



# State of South Dakota

SEVENTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2002

400H0194

## SENATE ENGROSSED NO. **HB 1038** - 02/04/2002

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

1 FOR AN ACT ENTITLED, An Act to authorize certain law enforcement vehicles to exceed  
2 speed limits without the use of an audible siren, air horn, or flashing emergency lights under  
3 certain conditions.

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

5 Section 1. That § 32-31-4 be amended to read as follows:

6 32-31-4. The speed limit set out in §§ 32-25-1.1 to 32-25-17, inclusive, does not apply to  
7 any authorized emergency vehicle responding to an emergency call if the driver sounds an audible  
8 siren or air horn, or both, and displays flashing, oscillating, or rotating beams of red light or  
9 combinations of red, blue, or white light visible one hundred eighty degrees to the front of the  
10 vehicle. The lights shall be capable of warning the public of the presence of an emergency vehicle  
11 under normal atmospheric conditions. The speed limit set out in §§ 32-25-1.1 to 32-25-17,  
12 inclusive, does not apply to any certified authorized emergency ~~vehicles~~ vehicle operated by any  
13 law enforcement ~~officers~~ officer who ~~are~~ is measuring the speed of other vehicles by use of the  
14 emergency vehicle speedometer, while any certified law enforcement officer is overtaking an  
15 actual or suspected violator of the law, or while any certified law enforcement officer is



1 responding to an emergency call. Moreover, the driver of an ambulance who has been certified  
2 pursuant to § 34-11-6 may operate the emergency vehicle in excess of the speed limit without  
3 audible signals while operating outside the city limits of a municipality.

# State of South Dakota

SEVENTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2002

400H0334      **SENATE AGRICULTURE AND NATURAL RESOURCES**  
**COMMITTEE ENGROSSED NO. HB 1042 -**  
**01/31/2002**

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 authorize the Department of Game, Fish and Parks to  
2        revise the expiration date of certain hunting licenses.

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

4        Section 1. That § 41-6-13 be amended to read as follows:

5        41-6-13. A resident hunting license may be issued only to a resident sixteen years of age or  
6    older. However, the parent or guardian of a resident who is less than sixteen years of age and  
7    meets the age requirements of § 41-6-12 may apply for the license for such person. If a license  
8    is granted on the application, the license authorizes hunting by the person only if accompanied  
9    by a parent, guardian, or responsible adult and is valid ~~through December thirty-first of that year~~  
10 ~~or as limited and~~ for the license year as provided by the applicable license and rules promulgated  
11 by the Game, Fish and Parks Commission pursuant to chapter 1-26. The requirement to be  
12 accompanied by an adult ~~is waived upon reaching~~ no longer applies when the licensee attains  
13 sixteen years of age. A violation of this section is a Class 2 misdemeanor.

14        Section 2. That § 41-6-30 be amended to read as follows:



1 41-6-30. Except as provided in this section, it is a Class 2 misdemeanor for a nonresident to  
2 hunt, take, or kill jackrabbits, prairie dogs, gophers, ground squirrels, chipmunks, coyotes, red  
3 fox, grey fox, skunk, crow, porcupine, English house sparrow, European starling, unbanded  
4 undomesticated pigeon (rock dove), or marmot, without a nonresident predator/varmint license  
5 or in violation of the conditions of the license or the rules of the Game, Fish and Parks  
6 Commission.

7 A nonresident predator/varmint license, notwithstanding the provisions of § 41-6-24, allows  
8 a nonresident to take or kill jackrabbits, prairie dogs, gophers, ground squirrels, chipmunks,  
9 coyotes, red fox, grey fox, skunk, English house sparrow, European starling, unbanded  
10 undomesticated pigeon (rock dove), and within the lawful season, crow, porcupine, and marmot,  
11 except by means of aerial hunting or as prohibited by statute or rule.

12 However, if a nonresident possesses a nonresident small game license, a nonresident  
13 waterfowl license, a nonresident big game license, or a nonresident turkey license as provided  
14 in § 41-6-17, 41-6-18.1, 41-6-20, or 41-6-28, the nonresident need not acquire the nonresident  
15 predator/varmint license as provided in this section to hunt the species enumerated by this section  
16 in the manner and places permitted. A nonresident small game license, a nonresident waterfowl  
17 license, a nonresident big game license, or a nonresident turkey license is valid for hunting those  
18 animals permitted by the nonresident predator/varmint license from date of purchase until the end  
19 of the ~~calendar~~ license year as provided by rules promulgated by the Game, Fish and Parks  
20 Commission pursuant to chapter 1-26.

21 Section 3. That § 41-6-72 be amended to read as follows:

22 41-6-72. Licenses issued under this title ~~expire at the end of the last day of December of the~~  
23 ~~calendar year for which they were issued unless specified otherwise in this chapter or as limited~~  
24 ~~or~~ are valid for the license year as provided by the applicable license and rules promulgated by

1 the Game, Fish and Parks Commission in accordance with chapter 1-26. Waterfowl hunting  
2 licenses expire at the end of the last day of the hunting season for which the license was issued.

