



# State of South Dakota

EIGHTIETH  
LEGISLATIVE ASSEMBLY, 2005

400L0233

HOUSE TAXATION COMMITTEE ENGROSSED NO.

**HB 1033** - 01/18/2005

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

1 FOR AN ACT ENTITLED, An Act to establish certain provisions with regard to the past tax  
2 liability of sellers who agree to collect sales and use tax under the Streamlined Sales and  
3 Use Tax Agreement.

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

5 Section 1. No seller who registers to pay or to collect and remit applicable South Dakota  
6 sales or use tax in accordance with the terms of the Streamlined Sales and Use Tax Agreement  
7 is liable for any uncollected or unpaid sales or use tax, penalty or interest, unless the seller was  
8 registered in this state during the twelve-month period preceding the date the state is found in  
9 compliance with the Streamlined Sales and Use Tax Agreement.

10 Section 2. The provisions of section 1 of this Act preclude assessment for any uncollected  
11 or unpaid sales or use tax, penalty, or interest for sales made during the period the seller was not  
12 registered in the state, if registration occurs within twelve months of the date the state is found  
13 in compliance with the Streamlined Sales and Use Tax Agreement.

14 Section 3. The provisions of section 1 of this Act do not apply to any seller with respect to  
15 any matter or matters for which the seller received notice of the commencement of an audit and



1 the audit is not yet finally resolved, including any related administrative and judicial processes.  
2 The provisions of section 1 of this Act do not apply to any sales or use taxes already paid or  
3 remitted to the state or to taxes collected by the seller.

4 Section 4. Absent the seller's fraud or intentional misrepresentation of a material fact, the  
5 provisions of section 1 of this Act are fully effective, if the seller remains registered and  
6 continues payment or collection and remittance of applicable sales or use taxes for a period of  
7 at least thirty-six months from the date of the seller's original registration. The state's statute of  
8 limitations applicable to asserting a tax liability is tolled during this thirty-six month period.

9 Section 5. The provisions of section 1 of this Act are applicable only to sales or use taxes  
10 due from a seller in its capacity as a seller and not to sales or use taxes due from a seller in its  
11 capacity as a buyer.

# State of South Dakota

EIGHTIETH  
LEGISLATIVE ASSEMBLY, 2005

400L0381

## HOUSE JUDICIARY COMMITTEE ENGROSSED NO. **SB 59** - 01/24/2005

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

1 FOR AN ACT ENTITLED, An Act to permit the involuntary feeding or hydration of a prisoner.

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

3 Section 1. The supervisor of a jail, as defined in § 24-11-1, or a prison warden may attempt  
4 to prevent a prisoner from causing severe harm or death to himself or herself by refusing  
5 sufficient nutrition or hydration. A prisoner may be involuntarily fed or hydrated if it is  
6 determined, pursuant to the provisions of this Act, that the prisoner is likely to cause severe  
7 harm to himself or herself by refusing sufficient nutrition or hydration. No supervisor of a jail  
8 or prison warden may prevent medically imposed fasts for the purpose of conducting medical  
9 tests or procedures or religious fasts for a reasonable length of time.

10 Section 2. Prior to involuntary feeding or hydration, the prisoner shall receive a hearing  
11 before a panel consisting of two medical representatives and a representative of the jail or  
12 prison. The medical representatives shall be a physician, physician assistant, or nurse  
13 practitioner. No panel member may have participated in the prisoner's current diagnosis,  
14 evaluation, or treatment. The prisoner has the right to notice of the hearing at least forty-eight  
15 hours in advance, the right to attend the hearing, the right to present evidence and cross-examine



1 witnesses, and the right to representation by a disinterested lay advisor.

2 Section 3. The hearing panel:

- 3 (1) Shall engage in a confidential review of the prisoner's medical records;
- 4 (2) Shall receive a description of the proposed course of treatment for the involuntary  
5 feeding or hydration of the prisoner and testimony of the circumstances of the  
6 situation from the attending physician; and
- 7 (3) May ask for testimony or written statement concerning the circumstances of the  
8 prisoner's lack of nutrition or hydration.

