

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

444E0107

HOUSE JUDICIARY COMMITTEE ENGROSSED NO.

HB 1071 - 01/17/2001

Introduced by: Representatives Brown (Jarvis), Gillespie, Klaudt, Kooistra, Madsen,
Pummel, and Solum and Senators Duxbury, Brosz, and Greenfield

1 FOR AN ACT ENTITLED, An Act to revise the time criterion for the termination of certain
2 liens and encumbrances.

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

4 Section 1. That § 28-14-20 be amended to read as follows:

5 28-14-20. Any lien or encumbrance created under this chapter prior to July 1, ~~1937~~ 1970,

6 is hereby terminated as a matter of law.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

535E0031

SENATE COMMERCE COMMITTEE ENGROSSED NO.

SB 3 - 01/23/2001

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

Introduced by: Senators Ham and Madden and Representatives McCoy, Monroe, and Slaughter at the request of Interim Judiciary Committee

1 FOR AN ACT ENTITLED, An Act to provide the director of insurance with rule-making
2 authority regarding personal nonpublic financial information.

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

4 Section 1. That chapter 58-2 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 The director shall promulgate rules pursuant to chapter 1-26 relating to the privacy of
7 personal nonpublic financial information. The rules must be designed to provide privacy to the
8 public of the personal nonpublic financial information that is shared or obtained in connection
9 with insurance transactions. The director shall design the rules to protect the public's personal
10 nonpublic financial information but also consider the impact of any rules on the cost and
11 availability of insurance in this state. In promulgating the rules required by this Act the director
12 shall give substantial consideration to the privacy standards contained in the NAIC Privacy of
13 Consumer Financial and Health Information Regulation as in effect as of January 1, 2001, and
14 otherwise design the rules to achieve uniformity, to the degree reasonably possible, in the

1 standards for personal nonpublic financial information. The rules may include the following as
2 they relate to financial privacy:

- 3 (1) Definition of terms;
- 4 (2) Permitting the disclosure and use of personal nonpublic financial information between
5 affiliates;
- 6 (3) Opt out procedures for the disclosure and use of personal nonpublic financial
7 information with nonaffiliates;
- 8 (4) Notice and disclosure requirements and formats;
- 9 (5) Limits on disclosure of personal nonpublic financial information;
- 10 (6) Limits on redisclosure and reuse of personal nonpublic financial information;
- 11 (7) Limits on sharing account number information for marketing purposes;
- 12 (8) Exceptions for opt out and notice requirements; and
- 13 (9) Nondiscrimination requirements as they relate to persons who opt out or who do not
14 grant an authorization.

15 Nothing in this Act applies to any rules that may be promulgated pursuant to § 58-2-40.

16 Nothing in this Act may be construed to impair or conflict with the Fair Credit Reporting Act.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

376E0048

SENATE AGRICULTURE AND NATURAL RESOURCES COMMITTEE ENGROSSED NO. **SB 9** - 01/23/2001

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

1 FOR AN ACT ENTITLED, An Act to revise certain provisions pertaining to landowner liability
2 for injuries sustained on flooded land.

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

4 Section 1. That § 20-9-11 be amended to read as follows:

5 20-9-11. ~~No~~ Notwithstanding the provisions of subdivision 20-9-16(1), no cause of action
6 may arise against the owner, tenant, or lessee of any real estate for any injury to any person or
7 death resulting therefrom or damage to property of such person when such person is on the
8 flooded lands of the owner, tenant, or lessee, with or without permission, ~~irrespective of the~~
9 ~~method or means by which the trespass occurred,~~ unless such death or injuries were caused by
10 the ~~gross negligence~~ or willful and wanton misconduct of the owner, tenant or lessee.

11 This section does not affect the doctrine of attractive nuisance or other legal doctrines
12 relating to the liability arising from artificial conditions highly dangerous to children.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

400E0292

SENATE COMMERCE COMMITTEE ENGROSSED NO. **SB 43** - 01/23/2001

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

1 FOR AN ACT ENTITLED, An Act to establish within the State Board of Chiropractic
2 Examiners a disciplinary committee and an ethics committee and to authorize a fee for peer
3 review.

