

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

400N0289 **SENATE AGRICULTURE AND NATURAL RESOURCES**
COMMITTEE ENGROSSED NO. HB 1019 -
02/08/2007

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 rename the rodent and reptile control fund and to validate
2 the Department of Agriculture's authority to sell rodent control products.

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

4 Section 1. The South Dakota rodent and reptile control fund is renamed the South Dakota
5 rodent control fund.

6 Section 2. All agreements made by the South Dakota secretary of agriculture with agencies
7 of the federal government concerning rodent control, all actions of the secretary in conducting
8 and maintaining a poison bait station, distributing or selling of poison bait, and purchasing
9 supplies for rodent control, are hereby validated, legalized, cured, and currently authorized to
10 the extent that such activities may have been impacted by a change of the fund's name and
11 subsequent repeal of statutes regarding the cooperative wildlife services fund.



State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

400N0270 **SENATE AGRICULTURE AND NATURAL RESOURCES**
COMMITTEE ENGROSSED NO. HB 1021 -
02/08/2007

Introduced by: The Committee on Agriculture and Natural Resources at the request of the
Department of Game, Fish and Parks

1 FOR AN ACT ENTITLED, An Act to add additional species to those which may be hunted
2 without a license by residents on their own land.
3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:
4 Section 1. That § 41-6-2 be amended to read as follows:
5 41-6-2. A resident of this state may hunt or take in a lawful manner fox squirrel, grey
6 squirrel, red squirrel, cottontail rabbit, game birds, or fish during an open season on land or
7 waters on land ~~occupied by him~~ owned or leased by the resident without first securing a license
8 ~~so~~ to do so.



State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

776N0200

HOUSE JUDICIARY COMMITTEE ENGROSSED NO.

HB 1149 - 02/12/2007

Introduced by: Representatives Lucas, Ahlers, Bradford, DeVries, Elliott, Gassman, Gilson, Hills, McLaughlin, Novstrup (Al), Olson (Ryan), Thompson, and Weems and Senators Two Bulls, Hanson (Gary), Olson (Ed), and Peterson (Jim)

1 FOR AN ACT ENTITLED, An Act to prohibit the firing of a firearm at any school building,
2 vehicle, or premises.

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

4 Section 1. That § 13-32-4 be amended to read as follows:

5 13-32-4. The school board of every school district shall assist and cooperate with the
6 administration and teachers in the government and discipline of the schools. The board may
7 suspend or expel from school any student for violation of rules or policies or for insubordination
8 or misconduct, and the superintendent or principal in charge of the school may temporarily
9 suspend any student in accordance with § 13-32-4.2. The rules or policies may include
10 prohibiting the following:

11 (1) The consumption or possession of beer or alcoholic beverages on the school premises
12 or at school activities;

13 (2) The use or possession of a controlled substance, without a valid prescription, on the
14 school premises or at school activities; and



1 (3) The use or possession of a firearm, as provided in § 13-32-7, on or in any elementary
2 or secondary school premises, vehicle, or building or any premises, vehicle, or
3 building used or leased for elementary or secondary school functions or activities; or
4 the intentional firing of a firearm, as provided in § 13-32-7, at or upon any
5 elementary or secondary school premises, vehicle, or building or any premises,
6 vehicle, or building used or leased for elementary or secondary school functions or
7 activities.

8 In addition to administrative and school board disciplinary action, any violation of § 13-32-7
9 shall be reported to local law enforcement authorities.

10 The period of expulsion may extend beyond the semester in which the violation,
11 insubordination, or misconduct occurred. Any expulsion for consumption or possession of beer
12 or alcoholic beverages may not extend beyond ninety school days. If a student has intentionally
13 brought a firearm onto school premises, the expulsion may not be for less than twelve months.

14 However, the superintendent or chief administering officer of each local school district or
15 system may increase or decrease the length of a firearm-related expulsion on a case-by-case
16 basis. The South Dakota Board of Education shall promulgate rules pursuant to chapter 1-26 to
17 establish administrative due process procedures for the protection of a student's rights. The
18 administrative due process procedures shall include a requirement that the school give notice
19 of a student's due process rights to the parent or guardian of the student at the time of suspension
20 or expulsion. Each school district board shall provide a procedural due process hearing, if
21 requested, for a student in accordance with such rules if the suspension or expulsion of the
22 student extends into the eleventh school day.

23 This section does not preclude other forms of discipline which may include suspension or
24 expulsion from a class or activity.

1 This section does not prohibit a local school district from providing educational services to
2 an expelled student in an alternative setting.

3 Section 2. That § 13-32-7 be amended to read as follows:

4 13-32-7. Any person, other than a law enforcement officer, who intentionally carries, has
5 in his possession, stores, keeps, leaves, places, or puts into the possession of another person, any
6 firearm, or air gun, whether or not the firearm or air gun is designed, adapted, used, or intended
7 primarily for imitative or noisemaking purposes, or any dangerous weapon, on or in any
8 elementary or secondary school premises, vehicle, or building or any premises, vehicle, or
9 building used or leased for elementary or secondary school functions or who intentionally fires
10 a firearm at or upon any elementary or secondary school premises, vehicle, or building or any
11 premises, vehicle, or building used or leased for elementary or secondary school functions,
12 whether or not any person is endangered by such actions, is guilty of a Class 1 misdemeanor.

13 This section does not apply to starting guns while in use at athletic events, firearms, or air guns
14 at firing ranges, gun shows, and supervised schools or sessions for training in the use of
15 firearms. This section does not apply to the ceremonial presence of unloaded weapons at color
16 guard ceremonies.

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

562N0622

HOUSE COMMERCE COMMITTEE ENGROSSED NO.

