



# State of South Dakota

SEVENTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2000

400D0370

HOUSE APPROPRIATIONS COMMITTEE

ENGROSSED NO. **HB1018** - 2/2/00

Introduced by: The Committee on Appropriations at the request of the Bureau of Finance and Management

1 FOR AN ACT ENTITLED, An Act to transfer certain funds from the South Dakota Building

2 Authority to the South Dakota Health and Education Facilities Authority.

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

4 Section 1. Notwithstanding the provisions of § 5-12-23, the executive secretary of the South

5 Dakota Building Authority shall transfer any accumulated savings from prior refundings and

6 unused project funds in an amount not to exceed five hundred twenty thousand dollars

7 (\$520,000) to the South Dakota Health and Education Facilities Authority. Such funds are

8 hereby appropriated for expenditure on projects at technical institutes identified in § 1-16A-77.

1 **BILL HISTORY**

2 1/11/00 First read in House and referred to committee assignment waived. H.J. 15

3 1/12/00 Referred to Appropriations.

4 2/1/00 Scheduled for Committee hearing on this date.

5 2/1/00 Appropriations Do Pass Amended, Passed, AYES 10, NAYS 0. H.J. 330

# State of South Dakota

SEVENTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2000

429D0124

HOUSE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **HB1117** - 2/2/00

Introduced by: Representatives Napoli, McNenny, and Monroe and Senator Olson

1 FOR AN ACT ENTITLED, An Act to require municipalities to maintain water and sewer  
2 connections and to limit the ability to charge an abutting property owner.

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

4 Section 1. That § 9-47-6 be amended to read as follows:

5 9-47-6. ~~Every municipality shall have power to~~ Each municipality may regulate and provide  
6 for the laying of water connections from the city water mains to the lot line; and ~~to~~ assess the  
7 cost against the abutting property owner as provided by this title. However, each municipality  
8 is responsible for the replacement and maintenance of the water line to the lot line and may not  
9 charge the cost of such replacement and maintenance against the abutting property owner except  
10 by special assessment.

11 Section 2. That § 9-48-7 be amended to read as follows:

12 9-48-7. ~~Every municipality shall have power to~~ Each municipality may regulate and provide  
13 for the laying of sewer connections from the city trunk or service sewers; to the lot line; and ~~to~~  
14 assess the cost against the abutting property owner as provided by this title. However, each  
15 municipality is responsible for the replacement and maintenance of the sewer line to the lot line  
16 and may not charge the cost of such replacement and maintenance against the abutting property

1 owner except by special assessment.

1 **BILL HISTORY**

2 1/18/00 First read in House and referred to Local Government. H.J. 115

3 1/23/00 Scheduled for Committee hearing on this date.

4 1/25/00 Scheduled for Committee hearing on this date.

5 1/27/00 Scheduled for Committee hearing on this date.

6 2/1/00 Scheduled for Committee hearing on this date.

7 2/1/00 Local Government Do Pass Amended, Passed, AYES 8, NAYS 5. H.J. 336

# State of South Dakota

SEVENTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2000

391D0364

## HOUSE COMMERCE COMMITTEE ENGROSSED NO. **HB1133** - 2/2/00

Introduced by: Representatives Roe, Cutler, Eccarius, Fischer-Clemens, Koehn, Michels, and Peterson and Senators Everist, Brown (Arnold), Dunn (Jim), Flowers, Madden, Munson (David), and Shoener

1 FOR AN ACT ENTITLED, An Act to provide insurance coverage for off-label uses of  
2 prescription drugs used for the treatment of cancer or life threatening conditions.

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

4 Section 1. Terms used in this Act mean:

5 (1) "FDA," the federal Food and Drug Administration;

6 (2) "Health insurer," any person who provides health insurance in this state. The term  
7 includes a licensed insurance company, a prepaid hospital or medical service plan, a  
8 health maintenance organization, a multiple employer welfare arrangement, or any  
9 person providing a plan of health insurance subject to state insurance regulation;

10 (3) "Medical literature," a published scientific study in a journal or other publication in  
11 which original manuscripts have been published only after critical review for scientific  
12 accuracy, validity, and reliability by unbiased independent experts and a determination  
13 by the International Committee of Medical Journal Editors that it meets the Uniform  
14 Requirements for Manuscripts submitted to biomedical journals. The term, medical  
15 literature, does not include a publication or a supplement to a publication that is

1 sponsored to a significant extent by a pharmaceutical manufacturing company or  
2 health carrier;

3 (4) "Standard reference compendia," one of the following:

4 (a) The United States Pharmacopeia Drug Information;

5 (b) DRUGDEX; or

6 (c) The American Hospital Formulary Service Drug Information;

7 (5) "Off-label," the use of an FDA approved drug for an indication that is not included in  
8 the approved labeling;

9 (6) "Drug," any substance prescribed by a licensed health care provider acting within the  
10 scope of the provider's license and that is intended for use in the diagnosis, mitigation,  
11 treatment, or prevention of disease and is taken by mouth; injected into a muscle, the  
12 skin, a blood vessel, or cavity of the body; applied to the skin; or otherwise  
13 assimilated by the body. The term, drug, includes only those substances that are  
14 approved by the FDA for at least one indication.

