

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

400D0370

HOUSE APPROPRIATIONS COMMITTEE

ENGROSSED NO. **HB1018** - 2/2/00

Introduced by: The Committee on Appropriations at the request of the Bureau of Finance and Management

1 FOR AN ACT ENTITLED, An Act to transfer certain funds from the South Dakota Building

2 Authority to the South Dakota Health and Education Facilities Authority.

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

4 Section 1. Notwithstanding the provisions of § 5-12-23, the executive secretary of the South

5 Dakota Building Authority shall transfer any accumulated savings from prior refundings and

6 unused project funds in an amount not to exceed five hundred twenty thousand dollars

7 (\$520,000) to the South Dakota Health and Education Facilities Authority. Such funds are

8 hereby appropriated for expenditure on projects at technical institutes identified in § 1-16A-77.

1 **BILL HISTORY**

2 1/11/00 First read in House and referred to committee assignment waived. H.J. 15

3 1/12/00 Referred to Appropriations.

4 2/1/00 Scheduled for Committee hearing on this date.

5 2/1/00 Appropriations Do Pass Amended, Passed, AYES 10, NAYS 0. H.J. 330

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

505D0190

SENATE EDUCATION COMMITTEE ENGROSSED NO. **HB1058** - 2/18/00

Introduced by: Representatives Eccarius, Brooks, Brown (Richard), Davis, Duniphan, Fiegen, Hennies, Koetzle, Koskan, Peterson, and Richter and Senators Everist, Hainje, Madden, Munson (David), Olson, and Paisley

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to special education.

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

3 Section 1. That § 13-28-42 be repealed.

4 ~~— 13-28-42. The resident district is responsible for the provision of a free appropriate public~~
5 ~~education for students in need of special education or special education and related services.~~

6 ~~Notwithstanding the provisions of § 13-28-44, a request to transfer a student in need of special~~
7 ~~education or special education and related services may be granted only if, through the placement~~
8 ~~committee process, the resident and nonresident districts determine that the nonresident district~~
9 ~~can provide an appropriate instructional program and facilities to meet the student's needs. The~~
10 ~~resident district shall reimburse the nonresident district actual costs incurred in providing an~~
11 ~~appropriate special education for a student in need of special education and related services.~~

12 ~~Notwithstanding the provisions of § 13-28-45, the placement committee, including~~
13 ~~representatives of the resident and nonresident districts, shall determine whether a student in~~
14 ~~need of special education requires transportation as a related service. If so, the resident district~~
15 ~~shall provide or ensure the provision of transportation.~~

1 ~~— If a parent or guardian of a student in need of special education or special education and~~
2 ~~related services wishes to transfer the student back to the resident district, the request shall be~~
3 ~~considered by the placement committee. The committee must include representatives of the~~
4 ~~resident and nonresident districts.~~

5 Section 2. That chapter 13-28 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 Notwithstanding the provisions of §§ 13-28-44 and 13-37-8.4, a request to transfer a student
8 in need of special education or special education and related services may be granted only if an
9 individualized education program team consisting of representatives from the resident and
10 nonresident districts determines that the nonresident district can provide an appropriate
11 instructional program and facilities, including transportation, to meet the student's needs. If the
12 request to transfer is granted, the nonresident district is responsible for the provision of a free
13 appropriate public education for the student in need of special education or special education and
14 related services. Notwithstanding the provisions of § 13-28-45, the individualized education
15 program team shall also determine whether the student in need of special education requires
16 transportation as a related service. If so, the nonresident district shall provide or ensure the
17 provision of transportation within the boundaries of the attendance center to which the student
18 is assigned.

19 If a parent or guardian of a student in need of special education or special education and
20 related services requests to transfer the student back to the resident district, the individualized
21 education program team shall consider the request.

