

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

961E0451

SENATE ENGROSSED NO. **HB 1094** - 02/20/2001

Introduced by: Representatives Broderick, Brown (Jarvis), and Madsen and Senators
Diedrich (Elmer), Diedrich (Larry), and Hutmacher

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to credit card coverages
2 of group personal property.

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

4 Section 1. That § 58-19-1 be amended to read as follows:

5 58-19-1. The purpose of this chapter is to promote the public welfare by regulating credit
6 life insurance, credit health insurance, ~~and credit unemployment insurance, and credit property~~
7 including group personal property coverages authorized through credit cards. Nothing in this
8 chapter is intended to prohibit or discourage reasonable competition. The provisions of this
9 chapter shall be liberally construed.

10 Section 2. That § 58-19-2 be amended to read as follows:

11 58-19-2. Terms used in this chapter mean:

12 (1) "Credit health insurance," insurance on a debtor to provide indemnity for payments
13 becoming due on a specific loan, lease, or other credit transaction while the debtor is
14 disabled as defined in the policy;

15 (2) "Credit life insurance," insurance on the life of a debtor pursuant to or in connection

1 with a specific loan, lease, or other credit transaction;

2 (3) "Creditor," the lender of money or vendor or lessor of goods, services, or property,
3 rights or privileges, for which payment is arranged through a credit transaction, or any
4 successor to the right, title, or interest of any such lender, vendor, or lessor, and an
5 affiliate, associate, or subsidiary of any of them or any director, officer, or employee
6 of any of them or any other person in any way associated with any of them;

7 (4) "Debtor," a borrower of money or a purchaser or lessee of goods, services, property,
8 rights, or privileges for which payment is arranged through a credit transaction;

9 (5) "Indebtedness," the total amount payable by a debtor to a creditor in connection with
10 a loan, lease, or other credit transaction;

11 (6) "Group property insurance authorized by credit card," forms of property insurance
12 issued on a group basis covering:

13 (a) Loss of or damage to personal property, other than loss of use or loss resulting
14 from a defect in materials or workmanship, where such personal property is
15 purchased using a credit card;

16 (b) Loss of, damage to or loss of use of personal property resulting from a defect
17 in materials or workmanship, where the personal property is purchased using
18 a credit card and is under warranty;

19 (c) Loss of or damage to a lease or rented motor vehicle, that is intended to be
20 rented or leased for a period of ninety consecutive days or less, where the lease
21 or rental fee is paid using a credit card;

22 (d) Loss of, or damage to or loss of use of baggage and its contents while in
23 transit, where the cost of travel or accommodations is paid using a credit card;

24 (e) Loss of damage to or loss of use of personal property occurring in connection

1 with use of a leased or rented motor vehicle, which motor vehicle is intended
2 to be rented or leased for a period of ninety consecutive days or less, where the
3 lease or rental fee is paid using a credit card;

4 (f) Loss incurred in connection with the unauthorized use of a credit card; or

5 (g) Such other forms of property insurance that are authorized by the director of
6 the Division of Insurance by rule promulgated pursuant to chapter 1-26 and
7 determined to be appropriate for issuance on a group basis.

8 Section 3. That chapter 58-19 be amended by adding thereto a NEW SECTION to read as
9 follows:

10 Any group property insurance authorized by credit card is subject to the provisions of this
11 chapter to the extent such provisions are not inconsistent with the specific provisions of §§ 58-
12 19-48 to 58-19-50, inclusive.

13 Section 4. That chapter 58-19 be amended by adding thereto a NEW SECTION to read as
14 follows:

15 Group property insurance authorized by credit card shall be sold separately and shall be
16 separately priced from any other insurance offered or sold at the same time unless it is included
17 as part of an insurance offering provided to the debtor through the use of a credit card purchase
18 of goods or services. Group property insurance authorized by credit card may not be required
19 as a condition for the issuance or renewal of a credit card.

20 Section 5. That chapter 58-19 be amended by adding thereto a NEW SECTION to read as
21 follows:

22 All group property insurance authorized by credit card insurance policies, certificates of
23 insurance, notices of proposed insurance, applications for insurance, endorsements and riders
24 delivered or issued for delivery in this state and the schedules of premium rates pertaining thereto

1 shall be filed with the director.

2 Section 6. That chapter 58-19 be amended by adding thereto a NEW SECTION to read as
3 follows:

4 Within thirty days after the filing of any group property insurance authorized by credit card
5 insurance policy, certificate of insurance, notice of proposed insurance, application for insurance,
6 endorsement or rider, the director shall disapprove any such form if the premium rates charged
7 or to be charged are excessive in relation to benefits, or if such form contains provisions which
8 are unjust, unfair, inequitable, misleading, deceptive, or encourage misrepresentation of the
9 insurance, or are contrary to any provision of this title. If such filing is not disapproved by the
10 director within this thirty-day period, it shall be deemed approved.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

457E0461

SENATE ENGROSSED NO. **HB 1110** - 02/14/2001

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 criminalize the delivery of certain contraband to juvenile
2 detention facilities and to revise the definition of contraband with regard to certain
3 correctional facilities.

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

5 Section 1. That § 24-11-48 be amended to read as follows:

6 24-11-48. No employee or other person may deliver or procure to be delivered, or have in
7 such person's possession with intent to deliver, to any ~~inmate in a jail~~ person incarcerated in a jail
8 or a juvenile detention facility, or deposit or conceal in or around any jail or in or around a
9 juvenile detention facility, or in any mode of transport entering the grounds of any jail or juvenile
10 detention facility and its ancillary facilities used to house inmates or juveniles, any article or thing
11 contrary to § 24-11-47 with intent that any inmate obtain or receive the same. A violation of this
12 section is a Class 6 felony.

