

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

555D0500

SENATE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **HB1074** - 2/3/00

Introduced by: Representatives Young, Chicoine, and Diedrich (Larry) and Senators Dunn (Jim) and Reedy

1 FOR AN ACT ENTITLED, An Act to revise municipal special assessment provisions.

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

3 Section 1. That § 9-47-19 be amended to read as follows:

4 9-47-19. The governing body of ~~every~~ each municipality at the time of making its annual tax
5 levy for other purposes may levy a special assessment for the purpose of maintaining its system
6 of waterworks. ~~Such~~ The special assessment shall be apportioned as provided in this chapter for
7 the assessment of the cost of constructing such waterworks; and ~~be~~ certified to the county
8 auditor and collected as municipal taxes for general purposes.

9 ~~Such~~ No special assessment ~~shall in no year~~ may exceed the sum of ~~four cents~~ one dollar per
10 front foot against any lot or parcel of abutting property and ~~shall be~~ the special assessment is
11 subject to review and equalization the same as assessments for general purposes.

12 Funds derived from ~~such~~ a special assessment shall be used only for the purpose for which
13 it is levied. The State of South Dakota is exempt from the provisions of this section but may,
14 pursuant to §§ 9-45-30 to 9-45-32, inclusive, be assessed for its apportioned share of the actual
15 cost of any work under this section at the time the work is done.

16 Section 2. That § 9-48-23 be amended to read as follows:

1 9-48-23. The governing body prior to the assessment of real property pursuant to § 9-48-22
2 may, by resolution, designate the lots against which ~~said the~~ the assessment is to be levied; and the
3 amount of the assessment against each lot ~~for such purposes and~~. The resolution shall direct the
4 director of equalization to add ~~such the~~ the assessment to the general assessment against ~~said the~~
5 property and ~~to~~ certify ~~said the~~ the assessment together with the regular assessment to the county
6 auditor to be collected as municipal taxes for general purposes, ~~which~~. The assessment shall be
7 is subject to review and equalization the same as assessments or taxes for general purposes. ~~Such~~
8 No assessment ~~shall in no year may~~ exceed the sum of ~~four cents~~ one dollar per front foot against
9 any lot or parcel of abutting property. The State of South Dakota is exempt from the provisions
10 of this section but may, pursuant to §§ 9-45-30 to 9-45-32, inclusive, be assessed for its
11 apportioned share of the actual cost of any work under this section at the time the work is done.

12 Section 3. That § 9-38-53 be amended to read as follows:

13 9-38-53. The governing body, upon recommendation of the board, may at the time of making
14 its annual tax levy for other purposes levy for the purpose of maintaining, repairing, planting, and
15 otherwise improving and caring for the parks, parkways, boulevards, and other public grounds
16 and thoroughfares under the control of the board a special front foot assessment not to exceed
17 ~~ten cents~~ one dollar per front foot upon the lots fronting and abutting thereon. The governing
18 body, upon the recommendation of the board and with the consent of seventy-five percent of the
19 owners of property fronting and abutting a boulevard, may at the time of making its annual tax
20 levy for other purposes levy for the purpose of maintaining, repairing, planting, and otherwise
21 improving and caring for any boulevard under the control of the board ~~a~~. No special front foot
22 assessment ~~not to~~ may exceed ~~eighty-five cents~~ one dollar per front foot upon the lots fronting
23 and abutting the boulevard. Any assessment shall be apportioned as the assessment for
24 maintaining service sewers and shall be certified to the county auditor and shall be collected as
25 municipal taxes for general purposes. The State of South Dakota is exempt from the provisions

1 of this section but may, pursuant to §§ 9-45-30 to 9-45-32, inclusive, be assessed for its
2 apportioned share of the actual cost of any work under this section at the time the work is done.