HB 1162 - 02/12/2007

Introduced by: Representatives Cutler, Engels, Hunt, Juhnke, Rounds, Turbiville, Wick, and Willadsen and Senators Gant, Dempster, Gray, Kloucek, and Koetzle

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the sales and
2 distribution of tobacco products.

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

4 Section 1. That § 34-46-1 be amended to read as follows:

5 34-46-1. Terms used in this chapter mean:

6 (1) "Proof of age," a driver's license, nondriver identification card, or other generally
7 accepted means of identification that contains a picture of the individual and appears
8 on its face to be valid;

9 (2) "Sample," tobacco products distributed to members of the general public at no cost
10 for purposes of promoting the product;

11 (3) "Sampling," the distribution of samples to members of the general public in a public
12 place;

13 (4) "Tobacco product," any item made of tobacco intended for human consumption,
14 including cigarettes, cigars, pipe tobacco, and smokeless tobacco.

15 Section 2. That § 34-46-2 be amended to read as follows:



1 34-46-2. The following actions are unlawful:

2 (1) To knowingly sell or distribute a tobacco product to a person under the age of
3 eighteen;

4 (2) To purchase or attempt to purchase, to receive or attempt to receive, to possess, or
5 to consume a tobacco product if a person is under the age of eighteen;

6 (3) To purchase a tobacco product on behalf of, or to give a tobacco product to, any
7 person under the age of eighteen;

8 (4) To sell cigarettes other than in an unopened package originating with the
9 manufacturer and depicting the warning labels required by federal law;

10 ~~(4)~~(5) To sell tobacco products through a vending machine located in a place other than the
11 following:

12 (a) A factory, business, office, or other place not open to the general public;

13 (b) A place that is open to the public but to which persons under the age of
14 eighteen are denied access; or

15 (c) An establishment licensed under chapter 35-4 to sell alcoholic beverages for
16 consumption on the premises where sold;

17 ~~(5)~~(6) To distribute tobacco product samples in or on a public street, sidewalk, or park that
18 is within five hundred feet of a playground, school, or other facility when the facility
19 is being used primarily by persons under the age of eighteen.

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

553N0623

HOUSE HEALTH AND HUMAN SERVICES
COMMITTEE ENGROSSED NO. **HB 1207** -
02/12/2007

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

Introduced by: Representatives Hunt, Brunner, Kirkeby, Koistinen, Nelson, Olson (Betty), and Steele and Senators Jerstad, Greenfield, and Nesselhuf

1 FOR AN ACT ENTITLED, An Act to provide for the practice of independent midwifery.

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

3 Section 1. The Legislature recognizes the need for the safe and effective delivery of newborn
4 babies and the health, safety, and welfare of their mothers in the delivery process.

5 Section 2. The Legislature finds that the interests of public health require regulation of the
6 practice of midwifery in this state for the purpose of protecting the health and welfare of
7 mothers and infants.

8 Section 3. Terms used in this Act mean:

9 (1) "Board," the Board of Licensed Midwives;

10 (2) "Certified professional midwife," an individual who has met the standards for
11 certification set by the North American Registry of Midwives (NARM), is qualified
12 to provide care in accordance with the Midwifery Model of Care and holds the
13 certification for that model of care, and carries medical malpractice insurance;

14 (3) "Client," a woman under the care of a licensed midwife;



1 (4) "Health care provider," any physician, certified nurse midwife, emergency medical
2 personnel, or other practitioner of the healing arts;

3 (5) "Licensed midwife," an individual who is a certified professional midwife and to
4 whom a license to practice midwifery has been issued pursuant to this Act.

5 Section 4. For the purposes of this Act, the practice of licensed midwifery is the independent
6 management and care of the childbearing woman during pregnancy, labor, delivery, postpartum,
7 and inter-conceptual periods and the care and management of the normal newborn, in
8 accordance with national professional midwifery standards.

9 Section 5. No person may engage in the practice of midwifery without being licensed
10 pursuant to this Act. No person may use the title, licensed midwife, describe or imply that he
11 or she is a licensed midwife, or represent himself or herself as a licensed midwife unless the
12 person is granted a license under this Act. A violation of this section is a Class 2 misdemeanor.
13 The following persons are exempt from the licensure requirements of this Act when providing
14 care during pregnancy, labor, delivery, postpartum, and newborn periods:

15 (1) A licensed physician;

16 (2) Registered nurse;

17 (3) Licensed practical nurse;

18 (4) Certified nurse practitioner;

19 (5) Chiropractor;

20 (6) Paramedic;

21 (7) Licensed basic or advanced emergency medical technician;

22 (8) Certified nurse midwife authorized by the Board of Nursing to practice in South
23 Dakota;

24 (9) A student of midwifery in the course of taking an internship, preceptorship, or

1 clinical training program, who is under the direction and supervision of a midwife
2 licensed pursuant to this Act;

3 (10) A person acting under the direction and supervision of a licensed physician who is
4 permitted within the person's scope of practice to deliver infants;

5 (11) A mother or father delivering her or his own infant;

6 (12) A family member assisting in the delivery of a relative's infant.

7 Section 6. The act of applying for or being granted a license to practice licensed midwifery
8 does not impact any other license a person may hold.

9 Section 7. The Board of Licensed Midwives is created. The board shall consist of five
10 members appointed by the Governor. The board membership shall include the following:

11 (1) Three members who are licensed midwives with the certified professional midwife
12 credential;

13 (2) One member who is a physician who has experience working with or taking referrals
14 from a midwife; and

15 (3) One member who has received midwifery care in an out-of-hospital setting.

16 Until licensed midwives are licensed pursuant to this Act, certified professional midwives
17 shall be appointed to fill the positions provided for in subdivision (1).

