



# State of South Dakota

SEVENTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2003

400I0316

SENATE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **HB 1025** - 02/21/2003

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

1 FOR AN ACT ENTITLED, An Act to provide that military discharge records are only made  
2 available to specified persons.

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

4 Section 1. That § 33-17-14 be amended to read as follows:

5 33-17-14. ~~Subdivision~~ The provisions of subdivision 43-28-2(7) shall apply to certificates of  
6 discharge of all persons who may have served in the military forces of the United States or of any  
7 of its allies in any war in which the United States has or may have hereafter engaged engage, or  
8 who are veterans as defined in § 33-17-1, and such. The certificates shall be recorded without  
9 charge and certified copies shall be furnished to the persons named therein or their dependents  
10 without charge when if requested for the purpose of presenting or prosecuting claims for  
11 compensation or pension. Otherwise, a discharge document recorded by the recorder or a  
12 designated official may be made available only to the veteran, the veteran's parents, the veteran's  
13 next of kin, the veteran's legal representative, a county veterans' service officer, a veterans'  
14 organization service officer, the Department of Military and Veterans' Affairs, or the veteran's  
15 designee. Any person requesting a discharge document shall complete a form containing a



1 statement specifying the person's eligibility to receive the document based upon this section. The  
2 Department of Military and Veterans' Affairs shall provide such forms to each county register  
3 of deeds.

# State of South Dakota

SEVENTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2003

544I0334

## SENATE TRANSPORTATION COMMITTEE ENGROSSED NO. **HB 1072** - 02/11/2003

Introduced by: Representatives Madsen, Elliott, Gillespie, Hennies, Konold, Lintz, and Rave  
and Senators Duniphan, Abdallah, Duenwald, Kelly, and Vitter

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the operation of  
2 vehicles upon the approach of authorized emergency vehicles.

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

4 Section 1. That § 32-31-6.1 be amended to read as follows:

5 32-31-6.1. Upon approaching from any direction any stopped authorized emergency vehicle  
6 making use of red visual signals meeting the requirements of this ~~chapter title~~, the driver of every  
7 other vehicle shall come to a complete stop before ~~he reaches~~ reaching the stopped emergency  
8 vehicle and may, unless otherwise directed, proceed with caution only after ~~he has ascertained~~  
9 ascertaining that it is safe to do so, and upon approaching from any direction any stopped vehicle  
10 making use of amber or yellow warning lights, the driver of every other vehicle shall:

11 (1) If driving on an interstate highway or other highway with two or more lanes traveling  
12 in the same direction as the vehicle, merge into the lane farthest from the vehicle and  
13 proceed with caution, unless otherwise directed; or

14 (2) If driving on a two lane highway, slow to a speed that is at least twenty miles per hour  
15 less than the posted speed limit or five miles per hour when the speed limit is posted



- 1 at twenty miles per hour or less and proceed with caution, unless otherwise directed.
- 2 A violation of this section is a Class 2 misdemeanor.

# State of South Dakota

SEVENTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2003

373I0371

SENATE JUDICIARY COMMITTEE ENGROSSED NO.

**HB 1146 - 02/21/2003**

Introduced by: Representatives Cutler, Gillespie, Hennies, Olson (Mel), Peterson (Bill), Schafer, and Sebert and Senators Diedrich (Larry), Duniphan, Moore, Olson (Ed), and Sutton (Dan)

1 FOR AN ACT ENTITLED, An Act to limit a perpetrator's right to recover for injuries received  
2 in the course of committing a crime and to revise the definition of crime.

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

4 Section 1. That § 22-48-1 be amended to read as follows:

5 22-48-1. Terms used in this section mean:

- 6 (1) "Convicted," includes a finding of guilt, whether or not the adjudication of guilt is  
7 stayed or executed, an unwithdrawn judicial admission of guilt or guilty plea, a no  
8 contest plea, a judgment of conviction, an adjudication as a delinquent child, or an  
9 admission to a juvenile delinquency petition;
- 10 (2) "Course of criminal conduct," includes the acts or omissions of the perpetrator in  
11 carrying out the crime of which convicted or of a victim in resisting criminal conduct;
- 12 (3) "Crime," includes an offense named in §§ 22-11-3, 22-11-4, 22-11-6, 22-11-9.1,  
13 22-16-4, 22-16-7, 22-16-9, 22-16-15, 22-16-20, 22-18-1, 22-18-1.1, 22-19-1,  
14 22-19A-1, 22-19A-2, 22-22-1, 22-22-7, 22-30-1, 22-30A-4, 22-32-1, 22-32-3,