3 Section 4. That § 9-45-38 be amended to read as follows:

4 9-45-38. The governing body prior to the assessment of real property within the municipality
5 for the next fiscal year, may levy, annually, for the purpose of maintaining or repairing street
6 surfacing or pavement a special front foot assessment not exceeding ~~forty cents~~ one dollar per
7 front foot upon the lots fronting and abutting the street. The assessment shall be apportioned on
8 a front foot basis ~~and levied in the following manner.~~

9 The governing body prior to the assessment of real property may, by resolution, designate
10 the lot or portion of lots against which the assessment is to be levied and the amount of the
11 assessment against each lot or ~~portions thereof for such purposes;~~ portion of lots. The resolution
12 shall direct the director of equalization to add the assessment to the general assessment against
13 the property; and certify the assessment together with the regular assessment to the county
14 auditor to be collected as municipal taxes for general purposes. The assessment is subject to
15 review and equalization the same as assessments or taxes for general purposes. Front foot, for
16 the purposes of this section, means the actual front of the premises as established by the buildings
17 thereon, record title, and use of the property regardless of the original plat. The State of South
18 Dakota is exempt from the provisions of this section but may, pursuant to §§ 9-45-30 to 9-45-
19 32, inclusive, be assessed for its apportioned share of the actual cost of any work under this
20 section at the time the work is done.

1 **BILL HISTORY**

2 1/15/00 First read in House and referred to Local Government. H.J. 54

3 1/20/00 Scheduled for Committee hearing on this date.

4 1/20/00 Local Government Do Pass Amended, Passed, AYES 10, NAYS 2. H.J. 172

5 1/25/00 Motion to Amend, Passed. H.J. 227

6 1/25/00 House of Representatives Do Pass Amended, Passed, AYES 53, NAYS 17. H.J. 228

7 1/26/00 First read in Senate and referred to Local Government. S.J. 210

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

9 2/2/00 Local Government Do Pass Amended, Passed, AYES 6, NAYS 0. S.J. 286

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

400D0671

HOUSE EDUCATION COMMITTEE ENGROSSED NO. **HB1200** - 2/4/00

Introduced by: Representatives Michels, Brown (Richard), Davis, Haley, Hennies, Koetzle, Lockner, Lucas, and Peterson and Senators Albers, Brosz, Brown (Arnold), and Symens

1 FOR AN ACT ENTITLED, An Act to require criminal background checks of school employees
2 and to prohibit employment of certain persons in schools.

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

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

6 Each person hired by a school district shall submit to a criminal background investigation,
7 by means of fingerprint checks by the Division of Criminal Investigation and the Federal Bureau
8 of Investigation. The school district shall submit completed fingerprint cards to the Division of
9 Criminal Investigation before the prospective new employee enters into service. If no
10 disqualifying record is identified at the state level, the fingerprints shall be forwarded by the
11 Division of Criminal Investigation to the Federal Bureau of Investigation for a national criminal
12 history record check. Any person whose employment is subject to the requirements of this
13 section may enter into service on a temporary basis pending receipt of results of the criminal
14 background investigation. The employing school district may, without liability, withdraw its offer
15 of employment or terminate the temporary employment without notice if the report reveals a

1 disqualifying record. Any person whose employment is subject to the requirements of this section
2 shall pay any fees charged for the criminal record check. However, the school board or
3 governing body may reimburse the person for the fees.

4 Section 2. That chapter 13-10 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 No person may be employed by a school district, either directly or by contract, if the person
7 has been convicted of a crime involving moral turpitude as defined in subdivision 22-1-2(25),
8 including traffic in narcotics; a crime of violence as defined in subdivision 22-1-2(9); or a sex
9 offense as defined in § 22-22-30.

10 Section 3. That chapter 13-10 be amended by adding thereto a NEW SECTION to read as
11 follows:

12 Any person employed by a South Dakota school district on the effective date of this Act who
13 remains continuously employed by a South Dakota school district for consecutive school years
14 is not required to submit to a criminal background check as provided in section 1 of this Act.

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

17 If a school board or governing body of any accredited school dismisses an employee or an
18 employee resigns as a result of a criminal conviction, the superintendent or chief administrator
19 shall, within ten days of the date the employment is severed, report the circumstances and the
20 name of the employee to the Department of Education and Cultural Affairs. Any superintendent
21 or chief administrator who fails to report under this section is subject to sanctions found in § 13-
22 8-48.