18 Section 8. The terms of the initial members of the board shall be staggered by the drawing
19 of lots with three of the initial members serving a term of three years, two of the initial members
20 serving a term of two years, and one of the initial members serving a term of one year. Any
21 subsequent term on the board shall be three years. The Governor shall fill any vacancy by
22 appointment to complete the unexpired portion of that member's term. No person may serve
23 more than three consecutive full terms on the board. The appointment to an unexpired term is
24 not considered a full term. The board shall select a president, vice-president, and secretary at

1 its annual meeting. The board may hire an executive secretary to perform any managerial,
2 clerical, or other duties directed by the board.

3 Section 9. The board shall hold an annual meeting at a place and time set by the board. The
4 board may hold special meetings at a time and place set by the president or a majority of the
5 board by giving written notice to the board prior to the meeting.

6 Section 10. Three board members present at any meeting constitute a quorum. No board
7 action may occur unless approved by a majority vote of the entire board.

8 Section 11. Board members shall receive a per diem set pursuant to § 4-7-10.4 and expenses
9 at the same rate as other state employees while actually engaged in official duties.

10 Section 12. An applicant for a license as a licensed midwife shall file an application with
11 the board in the manner, and along with an application fee, established by the board in rules
12 promulgated pursuant to chapter 1-26. The board shall issue a license as a licensed midwife to
13 any applicant who pays the license fee and furnishes the board with satisfactory evidence that:

- 14 (1) The applicant is at least twenty-one years of age;
- 15 (2) The applicant is of good moral character; and
- 16 (3) The applicant holds a valid certified professional midwife credential granted by the
17 North American Registry of Midwives, which includes:
 - 18 (a) Attendance at forty births, twenty as primary attendant;
 - 19 (b) Completion of seventy-five prenatal examinations;
 - 20 (c) Completion of twenty initial examinations;
 - 21 (d) Completion of twenty newborn examinations;
 - 22 (e) Completion of forty postpartum examinations;
 - 23 (f) Current certification in adult cardiopulmonary resuscitation;
 - 24 (g) Current certification in infant cardiopulmonary resuscitation or neonatal

1 resuscitation.

2 The board may refuse to grant a license to any person based on failure to demonstrate the
3 requirements of this section. An applicant may appeal the denial of a license pursuant to chapter
4 1-26.

5 Section 13. A license issued pursuant to this Act is valid for a period of two years from the
6 date it was issued and automatically expires unless it is renewed. The board shall notify a
7 licensed midwife that the license will expire at least thirty days before expiration. An applicant
8 for renewal shall submit a renewal application to the board on a form provided by the board and
9 shall include the required renewal fee, which is not refundable. Any person who submits a
10 license renewal late shall submit a seventy-five dollar late fee. Any person who has not renewed
11 the license within one year of the renewal date shall reapply for a license.

12 Section 14. The board may promulgate rules pursuant to chapter 1-26 to establish standards
13 of professional practice for licensed midwives. Any rule regarding the practice of midwifery
14 shall be consistent with the Midwives Alliance of North America's Standards and Qualifications
15 for the Art and Practice of Midwifery. The board may promulgate rules in the following areas:

- 16 (1) Original licensure fee in an amount not to exceed three hundred dollars;
- 17 (2) Renewal licensure fee in an amount not to exceed two hundred fifty dollars;
- 18 (3) Continuing education requirements;
- 19 (4) Minimum requirements for a plan of care agreement, which shall provide information
20 regarding practice guidelines and the responsibilities and rights of the licensed
21 midwife;
- 22 (5) Administration of oxygen;
- 23 (6) Administration in the practice of midwifery, of intramuscular oxytocin (Pitocin®)
24 and Methergine® as postpartum antihemorrhagic agents, Rho D immunoglobulin,

1 vitamin K, eye prophylaxis, and any other drug as determined by the board;

2 (7) Procedures that may be performed in the practice of midwifery;

3 (8) Conditions for which medical consultations shall be sought;

4 (9) Conditions for which emergency interventions shall be instituted while waiting for
5 a medical consultation;

6 (10) Limits of medical malpractice insurance, which shall be maintained until the last
7 child delivered pursuant to this Act is twenty years of age.

8 Section 15. Any fees collected pursuant to this Act shall be used for the operation of the
9 board and the implementation of this Act.

10 Section 16. Nothing in this Act:

11 (1) Requires a licensed midwife to have a nursing degree or diploma;

12 (2) Requires a licensed midwife to practice midwifery under the supervision of, or in
13 collaboration with, another health care provider;

14 (3) Requires a licensed midwife to enter into an agreement, written or otherwise, with
15 another health care provider;

16 (4) Limits the location where a licensed midwife may practice midwifery.

17 Section 17. The scope of practice of a licensed midwife is the practice according to the
18 Midwives Alliance of North America's Standards and Qualifications for the Art and Practice of
19 Midwifery.

20 Section 18. A licensed midwife may administer oxygen in the practice of midwifery. A
21 licensed midwife may obtain, possess, and administer, in the practice of midwifery,
22 intramuscular oxytocin (Pitocin®) and Methergine® as postpartum antihemorrhagic agents, Rho
23 D immunoglobulin, vitamin K, eye prophylaxis, and any other drug as determined by the board.

24 Section 19. A licensed midwife may obtain and use any equipment or devices necessary to

1 assess or treat the childbearing woman or her newborn, to maintain aseptic technique, to respond
2 to emergencies requiring immediate attention, and to resuscitate the mother and newborn when
3 attending an out-of-hospital birth, including resuscitation equipment, oxygen, emergency
4 medications, and suture.