15 Section 2. No health insurer issuing a policy which provides coverage for prescription drugs  
16 may exclude coverage of any drug used for the treatment of cancer or life threatening conditions  
17 on the grounds that the drug has not been approved by the FDA for that indication if that drug  
18 is recognized for treatment of such indication in one of the standard reference compendia or in  
19 the medical literature. The prescribing physician shall submit documentation supporting the  
20 proposed off-label use or uses to the insurer, if requested. Any coverage of a drug that serves  
21 as the primary treatment required by this Act shall also include medically necessary services  
22 associated with the administration of the drug.

23 Section 3. No coverage is required under this Act for the following:

24 (1) Any drug that has not been fully licensed or approved by the FDA;

25 (2) The use of any drug if the FDA has determined that use to be contraindicated; or

1       (3) Any experimental drug not otherwise approved for any indication by the FDA.

2       Section 4. The provisions of this Act apply to drugs used in the treatment for cancer or life  
3 threatening diseases only, and nothing in this Act may be construed to create, impair, alter, limit,  
4 modify, enlarge, abrogate, or prohibit reimbursement for medications used in the treatment of  
5 any other disease or condition.

6       Section 5. Nothing in this Act may be construed to prevent the application of contractual  
7 deductibles or copayment provisions or managed care review.

8       Section 6. The following drugs or services are not subject to coverage under section 2 of this  
9 Act:

10       (1) Any drug that is used in research trials sponsored by the manufacturer of that drug or  
11 a governmental entity; or

12       (2) Any drug or service furnished in a research trial, if the sponsor of the research trial  
13 furnishes the drug or service without charge to any participant in the research trial.

14       Section 7. This Act may not be used to reduce or limit coverage for off-label use of drugs  
15 otherwise required by law or contract.

1 **BILL HISTORY**

2 1/18/00 First read in House and referred to Commerce. H.J. 118

3 2/1/00 Scheduled for Committee hearing on this date.

4 2/1/00 Commerce Do Pass Amended, Passed, AYES 11, NAYS 0. H.J. 342

# State of South Dakota

SEVENTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2000

463D0531

HOUSE COMMERCE COMMITTEE  
ENGROSSED NO. **HB1154** - 2/2/00

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

Introduced by: Representatives Monroe, Brown (Jarvis), Koehn, Koetzle, and Weber and  
Senators Whiting, Madden, and Vitter

1 FOR AN ACT ENTITLED, An Act to provide for the provisional licensure of psychologists  
2 during the one-year supervised postdoctoral psychological experience.

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

4 Section 1. That chapter 36-27A be amended by adding thereto a NEW SECTION to read  
5 as follows:

6 The Board of Examiners of Psychologists may issue a provisional license not to exceed  
7 twelve months in duration to an applicant who is completing the one-year supervised  
8 postdoctoral psychological experience if the applicant has satisfied the requirements of  
9 subdivisions 36-27A-12(1) and (2) and has completed the supervised psychological internship  
10 as specified in subdivision 36-27A-12(3).

1 **BILL HISTORY**

2 1/19/00 First read in House and referred to Commerce. H.J. 133

3 1/25/00 Scheduled for Committee hearing on this date.

4 2/1/00 Commerce Hog Housed.

5 2/1/00 Scheduled for Committee hearing on this date.

6 2/1/00 Commerce Do Pass Amended, Passed, AYES 12, NAYS 0. H.J. 343

# State of South Dakota

SEVENTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2000

571D0648

HOUSE STATE AFFAIRS COMMITTEE

ENGROSSED NO. **HB1175** - 2/3/00

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

Introduced by: Representatives Hunt and Fiegen and Senator Moore

1 FOR AN ACT ENTITLED, An Act to authorize the Division of Insurance to promulgate rules  
2 regarding the privacy of medical records.

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

4 Section 1. The director of insurance shall promulgate rules pursuant to chapter 1-26, to  
5 protect the privacy of personally identifiable health care and medical information, data, and  
6 records. The rules shall cover health care and medical information, data, and records collected,  
7 used, or disclosed by any person licensed or registered under Title 58 or any person with whom  
8 such licensees or registrants contract, and shall include all health care and medical information,  
9 data, and records received by or in the possession of the Division of Insurance. The rules may  
10 include the following:

- 11 (1) Definition of terms;
- 12 (2) Standards for the protection of the privacy and confidentiality of personally  
13 identifiable health care information and medical records;
- 14 (3) Rules for the collection, use, storage, security, disclosure, release, and disposal of  
15 health care and medical information, data, and records in all forms, including printed  
16 material, plastic media, audio, video, computerized and electronic transmissions;