23 Section 5. For purposes of this Act, the term, conviction, means a plea or verdict of guilty,
24 a suspended imposition of sentence, or a conviction following a plea of nolo contendere in this
25 state or any other state. A duly certified copy of the court record is proof of the conviction and

1 sentence.

1 **BILL HISTORY**

2 1/19/00 First read in House and referred to committee assignment waived. H.J. 141

3 1/20/00 Referred to Education. H.J. 161

4 2/3/00 Scheduled for Committee hearing on this date.

5 2/3/00 Education Do Pass Amended, Passed, AYES 12, NAYS 0. H.J. 382

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

336D0380

HOUSE TRANSPORTATION COMMITTEE

ENGROSSED NO. **HB1214** - 2/8/00

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

Introduced by: Representatives Sebert, Burg, Fischer-Clemens, Lockner, and Putnam and
Senators Olson, Benson, and Duxbury

1 FOR AN ACT ENTITLED, An Act to revise certain segments of the state trunk highway
2 system.

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

4 Section 1. That § 31-4-245 be amended to read as follows:

5 31-4-245. The state trunk highway system includes the following in Lawrence County:

6 From a point on U.S. Highway 14 Alternate southwest of Lead in section five, township four
7 north, range three east, thence northwesterly ~~to a point at Trojan near the northwest corner of~~
8 ~~section thirty-six, township five~~ three and one-tenth miles to the intersection of Stewart Slope
9 Road near the northeast corner of section two, township four north, range two east.

1 **BILL HISTORY**

2 1/20/00 First read in House and referred to Transportation. H.J. 157

3 2/7/00 Transportation Hog Housed.

4 2/7/00 Scheduled for Committee hearing on this date.

5 2/7/00 Deferred to 36th legislative day, AYES 9, NAYS 3.

6 2/7/00 Transportation Reconsidered, AYES 9, NAYS 2.

7 2/7/00 Transportation Do Pass Amended, Passed, AYES 10, NAYS 1. H.J. 448

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

228D0712

HOUSE TRANSPORTATION COMMITTEE

ENGROSSED NO. **HB1226** - 2/8/00

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

Introduced by: Representatives Wetz, Diedrich (Larry), Duenwald, McNenny, Monroe, Napoli, and Sebert and Senators Duxbury, Drake, Flowers, Frederick, Madden, Symens, and Vitter

1 FOR AN ACT ENTITLED, An Act to revise certain provisions related to the surrender of
2 license plates and suspension of the driver's license or commercial driver's license for certain
3 overweight vehicle offenses.

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

5 Section 1. That chapter 32-22 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 Upon the fourth or subsequent conviction of any individual driver, within a four-year period,
8 for operating a motor vehicle in violation of the provisions of §§ 32-22-2 to 32-22-33, inclusive,
9 the court in which the conviction is obtained shall revoke or suspend the driver's license or
10 commercial driver's license, if applicable, for a period not to exceed one year.

11 Section 2. That chapter 32-22 be amended by adding thereto a NEW SECTION to read as
12 follows:

13 If a motor vehicle as defined in subdivision 32-3-1(19) or (24) was involved in four or more
14 overweight convictions pursuant to the provisions §§ 32-22-2 to 32-22-33, inclusive, within a
15 four-year period, and such convictions were each in excess of four thousand pounds, the court

1 may cancel and require the surrender of the license plates of the vehicle involved. The canceled
2 plates shall be transmitted to the Department of Revenue, together with a copy of judgment, and
3 the license plates may not be issued for the vehicle before the expiration of one year from the
4 date of the judgment unless the vehicle is transferred to a new owner.

5 Section 3. That § 32-22-54 be repealed.

6 ~~—32-22-54. Upon a fourth or subsequent conviction of any person for operating a motor~~
7 ~~vehicle in violation of the provisions of §§ 32-22-2 to 32-22-33, inclusive, the court in which~~
8 ~~such conviction is obtained may, as a part of the judgment, cancel and require the surrender of~~
9 ~~the license plates of the vehicle involved, which plates shall be transmitted to the Department of~~
10 ~~Commerce and Regulation, together with a copy of the judgment; and license plates may not be~~
11 ~~issued for such vehicle before the expiration of one year from the date of the judgment.~~

1 **BILL HISTORY**

2 1/21/00 First read in House and referred to Transportation. H.J. 175

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

4 2/2/00 Transportation Deferred to another day.

