

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

193I0036

HOUSE HEALTH AND HUMAN SERVICES
COMMITTEE ENGROSSED NO. **HB 1088** -
02/03/2003

Introduced by: Representatives Michels, Frost, Heineman, Hunhoff, Kraus, LaRue, Miles, Schafer, and Smidt and Senators Schoenbeck, Abdallah, Knudson, Moore, and Olson (Ed)

1 FOR AN ACT ENTITLED, An Act to establish a fund for the research of spinal cord and
2 traumatic brain injuries and to create an advisory council for the disbursement of the fund.

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

4 Section 1. There is established in the state treasury the spinal cord and traumatic brain injury
5 fund. Any liquidated costs collected pursuant to section 2 of this Act and any federal grants,
6 private donations, and other moneys designated for the spinal cord and traumatic brain injury
7 fund shall be deposited in the fund. The moneys in the fund shall be appropriated by the
8 Legislature to the Department of Health for the purpose of funding research projects that
9 promote the advancement of knowledge in the area of spinal cord and traumatic brain injury.
10 Notwithstanding § 4-8-21, any unexpended or unobligated moneys may not revert to the fund
11 from which appropriated.

12 Section 2. Any person convicted of a traffic violation having a penalty of a Class 2 or Class
13 1 misdemeanor shall, in addition to any other penalty, assessment, or fine provided by law, pay
14 a liquidated cost in the amount of five dollars, which shall be deposited in the spinal cord and



1 traumatic brain injury fund.

2 Section 3. There is created an advisory council on spinal cord and traumatic brain injury. The
3 advisory council shall be composed of nine members, two of which shall be individuals who have
4 a spinal cord injury and one who has had a traumatic brain injury. The balance of the advisory
5 council shall consist of physicians and other allied health professionals who have expertise in the
6 area of spinal cord and traumatic brain injuries. The secretary of the Department of Health shall
7 appoint the members. Terms on the advisory council shall be four years, with no member serving
8 more than two terms. Any member unwilling or unable to fulfill a term shall be succeeded by a
9 member chosen by the secretary to fulfill that term. If the unexpired balance of the replaced
10 member's term is less than eighteen months, the succeeding member may be reappointed by the
11 secretary twice. The advisory council shall provide advice and expertise to the department
12 regarding the disbursement of the funds in the spinal cord and traumatic brain injury fund.

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SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

455I0254

HOUSE TRANSPORTATION COMMITTEE ENGROSSED NO. **HB 1101** - 02/03/2003

Introduced by: Representatives Putnam, Bartling, Deadrick (Thomas), Hargens, Lintz, Olson (Ryan), Pederson (Gordon), and Van Gerpen and Senators Jaspers, de Hueck, Diedrich (Larry), Duxbury, Kloucek, Koskan, Nachtigal, and Symens

1 FOR AN ACT ENTITLED, An Act to revise the time period certain oversized motor vehicles
2 may operate each day under a permit and to increase the cost of the permit.

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

4 Section 1. That chapter 32-22 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 If a commercial operator of a vehicle on which is mounted hay grinding equipment is issued
7 an oversize permit pursuant to §§ 32-22-41 and 32-22-42, the operator may move the vehicle
8 from November first to March thirty-first, inclusive, upon any public highway during any time
9 of the day or night if the vehicle is operated within one hundred miles of the business location
10 of the commercial operator. However, no operator may move hay grinding equipment on the
11 interstate highway between one-half hour after sunset and one-half hour before sunrise on the
12 following day. The vehicle or the load may not exceed twelve feet in width. If the vehicle is
13 operated during the period of day between one-half hour after sunset and one-half hour before
14 sunrise, the vehicle shall display flashing or rotating white or amber lights at each side of the



1 vehicle's widest extremity. The warning lights shall be clearly visible to any motorist approaching
2 from the front or the rear. The annual fee for any oversized permit issued to a commercial
3 operator of a vehicle on which is mounted hay grinding equipment is fifty dollars.

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SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

583I0061

SENATE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **SB 1** - 01/22/2003

Introduced by: Senators Brown, Albers, Dennert, Duxbury, and McCracken and Representatives Burg, Heineman, Konold, Lange, Pederson (Gordon), and Smidt at the request of the Department of Legislative Audit

1 FOR AN ACT ENTITLED, An Act to eliminate the requirement that certain nonprofit
2 corporations file an annual report with the Department of Legislative Audit and to provide
3 for Department of Legislative Audit approval of single audits of certain nonprofit
4 corporations.

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

6 Section 1. That § 4-11-2.1 be amended to read as follows:

7 4-11-2.1. ~~All~~ Any charitable or nonprofit corporation receiving federal funds through the
8 state or its political subdivisions, that is required to be audited in accordance with the Federal
9 Single Audit Act Amendments of 1996 Public Law 104-156 (31 U.S.C. sections 7501 to 7507)
10 as amended to January 1, 2003, shall comply with the provisions of § 4-11-7, except for the
11 restrictions on payment for the audit, when hiring a public accountant to perform the audit. The
12 auditor-general may examine all financial records, related to funds provided by the state or its
13 political subdivisions, of any charitable or nonprofit corporations receiving appropriated funds
14 ~~from the state or its political subdivisions either directly or through a state agency shall be~~



1 ~~required to file an annual financial report disclosing the receipt and disbursement of all~~
2 ~~appropriated funds with the Department of Legislative Audit in form and contents as prescribed~~
3 ~~by the auditor-general. The auditor-general shall be authorized to examine all books, accounts,~~
4 ~~and reports of such corporations relating to the receipt and disbursement of appropriated funds,~~
5 ~~if he deems it corporation if deemed necessary and in the public interest that they be examined~~
6 ~~by the auditor-general.~~

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SEVENTY-EIGHTH SESSION
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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LEGISLATIVE ASSEMBLY, 2003

400I0271

SENATE AGRICULTURE AND NATURAL RESOURCES COMMITTEE ENGROSSED NO. **SB 24** - 01/21/2003

Introduced by: The Committee on Agriculture and Natural Resources at the request of the
Department of Agriculture

1 FOR AN ACT ENTITLED, An Act to authorize the secretary of agriculture to suspend or
2 revoke an egg dealer's or processor's license for certain violations and to provide the licensee
3 an opportunity for a hearing.

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

5 Section 1. That § 39-11-17 be amended to read as follows:

6 39-11-17. ~~It shall be the duty of the~~ The secretary of agriculture ~~at any time to shall~~ revoke
7 ~~or suspend~~ any license issued pursuant to this chapter on evidence that the licensee has violated
8 any ~~or all~~ of the provisions of this chapter or ~~has refused to comply with any and all lawful~~
9 ~~regulations promulgated as herein provided~~ regulations promulgated thereunder or has refused
10 to permit inspection or interfered with inspection. No license ~~shall~~ may be revoked ~~except on~~
11 ~~twenty days' notice to the licensee or his agent to be served by registered mail, specifying the~~
12 ~~substance of the complaint and the time and place in which evidence will be heard in support of~~
13 ~~the complaint. Opportunity shall be afforded such licensee to submit evidence and proof in denial~~
14 ~~of such charges~~ or suspended unless the license holder has been given notice and an opportunity
15 for hearing pursuant to chapter 1-26.



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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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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.