1 22-32-8, chapter 22-33, or an attempt to commit any of these offenses. The term  
2 includes a crime in other states which would have been within this definition if the  
3 crime had been committed in this state;

4 (4) "Perpetrator," any person who has ~~engaged in criminal conduct and includes a person~~  
5 been convicted of a crime as defined in subdivision (3);

6 (5) "Victim," a person who was the object of ~~another's~~ a perpetrator's criminal conduct  
7 and includes a person at the scene of an emergency who gives reasonable assistance  
8 to another person who is exposed to or has suffered grave physical harm.

9 Section 2. That chapter 22-48 be amended by adding thereto a NEW SECTION to read as  
10 follows:

11 If the perpetrator claims that the victim used unreasonable force, before any discovery  
12 relating to the claim may be commenced and before the claim may be submitted to the trier of  
13 fact, the court, after hearing, must find, based on clear and convincing evidence, that there is a  
14 reasonable basis to believe that the victim used unreasonable force.

# State of South Dakota

SEVENTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2003

295I0064

## SENATE ENGROSSED NO. **HB 1209** - 02/24/2003

Introduced by: Representatives Fryslie, Elliott, Juhnke, and Klaudt and Senators Greenfield and Abdallah

1 FOR AN ACT ENTITLED, An Act to revise certain restrictions on the use of artificial lights to  
2 hunt or locate wild animals.

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

4 Section 1. That chapter 41-8 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 Notwithstanding the provisions of § 41-8-17, between 10 p.m. and sunrise, from September  
7 first to January thirty-first, inclusive, no person may cast the rays of a spotlight or other artificial  
8 light except headlights in any field, pasture, woodland, forest, or prairie to spot, locate, take, or  
9 attempt to take any wild animal except to take raccoons under the provisions of § 41-8-17. It  
10 is not a violation of this section for a landowner or occupant and one guest to use a spotlight or  
11 other artificial light on the owner's or occupant's land, or for any person employed by the  
12 Department of Game, Fish and Parks to use night vision equipment or artificial lights while in  
13 the performance of the person's duty. Any violation of this section is a Class 2 misdemeanor.

14 Section 2. The provisions of this Act are repealed on July 1, 2005.



# State of South Dakota

SEVENTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2003

446I0572

HOUSE HEALTH AND HUMAN SERVICES  
COMMITTEE ENGROSSED NO. **HCR 1013** -  
02/24/2003

Introduced by: Representatives Nesselhuf, Begalka, Craddock, Cutler, Engels, Garnos, Gillespie, Hunhoff, LaRue, Madsen, McCoy, and Van Etten and Senators Kooistra, Brown, Ham, Kelly, and Olson (Ed)

1 A CONCURRENT RESOLUTION, Supporting affordable health care including prescription  
2 drugs, a safe and secure retirement, and quality long-term care that is accessible and  
3 affordable for older South Dakotans.

4 WHEREAS, there are approximately one hundred twenty-five thousand Medicare  
5 beneficiaries in South Dakota; and

6 WHEREAS, over seventy-five thousand South Dakotans have no health insurance at all and  
7 over a third of them fall between the ages of forty-five to sixty-five; and

8 WHEREAS, health care costs, including prescription drugs and health insurance, are the  
9 fastest rising expenditures our state's older adults face in their retirement years; and

10 WHEREAS, American Association of Retired Persons' data in South Dakota shows that  
11 sixty percent of those surveyed indicated that paying for prescription drugs was a problem over  
12 the last year, forty percent of respondents paid one thousand two hundred dollars or more in the  
13 last year, and seventy-five percent indicated that they are concerned about meeting their  
14 prescription drug needs over the next two years; and



1       WHEREAS, Kaiser Family Foundation data shows that the lack of drug coverage  
2 disproportionately affects beneficiaries living in rural area as fifty percent lack any coverage  
3 versus thirty-four percent in urban areas; and

4       WHEREAS, current Social Security programs offer a defined, inflation-protected benefit and  
5 continue to be the single most stable and secure source of retirement income for over one  
6 hundred fifty thousand South Dakotans; and

7       WHEREAS, the long-term solvency of the Social Security program is crucial to current and  
8 future generations of South Dakotans; and