3 Section 4. That § 41-6-80 be amended to read as follows:

4 41-6-80. Except as provided in this section, it is a Class 2 misdemeanor for a resident to  
5 hunt, take, or kill jackrabbits, prairie dogs, gophers, ground squirrels, chipmunks, coyotes, red  
6 fox, grey fox, skunk, racoons, badgers, crow, procupine, brown headed cow birds, English house  
7 sparrow, European starling, unbanded undomesticated pigeon (rock dove), or marmot, without  
8 a resident predator/varmint license or in violation of the conditions of the license or the rules of  
9 the Game, Fish and Parks Commission. A resident predator/varmint license allows a resident to  
10 take or kill jackrabbits, prairie dogs, gophers, ground squirrels, chipmunks, coyotes, red fox,  
11 grey fox, skunk, racoons, badgers, brown headed cow birds, English house sparrow, European  
12 starling, unbanded undomesticated pigeon (rock dove), and within the lawful season, crow,  
13 porcupine, and marmot, except by means of aerial hunting or as prohibited by statute or rule. A  
14 resident of this state is not required to secure a predator/varmint license to hunt, take, or kill a  
15 predator/varmint on lands owned or operated by the resident.

16 However, if a resident possesses a resident small game license, a resident youth small game  
17 license, a resident big game license, a license to take fur-bearing animals, or a resident turkey  
18 license, the resident need not acquire the resident predator/varmint license as provided in this  
19 section to hunt the species enumerated by this section in the manner and places permitted. A  
20 resident small game license, a resident youth small game license, a resident big game license, a  
21 license to take fur-bearing animals, or a resident turkey license is valid for hunting those animals  
22 permitted by the resident predator/varmint license from date of purchase until the end of the  
23 calendar license year as provided by rules promulgated by the Game, Fish and Parks Commission  
24 pursuant to chapter 1-26.

# State of South Dakota

SEVENTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2002

119H0292

## SENATE ENGROSSED NO. **HB 1080** - 02/04/2002

Introduced by: Representatives Clark, Burg, Pummel, and Van Gerpen and Senators Diedrich (Larry), Apa, Dennert, Putnam, and Sutton (Dan)

1 FOR AN ACT ENTITLED, An Act to revise historic preservation grants to local government  
2 entities.

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

4 Section 1. That § 1-19A-13.3 be amended to read as follows:

5 1-19A-13.3. Loans and grants may be made from the loan and grant fund by the State  
6 Historical Society Board of Trustees to individuals, corporations, or historical organizations for  
7 up to ninety percent of the cost of purchase, restoration, and development of a structure. Loans  
8 shall be made at an annual interest rate of one-fourth the prime interest rate at the time the loan  
9 is made. The maximum amount of a loan for any one structure is twenty-five thousand dollars.  
10 Loans may not be extended beyond a three-year period, nor may they be renewed. Loans and  
11 grants may be made to nonprofit historical organizations, municipalities, and other local  
12 governmental entities for the full cost of purchase, restoration, and development of structures  
13 that will have a public use.



# State of South Dakota

SEVENTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2002

169H0481

SENATE JUDICIARY COMMITTEE ENGROSSED NO.

**HB 1138** - 02/01/2002

Introduced by: Representatives Olson (Mel), Abdallah, Burg, Hargens, Madsen, Michels, Peterson (Bill), and Sebert and Senators Olson (Ed), Daugaard, de Hueck, Hutmacher, and Moore

- 1 FOR AN ACT ENTITLED, An Act to increase the penalty for the stalking of certain children.  
2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:  
3 Section 1. That § 22-19A-7 be amended to read as follows:  
4 22-19A-7. Any person who willfully, maliciously, and repeatedly follows or harasses a child  
5 twelve years of age or younger or who makes a credible threat to a child twelve years of age or  
6 younger with the intent to place that child in reasonable fear of death or great bodily injury or  
7 with the intent to cause the child to reasonably fear for the child's safety is guilty of the crime of  
8 felony stalking. ~~Stalking~~ Felonious stalking is a ~~Class 1 misdemeanor~~ Class 6 felony.



# State of South Dakota

SEVENTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2002

843H0415

## SENATE ENGROSSED NO. **HB 1221** - 02/04/2002

Introduced by: Representatives Hargens, Bartling, Burg, Elliott, Hennies (Don), Hennies (Thomas), Holbeck, Jensen, Lange, Lintz, Madsen, Olson (Mel), Peterson (Jim), Pitts, Rhoden, Sigdestad, and Van Gerpen and Senators Duxbury, Daugaard, Dennert, Koskan, Putnam, and Sutton (Dan)

1 FOR AN ACT ENTITLED, An Act to revise the date for filing certain certificates of  
2 nomination.

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

4 Section 1. That § 12-7-1 be amended to read as follows:

5 12-7-1. Any candidate for nonjudicial public office, except as provided in § 12-7-7, who is  
6 not nominated by a primary election may be nominated by filing with the secretary of state or  
7 county auditor as prescribed by § 12-6-4, not prior to January first at eight a.m. and not later  
8 than the ~~third~~ first Tuesday in June at five p.m. prior to the election, a certificate of nomination  
9 which shall be executed as provided in chapter 12-6. If the certificate of nomination is mailed by  
10 registered mail by the ~~third~~ first Tuesday in June at five p.m. prior to the election, it is timely  
11 submitted. The certificate shall specify that an independent candidate for nonjudicial public office  
12 shall designate the name of any national political party, or political party organized pursuant to  
13 chapter 12-5, with which the candidate has an affiliation. If no affiliation exists, the candidate  
14 shall be designated by the term, no party. It shall be signed by registered voters within the district



1 or political subdivision in and for which the officers are to be elected. The number of signatures  
2 required may not be less than one percent of the total combined vote cast for Governor at the  
3 last certified gubernatorial election within the district or political subdivision. An independent  
4 candidate for Governor shall certify the candidate's selection for lieutenant governor to the  
5 secretary of state prior to circulation of the candidate's nominating petition. The candidate and  
6 the candidate's selection for lieutenant governor or vice president shall sign the certification  
7 before it is filed. The State Board of Elections shall promulgate rules pursuant to chapter 1-26  
8 prescribing the forms for the certificate of nomination and the certification for lieutenant  
9 governor.

