

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

400N0222

HOUSE EDUCATION COMMITTEE ENGROSSED NO.

HB 1035 - 01/17/2007

Introduced by: The Committee on Education at the request of the Department of Education

1 FOR AN ACT ENTITLED, An Act to revise the required grade levels for assessment of writing
2 skills.

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

4 Section 1. That § 13-3-55 be amended to read as follows:

5 13-3-55. Every public school district shall annually administer the same assessment to all
6 students in grades three to eight, inclusive, and in grade eleven. The assessment shall measure
7 the academic progress of each student. Every public school district shall annually administer to
8 all students in ~~grades five and nine~~ at least two grade levels an achievement test to assess
9 writing skills. The assessment instruments shall be provided by the Department of Education.
10 The tests shall be administered within timelines established by the Department of Education by
11 rules promulgated pursuant to chapter 1-26 starting in the spring of the 2002-2003 school year.
12 Each state-designed test shall be correlated with the state's content standards. The South Dakota
13 Board of Education may promulgate rules pursuant to chapter 1-26 to provide for administration
14 of all assessments.



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.