

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

372I0444

HOUSE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **HB 1076** - 02/04/2003

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

1 FOR AN ACT ENTITLED, An Act to revise certain provisions related to energy savings
2 contracts.

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

4 Section 1. That § 1-33B-7 be amended to read as follows:

5 1-33B-7. The governmental unit shall provide public notice of the meeting at which it
6 proposes to award a guaranteed energy savings contract, of the names of the parties to the
7 proposed contract, and of the purpose of the contract. The public notice shall be by legal
8 newspaper as provided by chapter 17-2 and be made at least ten days prior to the meeting. After
9 reviewing the report under § 1-33B-4, a governmental unit may enter into a guaranteed energy
10 savings contract with a qualified provider if it finds that the amount it would spend on the energy
11 conservation measures recommended in the proposal would not exceed the amount to be saved
12 in either energy or operation costs, or both, within a ~~ten-year~~ fifteen-year period from the date
13 of installation, if the recommendations in the proposal are followed.

14 Section 2. That § 1-33B-8 be amended to read as follows:



1 1-33B-8. The contract shall include a written guarantee of the qualified provider that either
2 the energy or operating cost savings, or both, will meet or exceed the costs of the energy
3 efficiency measure within ~~ten~~ fifteen years. A qualified provider shall provide a sufficient bond
4 to the governmental unit for the installation and the faithful performance of all the measures
5 included in the contract covering the first two years of the contract. The guaranteed energy
6 savings, projected for any additional year of the contract, shall be guaranteed by the qualified
7 provider. The qualified provider shall reimburse the governmental entity for any shortfall of
8 guaranteed energy savings projected in the contract. The guaranteed energy savings contract may
9 provide for payments over a period not exceeding ~~ten~~ fifteen years.

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

769I0268

HOUSE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **HB 1080** - 02/04/2003

Introduced by: Representatives Klaudt, Lintz, McCaulley, and Rhoden and Senators de Hueck, Duniphan, and Jaspers

1 FOR AN ACT ENTITLED, An Act to revise the publication of advertisements for bids.

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

3 Section 1. That § 5-18-3 be amended to read as follows:

4 5-18-3. If the governing body of any public corporation intends to enter into a contract for
5 the construction of a new building or the remodeling or addition to an existing building which
6 involves the expenditure of fifty thousand dollars or more, a contract for any other public
7 improvement which involves the expenditure of twenty-five thousand dollars or more, or a
8 contract for the purchase of materials, supplies, or equipment which involves the expenditure of
9 fifteen thousand dollars or more, the governing body of the public corporation shall advertise for
10 bids for the project. The advertisement shall appear as a legal notice in the appointed legal
11 newspaper. The advertisement shall be printed at least twice, with the first publication at least
12 ten days before opening of bids. The first publication shall be in the official newspaper or
13 newspapers of the contracting corporation, and the second publication may be in any legal
14 newspaper of the state chosen by the contracting corporation. If the contracting corporation has
15 no official newspaper, the first publication shall be made in a legal newspaper with general



1 circulation in the district, to be selected by the contracting corporation. The advertisement shall
2 state the time and place where the bids will be opened and passed upon by the board. In all
3 notices, the board shall reserve the right to reject any or all bids. If a public corporation lists a
4 bid on the centralized bid exchange pursuant to § 5-18-1.1, the public corporation need not make
5 the second publication required by this section.

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

517I0453

HOUSE ENGROSSED NO. **HB 1087** - 02/04/2003

Introduced by: Representatives Murschel, Bartling, Burg, Hargens, Heineman, Hunhoff, Klaudt, Madsen, McCoy, Miles, Nesselhuf, Peterson (Bill), Putnam, Smidt, Van Gerpen, and Van Norman and Senators Albers, Abdallah, Kloucek, Koetzle, McCracken, Moore, Reedy, and Symens

1 FOR AN ACT ENTITLED, An Act to revise the definition of qualified mental health
2 professionals and to clarify when reimbursement is required for the services of qualified
3 mental health professionals.