9       WHEREAS, the accessibility, quality, and affordability of long-term care services, such as  
10 home and community based services, assisted living centers, nursing homes, and others, are  
11 critical to preserving an expected quality of life for all older South Dakotans:

12       NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Seventy-  
13 eighth Legislature of the State of South Dakota, the Senate concurring therein, that the  
14 Legislature of the State of South Dakota supports, recognizes, and understands these important  
15 issues that affect our state's older population and will work with our state's delegation in the  
16 United States Congress to ensure that affordable health care, a secure retirement, and affordable  
17 long-term care are protected and preserved for current and future generations of South  
18 Dakotans; and

19       BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to Senator Tom  
20 Daschle, Senator Tim Johnson, and Representative Bill Janklow.

# State of South Dakota

SEVENTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2003

70710298

## SENATE ENGROSSED NO. **SB 33** - 02/05/2003

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

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

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

3 Section 1. That § 37-30A-8 be amended to read as follows:

4 37-30A-8. The provisions of this chapter do not apply to a transaction:

5 (1) Made by a merchant who operates an established business that has a fixed permanent  
6 location ~~and~~, who displays or offers consumer goods or services for sale on a  
7 continuing basis, and less than twenty-five percent of total new sales are made by  
8 unsolicited consumer telephone calls;

9 (2) In which the business establishment making the solicitation is establishing a  
10 business-to-business relationship or has a clear, preexisting business relationship with  
11 the consumer, if that relationship resulted in the consumer becoming aware of the full  
12 name, business address, and telephone number of the establishment; or

13 (3) In which the consumer purchases goods or services pursuant to an examination of a  
14 television, radio, or print advertisement or a sample, brochure, catalog, or other  
15 mailing material of the telemarketer that contains:

16 (a) The name, address, and telephone number of the telemarketer;



1 (b) A full description of the goods or services being sold along with a list of all  
2 prices or fees being requested, including any handling, shipping, sales tax, or  
3 delivery charges; and

4 (c) Any limitations or restrictions that apply to the offer.

5 Section 2. That § 37-30A-1 be amended to read as follows:

6 37-30A-1. Terms used in this chapter mean:

7 (1) "Consumer," an actual or prospective purchaser, lessee, or recipient of consumer  
8 goods or services bought primarily for use for personal, family, or household  
9 purposes;

10 (2) "Consumer goods or services," any tangible personal property or services, including  
11 merchandise as defined by subdivision 37-24-1(7), normally used for personal, family,  
12 or household purposes, and not for resale or for use or consumption in a trade or  
13 business;

14 (3) "Consumer telephone call," a call made by a telephone solicitor or telemarketer for  
15 the purpose of soliciting a sale of any consumer goods or services to the person  
16 called, or for the purpose of soliciting an extension of credit for consumer goods or  
17 services to the person called, or for the purpose of obtaining information that may be  
18 used for the direct solicitation of a sale of consumer goods or services to the person  
19 called or an extension of credit for such purposes;

20 (4) "Telemarketer," any person or organization who individually or through salespersons,  
21 initiates the sale, lease, or rental of consumer goods or services, or offers gifts or  
22 prizes with the intent to sell, lease, or rent consumer goods or services by telephonic  
23 means or by postcard or other written notice sent through the mail in which the goods  
24 and services and all the material terms of the transaction, including price and any fees

1 or handling, shipping, or delivery charges, are not fully described and which request  
2 that the consumer contact the seller to initiate the transaction. This term does not  
3 include any not-for-profit or charitable organization exempt from federal income  
4 taxation pursuant to section 501(c)(3) of the Internal Revenue Code of 1986 as of  
5 January 1, 1997;

6 (5) "Unsolicited consumer telephone call," a consumer telephone call other than a call  
7 made:

8 (a) In response to an express request of the person called;

9 (b) Primarily in connection with an existing debt or contract, payment or  
10 performance of which has not been completed at the time of such call;

11 (c) To any person with whom the telemarketer has an existing business  
12 relationship; ~~or~~

13 (d) By a newspaper publisher or such publisher's agent or employee in connection  
14 with such publisher's business; or

15 (e) To any person for the purpose of establishing a date and time for an  
16 appointment with a person licensed under Title 58 which will take place at a  
17 mutually agreeable physical location.

# State of South Dakota

SEVENTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2003

400I0312

## SENATE ENGROSSED NO. **SB 39** - 01/27/2003

Introduced by: The Committee on Education at the request of the Department of Education and Cultural Affairs

1 FOR AN ACT ENTITLED, An Act to revise the assessments required in certain schools, the  
2 grades to be assessed, and to declare an emergency.