- 1       (4)   Rules regarding the sale and exchange of health care and medical information, data,  
2           and records;
- 3       (5)   Rules to define the responsibilities and limitations of those needing or requiring access  
4           to health care and medical information, data, and records;
- 5       (6)   Rules for procedures and documents required for the release or transfer of health care  
6           and medical information, data, and records, including the identity of who may release  
7           such information and records and under what conditions and provisions of the law,  
8           as needed to protect the privacy of personally identifiable health care and medical  
9           information, data, and records;
- 10      (7)   Rules for the collection, use, storage, security, disclosure, distribution, release, and  
11           disposal of health care information and medical records obtained, used, or held in  
12           connection with the operation, maintenance, or review of insurance certificates,  
13           contracts, policies, and plans, and health maintenance organizations, subject to the  
14           jurisdiction of the director of insurance.

1 **BILL HISTORY**

2 1/19/00 First read in House and referred to committee assignment waived. H.J. 137

3 1/20/00 Referred to State Affairs. H.J. 160

4 1/24/00 Scheduled for Committee hearing on this date.

5 1/24/00 State Affairs Deferred to another day.

6 1/31/00 Scheduled for Committee hearing on this date.

7 2/2/00 State Affairs Hog Housed.

8 2/2/00 Scheduled for Committee hearing on this date.

9 2/2/00 State Affairs Do Pass Amended, Passed, AYES 8, NAYS 4. H.J. 363

# State of South Dakota

SEVENTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2000

366D0066

## HOUSE STATE AFFAIRS COMMITTEE ENGROSSED NO. **HB1178** - 2/3/00

Introduced by: Representatives Napoli, Apa, Cutler, Diedrich (Larry), Diedtrich (Elmer), Duenwald, Eccarius, Jaspers, Juhnke, Koskan, McNenny, Monroe, Peterson, Smidt, Sutton (Daniel), Sutton (Duane), Waltman, and Wudel and Senators Rounds, Benson, Brosz, Dennert, Drake, Flowers, Ham, Madden, Moore, Shoener, Symens, Valandra, and Vitter

1 FOR AN ACT ENTITLED, An Act to permit counties or municipalities to impose a special  
2 assessment for services that are provided to certain exempt property.

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

4 Section 1. Any county that provides services to exempt property may assess a special  
5 assessment for such services against the exempt property if the property is exempt pursuant to  
6 § 10-4-9.1, 10-4-9.2, 10-4-9.3, 10-4-10, or 10-4-14. A county may impose a special assessment  
7 on the exempt property for an amount not to exceed the property tax levied on taxable property  
8 of a similar value. The special assessment shall be a fee for services provided and may not exceed  
9 the value of the services provided to the property.

10 Section 2. If a governing body of a municipality enters into a joint powers agreement with  
11 the board of county commissioners for the purpose of assessing certain exempt property, a  
12 municipality may assess a special assessment against such exempt property. The property shall  
13 be exempt pursuant to § 10-4-9.1, 10-4-9.2, 10-4-9.3, 10-4-10, or 10-4-14. A municipality may  
14 request the county to impose a special assessment on the exempt property for an amount not to

1 exceed the property tax levied on taxable property of a similar value. The county shall retain ten  
2 percent of the special assessment for administrative purposes. The special assessment shall be  
3 a fee for services provided and may not exceed the value of the services provided to the  
4 property.

5 Section 3. Any special assessment imposed by a county or municipality pursuant to this Act  
6 shall be administered and collected pursuant to chapter 9-43.

7 Section 4. If a special assessment is made pursuant to this Act, the governing body shall  
8 reduce its property tax levy request by an amount that represents ninety percent of the special  
9 assessment.

10 Section 5. All real property exempt from taxation pursuant to § 10-4-9.1, 10-4-9.2, 10-4-9.3,  
11 10-4-10, or 10-4-14 shall be specially assessed based primarily on the square footage of the  
12 structure and the square footage of the land.

1 **BILL HISTORY**

2 1/19/00 First read in House and referred to committee assignment waived. H.J. 137

3 1/20/00 Referred to State Affairs. H.J. 161

4 2/2/00 Scheduled for Committee hearing on this date.

5 2/2/00 State Affairs Do Pass Amended, Failed, AYES 6, NAYS 6.

# State of South Dakota

SEVENTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2000

472D0594

## HOUSE COMMERCE COMMITTEE ENGROSSED NO. **HB1185** - 2/2/00

Introduced by: Representatives Fiegen, Brooks, Crisp, Cutler, Derby, Eccarius, Hunt, Jaspers, Juhnke, McNenny, Peterson, Sutton (Duane), and Wilson and Senators Brown (Arnold), Flowers, and Staggers

1 FOR AN ACT ENTITLED, An Act to allow the offer of an individual health benefit plan  
2 without certain mandates.

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

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

6 An insurer may offer an individual health benefit plan without the minimum benefit  
7 requirements otherwise required by this chapter, except for the benefits required by §§ 58-17-54,  
8 58-17-55, 58-17-56, and 58-17-88.