22 Section 3. That § 13-37-35.1 be amended to read as follows:

23 13-37-35.1. Terms used in chapter 13-37 mean:

- 24 (1) "Level one disability," a mild disability;
25 (2) "Level two disability," a mental retardation or emotional disorder;

- 1 (3) "Level three disability," hearing impairment, deafness, visual impairment,
2 deaf-blindness, orthopedic impairment, or traumatic brain injury;
- 3 (4) "Level four disability," autism;
- 4 (5) "Level five disability," multiple disabilities;
- 5 (6) "Index factor," is the annual percentage change in the consumer price index for urban
6 wage earners and clerical workers as computed by the Bureau of Labor Statistics of
7 the United States Department of Labor for the year before the year immediately
8 preceding the year of adjustment or three percent, whichever is less;
- 9 (7) "Local effort," is the amount of taxes payable each year, using a levy for the special
10 education fund of a school district of one dollar and thirty-five cents per thousand
11 dollars of taxable valuation;
- 12 (8) "Allocation for a student with a level one disability," for the school fiscal year
13 beginning July 1, 1999, is \$3,504. For each school year thereafter, the allocation for
14 a student with a level one disability shall be the previous fiscal year's allocation for
15 such child increased by the lesser of the index factor or three percent;
- 16 (9) "Allocation for a student with a level two disability," for the school fiscal year
17 beginning July 1, 1999, is \$7,914. For each school year thereafter, the allocation for
18 a student with a level two disability shall be the previous fiscal year's allocation for
19 such child increased by the lesser of the index factor or three percent;
- 20 (10) "Allocation for a student with a level three disability," for the school fiscal year
21 beginning July 1, 1999, is \$10,116. For each school year thereafter, the allocation for
22 a student with a level three disability shall be the previous fiscal year's allocation for
23 such child increased by the lesser of the index factor or three percent;
- 24 (11) "Allocation for a student with a level four disability," for the school fiscal year
25 beginning July 1, 1999, is \$14,705. For each school year thereafter, the allocation for

1 a student with a level four disability shall be the previous fiscal year's allocation for
2 such child increased by the lesser of the index factor or three percent;

3 (12) "Allocation for a student with a level five disability," for the school fiscal year
4 beginning July 1, 1999, is \$15,808. For each school year thereafter, the allocation for
5 a student with a level five disability shall be the previous fiscal year's allocation for
6 such child increased by the lesser of the index factor or three percent;

7 (13) "Child count," is the number of students in need of special education or special
8 education and related services according to criteria set forth in rules promulgated
9 pursuant to §§ 13-37-1.1 and 13-37-46 submitted to the Department of Education
10 and Cultural Affairs in accordance with rules promulgated pursuant to § 13-37-1.1;

11 (14) ~~"Resident average~~ Average daily membership," the average number of resident
12 kindergarten through twelfth grade pupils enrolled in all schools operated by the
13 school district during the previous regular school year plus the average number of
14 pupils for whom the district pays tuition ~~and plus the average number of resident~~
15 ~~pupils enrolled in another school district under the provisions of § 13-28-40;~~

16 (15) "Nonpublic school," a sectarian organization or entity which is accredited by the
17 secretary of education and cultural affairs for the purpose of instructing children of
18 compulsory school age. This definition excludes any school that receives a majority
19 of its revenues from public funds;

20 (16) "Nonpublic average daily membership," ~~the average number of kindergarten through~~
21 ~~twelfth grade pupils enrolled during the previous regular school year in all nonpublic~~
22 ~~schools located within the boundaries of the public school district plus the average~~
23 ~~number of children under age sixteen who are approved for alternative instruction~~
24 ~~pursuant to § 13-27-2 during the previous school year~~ the average number of children
25 under age sixteen who are approved for alternative instruction pursuant to § 13-27-2

1 during the previous school year plus:

2 (a) For nonpublic schools located within the boundaries of a public school district
3 with an average daily membership of six hundred or more during the previous
4 school year, the average number of kindergarten through twelfth grade pupils
5 enrolled during the previous regular school year in all nonpublic schools
6 located within the boundaries of the public school district;

7 (b) For nonpublic schools located within the boundaries of a public school district
8 with an average daily membership of less than six hundred during the previous
9 school year, the average number of resident kindergarten through twelfth grade
10 pupils enrolled during the previous school year in all nonpublic schools located
11 within the State of South Dakota;

12 (17) "Special education average daily membership," ~~resident~~ average daily membership
13 plus nonpublic average daily membership;

14 (18) "Local need," an amount to be determined as follows:

15 (a) Multiply the special education average daily membership by 0.089 and multiply
16 the result by the allocation for a student with a level one disability;