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

4 Section 1. That § 13-3-55 be amended to read as follows:

5 13-3-55. Every public school district shall annually administer the same ~~national~~  
6 ~~norm-referenced academic achievement test to all students in grades two, four, eight, and eleven,~~  
7 ~~and every assessment to all students in grades three to eight, inclusive, and in grade eleven. The~~  
8 assessment shall measure the academic progress of each student. Every public school district  
9 shall annually administer to all students in grades five and nine an achievement test to assess  
10 writing skills. ~~In addition, every school district shall administer the same criterion-referenced~~  
11 ~~academic achievement test, once in the fall semester and once again in the spring semester, to~~  
12 ~~all students in grades three, six, and ten. The criterion-referenced tests shall be designed by the~~  
13 ~~state. All of the tests~~ The assessment instruments shall be provided by the Department of  
14 Education and Cultural Affairs ~~and shall assess proficiency in meeting state standards. The tests~~  
15 shall be administered within timelines established by the Department of Education and Cultural



1 Affairs by rules promulgated pursuant to chapter 1-26 starting in the spring of the ~~2001-2002~~  
2 2002-2003 school year. Each state-designed test ~~for each grade level to be tested shall be a single~~  
3 ~~statewide criterion-referenced test, which shall be highly~~ correlated with the state's graduation  
4 requirements, course guidelines, and academic content standards. ~~The requirements of this~~  
5 ~~section pertaining to criterion-referenced tests to be administered to students in grades three, six,~~  
6 ~~and ten do not apply to students who are receiving alternative instruction pursuant to § 13-27-3.~~  
7 The South Dakota Board of Education may promulgate rules pursuant to chapter 1-26 to  
8 provide for administration of all assessments.

9 Section 2. That § 13-27-3 be amended to read as follows:

10 13-27-3. A child shall be excused from school attendance, pursuant to § 13-27-2, because  
11 the child is otherwise provided with alternative instruction for an equivalent period of time, as  
12 in the public schools, in the basic skills of language arts and mathematics. The parent or guardian  
13 of the child shall identify in the application the place where the child will be instructed and any  
14 individual who will instruct the child. The individuals are not required to be certified. The  
15 secretary of the Department of Education and Cultural Affairs may investigate and determine  
16 whether the instruction is being provided. Failure to provide instruction is grounds for the school  
17 board, upon thirty days notice, to revoke the excuse from school attendance. The secretary of  
18 the Department of Education and Cultural Affairs may inspect the records of an alternative  
19 education program with fourteen days written notice if the secretary has probable cause to  
20 believe the program is not in compliance with this section. The records to be inspected are  
21 limited to attendance and evidence showing academic progress.

22 No individual may instruct more than twenty-two children. All instructions shall be given so  
23 as to lead to a mastery of the English language. Children receiving alternative instruction who  
24 are in grades ~~tested under the state testing program~~ two, four, eight, and eleven shall take a

1 nationally standardized achievement test of the basic skills. The test may be the test provided by  
2 the state and used in the public school district where the child is instructed or another nationally  
3 standardized achievement test chosen by and provided at the expense of the child's parent,  
4 guardian, or school giving alternative instruction. The test may be monitored by the local school  
5 district where the child is instructed.

6 Section 3. Whereas, this Act is necessary for the support of the state government and its  
7 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full  
8 force and effect from and after its passage and approval.

# State of South Dakota

SEVENTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2003

400I0238

## SENATE COMMERCE COMMITTEE ENGROSSED NO. **SB 49** - 01/21/2003

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

1 FOR AN ACT ENTITLED, An Act to authorize the Board of Pharmacy to promulgate rules  
2 regarding the reference publications required for each licensed pharmacy.

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

4 Section 1. That § 36-11-41 be amended to read as follows:

5 36-11-41. No permit ~~shall~~ may be issued under § 36-11-32 unless:

6 (1) The pharmacy is equipped with ~~such~~ the pharmaceutical instruments and utensils as  
7 ~~may be~~ prescribed by the State Board of Pharmacy, and shall possess a stock of  
8 pharmaceuticals adequate to serve the needs of the community in which ~~such~~ the  
9 pharmacy is located; and

10 (2) The pharmacy has on file at all times the ~~latest publication~~ publications and  
11 supplements ~~thereto, of one of the below listed publications:~~

12 ~~———— (a) — United States pharmacopoeia-national formulary;~~

13 ~~———— (b) — USPDI drug information for the health care provider;~~

14 ~~———— (c) — Facts and comparisons;~~

15 ~~———— (d) — American hospital formulary service~~ of formularies and drug information



1

prescribed by the board by rules promulgated pursuant to chapter 1-26.