5 2/7/00 Transportation Hog Housed.

6 2/7/00 Scheduled for Committee hearing on this date.

7 2/7/00 Transportation Do Pass Amended, Passed, AYES 5, NAYS 8. H.J. 448

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

390D0737

HOUSE AGRICULTURE AND NATURAL RESOURCES

COMMITTEE ENGROSSED NO. **HB1260** - 2/4/00

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

Introduced by: Representatives Fryslie, Chicoine, Juhnke, Kazmerzak, Sebert, and Weber and Senators Frederick and Munson (David)

1 FOR AN ACT ENTITLED, An Act to increase the authorized number of nonresident waterfowl
2 hunting licenses.

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

4 Section 1. That § 41-6-10 be amended to read as follows:

5 41-6-10. Licenses, permits, and stamps issued under this title are classified as follows:

- 6 (1) Disabled hunter permit;
- 7 (2) Export bait dealer license;
- 8 (2A) Fall three-day temporary nonresident waterfowl license;
- 9 (3) Fur dealer's license;
- 10 (4) Hoop net, trap or setline license;
- 11 (5) License for breeding and domesticating animals and birds;
- 12 (6) License to take fur-bearing animals;
- 13 (7) Nonresident big game license;
- 14 (8) Nonresident fishing license;
- 15 (9) Nonresident predator/varmint license;

- 1 (10) Repealed by SL 1999, ch 213, § 3.
- 2 (11) Nonresident retail bait dealer license;
- 3 (12) Nonresident shooting preserve license;
- 4 (13) Nonresident small game license;
- 5 (14) Nonresident and resident migratory bird certification permit;
- 6 (15) Nonresident wholesale bait dealer license;
- 7 (16) Nonresident wild turkey license;
- 8 (17) Nursing facility group fishing license;
- 9 (18) Park user's license;
- 10 (19) Permit for transportation of big game animal;
- 11 (20) Private fish hatchery license;
- 12 (21) Resident big game license;
- 13 (22) Resident elk license;
- 14 (23) Resident fishing license and resident senior fishing license;
- 15 (24) Repealed by SL 1999, ch 213, § 3.
- 16 (25) Resident retail bait dealer license;
- 17 (26) Resident small game license and resident youth small game license;
- 18 (27) Resident predator/varmint license;
- 19 (28) Resident wholesale bait dealer license;
- 20 (29) Resident wild turkey license;
- 21 (30) Scientific collector's license;
- 22 (31) Special nonresident waterfowl license;
- 23 (32) Repealed by SL 1999, ch 213, § 3.
- 24 (33) Taxidermist's license;
- 25 (33A) Spring ~~five-day~~ snow goose temporary nonresident ~~waterfowl~~ license;

1 (33B) Early fall Canada goose temporary nonresident license;

2 (34) Temporary fishing and hunting licenses.

3 The rights and privileges of such licensees are set forth in §§ 41-6-12 to 41-6-45.1, inclusive,
4 and in § 41-17-13. The Game, Fish and Parks Commission shall promulgate rules pursuant to
5 chapter 1-26 to set the fees, eligibility, and duration for such licenses.

6 Section 2. That § 41-6-18.1 be amended to read as follows:

7 41-6-18.1. It is a Class 2 misdemeanor for a nonresident to hunt, take, or kill migratory
8 waterfowl without a special nonresident waterfowl license, a fall three-day temporary
9 nonresident waterfowl license, early fall Canada goose temporary nonresident license, or a spring
10 ~~five-day~~ snow goose temporary nonresident ~~waterfowl~~ license, a migratory bird certification
11 permit, and a federal migratory bird stamp, or in violation of the conditions of the licenses or the
12 rules of the Game, Fish and Parks Commission.

