

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

229N0064

HOUSE JUDICIARY COMMITTEE ENGROSSED NO.

HB 1005 - 02/05/2007

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

Introduced by: Representative Cutler and Senator Abdallah

1 FOR AN ACT ENTITLED, An Act to revise the reporting requirements involving sex offense
2 victims.

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

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

6 If a state's attorney charges a person for a sex offense, as set forth in this chapter, and the
7 offense involves a victim eighteen years of age or older, the state's attorney shall report
8 information regarding the crime to the Department of Social Services. The reports required
9 herein shall be submitted quarterly to the department in a written or electronic format provided
10 by the department and shall not include the name, address, or social security number of the
11 victim. The department shall maintain a database of such reports and shall make information
12 regarding the incidence and frequency of sex offenses available to the public.



State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

277N0578

HOUSE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **HB 1139** - 02/05/2007

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

Introduced by: Representatives Rhoden, Boomgarden, Brunner, Buckingham, Carson, Cutler, Davis, Deadrick, DeVries, Dreyer, Dykstra, Faehn, Gilson, Hackl, Hanks, Haverly, Heineman, Hills, Howie, Hunt, Jerke, Juhnke, Kirkeby, Koistinen, Krebs, Lust, McLaughlin, Nelson, Noem, Novstrup (Al), Novstrup (David), Olson (Betty), Olson (Russell), Olson (Ryan), Pederson (Gordon), Peters, Pitts, Putnam, Rausch, Rave, Rounds, Steele, Tidemann, Turbiville, Van Etten, Vanneman, Vehle, Weems, Wick, and Willadsen and Senators Knudson, Abdallah, Albers, Dempster, Duenwald, Gant, Garnos, Gray, Hansen (Tom), Hauge, Hunhoff, Lintz, McCracken, McNenny, Olson (Ed), and Smidt (Orville)

1 FOR AN ACT ENTITLED, An Act to create and provide for the education enhancement
2 tobacco tax fund and the health care tobacco tax fund.

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

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

6 There is hereby created in the state treasury the education enhancement tobacco tax fund.
7 All moneys in the education enhancement tobacco tax fund are subject to appropriation by the
8 Legislature through the General Appropriations Act or special appropriations acts for education
9 enhancement programs.

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



1 follows:

2 There is hereby created in the state treasury the health care tobacco tax fund. All moneys in
3 the health care tobacco tax fund are subject to appropriation by the Legislature through the
4 General Appropriations Act or special appropriations acts for health care related programs.

5 Section 3. That § 10-50-52 be amended to read as follows:

6 10-50-52. The first thirty million dollars in revenue collected annually pursuant to this
7 chapter shall be deposited in the general fund. All revenue in excess of thirty million dollars
8 collected annually shall be deposited in the tobacco prevention and reduction trust fund. Five
9 million dollars of the revenue deposited annually in the tobacco prevention and reduction trust
10 fund pursuant to this section shall be used to implement the tobacco prevention and reduction
11 program. Thirty-three percent of any revenue deposited in the tobacco prevention and reduction
12 trust fund in excess of five million dollars shall be transferred to the property tax reduction fund.
13 Thirty-three percent of any revenue deposited in the tobacco prevention and reduction trust fund
14 in excess of five million dollars shall be transferred to the education enhancement ~~trust~~ tobacco
15 tax fund. Thirty-four percent of any revenue deposited in the tobacco prevention and reduction
16 trust fund in excess of five million dollars shall be transferred to the health care ~~trust~~ tobacco
17 tax fund.

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

626N0434

HOUSE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **HB 1160** - 02/05/2007

Introduced by: Representatives Rhoden and Hargens and Senators Gray and Heidepriem

1 FOR AN ACT ENTITLED, An Act to repeal the requirement for physician involvement in the
2 execution of a sentence of death.

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

4 Section 1. That § 23A-27A-34 be amended to read as follows:

5 23A-27A-34. The warden of the penitentiary shall request, by at least two days' previous
6 notice, the presence of the attorney general, the trial judge before whom the conviction was had
7 or ~~his~~ the judge's successor in office, the state's attorney and sheriff of the county where the
8 crime was committed, and not more than ten reputable adult citizens, including at least one
9 member of the news media, to be selected by the warden at the execution. ~~The warden shall also~~
10 ~~arrange for the attendance of the prison physician and two other licensed physicians of this state.~~
11 The warden shall arrange for the attendance of ~~such~~ any prison guards and ~~peace law~~
12 enforcement officers ~~as he may deem~~ the warden deems proper.

13 Section 2. That § 23A-27A-38 be repealed.

14 ~~— 23A-27A-38. Immediately after the execution a post-mortem examination of the body of the~~
15 ~~defendant shall be made by the physicians present and they shall report in writing the result of~~



1 ~~their examination stating the nature thereof and the finding made, which report shall be annexed~~
2 ~~to the return mentioned in § 23A-27A-40 and filed therewith.~~

3 Section 3. That § 23A-27A-39 be amended to read as follows:

4 23A-27A-39. ~~After the post-mortem examination the~~ The body of the defendant, unless
5 claimed by some relative, shall be interred in a cemetery within the county where the
6 penitentiary is situated.

