



# State of South Dakota

EIGHTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2008

400P0282

## HOUSE COMMERCE ENGROSSED NO. **HB 1036** - 1/16/2008

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

1 FOR AN ACT ENTITLED, An Act to require releases for certain workers' compensation  
2 medical records.

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

4 Section 1. That chapter 62-4 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 Upon the request of an employer, an employee subject to this title shall supply a signed  
7 medical release to allow copying of any medical records and reports relevant to the employee's  
8 claims. The employer shall, upon request, provide a copy of all medical records and reports  
9 received to the employee. The employee shall pay reasonable copying costs pursuant to § 62-7-  
10 8.



# State of South Dakota

EIGHTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2008

400P0283

## HOUSE COMMERCE ENGROSSED NO. **HB 1037** - 1/16/2008

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

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding action on medical  
2 claims for workers' compensation and to establish a administrative fine for delays regarding  
3 these medical claims.

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

5 Section 1. That chapter 62-4 be amended by adding thereto a NEW SECTION to read as  
6 follows:

7 Within thirty days after receiving a properly submitted bill for medical payments, the  
8 employer shall:

- 9 (1) Pay the charge or any portion of the bill that is not denied;
- 10 (2) Deny all or a portion of the bill on the basis that the injury is not compensable, or the  
11 service or charge is excessive or not medically necessary; or
- 12 (3) Request additional information to determine whether the charge or service is  
13 excessive or not medically necessary or whether the condition is compensable.

14 Section 2. That chapter 62-4 be amended by adding thereto a NEW SECTION to read as  
15 follows:



1       An employer that fails, refuses, or neglects to comply with the provisions of section 1 of this  
2       Act is subject to a administrative fine of five hundred dollars payable to the Department of  
3       Labor for each act of noncompliance, unless the employer had good cause for noncompliance.  
4       The department may promulgate rules pursuant to chapter 1-26 to implement the provisions of  
5       this Act.

# State of South Dakota

EIGHTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2008

724P0140

## HOUSE JUDICIARY ENGROSSED NO. **HB 1113** - 1/15/2008

Introduced by: Representatives Kirkeby, Brunner, Elliott, Gosch, Haverly, Lust, Nelson, Olson (Russell), Pederson (Gordon), Pitts, Rausch, Rhoden, Sigdestad, Turbiville, Van Etten, Vanneman, and Wick and Senators Napoli, Abdallah, Heidepriem, Katus, Kloucek, Koetzle, Lintz, Maher, McCracken, McNenny, and Schmidt (Dennis)

1 FOR AN ACT ENTITLED, An Act to provide minimum notice requirements to persons who  
2 lease real property for their own mobile or manufactured homes.

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

4 Section 1. Any person who owns a mobile or manufactured home and leases real property  
5 on which to place the home shall, if the property is developed for an alternate use, receive no  
6 less than sixty days notice to vacate and remove the home from the real property. The provisions  
7 of this section do not apply if the notice is based upon a breach of the terms of a lease.



# State of South Dakota

EIGHTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2008

183P0086

## SENATE JUDICIARY ENGROSSED NO. **SCR 1 -** **1/14/2008**

Introduced by: Senators Two Bulls, Bartling, Dempster, Garnos, and Katus and Representatives Juhnke, Bradford, DeVries, Van Norman, and Weems at the request of the Committee on State-Tribal Relations

1 A CONCURRENT RESOLUTION, Supporting the use of video cameras in state, tribal, and  
2 local law enforcement vehicles.

3 WHEREAS, the use of video camera equipment in law enforcement vehicles has increased  
4 significantly in recent years; and

5 WHEREAS, in-car camera recordings provide an unbiased account of events that allow  
6 citizens and others to view what actually occurred during encounters between law enforcement  
7 personnel and the public. Agencies and others report that such evidence has been invaluable and  
8 that the benefits of the in-car video camera far exceeded the original goals; and

9 WHEREAS, the single greatest value of the in-car camera is the positive impact that it has  
10 on officer safety. Recordings give officers the opportunity to review their videotapes as a means  
11 to self-critique their actions and review their approach to each situation and to any officer safety  
12 issues they discover; and

13 WHEREAS, in-car video and audio recordings improve professionalism and training.  
14 Officers tend to perform to the best of their ability when they know they are being recorded.



1 Cameras allow officers to more accurately reconstruct situations and obtain exact statements for  
2 evidence. The ability to review the recording improves the chances of apprehending offenders  
3 in situations where officers have been injured; and

4 WHEREAS, in-car cameras improve the officers' ability to respond to complaints regarding  
5 professionalism and courtesy. Most officers have reported that the camera ultimately cleared  
6 them of accusations of wrongdoing; very few reported that the camera sustained a complaint  
7 filed against them; and

8 WHEREAS, in the context of contacts between law enforcement personnel and Native  
9 American citizens, the presence of video recording equipment would serve to benefit all groups  
10 by showing what actually transpired on those occasions. While video cameras cannot resolve  
11 allegations or instances of racial profiling in all cases, this equipment can clarify what took  
12 place in a great many instances and would make a positive contribution; and

13 WHEREAS, the South Dakota Highway Patrol already uses in-car video cameras and  
14 continues to update equipment and capabilities in this area. The Highway Patrol in the past has  
15 donated surplus video equipment to local law enforcement agencies for installation in their  
16 vehicles; and

17 WHEREAS, local and tribal law enforcement jurisdictions could benefit by the increased  
18 use of in-car video recording equipment:

19 NOW, THEREFORE, BE IT RESOLVED, by the Senate of the Eighty-Third Legislature  
20 of the State of South Dakota, the House of Representatives concurring therein, that the South  
21 Dakota Legislature supports and encourages the installation of video and audio recording  
22 equipment in law enforcement patrol vehicles at all levels, including state, tribal, and local  
23 vehicles. The Legislature urges law enforcement agencies and state, tribal, and local  
24 governments to seek funding from all potential federal, state, tribal, and local sources, to

- 1 consider the use of surplus equipment if appropriate, and to make full use of this important
- 2 technology.