17 (b) Multiply the number of students having a level two disability as reported on the
18 child count for the previous school fiscal year by the allocation for a student
19 with a level two disability;

20 (c) Multiply the number of students having a level three disability as reported on
21 the child count for the previous school fiscal year by the allocation for a
22 student with a level three disability;

23 (d) Multiply the number of students having a level four disability as reported on the
24 child count for the previous school fiscal year by the allocation for a student
25 with a level four disability;

1 (e) Multiply the number of students having a level five disability as reported on the
2 child count for the previous school fiscal year by the allocation for a student
3 with a level five disability;

4 (f) Sum the results of (a) through (e);

5 (19) "Effort factor," the school district's special education tax levy in dollars per thousand
6 divided by \$1.35. The maximum effort factor is 1.0.

7 ~~If a parent or guardian of a student in need of special education or special education and~~
8 ~~related services wishes to transfer the student back to the resident district, the request shall be~~
9 ~~considered by the placement committee. The committee must include representatives of the~~
10 ~~resident and nonresident districts.~~

11 Section 4. That § 13-13-10.1 be amended to read as follows:

12 13-13-10.1. Terms used in this chapter mean:

13 (1) ~~"General enrollment average~~ Average daily membership," the average number of
14 resident and nonresident kindergarten through twelfth grade pupils enrolled in all
15 schools operated by the school district during the previous regular school year, minus
16 average number of pupils for whom the district receives tuition, except pupils
17 described in subdivision (1A) and pupils for whom tuition is being paid pursuant to
18 § 13-28-42 and plus the average number of pupils for whom the district pays tuition;
19 ~~except pupils for whom the district pays tuition pursuant to § 13-28-42;~~

20 (1A) Nonresident students who are in the care and custody of the Department of Social
21 Services, the Unified Judicial System, the Department of Corrections, or other state
22 agencies and are attending a public school may be included in the average daily
23 membership of the receiving district when enrolled in the receiving district. When
24 counting a student who meets these criteria in its general enrollment average daily
25 membership, the receiving district may begin the enrollment on the first day of

1 attendance. The district of residence prior to the custodial transfer may not include
2 students who meet these criteria in its general enrollment average daily membership
3 after the student ceases to attend school in the resident district;

4 (2) "Adjusted average daily membership," calculated as follows:

5 (a) For districts with a ~~general enrollment~~ an average daily membership of two
6 hundred or less, multiply 1.2 times the ~~general enrollment~~ average daily
7 membership;

8 (b) For districts with a ~~general enrollment~~ an average daily membership of less than
9 six hundred, but greater than two hundred, raise the ~~general enrollment~~ average
10 daily membership to the 0.8293 power and multiply the result times 2.98;

11 (c) For districts with a ~~general enrollment~~ an average daily membership of six
12 hundred or more, multiply 1.0 times their ~~general enrollment~~ average daily
13 membership;

14 (3) "Index factor," is the annual percentage change in the consumer price index for urban
15 wage earners and clerical workers as computed by the Bureau of Labor Statistics of
16 the United States Department of Labor for the year before the year immediately
17 preceding the year of adjustment or three percent, whichever is less;

18 (4) "Per student allocation," for the period January 1, 1997, to June 30, 1997, inclusive,
19 is \$1,675. For school fiscal year 1998, beginning on July 1, 1997, the per student
20 allocation shall be \$3,350 increased by the index factor. Each school fiscal year
21 thereafter, the per student allocation shall be the previous fiscal year's per student
22 allocation increased by the index factor;

23 (5) "Local need," the per student allocation multiplied by the adjusted average daily
24 membership;

25 (6) "Local effort," the amount of ad valorem taxes generated in a school fiscal year by

1 applying the levies established pursuant to § 10-12-42.

2 Section 5. That § 13-13-1.4 be amended to read as follows:

3 13-13-1.4. If two or more school districts consolidate, for a period of four years after
4 consolidation, the adjusted average daily membership for the newly formed district shall be based
5 upon the ~~general enrollment~~ average daily membership as defined in § 13-13-10.1 of those school
6 districts that have not previously benefited from this section as they existed prior to
7 consolidation. In years two to four, inclusive, after the consolidation, the relationship between
8 the adjusted average daily membership and ~~general enrollment~~ average daily membership shall
9 be proportional to the relationship that existed for the first year.