5 Section 20. A licensed midwife shall, at an initial consultation with a client, provide a copy
6 of an informed consent document to be signed by the licensed midwife and the client and
7 disclose to the client, in writing, all of the following:

- 8 (1) The licensed midwife's experience, qualifications, and training;
- 9 (2) Whether the licensed midwife has malpractice liability insurance coverage and the
10 policy limits of any such coverage;
- 11 (3) A protocol for medical emergencies, including transportation to a hospital, particular
12 to each client;
- 13 (4) The fact that the licensed midwife is not a certified nurse midwife or a physician;
- 14 (5) The nature and scope of the care to be given, including the possibility of and
15 procedure for transport of the patient to a hospital;
- 16 (6) A description of the risks of home birth, primarily those conditions that may arise
17 during delivery;
- 18 (7) The fact that the patient has been advised to consult a physician or other health care
19 provider during the pregnancy;
- 20 (8) That a health care provider's liability in rendering care or assistance in good faith to
21 a client of a licensed midwife in an emergency situation may be limited to damages
22 caused by gross negligence or by willful or wanton acts or omissions.

23 Section 21. A licensed midwife shall file birth certificates with the Department of Health
24 in accordance with § 34-25-8. Filing a birth certificate known by the licensed midwife to be

1 fraudulent is a Class 2 misdemeanor.

2 Section 22. A licensed midwife shall report to the board any termination, revocation, or
3 suspension of the licensed midwife's certified professional midwife certification or any
4 disciplinary action taken against the licensed midwife by the North American Registry of
5 Midwives within thirty days of being notified of such action.

6 Section 23. The board may not grant or renew a license under this Act to any person who
7 has been convicted of a felony.

8 Section 24. The board shall assist the public as follows:

- 9 (1) Provide general information for licensure as midwives;
- 10 (2) Maintain and provide a list of licensed midwives, upon request, including contact
11 information of the licensed midwives;
- 12 (3) Provide the name and license number of a midwife, upon request, and an indication
13 as to whether the midwife's license is active, expired, or revoked;
- 14 (4) Assist in contacting North American Registry of Midwives with any complaints
15 related to the midwifery practice of a South Dakota licensed midwife also holding the
16 certified professional midwife credential for investigation by the North American
17 Registry of Midwives;
- 18 (5) Refer any allegation of criminal activity on the part of the licensed midwife to an
19 appropriate law enforcement agency.

20 Section 25. The board shall suspend or revoke a license of a licensed midwife if the licensed
21 midwife is involved in any of the following:

- 22 (1) Suspension or revocation by the North American Registry of Midwives of the
23 certified professional midwife credential;
- 24 (2) Intentionally making a material misstatement in an application for a license or for

1 renewal of a license;

2 (3) Allowing another person to use a license granted under this Act;

3 (4) Conviction of any felony.

4 It is a Class 2 misdemeanor to use or attempt to use a license that has been suspended or
5 revoked.

6 Section 26. The practice of midwifery in South Dakota prior to the effective date of this Act
7 does not constitute grounds for disciplinary action by the board or any other state board or
8 agency.

9 Section 27. If a licensed midwife seeks to consult with, refer, or transfer a client to a
10 licensed health care provider or facility, the responsibility of the provider or facility for the
11 client does not begin until the client is physically within the care of the provider or facility.

12 Section 28. A health care provider who examines a licensed midwife's client is only liable
13 for the actual examination and may not be held accountable for the client's decision to pursue
14 an out-of-hospital birth or the services of a licensed midwife.

15 Section 29. A health care provider may, upon receiving briefing data from a licensed
16 midwife, issue a medical order for the licensed midwife's client, without that client being an
17 explicit patient of the provider. The provider giving the order is responsible and liable only for
18 the appropriateness of the order given the data received. The issuing of an order for a licensed
19 midwife's client does not constitute a delegation of duties from the other provider to the licensed
20 midwife.

21 Section 30. A health care provider may not be held civilly liable for rendering emergency
22 medical services that arise from use of prohibited medications or surgical procedures on the part
23 of the licensed midwife unless the emergency medical services constitute gross negligence or
24 reckless disregard for the client.

1 Section 31. A licensed midwife is solely responsible for the use of medications under this
2 Act unless given under the direction of a licensed physician or other health care provider.

3 Section 32. No person may obtain or attempt to obtain a license under this Act through
4 bribery or fraudulent misrepresentation. A violation of this section is a Class 2 misdemeanor.

5 Section 33. Nothing in this Act limits the right of any hospital to determine who shall have
6 practice privileges in the facility.

7 Section 34. No physician is liable for any care rendered by a midwife to a client if that client
8 subsequently enters the care of a physician.

9 Section 35. That chapter 36-9A be amended by adding thereto a NEW SECTION to read
10 as follows:

11 Nothing in this chapter restricts the right of a licensed midwife to practice in accordance
12 with this Act.

13 Section 36. That chapter 36-4 be amended by adding thereto a NEW SECTION to read as
14 follows:

15 Nothing in this chapter restricts the right of a licensed midwife to practice in accordance
16 with this Act.

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

664N0717

HOUSE JUDICIARY COMMITTEE ENGROSSED NO.

HB 1222 - 02/09/2007

Introduced by: Representatives Gillespie, Dykstra, Engels, and Rave and Senators Albers and Heidepriem

1 FOR AN ACT ENTITLED, An Act to clarify certain provisions relating to petitions for
2 protection orders.

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

4 Section 1. That § 22-19A-8 be amended to read as follows:

5 22-19A-8. There exists an action known as a petition for a protection order in cases of
6 ~~stalking or, in cases of physical injury as a result of an assault, or in cases of a crime of violence~~
7 as defined in subdivision 22-1-2(9). Procedures for the action are as follows:

8 (1) A petition under this section may be made against any person who violates § 22-19A-
9 1 or against any other person against whom stalking or physical injury as a result of
10 an assault or in cases where a crime of violence is alleged;

11 (2) A petition shall allege the existence of (a) stalking or (b) physical injury as a result
12 of an assault or (c) a crime of violence, and shall be accompanied by an affidavit
13 made under oath stating the specific facts and circumstances of the stalking or the
14 physical injury as a result of an assault or crime of violence;

15 (3) A petition for relief may be made whether or not there is a pending lawsuit,



1 complaint, petition, or other action between the parties.