1 **BILL HISTORY**

2 1/19/00 First read in House and referred to committee assignment waived. H.J. 138

3 1/20/00 Referred to Commerce.

4 2/1/00 Scheduled for Committee hearing on this date.

5 2/1/00 Commerce Do Pass Amended, Passed, AYES 9, NAYS 1. H.J. 343

# State of South Dakota

SEVENTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2000

463D0506

## HOUSE COMMERCE COMMITTEE ENGROSSED NO. **HB1190** - 1/31/00

Introduced by: Representatives Fischer-Clemens, Haley, Lucas, and Roe and Senators Moore, Hutmacher, and Paisley

1 FOR AN ACT ENTITLED, An Act to repeal the specific time period that an insurance agent  
2 involved in certain crimes must wait before seeking licensure.

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

4 Section 1. That § 58-30-23 be amended to read as follows:

5 58-30-23. Any individual licensed as an agent shall be trustworthy, of good character and  
6 reputation as to morals, integrity, and financial responsibility, and may not have been convicted  
7 of, or have pled guilty or nolo contendere to, a felony or of any crime involving moral turpitude.  
8 The director of the Division of Insurance may waive the restriction relating to conviction of, or  
9 plea of guilty or nolo contendere to, a felony ~~if three years have elapsed since completion of the~~  
10 ~~sentence imposed by the court in connection with the violation~~ or crime involving moral  
11 turpitude upon determining, pursuant to § 58-30-23.1, that the individual has been sufficiently  
12 rehabilitated.

1 **BILL HISTORY**

2 1/19/00 First read in House and referred to committee assignment waived. H.J. 139

3 1/20/00 Referred to Commerce.

4 1/27/00 Scheduled for Committee hearing on this date.

5 1/27/00 Commerce Do Pass Amended, Passed, AYES 12, NAYS 0. H.J. 283

6 1/27/00 Commerce Place on Consent Calendar.

# State of South Dakota

SEVENTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2000

349D0613

## HOUSE JUDICIARY COMMITTEE ENGROSSED NO. **HB1194** - 2/3/00

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

Introduced by: Representatives Wilson, Cutler, Duniphan, and Fischer-Clemens and Senators Daugaard and Flowers

1 FOR AN ACT ENTITLED, An Act to provide for the issuance of a protection order in the case  
2 of certain crimes of violence or assaults.

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

4 Section 1. Any person who has suffered physical injury as a result of an assault or a crime  
5 of violence as defined in subdivision 22-1-2(9) may petition the court for a protection order. The  
6 petition shall be accompanied by an affidavit made under oath stating the specific facts and  
7 circumstances of the injury and the acts which caused the injury. The petition shall be governed  
8 by the procedures and penalties described in §§ 22-19A-9 to 22-19A-16, inclusive.

1 **BILL HISTORY**

2 1/19/00 First read in House and referred to committee assignment waived. H.J. 140

3 1/20/00 Referred to Judiciary.

4 1/28/00 Scheduled for Committee hearing on this date.

5 1/31/00 Scheduled for Committee hearing on this date.

6 2/2/00 Judiciary Hog Housed.

7 2/2/00 Scheduled for Committee hearing on this date.

8 2/2/00 Judiciary Do Pass Amended, Passed, AYES 13, NAYS 0. H.J. 362

# State of South Dakota

SEVENTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2000

636D0365

## HOUSE LOCAL GOVERNMENT COMMITTEE

### ENGROSSED NO. **HB1215** - 2/2/00

Introduced by: Representatives Clark, Cutler, Derby, Earley, Engbrecht, Fitzgerald, Michels, Sutton (Daniel), and Young and Senators Vitter, Ham, and Whiting

1 FOR AN ACT ENTITLED, An Act to allow contracts or agreements between governmental  
2 entities to be exempt from certain conflicts of interest.

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

4 Section 1. That § 6-1-2 be amended to read as follows:

5 6-1-2. The provisions of § 6-1-1 are not applicable if the contract is made pursuant to any  
6 one of the conditions set forth in the following subdivisions, without fraud or deceit; but, the  
7 contract is voidable if the provisions of the applicable subdivision were not fully satisfied or  
8 present at the time the contract was entered into:

9 (1) Any contract involving one thousand dollars or less regardless of whether other  
10 sources of supply or services are available within the county, municipality, township,  
11 or school district, provided that the consideration therefor is reasonable and just;

12 (2) Any contract involving more than one thousand dollars but less than the amount for  
13 which competitive bidding is required, and there is no other source of supply or  
14 services available within the county, municipality, township, or school district  
15 provided that the consideration therefor is reasonable and just and further provided  
16 that the accumulated total of such contracts paid during any given fiscal year ~~shall do~~

