

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

517I0506

HOUSE EDUCATION COMMITTEE ENGROSSED NO.

HB 1068 - 01/28/2003

Introduced by: Representatives McCaulley, Begalka, Christensen, Deadrick (Thomas),
Garnos, Hennies, Koistinen, McCoy, Weems, Wick, and Williamson and
Senators Schoenbeck, Abdallah, Dempster, and Napoli

1 FOR AN ACT ENTITLED, An Act to permit home school students to participate in high school
2 interscholastic activities.

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

4 Section 1. That § 13-36-4 be amended to read as follows:

5 13-36-4. The school board of a public or the governing body of a nonpublic school, approved
6 and accredited by the secretary of the Department of Education and Cultural Affairs, may
7 delegate, on a year to year basis, the control, supervision, and regulation of any ~~and all~~ high
8 school interscholastic activities to any association which is voluntary and nonprofit; ~~provided that~~
9 if membership in such association is open to all high schools approved and accredited by the
10 secretary of the Department of Education and Cultural Affairs, including any school that allows
11 participation by students receiving alternative education as set forth in § 13-27-3, pursuant to
12 the provisions of this title, and ~~that~~ if the constitution, bylaws, and rules of the association are
13 subject to ratification by the school boards of the member public school districts and the
14 governing boards of the member nonpublic schools and include a provision for a proper review



1 procedure and review board.

2 Any association which complies with this section ~~is hereby authorized and empowered to~~
3 may exercise the control, supervision, and regulation of interscholastic activities, including
4 interscholastic athletic events of member schools. Such association ~~is hereby further authorized~~
5 ~~and empowered to~~ may promulgate reasonable uniform rules, to make decisions and to provide
6 and enforce reasonable penalties for the violation of such rules.

7 Section 2. That § 13-36-7 be amended to read as follows:

8 13-36-7. Any student enrolling in a South Dakota district pursuant to § 13-15-21 or
9 receiving alternative instruction pursuant to § 13-27-3 is eligible to participate in any
10 interscholastic activity sponsored by the South Dakota High School Activities Association.
11 However, any accredited school student who leaves an accredited program for any reason and
12 enters an alternative education program is ineligible for participation in interscholastic activities
13 for one year beginning on the date in which the student enters the alternative program.

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SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

617I0079

HOUSE AGRICULTURE AND NATURAL RESOURCES

COMMITTEE ENGROSSED NO. **HB 1070** -

01/30/2003

Introduced by: Representatives Lintz, Hanson, Juhnke, LaRue, Pederson (Gordon), and Rhoden and Senators Duenwald, Dennert, Kleven, Symens, and Vitter

1 FOR AN ACT ENTITLED, An Act to require the Department of Game, Fish and Parks to
2 receive the approval of the Legislature before acquiring certain land.

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

4 Section 1. That § 41-2-19 be amended to read as follows:

5 41-2-19. The Department of Game, Fish and Parks ~~shall have the power~~ may, on behalf and
6 in the name of the state, ~~to~~ acquire public or private property by gift, grant, devise, purchase,
7 lease, or condemnation proceedings, and ~~to~~ manage, control, and improve the same for the
8 purpose of exercising the powers granted in this title. However, the department may not
9 purchase any tract of land in fee title of more than one hundred sixty acres that lies within one
10 mile of any other such purchase without the specific approval of the Legislature.



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LEGISLATIVE ASSEMBLY, 2003

337I0333

HOUSE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **HB 1073** - 01/30/2003

Introduced by: Representatives Michels, Buckingham, Burg, Cradduck, Elliott, Haverly, Hennies, Hunhoff, Kroger, LaRue, Madsen, Murschel, O'Brien, Olson (Mel), Peterson (Jim), Rhoden, Schafer, and Teupel and Senators Ham, Dempster, Knudson, Koetzle, McCracken, Moore, Olson (Ed), Reedy, Sutton (Dan), and Symens

1 FOR AN ACT ENTITLED, An Act to revise certain voting and participation requirements
2 related to bond issues involving two or more political subdivisions.

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

4 Section 1. That § 6-3-3 be amended to read as follows:

5 6-3-3. The governing body of each participating political subdivision may appropriate money
6 or may also issue the general obligation bonds of the subdivision, as provided in chapter 6-8B
7 for the authorization, issuance, and sale of bonds, for the payment of its share of the cost of the
8 building or improvement. No bonds may be issued ~~until~~ unless provision has been made by each
9 of the other participating subdivisions for the payment of the subdivision's share of the cost and
10 if there are two participating subdivisions, one subdivision agrees to bear at least thirty percent
11 of the estimated cost of the building or improvement or if there are three or more participating
12 subdivisions, at least two of the subdivisions each agree to bear at least twenty percent of the
13 estimated cost of the building or improvement. The bonds may be issued if a simple majority of



1 all voters voting on the bond issue approve the bond issue.

