

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

400E0330

HOUSE COMMERCE COMMITTEE ENGROSSED NO.

HB 1043 - 01/25/2001

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

1 FOR AN ACT ENTITLED, An Act to authorize the state fire marshal to prohibit open burning.

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

3 Section 1. That chapter 34-29B be amended by adding thereto a NEW SECTION to read
4 as follows:

5 The state fire marshal, after consultation with the Governor and the appropriate county
6 commission, may prohibit or restrict open burning within a county in order to protect the public
7 health and safety. This section does not limit or affect the laws of this state relating to the
8 authority of counties or other local entities to prohibit or restrict open burning.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

735E0113

HOUSE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **HB 1084** - 01/27/2001

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

Introduced by: Representative Napoli and Senator Koskan

1 FOR AN ACT ENTITLED, An Act to place a moratorium on new video lottery establishments
2 and machines.

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

4 Section 1. That chapter 42-7A be amended by adding thereto a NEW SECTION to read as
5 follows:

6 No new video lottery establishment license may be issued pursuant to chapter 42-7A to any
7 establishment after the effective date of this Act. This section does not apply to any person that
8 purchases an existing establishment that had a video lottery establishment license. This section
9 does not apply to any person that purchases any video lottery machine located within an existing
10 establishment.

11 Section 2. That chapter 42-7A be amended by adding thereto a NEW SECTION to read as
12 follows:

13 No new video lottery machine license may be issued pursuant to 42-7A after the effective
14 date of this Act. This section does not apply to the replacement of any existing video lottery

1 machine or renewal of any video lottery machine license.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

607E0174

HOUSE JUDICIARY COMMITTEE ENGROSSED NO.

HB 1092 - 01/24/2001

Introduced by: Representatives Brown (Jarvis), Abdallah, Broderick, Duniphan, Garnos,
and Konold and Senators Albers, Brosz, and Moore

1 FOR AN ACT ENTITLED, An Act to include in certain drug offenses the altered state of a
2 controlled drug or substance or marijuana once absorbed into the body.

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

4 Section 1. That § 22-42-1 be amended to read as follows:

5 22-42-1. Terms used in this chapter, ~~unless the context plainly requires otherwise,~~ mean:

6 (1) "Controlled drug or substance," a drug or substance, or an immediate precursor of a
7 drug or substance, listed in Schedules I through IV. The term includes an altered state
8 of a drug or substance, listed in Schedules I through IV, absorbed into the human
9 body;

10 (2) "Counterfeit substance," a controlled drug or substance which, or the container of
11 labeling of which, without authorization, bears the trade-mark, trade name, or other
12 identifying mark, imprint, number, or device, or any likeness thereof, of a
13 manufacturer, distributor, or dispenser other than the person or persons who
14 manufactured, distributed, or dispensed such substance and which thereby falsely

1 purports or is represented to be the product of, or to have been distributed by, such
2 other manufacturer, distributor, or dispenser;

3 (3) "Deliver" or "delivery," the actual or constructive transfer of a controlled drug,
4 substance, or marijuana whether or not there exists an agency relationship;

5 (4) "Dispense," to deliver a controlled drug or substance to the ultimate user or human
6 research subject by or pursuant to the lawful order of a practitioner, including the
7 prescribing, administering, packaging, labeling, or compounding necessary to prepare
8 the substance for such delivery, and a "dispenser" is one who dispenses;

9 (5) "Distribute," to deliver a controlled drug, substance, or marijuana. "Distribution"
10 means the delivery of a controlled drug, substance, or marijuana;

11 (6) "Manufacture," the production, preparation, propagation, compounding, or
12 processing of a controlled drug or substance, either directly or indirectly by extraction
13 from substances of natural origin, or independently by means of chemical synthesis or
14 by a combination of extraction and chemical synthesis. A "manufacturer" includes any
15 person who packages, repackages, or labels any container of any controlled drug or
16 substance, except practitioners who dispense or compound prescription orders for
17 delivery to the ultimate user;

18 (7) "Marijuana," all parts of any plant of the genus cannabis, whether growing or not, in
19 its natural and unaltered state, except for drying or curing and crushing or crumbling.
20 The term includes an altered state of the substance, marijuana, absorbed into the
21 human body. The term does not include fiber produced from the mature stalks of such
22 plant, or oil or cake made from the seeds of such plant;

23 (8) "Practitioner," a doctor of medicine, osteopathy, podiatry, dentistry, optometry, or
24 veterinary medicine licensed to practice his profession, or pharmacists licensed to

1 practice their profession; physician's assistants certified to practice their profession;
2 government employees acting within the scope of their employment; and persons
3 permitted by certificates issued by the Department of Health to distribute, dispense,
4 conduct research with respect to, or administer a substance controlled by chapter
5 34-20B;

6 (9) "Precursor" or "immediate precursor," a substance which the Department of Health
7 has found to be and by rule designates as being a principal compound commonly used
8 or produced primarily for use, and which is an immediate chemical intermediary used
9 or likely to be used, in the manufacture of a controlled drug or substance, the control
10 of which is necessary to prevent, curtail, or limit such manufacture;

11 (10) "Schedule I," "Schedule II," "Schedule III," and "Schedule IV," those schedules of
12 drugs, substances, and immediate precursors listed in chapter 34-20B;

13 (11) "Ultimate user," a person who lawfully possesses a controlled drug or substance for
14 ~~his~~ that person's own use or for the use of a member of ~~his~~ that person's household or
15 for administration to an animal owned by ~~him~~ that person or by a member of ~~his~~ that
16 person's household.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

734E0457

HOUSE EDUCATION COMMITTEE ENGROSSED NO.