- 1 not exceed the amount specified in § 5-18-3;
- 2 (3) Any contract with any firm, association, corporation, or cooperative association for  
3 which competitive bidding is not required and where other sources of supply and  
4 services are available within the county, municipality, township or school district, and  
5 the consideration therefor is reasonable and just, unless the majority of the governing  
6 body are members or stockholders who collectively have controlling interest, or any  
7 one of them is an officer or manager of any such firm, association, corporation, or  
8 cooperative association then any such contract ~~shall be~~ is null and void;
- 9 (4) Any contract with any firm, association, corporation, or cooperative association for  
10 which competitive bidding procedures are followed pursuant to chapter 5-18, and  
11 where more than one such competitive bid is submitted;
- 12 (5) Any contract for professional services with any individual, firm, association,  
13 corporation or cooperative, if the individual or any member of the firm, association,  
14 corporation or cooperative is an elected or appointed officer of a county, municipality,  
15 township, or school district, whether or not other sources of such services are  
16 available within the county, municipality, township, or school district, provided the  
17 consideration therefor is reasonable and just;
- 18 (6) Any contract for commodities, materials, supplies, or equipment found in the state  
19 price list established pursuant to § 5-23-8.1, at the price there established or below;  
20 and
- 21 (7) Any contract or agreement between governmental entities, provided that any officer  
22 specified in § 6-1-1 does not receive compensation or payment from either entity as  
23 a result of the contract or agreement.

1 **BILL HISTORY**

2 1/20/00 First read in House and referred to Local Government. H.J. 158

3 2/1/00 Scheduled for Committee hearing on this date.

4 2/1/00 Local Government Do Pass Amended, Passed, AYES 12, NAYS 1. H.J. 336

# State of South Dakota

SEVENTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2000

813D0562

## HOUSE EDUCATION COMMITTEE ENGROSSED NO. **HB1236** - 1/28/00

Introduced by: Representatives Juhnke, Brooks, Brown (Richard), McCoy, and Monroe and  
Senators Hutmacher, Benson, and Ham

1 FOR AN ACT ENTITLED, An Act to establish the South Dakota teacher incentive student loan  
2 repayment program and to make an appropriation therefor.

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

4 Section 1. Terms used in this Act mean:

5 (1) "Applicant," any person who has applied for student loan repayment under the South  
6 Dakota teacher incentive student loan repayment program;

7 (2) "Department," the Department of Education and Cultural Affairs;

8 (3) "Program," the South Dakota teacher incentive student loan repayment program;

9 (4) "Student loan" or "loan," any loan for education purposes that meets the  
10 requirements of section 3 of this Act.

11 Section 2. The South Dakota teacher incentive student loan repayment program is hereby  
12 established. Under the program, any public or nonpublic school teacher who, after the effective  
13 date of this Act, begins teaching in South Dakota for the first time may receive an annual  
14 payment as provided in this Act from the department to pay a portion of qualifying student loans  
15 incurred in enrolling in and completing any postsecondary undergraduate or graduate degree that  
16 is directly related to the teacher's current teaching position.

1 Section 3. A qualifying student loan for the South Dakota teacher incentive student loan  
2 repayment program includes any federally insured student loan, any education loan provided by  
3 this or any other state, or any education loan from any private or public source. A loan is a  
4 qualifying loan if the applicant can document that the proceeds of the loan were paid to an  
5 educational institution for use in the completion of a postsecondary undergraduate or graduate  
6 degree that is directly related to the applicant's employment as a teacher in South Dakota.

7 Section 4. Under the program, a qualified applicant may receive an amount not to exceed  
8 fifty percent of the principal of cumulative qualifying student loans incurred by the applicant. The  
9 total amount of funds paid under the program to a qualifying applicant may not exceed fifteen  
10 thousand dollars, and disbursement to the applicant shall be divided into five equal annual  
11 payments. If the applicant ceases to be a teacher in this state, the applicant's remaining payments  
12 under the program are forfeited. No person may receive more than five payments under the  
13 program.

14 Section 5. The department shall promulgate rules pursuant to chapter 1-26 to administer the  
15 South Dakota teacher incentive student loan repayment program. The rules shall establish  
16 application requirements and procedures, procedures for the disbursement of funds, procedures  
17 for documenting the nature of education loans incurred by an applicant, procedures for verifying  
18 the applicant's eligibility for the program, and other procedures and requirements necessary to  
19 operate the program.

20 Section 6. The teacher incentive student loan repayment fund is hereby established in the  
21 state treasury. Any money in the fund shall be used to make disbursements under the program  
22 and to administer the program. Any interest earned on money in the fund shall be deposited into  
23 the fund. Money in the fund is continuously appropriated to the department to carry out the  
24 purposes of this Act.

1 **BILL HISTORY**

2 1/21/00 First read in House and referred to Education. H.J. 177

3 1/27/00 Scheduled for Committee hearing on this date.