10 Section 6. That § 13-13-73 be amended to read as follows:

11 13-13-73. The secretary of the Department of Education and Cultural Affairs shall compute
12 state aid to education for each school district under the foundation program according to the
13 following calculations:

- 14 (1) Determine each school district's ~~general enrollment~~ average daily membership;
- 15 (2) Multiply the per student allocation by the adjusted average daily membership to arrive
16 at the local need per district;
- 17 (3) State aid is (a) local need minus local effort, or (b) zero if the calculation in (a) is a
18 negative number;
- 19 (4) If the state aid appropriation for the general support of education is in excess of the
20 entitlement provided for in this section, the excess shall be used to fund any shortfall
21 of the appropriation as provided for in §§ 13-37-36 and 13-37-43. The secretary shall
22 report to the Governor by January seventh of each year, the amount of state aid
23 necessary to fully fund the general aid formula in the current year. If a shortfall in the
24 state aid appropriation for general education exists that cannot be covered by
25 § 13-37-45, the Governor shall inform the Legislature and provide a proposal to

1 eliminate the shortfall.

2 Section 7. That § 13-15-28 be amended to read as follows:

3 13-15-28. Any school district that enters into contractual agreements pursuant to § 13-15-11
4 and sends over fifty percent of its resident students enrolled in grades for which it contracts to
5 an adjoining school district or districts located in South Dakota shall reorganize the school
6 district pursuant to chapter 13-6 within two years of the end of the school year. For the purposes
7 of this section, the number of students attending adjoining districts shall be based on ~~general~~
8 ~~enrollment~~ average daily membership pursuant to subdivision 13-13-10.1(1). This section does
9 not apply to a school district located wholly within the boundaries of an Indian reservation.

10 Section 8. That § 13-28-40 be amended to read as follows:

11 13-28-40. An enrollment options program is established to enable any South Dakota
12 kindergarten through twelfth grade student to attend any public school that serves the student's
13 grade level in any South Dakota school district, subject to the provisions in §§ 13-28-40 to
14 13-28-47, inclusive. For purposes of determining state aid to education as it relates to the
15 provisions of §§ 13-28-40 to 13-28-47, inclusive, ~~general enrollment~~ average daily membership
16 as defined in § 13-13-10.1 is used to compute foundation aid and ~~resident~~ special education
17 average daily membership as defined in § 13-37-35 is used to determine funding for special
18 education.

19 Section 9. That § 13-28-39 be amended to read as follows:

20 13-28-39. The Department of Social Services shall pay tuition costs and related service costs
21 for students in residential treatment centers or group care centers for minors who are under the
22 care and custody of the Department of Social Services, the Unified Judicial System, or other
23 entities approved by the secretary of the Department of Social Services. ~~For students with~~
24 ~~disabilities residing in a foster home, the Department of Social Services shall pay for special~~
25 ~~education or special education and related services. Students residing in foster homes must be~~

1 ~~in the care and custody of the Department of Social Services, the Unified Judicial System, or~~
2 ~~other entities approved by the secretary of the Department of Social Services.~~ The Department
3 of Social Services will have rate setting authority for tuition costs and related service costs.

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

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

1 **BILL HISTORY**

2 1/14/00 First read in House and referred to Education. H.J. 45

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

4 1/20/00 Deferred by Chair.

5 1/25/00 Scheduled for Committee hearing on this date.

6 1/27/00 Scheduled for Committee hearing on this date.

7 1/27/00 Education Deferred to another day.

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

9 2/3/00 Education Do Pass Amended, Passed, AYES 12, NAYS 0. H.J. 377

10 2/7/00 House of Representatives Do Pass Amended, Passed, AYES 68, NAYS 0. H.J. 467

11 2/8/00 First read in Senate and referred to Education. S.J. 358

12 2/17/00 Scheduled for Committee hearing on this date.