7 Section 4. That § 23A-27A-40 be amended to read as follows:

8 23A-27A-40. The warden or prison officer attending the execution and in charge ~~thereof~~
9 ~~must~~ of the execution shall immediately prepare and sign a certificate and return setting forth
10 the time, place, and manner ~~thereof~~ of the execution, and that the defendant was ~~then and there~~
11 executed in conformity to the judgment of the court and the provisions of this chapter. ~~He~~ The
12 warden or prison officer shall sign the certificate and return and shall also procure the same to
13 be signed by all the persons present and witnessing the execution and shall ~~thereupon cause~~ file
14 the certificate ~~together with the certificate of the post-mortem examination mentioned in § 23A-~~
15 ~~27A-38 to be filed~~ within ten days after the execution in the office of the clerk of the court
16 where the trial and conviction of the defendant ~~was had~~ took place.

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

776N0696

HOUSE EDUCATION COMMITTEE ENGROSSED NO.

HB 1241 - 02/02/2007

Introduced by: Representatives Olson (Russell), DeVries, Gassman, Gilson, Halverson, Haverly, Hills, Jerke, Kirkeby, Krebs, McLaughlin, Novstrup (David), Olson (Ryan), Rausch, Steele, Weems, and Wick and Senators McCracken and Koetzle

1 FOR AN ACT ENTITLED, An Act to allow the Board of Regents to sell certain used
2 computers through university bookstores and to declare an emergency.

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

4 Section 1. That chapter 13-49 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Notwithstanding the provisions of chapters 5-23 or 5-24, if the Board of Regents assesses
7 a special student fee to students in order to lease personal computers for the use of those
8 students at a university, the Board of Regents may, upon the expiration of the lease, acquire the
9 computers and offer them for resale through a university bookstore.

10 Section 2. Whereas, this Act is necessary for the support of the state government and its
11 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in
12 full force and effect from and after its passage and approval.



State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

835N0734

HOUSE JUDICIARY COMMITTEE ENGROSSED NO.

HB 1253 - 02/05/2007

Introduced by: Representatives Gillespie, Deadrick, Dykstra, Hargens, and Rhoden and
Senators Albers, Gray, Heidepriem, and Knudson

1 FOR AN ACT ENTITLED, An Act to provide for the establishment of a task force to study the
2 enforcement and collection of financial obligations resulting from criminal proceedings and
3 to declare an emergency.

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

5 Section 1. There is hereby established the task force to review the adequacy and ability to
6 enforce the collection of financial obligations as a result of a criminal judgment and sentence.
7 The task force shall consist of fifteen members. Nine members shall be appointed by the Chief
8 Justice of the Supreme Court, one of whom shall be a state's attorney and one of whom shall be
9 a criminal defense attorney. The Executive Board of the Legislative Research Council shall
10 appoint six members, four of whom shall be legislators. Not all members appointed by each of
11 the appointive powers may belong to the same political party. If there is a vacancy on the task
12 force, the vacancy shall be filled in the same manner as the original appointment.

13 Section 2. The task force shall be under the supervision of the Executive Board of the
14 Legislative Research Council and staffed and funded as an interim legislative committee. The
15 Executive Board shall appoint the chair and the vice chair in consultation with the Chief Justice



1 of the Supreme Court.

2 Section 3. The task force shall gather the data and information regarding the enforcement
3 and collection of financial obligations as a result of a criminal judgment and sentence, including
4 but not limited to reimbursement of court appointed attorneys' fees, and payment of fines, costs
5 and restitution. The task force shall make recommendations to assist local entities, to make
6 recommendations for a statewide solution, and to determine whether such statewide solution is
7 economical or necessary. The task force shall submit its final report to the Governor and the
8 Legislature no later than December 1, 2007.

9 Section 4. Whereas, this Act is necessary for the support of the state government and its
10 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in
11 full force and effect from and after its passage and approval.

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

724N0591

HOUSE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **HB 1286** - 02/05/2007

Introduced by: Representatives Vehle, Hills, Krebs, Lust, Moore, Thompson, Turbiville, and Van Etten and Senators Olson (Ed), Dempster, Duenwald, Garnos, Hansen (Tom), Hanson (Gary), Napoli, and Nesselhuf

1 FOR AN ACT ENTITLED, An Act to require that records of archaeological sites be maintained
2 and to provide that certain records remain confidential.

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

4 Section 1. That § 1-20-21 be amended to read as follows:

5 1-20-21. The state archaeologist, on behalf of the State Historical Society Board of Trustees
6 shall conduct, as part of that board's statewide survey of historic properties, a survey of ~~sites of~~
7 archaeological sites ~~and anthropological objects and specimens~~ located within the state. ~~The~~
8 ~~state archaeologist shall make available the results of such survey to all agencies of the state~~
9 ~~government and its political subdivisions that, in the opinion of the state archaeologist, may~~
10 ~~conduct activities which may affect such archaeological or anthropological sites~~ and maintain
11 records of such sites.