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

5 Section 1. That § 27A-1-3 be amended to read as follows:

6 27A-1-3. As used in this title, the term, "qualified mental health professional", means a
7 physician licensed pursuant to chapter 36-4 or a member of one of the professions listed in this
8 section who has received a competency-based endorsement as a qualified mental health
9 professional from the Department of Human Services. The following persons are eligible to apply
10 for the endorsement:

- 11 (1) A psychologist who is licensed to practice psychology in South Dakota;
- 12 (2) A psychiatric nurse with a master's degree from an accredited education program and
13 two years of supervised clinical experience in a mental health setting;
- 14 (3) A certified social worker with a master's degree from an accredited training program



1 and two years of supervised clinical experience in a mental health setting;

2 (4) A person who has a master's degree in psychology from an accredited program and
3 two years of supervised clinical mental health experience and who meets the provision
4 of subdivision 36-27A-2 (2); ~~or~~

5 (5) A counselor who is certified under chapter 36-32 as a licensed professional counselor
6 -- mental health; or

7 (6) A therapist who is licensed under chapter 36-33 as a marriage and family therapist
8 with two years of supervised clinical experience in a mental health setting.

9 Except as provided in § 36-4-20, each qualified mental health professional shall meet all
10 licensing and certification requirements promulgated by the State of South Dakota for persons
11 engaged in private practice of the same profession in South Dakota. However, the private
12 practice licensure requirement for persons referred to in subdivision (4) does not apply to those
13 employed by the State of South Dakota or mental health centers.

14 Section 2. That § 58-17-56 be amended to read as follows:

15 58-17-56. Notwithstanding any provision of any policy of insurance subject to the general
16 provisions of this title, whenever such policy or contract provides for reimbursement for any
17 service rendered by or directly supervised by a qualified mental health professional as defined in
18 § 27A-1-3, which may be legally performed by a mental health center as defined by § 27A-1-1,
19 reimbursement for coverage provided under such policy or contracts may not be denied.
20 However, the provisions of this section only apply to the services defined in § 58-17-98.

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

570I0421

HOUSE ENGROSSED NO. **HB 1097** - 02/06/2003

Introduced by: Representatives Weems and Bartling and Senators Greenfield and Koetzle

1 FOR AN ACT ENTITLED, An Act to provide for local determination of fees for temporary
2 malt beverage licenses.

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

4 Section 1. That § 35-4-11.5 be amended to read as follows:

5 35-4-11.5. ~~A~~ Any license issued pursuant to § 35-4-11.4 shall be issued to the organization
6 and location specified on the application. Notwithstanding subdivisions 35-4-2(12) and (16), the
7 governing body or the board of county commissioners, as appropriate, shall determine the fee
8 for this license is five, which may not exceed fifty dollars per day. Each application shall be
9 accompanied by the fee prior to consideration by the governing body or board of county
10 commissioners. Notwithstanding § 35-5-21.1, the fee provided for in this section shall be
11 retained by the governing body or board of county commissioners issuing the license.



State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

345I0417

HOUSE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **HB 1105** - 02/04/2003

Introduced by: Representatives Garnos, Gillespie, and Juhnke and Senators Schoenbeck, Duniphan, and Sutton (Dan)

1 FOR AN ACT ENTITLED, An Act to clarify which establishments may provide or allow the
2 consumption of alcoholic beverages on Sundays.

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

4 Section 1. That § 35-4-2.1 be amended to read as follows:

5 35-4-2.1. Notwithstanding § 35-4-81, the governing body of any municipality or county may,
6 in its discretion, provide in any on-sale license the right to sell, serve, or allow to be consumed
7 alcoholic beverages between the hours of eleven a.m. and twelve midnight on Sunday with the
8 serving of food ~~where~~ if the licensee has facilities for the serving of prepared meals from a fixed
9 restaurant with the simultaneous seating capacity of at least:

- 10 (1) Fifty patrons in municipalities of the first class;
11 (2) Thirty-five patrons in municipalities of the second class; and
12 (3) Twenty-five patrons in municipalities of the third class.

13 If such establishments are outside the corporate boundaries of a municipality, the population
14 of the nearest municipality shall govern the minimum seating capacity of an establishment so
15 located. The governing body may require such licensee to pay an additional fee of not more than



1 two hundred dollars. The provisions of this section ~~shall~~ apply only to facilities upon which
2 ~~property taxes are assessed and~~ if assessed, are currently paid.

