

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

376E0042

SENATE AGRICULTURE AND NATURAL RESOURCES

COMMITTEE ENGROSSED NO. **HB 1005** -

02/06/2001

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

Introduced by: Representatives Konold, Fryslie, Hanson (Gary), and Lintz and Senators Symens, Diedrich (Elmer), Drake, and Vitter at the request of the Interim Agriculture and Natural Resources Committee

1 FOR AN ACT ENTITLED, An Act to prohibit the discharge of a firearm within six hundred
2 sixty feet of an occupied dwelling, church, schoolhouse, or certain livestock while on certain
3 public waters, and to provide a penalty.

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

5 Section 1. That chapter 41-9 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 No person may discharge a firearm while on that portion of public waters of this state that
8 inundate privately-owned property from a location which is within six hundred sixty feet of an
9 occupied dwelling, church, schoolhouse, or livestock being held in a confined area according to
10 standard animal husbandry practices. However, a landowner or any person receiving permission
11 from the landowner may discharge a firearm while on that portion of public waters that inundate
12 the private property of that landowner. A violation of this section is a Class 2 misdemeanor.

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SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

572E0206

HOUSE AGRICULTURE AND NATURAL RESOURCES

COMMITTEE ENGROSSED NO. **HB 1169** -

02/08/2001

Introduced by: Representatives Jaspers, Begalka, Duenwald, Flowers, Hanson (Gary), Hargens, Jensen, Juhnke, and Pederson (Gordon) and Senators Diedrich (Larry), Dennert, Drake, Duxbury, Greenfield, Hainje, and Symens

1 FOR AN ACT ENTITLED, An Act to establish a penalty for the destruction of certain field crop
2 products, animals, and organisms.

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

4 Section 1. No person may, willfully and knowingly, damage or destroy any field crop, animal,
5 or organism product that is grown for personal or commercial purposes, or for testing or
6 research purposes in the context of a product development program in conjunction or
7 coordination with a private research facility or a university or any federal, state, or local
8 government agency. Any person who violates this provision is liable for twice the value of the
9 crop, animal, or organism damaged or destroyed. However, this section does not apply to crops,
10 animals, or organism damaged or destroyed by emergency vehicles and personnel acting in a
11 reasonable and prudent manner.

12 Section 2. In awarding damages under this Act, the court shall consider the market value of
13 the crop, animal, or organism prior to damage or destruction, and production, research, testing,

1 replacement, and development costs directly related to the crop, animal, or organism that has
2 been damaged or destroyed as part of the value.

3 Section 3. Damages available under this Act are limited to twice the market value of the
4 crop, animal, or organism prior to damage or destruction plus twice the actual damages involving
5 production, research, testing, replacement, and development costs directly related to the crop,
6 animal, or organism that has been damaged or destroyed.

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LEGISLATIVE ASSEMBLY, 2001

922E0636

HOUSE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **HB 1180** - 02/08/2001

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

Introduced by: Representatives Bradford, Duniphan, Gillespie, Hennies (Don), Hennies (Thomas), McCoy, Nachtigal, Nesselhuf, Pitts, Solum, Valandra, and Van Norman and Senators Volesky, McCracken, McIntyre, and Moore

1 FOR AN ACT ENTITLED, An Act to allow for the sale of surplus property to tribal
2 subdivisions.

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

4 Section 1. That § 5-24-9.3 be amended to read as follows:

5 5-24-9.3. The commissioner of the Bureau of Administration may make sales of material,
6 machinery, equipment, or other personal property to ~~state~~ any political subdivision
7 of the state or to any political subdivision of any Indian tribe in the state if the political
8 subdivision of the Indian tribe exclusively provides governmental services of a type legally
9 provided by a political subdivision of the state. Such sales shall follow the procedures for other
10 sales, except that no notice or advertisement for bid requirements or time of sale requirements
11 ~~shall~~ apply to such ~~sale~~ sales.