13 A special nonresident waterfowl license, except as otherwise provided in this title, entitles
14 the licensee to hunt migratory waterfowl for ten consecutive days. Four dollars received from
15 the sale of each special nonresident waterfowl license shall be placed in the land acquisition and
16 development fund. The moneys from this fund shall be used to acquire by purchase or lease real
17 property to be used primarily for game production. This license shall be in such form as the
18 Game, Fish and Parks Commission shall prescribe.

19 The provision in this section limiting the validity of a special nonresident waterfowl license
20 to ten consecutive days does not apply in Union, Clay, Bon Homme, Yankton, and Charles Mix
21 counties; and in such counties, the special nonresident waterfowl license is valid during the same
22 period as is a resident waterfowl license.

23 The Game, Fish and Parks Commission may issue no more than four thousand nonresident
24 waterfowl licenses in a calendar year.

25 Section 3. That § 41-6-18.4 be amended to read as follows:

1 41-6-18.4. The Game, Fish and Parks Commission may promulgate rules in accordance with
2 chapter 1-26 to authorize the department to issue up to two thousand fall three-day temporary
3 nonresident waterfowl licenses, up to two thousand early fall Canada goose temporary
4 nonresident licenses, and a number of spring ~~five-day~~ snow goose temporary nonresident
5 ~~waterfowl~~ licenses to be determined by the department, and to establish the fee therefor, validity
6 of the licenses issued, types of waterfowl to be hunted, and areas in which hunting is permitted.
7 The fall three-day temporary nonresident waterfowl licenses are valid only on private property,
8 but are not valid on private property leased by the department for public hunting or on highways
9 or other public rights-of-way within this state that otherwise meet the requirements of
10 § 41-9-1.3. Revenue from the sale of fall three-day temporary nonresident waterfowl licenses
11 shall be deposited in the department's land acquisition and development fund to be used to
12 acquire, by lease, permit, or otherwise, interests in real property to be used for providing
13 waterfowl hunting public access in the counties adjacent to the Missouri River. Revenue from
14 the sale of early fall Canada goose temporary nonresident licenses shall be deposited in the
15 department's land acquisition and development fund to be used to acquire by lease, permit, or
16 otherwise, interests in real property to be used for providing waterfowl hunting public access.
17 Before promulgating rules which permit the issuance of fall three-day temporary nonresident
18 waterfowl licenses, the commission shall determine that adequate waterfowl hunting public
19 access has been provided through the department's land acquisition and development fund or
20 through other means.

21 Section 4. That § 41-6-72 be amended to read as follows:

22 41-6-72. Licenses issued under this title ~~shall expire on~~ at the end of the last day of December
23 of the calendar year for which they were issued unless specified otherwise in this chapter or as
24 limited or provided by the applicable license and rules promulgated by the Game, Fish and Parks
25 Commission in accordance with chapter 1-26. Waterfowl hunting licenses expire at the end of

1 the last day of the hunting season for which the license was issued.

2 Section 5. That § 41-6-15 be repealed.

3 ~~—41-6-15. Any hunting or fishing license shall expire on the last day of December in the year~~
4 ~~in which it was purchased or as limited and provided by the applicable license.~~

5 Section 6. The issuance, licensure, and revenue dedication requirements relating to early fall
6 Canada goose temporary nonresident licenses contained in sections 1 to 3, inclusive, of this Act
7 are repealed on June 30, 2003.

1 **BILL HISTORY**

2 1/24/00 First read in House and referred to committee assignment waived. H.J. 195

3 1/25/00 Referred to Agriculture and Natural Resources.

4 2/3/00 Agriculture and Natural Resources Hog Housed.

5 2/3/00 Scheduled for Committee hearing on this date.

6 2/3/00 Agriculture and Natural Resources Do Pass Amended, Passed, AYES 11, NAYS 2.

7 H.J. 374

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

841D0710

HOUSE STATE AFFAIRS COMMITTEE ENGROSSED NO. **HB1266** - 2/7/00

Introduced by: Representatives Hunt, Apa, Brooks, Brown (Richard), Duenwald, Eccarius, Fitzgerald, Fryslie, Heineman, Klaudt, Koskan, Lucas, Monroe, Peterson, Smidt, Volesky, and Young and Senators Dunn (Rebecca), Everist, and Olson

1 FOR AN ACT ENTITLED, An Act to increase marriage license fees and to allow for a lower
2 fee if the applicants complete premarital counseling.