13 Section 2. That § 24-2-14 be amended to read as follows:

14 24-2-14. No alcoholic beverages, prescription ~~or nonprescription~~ drugs, controlled

1 substances as defined by chapter 34-20B, ~~hallucinogen~~, marijuana, weapons as defined in
2 subdivision 22-1-2(10), or any article of indulgence may be possessed by any inmate of the state
3 penitentiary except by order of a physician, physician assistant, or nurse practitioner, as defined
4 in chapters 36-4, 36-4A, and 36-9A, respectively, which order shall be in writing and for a
5 definite period. A violation of this section constitutes a felony pursuant to the following
6 schedule:

- 7 (1) Possession of alcoholic beverages or marijuana is a Class 6 felony;
- 8 (2) Possession of prescription ~~or nonprescription~~ drugs; or controlled substances ~~or~~
9 ~~hallucinogens~~ is a Class 4 felony;
- 10 (3) Possession of a weapon as defined in subdivision 22-1-2(10) is a Class 2 felony.

11 Section 3. That § 24-11-47 be amended to read as follows:

12 24-11-47. No alcoholic beverages, controlled substances as defined by chapter 34-20B,
13 ~~hallucinogens~~, marijuana, or weapons as defined in subdivision 22-1-2(10), may be possessed by
14 any inmate of a jail. No prescription ~~or nonprescription~~ drugs may be possessed by any inmate
15 of a jail except by order of a physician, physician assistant, or nurse practitioner, as defined in
16 chapters 36-4, 36-4A, and 36-9A, respectively. Such order shall be in writing and for a definite
17 period. A violation of this section constitutes a felony pursuant to the following schedule:

- 18 (1) Possession of alcoholic beverages or marijuana is a Class 6 felony;
- 19 (2) Possession of prescription ~~or nonprescription~~ drugs; or controlled substances ~~or~~
20 ~~hallucinogens~~ is a Class 4 felony;
- 21 (3) Possession of a weapon as defined in subdivision 22-1-2(10) is a Class 2 felony.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

400E0756

SENATE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **HB 1276** - 02/14/2001

Introduced by: Representatives Kooistra, Brown (Richard), Duenwald, Duniphan, Flowers, Fryslie, Holbeck, Jaspers, McCaulley, Slaughter, Teupel, and Van Gerpen and Senators Olson (Ed), Albers, de Hueck, Moore, Sutton (Dan), and Vitter

1 FOR AN ACT ENTITLED, An Act to require historical or educational municipal corporations
2 to maintain their property.

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

4 Section 1. That chapter 9-3 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 A municipality incorporated pursuant to § 9-3-22 shall exist so long as the corporation
7 maintains all lands, buildings, fences, fixtures, billboards, signs, and other improvements in good
8 condition and repair, and is actively operating for the purposes for which it is incorporated, or
9 until the corporation is dissolved in accordance with law. The municipality shall possess and
10 maintain its historical or educational integrity of design, materials, and workmanship of the sites,
11 buildings, structures, and objects that are located within the platted municipal corporation,
12 including advertising and promotional signs. The municipality shall lose its historical or
13 educational municipality designation if more than one-fourth of such properties possess any of

1 the following conditions:

2 (1) Loss or disintegration of the roof or roofing materials;

3 (2) Loss of windows;

4 (3) Deterioration or missing siding material;

5 (4) Unstable foundations;

6 (5) Leaning severely from plumb; and

7 (6) Billboards or signs identifying, promoting, or advertising the municipality no longer
8 conform to the requirements of chapter 31-29.

9 However, for the purposes of subdivision (6), the twelve continuous months required for
10 determining a sign is abandoned does not apply.

11 Section 2. That chapter 9-3 be amended by adding thereto a NEW SECTION to read as
12 follows:

13 The South Dakota Department of Transportation or the county in which the historic or
14 educational municipality is located may take action, pursuant to section 1 of this Act, to dissolve
15 the municipal corporation pursuant to the provisions of chapter 1-26.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

912E0543 **SENATE AGRICULTURE AND NATURAL RESOURCES**
COMMITTEE ENGROSSED NO. HCR 1008 -
02/20/2001

Introduced by: Representatives Jensen, Bartling, Begalka, Bradford, Burg, Elliott, Flowers, Frost, Fryslie, Hanson (Gary), Hundstad, Hunhoff, Klaudt, Kloucek, Lintz, Nachtigal, Olson (Mel), Peterson (Jim), Rhoden, Sigdestad, and Van Norman and Senators Symens, Bogue, Dennert, Diedrich (Larry), Duxbury, Koskan, Putnam, and Volesky

1 A CONCURRENT RESOLUTION, Supporting mandatory country of origin labeling for
2 agricultural products.

3 WHEREAS, the dramatic increase in the incidence of Bovine Spongiform Encephalopathy
4 in Europe has promoted the World Health Organization to declare its "exposure worldwide" thus
5 critically threatening the safety of our food supply; and

6 WHEREAS, a labeling system that enhances traceability and accountability will help insure
7 the safe consumption of food; and

8 WHEREAS, the taxpaying consumers have made a huge investment in food safety and have
9 the right to know where their food is produced; and

10 WHEREAS, U.S. growers and producers are subject to numerous regulations designed to
11 protect food safety, our environment, and the welfare of our workers, and co-mingling of food
12 produced and processed under these rigorous standards with food from every other source is a

1 practice that undermines the credibility of our food system:

2 NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Seventy-
3 sixth Legislature of the State of South Dakota, the Senate concurring therein, that the
4 Legislature urges Congress to enact legislation that mandates country of origin labeling for meat,
5 dairy products, and produce and requires that products labeled "U.S. Produced" be produced,
6 born, raised, or processed completely in the United States. Any product bearing a "USDA
7 INSPECTED" label must also state the country of origin as a part of that label.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

400E0221 **HOUSE AGRICULTURE AND NATURAL RESOURCES**
COMMITTEE ENGROSSED NO. SB 26 - 02/20/2001

Introduced by: The Committee on Agriculture and Natural Resources at the request of the
Department of Agriculture

1 FOR AN ACT ENTITLED, An Act to eliminate the South Dakota Farm Loan Mediation Board
2 and transfer program authority to the secretary of agriculture, to provide civil liability
3 immunity for certain agricultural finance counselors, and to authorize the department to
4 contract with businesses for mediation services.

