

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

381H0139

HOUSE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **HB 1076** - 01/22/2002

Introduced by: Representatives Hansen (Tom), Frost, Hundstad, Jensen, Konold, Madsen, Sebert, Slaughter, and Teupel and Senators Vitter and Ham

1 FOR AN ACT ENTITLED, An Act to revise certain membership requirements for county and
2 municipal housing and redevelopment commissions.

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

4 Section 1. That § 11-7-11 be amended to read as follows:

5 11-7-11. A commission shall consist of five commissioners, who, unless otherwise provided
6 by ordinance, shall be residents of the area of operation of the commission, appointed after the
7 resolution provided for in § 11-7-7 becomes finally effective. In municipalities of the first class,
8 no public officer or employee of the municipality may serve as a commissioner. However, if the
9 municipality employs a city manager, the governing body may, by resolution, constitute itself as
10 the commission. In municipalities of the second and third class and in counties, the commission
11 may be made up of members of the governing body, but may not include employees of the
12 municipality or county. However, in municipalities of the second and third class and in counties,
13 a majority of the commission may not be comprised of the governing body. A commissioner may
14 be a notary public.



State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

535H0563

HOUSE COMMERCE COMMITTEE ENGROSSED NO.

HB 1134 - 01/22/2002

Introduced by: Representatives Flowers, Pederson (Gordon), Sebert, and Van Etten and
Senators Diedtrich (Elmer), Moore, Reedy, and Sutton (Dan)

1 FOR AN ACT ENTITLED, An Act to revise the time at which bond is required of a surplus line
2 broker.

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

4 Section 1. That § 58-32-10 be amended to read as follows:

5 58-32-10. ~~Prior to~~ Within thirty days of issuance of a license as a surplus line broker and
6 before procuring any insurance coverage for an insured, the applicant shall file with the director
7 and thereafter for as long as the license remains in effect ~~he~~ the licensee shall keep in force a
8 bond in favor of the State of South Dakota in the penal sum of two thousand dollars with an
9 authorized corporate surety approved by the director, conditioned that ~~he~~ the licensee will
10 conduct business under the license in accordance with the provisions of this chapter and ~~that he~~
11 will promptly remit the taxes provided by §§ 58-32-44 and 58-32-45. No such bond ~~shall~~ may
12 be terminated unless at least thirty days' prior written notice thereof is given to the licensee and
13 filed with the director.



State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

528H0299

HOUSE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **HB 1180** - 01/22/2002

Introduced by: Representatives Monroe, Bartling, Madsen, and Napoli and Senator Apa

1 FOR AN ACT ENTITLED, An Act to increase the amount of the lien that is permitted on the
2 parents of a minor child for whom legal counsel has been provided.

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

4 Section 1. That § 23A-40-11 be amended to read as follows:

5 23A-40-11. A lien, enforceable as provided by this chapter, upon all the property, both real
6 and personal, of any person, including the parents of a minor child, for whom legal counsel or
7 a public defender has been appointed under the provisions of § 23A-40-6, subdivisions
8 23A-40-7(2) and (3), or § 26-7A-31 may be filed. The services rendered and expenses incurred
9 are a claim against the person and that person's estate, enforceable according to law in an amount
10 to be determined by a judge of the circuit court or a magistrate judge and paid by the county or
11 municipality chargeable for them. A lien on the parents of a minor child pursuant to this section
12 may not exceed ~~one~~ two thousand dollars.

13 Section 2. That § 26-7A-32 be amended to read as follows:

14 26-7A-32. There is hereby created a lien, enforceable as provided in chapter 23A-40, upon
15 all the property, both real and personal, of the parents, jointly or severally, of any child involved



1 in proceedings under this chapter or chapter 26-8A, 26-8B, or 26-8C to repay funds paid by the
2 county for a court-appointed attorney for the child's parents or by the county or the state for the
3 child. The county, on behalf of the county or the state, shall have a claim against the parents and
4 their estates, jointly or severally, as provided in chapter 23A-40.

5 However, except in the case of informal adjustment or suspended imposition of adjudication,
6 no lien or claim against the parents of a child may be created or may arise if the child is not
7 adjudicated to be an abused or neglected child, a child in need of supervision or a delinquent
8 child at the completion of the adjudicatory hearing and the proceedings are terminated.

9 The lien and claim on the property of the parents of a child pursuant to this section may not
10 exceed ~~one~~ two thousand dollars. This limit does not apply to any claim or lien against the
11 parents of a child adjudicated to be an abused or neglected child.

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

453H0098

HOUSE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **HB 1222** - 01/22/2002

Introduced by: Representative Holbeck and Senators Diedtrich (Elmer), Daugaard, Dennert,
Olson (Ed), and Reedy

1 FOR AN ACT ENTITLED, An Act to provide for the compensation of librarians and library
2 employees.

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

4 Section 1. That § 14-2-40 be amended to read as follows:

5 14-2-40. Each board of public library trustees shall:

6 (1) Appoint a librarian to serve at the pleasure of the board. Any paid librarian shall
7 receive any employee benefits provided all other employees of the local governmental
8 unit and shall be compensated at rates determined by the governing body;

9 (2) Adopt bylaws for the conduct of their business and adopt policies for the selection of
10 public library materials, the governance of the library, and the use of public library
11 services and materials;

12 (3) Prepare and submit an annual budget request to its governing body;

13 (4) Adopt a final annual budget within those funds certified to it as being appropriated in
14 the annual budget of its governing body;



- 1 (5) Meet at least once during each quarter of the year;
- 2 (6) Prepare and submit an annual report to its governing body and to the South Dakota
- 3 State Library on such forms as may be provided by the State Library.

