

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

400E0193 **SENATE AGRICULTURE AND NATURAL RESOURCES**
COMMITTEE ENGROSSED NO. HB 1062 -
02/06/2001

Introduced by: The Committee on Agriculture and Natural Resources at the request of the
Department of Game, Fish and Parks

1 FOR AN ACT ENTITLED, An Act to revise the requirement that holders of a license issued by
2 the Department of Game, Fish and Parks exhibit the license or authorization on request and
3 to require that certain persons also exhibit certain forms of identification to law enforcement
4 officers.

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

6 Section 1. That § 41-6-63 be amended to read as follows:

7 41-6-63. ~~It shall be the duty of any A~~ licensee shall at any time upon request of any person
8 ~~to exhibit his~~ the licensee's license or other form of license authorization issued by the
9 Department of Game, Fish and Parks ~~department~~ pursuant to Titles 41 and 42. ~~A violation of~~
10 During the required license exhibition and upon request by a conservation officer or other law
11 enforcement officer, a licensee who is sixteen years of age or older who holds the other form of
12 license authorization, shall exhibit and provide for inspection a driver's license, a state-issued
13 identification card, or another form of valid identification for the purpose of verifying the identity
14 of the licensee. Failure to exhibit the licensee's license or other form of license authorization

1 required by this section is a Class 2 misdemeanor.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

553E0555

HOUSE EDUCATION COMMITTEE ENGROSSED NO.

HB 1111 - 02/09/2001

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

Introduced by: Representatives McCaulley, Begalka, Eccarius, Frost, Garnos, Hennies (Don), Jaspers, Jensen, Juhnke, Koistinen, Lintz, McCoy, Monroe, Napoli, Smidt, and Wick and Senators Greenfield, Apa, Diedtrich (Elmer), McCracken, and Staggers

1 FOR AN ACT ENTITLED, An Act to provide for alternative teacher certification.

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

3 Section 1. That chapter 13-42 be amended by adding thereto a NEW SECTION to read as
4 follows:

5 The department shall issue a teaching certificate to an applicant who has been offered
6 employment by a South Dakota state accredited school if the applicant satisfies the following
7 criteria:

8 (1) The applicant holds a master's or doctoral degree awarded by an accredited graduate
9 program or holds a bachelor's degree and has at least five years of work experience;

10 (2) The applicant's degree and work experience are in a field relating to the subject to be
11 taught or the applicant is able to demonstrate competency and ability in the subject to
12 be taught;

13 (3) The applicant is enrolled in an alternative certification program of not more than one

1 hundred sixty classroom hours as prescribed by the South Dakota Board of Education
2 and participates in a mentoring program during the regular school term in accordance
3 with a program of instruction and mentoring established by the department; and

4 (4) The applicant successfully completes a final evaluation by the department.

5 Section 2. That chapter 13-42 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 The department shall issue an instructor's certificate to any applicant who has been offered
8 employment by a South Dakota state accredited school of not more than twenty-five percent of
9 the school day if the applicant satisfies the following criteria:

10 (1) The applicant has a bachelor's degree with course work equivalent to a major in the
11 subject to be taught; and

12 (2) The applicant participates in a mentoring program during the regular school term in
13 accordance with a program of instruction and mentoring to be established by the
14 department.

State of South Dakota

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 research
6 purposes in the context of a product development program in conjunction or coordination with
7 a private research facility or a university or any federal, state, or local government agency. Any
8 person who violates this provision is liable for twice the value of the crop, animal, or organism
9 damaged or destroyed. However, this section does not apply to crops, animals, or organism
10 damaged or destroyed by emergency vehicles and personnel acting in a reasonable and prudent
11 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 been
2 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 crop,
4 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.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

355E0505

HOUSE JUDICIARY COMMITTEE ENGROSSED NO.

HB 1241 - 02/09/2001

Introduced by: Representatives Hunhoff, Abdallah, Broderick, Brown (Jarvis), Brown (Richard), Frost, Heineman, Hennies (Thomas), Juhnke, McCaulley, McCoy, Michels, Murschel, and Valandra and Senators de Hueck, Albers, Ham, Hutmacher, Kleven, Koetzle, Madden, Moore, Munson, Volesky, and Whiting

1 FOR AN ACT ENTITLED, An Act to revise the elements of the crime of stalking to include
2 certain forms of harassing communications.