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

6 Section 1. That § 54-13-1 be amended to read as follows:

7 54-13-1. Terms used in this chapter mean:

- 8 (1) "Agricultural land," a parcel of land larger than forty acres not located in any
9 municipality and used in farming or ranching operations carried on by the owner or
10 operator within the preceding three-year period for the production of farm products
11 as defined in subdivision 57A-9-109(3) and ~~shall include~~ includes wasteland lying
12 within or contiguous to and in common ownership with land used in farming or
13 ranching operations for the production of farming or ranching products;
- 14 (2) "Ag finance counselor, a person contracted by the Department of Agriculture

1 mediation program who is trained to assist in resolving agricultural loan disputes;

2 (3) "Agricultural property," agricultural land or personal property or a combination
3 thereof used in the pursuit of, or arising out of, or related to, the occupation of
4 farming or ranching;

5 ~~(3) "Board," the South Dakota Mediation Board;~~

6 (4) "Borrower," an individual, corporation, trust, cooperative, joint venture, or any other
7 entity entitled to contract who is engaged in farming or ranching and who derives
8 more than sixty percent of his total gross income from farming or ranching and who
9 has borrowed from any one creditor on any single farm related debt in excess of fifty
10 thousand dollars ~~(\$50,000);~~

11 (5) "Creditor," any individual, organization, cooperative, partnership, trust, or state or
12 federally chartered corporation to whom is owed debt in excess of fifty thousand
13 dollars by a borrower. A judgment creditor with a judgment of fifty thousand dollars
14 or more against a debtor with agricultural property is a creditor within the meaning
15 of this chapter;

16 (6) "Mediation," a process by which creditors and borrowers present, discuss, and
17 explore practical and realistic alternatives to the resolution of a borrower's debts; and

18 (7) "Mediator," anyone responsible for and engaged in the performance of mediation
19 pursuant to this chapter, who ~~shall be~~ is trained and certified by the Department of
20 Agriculture.

21 Section 2. That § 54-13-2 be amended to read as follows:

22 54-13-2. ~~There is hereby created the South Dakota Farm Loan Mediation Board. The board~~
23 ~~shall consist of seven members not all of the same political party, not less than two from the~~
24 ~~agriculture community and not less than two from the financial community, appointed by the~~

1 ~~Governor to three-year terms, with the terms staggered so that no more than three members'~~
2 ~~terms expire in any one year. The Governor shall designate the terms at the time of appointment~~
3 ~~and shall designate one of the members as chairman. Members may be appointed to successive~~
4 ~~terms. Any member appointed to fill a vacancy arising from other than the natural expiration of~~
5 ~~a term may serve only the unexpired portion of the term. A majority of the board members shall~~
6 ~~constitute a quorum. The Department of Agriculture shall administer an agriculture mediation~~
7 ~~program to provide assistance to borrowers and creditors who seek to use mediation as a method~~
8 ~~for resolving loan disputes.~~

9 The ~~board~~ secretary of the Department of Agriculture shall adopt rules pursuant to chapter
10 1-26 necessary to carry out the general purposes of this chapter, including the establishment of
11 fees, training requirements for mediators and ag finance counselors and their certification,
12 mediation request forms, and any other procedures as may be necessary for the prompt and
13 expeditious implementation of this chapter, including the receipt of funds pursuant to the
14 Agricultural Credit Act of 1987.

15 The ~~board~~ agriculture mediation program may not, as a condition to mediation, require that
16 the borrower of any creditor waive any ~~of their~~ respective legal or equitable remedies or rights.

17 Section 3. That § 54-13-3 be repealed.

18 ~~— 54-13-3. Members shall receive per diem and shall be reimbursed for necessary expenses~~
19 ~~incurred in connection with performing their duties as prescribed by this chapter.~~

20 Section 4. That § 54-13-4 be amended to read as follows:

21 54-13-4. All staff services required by the ~~board~~ agriculture mediation program shall be
22 provided by the Department of Agriculture. The ~~board~~ secretary of agriculture may employ a
23 director of mediation services and such other agents and employees as it the secretary deems
24 ~~necessary to carry out its duties and purposes subject to the approval of the secretary of~~

1 ~~agriculture~~. The director shall serve at the pleasure of the secretary of agriculture. The mediation
2 services shall be administered under the direction and supervision of the Department of
3 Agriculture. All expenses incurred in carrying on the work of the ~~board~~ agriculture mediation
4 program, including the per diem and expenses of the ~~board members and~~ staff, salaries, contract
5 payments, and any other items of expense shall be paid out of funds appropriated or otherwise
6 made available to the farm mediation operating fund.

7 Section 5. That § 54-13-5 be amended to read as follows:

8 54-13-5. Any fees provided under this chapter and by rule shall be borne equally between the
9 borrower and the creditor. Such fees and any funds received pursuant to the Agricultural Credit
10 Act of 1987 shall be deposited in the farm mediation operating fund which is hereby created. All
11 money in the farm mediation operating fund created by this section is continuously appropriated
12 for the purposes of administering the farm mediation program. All funds received by the ~~board~~
13 agriculture mediation program shall be set forth in an informational budget as described in
14 § 4-7-7.2 and be annually reviewed by the Legislature. Any disbursements from the farm
15 mediation operating fund shall be by authorization of the ~~chairman of the board and the~~ secretary
16 of agriculture.

17 Section 6. That § 54-13-6 be amended to read as follows:

18 54-13-6. The Department of Agriculture, in the administration of this chapter, may contract
19 with one or more established agencies of state government, nonprofit corporations, businesses,
20 or individuals to provide mediation services for borrowers and creditors and to provide financial
21 preparation assistance for borrowers involved in mediation. Any contract executed under this
22 section is exempt from chapter 5-18. The contract may include such terms and conditions as the
23 ~~board~~ secretary of agriculture deems appropriate.