4 Section 2. That § 14-2-42 be amended to read as follows:

5 14-2-42. Each librarian shall:

- 6 (1) Serve as secretary to the board of public library trustees and keep all its records;
- 7 (2) Prepare such reports, budgets, and other documents as are required by the board of
- 8 public library trustees or are required of ~~said~~ the board by its governing body;
- 9 (3) Appoint such staff as are necessary to operate the public library within its budgetary
- 10 limitations. Library employees shall receive any employee benefits provided all other
- 11 employees of the local ~~governing governmental~~ unit and shall be compensated at rates
- 12 determined by the governing body;
- 13 (4) Select and purchase all public library materials for use by the library in its provision
- 14 of public library services within policies established by the board of public library
- 15 trustees;
- 16 (5) Publish and enforce the policies of the board of public library trustees;
- 17 (6) Execute all contracts and agreements approved by the board of public library trustees;
- 18 (7) Keep an accurate account of the financial transactions of the public library; and
- 19 (8) Carry out any other activities authorized by law that the board of public library
- 20 trustees consider appropriate in the development, improvement, and provision of
- 21 public library services.

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

735H0371

SENATE ENGROSSED NO. **HCR 1004** - 01/22/2002

Introduced by: Representatives Davis, Bartling, Burg, Duniphan, Elliott, Glenski, Hanson (Gary), Hargens, Hennies (Don), Hennies (Thomas), Hundstad, Kloucek, Peterson (Jim), Sigdestad, and Van Norman and Senators McIntyre, Albers, Brown (Arnold), Dennert, Hutmacher, Koetzle, Reedy, Staggers, and Sutton (Dan)

1 A CONCURRENT RESOLUTION, Urging the study of the problem of teenage in-vehicle
2 drinking and drug use.

3 WHEREAS, teenagers with ready access to motor vehicles have become increasingly mobile,
4 adding a new fluid dynamic to the manner in which teenagers use alcohol and illegal drugs; and

5 WHEREAS, alcohol and drug abuse by teenagers has not significantly declined in the past
6 several years and remains unacceptably high, possibly, for certain groups, increasing in incidence
7 and shifting to riskier settings; and

8 WHEREAS, two thousand two hundred thirty-eight fifteen to twenty year olds were killed
9 in alcohol-related traffic fatalities in 1999 across America; and

10 WHEREAS, the Aluminum Anonymous Project surveyed nine hundred miles of South
11 Dakota roadside from Hot Springs to Rapid City to Pierre to Selby to North Dakota state line
12 and from North Dakota state line to Aberdeen to Huron to Mitchell to Yankton to Vermillion
13 and from Sioux Falls to Brookings in May 1998, and May 2000, for the discard rate of alcohol



1 beverage containers, finding an average of six hundred fifty beer cans-beer bottles per mile of
2 road annually, and followed up with thirty-five "Who's Doing the Tossing?" interviews of South
3 Dakota grass roots' professionals working with teens and adults in alcohol and drug settings who
4 collectively estimated that fifty-five percent of the discarded alcohol containers were coming
5 from teenagers; and

6 WHEREAS, three state Legislatures, New Mexico, Montana, and Rhode Island, have passed
7 similar resolutions in 2001, and, in several other states, legislators have either introduced or plan
8 to introduce such resolutions for the 2002 session; and

9 WHEREAS, the January 2001, report of the National Center on Substance Abuse and
10 Addiction (CASA), New York, NY, "Shoveling Up: Impact of Substance Abuse on State
11 Budgets," states that only three percent of the \$129 million total that South Dakota spends
12 annually on substance abuse problems goes for prevention and treatment, while the remaining
13 ninety-seven percent goes for cleaning up the wreckage caused by substance abuse and
14 addiction:

15 NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Seventy-
16 seventh Legislature of the State of South Dakota, the Senate concurring therein, that the
17 Department of Health and Department of Human Services in cooperation with the Department
18 of Transportation and Department of Commerce and Regulation and the Office of the Attorney
19 General study the problem of teenage in-vehicle drinking and related drug use by assembling and
20 determining what is known and not known about this behavior, its causes, prevalence, and
21 incidence. The departments shall also study the problem by assessing the effectiveness of present
22 policies, programs, and evaluation techniques and gauging the adequacy of interagency
23 collaboration, including data sharing, program development, and cross-training, in meeting the
24 challenges of this problem; and

1 BE IT FURTHER RESOLVED, that the Department of Human Services report to the
2 Legislature, if necessary, with a recommended plan of action, encompassing policy and program,
3 that would more comprehensively incorporate teenage in-vehicle drinking and related drug use
4 into the scope of South Dakota's substance abuse and youth violence prevention strategies. The
5 report should concentrate on ways of modifying and reforming present policies and programs
6 rather than creating new programs.