4 1/27/00 Education Do Pass Amended, Passed, AYES 10, NAYS 2. H.J. 265

# State of South Dakota

SEVENTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2000

436D0638

## HOUSE COMMERCE COMMITTEE ENGROSSED NO. **HB1253** - 2/2/00

Introduced by: Representatives Earley, Broderick, Diedrich (Elmer), and Konold and Senators Vitter, Halverson, and Shoener

1 FOR AN ACT ENTITLED, An Act to allow the creditor to require property insurance on the  
2 collateral securing installment sales contracts and to allow charges for amounts related to the  
3 discharge of certain interests on property traded in.

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

5 Section 1. That chapter 54-3A be amended by adding thereto a NEW SECTION to read as  
6 follows:

7 A creditor may require property insurance on the collateral securing the installment sales  
8 contract. However, the creditor may not require the consumer to purchase such insurance from  
9 the creditor, and the creditor shall so advise the consumer in writing. The amount of the  
10 insurance required shall be reasonable and appropriate considering the nature of the property,  
11 the amount of the contract, the term of the contract, and any other circumstances. The insurance  
12 policy shall show the creditor as the loss payee, unless waived by the creditor.

13 Section 2. That § 54-3A-5 be amended to read as follows:

14 54-3A-5. In addition to the finance charge, a creditor may contract for, and receive the  
15 following additional charges in connection with an installment sales contract if such charges are

1 itemized and disclosed to the buyer:

2 (1) Official fees and taxes; ~~and~~

3 (2) Charges for credit life, accident, health, loss of income, ~~property~~ or liability insurance;

4 ~~provided, that. However, any such~~ insurance ~~shall be~~ is optional, and the consumer

5 ~~must shall~~ be informed that any such insurance is optional;

6 (3) Charges for property insurance as required by section 1 of this Act; and

7 (4) The amount actually paid or to be paid by the creditor pursuant to an agreement with

8 the consumer to discharge a security interest, lien interest, or lease interest on the

9 property traded in.

10 Any such charges must be disclosed and explained to the consumer prior to signing any

11 agreement to repay a consumer credit obligation. Any such charges must be separately agreed

12 to in writing and separately signed by the consumer.

1 **BILL HISTORY**

2 1/21/00 First read in House and referred to Commerce. H.J. 180

3 2/1/00 Scheduled for Committee hearing on this date.

4 2/1/00 Commerce Do Pass Amended, Passed, AYES 9, NAYS 1. H.J. 344

# State of South Dakota

SEVENTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2000

228D0221

## HOUSE STATE AFFAIRS COMMITTEE ENGROSSED NO. **HB1265** - 2/1/00

Introduced by: Representatives Hunt, Apa, Duenwald, Eccarius, Fryslie, Heineman, Klaudt, Koskan, McCoy, Monroe, Napoli, and Young and Senators Madden, Shoener, Staggers, and Vitter

1 FOR AN ACT ENTITLED, An Act to establish an education voucher system to pay a portion  
2 of costs paid by students enrolled in certain nonpublic schools.

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

4 Section 1. Effective July 1, 2001, the State of South Dakota shall make available an  
5 education voucher, in an amount specified by the provisions of this Act, to a parent or guardian  
6 of each student enrolled in kindergarten through grade twelve, inclusive, as provided by this Act.

7 Section 2. Terms used in this Act mean:

- 8 (1) "Department," the Department of Education and Cultural Affairs;
- 9 (2) "Public school," a school that receives a majority of its revenues from public funds;
- 10 (3) "Qualified applicant", a parent or guardian of a voucher student, whose voucher  
11 application is approved by the department;
- 12 (4) "Voucher school," an accredited, nonpublic, nongovernmental school that offers  
13 instruction at one or more grade levels from kindergarten through grade twelve,  
14 inclusive, physically located in South Dakota which provides instruction each year for  
15 at least the number of days and hours set forth in §§ 13-26-2 and 13-26-2.1; which

1 does not discriminate on the basis of race, gender, or disability; and which conducts  
2 academic achievement testing similar to that required for public school districts by  
3 § 13-3-55; and

4 (5) “Voucher student,” a minor, who is enrolled in or attending a voucher school.

5 Section 3. A parent or guardian of each kindergarten through twelfth grade student who  
6 desires to enroll in a voucher school may file a voucher application form with the department  
7 anytime before the end of the school year. The department shall issue a voucher to each qualified  
8 applicant within thirty days of the end of the school year.

9 Section 4. To be eligible to receive an education voucher, the parent or guardian shall  
10 provide the department with information which verifies that the voucher student has met the  
11 following requirements:

12 (1) The voucher student has attended a voucher school for the entire academic year for  
13 which the voucher is provided;

14 (2) The voucher student has paid tuition of at least five hundred dollars to the voucher  
15 school for the academic year;

16 (3) The voucher school has certified the attendance and payment as required in  
17 subdivisions (1) and (2).

18 Section 5. The amount of the voucher is one-third of the per student allocation as defined  
19 in § 13-13-10.1 as of July 1, 2000. The voucher amount shall be adjusted each year by the index  
20 factor as defined in § 13-13-10.1. However, the amount of the voucher may not exceed the  
21 amount paid for the student to the voucher school for tuition.