9 Section 4. The panel may order involuntary feeding or hydration by a majority vote. The  
10 panel shall provide its decision in writing to the attending physician, the supervisor of the jail  
11 or prison warden, and the prisoner. The prisoner may appeal an adverse decision of the panel  
12 to the supervisor of the jail in which the prisoner is confined or the secretary of corrections if  
13 the prisoner is confined in a Department of Corrections facility. The prisoner may appeal the  
14 decision of the jail supervisor or secretary of corrections to circuit court pursuant to chapter 1-  
15 26.

16 Section 5. In an emergency, involuntary feeding or hydration of a prisoner may be  
17 administered without panel review for up to three days if two medical representatives who are  
18 a physician, physician assistant, or nurse practitioner order the treatment. Involuntary feeding  
19 for a greater length of time requires the approval of the panel.

20 Section 6. If involuntary feeding or hydration of a prisoner exceeds ten days, a physician  
21 who is not the attending physician shall review the prisoner's current case and at subsequent  
22 intervals not to exceed three days, make a written determination whether the involuntary feeding  
23 or hydration shall be continued. The physician's written determination shall be provided to the  
24 attending physician, the supervisor of the jail or prison warden, and the prisoner.

1           Section 7. A jail or prison shall maintain records of any involuntary feeding or hydration of  
2 prisoners. The records shall include any available medical history of a prisoner's prior refusal  
3 of adequate nutrition or hydration, current and prior illnesses, and may include such other  
4 information as deemed necessary by the jail or prison to facilitate management of prisoners.

5           Section 8. No person who serves on the hearing panel, who is the attending physician, who  
6 is the supervisor of the jail or prison warden, or who orders or participates in the involuntarily  
7 feeding or hydrating of a prisoner may be held civilly or criminally liable for the involuntarily  
8 feeding or hydrating of a prisoner pursuant to this Act if the person performs these duties in  
9 good faith and in a reasonable manner according to generally accepted medical or other  
10 professional practices.

# State of South Dakota

EIGHTIETH SESSION  
LEGISLATIVE ASSEMBLY, 2005

914L0558

SENATE TRANSPORTATION COMMITTEE

ENGROSSED NO. **SB 92** - 02/01/2005

Introduced by: Senators Broderick, Dempster, Koetzle, McCracken, Moore, and Napoli and Representatives Pederson (Gordon), Elliott, Kroger, McCoy, Thompson, and Willadsen

1 FOR AN ACT ENTITLED, An Act to define a recreation vehicle, to exempt certain recreation  
2 vehicles from the maximum width restrictions for a vehicle, and to provide a length  
3 limitation for motor vehicles.

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

5 Section 1. That § 32-22-3 be amended to read as follows:

6 32-22-3. Except for self-propelled or towed farm machinery operated pursuant to § 32-22-  
7 3.2 or a recreation vehicle, no motor vehicle may operate upon a public highway if the width,  
8 measured at the widest points, either of the vehicle or the load, exceeds one hundred two inches,  
9 excluding any required safety equipment. A violation of this section is a Class 2 misdemeanor.  
10 The farm machinery exception provided by this section does not apply to farm machinery being  
11 transported or delivered by an equipment dealer or manufacturer. The recreation vehicle  
12 exception provided by this section applies to excess width which is attributable to an  
13 appurtenance, excluding required safety equipment, which does not exceed six inches beyond  
14 either sidewall of the vehicle. For the purposes of this section, an appurtenance is an integral



1 part of a vehicle and includes awnings, grab handles, lighting equipment, cameras, and vents.  
2 No appurtenance may be used as a load carrying device.

3 Section 2. That § 32-22-5 be amended to read as follows:

4 32-22-5. No ~~single truck or bus~~ motor vehicle may be operated upon a public highway if it  
5 has an overall length, inclusive of front and rear bumpers, in excess of forty-five feet. A  
6 violation of this section is a Class 2 misdemeanor.