10 Section 2. The provisions of this Act are effective on January 1, 2003.

11 Section 3. That § 3-4-6 be amended to read as follows:

12 3-4-6. Appointments to state offices shall be made in writing and shall continue for the  
13 remainder of the unexpired term of office. Unless otherwise provided by law, all other  
14 appointments shall be made in writing and shall continue until the next general election and until  
15 a successor is elected and qualified. A vacancy must occur prior to ~~June~~ May first in an  
16 even-numbered year, other than in a year when the term of office would normally expire, for the  
17 office to be filled by election for the remainder of the unexpired term. Any person elected to an  
18 office that was previously vacant shall take office in the year following the election on the day  
19 of that year when a full term for that office would normally commence.

20 Appointments to state offices shall be filed with the secretary of state. Appointments to  
21 county offices shall be filed in the office of the county auditor and entered in the minutes of the  
22 commissioners' proceedings.

23 Section 4. That § 7-7-1.9 be amended to read as follows:

24 7-7-1.9. An officer shall be nominated and elected at the next general election to the

1 combined office provided for in § 7-7-1.8. If the election submitted pursuant to § 7-7-1.5 is held  
2 at a primary election, each candidate for the vacant officer shall run as an independent candidate  
3 as provided in chapter 12-7, except that the petition filing deadline shall be the first Tuesday in  
4 August. The officer shall be voted upon by the voters of the counties that have resolved to  
5 combine ~~such~~ the office. Such officer shall hold office for a term of four years commencing on  
6 the first Monday of January following ~~his~~ the officer's election.

7 Section 5. That § 7-8-9 be amended to read as follows:

8 7-8-9. ~~Commissioners~~ Any commissioner to be elected at the next general election following  
9 a redistricting of the county under § 7-8-6 or 7-8-7 shall be nominated by petition ~~in accordance~~  
10 ~~with the provisions of this code as to nominations of~~ pursuant to the provisions for nominating  
11 independent candidates for public office by petition. However, the filing deadline shall be the first  
12 Tuesday in August.

13 Section 6. That § 23-3-43.1 be amended to read as follows:

14 23-3-43.1. Any candidate for election to the office of county sheriff shall file with the county  
15 auditor by the first Tuesday of April of the election year a certification issued by the commission  
16 that such person meets the qualifications provided in § 23-3-43. However, any such candidate  
17 appointed to fill a vacancy by a party central committee pursuant to § 12-6-56 or who files an  
18 independent nominating petition shall file ~~such~~ a certification of qualification by the ~~second~~ first  
19 Tuesday of ~~August~~ June. A sheriff appointed to fill a vacancy by the county commission shall  
20 file with the county auditor ~~such~~ a certification of qualification within thirty days of ~~such~~ the  
21 appointment. Failure to file ~~such~~ a certification shall prevent the candidate's name from being  
22 placed on the ballot.

# State of South Dakota

SEVENTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2002

400H0230

## SENATE HEALTH AND HUMAN SERVICES COMMITTEE ENGROSSED NO. **SB 15** - 01/16/2002

Introduced by: The Committee on Health and Human Services at the request of the  
Department of Human Services

1 FOR AN ACT ENTITLED, An Act to repeal and revise certain provisions regarding the  
2 composition of the mental health planning and coordination advisory council.

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

4 Section 1. That § 27A-3-1.2 be repealed.

5 ~~— 27A-3-1.2. The council shall consist of the following who shall be appointed by and serve~~  
6 ~~at the pleasure of the Governor:~~

7 ~~— (1) The secretary of the Department of Human Services, or his designee;~~

8 ~~— (2) The executive director of the South Dakota Advocacy Services;~~

9 ~~— (3) A director of a Department of Human Services approved community mental health~~  
10 ~~center, whose term shall expire July 1, 1992;~~

11 ~~— (4) A qualified mental health professional who provides direct services in an approved~~  
12 ~~community mental health center (not a center director), whose term shall expire~~  
13 ~~July 1, 1991;~~

14 ~~— (5) A representative of the South Dakota Council of Mental Health Centers, whose term~~



- 1           shall expire July 1, 1990;
- 2   — (6) — A representative of the South Dakota Board of Regents;
- 3   — (7) — The executive director of the South Dakota Housing Development Authority, or his
- 4           designee;
- 5   — (8) — The state court administrator, or his designee;
- 6   — (9) — A qualified mental health professional from a private, nonprofit service-providing
- 7           agency other than a community mental health center, whose term shall expire July 1,
- 8           1991;
- 9   — (10) — The administrator of the South Dakota Human Services Center or his designee;
- 10 — (11) — A representative of a statewide mental health consumer organization, whose term
- 11          shall expire July 1, 1991;
- 12 — (12) — A family representative of an adult (eighteen years or over) severely mentally ill
- 13          individual, whose term shall expire July 1, 1991;
- 14 — (13) — A family representative of an adult (eighteen years or over) severely mentally ill
- 15          individual, whose term shall expire July 1, 1991;
- 16 — (14) — A family representative of a child (under eighteen years) severely mentally ill
- 17          individual, whose term shall expire July 1, 1992;
- 18 — (15) — A primary consumer of mental health services, whose term shall expire July 1, 1990;
- 19 — (16) — A primary consumer of mental health services, whose term shall expire July 1, 1991;
- 20 — (17) — A primary consumer of mental health services, whose term shall expire July 1, 1992;
- 21 — (18) — A representative of a statewide family support and advocacy group whose term shall
- 22          expire July 1, 1990;
- 23 — (19) — A public educator in a kindergarten through twelfth grade program (not a provider
- 24          or state employee), whose term shall expire July 1, 1991;