2 The clerk of the circuit court shall make available standard petition forms with instructions
3 for completion to be used by a petitioner. The attorney general shall prepare the standard
4 petition form.

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

858N0647 **HOUSE APPROPRIATIONS COMMITTEE ENGROSSED**
NO. HB 1249 - 02/09/2007

Introduced by: Representatives Turbiville, Dreyer, Faehn, Gilson, Hills, Krebs, Olson (Ryan), Pitts, Street, and Van Etten and Senators Bartling, Hoerth, Maher, and McCracken

1 FOR AN ACT ENTITLED, An Act to establish the teen court grant program and to provide for
2 its purpose.

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

4 Section 1. The teen court grant program is hereby established in the Office of the State
5 Treasurer. The purpose of the grant program is to support the development, growth, quality, and
6 continuation of teen court programs in South Dakota through grants awarded by the South
7 Dakota Teen Court Association.

8 Section 2. There is hereby established in the state treasury the teen court grant program fund
9 to be administered by the Office of the State Treasurer. Money shall enter the fund through
10 contributions, grants, settlement funds, interest received on moneys in the fund, and any other
11 moneys collected for the purposes of this Act. The state treasurer shall distribute the fund
12 balance quarterly to the South Dakota Teen Court Association for the purpose of administering
13 and funding the grant program.

14 Section 3. The South Dakota Teen Court Association shall award grants to entities within



1 the State of South Dakota that are recognized by the National Youth Court Association. The
2 awards shall be to support the development, growth, quality, and continuation of teen court
3 programs in South Dakota.

4 Section 4. The association shall award grants as provided in this Act and publicize the
5 availability of and procedures for obtaining such grants.

6 Section 5. The state treasurer shall approve vouchers and the state auditor shall draw
7 warrants to pay expenditures authorized in this Act.

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

817N0687

HOUSE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **HB 1293** - 02/12/2007

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

Introduced by: Representatives DeVries, Gilson, Glenski, Heineman, Howie, Hunt, Jerke, Koistinen, Miles, Nelson, Noem, Novstrup (Al), Novstrup (David), Olson (Betty), Steele, Van Etten, Weems, and Wick and Senators Apa, Kloucek, Maher, Napoli, Peterson (Jim), Schmidt (Dennis), and Smidt (Orville)

1 FOR AN ACT ENTITLED, An Act to regulate the performance of certain abortions, to reinstate
2 the prohibition against certain acts causing the termination of the life of an unborn human
3 being, and to prescribe a penalty therefor.

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

5 Section 1. The following bill, which is hereby agreed to, is referred to a vote of the people
6 of the State of South Dakota at the next general election:

7 FOR AN ACT ENTITLED: An Act to regulate the performance of certain abortions, to reinstate
8 the prohibition against certain acts causing the termination of the life of an unborn human being,
9 and to prescribe a penalty therefor.

10 BE IT ENACTED BY THE PEOPLE OF SOUTH DAKOTA:

11 Section 1. The people of the State of South Dakota find:

12 (1) That all induced abortions, whether surgically or chemically induced, terminate the
13 life of an entire, unique, living human being, a human being separate from his or her



1 mother, as a matter of scientific and biological fact;

2 (2) That the State of South Dakota possesses a duty to protect, and it is a legitimate
3 exercise of the state's power to protect, the life of each human being within its
4 borders, including those human beings living in utero;

5 (3) That submitting to an abortion subjects the pregnant woman to significant
6 psychological and physical health risk;

7 (4) That in the majority of cases there is neither the typical physician-patient relationship
8 nor sufficient counseling between a pregnant woman contemplating submitting to an
9 abortion and the physician who performs the abortion. As a consequence of this and
10 related factors, a large percentage of the decisions made by pregnant women to abort
11 are not truly informed and voluntary;

12 (5) The state has a right and duty to protect the life of the unborn child, and to protect the
13 life, health, and well-being of any pregnant woman within its jurisdiction, and it is
14 therefore necessary to reasonably balance these interests to allow abortions only in
15 certain circumstances which are set forth within this Act.

16 Section 2. That chapter 22-17 be amended by adding thereto a NEW SECTION to read as
17 follows:

18 Any person who knowingly performs an abortion, as defined in this Act, is guilty of a Class
19 4 felony.

20 This section does not apply if a licensed physician is performing an abortion for one of the
21 following reasons:

22 (1) The physician has made a good faith clinical judgment, the basis of which shall be
23 specifically identified and documented in the woman's medical records, that an
24 abortion is necessary to avert the death of the mother;

- 1 (2) The physician has made a good faith clinical judgment, the basis of which shall be
2 specifically identified and documented in the woman's medical records, that there is
3 a serious risk of a substantial and irreversible impairment of a major bodily function
4 of the mother should the pregnancy be continued;
- 5 (3) The woman has reported to the physician that the pregnancy is the result of a rape as
6 defined in § 22-22-1; or an aggravated incest as defined in § 22-22A-3, in which she
7 was the victim; and in either circumstance the following conditions apply:
- 8 (a) The abortion is performed before the date of viability, as determined in the
9 physician's good faith clinical judgment;
- 10 (b) If the rape or aggravated incest has been previously reported to law
11 enforcement, then before performing the abortion, the physician or his agent
12 shall obtain a copy of the written record of the report from law enforcement
13 and maintain it in the woman's medical records;
- 14 (c) If the rape or aggravated incest has not been previously reported to law
15 enforcement, then before performing the abortion, the physician or the
16 physician's agent shall advise the woman that such a report must be made, and
17 shall report the rape or aggravated incest immediately by telephone or
18 otherwise to the state's attorney or law enforcement of the county in which the
19 rape or aggravated incest occurred, or, if the location is unknown, to the state's
20 attorney or law enforcement of the county in which the report is made to the
21 physician;
- 22 (d) The report required by this section shall include the name, address, and date
23 of birth of the woman, and, to the best of the woman's ability, the date or dates
24 of the reported rape or aggravated incest, the location where it occurred, and