7 Section 3. That § 32-14-1 be amended to read as follows:

8 32-14-1. Terms used in chapters 32-14 to 32-19, inclusive, 32-12 and 32-22 to 32-34,  
9 inclusive, mean:

- 10 (1) "Alcoholic beverage," as that term is defined by subdivision 35-1-1(1);
- 11 (2) "Authorized emergency vehicle," ~~vehicles~~ a vehicle of a fire department, a police  
12 ~~vehicles~~ vehicle, and ~~such ambulances~~ an ambulance and emergency ~~vehicles~~ vehicle  
13 of a municipal ~~departments~~ department or public service ~~corporations~~ as are  
14 corporation that is designated or authorized by the department;
- 15 (3) "Automobile transporter," a vehicle combination designed or modified to be used  
16 specifically for the transport of assembled highway vehicles;
- 17 (4) "Boat transporter," a vehicle combination designed or modified to be used  
18 specifically for the transport of assembled or partially disassembled boats and boat  
19 hulls;
- 20 (5) "Business district," the territory contiguous to a highway when fifty percent or more  
21 of the frontage thereon for a distance of three hundred feet or more is occupied by  
22 buildings in use for business;
- 23 (6) "Commission," the Public Utilities Commission;
- 24 (7) "Controlled drug or substance," as that term is defined in § 34-20B-3;

- 1 (8) "Crosswalk," that part of a roadway at an intersection included within the  
2 connections of the lateral lines of the sidewalks on opposite sides of the highway  
3 measured from the curbs or, in the absence of curbs, from the edges of the traversable  
4 roadway; or any portion of a roadway at an intersection or elsewhere distinctly  
5 indicated for pedestrian crossing by lines or other markings on the surface;
- 6 (9) "Department," the Department of Public Safety of this state acting directly or through  
7 its duly authorized officers and agents;
- 8 (10) "Farm tractor," ~~every~~ a motor vehicle designed and used primarily as a farm  
9 implement for drawing plows, mowing machines, and other implements of  
10 husbandry;
- 11 (11) "Highway," the entire width between the boundary lines of every way publicly  
12 maintained when any part thereof is open to the use of the public as a matter of right  
13 for purposes of vehicular travel;
- 14 (12) "Intersection," the area embraced within the prolongation of the lateral curb lines or,  
15 if none, then of the lateral boundary lines of two or more highways which join one  
16 another at an angle, whether or not one such highway crosses the other. However,  
17 such area, in the case of the point where an alley and a street meet within a  
18 municipality, is not an intersection;
- 19 (13) "Law enforcement officer," as that term is defined in § 23-3-27;
- 20 (14) "Local authorities," ~~every~~ a county, municipal, township, road district, and other local  
21 board or body having authority to adopt local police regulations under the  
22 Constitution and laws of this state;
- 23 (15) "Metal tires," ~~all tires~~ a tire the surface of which in contact with the highway is  
24 wholly or partly of metal or other hard, nonresilient material;

- 1 (16) "Motorcycle," ~~every~~ a motor vehicle designed to travel on not more than three wheels  
2 in contact with the ground, except any ~~such~~ vehicle as may be included within the  
3 term, "tractor", as herein defined;
- 4 (17) "Motor vehicle," ~~every~~ a vehicle, as herein defined, which is self-propelled;
- 5 (18) "Official traffic control device," ~~all signs, signals, markings, and devices~~ a sign,  
6 signal, marking, and device not inconsistent with the law placed or erected by  
7 authority of a public body or official having jurisdiction, for the purpose of  
8 regulating, warning, or guiding traffic. The term also includes a flagman or a sign,  
9 signal, marking, or other device temporarily placed or erected by a person working  
10 upon, along, above, or under a highway installing or maintaining a public service  
11 facility and which is necessary or required to warn, direct, or otherwise control traffic  
12 during the time of work or when a hazard exists;
- 13 (19) "Owner," a person who holds the legal title of a vehicle or in the event a vehicle is  
14 the subject of an agreement for the conditional sale or lease thereof with the right of  
15 purchase upon performance of the conditions stated in the agreement and with an  
16 immediate right of possession vested in the conditional vendee or lessee, or in the  
17 event a mortgagor of a vehicle is entitled to possession, then ~~such~~ the conditional  
18 vendee or lessee or mortgagor is the owner for the purpose of said chapters;
- 19 (20) "Park or parking," the standing of a vehicle, whether occupied or not, otherwise than  
20 temporarily for the purpose of and while actually engaged in loading or unloading  
21 merchandise or passengers;
- 22 (21) "Pneumatic ~~tires~~ tire," ~~all tires~~ a tire inflated with compressed air;
- 23 (22) "Private road or driveway," ~~every~~ a road or driveway not open to the use of the public  
24 for purposes of vehicular travel;

