

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

555N0054

HOUSE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **HB 1006** - 01/16/2007

Introduced by: The Committee on Local Government at the request of the Office of the
Secretary of State

1 FOR AN ACT ENTITLED, An Act to revise certain procedures regarding the election process.

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

3 Section 1. That § 12-6-56 be amended to read as follows:

4 12-6-56. If a vacancy occurs by reason of death or withdrawal after a primary election, a
5 party candidate for public office may be replaced by a new nominee if a meeting of the
6 appropriate party central committee ~~can be~~ is held and the results are certified to the appropriate
7 official within the times prescribed by § 12-8-6. ~~Such a~~ If the vacancy, if is a party candidate for
8 presidential elector or statewide office, the vacancy shall be filled by the State Party Central
9 Committee. ~~Such a~~ If the vacancy, if for is a party candidate for public office other than
10 presidential elector or statewide office, the vacancy shall be filled by a vote of ~~all interested~~
11 county party central committee members. ~~If any part of a county lies within the geographic~~
12 ~~boundaries of such office, the party county central committee shall be deemed interested, and~~
13 ~~the central committee members from within the county, residing in attendance who reside in the~~
14 affected district, ~~may vote to fill the vacancy. In multi-county districts, all county central~~
15 ~~committee members may vote to fill the vacancy.~~



1 Section 2. That § 12-7-7 be amended to read as follows:

2 12-7-7. Any candidate for President or Vice President of the United States who is not
3 nominated by a primary election may be nominated by filing with the secretary of state ~~or county~~
4 ~~auditor as prescribed by § 12-6-4,~~ not prior to January ~~twentieth~~ first at eight a.m. and not later
5 than the first Tuesday in August at five p.m. prior to the election, a certificate of nomination
6 which shall be executed as provided in chapter 12-6. If the certificate of nomination is mailed
7 by registered mail by the first Tuesday in August at five p.m. prior to the election, it is timely
8 submitted. The certificate shall ~~specify that an independent candidate for President or Vice~~
9 ~~President shall~~ designate the name of ~~any~~ the national political party, or political party organized
10 pursuant to chapter 12-5, with which the ~~candidate has~~ candidate's electors have an affiliation.
11 If no affiliation exists, the ~~candidate~~ electors shall be designated by the term, no party. The
12 number of signatures required may not be less than one percent of the total combined vote cast
13 for Governor at the last certified gubernatorial election within the state. An independent
14 candidate for President shall file a declaration of candidacy and a certification of the candidate's
15 selection for Vice President with the secretary of state prior to circulation of the candidate's
16 nominating petitions. The candidate and the candidate's selection for Vice President shall sign
17 the certification before it is filed. The State Board of Elections shall promulgate rules pursuant
18 to chapter 1-26 prescribing the forms for the certificate of nomination and the certification for
19 Vice President.

20 Section 3. That § 12-17B-11 be amended to read as follows:

21 12-17B-11. Except for any specially trained technicians representing the equipment vendor
22 and required for the operation of the automatic tabulating equipment, there shall be equal
23 representation from each political party having a candidate on the ballot and whose candidate
24 on the county-wide ballot at the last general election received at least fifteen percent of the votes

1 amongst those employed or authorized to receive, process, or tabulate the ballots. The proposed
2 list of employees shall be submitted to each county party chairperson ~~for approval~~ at least thirty
3 days prior to the election. ~~If the chairperson fails to notify the person in charge of the election~~
4 ~~of any disapproval of any proposed employee at least twenty days prior to the election, the list~~
5 ~~is deemed approved.~~ Each person shall, prior to discharging any duties, take and subscribe to
6 an oath as prescribed by the State Board of Elections.

7 Section 4. That § 12-19-3 be amended to read as follows:

8 12-19-3. Upon receiving an application for absentee ballots, the person in charge of an
9 election shall, within forty-eight hours, or if ballots are not then on hand, then within forty-eight
10 hours after receipt of the ballots, after confirming from the master registration file that the
11 applicant is registered as a voter pursuant to chapter 12-4, enclose one of each of the official
12 ballots, a set of instructions on absentee balloting, and an unsealed return envelope. All of the
13 enclosures shall be sealed in an envelope addressed to the applicant at the place stated in the
14 application. If a registration form is received simultaneous with an absentee ballot request and
15 prior to the registration deadline, the absentee ballot provided shall be based on the submitted
16 registration form.