1 either the name and address of the perpetrator, if known, or, if not known, a
2 description of the perpetrator;

3 (e) Prior to the abortion, the physician, or the physician's agent, shall obtain the
4 woman's consent to collect a buccal or other biological sample from the
5 woman, and to collect a tissue sample from the remains of the embryo or fetus,
6 each sufficient to perform forensic DNA analysis. After obtaining such
7 samples, the physician shall secure, clearly label and refrigerate the samples,
8 until transferred to law enforcement;

9 (f) The physician, or the physician's agent, shall within twenty-four hours after the
10 abortion is performed, contact law enforcement and advise that the physician
11 has obtained samples pursuant to this section, and arrange with the law
12 enforcement to transfer custody of the samples;

13 (g) The physician, or the physician's agent, shall provide the woman with the
14 phone numbers and addresses of counseling services in the area of her
15 residence and also in the area in which the procedure is performed;

16 (h) The physician shall document all the actions taken pursuant to this section and
17 shall maintain copies of all the documents and consents as part of the woman's
18 permanent medical records;

19 (i) Nothing in this section limits a physician's duty to report any information
20 required by any other provision of South Dakota law.

21 Section 3. That chapter 22-17 be amended by adding thereto a NEW SECTION to read as
22 follows:

23 Each facility which performs abortions shall have a written policy on reporting rape and
24 aggravated incest.

1 Section 4. That chapter 22-17 be amended by adding thereto a NEW SECTION to read as
2 follows:

3 The Department of Health shall publish, within one hundred eighty days after July 1, 2007,
4 forms to aid physicians in the accurate collection and reporting of information pursuant to this
5 Act. Such forms will include the text of §§ 22-22-1 and 22- 22A-3. The department shall also
6 provide, upon request, materials necessary to collect and preserve the biological samples
7 required by this Act.

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

10 Nothing in section 2 of this Act prohibits the prescription, sale, use or administration of a
11 contraceptive medicine, drug, substance or device, if prescribed, sold, used or administered prior
12 to the time when it could be determined that the woman is pregnant through conventional
13 medical testing, and if the contraceptive measure is prescribed or sold in accordance with
14 manufacturer instructions.

15 Nothing in section 2 of this Act prohibits any person from assisting a pregnant mother in
16 obtaining an abortion in any other state where such a procedure is legal.

17 Section 6. That chapter 22-17 be amended by adding thereto a NEW SECTION to read as
18 follows:

19 Whenever a physician is performing an abortion permitted by the provisions of section 2 of
20 this Act, the physician shall make reasonable medical efforts under the circumstances to
21 preserve both the life of the mother and the life of her unborn child in a manner consistent with
22 conventional medical practice.

23 Section 7. That chapter 22-17 be amended by adding thereto a NEW SECTION to read as
24 follows:

1 Medical treatment provided to the mother by a licensed physician which results in the
2 accidental or unintentional injury or death of the unborn child is not a violation of this Act.

3 Nothing in this Act subjects the pregnant mother upon whom any abortion is performed or
4 attempted to any criminal conviction and penalty for an unlawful abortion.

5 No good faith report under this Act may provide the basis for any criminal prosecution
6 against the woman making such a report.

7 Section 8. That chapter 22-17 be amended by adding thereto a NEW SECTION to read as
8 follows:

9 Terms used in this Act mean:

10 (1) "Abortion," the use of any procedure or instrument or medicine or drug or substance
11 or other means to intentionally terminate the pregnancy of a woman known to be
12 pregnant, with knowledge that the termination with reasonable likelihood will cause
13 the death of the unborn child;

14 (2) "Pregnant," the human female reproductive condition of having a living unborn child
15 within the mother's body, throughout the entire embryonic and fetal ages of the
16 unborn child from fertilization to full gestation and child birth;

17 (3) "Unborn human being" and "unborn child," an individual living member of the
18 species homo sapiens throughout the entire embryonic and fetal ages from
19 fertilization to full gestation and childbirth.

20 Section 9. That chapter 22-17 be amended by adding thereto a NEW SECTION to read as
21 follows:

22 Chapters 187 and 188 of the 2005 Session Laws shall take effect pursuant to section 7 of
23 chapter 187, as amended by section 1 of chapter 188, only in the event that the provisions of
24 section 2 of this Act are declared unconstitutional or their enforcement is restrained.

1 Section 10. That chapter 22-17 be amended by adding thereto a NEW SECTION to read as
2 follows:

3 Nothing in the provisions of chapters 22-17 and 34-23A permit any action that is prohibited
4 by this Act. To the extent that any provision of chapters 22-17 and 34-23A might be so
5 construed, the provisions of this Act take precedence.

6 Section 11. That chapter 22-17 be amended by adding thereto a NEW SECTION to read as
7 follows:

8 Nothing in this Act authorizes a physician to perform an abortion unless the physician
9 complies with all other applicable provisions of law, including the applicable provisions of
10 chapter 34-23A.

11 Section 12. That chapter 34-23A be amended by adding thereto a NEW SECTION to read
12 as follows:

13 Any physician who performs an abortion pursuant to section 2 of this Act shall submit a
14 written statement to the Department of Health setting forth the following information as it
15 relates to each abortion performed by the physician:

16 (1) The subdivision of section 2 of this Act pursuant to which the abortion was
17 performed;

18 (2) All of the facts and circumstances upon which the physician relied in complying with
19 all of the requirements and conditions of that subdivision.