1       (23) "Recreation vehicle," a self-propelled or towed vehicle equipped to serve as  
2           temporary living quarters for recreational, camping, or travel purposes and used  
3           solely as a family or personal conveyance and in no way used for a commercial  
4           purpose:

5       (23)(24)     "Residence district," the territory contiguous to a highway not comprising a  
6           business district when the frontage on ~~such~~ the highway for a distance of three  
7           hundred feet or more is mainly occupied by dwellings or by dwellings and  
8           buildings in use for business;

9       (24)(25)     "Right-of-way," the right of one vehicle or pedestrian to proceed in a lawful  
10          manner in preference to another vehicle or pedestrian approaching under such  
11          circumstances of direction, speed, and proximity as to give rise to danger of  
12          collision unless one grants precedence to the other;

13       (25)(26)     "Road tractor," ~~every~~ a motor vehicle designed and used for drawing other  
14          vehicles and not so constructed as to carry any load thereon either  
15          independently or any part of the weight of a vehicle or load so drawn;

16       (26)(27)     "Roadway," that portion of a highway improved, designed, or ordinarily used  
17          for vehicular travel, exclusive of the berm or shoulder. If a highway includes  
18          two or more separate roadways, the term, "roadway" ~~as used herein shall refer,~~  
19          refers to any such roadway separately but not to all such roadways collectively;

20       (27)(28)     "Safety zone," the area or space officially set aside within a highway for the  
21          exclusive use of pedestrians and which is so plainly marked or indicated by  
22          proper signs as to be plainly visible at all times while set apart as a safety  
23          zone;

24       (28)(29)     "Semitrailer," any vehicle of the trailer type equipped with a kingpin assembly,

1 designed and used in conjunction with a fifth wheel connecting device on a  
2 motor vehicle and constructed so that some part of its weight and that of its  
3 load rests upon or is carried by another vehicle;

4 ~~(29)~~(30) "Sidewalk," that portion of a street between the curb lines, or the lateral lines  
5 of a roadway, and the adjacent property lines intended for use of pedestrians;

6 ~~(30)~~(31) "Single axle" or "~~One~~ one axle," one or more consecutive axles whose centers  
7 may be included between two transverse vertical planes spaced forty inches  
8 or less apart, extending across the full width of the vehicle;

9 ~~(31)~~(32) "Solid rubber tire," ~~every~~ a tire made of rubber other than a pneumatic tire;

10 ~~(31A)~~(33) "Steering axle," any axle on the front of a motor vehicle that is activated by the  
11 operator to directly accomplish guidance or steering of the motor vehicle or  
12 combination of vehicles;

13 ~~(32)~~(34) "Stinger-steered transporter combination," a truck tractor semitrailer  
14 combination with a fifth wheel located on a drop frame which is located  
15 behind and below the rearmost axle of the power unit;

16 ~~(33)~~(35) "Tandem axle," two or more consecutive axles whose centers may be included  
17 between parallel transverse vertical planes spaced more than forty inches and  
18 not more than ninety-six inches apart, extending across the full width of the  
19 vehicle;

20 ~~(34)~~(36) "Trailer," ~~every~~ a vehicle without motive power designed for carrying property  
21 or passengers on its own structure and for being drawn by a motor vehicle;

22 ~~(35)~~(37) "Truck tractor," ~~every~~ a motor vehicle designed and used primarily for  
23 drawing other vehicles and not so constructed as to carry a load other than a  
24 part of the weight of the vehicle and load so drawn;

1        ~~(36)~~(38)        "Urban district," the territory contiguous to and including any street which is  
2                        built up with structures devoted to business, industry, or dwelling houses  
3                        situated at intervals of less than one hundred feet for a distance of a quarter of  
4                        a mile or more; and

5        ~~(37)~~(39)        "Vehicle," ~~every~~ a device in, upon, or by which any person or property is or  
6                        may be transported or drawn upon a public highway, except devices moved by  
7                        human power or used exclusively upon stationary rails or tracks; including  
8                        bicycles and ridden animals.