HB 1096 - 01/25/2001

Introduced by: Representatives Flowers, Hennies (Thomas), Juhnke, Monroe, Olson (Mel), and Pederson (Gordon) and Senators Brown (Arnold), Hutmacher, McCracken, and McIntyre

1 FOR AN ACT ENTITLED, An Act to revise the methods for increasing or decreasing school
2 board size and for creating or eliminating school board representation areas.

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

4 Section 1. That § 13-8-3 be amended to read as follows:

5 13-8-3. The voters or the school board of any school district may increase or decrease the
6 number of board members ~~to seven or to nine~~, or establish or eliminate school board
7 representation areas, by a majority vote of all voters voting at an election called and held as
8 ~~hereinafter~~ provided in this section or by unanimous vote of the school board. The number of
9 board members shall be as provided in § 13-8-2. If a petition signed by ~~ten~~ five percent of the
10 registered voters of any school district, based upon the total number of registered voters of the
11 school district who cast votes at the last preceding ~~general~~ school election, is presented to the
12 board requesting that an election be called for the purpose of voting upon the question of the
13 change of number of board members, or the establishment of school board representation areas,
14 the board shall call an election. If a petition seeking referral of any board action taken pursuant

1 to this section is presented to the board within ninety days of the board action, the board shall
2 call an election. The question shall be submitted to the voters at an election to be held not less
3 than forty-five nor more than sixty days from the date of the filing of ~~such~~ the petition with the
4 business manager. If ~~such a~~ the petition is filed less than one hundred twenty days prior to the
5 next annual election, the question shall be submitted at the annual election. ~~Such~~ The election
6 shall be held upon the same notice and conducted in the same manner as provided by chapter
7 13-7. Any increase or decrease in the number of board members shall be implemented at the next
8 succeeding annual election.

9 Section 2. That § 13-8-4 be amended to read as follows:

10 13-8-4. If at an election held or board action taken pursuant to § 13-8-3 ~~an increase a change~~
11 in the number of board members is authorized, the school board ~~is empowered to~~ may designate
12 the number of vacancies and the number of years, not to exceed three years, in each vacancy so
13 that all succeeding annual elections will have, insofar as practicable, the same number of
14 vacancies to be filled.

15 The procedure for decreasing the number of board members shall be the same as for
16 increasing the number of board members, and the board ~~is similarly empowered to~~ may designate
17 the vacancies and terms not to exceed three years; ~~provided, that.~~ However, each school board
18 member shall be entitled to complete the term of office to which ~~he~~ the member was elected.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

259E0464

HOUSE JUDICIARY COMMITTEE ENGROSSED NO.

HB 1109 - 01/27/2001

Introduced by: Representatives Hennies (Thomas), Bartling, Burg, Clark, Frost, Garnos, Hunhoff, Jensen, McCaulley, Rhoden, and Slaughter and Senators Albers, Diedrich (Elmer), McCracken, Putnam, and Vitter

1 FOR AN ACT ENTITLED, An Act to permit the detention in an adult jail of certain juveniles
2 convicted as adults.

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

4 Section 1. That § 26-7A-26 be amended to read as follows:

5 26-7A-26. No apparent, alleged, or adjudicated abused or neglected child may be securely
6 detained at any time in a jail, lockup, or in any type of detention or temporary care facility
7 containing adult prisoners.

8 An apparent, alleged, or adjudicated child in need of supervision or an apparent, alleged, or
9 adjudicated delinquent child fourteen years of age or older may be held in detention in an adult
10 lockup or jail if physically separated from adult prisoners subject to any restrictions under this
11 chapter or chapter 26-8A, 26-8B, or 26-8C.

12 An apparent, alleged, or adjudicated child in need of supervision or an apparent, alleged, or
13 adjudicated delinquent child may be held in an adult lockup or jail for up to six hours for
14 purposes of identification, processing, interrogation, transfer to juvenile facility, or release to

1 parents if the child is physically separated from adult prisoners.

2 A child who has been transferred to adult court pursuant to § 26-11-4 or a child who is being
3 tried in circuit court as an adult pursuant to § 26-11-3.1 may be held in detention in an adult
4 lockup or jail if physically separated from adult prisoners.

5 A child who has attained the age of majority who is under the continuing jurisdiction of the
6 court may be held in detention in an adult jail or lockup.

7 A child under the age of eighteen years who has been transferred to adult court pursuant to
8 § 26-11-3.1 or 26-11-4 and who has been convicted of a felony as an adult may be held in
9 detention in an adult jail or lockup.