1 ~~—(20) A representative of consumers at large (not a provider or state employee), whose term~~  
2 ~~shall expire July 1, 1992;~~

3 ~~—(21) A representative of consumers at large (not a provider or state employee), whose term~~  
4 ~~shall expire July 1, 1990;~~

5 ~~—(22) The secretary of the Department of Social Services, or his designee.~~

6 ~~—Future terms of those members with established terms shall be three years.~~

7 Section 2. That § 27A-3-1.1 be amended to read as follows:

8 27A-3-1.1. There is created the Mental Health Planning and Coordination Advisory Council  
9 which shall be appointed by and serve at the pleasure of the Governor. The council shall be  
10 assigned to the Department of Human Services. Technical assistance and staff support shall be  
11 provided to the council by the Department of Human Services. The secretary of human services  
12 shall be responsible for the coordination of activities between the advisory council and the  
13 Department of Human Services.

# State of South Dakota

SEVENTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2002

400H0182      **SENATE EDUCATION COMMITTEE ENGROSSED NO.**  
**SB 16 - 01/24/2002**

Introduced by: The Committee on Education at the request of the Board of Regents

1    FOR AN ACT ENTITLED, An Act to provide that certain postsecondary school information  
2        be given to parents and guardians of students in middle schools and high schools.

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

4        Section 1. That chapter 13-28 be amended by adding thereto a NEW SECTION to read as  
5    follows:

6        By November first each year, each school district shall provide a list of students by name in  
7    grades seven to twelve, inclusive, together with their mailing addresses, to the executive director  
8    of the Board of Regents. The board shall use the information to inform the parents and guardians  
9    of any such student in any public middle school and high school about the courses needed to  
10   prepare for postsecondary-level work and about the benefits of such preparation. However, no  
11   school district may forward the name of any student whose parent has directed that the school  
12   district not release directory information about the student. The board shall provide a format  
13   through which the information may be submitted.

14        Section 2. That chapter 13-53 be amended by adding thereto a NEW SECTION to read as  
15   follows:



1       The Board of Regents shall treat all information disclosed pursuant to this Act as confidential  
2       and subject to the same restrictions that apply to personally identifiable information involving any  
3       student enrolled in the universities or special schools.

# State of South Dakota

SEVENTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2002

400H0183

## SENATE ENGROSSED NO. **SB 18** - 01/15/2002

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

1 FOR AN ACT ENTITLED, An Act to permit the summary disposition of certain contested  
2 cases.

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

4 Section 1. That § 1-26-18 be amended to read as follows:

5 1-26-18. Opportunity shall be afforded all parties to respond and present evidence on issues  
6 of fact and argument on issues of law or policy. However, each agency, upon the motion of any  
7 party, may dispose of any defense or claim:

8 (1) If the pleadings, depositions, answers to interrogatories, and admissions on file,  
9 together with the affidavits, if any, show that there is no genuine issue as to any  
10 material fact and a party is entitled to a judgment as a matter of law; or

11 (2) At the close of the evidence offered by the proponent of the defense or claim if it  
12 determines that the evidence offered by the proponent of the defense or claim is  
13 legally insufficient to sustain the defense or claim.

14 A party to a contested case proceeding may appear in person or by counsel, or both, may be  
15 present during the giving of all evidence, may have reasonable opportunity to inspect all



1 documentary evidence, may examine and cross-examine witnesses, may present evidence in  
2 support of ~~his~~ the party's interest, and may have subpoenas issued to compel attendance of  
3 witnesses and production of evidence in ~~his~~ the party's behalf.

4 Section 2. That § 3-6A-38 be amended to read as follows:

5 3-6A-38. If a grievance remains unresolved after exhaustion of a departmental grievance  
6 procedure, an employee may demand a hearing before the Career Service Commission as  
7 provided for in contested cases in chapter 1-26 and proceedings shall be held as provided ~~therein~~  
8 in chapter 1-26. The Career Service Commission shall provide notice of the hearing within thirty  
9 calendar days of an employee's request for a hearing ~~and the~~. The commission shall conduct a  
10 hearing within thirty calendar days of the notice of the hearing unless the hearing is continued  
11 for good cause or unless the commission determines, upon the motion of any party, that the  
12 pleadings, depositions, answers to interrogatories, and admissions on file, together with the  
13 affidavits, if any, show that a grievance, defense, or claim presents no genuine issue as to any  
14 material fact and a party is entitled to a judgment as a matter of law. The Career Service  
15 Commission, upon the motion of any party, may dispose of any grievance, defense, or claim at  
16 the close of the evidence offered by the proponent of the grievance, defense, or claim if it  
17 determines that the evidence offered by the proponent of the grievance, defense, or claim is  
18 legally insufficient to sustain the grievance, defense, or claim. The commissioner shall schedule  
19 the hearing to ensure compliance with the time frames provided in this section. If the grievant  
20 agrees, the commissioner may appoint a hearing examiner as authorized in § 1-26-18.1.

