

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

400E0335

HOUSE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **HB 1022** - 01/17/2001

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

1 FOR AN ACT ENTITLED, An Act to authorize the Department of Corrections to construct
2 prison industries buildings at the South Dakota State Penitentiary, the Jameson Prison
3 Annex, and the Mike Durfee State Prison, and to make an appropriation therefor.

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

5 Section 1. There is hereby appropriated from the prison industries revolving fund the sum
6 of one million one hundred and seventy-seven thousand dollars (\$1,177,000), or so much thereof
7 as may be necessary, to the Department of Corrections for the construction, completion,
8 furnishing, equipping, and maintaining of three prison industries buildings including utilities,
9 architectural and engineering services, plumbing, water, sewer, electric facilities, construction
10 of sidewalks and driveways, landscaping of the grounds, and site preparation at the South
11 Dakota State Penitentiary, Sioux Falls, the Jameson Prison Annex, Sioux Falls, and the Mike
12 Durfee State Prison, Springfield.

13 Section 2. The design and construction of the buildings shall be under the general charge and
14 supervision of the Bureau of Administration as provided in chapter 5-14.

1 Section 3. The Bureau of Administration and the Department of Corrections shall approve
2 vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

3 Section 4. Any amounts appropriated in this Act not lawfully expended or obligated by
4 June 30, 2002, shall revert in accordance with § 4-8-21.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

400E0232

HOUSE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **HB 1023** - 01/17/2001

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

1 FOR AN ACT ENTITLED, An Act to provide for abuse and neglect screening through the
2 Department of Social Services central registry for certain Department of Corrections
3 employees and volunteers and for employees and volunteers of certain adolescent treatment
4 programs.

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

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

8 Upon receipt of names of current or potential employees or volunteers from the Juvenile
9 Division of the Department of Corrections or any adolescent treatment program operated by the
10 Department of Human Services, the Department of Social Services shall compare the names to
11 the central registry for abuse and neglect and report any findings to the requesting program
12 director or to Bureau of Personnel human resource manager.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

400E0230

HOUSE STATE AFFAIRS COMMITTEE ENGROSSED NO. **HB 1024** - 01/17/2001

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

1 FOR AN ACT ENTITLED, An Act to authorize the release of certain information about adult
2 inmates and parolees to victims, the community, and governmental entities.

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

4 Section 1. That § 23-5-7 be amended to read as follows:

5 23-5-7. All photographs, impressions, measurements, descriptions, or records taken or made
6 as provided for in § 23-5-6 shall be filed and preserved ~~in~~ by the department or institution where
7 made or taken and shall not be published, transferred, or circulated outside such department or
8 institutions, nor exhibited to the public or any person or persons except duly authorized ~~peace~~
9 law enforcement officers unless the subject of such photograph, measurement, description, or
10 other record ~~shall have become~~ becomes a fugitive from justice, or ~~shall have escaped~~ escapes
11 from a penal ~~or reformatory~~ institution. However, this section shall not apply to the release of
12 information allowed pursuant to § 24-2-20.

13 Section 2. That § 24-15-1 be amended to read as follows:

14 24-15-1. If a defendant is sentenced to the state penitentiary, the Department of Corrections

1 shall develop a file which shall contain a complete history of the defendant. The executive
2 director of the Board of Pardons and Paroles shall generate an adequate case history of each
3 inmate of the state penitentiary to enable him to make recommendations to the Board of Pardons
4 and Paroles. The case history shall be transferred and kept as a permanent record of the
5 Department of Corrections, solely for the proper supervision of the inmate by the Department
6 of Corrections and as a guide to his needs. ~~Such~~ Except for the information authorized for
7 release pursuant to § 24-2-20, such file ~~may~~ shall not be inspected by anyone other than members
8 of the Board of Pardons and Paroles, its executive director, the secretary of corrections and any
9 person specifically delegated for such access by the secretary of corrections, unless otherwise
10 ordered by a circuit court.