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

5 Section 1. That § 36-5-19 be amended to read as follows:

6 36-5-19. The board of examiners may act as a peer review committee or may appoint other
7 licensed chiropractors to perform such function. No monetary liability on the part of, and no
8 cause of action for damages may arise against any member of a duly appointed peer review
9 committee comprised of chiropractors licensed to practice in this state, for any act or proceeding
10 undertaken or performed within the scope of the functions of such committee formed to maintain
11 the professional standards of the board of examiners as provided in rules promulgated by the
12 board pursuant to chapter 1-26, if the committee member acts without malice, has made a
13 reasonable effort to obtain the facts of the matter on which the member acts, and acts in
14 reasonable belief that the action taken is warranted by the facts as known by the member after

1 a reasonable effort to obtain facts. The provisions of this section do not affect the official
2 immunity of an officer or employee of a public corporation. The contested case provisions of
3 chapter 1-26 do not apply to activities of the peer review committee. All licensees shall, as a
4 condition of licensure, fully cooperate with and promptly respond to inquiries and requests from
5 the committee. The recommendations of the committee as to necessity for services of a licensee,
6 and as to reasonableness of charges and procedures shall be reported to the person who
7 requested the review and one member of the board of examiners as designated by the board. The
8 board may, by rules promulgated pursuant to chapter 1-26, establish a fee not to exceed seven
9 hundred fifty dollars to help defray the cost of the review. However, this fee may only be
10 collected from a licensee or insurer requesting a review.

11 Section 2. That chapter 36-5 be amended by adding thereto a NEW SECTION to read as
12 follows:

13 The board of examiners may act as a disciplinary committee or may appoint other
14 chiropractors licensed to practice in this state to perform such functions to maintain the
15 professional standards of the board. No monetary liability on the part of, and no cause of action
16 for damages may arise against any member of a duly appointed disciplinary committee for any
17 act or proceeding undertaken or performed within the scope of the functions of the committee,
18 if the committee member acts without malice, has made a reasonable effort to obtain the facts
19 of the matter on which the member acts, and acts in a reasonable effort to obtain the facts. The
20 provisions of this section do not affect the official immunity of an officer or employee of a public
21 corporation.

22 The board may promulgate rules pursuant to chapter 1-26 governing the administration and
23 enforcement of this section and the conduct of licensees, including:

24 (1) Purpose of disciplinary committee;

- 1 (2) Composition of the disciplinary committee;
- 2 (3) Qualifications of disciplinary committee;
- 3 (4) Procedure governing the conduct of investigations and hearings by the disciplinary
- 4 committee.

5 Section 3. That chapter 36-5 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 The board of examiners may act as an ethics committee or may appoint other chiropractors
8 licensed to practice in this state to perform such functions to maintain the professional standards
9 of the board. No monetary liability on the part of, and no cause of action for damages may arise
10 against any member of a duly appointed ethics committee for any act or proceeding undertaken
11 or performed within the scope of the functions of the committee if the committee member acts
12 without malice, has made a reasonable effort to obtain the facts of the matter on which the
13 member acts, and acts in the reasonable belief that the action taken is warranted by the facts as
14 known by the member after a reasonable effort to obtain the facts. The provisions of this section
15 do not affect the official immunity of an officer or employee of a public corporation.

16 The board may promulgate rules pursuant to chapter 1-26 governing the administration and
17 enforcement of this section and the conduct of licensees, including:

- 18 (1) Purpose of ethics committee;
- 19 (2) Composition of the ethics committee;
- 20 (3) Qualifications of ethics committee;
- 21 (4) Procedure governing the conduct of investigations and hearings by the ethics
- 22 committee;
- 23 (5) Adoption of declaratory rules on ethical issues.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

781E0395

SENATE COMMERCE COMMITTEE ENGROSSED NO.

SB 74 - 01/23/2001

Introduced by: Senator Munson and Representative Konold

1 FOR AN ACT ENTITLED, An Act to add the Student Loan Marketing Association to certain
2 existing permitted investments of insurers.

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

4 Section 1. That § 58-27-57 be amended to read as follows:

5 58-27-57. Except with the director's consent, no insurer may have invested at any one time
6 more than forty percent of its assets in the class of securities described in subdivisions
7 58-27-17(1), (2), (3), and (4) and in § 58-27-28, exclusive of obligations of the Student Loan
8 Marketing Association, public utilities and securities described in §§ 58-27-103 and 58-27-104
9 and obligations guaranteed or insured by the United States Government or any instrumentality
10 or subdivision thereof, or any state as defined in subdivision 58-1-2(16). For purposes of
11 determining compliance with this section, the investments under subdivision 58-27-17(4) are
12 limited to those mutual funds that are investing at least ninety percent in bonds defined in
13 subdivisions 58-27-17(1), (2), and (3) and §§ 58-27-9 to 58-27-13, inclusive.

14 Section 2. That § 58-27-51 be amended to read as follows:

15 58-27-51. Notwithstanding the aggregate limitations set forth in chapter 58-27, an insurer

1 may exceed such limitations if it does not invest, in the aggregate, an amount in excess of fifty
2 percent of its capital and surplus in excess of four hundred thousand dollars, if such investment
3 otherwise complies with chapter 58-27. The provisions of this section do not apply to the
4 exceptions set forth in § 58-27-53 or 58-27-57.