# State of South Dakota

SEVENTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2003

400I0554

SENATE APPROPRIATIONS COMMITTEE

ENGROSSED NO. **SB 80** - 01/31/2003

Introduced by: The Committee on Appropriations at the request of the Governor

1 FOR AN ACT ENTITLED, An Act to establish the Richard Hagen-Minerva Harvey memorial  
2 scholarship program and to make an appropriation therefor.

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

4 Section 1. Pursuant to the donation and intent of Minerva I. Harvey, deceased August 25,  
5 1999, as expressed by Article 2 of her Last Will and Testament and presented for probate in the  
6 State of New Jersey, Gloucester County Surrogate's Court, there is hereby established within the  
7 Department of Education and Cultural Affairs the Richard Hagen-Minerva Harvey memorial  
8 scholarship program.

9 Section 2. The Richard Hagen-Minerva Harvey memorial scholarship program shall be  
10 administered by a five-member board named the Richard Hagen-Minerva Harvey Memorial  
11 Scholarship Board which is hereby established. The members shall be appointed by the Governor  
12 for a term of five years, except that the initial appointments shall be for periods of one, two,  
13 three, four, and five years. The Governor shall appoint one member as the temporary chair of the  
14 board. The board shall elect officers at its first meeting. The board shall meet no more than four  
15 times a year, not including telephonic conferences, as may be necessary to complete its



1 responsibilities as prescribed by this Act. No more than three members of the board may be of  
2 the same political party. At least two members of the board shall be enrolled members of a tribe  
3 located in South Dakota. A majority of the board shall be present either personally or  
4 telephonically to constitute a quorum.

5 Section 3. In order to be eligible for a Richard Hagen-Minerva Harvey memorial scholarship  
6 award, a student shall:

- 7 (1) Have graduated from a South Dakota accredited high school;
- 8 (2) Have met high school graduation requirements established by rules promulgated  
9 pursuant to chapter 1-26 by the Department of Education and Cultural Affairs;
- 10 (3) Attend a public or nonpublic accredited university, college, or technical institute  
11 located in South Dakota;
- 12 (4) Apply for a Richard Hagen-Minerva Harvey memorial scholarship within one year  
13 after graduating from high school or within one year of the student's release from  
14 active duty with an active component of the armed forces if the release is within five  
15 years of the student's graduation from high school; and
- 16 (5) Be an enrolled member of a tribe whose reservation is located in whole or part in  
17 South Dakota.

18 Section 4. Scholarship award payments shall be made to the institution at the beginning of  
19 the fall or spring semester on behalf of the eligible student who has received a Richard Hagen-  
20 Minerva Harvey memorial scholarship. The amount of the award is as follows:

- 21 (1) Not less than one thousand dollars for the first year of attendance;
- 22 (2) Not less than one thousand dollars for the second year of attendance;
- 23 (3) Not less than one thousand five hundred dollars for the third year of attendance; and
- 24 (4) Not less than two thousand five hundred dollars for the fourth year of attendance.

1 Section 5. The board may award no more than seven scholarships per year.

2 Section 6. In order to maintain eligibility, a student who has been awarded a Richard Hagen-  
3 Minerva Harvey memorial scholarship shall:

4 (1) Maintain a cumulative 2.5 grade point average on a 4.0 grade point scale;

5 (2) Be continuously enrolled for the fall and spring semesters in a public or nonpublic  
6 accredited university, college, or technical institution; and

7 (3) Complete the equivalent of at least fourteen credit hours of instruction per semester.

8 Section 7. If factors beyond the control of a student who has been awarded a Richard Hagen-  
9 Minerva Harvey memorial scholarship prevent the student from meeting the requirements in  
10 section 6 of this Act, the board may temporarily waive the requirements of section 6 of this Act  
11 as eligibility criteria.

12 Section 8. The Department of Education and Cultural Affairs shall provide necessary support  
13 services to the board created by this Act.