11 Section 3. That § 24-15A-14 be amended to read as follows:

12 24-15A-14. If a defendant is sentenced to prison, the department shall develop a file which
13 shall contain a complete history of the defendant. ~~The~~ Except for the information authorized for
14 release pursuant to § 24-2-20, the record shall be a permanent record of the department, solely
15 for the proper supervision of the inmate by the department and as a guide to the inmate's needs.
16 The file may not be inspected by anyone other than members of the board, its executive director,
17 the secretary and any person specifically delegated for such access by the secretary, unless
18 otherwise ordered by a circuit court.

19 Section 4. That § 24-2-20 be amended to read as follows:

20 24-2-20. Notwithstanding the provisions of § 24-1-26, the records and any other facts that
21 may have come to the knowledge of the warden and ~~his~~ the warden's opinion, when requested,
22 regarding the fitness of any inmate, sentenced as an adult, for a modification of sentence, parole,
23 pardon, or early release shall be furnished only to the sentencing court, the secretary of
24 corrections, the Board of Pardons and Parole, or the Governor. The Department of Corrections

1 may release the following information on any inmate or parolee sentenced as an adult for
2 purposes of community and victim notification pursuant to subdivisions 23A-28C-1(10) and
3 (12), §§ 23A-28C-5, 24-15-8.1, 24-15-8.2, and 24-15A-22, and to other governmental entities
4 as defined in section 5 of this Act:

- 5 (1) Name and any known aliases;
- 6 (2) Date of birth;
- 7 (3) Race and gender;
- 8 (4) Location of incarceration;
- 9 (5) Community of residence;
- 10 (6) Custody status and conditions of supervision;
- 11 (7) Any Department of Corrections sentence identification number;
- 12 (8) Any crime of conviction;
- 13 (9) Number of felony convictions;
- 14 (10) Sentence, time suspended, jail time credit, and revoked good-time credits;
- 15 (11) Offense, sentence, admission, release, and parole eligibility dates;
- 16 (12) Dates of pending hearings and final determinations of parole, suspended sentence,
17 pardon, and commutation hearings;
- 18 (13) Status as an inmate, parolee, or person who has completed a prison term;
- 19 (14) County of conviction;
- 20 (15) Plea;
- 21 (16) Citizenship status;
- 22 (17) Birth town, state, and country; and
- 23 (18) Supervising agent.

24 Section 5. That chapter 24-2 be amended by adding thereto a NEW SECTION to read as

1 follows:

2 As used in section 4 of this Act, the term, governmental entities, means any department,
3 division, or other public agency of a municipality, county, state, or nation.

4 Section 6. That chapter 24-2 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 The Department of Corrections may distribute information listed in section 4 of this Act
7 along with an identifying photograph of the inmate or parolee to the public through internet
8 distribution. Once an inmate has been discharged from the custody of the Department of
9 Corrections pursuant to § 24-5-2 or 24-15A-7, the department shall remove all information
10 regarding the inmate's incarceration, including the inmate's photograph, from the internet.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

400E0305

HOUSE COMMERCE COMMITTEE ENGROSSED NO.

HB 1040 - 01/18/2001

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

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the applicability of
2 managed care statutes and managed care mediation requirements and to permit certain
3 impartial mediation provisions.

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

5 Section 1. That § 58-17C-4 be amended to read as follows:

6 58-17C-4. Sections 58-17C-4 and 58-17C-6 apply to any health carrier who offers a
7 managed care plan as defined in §§ ~~58-17-91 and 58-18-64~~ § 58-17C-1.

8 Section 2. That § 58-17C-58 be amended to read as follows:

9 58-17C-58. Each managed care plan or utilization review organization shall establish and
10 maintain a grievance system, approved by the director after consultation with the secretary of
11 the Department of Health, which may include an impartial mediation provision, to provide
12 reasonable procedures for the resolution of grievances initiated by any enrollee concerning the
13 provision of health care services. Mediation ~~shall~~ may be made available to enrollees unless an
14 enrollee elects to litigate a grievance prior to submission to mediation. No medical malpractice

1 damage claim is subject to arbitration under §§ 58-17C-58 to 58-17C-63, inclusive. Each
2 managed care plan or utilization review organization shall provide that if a grievance is filed
3 which requires a review of services authorized to be provided by a practitioner or if a grievance
4 is filed which requires a review of treatment which has been provided by a practitioner, the
5 review shall include a similarly licensed peer whose scope of practice includes the services or
6 treatment being reviewed.