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SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

282E0427

HOUSE AGRICULTURE AND NATURAL RESOURCES

COMMITTEE ENGROSSED NO. **HB 1201** -
02/08/2001

Introduced by: Representatives Pummel, Hansen (Tom), Jensen, Lintz, Pederson
(Gordon), Rhoden, and Sutton (Duane) and Senator Vitter

1 FOR AN ACT ENTITLED, An Act to revise certain provisions related to trespass by buffalo
2 and to specify the characteristics of legal fences for buffalo.

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

4 Section 1. That § 40-28-4 be amended to read as follows:

5 40-28-4. Except as in this chapter otherwise provided, any person owning or having ~~in his~~
6 charge or possession of any buffalo, horses, mules, cattle, goats, sheep, or swine, ~~which such~~
7 ~~animals shall~~ that trespass upon the land, either fenced or unfenced, owned by or in possession
8 of any person, or being cropped by any person injured by such trespass, ~~shall be~~ is liable to any
9 such person injured for all damages sustained by reason of ~~such trespassing~~ the trespass. No
10 person ~~shall be~~ is liable under this chapter ~~where~~ if the person injured has maintained an
11 inadequate partition fence and notice thereof has been given pursuant to § 43-23-5 or if ~~he~~ the
12 person is not required to build ~~such~~ the fence because of frozen earth pursuant to § 43-23-7.

13 Section 2. That § 40-28-5 be amended to read as follows:

14 40-28-5. No person ~~shall be~~ is liable for damages caused by buffalo, horses, cattle, mules,

1 goats, or sheep owned by ~~him, which~~ the person, that trespass upon lands within the exterior
2 boundaries of the Black Hills and Harney National Forests, ~~which~~ if the lands were not at the
3 time of the trespass inclosed by a legal fence, as defined in §§ 43-23-3 and 43-23-4.

4 Section 3. That chapter 43-23 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 A legal fence for buffalo is the same as provided in § 43-23-4, except as provided in this
7 section. A legal fence for buffalo may use smooth wire rather than barbed wire. All posts shall
8 be of sufficient length to provide for fifty-four inches above the surface, and one additional strand
9 of wire shall be included at fifty-four inches above the earth. The additional cost and maintenance
10 of the legal fence for buffalo, other than an as provided in § 43-23-4, shall be borne by the owner
11 or caretaker of the buffalo if only one of the parties partitioned possesses the buffalo.

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384E0254

HOUSE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **HB 1221** - 02/08/2001

Introduced by: Representatives Wick, Jaspers, Klaudt, McCaulley, Napoli, and Smidt and
Senators Bogue, Diedtrich (Elmer), and Koskan

1 FOR AN ACT ENTITLED, An Act to revise the financial disclosure requirements for lobbyists
2 and employers of lobbyists.

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

4 Section 1. That § 2-12-11 be amended to read as follows:

5 2-12-11. On or before July first of each year, ~~every~~ each registered lobbyist ~~and every~~
6 ~~employer of a registered lobbyist~~ whose name appears in the directory in that year shall submit
7 to the secretary of state a complete and detailed report of all costs and expenses incurred for the
8 purpose of influencing legislation. However, the personal expenses of the lobbyist spent upon
9 ~~his~~ the lobbyist's own meals, travel, lodging, phone calls, or other necessary personal needs while
10 in attendance at the legislative session need not be reported. If the lobbyist is employed by a
11 political subdivision of this state or an organization that represents political subdivisions of this
12 state, the lobbyist shall separately report the costs and expenses incurred for the purpose of
13 influencing legislation for each political subdivision and organization. The reports shall be
14 personally sworn to by the person making the report in the presence of a notary public. The

1 secretary of state shall prescribe concise and simple forms for reporting costs and expenses for
2 lobbyists and the employers of lobbyists. The completed reports shall be open to public
3 inspection. ~~"Costs" and "expenses" as used in this section do not mean the compensation paid~~
4 ~~by the employer to the lobbyist.~~