24 Section 7. That § 54-13-9 be amended to read as follows:

1 54-13-9. Upon receipt of a mediation request, the ~~board~~ director of the agriculture mediation
2 program shall advise the borrower that financial preparation assistance is available and may be
3 obtained through the financial preparation assistance for borrowers provided in § 54-13-7 and
4 shall provide any other information available regarding assistance programs to borrowers.

5 Section 8. That § 54-13-10 be amended to read as follows:

6 54-13-10. A creditor desiring to commence an action or a proceeding in this state to enforce
7 a debt totaling fifty thousand dollars or greater against agricultural land or agricultural property
8 of the borrower or to foreclose a contract to sell agricultural land or agricultural property or to
9 enforce a secured interest in agricultural land or agricultural property or pursue any other action,
10 proceeding or remedy relating to agricultural land or agricultural property of the borrower shall
11 file a request for mediation with the ~~board~~ director of the agriculture mediation program. No
12 creditor may commence any such action or proceeding until the creditor receives a mediation
13 release as described in this chapter, or the debtor waives mediation or until a court determines
14 after notice and hearing, that the time delay required for mediation would cause the creditor to
15 suffer irreparable harm because there are reasonable grounds to believe that the borrower may
16 waste, dissipate or divert agricultural property or that the agricultural property is in imminent
17 danger of deterioration. Dismissal of a bankruptcy proceeding, abandonment by a bankruptcy
18 trustee, release or relief from a bankruptcy stay, or release or termination of a receivership
19 proceeding shall have the effect of a mediation release.

20 Section 9. That § 54-13-11 be amended to read as follows:

21 54-13-11. Unless the borrower waives mediation, the ~~board~~ director of the agriculture
22 mediation program shall promptly send a mediation meeting notice to the borrower and to all
23 creditors as defined in subdivision 54-13-1(5), setting a time and place for an initial mediation
24 meeting between the borrower, the creditor or creditors, and a mediator. An initial mediation

1 meeting shall be held within twenty-one days of the issuance of the mediation meeting notice.
2 Any creditors of the borrower who are not included in the definition of creditor under
3 subdivision 54-13-1(5) are exempt from the requirements of this section. Any borrower's failure
4 to furnish timely information requested by the ~~board~~ director of the agriculture mediation
5 program constitutes a waiver of the right to mediate under this chapter. Also, the failure of the
6 borrower and the borrower's spouse, unless excused by the initiating creditor, to attend all
7 mediation meetings constitutes a waiver of the right to mediate under this chapter.

8 Any creditor subject to mandatory mediation under this chapter who receives notice pursuant
9 to this section and who participates in all mediation sessions shall be treated as an initiating
10 creditor and is be subject to the same debt collection limitations as provided in § 54-13-10.

11 Section 10. That § 54-13-12 be amended to read as follows:

12 54-13-12. The total mediation period shall be for a term of forty-two days after the date the
13 ~~board~~ director of the agriculture mediation program issues the notice to the borrower. The ~~board~~
14 director of the agriculture mediation program must issue a notice to the borrower within three
15 business days following receipt of the request for mediation from the creditor. The mediator may,
16 after the initial meeting, schedule additional mediation meetings during the mediation period.

17 Section 11. That § 54-13-13 be amended to read as follows:

18 54-13-13. A borrower may request mediation of any type or amount of indebtedness by
19 applying to the ~~board~~ director of the agriculture mediation program. The ~~board~~ director of the
20 agriculture mediation program may make the appropriate mediation request forms available for
21 such purpose. The ~~board~~ director of the agriculture mediation program may follow the same
22 procedure as for mandatory mediation. Neither the borrower nor the creditor may be required
23 to attend any mediation meetings under this section. Failure to attend mediation meetings or to
24 participate in mediation under this section does not affect the rights of a borrower or a creditor

1 in any manner. Participation in mediation under this section is not a prerequisite to or a bar to
2 the commencement of an action of legal proceedings by the borrower or the creditor. No
3 mediation release may be issued unless the borrower and creditor agree in writing.

4 Section 12. That § 54-13-15 be amended to read as follows:

5 54-13-15. If the borrower and the initiating creditor consent, mediation may continue beyond
6 the forty-two day mediation period with the same force and effect as though held within the
7 forty-two day period. If no meeting is held within the forty-two day mediation period, absent
8 a waiver thereof, extension, or further agreement between borrower and creditor, the expiration
9 of the mediation period shall conclusively constitute a mediation release. The ~~board~~ director of
10 the agriculture mediation program shall so inform the borrower and creditors and certify
11 accordingly.

12 Any agreement reached between borrower and creditors as a result of mediation shall be
13 drafted into a written agreement. If signed by borrower and creditors, the agreement shall
14 constitute a mediation release, and the mediator shall so certify on the agreement.

15 Section 13. That § 54-13-18 be amended to read as follows:

16 54-13-18. All data and information regarding the finances of borrowers and creditors which
17 is created, collected, or maintained by the ~~board~~ director of the agriculture mediation program
18 pursuant to the terms of this chapter or disclosed to the mediator are not public records and are
19 confidential and discussions with the mediators are privileged communications.

20 All mediation meetings, and all mediation activities provided by this chapter are exempt from
21 the provisions of chapter ~~1-25~~ 1-27.

22 Section 14. That § 54-13-20 be amended to read as follows:

23 54-13-20. Any person serving as a mediator or ag finance counselor pursuant to this chapter
24 is immune from civil liability in any action brought in any court in this state on the basis of any

1 act or omission resulting in damage or injury if the individual was acting in good faith, in a
2 reasonable and prudent manner, and within the scope of such individual's official functions and
3 duties as a mediator or ag finance counselor pursuant to this chapter.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

400E0300

HOUSE COMMERCE COMMITTEE ENGROSSED NO.

SB 39 - 02/20/2001

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

1 FOR AN ACT ENTITLED, An Act to establish standards for disability income insurance.

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

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

5 For the purposes of this Act, the term, disability income insurance, means a policy or
6 certificate of insurance that primarily provides payment to or for the benefit of the policyholder
7 or certificate holder based, in whole or in part, upon lost wages or other earned income or
8 business or financial losses as a result of an inability to work due to sickness, injury, or a
9 combination of sickness and injury.