7 Section 3. That § 58-17C-20 be amended to read as follows:

8 58-17C-20. Each managed care entity, as defined in §§ ~~58-18-64 and 58-17-91~~ § 58-17C-1,
9 shall register with the director prior to engaging in any managed care business in this state. The
10 registration shall be subject to the provisions of §§ ~~58-18-71 to 58-18-75~~ §§ 58-17C-64 to 58-
11 17C-68, inclusive, and any applicable rules promulgated pursuant to those sections.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

400E0271

HOUSE TRANSPORTATION COMMITTEE
ENGROSSED NO. **HB 1047** - 01/17/2001

Introduced by: The Committee on Transportation at the request of the Department of
Revenue

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding leased or rented boats,
2 to revise certain provisions regarding boat license tags, and to revise certain provisions
3 regarding the exemptions from the excise tax on boats.

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

5 Section 1. That chapter 32-3A be amended by adding thereto a NEW SECTION to read as
6 follows:

7 For the purposes of this chapter, any leasing or rental company that operates within the
8 principal place of business of a dealer, licensed pursuant to chapter 32-7B, is a business separate
9 from the dealership. A leasing or rental company shall title, license, and tax any leased or rental
10 boat in a name that is distinct and separate from that of the dealership name as indicated on the
11 dealer license under chapter 32-7B.

12 Section 2. That § 32-3A-7 be repealed.

13 ~~32-3A-7. The department shall issue boat license tags of a durable material to boat~~
14 ~~manufacturers and dealers upon application and payment of fifteen dollars for each set of boat~~

1 ~~license tags desired. Each set of boat license tags shall be valid until December thirty-one next~~
2 ~~following the date of issuance.~~

3 Section 3. That § 32-3A-8 be repealed.

4 ~~— 32-3A-8. Any new or used boat owned by a boat manufacturer or dealer bearing the~~
5 ~~manufacturer's or dealer's "BD" boat license tags issued pursuant to § 32-3A-7 may only be~~
6 ~~operated in this state by the boat manufacturer or dealer. The boat license tags shall be displayed~~
7 ~~as required by § 32-3A-5 and rules promulgated, pursuant to chapter 1-26, by the Department~~
8 ~~of Game, Fish and Parks Commission. The "BD" boat license tag may only be transferred by the~~
9 ~~boat manufacturer or dealer from one boat owned by the boat manufacturer or dealer to another~~
10 ~~boat owned by the same boat manufacturer or dealer. A violation of this section is a Class 1~~
11 ~~misdemeanor.~~

12 Section 4. That § 32-3A-9 be repealed.

13 ~~— 32-3A-9. Any new or used boat owned by a boat manufacturer or dealer, bearing valid~~
14 ~~manufacturer's or dealer's BD boat license tags, may be operated in this state by any prospective~~
15 ~~purchaser for a period not to exceed three days. No boat manufacturer or dealer may issue a~~
16 ~~manufacturer's or dealer's boat license tag to any boat for any other purpose. A violation of this~~
17 ~~section is a Class 1 misdemeanor.~~

18 Section 5. That § 32-3A-10 be repealed.

19 ~~— 32-3A-10. If a new or used boat is sold by a boat manufacturer or boat dealer, the boat~~
20 ~~manufacturer or boat dealer may provide a temporary tag permit to operate the boat in this state~~
21 ~~for thirty days after the date of sale of the boat or until the time the purchaser receives the~~
22 ~~licenses from the county treasurer, whichever occurs first. The temporary boat license tags shall~~
23 ~~be displayed as required by § 32-3A-5 and rules promulgated, pursuant to chapter 1-26, by the~~
24 ~~department. No dealer may use the permit upon any boat owned by the dealer or for any purpose~~

1 ~~other than for boats sold by the manufacturer or dealer. No person may renew the temporary~~
2 ~~thirty-day license permit nor change or alter the date or other information thereon. A violation~~
3 ~~of this section is a Class 1 misdemeanor.~~

4 Section 6. That § 32-7B-13 be amended to read as follows:

5 32-7B-13. If a boat is sold by a licensed dealer, the dealer may provide a temporary thirty-
6 day license permit which is a permit to operate the boat in this state for a period of thirty days
7 after the date of sale or until the time the purchaser receives the regular license decals from the
8 county treasurer, whichever occurs first. The temporary boat license tags shall be displayed as
9 required by § 32-3A-5 and any rule promulgated, pursuant to chapter 1-26, by the department.
10 No dealer may use the permit upon any boat owned by the dealer or for any purpose other than
11 for boats sold by the manufacturer or dealer. No person may renew the temporary thirty-day
12 license permit nor change or alter the date or other information thereon. A violation of this
13 section is a Class 1 misdemeanor.