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

7 On or before July first of each year, each employer of a registered lobbyist whose name
8 appears in the directory in that year shall submit to the secretary of state a complete and detailed
9 report of all costs and expenses incurred for the purpose of influencing legislation. The reports
10 shall be personally sworn to by the person making the report in the presence of a notary public.
11 The secretary of state shall prescribe concise and simple forms for reporting costs and expenses
12 for the employers of lobbyists. Costs and expenses as used in this section do not mean
13 compensation paid by the employer to the lobbyist. However, if the employer is a political
14 subdivision of this state or an organization representing political subdivisions of this state, costs
15 and expenses do include the salary, fees, and other compensation paid by the employer to its own
16 employees to lobby or to a lobbyist. The completed reports shall be open to public inspection.

17 Section 3. That chapter 6-9 be amended by adding thereto a NEW SECTION to read as
18 follows:

19 Each municipality, county, and school district shall separately record costs and expenses for
20 the purpose of influencing legislation in their accounting systems and separately report such costs
21 and expenses on annual reports required to be prepared pursuant to §§ 9-22-21, 7-10-4, and 13-
22 13-37. Such costs and expenses include salary, benefits, per diem, travel, lodging, phone calls,
23 postage, dues, supplies, and registrations.

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400E0805

HOUSE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **HB 1280** - 02/08/2001

Introduced by: The Committee on State Affairs at the request of the Governor

1 FOR AN ACT ENTITLED, An Act to replace certain geographic names that use offensive
2 names, words, or phrases.

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

4 Section 1. The Legislature finds that certain geographic place names are offensive and
5 insulting to all South Dakota's people, history, and heritage. These place names should be
6 replaced by names that reflect South Dakota's people, history, and heritage without resorting to
7 harmful or offensive stereotypes, names, words, or phrases. Section 4 of this Act lists the
8 currently known geographic names that are harmful or offensive. All state and local government
9 agencies may make changes to maps and any other reference materials to reflect the changes
10 provided in this Act. A copy of this Act shall be forwarded by the Legislative Research Council
11 to the United States Board on Geographic Names for consideration as recommendations for
12 changes on any federal maps and reference materials that reference these names and places.

13 Section 2. The geographic place names set forth in section 4 of this Act are considered
14 harmful and offensive. The new place names provided in section 4 of this Act shall replace and
15 shall be used by all state and local agencies in South Dakota in all future publications, maps, or

1 other reference materials published after the effective date of this Act.

2 Section 3. If no replacement place name for a specific location or feature is provided in
3 section 4 of this Act, a replacement name may be suggested by the county or other local
4 government entity, or by any interested person and may be submitted to the Department of
5 Environment and Natural Resources in Pierre for a period of ninety days following the effective
6 date of this Act. The final decision on any replacement names, not previously approved by the
7 Legislature pursuant to this Act, shall be made jointly by the Board of Water and Natural
8 Resources, the Board of Minerals and Environment, and the Transportation Commission within
9 sixty days after the expiration of the ninety-day deadline. Any place names adopted in the manner
10 described in this section shall be adopted and used and shall replace the offensive place names
11 listed in section 4 of this Act pursuant to the provisions of this Act.

12 Section 4. Offensive place names in South Dakota by county are replaced as follows:

13	County	Current place name	Place name changed to
14	Codington	Squaw Lake	Serenity Lake
15	Custer	Little Squaw Creek	No recommendation
16		Negro Canyon	" "
17		Negro Wool Ridge	" "
18	Fall River	Squaw Flat	Hat Creek Flat
19	Gregory	Squaw Creek	No recommendation
20		Squaw Creek Reservoir	" "
21	Haakon	Squaw Creek	No recommendation
22		Negro Creek	" "
23	Harding	Squaw Creek	No recommendation
24		East Squaw Creek	" "
25		Squaw Tree Spring	" "
26		West Squaw Creek	" "

