



# State of South Dakota

EIGHTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2008

817P0285

## HOUSE ENGROSSED NO. **HB 1090** - 1/28/2008

Introduced by: Representatives Vehle, Dennert, and Elliott and Senator Hansen (Tom) at the request of the Interim Committee on Education for Divorcing Parents, Visitation, and Custody Task Force

1 FOR AN ACT ENTITLED, An Act to require that most records and applications regarding a  
2 child reference the names and addresses of both parents.

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

4 Section 1. That § 25-5-7.3 be amended to read as follows:

5 25-5-7.3. ~~Notwithstanding any other provision of law, access~~ Access to records and  
6 information pertaining to a minor child, including, but not limited to, medical, ~~including~~  
7 ~~counseling~~, dental, ~~including~~ orthodontia, optometric and similar health care, and school  
8 records, ~~may not be denied to a parent because such parent is not the child's primary residential~~  
9 ~~parent shall be made equally available to both parents. Counseling, psychiatric, psychotherapy,~~  
10 and other records subject to confidentiality or privilege shall only be released in accordance with  
11 state and federal law; but, if available to one parent, shall be available to both. The parents shall  
12 make reasonable efforts to ensure that the name and address of the other parent is listed on all  
13 such records.

14 Section 2. That chapter 25-5 be amended by adding thereto a NEW SECTION to read as



1 follows:

2 If either parent enrolls the child in any social, beneficent, religious, or peer group activity,  
3 service, benefit, or program for which written application is required, the enrolling parent shall  
4 provide the name and address of the other parent on, or supplementary to, the application. The  
5 provisions of this section do not apply to any written application for any type of annuity or  
6 insurance.

7 Section 3. That chapter 25-5 be amended by adding thereto a NEW SECTION to read as  
8 follows:

9 The provisions of sections 1 and 2 of this Act do not apply in any case in which a court has:

- 10 (1) Terminated the rights of either parent; or  
11 (2) Restrained either parent, by court order, from contact with the child.

12 Moreover, a court of competent jurisdiction may determine that the application of section  
13 1 or 2, or both, of this Act, is inappropriate under the facts and circumstances of any particular  
14 case.

# State of South Dakota

EIGHTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2008

319P0094

## HOUSE JUDICIARY ENGROSSED NO. **HB 1139** 2/4/2008

Introduced by: Representatives Feinstein, Ahlers, Cutler, Engels, Gillespie, Gosch, Hunt, Lust, and Nygaard and Senators Turbak Berry and Heidepriem

1 FOR AN ACT ENTITLED, An Act to revise certain provisions of the South Dakota Business

2 Corporations Act regarding the issuance of shares and cumulative voting for directors.

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

4 Section 1. That § 47-1A-621 be amended to read as follows:

5 47-1A-621. The powers granted in this section to the board of directors may be reserved to

6 the shareholders by the articles of incorporation.

7 ~~No corporation may issue stocks or bonds except for money, labor done, or money or~~

8 ~~property, tangible or intangible, actually received.~~ The board of directors may authorize shares

9 to be issued for consideration consisting of any tangible or intangible property or benefit to the

10 corporation, including cash, promissory notes, services performed, contracts for services to be

11 performed, or other securities of the corporation. Before the corporation may issue shares, the

12 board of directors shall determine that the consideration received or to be received for shares

13 to be issued is adequate. ~~That~~ The determination by the board of directors is conclusive insofar

14 as the adequacy of consideration for the issuance of shares relates to whether the shares are



1 validly issued, fully paid, and nonassessable. When the corporation receives the consideration  
2 for which the board of directors authorized the issuance of shares, the shares issued therefore  
3 are fully paid and nonassessable.

4 The corporation may place in escrow any shares issued for a contract for future services or  
5 benefits or a promissory note, or make other arrangements to restrict the transfer of the shares,  
6 and may credit distributions in respect of the shares against their purchase price, until the  
7 services are performed, the note is paid, or the benefits received. If the services are not  
8 performed, the note is not paid, or the benefits are not received, the shares escrowed or restricted  
9 and the distributions credited may be cancelled in whole or part.

10 Section 2. That § 47-1A-728 be amended to read as follows:

11 47-1A-728. Unless otherwise provided in the articles of incorporation, directors are elected  
12 by a plurality of the votes cast by the shares entitled to vote in the election at a meeting at which  
13 a quorum is present. Shareholders may cumulate their votes for directors. However,  
14 shareholders may not cumulate their votes for director if the articles of incorporation include  
15 a statement that cumulative voting for directors is not allowed. The right to cumulate votes for  
16 directors means that the shareholders are entitled to multiply the number of votes that they are  
17 entitled to cast by the number of directors for whom they are entitled to vote and cast the  
18 product for a single candidate or distribute the product among two or more candidates.

19 Section 3. The provisions of Section 1 of this Act are effective on the date that Article XVII,  
20 section 8, of the South Dakota Constitution is repealed pursuant to the general election of 2008.

21 Section 4. The provisions of Section 2 of this Act are effective on the date that Article XVII,  
22 section 5, of the South Dakota Constitution is repealed pursuant to the general election of 2008.

# State of South Dakota

EIGHTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2008

805P0506

## HOUSE COMMERCE ENGROSSED NO. **HB 1210** - 2/4/2008

Introduced by: Representatives Rounds, Boomgarden, Engels, Novstrup (Al), Street, and Willadsen and Senators Napoli, Abdallah, Albers, Gant, Katus, and Turbak Berry

1 FOR AN ACT ENTITLED, An Act to prohibit recyclers, scrap metal dealers, or scrap yard  
2 operators from purchasing certain beer kegs.