10 Section 2. That chapter 58-17 be amended by adding thereto a NEW SECTION to read as
11 follows:

12 Any disability income insurance policy may include provisions that exclude or reduce benefits
13 if the insured is collecting other benefits under a government program or is eligible to receive
14 benefits under other insurance coverage. If the insured subsequently receives other benefits for

1 a period for which the insurer paid benefits, the insurer may require reimbursement from the
2 insured for any benefits already paid that otherwise would not have been paid. If the insured fails
3 to make timely application for any other insurance coverage or governmental program for which
4 that insured may be eligible, fails to actively and in good faith pursue all appeals procedures if
5 benefits under other insurance or governmental program have been denied, or fails to produce
6 satisfactory evidence that the applications have been made and the appeals pursued, benefits may
7 be reduced or withheld.

8 Section 3. That chapter 58-17 be amended by adding thereto a NEW SECTION to read as
9 follows:

10 No disability income insurance policy may require the loss to commence less than thirty days
11 after the date of the accident.

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

14 Except for overhead expense, buy-sell coverage or other similar business disability income
15 insurance coverage, a disability income insurance policy shall meet the following minimum
16 standards:

- 17 (1) Provide that periodic payments that are payable at ages after sixty-two and reduced
18 solely on the basis of age are at least fifty percent of the amounts payable immediately
19 prior to age sixty-two or in the case of an employer group plan that has twenty or
20 more employees, that periodic payments are actuarially equivalent regardless of age;
- 21 (2) Contain an elimination period no greater than:
- 22 (a) Ninety days in the case of coverage providing a benefit of one year or less;
- 23 (b) One hundred eighty days in the case of coverage providing a benefit of more
24 than one year but not greater than two years;

- 1 (c) Three hundred sixty-five days in the case of coverage providing a benefit of
- 2 more than two years but not greater than five years; or
- 3 (d) Seven hundred thirty days in the case of coverage providing a benefit greater
- 4 than five years resulting from sickness or injury;
- 5 (3) Provide a maximum benefit period of at least six months for long-term disability
- 6 income insurance and at least twelve weeks for short-term disability income insurance.
- 7 However, in the case of a policy covering disability arising out of pregnancy,
- 8 childbirth, or miscarriage, the maximum benefit period may be one month, except if
- 9 the plan is an employer plan with fifteen or more employees, then the maximum
- 10 benefit period for pregnancy, childbirth, or miscarriage may not be less than the
- 11 maximum benefit period for other covered disabilities;
- 12 (4) Include no reduction in benefits because of any cost of living increase in social
- 13 security or similar benefits during a benefit period;
- 14 (5) Require only one elimination period if a policy provides total disability income
- 15 benefits and partial disability income benefits.

16 A long-term disability income insurance policy may have longer elimination periods if the
17 policy is issued in conjunction with or supplemental to a limited duration self-insured or other
18 short-term disability income policy. The provisions of this section do not apply to an employer
19 plan if at least fifty percent of the covered employee's disability income benefits are subject to
20 federal income taxes.

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

23 The director may promulgate rules pursuant to chapter 1-26 to protect the insurance-buying
24 public with regard to disability income policies. However, the director shall take into account the

1 effect any such rule may have on the availability of coverage. The rules may include:

2 (1) Definition of terms;

3 (2) Permissible exclusions;

4 (3) Return of premium provisions;

5 (4) Terms of renewability;

6 (5) Disclosure requirements;

7 (6) Benefit triggers, if such rules permit the use of activities of daily living as an
8 acceptable benefit trigger; and

9 (7) Limitations, exceptions, and reductions.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

762E0399

HOUSE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **SB 82** - 02/20/2001

Introduced by: Senators McCracken and Reedy and Representatives Duniphan, Bartling,
Broderick, and Hennies (Thomas)

1 FOR AN ACT ENTITLED, An Act to permit local government officials and employees to use
2 credit cards and to permit the state and its political subdivisions to accept credit and debit
3 card payments.

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

5 Section 1. Notwithstanding any other provision of law, local government officials and
6 employees may be permitted to use a credit card for the purchase of materials, supplies,
7 equipment, or other authorized transactions for the benefit of the local government entity. Before
8 authorizing the use of a credit card, the governing body shall, by resolution, establish policies
9 providing for the use and accountability of credit card purchases.

10 Section 2. Notwithstanding any other provision of law, the state and its political subdivisions
11 may accept a credit card or a debit card as payment for a transaction. The state and its political
12 subdivisions may assess and collect a fee in an amount sufficient to cover any processing fee
13 associated with a credit card or debit card transaction. The Bureau of Finance and Management
14 shall promulgate rules pursuant to chapter 1-26 relating to the establishment and collection of

1 a processing fee associated with a credit card or debit card transaction. The governing body of
2 each political subdivision may, by resolution, establish and collect a processing fee associated
3 with a credit card or debit card transaction.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

750E0076

HOUSE AGRICULTURE AND NATURAL RESOURCES

COMMITTEE ENGROSSED NO. **SB 98** - 02/20/2001

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

Introduced by: Senator Hutmacher and Representatives Nachtigal and Bartling

1 FOR AN ACT ENTITLED, An Act to establish certain penalties for failure to control weeds and
2 pests.

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

4 Section 1. That chapter 38-22 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Any owner, occupant, or other person who maintains or exercises control or management
7 over land who is issued notice pursuant to § 38-22-17 or 38-22-18 for two consecutive years is
8 guilty of a Class 2 misdemeanor. Any owner, occupant, or other person who maintains or
9 exercises control or management over land on which the secretary of agriculture has conducted
10 protective operations pursuant to §§ 38-22-17 and 38-22-21 for two consecutive years is guilty
11 of a Class 1 misdemeanor.