13 2/17/00 Education Do Pass Amended, Passed, AYES 6, NAYS 0. S.J. 545

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

674D0125

HOUSE STATE AFFAIRS COMMITTEE

ENGROSSED NO. **HB1094** - 2/9/00

Introduced by: Representatives Wudel, Apa, Broderick, Brooks, Brown (Jarvis), Clark, Crisp, Diedrich (Larry), Diedrich (Elmer), Duenwald, Duniphan, Earley, Engbrecht, Fitzgerald, Fryslie, Garnos, Hennies, Jaspers, Juhnke, Klautdt, Koehn, Konold, Kooistra, Koskan, Lintz, McCoy, McNenny, Michels, Monroe, Munson (Donald), Napoli, Pummel, Putnam, Richter, Slaughter, Smidt, Solum, Sutton (Duane), Wetz, and Young and Senators Benson, Albers, Bogue, Brosz, Dennert, Drake, Frederick, Hainje, Lange, Symens, and Valandra

1 FOR AN ACT ENTITLED, An Act to create the people's trust fund in the state treasury and to
2 declare an emergency.

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

4 Section 1. The people's trust fund is established in the state treasury. Any money received
5 from the Master Settlement Agreement signed on November 23, 1998, by attorneys general from
6 several states and various tobacco companies shall be deposited in the people's trust fund. The
7 principal in the trust fund may not be expended. The fund shall be invested according to §§ 4-5-
8 23 and 4-5-26. Interest earned on money in the fund shall be deposited in the people's interest
9 fund created in section 2 of this Act.

10 Section 2. The people's interest fund is established in the state treasury. Interest earned on
11 money in the fund shall be credited to the people's interest fund. The money in the people's
12 interest fund shall remain in the fund until appropriated by the Legislature. The fund shall be
13 invested according to §§ 4-5-23 and 4-5-26.

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

1 **BILL HISTORY**

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

3 2/7/00 Scheduled for Committee hearing on this date.

4 2/7/00 State Affairs Deferred to another day, AYES 10, NAYS 3.

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

6 2/8/00 State Affairs Do Pass Amended, Passed, AYES 11, NAYS 2.

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

508D0537

SENATE JUDICIARY COMMITTEE ENGROSSED NO. **HB1184** - 2/17/00

Introduced by: Representatives Fiegen, Brooks, Cutler, Derby, Diedrich (Larry), Juhnke, McNenny, Michels, and Wilson and Senators Brown (Arnold) and Rounds

1 FOR AN ACT ENTITLED, An Act to provide immunity to members of county boards of mental
2 illness and county review boards.

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

4 Section 1. That chapter 27A-7 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Any person serving as a member of a county board of mental illness, whose action regarding
7 the applications or petitions for involuntary commitment or for the safekeeping otherwise of
8 persons subject to involuntary commitment is taken in good faith, is immune from any civil
9 liability that might otherwise be incurred or imposed. The immunity from civil liability under this
10 section does not apply if injury results from gross negligence or willful or wanton misconduct.

11 Section 2. That chapter 27B-7 be amended by adding thereto a NEW SECTION to read as
12 follows:

13 Any person serving as a member of a county review board, whose action regarding the
14 applications or petitions for involuntary commitment or for the safekeeping otherwise of persons
15 subject to involuntary commitment is taken in good faith, is immune from any civil liability that
16 might otherwise be incurred or imposed. The immunity from civil liability under this section does

1 not apply if injury results from gross negligence or willful or wanton misconduct.

1 **BILL HISTORY**

2 1/19/00 First read in House and referred to committee assignment waived. H.J. 138

3 1/20/00 Referred to Judiciary.

4 1/31/00 Scheduled for Committee hearing on this date.

5 1/31/00 Judiciary Deferred to another day.

6 2/2/00 Deferred by Chair.

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

8 2/4/00 Judiciary Do Pass, Passed, AYES 9, NAYS 2. H.J. 412

9 2/7/00 House of Representatives Deferred to another day. H.J. 469

10 2/8/00 House of Representatives Do Pass, Passed, AYES 57, NAYS 8. H.J. 494

11 2/9/00 First read in Senate and referred to Judiciary. S.J. 399

12 2/16/00 Scheduled for Committee hearing on this date.