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

573I0257

SENATE TRANSPORTATION COMMITTEE

ENGROSSED NO. **SB 122** - 02/06/2003

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

Introduced by: Senator Koskan and Representatives Garnos and Juhnke

1 FOR AN ACT ENTITLED, An Act to permit certain persons holding a restricted driving permit
2 to operate a motor vehicle for an extended period of time.

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

4 Section 1. That § 32-12-12 be amended to read as follows:

5 32-12-12. A restricted minor's permit may be issued, upon application and payment of the
6 proper fees as provided in § 32-12-16, to a minor at least fourteen years of age but less than
7 eighteen years of age who has successfully passed all applicable tests and completed the
8 requirements of an instruction permit as provided in § 32-12-11 or 32-12-11.1 and has not been
9 convicted of a traffic violation during the past six months. For any such minor who has
10 successfully completed a driver education course that has been approved by the Department of
11 Education and Cultural Affairs or a driver education course that the secretary of commerce and
12 regulation has determined has been approved by a state government agency in another state, the
13 required minimum time period for holding the instruction permit in order to qualify for the
14 restricted minor's permit is ninety continuous days. A restricted minor's permit entitles the holder,
15 while having the permit in immediate physical possession, to operate a motor vehicle during the



1 hours of 6 a.m. to 8 p.m. standard time if the motor vehicle is being operated with the permission
2 of the holder's parents or guardian and during the hours of 8 p.m. to 6 a.m. if the motor vehicle
3 is being operated under the direction of the holder's parent or guardian who is occupying a seat
4 beside the holder. A restricted minor's permit holder is entitled to operate a motor vehicle during
5 the hours of 8 p.m. to 11 p.m. standard time if the motor vehicle is being operated with the
6 permission of the holder's parents or guardian and the holder is taking the most direct route home
7 from school or work. The restrictions as to time of operation and operation under the direction
8 of a parent or guardian do not apply to the holder of a valid restricted minor's permit operating
9 a self-propelled agricultural machine which is not subject to registration under chapter 32-5.

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

715I0655

SENATE COMMERCE COMMITTEE ENGROSSED NO.

SB 156 - 02/11/2003

Introduced by: Senators McCracken, Bogue, and Symens and Representatives Kraus,
McLaughlin, and Miles

1 FOR AN ACT ENTITLED, An Act to revise certain provisions to provide workers'
2 compensation benefits to children of deceased employees.

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

4 Section 1. That § 62-4-12 be amended to read as follows:

5 62-4-12. The amount of compensation which shall be paid for an injury to the employee
6 resulting in death, if the employee leaves a spouse, ~~child or~~ and any children, shall be paid at the
7 rate provided by § 62-4-3 for life or until remarriage in the case of a spouse, ~~and in the event of~~
8 ~~remarriage.~~ If the spouse remarries, two years' benefits shall be paid to the spouse in a lump sum;
9 ~~and in the case of a child or.~~ The amount of compensation which shall be paid for an injury to
10 the employee resulting in death, if the employee leaves any children and no spouse, shall be paid
11 at the rate provided by § 62-4-3 until the child is age eighteen or for life in the case of a any child
12 ~~or children who are~~ is physically or mentally incapable of ~~supporting themselves~~ self-support or
13 until age twenty-two ~~if the~~ for any child ~~or children are~~ enrolled as a full-time student in any
14 accredited educational institution. ~~If the child or children are~~ any child is not in the custody of
15 the surviving spouse, the compensation shall be divided pursuant to the provisions of § ~~29-1-5~~



1 section 2 of this Act.

2 Section 2. That chapter 62-4 be amended by adding thereto a NEW SECTION to read as
3 follows:

4 The amount of compensation which shall be paid for an injury to the employee resulting in
5 death, if the employee leaves any child who is not in the custody of the surviving spouse, shall
6 be paid at the rate provided by § 62-4-3, with half of the amount being paid to the surviving
7 spouse. The other half shall be paid to the surviving child or in equal shares to the surviving
8 children, until age eighteen, or for life in the case of a child who is physically or mentally
9 incapable of self-support, or until age twenty-two for any child enrolled as a full-time student in
10 any accredited educational institution. When a child is no longer eligible for benefits, his or her
11 share shall be paid to the surviving spouse.