12 Section 2. That chapter 38-22 be amended by adding thereto a NEW SECTION to read as
13 follows:

14 Any owner, occupant, or other person who maintains or exercises control or management

1 over land who is issued a resolution by the county weed and pest board pursuant to § 38-22-
2 23.13 for two consecutive years is guilty of a Class 2 misdemeanor. Any owner, occupant, or
3 other person who maintains or exercises control or management over land on which the county
4 weed and pest board has performed remedial requirements pursuant to § 38-22-23.14 for two
5 consecutive years is guilty of a Class 1 misdemeanor.

6 Section 3. That chapter 38-22 be amended by adding thereto a NEW SECTION to read as
7 follows:

8 If the county weed and pest board is requested by an individual to perform weed and pest
9 control operations on the individual's property and fails to reimburse the county by November
10 in the year in which the operations are performed, the cost of the operations shall become a lien
11 against the lands of the owner pursuant to § 38-22-23.14.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

381E0694

HOUSE TAXATION COMMITTEE ENGROSSED NO.

SB 175 - 02/20/2001

Introduced by: Senators Symens, Dennert, Diedrich (Larry), and Duxbury and
Representatives Jaspers, Burg, Hanson (Gary), Juhnke, Lange, and
Nachtigal

1 FOR AN ACT ENTITLED, An Act to exempt from sales and use tax certain contract services
2 provided to agricultural producers by an agent of a parent company through a local
3 contracting entity.

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

5 Section 1. That chapter 10-45 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 There are specifically exempted from the provisions of this chapter and from the computation
8 of the tax imposed by it, the gross receipts from the sale of services rendered by a parent
9 company to a local cooperative, if the local cooperative is a local contracting entity, for the
10 purpose of paying for the services of an agent who meets with agricultural producers promoting,
11 educating, and providing technical assistance and information on the parent company's products
12 which are sold through a local contracting entity.

13 Section 2. That chapter 10-46 be amended by adding thereto a NEW SECTION to read as
14 follows:

1 There are specifically exempted from the provisions of this chapter and from the computation
2 of the tax imposed by it, the gross receipts from the sale of services rendered by a parent
3 company to a local cooperative, if the local cooperative is a local contracting entity, for the
4 purpose of paying for the services of an agent who meets with agricultural producers promoting,
5 educating, and providing technical assistance and information on the parent company's products
6 which are sold through a local contracting entity.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

526E0557

SENATE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **SB 202** - 02/09/2001

Introduced by: Senators Everist, Apa, Brown (Arnold), Dennert, Drake, Hainje, Ham, Hutmacher, Madden, Moore, Olson (Ed), Reedy, and Vitter and Representatives Peterson (Bill), Brown (Jarvis), Brown (Richard), Garnos, Klaudt, Kooistra, McCoy, Murschel, Olson (Mel), Peterson (Jim), and Wick

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding visitation rights for
2 grandparents.

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

4 Section 1. That § 25-4-52 be amended to read as follows:

5 25-4-52. The circuit court may grant grandparents reasonable rights of visitation with their
6 grandchild, with or without petition by the grandparents, if it the visitation is in the best interests
7 of the grandchild and either the visitation would not significantly interfere with the parent-child
8 relationship or the parent or custodian of the grandchild has denied or prevented a grandparent
9 reasonable opportunity to visit the grandchild. There is a presumption that visitation with the
10 grandparents is in the best interests of the grandchild if a parent of that grandchild, who is also
11 the child of that grandparent, has died.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

708E0621

HOUSE TAXATION COMMITTEE ENGROSSED NO.

SB 209 - 02/20/2001

Introduced by: Senators Olson (Ed), Diedrich (Elmer), and Sutton (Dan) and
Representatives Brown (Richard), Derby, Flowers, Jaspers, and Sebert

1 FOR AN ACT ENTITLED, An Act to permit certain businesses to remit sales and use tax after
2 the machinery is under production.

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

4 Section 1. That § 10-45-27 be amended to read as follows:

5 10-45-27. Any person who is the holder of a sales tax permit or is a retailer whose receipts
6 are subject to sales tax in this state during the periods specified by this section shall make a return
7 and remittance to the Department of Revenue on forms prescribed and furnished by the
8 department in the following manner:

9 (1) Any person whose tax liability is one thousand dollars or more annually, shall file the
10 return and remit the tax on or before the twentieth day of the month following each
11 monthly period;

12 (2) Any person whose tax liability is less than one thousand dollars annually, shall file the
13 return and remit the tax on or before the last day of the month following each
14 two-month period;

1 (3) Any person whose tax liability is one thousand dollars or more annually and who
2 remits the tax by electronic transfer to the state, shall file the return by electronic
3 means on or before the twenty-third day of the month following each monthly period
4 and remit the tax on or before the second to the last day of the month following each
5 monthly period.

6 The secretary of revenue may grant an extension of not more than five days for filing a return
7 and remittance. However, the secretary of revenue may grant an extension for remitting the tax
8 to a qualified business as provided in sections 2 to 10, inclusive, of this Act for six months.

9 Unless an extension is granted, penalty or interest under § 10-59-6 shall be paid if a return
10 or remittance is not made on time.

11 Section 2. Terms used in this Act mean:

- 12 (1) "Department," the Department of Revenue;
- 13 (2) "Business," a business that has purchased and is installing tangible personal property
14 in the form of equipment or machinery for direct use in an electrical generation,
15 electrical transmission, manufacturing, fabricating, or processing business, which is
16 subject to sales or use tax pursuant to chapter 10-45 or 10-46;
- 17 (3) "Project," the purchase and installation of equipment or machinery;
- 18 (4) "Project cost," the amount paid in money for a project;
- 19 (5) "Secretary," the secretary of the Department of Revenue.

20 Section 3. Any electrical generation, electrical transmission, manufacturing, fabricating, or
21 processing business may apply for and obtain an extension for remitting the sales and use tax
22 imposed and due under the provisions of chapter 10-45 or 10-46 for equipment or machinery
23 that will be for direct use in an electrical generation, electrical transmission, manufacturing,
24 fabricating, or processing business. The extension shall end after six months.