22 Section 6. For each voucher student who received a voucher, the school district in which  
23 the voucher student's parent or guardian resides may add one-third of one student to the school  
24 district's general enrollment average daily membership, as defined in § 13-13-10.

25 Section 7. In the first year only of the education voucher program established by this Act,

1 the amount of the voucher, as provided in section 5 of this Act, for any voucher student who  
2 attended a voucher school during the previous year shall be reduced by fifty percent.

3 Section 8. If any voucher student attended a public school during the year prior to attending  
4 a voucher school, the amount of the educational voucher for the voucher student for the first  
5 year the voucher student is enrolled in the voucher school shall be reduced by fifty percent.

6 Section 9. No school district is responsible for the provision of transportation for any  
7 voucher student.

8 Section 10. If the average academic achievement test scores at a voucher school for two  
9 consecutive years fail to exceed national averages for the test, the department may decline to pay  
10 any voucher for any voucher student attending the voucher school during the next academic year.

11 Section 11. The department shall promulgate rules pursuant to chapter 1-26 to provide, in  
12 accordance with the provisions of this Act, for the issuance and payment of vouchers.

1 **BILL HISTORY**

2 1/24/00 First read in House and referred to committee assignment waived. H.J. 196

3 1/25/00 Referred to State Affairs.

4 1/31/00 Scheduled for Committee hearing on this date.

5 1/31/00 State Affairs Do Pass Amended, Passed, AYES 8, NAYS 5. H.J. 300

# State of South Dakota

SEVENTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2000

951D0690

HOUSE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **HB1293** - 2/2/00

Introduced by: Representatives Derby, Duniphan, Fiegen, and Peterson and Senator Hainje

1 FOR AN ACT ENTITLED, An Act to revise the procedure to determine if real estate taxes have  
2 been paid before the date due.

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

4 Section 1. That § 10-21-23 be amended to read as follows:

5 10-21-23. On the first day of May of the year after which taxes have been assessed, one-half  
6 of all unpaid real estate taxes are delinquent. However, all real estate taxes totaling fifty dollars  
7 or less shall be paid in full on or before April thirtieth. On the first day of each month thereafter  
8 there shall be added as interest on the delinquent taxes at the Category B rate of interest as  
9 established in § 54-3-16. If the other half is not paid on or before the thirty-first day of October  
10 of the same year, that also becomes delinquent on November first and the same interest shall  
11 attach in the same manner. If the last day of the month falls on a Saturday or Sunday, the tax is  
12 due and payable on the last working day. The tax payment shall either be received in the office  
13 on the last working day or the tax payment shall be postmarked by the last day of the month that  
14 the taxes are due.

1 **BILL HISTORY**

2 1/24/00 First read in House and referred to committee assignment waived. H.J. 201

3 1/25/00 Referred to Local Government.

4 2/1/00 Scheduled for Committee hearing on this date.

5 2/1/00 Local Government Do Pass Amended, Passed, AYES 10, NAYS 3. H.J. 337

# State of South Dakota

SEVENTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2000

400D0793

## HOUSE HEALTH AND HUMAN SERVICES COMMITTEE ENGROSSED NO. **HB1317** - 2/3/00

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

1 FOR AN ACT ENTITLED, An Act to provide additional child safety requirements for children  
2 in passenger vehicles.

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

4 Section 1. That chapter 32-37 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 The operator of any passenger vehicle transporting a child who is at least five and under  
7 eighteen years of age on the streets and highways of this state shall assure that the child is  
8 wearing a properly adjusted and fastened safety seat belt system at all times when the vehicle is  
9 in motion. A violation of this section is a petty offense.

10 Section 2. That chapter 32-37 be amended by adding thereto a NEW SECTION to read as  
11 follows:

12 The operator and every passenger of any passenger vehicle operated on a public street or  
13 highway in this state, who is at least fourteen and under eighteen years of age, shall wear a  
14 properly adjusted and fastened safety seat belt system at all times when the vehicle is in motion.  
15 A violation of this section is a petty offense. In addition to any court-imposed fine or sanction  
16 for a second or subsequent violation of this section, the Department of Commerce and

1 Regulation shall suspend the driver's license of any person found in violation of this section for  
2 a period of thirty days.

3 Section 3. That § 32-37-2 be amended to read as follows:

4 32-37-2. The provisions of ~~§ 32-37-1~~ this chapter do not apply:

5 ~~(1) If all seating positions equipped with seat belts are occupied, or~~

6 ~~(2) In in~~ passenger cars manufactured before 1966 that have not been equipped with seat  
7 belts.

1 **BILL HISTORY**

2 1/25/00 First read in House and referred to committee assignment waived. H.J. 223

3 1/26/00 Referred to Transportation. H.J. 247

4 1/27/00 House of Representatives Referred to Health and Human Services. H.J. 267

5 2/2/00 Scheduled for Committee hearing on this date.