20 The written statement shall be submitted to the Department of Health at the end of each
21 quarter of the year in which any abortion was performed by the physician. No statement made
22 pursuant to this section may include the name of any pregnant mother having an abortion.

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

1 Any law enforcement authority receiving a report of a rape shall, upon written request of the
2 victim, provide the victim or her designee with a copy of the record of the report.

3 Section 14. That chapter 22-22A be amended by adding thereto a NEW SECTION to read
4 as follows:

5 Any law enforcement authority receiving a report of an aggravated incest shall, upon written
6 request of the victim, provide the victim or her designee with a copy of the record of the report.

7 Section 15. Nothing in this Act repeals, by implication or otherwise, any provision not
8 explicitly repealed.

9 Section 16. If any provision of this Act is found to be unconstitutional or its enforcement
10 temporarily or permanently restrained or enjoined by judicial order, the provision is severable;
11 and the other provisions of this Act remain effective, except as provided in other sections of this
12 Act.

13 Section 17. This Act shall be known, and may be cited, as the Prevention of Abortion as
14 Birth Control Act.

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

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.



State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

445N0172 **SENATE JUDICIARY COMMITTEE ENGROSSED NO.**
SB 89 - 01/24/2007

Introduced by: Senators Knudson and Heidepriem and Representatives Lust, Cutler, and Engels

1 FOR AN ACT ENTITLED, An Act to adopt the Uniform Prudent Management of Institutional
2 Funds Act.

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

4 Section 1. This Act may be cited as the Uniform Prudent Management of Institutional Funds
5 Act.

6 Section 2. In this Act:

7 (1) "Charitable purpose" means the relief of poverty, the advancement of education or
8 religion, the promotion of health, the promotion of a governmental purpose, or any
9 other purpose the achievement of which is beneficial to the community.

10 (2) "Endowment fund" means an institutional fund or part thereof that, under the terms
11 of a gift instrument, is not wholly expendable by the institution on a current basis.
12 The term does not include assets that an institution designates as an endowment fund
13 for its own use.

14 (3) "Gift instrument" means a record or records, including an institutional solicitation,
15 under which property is granted to, transferred to, or held by an institution as an



1 institutional fund.

2 (4) "Institution" means:

3 (A) A person, other than an individual, organized and operated exclusively for
4 charitable purposes;

5 (B) A government or governmental subdivision, agency, or instrumentality, to the
6 extent that it holds funds exclusively for a charitable purpose; and

7 (C) A trust that had both charitable and noncharitable interests, after all
8 noncharitable interests have terminated.

9 (5) "Institutional fund" means a fund held by an institution exclusively for charitable
10 purposes. The term does not include:

11 (A) Program-related assets;

12 (B) A fund held for an institution by a trustee that is not an institution; or

13 (C) A fund in which a beneficiary that is not an institution has an interest, other
14 than an interest that could arise upon violation or failure of the purposes of the
15 fund.

16 (6) "Person" means an individual, corporation, business trust, estate, trust, partnership,
17 limited liability company, association, joint venture, public corporation, government
18 or governmental subdivision, agency, or instrumentality, or any other legal or
19 commercial entity.

20 (7) "Program-related asset" means an asset held by an institution primarily to accomplish
21 a charitable purpose of the institution and not primarily for investment.

22 (8) "Record" means information that is inscribed on a tangible medium or that is stored
23 in an electronic or other medium and is retrievable in perceivable form.

24 Section 3. (a) Subject to the intent of a donor expressed in a gift instrument, an institution,

1 in managing and investing an institutional fund, shall consider the charitable purposes of the
2 institution and the purposes of the institutional fund.

3 (b) In addition to complying with the duty of loyalty imposed by law other than this Act,
4 each person responsible for managing and investing an institutional fund shall manage and
5 invest the fund in good faith and with the care an ordinarily prudent person in a like position
6 would exercise under similar circumstances.

7 (c) In managing and investing an institutional fund, an institution:

8 (1) May incur only costs that are appropriate and reasonable in relation to the assets, the
9 purposes of the institution, and the skills available to the institution; and

10 (2) Shall make a reasonable effort to verify facts relevant to the management and
11 investment of the fund.

12 (d) An institution may pool two or more institutional funds for purposes of management and
13 investment.

14 (e) Except as otherwise provided by a gift instrument, the following rules apply:

15 (1) In managing and investing an institutional fund, the following factors, if relevant,
16 must be considered:

17 (A) General economic conditions;

18 (B) The possible effect of inflation or deflation;

19 (C) The expected tax consequences, if any, of investment decisions or strategies;

20 (D) The role that each investment or course of action plays within the overall
21 investment portfolio of the fund;

22 (E) The expected total return from income and the appreciation of investments;

23 (F) Other resources of the institution;

24 (G) The needs of the institution and the fund to make distributions and to preserve

1 capital; and

2 (H) An asset's special relationship or special value, if any, to the charitable
3 purposes of the institution.

4 (2) Management and investment decisions about an individual asset must be made not
5 in isolation but rather in the context of the institutional fund's portfolio of
6 investments as a whole and as a part of an overall investment strategy having risk and
7 return objectives reasonably suited to the fund and to the institution.

8 (3) Except as otherwise provided by law other than this Act, an institution may invest in
9 any kind of property or type of investment consistent with this section.

10 (4) An institution shall diversify the investments of an institutional fund unless the
11 institution reasonably determines that, because of special circumstances, the purposes
12 of the fund are better served without diversification.

13 (5) Within a reasonable time after receiving property, an institution shall make and carry
14 out decisions concerning the retention or disposition of the property or to rebalance
15 a portfolio, in order to bring the institutional fund into compliance with the purposes,
16 terms, and distribution requirements of the institution as necessary to meet other
17 circumstances of the institution and the requirements of this Act.