1 Section 4. The extension pertains only to equipment and machinery purchased and installed
2 after July 1, 2001. No extension may be made unless:

- 3 (1) The project cost exceeds twenty thousand dollars; and
- 4 (2) The business applying for the extension obtains a permit from the secretary as set
5 forth in section 6 of this Act.

6 Section 5. The amount of the tax extension shall apply to one hundred percent of the
7 equipment and machinery costs and installation fees.

8 Section 6. Any business desiring an extension pursuant to this Act shall apply for a permit
9 from the secretary at least thirty days prior to commencement of the project. The application for
10 a permit shall be submitted on a form prescribed by the secretary. A separate application shall
11 be made and submitted for each project. Upon approval of the application, the secretary shall
12 issue a permit entitling the applicant to an extension as provided by this Act. The permit or
13 extension is not assignable or transferable.

14 Section 7. Any extension shall be submitted on forms prescribed by the secretary and shall
15 be supported by such documentation as the secretary may require. The secretary may deny any
16 extension where the business has failed to provide information or documentation requested or
17 considered necessary by the secretary to determine the validity of the extension.

18 Section 8. If any extension has been fraudulently presented or supported as to any item in the
19 claim, or if the business fails to meet all the conditions of this Act, then the business may be
20 rejected in its entirety and any tax due from the business shall constitute a debt to the state and
21 a lien in favor of the state upon all property and rights to property whether real or personal
22 belonging to the business and may be recovered in an action of debt.

23 Section 9. Any business aggrieved by the denial in whole or in part of a extension requested
24 under this Act, may within thirty days after service of the notice of a denial by the secretary,

1 demand and is entitled to a hearing, upon notice, before the secretary. The hearing shall be
2 conducted pursuant to chapter 1-26.

3 Section 10. The secretary may promulgate rules, pursuant to chapter 1-26, concerning the
4 procedures for filing extensions and the requirements necessary to qualify for an extension.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

445E0168

SENATE JUDICIARY COMMITTEE ENGROSSED NO.

SB 228 - 02/12/2001

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

Introduced by: Senators Staggers, Apa, de Hueck, Drake, Greenfield, Koetzle, Madden, and Sutton (Dan) and Representatives Gillespie, Begalka, Davis, Hennies (Don), Hennies (Thomas), Kooistra, McCaulley, McCoy, Teupel, and Van Gerpen

1 FOR AN ACT ENTITLED, An Act to provide for DNA testing for certain inmates for the
2 purposes of determining whether they may have been wrongfully convicted.

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

4 Section 1. Any person convicted of a felony and currently serving a term of imprisonment
5 may file a petition in the circuit court that entered the judgment of conviction in the person's case
6 requesting performance of forensic deoxyribonucleic acid (DNA) testing. The petition shall be
7 served on the state's attorney in the county of conviction. Any response shall be filed within sixty
8 days of the date on which the state's attorney was served with the petition.

9 Section 2. Before the court may grant the petition, the petitioner shall demonstrate that post-
10 conviction DNA analysis will:

- 11 (1) Meet the current test for scientific reliability;
- 12 (2) Show that the petitioner would be entitled to the testing and that the results would be
13 admissible if the case were being presently tried;

1 (3) Show that a favorable test result would most likely produce an acquittal in a new trial;
2 and

3 (4) Show that the testing will not impose an unreasonable burden on the state.

4 Section 3. The court, in its discretion, may order a hearing on the petition. The court may
5 appoint legal counsel for the petitioner if the court determines that person is indigent and that
6 appointment is in the best interests of justice. Any legal fees and expenses shall be paid by the
7 county from which the person was convicted.

8 Section 4. The court may grant the petition for DNA testing if it determines that petitioner
9 has met the four factors to test set out in section 2 of this Act and that DNA testing is suitable
10 under the circumstances. If the court grants the petition for DNA testing, the court order shall
11 identify the specific evidence to be tested and the DNA technology to be used. The testing shall
12 be conducted by a laboratory mutually agreed upon by the state and the person filing the petition.
13 If the parties cannot agree, the court's order shall designate the laboratory to conduct the testing.
14 DNA testing expenses shall be paid by the county from which the person was convicted.

15 Section 5. The result of any testing ordered under this Act shall be fully disclosed to the
16 person filing the petition and the state's attorney. If the test results do not result in a new trial,
17 the petitioner shall reimburse the county for the costs of the testing.

18 Section 6. Any law enforcement agency of the state shall retain any biological material
19 secured in connection with a criminal case for the period of time that any person remains
20 incarcerated in connection with that case. The agency may determine how the evidence is
21 retained. However, the evidence shall be retained in a condition suitable for further DNA testing.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

644E0640

HOUSE HEALTH AND HUMAN SERVICES COMMITTEE ENGROSSED NO. **SB 245** - 02/16/2001

Introduced by: Senators Brown (Arnold), Brosz, Daugaard, Drake, Ham, Hutmacher, McCracken, Olson (Ed), and Sutton (Dan) and Representatives Heineman, Pitts, and Smidt

1 FOR AN ACT ENTITLED, An Act to create a health care access and preservation trust fund
2 and to provide that earnings from the fund be used for certain health care purposes.

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

4 Section 1. That § 28-6-33 be amended to read as follows:

5 28-6-33. There is hereby established in the state treasury a fund known as the
6 ~~intergovernmental transfer~~ health care access and preservation trust fund. The fund shall include
7 revenue received from publicly owned and operated nursing facilities for remittance to the fund
8 under § 28-6-31. The department shall administer the fund and shall adopt procedures for
9 participation by publicly owned and operated nursing facilities. All moneys designated for the
10 fund from whatever source derived shall be deposited with the state treasurer in the
11 ~~intergovernmental transfer~~ health care access and preservation trust fund, except for dollars
12 appropriated by the Legislature for fiscal year 2002 for the neuromuscular program, the diabetes
13 screening program, and the purchase of public access defibrillation equipment. The amounts in
14 ~~the intergovernmental transfer~~ fund shall be invested pursuant to §§ 4-5-23 and 4-5-26 and the

1 earnings shall be deposited in the ~~intergovernmental transfer~~ health care access and preservation
2 interest fund.