# State of South Dakota

EIGHTIETH SESSION  
LEGISLATIVE ASSEMBLY, 2005

177L0568

SENATE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **SB 99** - 01/31/2005

Introduced by: Senators Bogue, Broderick, and Knudson and Representatives Cutler,  
Deadrick, and Klaut

1 FOR AN ACT ENTITLED, An Act to permit financial institutions to prepay future tax  
2 liabilities.

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

4 Section 1. That chapter 10-43 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 Any financial institution may deposit with the county treasurer of any county in which the  
7 financial institution does business an amount at the discretion of the financial institution to be  
8 applied toward any future tax liability of such financial institution under this chapter to the  
9 extent of the share of such tax the state would be required to remit to the county. No interest  
10 may accrue or be paid on any deposit made pursuant to this section.

11 Section 2. That § 10-43-77 be amended to read as follows:

12 10-43-77. The county treasurer upon receipt of such funds, including deposits received  
13 pursuant to section 1 of this Act, shall apportion and distribute the funds between the taxing  
14 subdivisions, including the county, in the same proportion as the average of personal property  
15 taxes assessed in each taxing subdivision, including the county, for calendar years 1972, 1973,



1 1974, 1975, and 1976 were distributed as determined and certified by the secretary of revenue  
2 and regulation.

3 For school districts operating during the years 1972 to 1976, inclusive, that reorganize, the  
4 funds shall be apportioned and distributed to the successor districts in the same manner and  
5 proportion as they were distributed prior to reorganization.

6 Any amount received by the county and taxing subdivisions pursuant to this section and  
7 section 1 of this Act may upon receipt be used to support the functions of such taxing  
8 subdivisions.

# State of South Dakota

EIGHTIETH SESSION  
LEGISLATIVE ASSEMBLY, 2005

554L0394

SENATE COMMERCE COMMITTEE ENGROSSED NO.

**SB 104 - 02/01/2005**

Introduced by: Senators McCracken, Abdallah, Bartling, Bogue, Broderick, Duenwald, Gray, Kelly, Koetzle, Olson (Ed), Peterson (Jim), Schoenbeck, and Sutton (Dan) and Representatives Rounds, Dennert, Faehn, Garnos, Haley, Hennies, Hills, Hunt, Koistinen, Miles, Rhoden, Sebert, and Turbiville

1 FOR AN ACT ENTITLED, An Act to require evidence of financial responsibility at the time  
2 of vehicle registration, to provide for a motor vehicle insurance data base, and to provide  
3 for the administration thereof.

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

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

7 No motor vehicle may be registered as a noncommercial motor vehicle until the applicant  
8 presents evidence of financial responsibility as defined by §§ 32-35-115 and 32-35-119 to the  
9 county treasurer showing that the motor vehicle is covered by one of the forms of financial  
10 responsibility required by § 32-35-113.

11 Section 2. That chapter 32-5 be amended by adding thereto a NEW SECTION to read as  
12 follows:

13 Any person who intentionally provides false information of financial responsibility for the  
14 purpose of complying with the provisions of section 1 of this Act is guilty of a Class 1



1 misdemeanor.

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

4 However, in lieu of the evidence required by section 1 of this Act, the department may verify  
5 financial responsibility by checking the motor vehicle insurance data base created by section 4  
6 of this Act.

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

9 The motor vehicle insurance data base is created. The Division of Motor Vehicles shall  
10 develop and administer the data base. The data base shall include the information provided by  
11 insurance companies as required by the division pursuant to this Act. The division and county  
12 treasurers shall use the data base to facilitate registration of motor vehicles in this state. The  
13 division shall implement the motor vehicle insurance data base no later than July 1, 2006.

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

16 Each insurance company doing business in this state shall provide information shown on  
17 each motor vehicle liability policy issued in this state to the Division of Motor Vehicles for  
18 inclusion in the motor vehicle insurance data base in a form and manner acceptable to the  
19 division.