21 Any final action or decision may be appealed pursuant to chapter 1-26.

22 Section 3. That § 3-18-15.2 be amended to read as follows:

23 3-18-15.2. If, after following the grievance procedure enacted by the governing body, the  
24 grievance remains unresolved, except in cases provided for in § 3-6A-38, it may be appealed to

1 the Department of Labor, if notice of appeal is filed with the department within thirty days after  
2 the final decision by the governing body is mailed or delivered to the employee. The Department  
3 of Labor shall conduct an investigation and hearing and shall issue an order covering the points  
4 raised, which order is binding on the employees and the governmental agency. However, the  
5 department, upon the motion of any party, may dispose of any grievance, defense, or claim:

6 (1) If the pleadings, depositions, answers to interrogatories, and admissions on file,  
7 together with the affidavits, if any, show that there is no genuine issue as to any  
8 material fact and a party is entitled to a judgment as a matter of law; or

9 (2) At the close of the evidence offered by the proponent of the grievance, defense, or  
10 claim if it determines that the evidence offered by the proponent of the grievance,  
11 defense, or claim is legally insufficient to sustain the grievance, defense, or claim.

12 Nothing in this section may be interpreted as giving the department of labor power to grant  
13 tenure or promotion to a faculty member employed by the Board of Regents.

# State of South Dakota

SEVENTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2002

400H0196

SENATE COMMERCE COMMITTEE ENGROSSED NO.

**SB 37** - 01/17/2002

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

1 FOR AN ACT ENTITLED, An Act to modify the permissible exclusions for life insurance  
2 policies.

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

4 Section 1. That § 58-15-45 be amended to read as follows:

5 58-15-45. No policy of life insurance may be delivered or issued for delivery in this state if  
6 it contains any provision which excludes or restricts liability for death caused in a certain  
7 specified manner or occurring while the insured has a specified status. However, a policy may  
8 contain provisions excluding or restricting coverage as specified in the policy in the event of  
9 death under any one or more of the following circumstances:

10 (1) Death as a result, directly or indirectly, of war, declared or undeclared, or of action  
11 by military forces, or of any act or hazard of such war or action, or of service in the  
12 military, naval, or air forces or in civilian forces auxiliary thereto, or from any cause  
13 while a member of such military, naval, or air forces of any country at war, declared  
14 or undeclared, or of any country engaged in such military action. However, this



1 exclusion is not enforceable unless the applicant is affirmatively advised at the time  
2 of delivery of the policy that the policy in question contains war clause exclusions;

3 (2) Death as a result of aviation or any air travel or flight;

4 (3) Death as a result of a specified hazardous occupation or occupations;

5 (4) ~~Death while the insured is a resident outside continental United States and Canada;~~

6 or

7 ~~(5) Death within two years from the date of issue of the policy as a result of suicide, while~~  
8 ~~sane or insane;~~

9 (5) Any other exclusion or restriction the director may adopt, by rule promulgated  
10 pursuant to chapter 1-26, if the exclusion or restriction is in the best interest of the  
11 insurance buying public.

# State of South Dakota

SEVENTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2002

400H0296

SENATE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **SB 38** - 01/14/2002

Introduced by: The Committee on State Affairs at the request of the Department of Military and Veterans Affairs

1 FOR AN ACT ENTITLED, An Act to require certain information to be collected to create a  
2 database of certain public officials and public employees for use in the event of an emergency  
3 or disaster and to authorize administrative rules to implement the reporting procedures.

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

5 Section 1. That chapter 33-15 be amended by adding thereto a NEW SECTION to read as  
6 follows:

7 No later than July first of each year, each municipal governing body as defined by subdivision  
8 9-1-1(4), shall provide to the Department of Military and Veterans Affairs, Division of  
9 Emergency Management, information that will enable emergency agencies to reach the members  
10 of the municipal governing board and the mayor at any time, day or night. The information  
11 necessary shall include home, business, and other personal telephone numbers including any  
12 facsimile transmission machines and cellular or mobile telephone numbers; home, business, and  
13 other personal addresses; employer's name and telephone number; and home, business, and other  
14 personal email or internet addresses.



1 Section 2. That chapter 33-15 be amended by adding thereto a NEW SECTION to read as  
2 follows:

3 In addition to the information required in section 1 of this Act, each municipal governing  
4 body shall provide to the Department of Military and Veterans Affairs, Division of Emergency  
5 Management contact information for the municipal employees responsible for the following  
6 functions if the municipality employs a person in such a capacity:

- 7 (1) City administrator or city manager;
- 8 (2) Building inspection;
- 9 (3) Engineering;
- 10 (4) Electrical;
- 11 (5) Fire;
- 12 (6) Police and law enforcement;
- 13 (7) Public works;
- 14 (8) Streets and highways;
- 15 (9) Sewer and waste water;
- 16 (10) Water;
- 17 (11) Telephone;
- 18 (12) Utilities;
- 19 (13) Emergency services or civil defense;
- 20 (14) Coroner; and
- 21 (15) 911 coordinator.

22 Section 3. That chapter 33-15 be amended by adding thereto a NEW SECTION to read as  
23 follows:

24 No later than January thirty-first of each year, each county commission shall provide to the

1 Department of Military and Veterans Affairs, Division of Emergency Management, information  
2 that will enable emergency agencies to reach the members of the county commission, the county  
3 auditor, the county sheriff, the county coroner, and the state's attorney at any time, day or night.  
4 The information necessary shall include home, business, and other personal telephone numbers  
5 including any facsimile transmission machines and cellular or mobile telephone numbers; home,  
6 business, and other personal addresses; employer's name and telephone number; and home,  
7 business, and other personal email or internet addresses.

8 The county commission shall also provide information on any employee of the county  
9 responsible for any of the functions listed in section 2 of this Act.

