

State of South Dakota

EIGHTY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2006

400M0241

HOUSE HEALTH AND HUMAN SERVICES
COMMITTEE ENGROSSED NO. **HB 1036** -
01/20/2006

Introduced by: The Committee on Health and Human Services at the request of the
Department of Health

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the certification of
2 an optometrist from another state and to increase the fee for a certificate of registration.

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

4 Section 1. That § 36-7-13 be amended to read as follows:

5 36-7-13. By way of substitution for the requirements in subdivisions 36-7-11(3), (4), and
6 (5) and in ~~§ 36-7-12~~ §§ 36-7-12, 36-7-12.1 and 36-7-31, a candidate for licensure in this state
7 may be given a certificate of registration by paying a fee of ~~forty~~ one hundred seventy-five
8 dollars upon proof to the Board of Examiners by certified copy of the certificate of registration
9 issued to ~~said~~ the candidate by another state United States jurisdiction where the requirements
10 for registration ~~shall be~~ are deemed by the South Dakota State Board to be the equivalent to
11 those provided by this chapter; ~~provided such state shall accord like privileges to holders of~~
12 ~~certificates of the South Dakota State Board~~ if the candidate passes the examination
13 administered by the board required by this chapter or presents satisfactory evidence to the board
14 of having passed substantially similar examinations in another jurisdiction, and the candidate



1 has practiced optometry in ~~such~~ the other state for at least five consecutive years immediately
2 prior to ~~his~~ the candidate's application for registration in South Dakota. The board may
3 promulgate rules, pursuant to chapter 1-26, to establish standards for licensure through
4 endorsement pursuant to this section, including the level and status of licensure required, the
5 evidence required to establish that the requirements for registration in the jurisdiction in which
6 the candidate is licensed are substantially similar to those required by this chapter, the procedure
7 and contents required for submitting the application, and any additional education, testing, or
8 training necessary to ensure the competency of the candidate.

State of South Dakota

EIGHTY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2006

583M0582

SENATE JUDICIARY COMMITTEE ENGROSSED NO.

HB 1190 - 02/01/2006

Introduced by: Representatives Hennies, Cutler, Elliott, Frost, Gassman, Hanks, Jerke, Krebs, Kroger, Lange, McLaughlin, Murschel, Novstrup, O'Brien, Rave, Rhoden, Rounds, Sigdestad, and Van Etten and Senators Abdallah, Bartling, Broderick, Duniphan, Earley, Gray, Hansen (Tom), Kelly, Kloucek, Knudson, Koetzle, McCracken, Nesselhuf, Olson (Ed), and Sutton (Dan)

1 FOR AN ACT ENTITLED, An Act to specifically exclude ridden animals and bicycles from
2 violations of the DUI statutes.

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

4 Section 1. That chapter 32-23 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 The provisions of this chapter do not apply to any person who is riding:

7 (1) A horse or other animal; and

8 (2) A bicycle, tricycle, or other unpowered foot-pedal conveyance.



State of South Dakota

EIGHTY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2006

823M0501

SENATE JUDICIARY COMMITTEE ENGROSSED NO.

SB 180 - 02/01/2006

Introduced by: Senator Gant and Representative Weems

1 FOR AN ACT ENTITLED, An Act to require consumer reporting agencies to provide security
2 freezes for consumers who are victims of identity theft.

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

4 Section 1. For purposes of this Act, a victim of identity theft is a victim of a crime as
5 defined in § 22-30A-3.1.

6 Section 2. For the purposes of this Act, a security freeze is a notice placed in a consumer's
7 credit report, at the request of the consumer and subject to certain exceptions, that prohibits the
8 consumer reporting agency from releasing the consumer's credit report, relating to the extension
9 of credit involving that consumer's report, without the express authorization of the consumer.
10 If a security freeze is in place, information from a consumer's credit report may not be released
11 to a third party without prior express authorization from the consumer.