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

4 Section 1. That § 25-1-10 be amended to read as follows:

5 25-1-10. Previous to any marriage within this state, a license shall be obtained from the
6 county register of deeds of any county, the fee for which is ~~forty~~ seventy dollars, except as
7 provided in section 2 of this Act. ~~Ten~~ Fifteen dollars of the marriage license fee shall be retained
8 by the county in which the fee is collected and placed in the county general fund. ~~Thirty~~ Fifty-five
9 dollars of the marriage license fee shall be deposited in the county domestic abuse program fund.

10 The license and record of marriage form shall be prescribed and furnished by the Department of
11 Health. Certified copies of the marriage record shall be furnished by the county register of deeds
12 for a fee of seven dollars which shall be retained by the county in which the fee is collected and
13 placed in the county general fund.

14 Section 2. That chapter 25-10 be amended by adding thereto a NEW SECTION to read as
15 follows:

1 If the applicants for a marriage license produce written evidence, signed by a premarital
2 education provider, qualified in accordance with section 3 of this Act, of the applicants'
3 completion of premarital education, the applicants may obtain a marriage license for a fee of
4 forty dollars, ten dollars of which shall be retained by the county in which the fee is collected and
5 placed in the county general fund. The remaining thirty dollars of the marriage license fee shall
6 be deposited in the county domestic abuse program fund.

7 Section 3. That chapter 25-10 be amended by adding thereto a NEW SECTION to read as
8 follows:

9 The premarital education described in section 2 of this Act shall consist of at least four hours
10 of instruction to prepare the applicants for marriage, including communication skills, financial
11 management, conflict resolution, parenting skills, and marriage resources. The premarital
12 education shall be provided by an official representative of a religious institution, any member
13 of the clergy authorized to perform marriages, any agent designated by a member of the clergy
14 authorized to perform marriages, a licensed behavioral health professional, a psychologist
15 licensed pursuant chapter 36-27A, a marriage and family therapist licensed pursuant to chapter
16 36-33, a social worker certified or licensed pursuant chapter 36-26, or a counselor licensed or
17 certified pursuant chapter 36-32. A provider of premarital education shall provide proof of the
18 provider's qualifications to the county register of deeds for the county in which the provider
19 intends to provide premarital education.

20 Section 4. That chapter 25-10 be amended by adding thereto a NEW SECTION to read as
21 follows:

22 The county register of deeds shall advise each applicant for a marriage license of this Act
23 before providing the applicant with a marriage license application.

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

5 2/4/00 State Affairs Do Pass Amended, Passed, AYES 11, NAYS 1. H.J. 428

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

951D0191

HOUSE HEALTH AND HUMAN SERVICES
COMMITTEE ENGROSSED NO. **HB1268** - 2/8/00

Introduced by: Representatives Brown (Richard), Brooks, Fiegen, Kooistra, Lucas, McCoy,
and Peterson and Senators Brown (Arnold), Everist, Lange, and Lawler

1 FOR AN ACT ENTITLED, An Act to prohibit the sale of certain tobacco products from
2 displays that are accessible to the public.

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

4 Section 1. That chapter 34-46 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 No person may offer for sale cigarettes or smokeless tobacco in open displays which are
7 accessible to the public without the intervention of a store employee. This section does not apply
8 to any retail store which derives at least ninety percent of the store's revenue from tobacco and
9 tobacco related products or to any establishment licensed under chapter 35-4 to sell alcoholic
10 beverages for consumption on the premises where sold.

1 **BILL HISTORY**

2 1/24/00 First read in House and referred to committee assignment waived. H.J. 197

3 1/25/00 Referred to Health and Human Services.

4 2/7/00 Scheduled for Committee hearing on this date.