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LEGISLATIVE ASSEMBLY, 2003

128I0246

HOUSE EDUCATION COMMITTEE ENGROSSED NO.

HB 1077 - 01/30/2003

Introduced by: Representatives Buckingham, Adelstein, Cradduck, Elliott, Haverly, Hennies, Kroger, LaRue, Madsen, McCoy, McLaughlin, Murschel, Peterson (Jim), Rhoden, and Schafer and Senators Duniphan, Dempster, Earley, Koetzle, Napoli, Olson (Ed), Reedy, Sutton (Dan), and Symens

1 FOR AN ACT ENTITLED, An Act to repeal the limit on credit hours for certain students.

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

3 Section 1. That § 13-28-37 be amended to read as follows:

4 13-28-37. Any student in grades ten, eleven and, or twelve ~~who is admitted~~ may apply to an
5 institution of higher education or a postsecondary vocational education institution as a special
6 student ~~may enroll in not more than two~~ in a course or courses ~~per fall or spring semester, which~~
7 ~~are~~ offered at the institution of higher education or postsecondary vocational education
8 institution. The student shall obtain the school district's approval of the postsecondary course or
9 courses prior to enrolling ~~in the course~~. If approved, the student shall receive full credit toward
10 high school graduation as well as postsecondary credit for ~~the~~ each postsecondary course. The
11 resident school district may pay all or part of the tuition and fees for a course approved for credit
12 toward high school graduation in accordance with this section. The student is responsible for any
13 tuition and fees not paid by the resident school district and for any other costs involved with
14 attending a postsecondary institution.



1 If a failing final course grade is received in a postsecondary course under this section, the
2 student receiving the failure is no longer eligible to enroll for postsecondary courses under this
3 section.

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480I0527

HOUSE EDUCATION COMMITTEE ENGROSSED NO.

HB 1083 - 01/30/2003

Introduced by: Representatives Dykstra, Bartling, Gillespie, Hackl, Konold, Olson (Ryan), Rounds, and Van Gerpen and Senators Albers, Kooistra, Nachtigal, and Olson (Ed)

1 FOR AN ACT ENTITLED, An Act to revise certain provisions related to school district
2 boundary changes.

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

4 Section 1. That § 13-6-84.1 be amended to read as follows:

5 13-6-84.1. In all proposed changes in school district boundaries, the following conditions
6 shall prevail:

7 (1) The boundary of the area proposed to be transferred shall be coterminous at some
8 point with the common boundary of the two school districts. Land owned by the
9 federal, state, or local governments and unoccupied land owned by a nonresident
10 individual or corporation, if the nonresident individual or corporation consents, may
11 be included in the request;

12 (2) Children must reside within the boundary of the area to be transferred, unless it is an
13 area change initiated by a school board as provided in § 13-6-84.2.



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LEGISLATIVE ASSEMBLY, 2003

77110186

HOUSE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **SB 11** - 01/30/2003

Introduced by: The Committee on Local Government at the request of the Secretary of State

1 FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the return and
2 canvass of votes.

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

4 Section 1. That § 12-20-13 be amended to read as follows:

5 12-20-13. Except as provided in § 12-20-17, the county auditor shall tabulate election
6 returns as rapidly as received and make the result available for the information of the public, but
7 such returns are not the official returns. The county auditor shall enter ~~such~~ the information into
8 the central election reporting system by using ~~the state~~ any computer located in ~~the~~ a county
9 treasurer's office which is properly configured and linked to the central state computer
10 immediately following the tabulation of each precinct.

11 Section 2. That § 12-20-37 be amended to read as follows:

12 12-20-37. The secretary of state shall, at least thirty days before ~~every~~ each primary and
13 general election, transmit to ~~the~~ each county ~~auditors of the several counties~~ auditor envelopes
14 for all returns of votes required to be made to ~~his~~ the secretary of state's office, ~~with printed~~
15 ~~directions on the envelopes as are deemed necessary by the State Board of Elections.~~ Printed



1 directions shall accompany the envelope for the guidance and direction of the ~~officers~~ auditor in
2 making the returns according to law. ~~The expense of printing the envelopes shall be paid by the~~
3 ~~state.~~

4 Section 3. That § 12-20-38.1 be amended to read as follows:

5 12-20-38.1. The county auditor shall immediately ~~make and file with~~ transmit by mail, fax,
6 or electronic means to the secretary of state a certified copy of the official county canvass of
7 votes prepared pursuant to § 12-20-38 which shall be used for the official state canvass. The
8 certified copy shall bear a visible county seal. If the copy is faxed or sent by electronic means,
9 the original certified copy shall also be mailed or hand delivered to the secretary of state. The
10 ~~abstracts~~ certified copies shall be microfilmed to become permanent records of the State of South
11 Dakota and be kept by the secretary of state.