12 Section 3. Any person who is a victim of identity theft and has submitted a valid police
13 report to a consumer reporting agency may elect to place a security freeze on that person's report
14 by making a request in writing by certified mail to a consumer reporting agency at an address
15 designated by the consumer reporting agency to receive such requests. This section does not



1 prevent a consumer reporting agency from advising a third party that a security freeze is in effect
2 with respect to the consumer's credit report.

3 Section 4. A consumer reporting agency shall place a security freeze on a consumer's credit
4 report no later than five business days after receiving a written request from the consumer.

5 Section 5. The consumer reporting agency shall send a written confirmation of the security
6 freeze to the consumer within ten business days and shall provide the consumer with a unique
7 personal identification number or password to be used by the consumer when providing
8 authorization for the release of the consumer's credit report for a specific period of time.

9 Section 6. If any consumer wishes to allow the consumer's credit report to be accessed for
10 a specific period of time while a freeze is in place, the consumer shall contact the consumer
11 reporting agency at a point of contact designated by the agency to receive such requests, request
12 that the freeze be temporarily lifted, and provide the following:

13 (1) Proper identification, which means that information generally deemed sufficient to
14 identify a consumer. Only if the consumer is unable to sufficiently identify himself
15 or herself, may a consumer reporting agency require additional information
16 concerning the consumer's employment and personal or family history in order to
17 verify the consumer's identity;

18 (2) The unique personal identification number or password provided by the credit
19 reporting agency pursuant to section 5 of this Act; and

20 (3) The proper information regarding the time period for which the report is available to
21 users of the credit report.

22 Any consumer reporting agency that receives a request to temporarily lift a freeze on a credit
23 report pursuant to this section shall comply with the request no later than three business days
24 after receiving the request.

1 Section 7. A consumer reporting agency may develop procedures involving the use of
2 telephone, fax, the internet, or other electronic media to receive and process a request from a
3 consumer to temporarily lift a freeze on that consumer's credit report in an expedited manner.

4 Section 8. A consumer reporting agency shall remove or temporarily lift a freeze placed on
5 a consumer's credit report only in the following cases:

- 6 (1) Upon a consumer's request pursuant to section 6 or 11 of this Act; or
- 7 (2) When the consumer's credit report was frozen due to a material misrepresentation of
8 fact by the consumer. When a consumer reporting agency intends to remove a freeze
9 upon a consumer's credit report under this subdivision, the consumer reporting
10 agency shall notify the consumer in writing prior to removing the freeze on the
11 consumer's credit report.

12 Section 9. If a third party requests access to a consumer credit report on which a security
13 freeze is in effect, and this request is in connection with an application for credit or any other
14 use, and the consumer does not allow the consumer's credit report to be accessed for that
15 specific party or period of time, the third party may treat the application as incomplete.

16 Section 10. If a consumer requests a security freeze, the consumer reporting agency shall
17 disclose the process of placing and temporarily lifting a freeze, and the process for allowing
18 access to information from the consumer's credit report for a specific party or period of time
19 while the freeze is in place.

20 Section 11. A security freeze remains in place until the earlier of the date the consumer
21 reporting agency receives a request from the consumer to remove the freeze or until seven years
22 from the date that the security freeze was put in place pursuant to section 4 of this Act. A
23 consumer reporting agency shall remove a security freeze within three business days of
24 receiving a request for removal from the consumer, who provides both of the following:

- 1 (1) Proper identification, as defined in subdivision (1) of section 6 of this Act; and
- 2 (2) The unique personal identification number or password provided by the consumer
- 3 reporting agency pursuant to section 5 of this Act.