12 Section 2. That chapter 1-20 be amended by adding thereto a NEW SECTION to read as
13 follows:

14 Any records pertaining to the location of an archaeological site shall remain confidential to



1 protect the integrity of the archaeological site. The state archaeologist may make the information
2 from the records of an archeological site available to any agency of state government and any
3 political subdivision of the state or to any tribe, which, in the opinion of the state archaeologist,
4 may conduct an activity that affects any such site. The state archaeologist shall also make the
5 information from the records of an archeological site available to the owner of the land that is
6 an archeological site and may make the information available to any qualified researcher or
7 research entity.

8 Section 3. That chapter 34-27 be amended by adding thereto a NEW SECTION to read as
9 follows:

10 Any record pertaining to the location of unmarked burials and other human remains shall
11 remain confidential to protect the integrity of unmarked burials, human skeletal remains, and
12 associated funerary objects. The state archaeologist may make the information from the records
13 of such a site available to any agency of state government and any political subdivision of the
14 state or to any tribe, which, in the opinion of the state archaeologist, may conduct activities that
15 affect any such burial or human remains. The state archaeologist shall also make the information
16 from the records of such a site available to the owner of the land that is such a site and may
17 make the information available to any qualified researcher or research entity.

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

400N0236

HOUSE HEALTH AND HUMAN SERVICES COMMITTEE ENGROSSED NO. **SB 15** - 02/02/2007

Introduced by: The Committee on Health and Human Services at the request of the
Department of Health

1 FOR AN ACT ENTITLED, An Act to require certain immunizations for students attending
2 postsecondary educational institutions.

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

4 Section 1. Terms in this Act mean:

5 (1) "Public or private postsecondary educational institution" or "institution," any entity
6 permitted to offer postsecondary education credits or degrees in South Dakota under
7 § 13-49-27.1;

8 (2) "Student," any person born after 1956 who is registering for more than one class
9 during an academic term, such as a quarter or a semester. The term includes any
10 person who meets face-to-face at least once per week to receive instruction. The term
11 does not include any person who receives non-credit-bearing or on-the-job training
12 services.

13 Section 2. Any student entering a public or private postsecondary education institution in
14 this state for the first time after July 1, 2008, shall, within forty-five days after the start of
15 classes, present to the appropriate institution certification from a licensed physician that the



1 student has received or is in the process of receiving the required two doses of immunization
2 against measles, rubella, and mumps. As an alternative to the requirement for a physicians's
3 certification, the student may present:

4 (1) Certification from a licensed physician stating the physical condition of the student
5 would be such that immunization would endanger the student's life or health;

6 (2) Certification from a licensed physician stating the student has experienced the natural
7 disease against which the immunization protects;

8 (3) Confirmation from a laboratory of the presence of adequate immunity; or

9 (4) A written statement signed by the student that the student is an adherent to a religious
10 doctrine whose teachings are opposed to such immunizations. If the student is under
11 the age of eighteen, the written statement shall be signed by one parent or guardian.

12 Section 3. The institution shall require that the documentation from the student, provided
13 for by section 2 of this Act, be submitted within forty-five days after the start of classes.

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

400N0240

SENATE HEALTH AND HUMAN SERVICES COMMITTEE ENGROSSED NO. **SB 18** - 01/22/2007

Introduced by: The Committee on Health and Human Services at the request of the Board of
Chiropractic Examiners

- 1 FOR AN ACT ENTITLED, An Act to revise the chiropractic scope of practice.
- 2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:
- 3 Section 1. That § 36-5-1 be amended to read as follows:
- 4 36-5-1. Chiropractic is ~~hereby defined to be~~ the science of locating and removing the cause
- 5 of any abnormal transmission of nerve energy including diagnostic and ~~externally~~ applied
- 6 mechanical measures incident thereto. ~~Chiropractors shall not be entitled to~~ Integral to
- 7 chiropractic is the treating of specific joints and articulations of the body and adjacent tissues,
- 8 to influence joints or neurophysiological functions of the body, or both, including the use of
- 9 examination and treatment by manipulation, adjustment, and mobilization of a joint. No
- 10 chiropractor may practice obstetrics or treat communicable diseases. The requirements of this
- 11 section do not apply to those licensed pursuant to chapter 36-4.



State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

400N0306 **HOUSE COMMERCE COMMITTEE ENGROSSED NO.**
SB 39 - 01/29/2007

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

1 FOR AN ACT ENTITLED, An Act to provide claims information to commercial property
2 casualty insureds.

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

4 Section 1. That chapter 58-12 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Any carrier who is or has provided commercial property casualty coverage in this state shall
7 provide, at the written request of the insured, annual reports of the claims experience of that
8 insured for the immediate past policy period and for any time frames which are not in excess
9 of three years prior to the policy period for which the request was made. A carrier is not required
10 to provide any claim information that pertains to a prior carrier's experience with that insured.
11 The claims report shall be in sufficient detail so as to provide the insured with data sufficient
12 to assess the insured's future commercial property casualty insurance needs. The director may
13 promulgate rules pursuant to chapter 1-26 regarding the content and time frames for the annual
14 reports.