13 2/16/00 Judiciary Do Pass Amended, Passed, AYES 5, NAYS 1. S.J. 522

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

448D0703

SENATE STATE AFFAIRS COMMITTEE

ENGROSSED NO. **HB1239** - 2/17/00

Introduced by: Representatives Fischer-Clemens, Brown (Jarvis), Chicoine, Davis, Haley, Klautt, Koehn, Koetzle, Kooistra, Lockner, Lucas, McIntyre, Patterson, Waltman, and Wilson and Senators Hutmacher, Brown (Arnold), Daugaard, Dunn (Rebecca), Duxbury, and Flowers

1 FOR AN ACT ENTITLED, An Act to limit the use of mechanical restraints in juvenile
2 correctional facilities.

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

4 Section 1. That chapter 26-11A be amended by adding thereto a NEW SECTION to read
5 as follows:

6 No agent or employee of the Department of Corrections may use or employ restraints upon
7 a juvenile committed to the Department of Corrections except:

- 8 (1) To prevent imminent bodily harm;
- 9 (2) As a precaution against escape or to prevent an escape;
- 10 (3) To prevent imminent property damages; or
- 11 (4) When reasonable under emergency circumstances.

12 For purposes of this Act, restraints are handcuffs, legcuffs, restraint belts, and tethers made
13 of fabric, metal, plastic, or leather; restraint boards, restraint chairs, swaddle beds, and
14 mechanisms to secure cuffs to a bed, restraint board, or chair.

1 **BILL HISTORY**

2 1/21/00 First read in House and referred to committee assignment waived. H.J. 178

3 1/24/00 Referred to State Affairs. H.J. 206

4 1/31/00 Scheduled for Committee hearing on this date.

5 1/31/00 State Affairs Do Pass, Passed, AYES 10, NAYS 3. H.J. 324

6 2/2/00 House of Representatives Deferred to another day. H.J. 370

7 2/3/00 House of Representatives Deferred to another day. H.J. 401

8 2/4/00 Motion to Amend, Passed, AYES 54, NAYS 11. H.J. 424

9 2/4/00 House of Representatives Do Pass Amended, Passed, AYES 57, NAYS 7. H.J. 425

10 2/7/00 First read in Senate and referred to State Affairs. S.J. 343

11 2/16/00 Scheduled for Committee hearing on this date.

12 2/16/00 State Affairs Do Pass Amended, Passed, AYES 9, NAYS 0. S.J. 520

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

237D0773

HOUSE STATE AFFAIRS COMMITTEE

ENGROSSED NO. **HB1261** - 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 Weber, Diedrich (Elmer), Duenwald, Monroe, Sebert, and Waltman and Senators Lawler, Dunn (Rebecca), Flowers, Lange, Madden, Reedy, Symens, and Vitter

1 FOR AN ACT ENTITLED, An Act to permit schools to display the Ten Commandments.

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

3 Section 1. An object or document containing the words of the Ten Commandments may be
4 displayed in any public school classroom, public school building, or at any public school event,
5 along with other objects and documents of cultural, legal, or historical significance that have
6 formed and influenced the legal and governmental systems of the United States and the State of
7 South Dakota. Such display of an object or document containing the words of the Ten
8 Commandments:

9 (1) Shall be in the same manner and appearance generally as other objects and documents
10 displayed; and

11 (2) May not be presented or displayed in any fashion that results in calling attention to it
12 apart from the other displayed objects and documents.

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 State Affairs.

4 2/9/00 Scheduled for Committee hearing on this date.

5 2/9/00 State Affairs Do Pass Amended, Passed, AYES 0, NAYS 0.

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

556D0707

SENATE STATE AFFAIRS COMMITTEE ENGROSSED NO. **HB1272** - 2/17/00

Introduced by: Representatives Wilson, Fiegen, Haley, and Hennies and Senator Moore

1 FOR AN ACT ENTITLED, An Act to provide for periodic judicial review of status of children
2 in custody of the Department of Corrections.

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

4 Section 1. That chapter 26-7A be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Within thirty days after a child is committed to the Department of Corrections under this
7 chapter, or chapter 26-8B or 26-8C, and every ninety days thereafter while the child remains in
8 a correctional placement, the Department of Corrections shall file a written report with the court
9 which committed such child. This written report shall contain the following information:

- 10 (1) The results of any assessments of the child concerning the child's emotional, mental,
11 educational, psychological, psychiatric, medical, physical, or health status and needs;
12 and
13 (2) Information regarding the placement of the child within particular programs
14 administered by the Department of Corrections; and
15 (3) Progress of the child in programs administered by the Department of Corrections.