3 Section 2. That chapter 28-6 be amended by adding thereto a NEW SECTION to read as
4 follows:

5 The health care access and preservation interest fund is established in the state treasury. The
6 fund shall be invested according to §§ 4-5-23 and 4-5-26. The investment earnings of the fund
7 shall be credited to the fund. The money in the fund shall be appropriated by the Legislature to
8 fund health care related uses.

9 Section 3. That § 28-6-31 be amended to read as follows:

10 28-6-31. Each publicly owned and operated nursing facility participating under the provisions
11 of §§ 28-6-28 to 28-6-36, inclusive, immediately upon receiving a payment under § 28-6-30,
12 shall remit the amount of that payment, less a transaction fee, to the department for credit to:

13 (1) The ~~intergovernmental transfer~~ health care access and preservation trust fund in an
14 amount equal to the applicable federal medical assistance percentage times the total
15 remittance to the department, less the transaction fee; and

16 (2) The department's other funds for all remaining amounts.

17 Section 4. That § 28-6-35 be amended to read as follows:

18 28-6-35. The department may promulgate rules pursuant to chapter 1-26 for the
19 administration of §§ 28-6-28 to 28-6-36, inclusive. The rules may include criteria for
20 establishing, funding, and administering the pool, criteria for participation in the
21 intergovernmental transfer, penalties for failing to immediately remit the funds to the department,
22 criteria for the transfer of funds, the establishment of transaction fees, and other policies to
23 facilitate the administration of the ~~intergovernmental transfer~~ health care access and preservation
24 trust fund ~~or~~, the funding pool, and the health care access and preservation interest fund.

1 Section 5. That § 28-6-36 be amended to read as follows:

2 28-6-36. Sections 28-6-28 to ~~28-6-36~~ 28-6-35, inclusive, and section 2 of this Act do not
3 create an entitlement to any funds. The department may disburse funds to the extent funds are
4 available and, within its discretion, to the extent such appropriations are approved.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

660E0082

SENATE ENGROSSED NO. **SCR 2** - 02/20/2001

Introduced by: Senators Albers, Brown (Arnold), Hagen, Hutmacher, and Putnam and
Representatives Nachtigal, Napoli, and Valandra at the request of Interim
State-Tribal Relations Committee

1 A CONCURRENT RESOLUTION, Urging the federal government to authorize and fund long-
2 term health care on Indian reservations.

3 WHEREAS, among all the states in the Northern Plains region, South Dakota has the highest
4 percentage of its Native American population, sixty-seven percent, living on Indian reservations.
5 In addition, South Dakota is experiencing a growing elderly population on its Indian
6 reservations; and

7 WHEREAS, Native Americans are living significantly longer today than they did in the early
8 1900s. The life expectancy of Native Americans in South Dakota is currently sixty-five. This
9 increased life expectancy, combined with rising birth rates, ensures continuing population
10 increases at all age levels, presents new challenges in caring for the elderly, and creates the need
11 for elderly care facilities to provide services that were once provided solely by the family; and

12 WHEREAS, the rate of debilitating diseases, particularly diabetes, on South Dakota Indian
13 reservations has been increasing over the years. The age-adjusted diabetes mellitus death rate
14 among Native Americans in South Dakota is 62.6 per 100,000 population, which is five times

1 higher than the combined rate for all races in the United States; and

2 WHEREAS, Native American culture strongly embraces the extended family in which elders
3 are considered the source of wisdom, history, and tradition; and

4 WHEREAS, a loss of important cultural traditions for families and tribal members occurs
5 when elderly Native Americans must seek nursing facility placement off the reservations. This
6 separation means social and cultural isolation at a time in elders' lives when understanding and
7 cultural support are most important; and

8 WHEREAS, due to the high percentage of Native American families below poverty level
9 living on Indian reservations, lack of transportation to visit family members in nonreservation
10 nursing homes creates a hardship for the elderly and their families; and

11 WHEREAS, the federal government has a long-standing legal and moral obligation to
12 provide for the health care needs of Native Americans on reservations. This obligation is based
13 on treaty and federal law; and

14 WHEREAS, the Indian Health Service currently provides primary and acute health care
15 services, such as physician and hospital care, through federal facilities located on each of the
16 reservations; and

17 WHEREAS, the Indian Health Service currently does not provide long-term care services,
18 such as assisted living and nursing home care, on any of South Dakota's Indian reservations; and

19 WHEREAS, the federal government has failed to take responsibility for providing long-term
20 care services to elderly Native Americans residing on reservations in South Dakota. The federal
21 government has refused to recognize long-term care for Native Americans as a federal
22 responsibility and has failed to provide authorization and funding that would enable the Indian
23 Health Service to provide those needed services; and

24 WHEREAS, the lack of long-term care services has created an undue hardship for

1 reservation residents and their families creating a growing need for the Indian Health Service to
2 appropriately address the long-term care needs of South Dakota's Native American population:

3 NOW, THEREFORE, BE IT RESOLVED, by the Senate of the Seventy-sixth Legislature
4 of the State of South Dakota, the House of Representatives concurring therein, that the federal
5 government is requested to formally take responsibility for long-term care for Native Americans
6 residing on Indian reservations by providing the necessary authorization and funding to enable
7 the Indian Health Service to offer long-term care for Native American elders on Indian
8 reservations. The United States government must live up to its responsibilities by helping to
9 establish facilities that will allow our Native American elders to spend their final years with
10 dignity in their own communities and cultural surroundings; and

11 BE IT FURTHER RESOLVED, that copies of this Resolution are to be forwarded to
12 Senator Tom Daschle, Senator Tim Johnson, and Representative John Thune and that Senator
13 Daschle, Senator Johnson, and Representative Thune are requested to brief the 2002 South
14 Dakota Legislature on any progress or developments that have occurred at the national level on
15 this issue.