1	Jackson	Big Negro Draw	No recommendation
2		Little Negro Creek	" "
3	Jones	Squaw Creek	Pitan Creek
4	Lake	Negro Creed	Franklin Creek
5	Lawrence	Squaw Creek	Cleopatra Creek
6		East Branch of Squaw Creek	East Branch Cleopatra Creek
7		Negro Gulch	Last Chance Gulch
8		Negro Hill	African Hill
9	Marshall	Squaw Hill	Schultz Hill
10		Squaw Lake	Schultz Lake
11	Meade	Squaw Butte School	No recommendation
12		Squaw Butte	" "
13		Squaw Creek	" "
14		Negro Creek School	" "
15	Moody	Squaw Creek	Jack Moore Creek
16	Pennington	Squaw Creek	Cedar Breaks Creek
17		Negro Creek	Medicine Mountain Creek
18	Shannon	Little Squaw Humper Creek	Little Red Shirt Creek
19		Little Squaw Humper Table	Little Red Shirt Table
20		Squaw Humper Creek	Two Bulls Creek
21		Squaw Humper Dam	Two Bulls Dam
22		Squaw Humper Table	Two Bulls Table
23	Stanley	Negro Edge Canyon	No recommendation
24	Ziebach	Squaw Teat Butte	Peaked Butte
25		Squaw Teat Creek	East Rattlesnake Creek

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SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

248E0208

SENATE ENGROSSED NO. **HCR 1003** - 02/08/2001

Introduced by: Representatives Jaspers, Duenwald, Flowers, Hanson (Gary), Hargens, Jensen, Juhnke, and Pederson (Gordon) and Senators Diedrich (Larry), Bogue, Dennert, Drake, Duxbury, Greenfield, Hainje, and Symens

1 A CONCURRENT RESOLUTION, Expressing support for agricultural biotechnology.

2 WHEREAS, advances in molecular biology have resulted in what is known as recombinant
3 DNA technology or "genetic engineering" with the ability to more quickly move genetic material
4 between organisms than we could in the past; and

5 WHEREAS, biotechnology refers to this technique that uses living organisms or parts thereof
6 to make or modify a product or plants, animals, or microorganisms for specific uses; and

7 WHEREAS, traditional biotechnology, breeding and selection, has been used by humankind
8 for thousands of years for the improvement of plants, animals, and microorganisms; and

9 WHEREAS, biotechnology research is now being used to increase the productivity of crops
10 and livestock, to improve the quality of life by developing new high-yielding crops that require
11 fewer inputs and conserve natural resources in order to increase the food supply for the
12 increasing human population, to produce more nutritious foods with longer shelf lives, and to
13 continue to provide consumers with high-quality, low-cost food products; and

14 WHEREAS, federal law requires that all foods and food ingredients, including those

1 produced by biotechnology, be extensively reviewed for safety by the United States Food and
2 Drug Administration and meet the provision of the Federal Food, Drug, and Cosmetics Act
3 before they can be sold to consumers and any changes to a food product that alters the chemical,
4 nutritional, or allergenicity of that product should be disclosed to the consumer of the product;
5 and

6 WHEREAS, a September 1999 Gallup Poll found that Americans most familiar with modern
7 biotechnology are also the most supportive of its use to improve our food supply and that more
8 than three-fourths of Americans are confident in the federal government to ensure the safety of
9 the nation's food supply; and

10 WHEREAS, a multitude of eminent scientists and universities across the world have pledged
11 their support for current and future applications from biotechnology for the protection of and
12 improvements to human and environmental health:

13 NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Seventy-
14 sixth Legislature of the State of South Dakota, the Senate concurring therein, that the South
15 Dakota Legislature:

16 (1) Believes that further advances in modern biotechnology may result in improved crops,
17 for example, that combat vitamin and mineral deficiencies that afflict hundreds of
18 millions of people worldwide or that can be used to produce life-saving vaccines and
19 biodegradable plastics;

20 (2) Supports the responsible use of biotechnology to benefit people in the state, the
21 nation, and the world, and the global environment through high-yield agricultural
22 production;