16 Section 2. That chapter 26-7A be amended by adding thereto a NEW SECTION to read as

1 follows:

2 Upon review of the information provided in section 1 of this Act, the court may, upon its
3 own motion, enter an order compelling the secretary of corrections to appear and show cause
4 why the court should not order the discharge of the child from the department, order the child
5 to be restored to the child's parents, guardian, or custodian, order the child to be placed under
6 the guardianship of another person appointed by the court and placed in a suitable family home,
7 or order an amended decree of disposition pursuant to § 26-8B-6 or 26-8C-7. At the hearing,
8 the court shall determine if the best interests of the child will be promoted by the child's discharge
9 from the department.

1 **BILL HISTORY**

2 1/24/00 First read in House and referred to committee assignment waived. H.J. 197

3 1/25/00 Referred to State Affairs.

4 1/31/00 Scheduled for Committee hearing on this date.

5 1/31/00 State Affairs Do Pass, Passed, AYES 8, NAYS 5. H.J. 324

6 2/2/00 House of Representatives Deferred to another day. H.J. 370

7 2/3/00 House of Representatives Deferred to another day. H.J. 401

8 2/4/00 House of Representatives Do Pass, Passed, AYES 57, NAYS 7. H.J. 426

9 2/7/00 First read in Senate and referred to State Affairs. S.J. 343

10 2/16/00 Scheduled for Committee hearing on this date.

11 2/16/00 State Affairs Do Pass Amended, Passed, AYES 9, NAYS 0. S.J. 521

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

484D0646

HOUSE HEALTH AND HUMAN SERVICES COMMITTEE ENGROSSED NO. **HB1282** - 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 Klaudt, Duenwald, Fryslie, Hunt, Koskan, Sebert, Wetz, and Wilson and Senators Bogue, Benson, Kleven, Lawler, Madden, and Vitter

- 1 FOR AN ACT ENTITLED, An Act to prohibit persons other than physicians from performing
2 or assisting at certain medical tasks for the purpose of performing or inducing abortions.
3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:
4 Section 1. The performance of an abortion may not be delegated to any person not licensed
5 under chapter 36-4 and may not be part of a practice or collaborative agreement with a person
6 not licensed under chapter 36-4.

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

5 2/7/00 Scheduled for Committee hearing on this date.

6 2/7/00 Health and Human Services Do Pass Amended, Passed, AYES 10, NAYS 2. H.J. 450

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

926D0507

HOUSE ENGROSSED NO. **SB104** - 2/18/00

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

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

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

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

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

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

1 **BILL HISTORY**

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

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

4 2/1/00 Deferred by Chair.

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

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

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

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

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

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

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

12 2/16/00 Motion to Amend, Passed, AYES 37, NAYS 28. H.J. 698

13 2/16/00 House of Representatives Do Pass Amended, Failed, AYES 43, NAYS 23. H.J. 699

14 2/17/00 House of Representatives Reconsidered, AYES 61, NAYS 2. H.J. 723

15 2/17/00 Motion to Amend, Passed. H.J. 724

16 2/17/00 House of Representatives Do Pass Amended, Passed, AYES 63, NAYS 1. H.J. 724

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

671D0553

HOUSE COMMERCE COMMITTEE ENGROSSED NO. **SB136** - 2/16/00

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

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

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

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

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

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

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

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

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

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

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

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

12 In addition to any other remedy provided by law, any person may bring an action for
13 appropriate injunctive or other equitable relief for a violation of section 1 of this Act; actual
14 damages, if any, from the distributor, wholesaler, or other violator sustained by reason of the
15 violation; and, as determined by the court, interest on the damages from the date of the
16 complaint, taxable costs, and reasonable attorney's fees. If the trier of fact finds that the violation
17 is flagrant, it may increase recovery to an amount not in excess of three times the actual damages
18 sustained by reason of the violation.

1 **BILL HISTORY**

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

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

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

5 1/27/00 Senate Do Pass Amended, Passed, AYES 33, NAYS 1. S.J. 230

6 1/28/00 First read in House and referred to Commerce. H.J. 294

7 2/15/00 Scheduled for Committee hearing on this date.

8 2/15/00 Commerce Do Pass Amended, Passed, AYES 10, NAYS 0. H.J. 663

9 2/15/00 Commerce Place on Consent Calendar.