12 Section 4. That § 13-7-18 be amended to read as follows:

13 13-7-18. The pollbooks shall be opened and the election results shall be canvassed by the
14 school board at the next meeting and certificates of election shall be issued by the business
15 manager of the district to ~~the~~ each successful ~~candidates~~ candidate and election results shall be
16 certified to the county auditor of ~~the counties~~ each county in which the school district is located.

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SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

400I0219

SENATE JUDICIARY COMMITTEE ENGROSSED NO. **SB 21** - 01/22/2003

Introduced by: The Committee on Judiciary at the request of the Department of Social Services

1 FOR AN ACT ENTITLED, An Act to revise the requirements for service of a notice of entry
2 in an action involving abuse or neglect.

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

4 Section 1. That § 26-8A-28 be amended to read as follows:

5 26-8A-28. Notice of entry of order of adjudication or final decree of disposition issued by
6 the court in any action involving an abused or neglected child shall be served on the child's
7 attorney and the child's guardian ad litem or special advocate, if any, and on all respondent
8 parents and other respondent parties ~~in the same manner as service of the summons in the action~~
9 ~~as provided in § 26-7A-47~~ in any manner authorized by the rules of civil procedure. The notice
10 of entry may be served by publication in the same manner as service of the summons in the action
11 as provided in § 26-7A-48. If the notice of entry is served by publication, the service is
12 completed five days after the date of publication. The time for appeal commences on the day
13 following the date of completed service of the notice of entry regardless of the manner in which
14 the notice of entry is served.



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400I0274

HOUSE JUDICIARY COMMITTEE ENGROSSED NO. **SB 22** - 01/29/2003

Introduced by: The Committee on Judiciary at the request of the Department of Social Services

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the appearance by
2 a parent in person, by counsel, or by telephone for a hearing to voluntarily terminate parental
3 rights.

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

5 Section 1. That § 25-5A-14 be amended to read as follows:

6 25-5A-14. The personal presence of one parent at the hearing is required for jurisdictional
7 purposes. However, any for good cause shown, the court may permit the parent to appear
8 telephonically. Any other person whose consent is necessary, may appear by filing with the court
9 a power of attorney. If the Department of Social Services or a licensed child placement agency
10 has custody of a child by written agreement of a parent with power of attorney to consent, the
11 secretary or an authorized agent may appear and consent. Notwithstanding the foregoing
12 provisions of this section, due regard shall be given to the Indian Child Welfare Act (25 U.S.C.
13 Secs. 1901-1963) as in effect on January 1, 2003, if applicable.



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SEVENTY-EIGHTH SESSION
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400I0220

SENATE ENGROSSED NO. **SB 27** - 01/23/2003

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 classify mountain lions as big game and to allow the use
2 of dogs in hunting mountain lions.

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

4 Section 1. That subdivision (4) of § 41-1-1 be amended to read as follows:

5 (4) "Big game," all cloven-hoofed wild animals, mountain lion, and wild turkey. The term
6 includes facsimiles of big game used for law enforcement purposes;

7 Section 2. That § 41-8-15 be amended to read as follows:

8 41-8-15. ~~No~~ Except in the hunting of mountain lions during established hunting seasons, no
9 dog may be used in hunting ~~of~~ big game animals. A violation of this section is subject to
10 § 41-8-18.



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SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

529I0293

HOUSE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **SB 31** - 01/29/2003

Introduced by: The Committee on Legislative Procedure at the request of the Investment
Council

1 FOR AN ACT ENTITLED, An Act to clarify the immunity from personal liability of certain
2 persons discharging their responsibilities under the higher education savings plan and to
3 provide for holding them harmless under such circumstances.

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

5 Section 1. That chapter 13-63 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 The council, its members, the state investment officer, and the employees of the Division of
8 Investment personally are immune from any and all liability for actions taken in good faith in the
9 discharge of the council's responsibilities under the program. To the maximum extent permitted
10 by the South Dakota Constitution, the state shall hold the council, each of its members, the state
11 investment officer, and the employees of the Division of Investment harmless from all costs,
12 damages, and attorneys' fees arising from claims and suits against them with respect to matters
13 to which such immunity applies.