18 (6) A person that has special skills or expertise, or is selected in reliance upon the
19 person's representation that the person has special skills or expertise, has a duty to
20 use those skills or that expertise in managing and investing institutional funds.

21 Section 4. (a) Subject to the intent of a donor expressed in the gift instrument, an institution
22 may appropriate for expenditure or accumulate so much of an endowment fund as the institution
23 determines is prudent for the uses, benefits, purposes, and duration for which the endowment
24 fund is established. Unless stated otherwise in the gift instrument, the assets in an endowment

1 fund are donor-restricted assets until appropriated for expenditure by the institution. In making
2 a determination to appropriate or accumulate, the institution shall act in good faith, with the care
3 that an ordinarily prudent person in a like position would exercise under similar circumstances,
4 and shall consider, if relevant, the following factors:

- 5 (1) The duration and preservation of the endowment fund;
- 6 (2) The purposes of the institution and the endowment fund;
- 7 (3) General economic conditions;
- 8 (4) The possible effect of inflation or deflation;
- 9 (5) The expected total return from income and the appreciation of investments;
- 10 (6) Other resources of the institution; and
- 11 (7) The investment policy of the institution.

12 (b) To limit the authority to appropriate for expenditure or accumulate under subsection (a),
13 a gift instrument must specifically state the limitation.

14 (c) Terms in a gift instrument designating a gift as an endowment, or a direction or
15 authorization in the gift instrument to use only "income", "interest", "dividends", or "rents,
16 issues, or profits", or "to preserve the principal intact", or words of similar import:

- 17 (1) Create an endowment fund of permanent duration unless other language in the gift
18 instrument limits the duration or purpose of the fund; and
- 19 (2) Do not otherwise limit the authority to appropriate for expenditure or accumulate
20 under subsection (a).

21 Section 5. (a) Subject to any specific limitation set forth in a gift instrument or in law other
22 than this Act, an institution may delegate to an external agent the management and investment
23 of an institutional fund to the extent that an institution could prudently delegate under the
24 circumstances. An institution shall act in good faith, with the care that an ordinarily prudent

1 person in a like position would exercise under similar circumstances, in:

2 (1) Selecting an agent;

3 (2) Establishing the scope and terms of the delegation, consistent with the purposes of
4 the institution and the institutional fund; and

5 (3) Periodically reviewing the agent's actions in order to monitor the agent's performance
6 and compliance with the scope and terms of the delegation.

7 (b) In performing a delegated function, an agent owes a duty to the institution to exercise
8 reasonable care to comply with the scope and terms of the delegation.

9 (c) An institution that complies with subsection (a) is not liable for the decisions or actions
10 of an agent to which the function was delegated.

11 (d) By accepting delegation of a management or investment function from an institution that
12 is subject to the laws of this state, an agent submits to the jurisdiction of the courts of this state
13 in all proceedings arising from or related to the delegation or the performance of the delegated
14 function.

15 (e) An institution may delegate management and investment functions to its committees,
16 officers, or employees as authorized by law of this state other than this Act.

17 Section 6. (a) If the donor consents in a record, an institution may release or modify, in
18 whole or in part, a restriction contained in a gift instrument on the management, investment, or
19 purpose of an institutional fund. A release or modification may not allow a fund to be used for
20 a purpose other than a charitable purpose of the institution.

21 (b) The court, upon application of an institution, may modify a restriction contained in a gift
22 instrument regarding the management or investment of an institutional fund if the restriction has
23 become impracticable or wasteful, if it impairs the management or investment of the fund, or
24 if, because of circumstances not anticipated by the donor, a modification of a restriction will

1 further the purposes of the fund. To the extent practicable, any modification must be made in
2 accordance with the donor's probable intention.

3 (c) If a particular charitable purpose or a restriction contained in a gift instrument on the use
4 of an institutional fund becomes unlawful, impracticable, impossible to achieve, or wasteful,
5 the court, upon application of an institution, may modify the purpose of the fund or the
6 restriction on the use of the fund in a manner consistent with the charitable purposes expressed
7 in the gift instrument.

8 (d) If an institution determines that a restriction contained in a gift instrument on the
9 management, investment, or purpose of an institutional fund is unlawful, impracticable,
10 impossible to achieve, or wasteful, the institution may release or modify the restriction, in whole
11 or part, if:

- 12 (1) The institutional fund subject to the restriction has a total value of less than twenty-
13 five thousand dollars;
- 14 (2) More than twenty years have elapsed since the fund was established; and
- 15 (3) The institution uses the property in a manner consistent with the charitable purposes
16 expressed in the gift instrument.

17 Section 7. Compliance with this Act is determined in light of the facts and circumstances
18 existing at the time a decision is made or action is taken, and not by hindsight.

19 Section 8. This Act applies to institutional funds existing on or established after July 1,
20 2007. As applied to institutional funds existing on July 1, 2007, this Act governs only decisions
21 made or actions taken on or after that date. This Act does not apply to any funds directly held
22 or managed by a governmental agency.

23 Section 9. This Act modifies, limits, and supersedes the Electronic Signatures in Global and
24 National Commerce Act, 15 U.S.C. Section 7001 et seq., but does not modify, limit, or

1 supersede Section 101 of that act, 15 U.S.C. Section 7001(a), or authorize electronic delivery
2 of any of the notices described in Section 103 of that act, 15 U.S.C. Section 7003(b).

3 Section 10. In applying and construing this uniform act, consideration shall be given to the
4 need to promote uniformity of the law with respect to its subject matter among states that enact
5 it.

6 Section 11. That §§ 55-14-1 to 55-14-7, inclusive, be repealed.