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

4 Section 1. No recycler, scrap metal dealer, or scrap yard operator may purchase any metal  
5 beer keg, whether damaged or undamaged, except from the brewer or its authorized  
6 representative, if:

7 (1) The keg is clearly marked as the property of a brewery manufacturer; or

8 (2) The keg's identification markings have been made illegible.

9 A violation of this section is a Class 2 misdemeanor.



# State of South Dakota

EIGHTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2008

660P0130

HOUSE ENGROSSED NO. **HB 1245** - 2/11/2008

Introduced by: Representatives Hargens, Burg, Cutler, Deadrick, Dykstra, Faehn, Feinstein, Gillespie, Gilson, Hackl, Halverson, Heineman, Jerke, Juhnke, Krebs, Moore, Noem, Novstrup (Al), Olson (Russell), Peters, Pitts, Rave, Tidemann, Vanneman, and Willadsen and Senators Hansen (Tom), Albers, Bartling, Dempster, Greenfield, Heidepriem, Hoerth, Hundstad, Hunhoff, Nesselhuf, Olson (Ed), Peterson (Jim), Sutton, and Turbak Berry

1 FOR AN ACT ENTITLED, An Act to clarify certain purposes and characteristics of water  
2 development districts, to revise the boundaries of the Central Plains, East Dakota,  
3 Vermillion Basin, James River, and South Central water development districts, and to revise  
4 provisions related to the board of directors in the affected districts.

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

6 Section 1. That § 46A-3A-2 be amended to read as follows:

7 46A-3A-2. The Central Plains Water Development District is hereby established. The  
8 Central Plains Water Development District includes all of Faulk, ~~Hand~~, Hughes, Hyde, Potter,  
9 and Sully counties and all municipalities that lie wholly or partially within the included area or  
10 that are contiguous to the included area.

11 Section 2. That § 46A-3A-3 be amended to read as follows:

12 46A-3A-3. The East Dakota Water Development District is hereby established. The East  
13 Dakota Water Development District includes all of Minnehaha, Moody, Lake, Kingsbury,



1 Brookings, Hamlin, Deuel, Codington and Grant counties; Grafton, Belleview, Adams, Henden,  
2 Howard, Clearwater, Canova and Vermillion townships in Miner County; Liberty, Nutley,  
3 Kosciusko, Raritan, Grenville, Webster, Racine, Waubay, Rusk, Morton, Central Point,  
4 Highland, Wheatland, and Egeland townships in Day County; and all municipalities that are  
5 wholly or partially within the included area or that are contiguous to the included area.

6 Section 3. That § 46A-3A-4 be amended to read as follows:

7 46A-3A-4. The James River Water Development District is hereby established. The James  
8 River Water Development District includes all of Brown, Spink, Beadle, Sanborn, Davison,  
9 Edmunds, Hand, Hanson, Hutchinson, Marshall, and Yankton counties; Farmington, Homer,  
10 Independence, Andover, Union, Lynn, Bristol, Kidder, Scotland, Valley, Butler, Oak, Troy, and  
11 York townships in Day County; Redstone, Carthage, Miner, Green Valley, Clinton, Roswell,  
12 Beaver, and Rock Creek townships in Miner County; and Pleasant Valley, Bristol, Belford,  
13 Cooper, Firesteel, Palatine, Plankinton, Hopper, Pleasant Lake, Dudley, and Aurora townships  
14 in Aurora County.

15 Section 4. That § 46A-3A-5 be amended to read as follows:

16 46A-3A-5. The South Central Water Development District is hereby established. The South  
17 Central Water Development District includes all of Charles Mix, Brule, Buffalo, Bon Homme,  
18 Douglas, and Gregory counties; Patten, Lake, White Lake, Eureka, Gales, Crystal Lake,  
19 Washington, Center, and Truro townships in Aurora County; and the portion of Lyman County  
20 south of the White River.

21 Section 5. That chapter 46A-3B be amended by adding thereto a NEW SECTION to read  
22 as follows:

23 For any water development district with boundaries affected by this Act, any director of the  
24 district who is in office on the effective date of this Act shall continue to serve as a director if

1 the director remains a resident of the district. At the first general election after the effective date  
2 of this Act, for any water development district with boundaries affected by this Act, directors  
3 shall be elected for all director positions in the district, regardless of whether or not any  
4 director's term has expired. The directors elected for the district at the general election shall be  
5 elected to serve for staggered terms. Thereafter, directors shall be elected to four-year terms at  
6 each subsequent general election to succeed those directors whose terms expire at the end of the  
7 year in which the election is held.

8 Section 6. That § 46A-3E-1 be amended to read as follows:

9 46A-3E-1. A water development district board of directors may levy taxes, not to exceed  
10 thirty cents per thousand dollars of taxable valuation in the district, for accomplishment of the  
11 purposes of chapters 46A-3A to 46A-3E, inclusive, and chapters 46A-1 and 46A-2. If an area  
12 is included in more than one water development district, that area's tax levy payable to each of  
13 the water development districts shall be determined by multiplying the greater of the  
14 overlapping water development districts' levies by each water development district's taxing  
15 fraction. Each water development district's taxing fraction is determined by dividing that water  
16 development district's proposed tax levy for the overlapped area by the sum of all water  
17 development districts' levies for the overlapped area. For purposes of chapter 10-13, any water  
18 development district for which boundaries are revised under this Act is considered a new taxing  
19 district created on the date specified pursuant to § 46A-3A-1.

20 Section 7. This Act is effective on January 1, 2009.