10 Section 4. That chapter 33-15 be amended by adding thereto a NEW SECTION to read as  
11 follows:

12 No later than March thirty-first of each year, each township board of supervisors shall  
13 provide to the Department of Military and Veterans Affairs, Division of Emergency  
14 Management, information that will enable emergency agencies to reach each member of the  
15 board of supervisors, the township constable, and the township clerk at any time, day or night.  
16 The information necessary shall include home, business, and other personal telephone numbers  
17 including any facsimile transmission machines and cellular or mobile telephone numbers; and  
18 home, business, and other personal addresses; employer's name and telephone number; home,  
19 business, and other personal email or internet addresses.

20 The board of township supervisors shall also provide information on any employee of the  
21 township responsible for any of the functions listed in section 2 of this Act.

22 Any township with fewer than ten registered voters in the township is exempted from the  
23 provisions of this Act.

24 Section 5. That chapter 33-15 be amended by adding thereto a NEW SECTION to read as

1 follows:

2 The Department of Military and Veterans Affairs shall promulgate rules, pursuant to chapter  
3 1-26, to establish reporting procedures pursuant to this Act and to require any other information  
4 that is reasonably expected to provide the ability for any emergency agency in this state to  
5 contact local officials in the event of an emergency.

6 Section 6. That chapter 33-15 be amended by adding thereto a NEW SECTION to read as  
7 follows:

8 The information provided pursuant to this Act shall remain confidential and may only be used  
9 for emergency purposes.

# State of South Dakota

SEVENTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2002

400H0336

SENATE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **SB 40** - 01/26/2002

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

1 FOR AN ACT ENTITLED, An Act to allocate expenses of the investment council to certain  
2 trust funds and to provide provisions for the investment and the distribution of certain trust  
3 funds.

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

5 Section 1. That § 4-5-30 be amended to read as follows:

6 4-5-30. The state investment officer, utilizing the facilities of the state budgetary accounting  
7 system, shall pool cash accounts within the funds enumerated in § 4-5-23. The Appropriations  
8 Committee of the Legislature, upon recommendations from the commissioner of finance and  
9 management, shall certify those funds which are to participate in the interest income of the  
10 pooled investments. The state investment officer shall credit the gain or interest due as a result  
11 of investments made pursuant to § 4-5-29 on a pro rata basis to the participating funds in the  
12 same ratio as the average daily cash balance of each fund bears to the total average cash balance  
13 of all funds.

14 At the beginning of each fiscal year the state treasurer shall transfer money from the South  
15 Dakota retirement fund, cement plant retirement fund, health care trust fund, education



1 enhancement trust fund, the trust fund derived from the sale of state cement enterprises, and any  
2 other specific fund approved by the Bureau of Finance and Management, other than the state  
3 pooled fund account, to the investment council expense fund, which is hereby created in an  
4 amount equal to the ratio of the average assets in each fund for the previous fiscal year to the  
5 total average assets managed by the investment council for the previous fiscal year multiplied by  
6 the difference between the budget of the investment council for the fiscal year and the beginning  
7 cash balance in the investment council expense account. At the beginning of each fiscal year the  
8 state treasurer shall transfer money from the pooled income account to the investment council  
9 expense account in an amount equal to the ratio of the average daily cash balance of the pooled  
10 fund account for the previous fiscal year to total average assets managed by the investment  
11 council for the previous fiscal year multiplied by the difference between the budget of the  
12 investment council for the fiscal year and the beginning cash balance in the investment council  
13 expense account. At the beginning of each fiscal year, the state treasurer shall transfer money  
14 from the general fund portion of the pooled income account to the investment council expense  
15 account in an amount equal to the ratio of the average daily cash balance of the permanent school  
16 and other educational fund provided for in Article VIII of the Constitution for the previous fiscal  
17 year to total average assets managed by the investment council for the previous fiscal year  
18 multiplied by the difference between the budget of the investment council for the fiscal year and  
19 the beginning cash balance in the investment council expense account.

20 Section 2. That § 4-5-26 be amended to read as follows:

21 4-5-26. Money made available for investment may be invested in the following classes of  
22 securities and investments and, except as provided by § 3-12-117, chapter 3-13, the South  
23 Dakota Cement Plant retirement fund, ~~and~~ the permanent trust fund containing the net proceeds  
24 from the sale of state cement enterprises, the health care trust fund as provided in S.D. Const.,

1 Art. XII, § 5, and the education enhancement trust fund as provided in S.D., Art. XII, § 6, not  
2 otherwise:

- 3 (1) Direct and indirect obligations of the United States government;
- 4 (2) Agencies and instrumentalities of the United States government;
- 5 (3) Direct obligations of the State of South Dakota and any of its political subdivisions;
- 6 (4) Obligations consisting of notes, bonds, debentures, and certificates which are direct  
7 obligations of a solvent corporation or trust existing under the laws of the United  
8 States or any state thereof, if such investments are rated in the four highest  
9 classifications established by at least two standard rating services; or
- 10 (5) Savings accounts, share accounts, certificates of deposit of banks, savings and loan  
11 associations, building and loan associations, and bankers' acceptances;
- 12 (6) In addition to the investments authorized by subdivisions (1) to (5) of this section,  
13 inclusive, the investment council may also allocate a sum certain of state public funds  
14 for investment in the accounts and certificates of South Dakota banks and  
15 associations. This sum shall initially be offered to South Dakota banks and  
16 associations, and if not initially fully subscribed, the investment officer shall  
17 immediately reoffer the unsubscribed sum to other qualified public depositories  
18 defined by subdivision 4-6A-1(7).