4 Requests for removal shall be made to a point of contact designated by the agency to receive
5 such requests.

6 Section 12. This Act does not apply to the use of a consumer credit report by any of the
7 following:

- 8 (1) A person, or a subsidiary, affiliate, or agent of that person, or an assignee of a
9 financial obligation owed by the consumer to that person or entity, or a prospective
10 assignee of a financial obligation owed by the consumer to that person in conjunction
11 with the proposed purchase of the financial obligation, with which the consumer has
12 or had prior to assignment an account or contract, including a demand deposit
13 account, or to whom the consumer issued a negotiable instrument for the purposes
14 of reviewing the account or collecting the financial obligation owed for the account,
15 contract, or negotiable instrument. The term, reviewing the account, includes
16 activities related to account maintenance, monitoring, credit line increases, and
17 account upgrades and enhancements;
- 18 (2) A subsidiary, affiliate, agent, assignee, or prospective assignee of a person to whom
19 access has been granted under section 6 of this Act for purposes of facilitating the
20 extension of credit or other permissible use;
- 21 (3) Any federal, state, or local entity, including a law enforcement agency or court;
- 22 (4) A private collection agency acting under a court order, warrant, or subpoena;
- 23 (5) A child support agency acting under Title IV-D of the Social Security Act (42 U.S.C.
24 et seq.);

- 1 (6) The Department of Social Services acting to fulfill any of its statutory
2 responsibilities;
- 3 (7) The Internal Revenue Service acting to investigate or collect delinquent taxes or
4 unpaid court orders or to fulfill any of its other statutory responsibilities;
- 5 (8) The use of credit information for the purposes of prescreening as provided for by the
6 federal Fair Credit Reporting Act;
- 7 (9) Any person or entity administering a credit file monitoring subscription service to
8 which the consumer has subscribed;
- 9 (10) Any person or entity for the purpose of providing a consumer with a copy of the
10 consumer's credit report upon the consumer's request; and
- 11 (11) Any person or entity for use in setting or adjusting a rate, adjusting a claim, or
12 underwriting for insurance purposes.

13 Section 13. If a security freeze is in place, a consumer reporting agency may not change any
14 name, date of birth, social security number, or address in a consumer credit report without
15 sending a written confirmation of the change to the consumer within thirty days of the change
16 being posted to the consumer's file. Written confirmation is not required for technical
17 modifications of a consumer's official information, including name and street abbreviations,
18 complete spellings, or transposition of numbers or letters. In the case of an address change, the
19 written confirmation shall be sent to both the new address and to the former address.

20 Section 14. No consumer reporting agency is required to place a security freeze in a
21 consumer credit report if the consumer reporting agency acts only as a reseller of credit
22 information by assembling and merging information contained in the data base of another
23 consumer reporting agency or multiple consumer reporting agencies, and does not maintain a
24 permanent data base of credit information from which new consumer credit reports are

1 produced. However, a consumer reporting agency shall honor any security freeze placed on a
2 consumer credit report by another consumer reporting agency.

3 Section 15. The following entities are not required to place a security freeze in a consumer
4 credit report pursuant to this Act:

5 (1) A check services or fraud prevention services company, which issues reports on
6 incidents of fraud or authorizations for the purpose of approving or processing
7 negotiable instruments, electronic funds transfers, or similar methods of payments;
8 and

9 (2) A deposit account information service company, which issues reports regarding
10 account closures due to fraud, substantial overdrafts, ATM abuse, or similar negative
11 information regarding a consumer, to inquiring banks or other financial institutions
12 for use only in reviewing a consumer request for a deposit account at the inquiring
13 bank or financial institution.

14 Section 16. A consumer reporting agency may furnish to a governmental agency a
15 consumer's name, address, former address, places of employment, or former places of
16 employment even if a security freeze is in place.

State of South Dakota

EIGHTY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2006

444M0384

SENATE HEALTH AND HUMAN SERVICES COMMITTEE ENGROSSED NO. **SB 184** - 02/01/2006

Introduced by: Senator Kooistra and Representative Gillespie

1 FOR AN ACT ENTITLED, An Act to provide for the notification of certain members of the
2 armed forces concerning screening for exposure to depleted uranium.