17 Section 5. That § 34-11A-29 be amended to read as follows:

18 34-11A-29. A regular meeting of the registered voters who are residing within the
19 boundaries of a district shall be held in the first quarter of each calendar year and special
20 meetings may be called by the board of directors at any time. The annual election shall be
21 conducted during the regular meeting consistent with the provisions of chapter 8-3. Notice of
22 the annual election shall be given by the secretary-treasurer by one publication in a legal
23 newspaper of general circulation in each county in which the district is situated. The meeting
24 shall be held not less than seven days nor more than fourteen days after the date of publication

1 of the notice.

2 Section 6. That § 34-31A-43 be amended to read as follows:

3 34-31A-43. A regular meeting of the electors who are owners of any interest in real property
4 assessed for taxation in the district and who are residing within the boundaries of a district shall
5 be held in the first quarter of each calendar year and special meetings may be called by the board
6 of directors at any time. The annual election shall be conducted during the regular meeting
7 consistent with the provisions of chapter 8-3. Notice of the annual election shall be given by the
8 secretary-treasurer by one publication in a legal newspaper of general circulation in each county
9 in which the district is situated. The meeting shall be held not less than seven days nor more
10 than fourteen days after the date of publication of the notice.

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

400N0337

HOUSE JUDICIARY COMMITTEE ENGROSSED NO.

HB 1015 - 01/17/2007

Introduced by: The Committee on Judiciary at the request of the Bureau of Administration

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the required
2 identification of authorized emergency vehicles.

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

4 Section 1. That § 32-31-3 be amended to read as follows:

5 32-31-3. The exemptions granted in subdivisions 32-31-2(2) and (3) to an authorized
6 emergency vehicle apply only if the vehicle is making use of audible ~~and~~ or visual signals
7 meeting the requirements of law. However, the exemption granted in subdivision 32-31-2(1)
8 to an authorized emergency vehicle applies only if the vehicle is making use of visual signals
9 meeting the requirements of law.

10 Section 2. That § 32-31-4 be amended to read as follows:

11 32-31-4. The speed limit set out in §§ 32-25-1.1 to 32-25-17, inclusive, does not apply to
12 any authorized emergency vehicle responding to an emergency call if the driver sounds an
13 audible siren or air horn or both ~~and~~ or displays flashing, oscillating, or rotating beams of red
14 light or combinations of red, blue, or white light visible one hundred eighty degrees to the front
15 of the vehicle. The lights shall be capable of warning the public of the presence of an emergency



1 vehicle under normal atmospheric conditions. The speed limit set out in §§ 32-25-1.1 to 32-25-
2 17, inclusive, does not apply to authorized emergency vehicles operated by law enforcement
3 officers who are measuring the speed of other vehicles by use of the emergency vehicle
4 speedometer. Moreover, the driver of an ambulance who has been certified pursuant to § 34-11-
5 6 may operate the emergency vehicle in excess of the speed limit without audible signals while
6 operating outside the city limits of a municipality.

7 Section 3. That § 32-31-6 be amended to read as follows:

8 32-31-6. Upon the immediate approach of an authorized emergency vehicle making use of
9 audible ~~and~~ or visual signals meeting the requirements of this chapter, or of a police vehicle
10 properly and lawfully making use of an audible or visual signal only, the driver of every other
11 vehicle shall immediately drive to a position as near as possible and parallel to the right-hand
12 edge or curb of the highway, or in case of a one-way highway the nearest edge or curb, clear of
13 any intersection of highways, and shall stop and remain in such position unless otherwise
14 directed by a police or traffic officer until the authorized emergency vehicle shall have passed.
15 A violation of this section is a Class 2 misdemeanor.