19 Section 3. Pursuant to S.D. Const., Art. XII, § 5, the state investment officer shall determine  
20 the market value of the health care trust fund as of June thirtieth each year less the investment  
21 expenses transferred pursuant to § 4-5-30. As soon as practicable after July first the state  
22 investment officer shall calculate an amount equal to four percent of that market value, without  
23 invading principal, as eligible for distribution. For the purpose of this section, the term, principal,  
24 means the sum of all contributions to the fund. Beginning with the distribution in fiscal year

1 2006, a four year average market value shall be used to calculate the distribution. Upon notice  
2 of that amount by the state investment officer, the state treasurer shall transfer the amount from  
3 the health care trust fund to the state general fund.

4 Section 4. Pursuant to S.D. Const., Art. XII, § 6, the state investment officer shall determine  
5 the market value of the education enhancement trust fund as of June thirtieth each year less the  
6 investment expenses transferred pursuant to § 4-5-30. As soon as practicable after July first the  
7 state investment officer shall calculate an amount equal to four percent of that market value,  
8 without invading principal, as eligible for distribution. For the purpose of this section, the term,  
9 principal, means the sum of all contributions to the fund. Beginning with the distribution in fiscal  
10 year 2006, a four year average market value shall be used to calculate the distribution. Upon  
11 notice of that amount by the state investment officer, the state treasurer shall transfer the amount  
12 from the education enhancement trust fund to the state general fund.

# State of South Dakota

SEVENTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2002

400H0246

## HOUSE JUDICIARY COMMITTEE ENGROSSED NO. **SB 42** - 01/28/2002

Introduced by: The Committee on Judiciary at the request of the Attorney General

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the registration of sex  
2 offenders.

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

4 Section 1. That § 22-22-30 be amended to read as follows:

5 22-22-30. For the purposes of §§ 22-22-31 to 22-22-39, inclusive, a sex crime is any of the  
6 following crimes regardless of the date of the commission of the offense or the date of  
7 conviction:

8 (1) Rape as set forth in § 22-22-1;

9 (2) Sexual contact with a minor under sixteen as set forth in § 22-22-7 if committed by  
10 an adult and the adult is convicted of a felony;

11 (3) Sexual contact with a person incapable of consenting as set forth in § 22-22-7.2 if  
12 committed by an adult;

13 (4) Incest as set forth in § 22-22-19.1 if committed by an adult;

14 (5) Photographing a child in an obscene act as set forth in § 22-22-23;

15 (6) Possession of child pornography as set forth in § 22-22-23.1;



- 1 (7) Sale of obscene pictures of a child as set forth in § 22-22-24;
- 2 (8) Kidnapping, as set forth in § 22-19-1, if the victim of the criminal act is a minor;
- 3 (9) Promotion of prostitution of a minor as set forth in subdivision 22-23-2(2);
- 4 (10) Criminal pedophilia as set forth in § 22-22-30.1;
- 5 (11) Felony indecent exposure as set forth in former § 22-24-1 or indecent exposure as set
- 6 forth in § 22-24-1.2;
- 7 (12) An attempt to commit any of the crimes listed in this section; ~~or~~
- 8 (13) Any crime committed in a place other than this state which would constitute a sex
- 9 crime under this section if committed in this state;
- 10 (14) Any federal crime or court martial that would constitute a sex crime under federal
- 11 law; or
- 12 (15) Any crime committed in another state if that state also requires that anyone convicted
- 13 of that crime register as a sex offender in that state.

14 Section 2. That § 22-22-31 be amended to read as follows:

15 22-22-31. Any person ~~residing in this state~~ who has been convicted whether upon a verdict

16 or plea of guilty or a plea of nolo contendere, or who has received a suspended imposition of

17 sentence which has not been discharged pursuant to § 23A-27-14 prior to July 1, 1995, for

18 commission of a sex crime, as defined in § 22-22-30, or any person who is a juvenile fifteen years

19 of age or older adjudicated of a sex crime, as defined in subdivision 22-22-30(1) or (9), or of

20 felony sexual contact, as defined in § 22-22-7.2, shall, within ten days of coming into any county

21 to reside ~~or, temporarily domicile for more than thirty days,~~ attend school, attend postsecondary

22 education classes, or work, register with the chief of police of the municipality in which the

23 person resides, domiciles, attends school, attends classes, or works, or, if no chief of police

24 exists, then with the sheriff of the county ~~in which the person resides~~. A violation of this section

1 is a Class 1 misdemeanor. However, any subsequent violation is a Class 6 felony. Any person  
2 whose sentence is discharged under § 23A-27-14 after July 1, 1995, shall forward a certified  
3 copy of such formal discharge by certified mail to the Division of Criminal Investigation and to  
4 local law enforcement where the person is then registered under this section. Upon receipt of  
5 such notice, the person shall be removed from the sex offender registry open to public inspection  
6 and shall be relieved of further registration requirements under this section.

7 Section 3. That § 22-22-31.1 be amended to read as follows:

8 22-22-31.1. The Division of Criminal Investigation shall mail a nonforwardable verification  
9 form at least once annually to the last reported address of each person registered under  
10 § 22-22-31. The person shall return the verification form to the Division of Criminal  
11 Investigation within ten days after receipt of any such form. The verification form shall be signed  
12 by the person required to register and shall state that the person still resides at the address last  
13 reported to the Division of Criminal Investigation. If the person fails to return the verification  
14 form to the Division of Criminal Investigation within ten days after receipt of the form, the  
15 person is in violation of the registration provisions of § 22-22-31 and is subject to the penalties  
16 ~~prescribed in § 22-22-31~~ this section. Nonreceipt of a registration verification does not constitute  
17 a defense to failure to comply with § ~~22-22-37~~ this section. A violation of this section is a Class  
18 1 misdemeanor. Any subsequent violation is a Class 6 felony.