6 2/2/00 Health and Human Services Do Pass Amended, Passed, AYES 9, NAYS 3. H.J. 362

# State of South Dakota

SEVENTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2000

400D0307

## HOUSE JUDICIARY COMMITTEE ENGROSSED NO. **SB21** - 2/1/00

Introduced by: The Committee on Judiciary at the request of the Attorney General

1 FOR AN ACT ENTITLED, An Act to allow for additional public distribution of sex offender  
2 information.

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

4 Section 1. That § 22-22-34 be amended to read as follows:

5 22-22-34. The Division of Criminal Investigation may make the file available to any regional  
6 or national registry of sex offenders. The division shall accept files from any regional or national  
7 registry of sex offenders and shall make such files available ~~when~~ if requested pursuant to  
8 §§ 22-22-30 to 22-22-39, inclusive. The division may compile regional or statewide registration  
9 lists for public inspection as provided by chapter 1-27 or public distribution, including electronic  
10 or internet distribution.

1 **BILL HISTORY**

2 1/11/00 First read in Senate and referred to Judiciary. S.J. 17

3 1/14/00 Scheduled for Committee hearing on this date.

4 1/14/00 Judiciary Do Pass, Passed, AYES 5, NAYS 1. S.J. 42

5 1/15/00 Senate Do Pass, Failed, AYES 14, NAYS 18. S.J. 61

6 1/15/00 Intent to reconsider. S.J. 61

7 1/18/00 Senate Reconsidered, AYES 27, NAYS 7. S.J. 69

8 1/19/00 Senate Deferred to another day. S.J. 120

9 1/20/00 Motion to Amend, Passed. S.J. 129

10 1/20/00 Senate Do Pass Amended, Passed, AYES 29, NAYS 5. S.J. 130

11 1/21/00 First read in House and referred to Judiciary. H.J. 185

12 1/31/00 Scheduled for Committee hearing on this date.

13 1/31/00 Judiciary Do Pass Amended, Passed, AYES 8, NAYS 5. H.J. 298

# State of South Dakota

SEVENTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2000

400D0328

## SENATE COMMERCE COMMITTEE ENGROSSED NO. **SB33** - 1/14/00

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

1 FOR AN ACT ENTITLED, An Act to define the duty of insurers and rights of consumers with  
2 regard to auto insurance damage claims.

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

4 Section 1. That chapter 58-12 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 For the purposes of this Act, paintless dent repair is any auto body repair that removes minor  
7 dents by using specifically designed tools to manipulate and flex the metal from the backside of  
8 the dent without the necessity of sanding, priming, or painting.

9 Section 2. That chapter 58-12 be amended by adding thereto a NEW SECTION to read as  
10 follows:

11 Any insurer providing commercial or personal motor vehicle insurance in this state  
12 responsible for repairing a damaged vehicle for which it is liable shall provide sufficient  
13 compensation to the insured to restore the vehicle to substantially the same physical condition  
14 as prior to the damage, regardless of whether the insured actually chooses to repair the vehicle.

15 The insurer may adjust claims based in whole or in part upon the paintless dent repair method  
16 if:

- 1 (1) The damage is such that the paintless dent repair method is likely to place the  
2 damaged area or a portion thereof in substantially the same condition as prior to the  
3 damage;
- 4 (2) A paintless dent repair shop holding a South Dakota sales tax license is willing to  
5 perform the work as estimated within a reasonable time frame in the local market area  
6 of the insured; and
- 7 (3) The written estimate provided to the insured prominently discloses the following:
  - 8 (a) That the repair estimate is based in whole or in part upon the paintless dent  
9 repair method. Each item of damage adjusted using that method shall be  
10 identified;
  - 11 (b) That paintless dent repair may not be the appropriate repair method for all  
12 types of damage;
  - 13 (c) That, if the insurer is liable for the damage listed on the estimate, the insurer  
14 shall provide sufficient compensation to restore the vehicle to substantially the  
15 same physical condition; and
  - 16 (d) That for any damage which paintless dent repair is appropriate, the insured may  
17 choose not to repair the vehicle or to have the vehicle repaired using a different  
18 method of repair. If the insured chooses either of these options, the insurer is  
19 liable only for the cost of the paintless dent repair method.

20 If, for any portion of the vehicle's damage that the insurer has a duty to repair, the paintless  
21 dent repair method is inappropriate, the insurer shall compensate the insured for the amount  
22 necessary to complete the repairs in the local market area of the insured. The insurer may not  
23 require the insured to travel an unreasonable distance to obtain a repair estimate or to have the  
24 vehicle repaired. The insurer may not name a repair shop as payee on a compensation check or  
25 draft unless agreed to by the insured.

1 **BILL HISTORY**

2 1/11/00 First read in Senate and referred to Commerce. S.J. 20

3 1/13/00 Scheduled for Committee hearing on this date.

4 1/13/00 Commerce Do Pass Amended, Passed, AYES 5, NAYS 0. S.J. 36

5 1/13/00 Commerce Place on Consent Calendar.