
2 biannually until disposition of all funds and payment of all obligations.

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

4 Section 1. That § 12-25-13.3 be amended to read as follows:

5 12-25-13.3. Any candidate or candidate's committee for county or legislative office at any
6 general or primary election shall make and file by July first and December thirty-first of the
7 election year a detailed statement of all valuable considerations received, obligated, or paid by
8 the candidate or committee or by ~~persons~~ any person authorized by the candidate or committee.
9 The statement shall itemize all contributions and expenditures received or incurred since the last
10 report filed pursuant to this section and shall include the name, residence address, and place of
11 employment of any person who has contributed an aggregate amount of more than one hundred
12 dollars or the equivalent thereof in that calendar year. However, with regard to political action
13 committees, the statement shall include the name of any political action committee that
14 contributed any amount. However, a county political party committee need not file a pre-primary
15 report. Also, if a candidate has no opposition in his a primary, neither ~~he nor his~~ the candidate
16 or the candidate's committee need ~~to~~ file a pre-primary report. A candidate or candidate's
17 committee shall file a ~~termination~~ detailed statement ~~following~~ by December thirty-first of each

1 even-numbered year until the disposition of all funds and payment of all obligations. However,
2 if a candidate has not run for county or legislative office for three years or has not served in a
3 county or legislative office for three years, the candidate or candidate's committee is not required
4 to file a detailed statement.

5 Candidates or committees for county offices shall file with the county auditor. Legislative
6 candidates or committees shall file with the secretary of state. A violation of this section by a
7 candidate or committee treasurer is a Class 2 misdemeanor.

1 **BILL HISTORY**

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

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

4 1/15/00 Local Government Do Pass, Passed, AYES 6, NAYS 1. S.J. 52

5 1/18/00 Senate Do Pass, Passed, AYES 33, NAYS 1. S.J. 78

6 1/19/00 First read in House and referred to Local Government. H.J. 150

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

8 2/10/00 Local Government Do Pass, Passed, AYES 7, NAYS 3. H.J. 583

9 2/11/00 House of Representatives Deferred to another day. H.J. 622

10 2/14/00 Motion to Amend, Passed. H.J. 655

11 2/14/00 House of Representatives Do Pass Amended, Passed, AYES 50, NAYS 17. H.J. 655

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

400D0328

HOUSE ENGROSSED NO. **SB33** - 2/15/00

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

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

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

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

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

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

11 Any insurer providing commercial or personal motor vehicle insurance in this state
12 responsible for repairing a damaged vehicle for which it is liable shall provide sufficient
13 compensation to the insured to restore the vehicle to substantially the same physical condition
14 as prior to the damage, regardless of whether the insured actually chooses to repair the vehicle.
15 The insurer may adjust claims based in whole or in part upon the paintless dent repair method
16 if:

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

20 However, if the insurer pays the claim based upon the paintless dent repair method and
21 paintless dent repair was attempted but was unsuccessful, the insurer is liable for any repairs
22 necessary to the area repaired by paintless dent repair, using the conventional method of repair,
23 to restore the vehicle to substantially the same physical condition as prior to the damage.

24 Section 3. If, for any portion of the vehicle's damage that the insurer has a duty to repair, the
25 paintless dent repair method is inappropriate, the insurer shall compensate the insured for the

1 amount necessary to complete the repairs in the local market area of the insured. The insurer may
2 not require the insured to travel an unreasonable distance to obtain a repair estimate or to have
3 the vehicle repaired. The insurer may not name a repair shop as payee on a compensation check
4 or draft unless agreed to by the insured.

5 Section 4. An insurer may comply with section 2 of this Act by entering into an agreement
6 with a repairer that guarantees repairs and by notifying the insured of such an agreement.

1 **BILL HISTORY**

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

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

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

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

6 1/18/00 Senate Do Pass Amended, Passed, AYES 33, NAYS 1. S.J. 75

7 1/19/00 First read in House and referred to Commerce. H.J. 151

8 2/3/00 Scheduled for Committee hearing on this date.

9 2/3/00 Commerce Do Pass, Passed, AYES 13, NAYS 0. H.J. 403

10 2/3/00 Commerce Place on Consent Calendar.

11 2/7/00 House of Representatives Deferred to another day. H.J. 470

12 2/8/00 House of Representatives Deferred to another day. H.J. 512

13 2/9/00 House of Representatives Deferred to another day. H.J. 550

14 2/10/00 House of Representatives Deferred to another day. H.J. 594

15 2/11/00 House of Representatives Deferred to another day. H.J. 622

16 2/14/00 Motion to Amend, Passed. H.J. 641

17 2/14/00 House of Representatives Do Pass Amended, Passed, AYES 66, NAYS 1. H.J. 642

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

910D0019

HOUSE ENGROSSED NO. **SB71** - 2/15/00

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.

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

6 1/27/00 Senate Deferred to another day. S.J. 228

7 1/28/00 Senate Do Pass Amended, Passed, AYES 32, NAYS 2. S.J. 242

8 1/31/00 First read in House and referred to committee assignment waived. H.J. 319

9 2/1/00 Referred to Education.

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

11 2/10/00 Education Do Pass, Passed, AYES 11, NAYS 1. H.J. 556

12 2/11/00 House of Representatives Deferred to another day. H.J. 622

13 2/14/00 Motion to Amend, Passed, AYES 49, NAYS 18. H.J. 650

14 2/14/00 House of Representatives Do Pass Amended, Passed, AYES 64, NAYS 3. H.J. 651

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

583D0281

HOUSE ENGROSSED NO. **SB153** - 2/15/00

Introduced by: Senators Moore, Flowers, Hutmacher, Olson, and Staggers and Representatives Napoli, Haley, Koehn, and Koetzle

1 FOR AN ACT ENTITLED, An Act to restrict the effect of certain provisions relating to the
2 illegal sale of alcoholic beverages to underage persons.

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

4 Section 1. No person may be convicted of illegally selling any alcoholic beverage to any
5 underage person pursuant to § 35-9-1 or 35-9-1.1, if the underage person was in possession of,
6 and the seller relied upon, any false age-bearing identification document that was furnished to
7 the underage person by any state agency or local law enforcement agency or any agent,
8 employee, contractor, or associate of any state agency or local law enforcement agency for the
9 purpose of attempting to illegally purchase any alcoholic beverage.

1 **BILL HISTORY**

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

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

4 1/24/00 Judiciary Do Pass Amended, Passed, AYES 6, NAYS 1. S.J. 175

5 1/26/00 Senate Do Pass Amended, Passed, AYES 32, NAYS 2. S.J. 207

6 1/27/00 First read in House and referred to Judiciary. H.J. 278

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

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

9 2/9/00 Judiciary Do Pass, Passed, AYES 10, NAYS 0. H.J. 521

10 2/10/00 House of Representatives Deferred to another day. H.J. 594

11 2/11/00 House of Representatives Deferred to another day. H.J. 622

12 2/14/00 Motion to Amend, Passed. H.J. 647

13 2/14/00 House of Representatives Do Pass Amended, Passed, AYES 64, NAYS 0. H.J. 648