16 Section 4. That § 32-26-15 be amended to read as follows:

17 32-26-15. The driver of a vehicle upon a highway shall yield the right-of-way to police and
18 fire department vehicles and ambulances if they are operated upon official business and the
19 drivers give an audible signal by bell, siren, or exhaust whistle or visual signal by flashing,
20 oscillating, or rotating beams of red light or combinations of red, blue, or white light visible one
21 hundred eighty degrees to the front of the vehicle. The provisions of this section do not relieve
22 the driver of a police, fire department vehicle, or ambulance from the duty to drive with due
23 regard for the safety of all persons using the highway nor does it protect the driver of any such
24 vehicle from the consequence of an arbitrary exercise of such right-of-way. A violation of this

1 section is a Class 2 misdemeanor.

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

400N0380

HOUSE JUDICIARY COMMITTEE ENGROSSED NO.

HB 1059 - 01/17/2007

Introduced by: The Committee on Judiciary at the request of the Department of Corrections

1 FOR AN ACT ENTITLED, An Act to provide for the sharing of certain child protection
2 records.

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

4 Section 1. That chapter 26-8A be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Notwithstanding the provisions of § 26-8A-13, or any other statute to the contrary, in any
7 case that a child is under the jurisdiction of the court pursuant to chapter 26-8B or 26-8C, upon
8 a request for information, the Department of Social Services shall, with due regard to any
9 federal laws or regulations, including the Health Information Portability and Accountability Act
10 of 1996, as amended to January 1, 2007, the Family Educational Rights and Privacy Act, as
11 amended to January 1, 2007, and the federal rules governing the confidentiality of alcohol and
12 drug abuse patient records pursuant to 42 C.F.R. Part 2, as amended to January 1, 2007, in the
13 following instances:

14 (1) Conduct a child abuse and neglect central registry check and provide the results to
15 the court, court services, or the state's attorney to determine the appropriateness of



1 returning a child to the parents or placing the child with another caretaker at any time
2 during the pendency of the proceedings;

3 (2) For a child committed to the Department of Corrections, conduct a child abuse and
4 neglect central registry check and provide the results to the Department of
5 Corrections for purposes of determining the appropriateness of returning a child to
6 the parents or placing the child with another caretaker; and

7 (3) For a child committed to the Department of Corrections, release copies of, or the
8 equivalent to, the child's: request for services history summary, initial family
9 assessments, court reports, and family service agreements to the Department of
10 Corrections for treatment planning purposes.

11 Upon receipt of an order of the court, the Department of Social Services shall make its
12 child protection services file related to the child or the child's parents and siblings available to
13 the court, court services, or the state's attorney with the exception of information protected by
14 the Health Information Portability and Accountability Act of 1996, as amended to January 1,
15 2007, the Family Educational Rights and Privacy Act, as amended to January 1, 2007, and the
16 federal rules governing the confidentiality of alcohol and drug abuse patient records pursuant
17 to 42 C.F.R. Part 2, as amended to January 1, 2007. Under no circumstances may the court order
18 the release of information pertaining to pending abuse or neglect investigations.

19 The information released under this section is discoverable to the parties under the
20 provisions of chapter 26-7A, but is otherwise confidential. However, the court, court services,
21 or the Department of Corrections may release the information in their possession or any portion
22 necessary to institutions and agencies that have legal responsibility or authorization to care for,
23 treat, or supervise a child. The attorneys for the child and respondents may review the records
24 with the child and the respondents but may not copy or release copies of the records. A pro se

1 litigant is entitled to review the records but may not copy or release copies of the records.

2 The Department of Social Services shall impose reasonable fees for reproduction of its
3 records released under this section. The Department of Social Services shall promulgate rules
4 pursuant to chapter 1-26 for any fee imposed for records reproduction.

5 Section 2. That chapter 26-8A be amended by adding thereto a NEW SECTION to read as
6 follows:

7 For central registry screenings allowed under the provisions of section 1 of this Act, the
8 Department of Social Services may not complete the requested screening until the court, court
9 services, the Department of Corrections, or the state's attorney provides to the department a
10 consent signed by the person being considered as a possible caretaker for the child.

11 Section 3. That chapter 26-11A be amended by adding thereto a NEW SECTION to read
12 as follows:

13 File material concerning a child under the jurisdiction of the Department of Corrections shall
14 be provided, upon request, to the Department of Social Services for the purposes of developing
15 family service agreements and dispositional recommendations and to the court for use at the
16 disposition.