5 2/7/00 Health and Human Services Do Pass Amended, Passed, AYES 7, NAYS 4. H.J. 449

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

484D0646

HOUSE HEALTH AND HUMAN SERVICES COMMITTEE ENGROSSED NO. **HB1282** - 2/8/00

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

Introduced by: Representatives Klaudt, Duenwald, Fryslie, Hunt, Koskan, Sebert, Wetz, and Wilson and Senators Bogue, Benson, Kleven, Lawler, Madden, and Vitter

- 1 FOR AN ACT ENTITLED, An Act to prohibit persons other than physicians from performing
2 or assisting at certain medical tasks for the purpose of performing or inducing abortions.
3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:
4 Section 1. The performance of an abortion may not be delegated to any person not licensed
5 under chapter 36-4 and may not be part of a practice or collaborative agreement with a person
6 not licensed under chapter 36-4.

1 **BILL HISTORY**

2 1/24/00 First read in House and referred to committee assignment waived. H.J. 199

3 1/25/00 Referred to Health and Human Services.

4 2/7/00 Health and Human Services Hog Housed.

5 2/7/00 Scheduled for Committee hearing on this date.

6 2/7/00 Health and Human Services Do Pass Amended, Passed, AYES 10, NAYS 2. H.J. 450

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

464D0746

HOUSE JUDICIARY COMMITTEE ENGROSSED NO. **HB1306** - 2/8/00

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

Introduced by: Representatives Duenwald and Brown (Jarvis) and Senator Drake

1 FOR AN ACT ENTITLED, An Act to prospectively apply the annual increase in workers'
2 compensation benefits to certain disabilities.

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

4 Section 1. The annual increase in benefit allowance provided by § 62-4-7 also applies to any
5 total disability occurring before July 1, 1989. The annual increase in benefit allowance for such
6 a total disability applies prospectively from July 1, 2000.

1 **BILL HISTORY**

2 1/24/00 First read in House and referred to committee assignment waived. H.J. 203

3 1/25/00 Referred to Judiciary.

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

5 2/4/00 Judiciary Do Pass Amended, Failed, AYES 5, NAYS 6.

6 2/4/00 Deferred by Chair.

7 2/4/00 Deferred by Chair.

8 2/7/00 Judiciary Hog Housed.

9 2/7/00 Scheduled for Committee hearing on this date.

10 2/7/00 Judiciary Do Pass Amended, Passed, AYES 9, NAYS 2. H.J. 447

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

995D0024

SENATE RETIREMENT LAWS COMMITTEE

ENGROSSED NO. **SB6** - 1/28/00

Introduced by: Senators Rounds, Albers, Brown (Arnold), Lawler, and Olson and
Representatives Diedrich (Larry), Davis, Fiegen, Fischer-Clemens, and Michels
at the request of the Interim Retirement Laws Committee

1 FOR AN ACT ENTITLED, An Act to provide for the increase of Class A employee and
2 employer contributions to the South Dakota Retirement System.

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

4 Section 1. That § 3-12-71 be amended to read as follows:

5 3-12-71. The member shall make a contribution and the employer shall make an equal
6 contribution, except as otherwise specified, at the following rates:

7 (1) Class A members five percent of compensation through June 30, 2002, and six
8 percent of compensation after June 30, 2002;

9 (2) Justices, judges, and law-trained magistrates nine percent of compensation;

10 (3) All other Class B members eight percent of compensation.

11 The employer shall cause to be deducted on each payroll of a member for each payroll period
12 the contribution payable by the member as provided in this section.

13 ~~Effective July 1, 1984, contributions~~ Contributions required of members by this section shall
14 be made by the participating unit pursuant to the provisions of § 414(h)(2) of the Internal
15 Revenue Code of 1954, as amended and in effect on January 1, 1984. Such contributions shall

- 1 be classified as member contributions for all purposes under this chapter. A member may not
- 2 receive the amount of such contributions directly rather than as contributions under this section.

1 **BILL HISTORY**

2 1/11/00 First read in Senate and referred to Retirement Laws. S.J. 15

3 1/26/00 Scheduled for Committee hearing on this date.

4 1/26/00 Retirement Laws Do Pass Amended, Passed, AYES 5, NAYS 0. S.J. 220

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.