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

4 Section 1. Terms used in this Act mean:

5 (1) "Depleted uranium," uranium containing less uranium-235 than the naturally
6 occurring distribution of uranium isotopes;

7 (2) "Eligible member," a member who served in Bosnia or Kosovo or in the Persian Gulf
8 War, as defined in 38 USC 101, as amended to January 1, 2006, or in an area
9 designated as a combat zone by the President of the United States during Operation
10 Enduring Freedom or Operation Iraqi Freedom;

11 (3) "Member of the armed forces" or "member," a member of the armed forces of the
12 United States, including the South Dakota National Guard, who is a resident of this
13 state;

14 (4) "Veteran," a veteran as defined in § 33-17-1 who served as an eligible member.

15 Section 2. After September 30, 2006, any eligible member or veteran who returns or has



1 returned to this state after service in an area designated as a combat zone by the President of the
2 United States and who has been assigned a risk level I or II for depleted uranium exposure by
3 the member's or veteran's branch or service, or any other member or veteran who has reason to
4 believe that the member or veteran was exposed to depleted uranium during such service, shall
5 be informed upon request of the member's or veteran's right to a medical evaluation for exposure
6 to depleted uranium to be conducted at the nearest United States Department of Veterans Affairs
7 medical facility. The Department of Military and Veterans Affairs shall promulgate rules
8 pursuant to chapter 1-26 to provide for the notification of members and veterans required
9 pursuant to this Act.

10 Section 3. Before January 1, 2007, the adjutant general of the South Dakota National Guard
11 shall submit a report to the Legislature on the scope and adequacy of training received by
12 members of the armed forces on detecting whether their service as eligible members is likely
13 to entail, or to have entailed, exposure to depleted uranium. The report shall include an
14 assessment of the feasibility and cost of adding predeployment training concerning potential
15 exposure to depleted uranium and other toxic chemical substances and the precautions
16 recommended under combat and noncombat conditions while in a combat zone.

State of South Dakota

EIGHTY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2006

609M0649

SENATE TAXATION COMMITTEE ENGROSSED NO.

SB 189 - 02/01/2006

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

Introduced by: Senators Bogue, Abdallah, Duniphan, Koetzle, McNenny, Moore, and Napoli
and Representatives Klaudt, Hennies, Hunhoff, Putnam, and Rave

1 FOR AN ACT ENTITLED, An Act to revise certain provisions concerning fire suppression
2 agreements and payment of certain costs incurred in suppressing forest fires.

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

4 Section 1. That § 41-20-4 be amended to read as follows:

5 41-20-4. The state wildland fire coordinator, under the direction of the Department of
6 Agriculture, shall take authorized action to prevent, suppress, and extinguish forest fires on all
7 state and privately owned lands and on other lands while acting pursuant to a cooperative fire
8 suppression agreement. The coordinator shall direct and aid the efforts of all fire suppression
9 forces involved in the fires. The coordinator may bring an action in circuit court against the
10 responsible person to obtain reimbursement for reasonable fire suppression and extinguishment
11 costs.

12 Section 2. That § 41-20-5 be amended to read as follows:

13 41-20-5. There is hereby established a fund in the state treasury to be known as the state fire
14 suppression special revenue fund which is hereby appropriated for the payment of costs incurred



1 by the state wildland fire coordinator in suppressing forest fires as authorized by § 41-20-4 and
2 for the payment of costs incurred by the secretary of agriculture in hiring a fire suppression force
3 to assist any other fire suppression agency, regardless of whether the fire being suppressed is
4 within the territorial jurisdiction of the State of South Dakota. The fire suppression agency shall
5 either execute or have an existing cooperative fire suppression agreement with the South Dakota
6 Department of Agriculture. There has been appropriated fifty thousand dollars for the fund.

7 Any damages paid from judgments or settlements in civil actions taken under § 41-20-4 and
8 reimbursements or contributions from other sources for suppressing forest fires may be
9 deposited into the fund.