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

4 Section 1. That § 22-19A-1 be amended to read as follows:

5 22-19A-1. Any person:

6 (1) Who willfully, maliciously, and repeatedly follows or harasses another person; or

7 (2) Who makes a credible threat to another person with the intent to place that person in
8 reasonable fear of death or great bodily injury; or

9 (3) Who willfully, maliciously, and repeatedly harasses another person by means of any
10 verbal, electronic, mechanical, telegraphic, or written communication;

11 is guilty of the crime of stalking. Stalking is a Class 1 misdemeanor.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

552E0462

SENATE AGRICULTURE AND NATURAL RESOURCES COMMITTEE ENGROSSED NO. **SB 94** - 01/25/2001

Introduced by: Senators Bogue, Duxbury, Koetzle, McCracken, Moore, Reedy, and Sutton (Dan) and Representatives Jaspers, Bartling, Hennies (Thomas), Jensen, Kloucek, McCaulley, Michels, Monroe, Nachtigal, Rhoden, Sebert, and Slaughter

1 FOR AN ACT ENTITLED, An Act to establish a statute of limitations for veterinary services.

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

3 Section 1. An action against a veterinarian or any member of a veterinarian's staff for
4 malpractice, error, mistake, or failure to cure, whether based upon contract or tort, may be
5 commenced only within three years after the alleged malpractice, error, mistake, or failure to cure
6 has occurred. However, the provisions of this section do not prohibit any counterclaim for
7 malpractice, error, mistake, or failure to cure, as a defense to any action for services brought by
8 a veterinarian.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

664E0476

SENATE JUDICIARY COMMITTEE ENGROSSED NO.

SB 155 - 02/05/2001

Introduced by: Senators Bogue, Daugaard, de Hueck, Koetzle, Moore, and Whiting and
Representatives Brown (Jarvis), Gillespie, Madsen, McCaulley, and
Michels

1 FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the termination of life
2 estates and joint tenancies.

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

4 Section 1. That § 21-44-2 be amended to read as follows:

5 21-44-2. In all cases of joint tenancy in lands or personal property, and in all cases where any
6 estate, title or interest in, or lien upon, lands or personal property has been or may be created,
7 which estate, title, interest, or lien was or is to continue only during the life of any person named
8 or described in the instrument by which such estate, title, interest or lien was created, a copy of
9 the record of the death of any such joint tenant or of the person upon whose life such estate, title,
10 interest, or lien was or is limited, duly certified by any officer who is required by the laws of the
11 state or county in which such record is made, to keep a record of the death of persons occurring
12 within the jurisdiction of such officer, may be recorded in the office of the register of deeds of the
13 county in which such lands are situated or in the proper office for filing as to such personal
14 property. The record of such certified copy shall be prima facie evidence of the death of such

1 person and the termination of such joint tenancy and of all such estate, title, interest, and lien as
2 was or is limited upon the life of such person. ~~There~~ In the case of any person dying prior to
3 July 1, 2001, there shall also be recorded at the same time, a certified copy of an order made by
4 the circuit court having jurisdiction determining that there is no inheritance tax due on the estate
5 of the deceased person or an order made by ~~said~~ the court reciting that the tax due on the estate
6 of ~~said~~ the deceased person or on a particular transfer has been determined and proof of the
7 payment of the tax has been filed in the office of the clerk of the court. In order to identify the
8 property affected by the death of such person, the person causing ~~said~~ the certificate to be
9 recorded shall attach thereon an affidavit setting out the legal descriptions of the property
10 involved.

11 This section shall not be treated or construed as exclusive of any other remedy authorized by
12 law or rule of court but shall be cumulative to such other remedy.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

400E0755

SENATE ENGROSSED NO. **SB 250** - 02/07/2001

Introduced by: Senators Bogue, Duxbury, Greenfield, and Moore and Representatives
Jaspers, Broderick, Brown (Jarvis), Brown (Richard), Flowers, Michels,
and Pederson (Gordon)

1 FOR AN ACT ENTITLED, An Act to provide that taking money or property from patients or
2 inmates by certain institution employees constitutes theft.

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

4 Section 1. Any employee of the Department of Corrections or Department of Human Services
5 who, for personal benefit, takes, borrows, or steals anything with a value of five dollars or more
6 in property or money, from a patient, juvenile, or inmate who is under the care or supervision of
7 the Department of Corrections or the Department of Human Services, is guilty of a Class 1
8 misdemeanor theft.

9 Section 2. For purposes of this Act, an employee of the Department of Corrections or the
10 Department of Human Services means any person employed by the department, full or part time,
11 including an individual under contract assigned to the department, an employee of another state
12 agency assigned to the department, or a volunteer working in a department facility or for a
13 department agency or program.