



# 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

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

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

400I0586

HOUSE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **HB 1159** - 02/05/2003

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

1 FOR AN ACT ENTITLED, An Act to make leaving employment due to domestic abuse good  
2 cause for voluntarily leaving employment for unemployment benefit purposes.

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

4 Section 1. That § 61-6-13.1 be amended to read as follows:

5 61-6-13.1. "Good cause" for voluntarily leaving employment is restricted to leaving  
6 employment because:

7 (1) Continued employment presents a hazard to the employee's health. However, this  
8 subdivision applies only if:

9 (a) Prior to the separation from the employment the employee is examined by a  
10 licensed practitioner of the healing arts, as defined in chapter 36-4 or 36-5, and  
11 advised that continued employment presents a hazard to his health; and

12 (b) The health hazard is supported by a certificate signed by the licensed  
13 practitioner of the healing arts.

14 The secretary of labor may request an additional certificate signed by another licensed  
15 practitioner of the healing arts, as defined in chapter 36-4 or 36-5;



1 (2) The employer required the employee to relocate ~~his~~ the employee's residence to hold  
2 his the employee's job;

3 (3) The employer's conduct demonstrates a substantial disregard of the standards of  
4 behavior that the employee has a right to expect of ~~his~~ an employer or the employer  
5 has breached or substantially altered the contract for employment;

6 (4) An individual accepted employment while on lay off and subsequently quit ~~such~~ the  
7 employment to return to work for ~~his~~ the individual's regular employer; or

8 (5) The employee's religious belief mandates it. This provision does not apply, however,  
9 if the employer has offered to the employee reasonable accommodations taking into  
10 consideration the employee's religious beliefs if this offer is made before the employee  
11 leaves the employment; or

12 (6) Leaving is necessary to protect the individual from domestic abuse. However, this  
13 subdivision applies only if:

14 (a) The employee reports the abusive situation to law enforcement within forty-  
15 eight hours of any occurrence and cooperates fully with law enforcement in any  
16 subsequent investigation and criminal charge relating to the abusive situation.  
17 Upon request by the department, the law enforcement agency shall complete  
18 and return to the department a certification form indicating whether the  
19 employee has complied with the requirements of this subdivision;

20 (b) The employee has left the abusive situation and remains separate from the  
21 situation; and

22 (c) The employee made reasonable efforts to preserve the employment before  
23 quitting.

24 Any person found to have good cause for leaving employment due to domestic abuse as set

1 forth in subdivision (6) and who returns to the abusive situation is ineligible for benefits.

# State of South Dakota

SEVENTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2003

295I0064

SENATE AGRICULTURE AND NATURAL RESOURCES

COMMITTEE ENGROSSED NO. **HB 1209** -

02/20/2003

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 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 holding a current big game license may cast the  
8 rays of a spotlight, headlight, or other artificial light in any field, pasture, woodland, forest, or  
9 prairie to spot, locate, take, or attempt to take any big game animal.



# State of South Dakota

SEVENTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2003

355I0730

HOUSE HEALTH AND HUMAN SERVICES  
COMMITTEE ENGROSSED NO. **HB 1226** -  
02/14/2003

Introduced by: Representatives Novstrup, Deadrick (Thomas), Frost, Gillespie, Kraus, and Weems and Senators Kooistra and Sutton (Duane)

1 FOR AN ACT ENTITLED, An Act to revise who may complete home studies for adoptions.

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

3 Section 1. That § 25-6-9.1 be amended to read as follows:

4 25-6-9.1. No person may place a child in a home for adoption until a home study has been  
5 completed by a licensed child placement agency as defined in § 26-6-14, the Department of  
6 Social Services, or a certified social worker eligible to engage in private independent practice as  
7 defined in § 36-26-17 and the report has been filed with the Department of Social Services. Any  
8 person who submitted home studies under this section or under § 26-4-15 prior to July 1, 1990,  
9 may continue to submit home study reports without meeting the above requirements. A home  
10 study ~~conducted by a certified social worker in private independent practice~~ shall include a  
11 criminal record check completed by the Division of Criminal Investigation and a central registry  
12 screening completed by the Department of Social Services. Any person who violates the  
13 provisions of this section is guilty of a Class 1 misdemeanor.



# State of South Dakota

SEVENTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2003

744I0741

HOUSE TAXATION COMMITTEE ENGROSSED NO.

**HB 1242 - 02/06/2003**

Introduced by: Representatives Konold and Solum and Senator Schoenbeck

1 FOR AN ACT ENTITLED, An Act to permit counties to revise property tax levies that were  
2 lowered to maintain compliance with general fund balance carryover requirements.

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

4 Section 1. That chapter 10-13 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 Notwithstanding the provisions of § 10-13-35, if any county has decreased the total amount  
7 of revenue payable from taxes on real property since 1998 to comply with the provisions § 7-21-  
8 18.1 after receiving federal funds for disaster relief, such county may increase the total amount  
9 of revenue payable from taxes on real property in 2004 to any previous amount of revenue  
10 payable since 1999. For taxes payable in 2004, the county auditor shall calculate the maximum  
11 amount of revenue payable that the county may have requested based on growth and the index  
12 factor pursuant to § 10-13-35 and apply such growth and index factor to the previous amount.