19 Section 4. That § 22-22-36 be amended to read as follows:

20 22-22-36. Any person required to register pursuant to §§ 22-22-30 to 22-22-39, inclusive,  
21 who moves to a different residence address shall inform the law enforcement agency with whom  
22 the person last registered of the new address, in writing, within ten days. The law enforcement  
23 agency shall, within three days of receipt, forward the information to the Division of Criminal  
24 Investigation and to the law enforcement agency having jurisdiction of the new residence. A

1 failure to register pursuant to this section is a Class 1 misdemeanor. Any second or subsequent  
2 failure to register pursuant to this section is a Class 6 felony.

3 Section 5. That § 22-22-37 be amended to read as follows:

4 22-22-37. Any person required to register pursuant to §§ 22-22-30 to 22-22-39, inclusive,  
5 shall annually register with the local law enforcement agency having jurisdiction of the person's  
6 residence verifying the information given pursuant to § 22-22-32. A violation of this section is  
7 a Class 1 misdemeanor. Any ~~third~~ second or subsequent violation of this section is a Class 6  
8 felony.

# State of South Dakota

SEVENTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2002

292H0449

SENATE JUDICIARY COMMITTEE ENGROSSED NO.

**SB 84 - 01/18/2002**

Introduced by: Senators Bogue, de Hueck, Koskan, Moore, Volesky, and Whiting and  
Representatives Madsen, Bartling, Brown (Jarvis), McCaulley, Michels, and  
Valandra

1 FOR AN ACT ENTITLED, An Act to revise certain transcript fees.

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

3 Section 1. That § 15-15-7 be amended to read as follows:

4 15-15-7. Unless ordered by the court to be supplied to an indigent or ~~his~~ an indigent's counsel

5 and paid out of the county treasury where court was held, a fee shall be charged to the person

6 ordering a typewritten transcript by filing of an order for transcript on appeal of a proceeding

7 taken by an officer of the court, which shall be certified to be a correct transcript of the reporter's

8 notes of the evidence, at the rate of two dollars and ~~forty~~ ninety cents per page for the original.

9 The fee for a ~~carbon~~ copy, furnished on request, is ~~thirty~~ fifty cents per page, to be paid to the

10 officer of the court who prepared the transcript.



# State of South Dakota

SEVENTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2002

772H0496

SENATE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **SB 114** - 01/30/2002

Introduced by: Senators Greenfield, Apa, de Hueck, and Kleven and Representatives Van Gerpen and Klautt

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to township meetings.

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

3 Section 1. That § 8-3-1.4 be amended to read as follows:

4 8-3-1.4. No township with a population of ~~six~~ twenty or ~~less~~ fewer resident voters is required  
5 to publish a notice of the time and place of an annual meeting more than once in any publication.

6 Section 2. That § 8-3-3 be amended to read as follows:

7 8-3-3. Special meetings of the township electors may be held for the purpose of electing  
8 township officers to fill vacancies that occur, or for the purpose of transacting any lawful  
9 business ~~whenever the supervisors, township clerk, or any two of them~~ if the entire board of  
10 supervisors files or if two members of the board of supervisors, together with at least twelve  
11 other ~~freeholders~~ resident voters of the township, file in the office of the township clerk a written  
12 statement that a special meeting is necessary for the interests of the township. However, special  
13 meetings may be called in a township with a population of twenty or less resident voters by the  
14 entire board of supervisors or by two members of the board of supervisors and four resident



1 voters of the township.

2 Section 3. That § 8-3-4 be amended to read as follows:

3 8-3-4. Every township clerk with whom such statement is filed as required in § 8-3-3 shall  
4 record the same and immediately cause notice to be published in the same manner as provided  
5 for the publication of notice of the annual township meeting. However, in a township with a  
6 population of twenty or fewer resident voters, the notice of the time and place of any special  
7 meeting need not be published more than once in any publication, shall be provided not less than  
8 three days before the special meeting, and may be provided by first class mail in lieu of  
9 publication.

10 Section 4. That § 8-3-19 be amended to read as follows:

11 8-3-19. ~~In case~~ If any township refuses or neglects to organize and elect officers at the time  
12 fixed by law for holding the annual meeting, twelve ~~freeholders~~ resident voters of the township  
13 may call a meeting for such purpose by notice published in the same manner as provided for the  
14 publication of notice of the annual township meeting, ~~which.~~ The notice shall set forth the time,  
15 place, and object of ~~such the~~ the meeting; and the voters, when assembled by virtue of such notice,  
16 shall possess all the powers conferred upon them at the annual township meeting.

17 Section 5. That § 8-3-20 be amended to read as follows:

18 8-3-20. ~~In case~~ If no such notice is given as provided in § 8-3-19 within thirty days after the  
19 time for holding the annual meeting, the board of county commissioners shall, on the affidavit  
20 of any ~~freeholder~~ resident voter of ~~such the~~ the township, filed in the office of the county auditor  
21 setting forth the facts, proceed at any regular or special meeting of the board to appoint the  
22 necessary township officers, ~~and the.~~ The persons so appointed shall hold their respective offices  
23 until others are elected and qualified in their places, and shall have the powers and be subject to  
24 the same duties as if they had been duly elected.