20 Section 6. That chapter 32-5 be amended by adding thereto a NEW SECTION to read as  
21 follows:

22 The information provided to the Division of Motor Vehicles by insurance companies for  
23 inclusion in the motor vehicle insurance data base is the property of the insurance company and  
24 the department. The department may disclose whether a motor vehicle has the required

1 insurance coverage pursuant to §§ 32-5-143 to 32-5-151, inclusive. The department may not  
2 provide any insurance coverage information for purposes of resale, for purposes of solicitation,  
3 or as bulk listings.

4 Section 7. That chapter 32-5 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 The state or any county is not liable to any person for gathering, managing, or using  
7 information in the motor vehicle insurance data base.

8 Section 8. That chapter 32-5 be amended by adding thereto a NEW SECTION to read as  
9 follows:

10 No insurance company is liable to any person for performing its duties pursuant to this Act.

11 Section 9. That chapter 32-5 be amended by adding thereto a NEW SECTION to read as  
12 follows:

13 The Division of Motor Vehicles shall promulgate rules pursuant to chapter 1-26 to carry out  
14 the provisions of this Act. The rules shall include specifications for the information to be  
15 transmitted by the insurance companies to the division for inclusion in the motor vehicle  
16 insurance data base and specifications for the form and manner of transmission of data for  
17 inclusion in the data base.

18 Section 10. That chapter 58-33 be amended by adding thereto a NEW SECTION to read as  
19 follows:

20 If an insurance company fails to comply with the provisions of this Act and the rules  
21 promulgated pursuant to this Act, it is an unfair trade practice pursuant to chapter 58-33.

# State of South Dakota

EIGHTIETH SESSION  
LEGISLATIVE ASSEMBLY, 2005

942L0483

SENATE EDUCATION COMMITTEE ENGROSSED NO.

**SB 106** - 02/01/2005

Introduced by: Senator Schoenbeck and Representatives Faehn, Brunner, Halverson,  
Koistinen, Krebs, Nelson, Sebert, and Willadsen

1 FOR AN ACT ENTITLED, An Act to revise the restrictions of transfers from bond redemption  
2 funds.

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

4 Section 1. That § 13-16-14 be amended to read as follows:

5 13-16-14. ~~Money in this~~ No money in the bond redemption fund cannot ~~may~~ be transferred  
6 to any other fund unless ~~enough~~ a sufficient amount of money is retained in this fund to retire  
7 all outstanding bonds together with such interest as will accrue on such bonds. If any money is  
8 transferred from the bond redemption fund, the money shall be transferred to the general fund  
9 or the capital outlay fund.



# State of South Dakota

EIGHTIETH SESSION  
LEGISLATIVE ASSEMBLY, 2005

475L0485      **SENATE AGRICULTURE AND NATURAL RESOURCES**  
**COMMITTEE ENGROSSED NO. SB 117 - 02/01/2005**

Introduced by: Senators McNenny, Hansen (Tom), Hundstad, Kloucek, and Lintz and  
Representatives Jensen, Brunner, Davis, Dykstra, Fryslie, Olson (Ryan),  
Pederson (Gordon), and Tidemann

1    FOR AN ACT ENTITLED, An Act to provide for the development and implementation of  
2        certain animal identification programs to maintain animal health and ensure the safety of the  
3        food supply.

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

5        Section 1. That chapter 40-3 be amended by adding thereto a NEW SECTION to read as  
6    follows:

7        The Animal Industry Board may develop and implement specific programs for the  
8    identification of animals and premises involved in animal movements. Any program  
9    implemented pursuant to this Act shall provide for confidentiality of identification records other  
10   than those records requested by law enforcement officers of the state and those records used for  
11   mandatory disease control or eradication efforts.

12        Any identification program implemented pursuant to this Act shall be for the sole purpose  
13   of maintaining animal health and ensuring the safety of the food supply.

14        Section 2. That chapter 40-3 be amended by adding thereto a NEW SECTION to read as



1 follows:

2 The Animal Industry Board may not develop and implement any identification program that  
3 conflicts with or supercedes any provision of the state brand laws.