14 Section 9. There is hereby continuously appropriated to the Department of Education and  
15 Cultural Affairs any other fund expenditure authority necessary for the department to accept and  
16 expend money the department may receive from any source for the purpose for providing a  
17 Richard Hagen-Minerva Harvey memorial scholarship.

18 Section 10. The secretary of the Department of Education and Cultural Affairs shall approve  
19 vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

20 Section 11. The Department of Education and Cultural Affairs may promulgate rules  
21 pursuant to this Act and chapter 1-26 to accept applications for a Richard Hagen-Minerva  
22 Harvey memorial scholarship, establish criteria to award a Richard Hagen-Minerva Harvey  
23 memorial scholarship, and to maintain eligibility for a Richard Hagen-Minerva Harvey memorial  
24 scholarship.

# State of South Dakota

SEVENTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2003

662I0487

## HOUSE TRANSPORTATION COMMITTEE

### ENGROSSED NO. **SB 115** - 02/24/2003

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

Introduced by: Senators Napoli, Apa, Bogue, Brown, Jaspers, Koskan, McCracken, and Sutton (Duane) and Representatives Rhoden, Garnos, Lintz, Olson (Mel), Putnam, and Teupel

1 FOR AN ACT ENTITLED, An Act to provide for a converted motor home title for certain  
2 motor vehicles.

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

4 Section 1. That chapter 32-3 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 If any truck tractor is modified to become a motor home, the owner shall submit an  
7 application to the Department of Revenue for a converted motor home title. To become a motor  
8 home, the truck tractor shall be modified to include a vehicular-type unit built on the tractor's  
9 chassis and designed primarily as temporary living quarters for recreational, camping, vacation,  
10 or travel use. The unit shall be equipped with the following:

- 11 (1) Cooking facilities;
- 12 (2) A heating system or air conditioning system, or both, separate from the vehicle engine  
13 or the vehicle engine electrical system;
- 14 (3) A self-contained toilet or a toilet connected to a plumbing system with connection for



1 external water disposal, or both;

2 (4) Portable water supply including plumbing and a sink with faucet either self-contained  
3 or with connections for an external source, or both;

4 (5) Sleeping facilities;

5 (6) A refrigerator; or

6 (7) A one hundred ten or one hundred fifteen volt system separate from the vehicle engine  
7 electrical system either with its own power supply or with a connection for an external  
8 source, or both, or a liquefied petroleum system and supply.

9 The systems provided in subdivisions (2), (3), (4), and (7) shall be permanently installed and  
10 meet American National Standards Institute and National Fire Protection Association standards  
11 in effect on the date of manufacture.

12 The application shall include a picture of the vehicle and an affidavit signed by the truck  
13 tractor owner stating that the vehicle will not be used for private business use and that the vehicle  
14 meets the requirements of this section. The department shall provide the form for the affidavit.  
15 If the department is satisfied that the conditions of this section are met, the department shall issue  
16 a converted motor home title.

17 Section 2. For the purposes of this Act, if a motor home is used to transport a motor vehicle,  
18 boat, or animal to a race, tournament, show, or similar event, the motor home is not deemed to  
19 be engaged in a private business use if:

20 (1) Any prize money received from participating in such an activity is declared as ordinary  
21 income for tax purposes;

22 (2) The cost of participating in such an activity is not deducted as a business expense for  
23 tax purposes; and

24 (3) No corporate sponsorship exceeding two thousand dollars in any one calendar year

1 is involved in participating in such an activity.

# State of South Dakota

SEVENTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2003

177I0718

SENATE TAXATION COMMITTEE ENGROSSED NO.

**SB 217** - 02/14/2003

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

Introduced by: Senators Brown and Olson (Ed) and Representatives Smidt, O'Brien, Olson (Mel), and Sebert

1 FOR AN ACT ENTITLED, An Act to exempt materials used in certain projects outside of the  
2 state from the use tax.

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

4 Section 1. That chapter 10-46 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 Notwithstanding the provisions of § 10-46-5, the use in this state of tangible personal  
7 property that becomes an integral and component part of a final product manufactured by a  
8 business classified in signs and advertising specialties, (industry no. 3993) in the Standard  
9 Industrial Classification Manual, 1987, as prepared by the Statistical Policy Division of the Office  
10 of Management and Budget, Office of the President, that is installed by such manufacturer  
11 outside of this state is exempt from the tax imposed by this chapter.