23 (3) Believes that discoveries made in biotechnology can significantly enhance our quality
24 of life, from the medicines we use, to the food we eat, to the environment in which

1 we live;

2 (4) Acknowledges and recognizes that federal oversight by the United States
3 Environmental Protection Agency, United States Department of Agriculture, and the
4 Food and Drug Administration over foods and food ingredients, whether produced
5 by biotechnology or conventional means is necessary to ensure and maintain a safe
6 and stable food supply;

7 (5) Recognizes that biotechnology is a rapidly developing field and that it will be
8 appropriate to continually review federal regulatory activities; and

9 (6) Supports public dialogue on the concerns surrounding biotechnology.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

400E0229

SENATE ENGROSSED NO. **SB 29** - 01/23/2001

Introduced by: The Committee on State Affairs at the request of the Department of
Corrections

1 FOR AN ACT ENTITLED, An Act to provide that certain offenses are violent offenses for
2 purposes of parole eligibility.

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

4 Section 1. That § 24-15A-32 be amended to read as follows:

5 24-15A-32. Each inmate sentenced to a penitentiary term, except those under a sentence of
6 life or death, or an indeterminate sentence which is not yet set to a term of years by the board,
7 shall have an initial parole date set by the department. This date will be calculated by applying
8 the percentage indicated in the following grid to the full term of the inmate's sentence pursuant
9 to §§ 22-6-1 and ~~22-1-2(9)~~. The following crimes or an attempt to commit, or a conspiracy to
10 commit, any of the following crimes shall be considered a violent crime for purposes of setting
11 an initial parole date: murder, manslaughter, rape, aggravated assault, riot, robbery, burglary in
12 the first or second degree, arson, kidnapping, felony sexual contact as defined in §§ 22-22-7 and
13 22-22-19.1, child abuse, felony sexual contact as defined in § 22-22-7.2, felony stalking as
14 defined in §§ 22-19A-2 and 22-19A-3, photographing a child in an obscene act, felony assault
15 as defined in § 22-18-26, felony simple assault as defined in § 22-18-1, commission of a felony

1 while armed as defined in §§ 22-14-12 and 22-14-13.1, discharging a firearm at an occupied
 2 structure or motor vehicle as defined in § 22-14-20, discharging a firearm from a moving vehicle
 3 as defined in § 22-14-21, and criminal pedophilia as defined in § 22-22-30.1:

4 Felony Convictions

5	Felony Class	First	Second	Third
6	Nonviolent			
7	Class 6	.25	.30	.40
8	Class 5	.25	.35	.40
9	Class 4	.25	.35	.40
10	Class 3	.30	.40	.50
11	Class 2	.30	.40	.50
12	Class 1	.35	.40	.50
13	Violent			
14	Class 6	.35	.45	.55
15	Class 5	.40	.50	.60
16	Class 4	.40	.50	.65
17	Class 3	.50	.60	.70
18	Class 2	.50	.65	.75
19	Class 1	.50	.65	.75
20	Class B	1.0	1.0	1.0
21	Class A	1.0	1.0	1.0

22 Each inmate shall serve at least sixty days prior to parole release. Inmates with life sentences
 23 are not eligible for parole. An initial parole date through the application of this grid may be
 24 applied to a life sentence only after the sentence is commuted to a term of years. A class A or
 25 B felony commuted to a number of years shall be applied to the Class 1 violent column of the
 26 grid.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

669E0559

SENATE JUDICIARY COMMITTEE ENGROSSED NO.

SB 105 - 01/31/2001

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

Introduced by: Senator Staggers and Representative Nesselhuf

- 1 FOR AN ACT ENTITLED, An Act to provide for a comprehensive study by the Corrections
2 Commission of inmate telephone services at Department of Corrections institutions.
3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:
4 Section 1. The Corrections Commission shall make a comprehensive study of the provision
5 of telephone services to the inmates of Department of Corrections institutions and make a report
6 to the Legislature no later than December 1, 2001.