4 Section 3. That chapter 40-3 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 The Animal Industry Board shall promulgate rules pursuant to chapter 1-26 for the  
7 implementation of identification programs concerning:

- 8 (1) Descriptions of the systems used to implement identification programs;
- 9 (2) Methods and procedures to foster cooperation with industry, other states, and the  
10 federal government in implementing identification programs;
- 11 (3) Definitions to be used in identification programs;
- 12 (4) Types of identification approved in identification programs;
- 13 (5) Methods for tracking movements of animals included in identification programs;
- 14 (6) Penalties for intentional removal of official identification devices from animals  
15 within the state or from animals imported into the state;
- 16 (7) Confidentiality of identification records other than those used for mandatory disease  
17 control and eradication programs;
- 18 (8) Types and species of animals included in identification programs; and
- 19 (9) Criteria for defining programs as voluntary or mandatory.

# State of South Dakota

EIGHTIETH SESSION  
LEGISLATIVE ASSEMBLY, 2005

393L0463

SENATE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **SB 136** - 01/31/2005

Introduced by: Senator Lintz and Representatives Pederson (Gordon) and Howie

1 FOR AN ACT ENTITLED, An Act to provide a procedure for awarding construction project  
2 contracts if no bids are received during a competitive bid process and to declare an  
3 emergency.

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

5 Section 1. That § 5-18-9.1 be amended to read as follows:

6 5-18-9.1. If after advertising for bids pursuant to § 5-18-3 for any construction project or the  
7 purchase of materials, supplies, or equipment, no bids are received, the governing board of a  
8 unit of local government may negotiate a contract for any construction project or the purchase  
9 of the materials, supplies, or equipment at the most advantageous price. However, the  
10 construction project, materials, supplies, or equipment shall meet the specifications of the  
11 original advertisement for bids. The governing board shall contact and attempt to obtain  
12 competitive quotations from at least three ~~suppliers~~ businesses. A record of the names of the  
13 ~~suppliers~~ businesses, the quotations received and the procurement procedures used in purchasing  
14 shall be documented, ~~spread upon~~ included in the minutes, and retained on file by the governing  
15 body. The contract may include a procedure for adjusting prices to meet changing market



1 conditions not within the control of the ~~vendor~~ business. The adjustments may not result in  
2 increases in the profit of the ~~vendor~~ business, and shall be supported by written justification  
3 filed with the purchasing agent of the unit of local government.

4 Section 2. Whereas, this Act is necessary for the support of the state government and its  
5 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in  
6 full force and effect from and after its passage and approval.

# State of South Dakota

EIGHTIETH SESSION  
LEGISLATIVE ASSEMBLY, 2005

625L0535

SENATE COMMERCE COMMITTEE ENGROSSED NO.

**SB 139** - 02/01/2005

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

Introduced by: Senator Nesselhuf and Representative Rounds

1 FOR AN ACT ENTITLED, An Act to establish certain requirements for insurance policies  
2 covering certain long-term care services.

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

4 Section 1. That chapter 58-17B be amended by adding thereto a NEW SECTION to read  
5 as follows:

6 If an insured is receiving benefits for long-term care services in a nursing home or assisted  
7 living facility under a long-term care or other policy or certificate subject to this chapter, and  
8 temporarily leaves the nursing home or assisted living facility for a period not to exceed  
9 fourteen days annually, the insurer may not reduce or limit benefits for long-term care charges  
10 incurred by the insured during that temporary absence nor may the insurer consider that absence  
11 in determining whether the insured qualifies or continues to qualify for a waiver of premium or  
12 other policy or certificate benefits or eligibility requirements. This Act applies to all policies or  
13 certificates that are issued or renewed after June 30, 2005.



# State of South Dakota

EIGHTIETH SESSION  
LEGISLATIVE ASSEMBLY, 2005

645L0724

SENATE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **SB 172** - 01/31/2005

Introduced by: Senators Schoenbeck, Apa, Bartling, Bogue, Earley, Hundstad, and Napoli  
and Representatives Klaudt, Haverly, Peters, and Rausch

1 FOR AN ACT ENTITLED, An Act to limit the contributions of any person to a political action  
2 committee.

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

4 Section 1. That chapter 12-25 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 No person may contribute more than five thousand dollars to any political action committee  
7 in any calendar year. A violation of this section is a Class 2 misdemeanor.