# State of South Dakota

SEVENTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2003

582I0685

## HOUSE HEALTH AND HUMAN SERVICES COMMITTEE ENGROSSED NO. **SCR 5** - 02/24/2003

Introduced by: Senators Ham, Albers, Bogue, Brown, Diedrich (Larry), Duenwald, Duniphan, Duxbury, Kelly, Kleven, Kooistra, McCracken, Reedy, Sutton (Duane), Symens, and Vitter and Representatives Adelstein, Bradford, Cutler, Engels, Gassman, Gillespie, Hennies, Klaudt, Kraus, Smidt, Valandra, Van Norman, and Weems

1 A CONCURRENT RESOLUTION, Creating a South Dakota strategy for suicide prevention.

2 WHEREAS, suicide is consistently among the top ten leading causes of death in South  
3 Dakota. In recent years suicide has been the second leading cause of death in South Dakota for  
4 youth and young adults between the ages of fifteen through thirty-four. Indeed, suicide is the  
5 cause of death for about one hundred people every year in South Dakota; and

6 WHEREAS, between two and three thousand suicide attempts occur annually in South  
7 Dakota, resulting in hundreds of serious or disabling physical injuries and in mental and  
8 emotional stress to individuals as well as in emotional trauma and hardship to their families; and

9 WHEREAS, each suicide drastically affects numerous family members, friends, and  
10 colleagues who must grieve the death of a loved one, a grief that is debilitating for many people.

11 There are approximately forty thousand people in South Dakota who have had a loss to suicide  
12 interrupt their lives; and

13 WHEREAS, the suicide death rate per one hundred thousand people in South Dakota is



1 about one-and-a-half times the rate of suicide in the United States, on average. The suicide death  
2 rate for people, ages fifteen to twenty-four, in South Dakota is twice the rate of suicide in the  
3 United States; and

4 WHEREAS, the suicide completion rate is very high for young people in South Dakota and  
5 extremely high for elderly white men and young Native American men; and

6 WHEREAS, the stigma associated with mental illness deters suicide prevention by keeping  
7 people at risk of completing suicide from seeking lifesaving help; and

8 WHEREAS, the stigma associated with suicide deaths seriously inhibits surviving family  
9 members from regaining healthy lives and a sense of meaning in life; and

10 WHEREAS, suicide deaths impose an enormous unrecognized and unmeasured economic  
11 burden on South Dakota in terms of potential years of life lost and medical costs and in terms  
12 of decreasing the capacity of mourners to contribute to their work, their families, and their  
13 communities; and

14 WHEREAS, the causes of suicide are complex and multifaceted, involving biological,  
15 sociological, psychological, and societal factors; and

16 WHEREAS, even though the link between mental illness and suicide is well established and  
17 many suicides are preventable, there is still an urgent and ongoing need for the development of  
18 effective mental-health promotion and suicide prevention programs; and

19 WHEREAS, the opportunity is present now for a comprehensive, research-based response  
20 to suicide prevention because of recent and ongoing advances in clinical research, in the  
21 treatment of mental disorders, in basic neuroscience, and in the development of community-based  
22 initiatives for prevention; and

23 WHEREAS, suicide prevention efforts should be encouraged and supported to the greatest  
24 extent possible:

1       NOW, THEREFORE, BE IT RESOLVED, by the Senate of the Seventy-eighth Legislature  
2 of the State of South Dakota, the House of Representatives concurring therein, that the  
3 Legislature of the State of South Dakota recognizes that suicide is a significant problem in the  
4 state, and declares the prevention of suicide be made a state priority by strengthening the private  
5 and public entities charged with addressing the problem to be a state priority; and

6       BE IT FURTHER RESOLVED, that the Legislature acknowledges that no single suicide  
7 prevention program or effort will be appropriate for all populations or communities; and

8       BE IT FURTHER RESOLVED, that the Legislature encourages the development and the  
9 promotion of accessibility and affordability of mental health services enabling all persons at risk  
10 for suicide to obtain effective services without fear of stigma; and

11       BE IT FURTHER RESOLVED, that the Legislature encourages the development of  
12 evidence-based initiatives dedicated to preventing suicide, to responding to those at risk for  
13 suicide and who have attempted suicide, and to supporting people who have lost someone to  
14 suicide; and

15       BE IT FURTHER RESOLVED, that the Legislature supports the creation of a South  
16 Dakota strategy for suicide prevention that will lay the groundwork for suicide prevention efforts  
17 that are designed specifically for use in South Dakota communities and based on the principles  
18 outlined in the national strategy for suicide prevention.