14 Section 7. That § 32-7B-11 be amended to read as follows:

15 32-7B-11. Any new boat or used boat owned by a licensed dealer, bearing dealer license
16 plates issued pursuant to § 32-7B-10 may be operated in this state for any purpose, except no
17 dealer boat license plate may be used on any boat used for lease or rental. The license plate shall
18 be displayed on or carried in the boat. The license plate is transferable by the dealer from one
19 boat owned by the dealer to another boat owned by the dealer. Any violation of this section is
20 a Class 1 misdemeanor.

21 Section 8. That § 32-3A-52 be amended to read as follows:

22 32-3A-52. Exempt from the provisions of ~~this chapter~~ § 32-3A-50 are:

- 23 (1) Any large boat which is the property of the governmental units which are exempted
24 from motor vehicle registration fees by §§ 32-5-42 and 32-5-42.1;

- 1 (2) Any large boat acquired by inheritance ~~from or bequest of a decedent~~;
- 2 (3) Any large boat previously titled or licensed jointly in the names of two or more
3 persons and subsequently transferred without consideration to one or more of such
4 persons;
- 5 (4) Any large boat transferred without consideration between spouses, between a parent
6 and child, and between siblings;
- 7 (5) Any large boat transferred pursuant to any mergers or consolidations of corporations
8 or plans of reorganization by which substantially all of the assets of a corporation are
9 transferred if the large boat was previously titled, licensed, and registered in this state;
- 10 (6) Any large boat transferred by a subsidiary corporation to its parent corporation for
11 no or nominal consideration or in sole consideration of the cancellation or surrender
12 of the subsidiary's stock if the large boat was previously titled, licensed, and registered
13 in this state;
- 14 (7) Any large boat transferred between an individual and a corporation if the individual
15 and the owner of the majority of the capital stock of the corporation are one and the
16 same and if the large boat was previously titled and registered in this state;
- 17 (8) Any large boat transferred between a corporation and its stockholders or creditors if
18 to effectuate a dissolution of the corporation it is necessary to transfer the title from
19 the corporate entity to the stockholders or creditors and if the large boat was
20 previously titled and registered in this state;
- 21 (9) Any large boat transferred between an individual and limited or general partnership
22 if the individual and the owner of the majority interest in the partnership are one and
23 the same person and if the large boat was previously titled and registered in this state;
- 24 (10) Any large boat transferred to effect a sale of all or substantially all of the assets of the

- 1 business entity if the large boat was previously titled and registered in this state;
- 2 (11) Any large boat acquired by a secured party or lien holder in satisfaction of a debt;
- 3 (12) Any large boat sold or transferred which is eleven or more years old and which is sold
4 or transferred for one thousand five hundred dollars or less before trade-in;
- 5 (13) Any damaged large boat transferred to an insurance company in the settlement of an
6 insurance claim;
- 7 (14) Any large boat owned by a former resident of this state who returns to the state and
8 who had previously paid excise tax to this state on the large boat as evidenced within
9 the department's records or by submission of other acceptable proof of payment of
10 such tax;
- 11 (15) Between corporations, both subsidiary and nonsubsidiary, if the individuals who hold
12 a majority of stock in the first corporation also hold a majority of stock in the second
13 corporation; but these individuals need not hold the same ratio of stock in both
14 corporations provided the large boat was previously titled and registered in this state;
15 and
- 16 (16) Any large boat transferred by a trustor to his trustee or from a trustee to a beneficiary
17 of a trust.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

400E0191

HOUSE JUDICIARY COMMITTEE ENGROSSED NO.

HB 1061 - 01/17/2001

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

1 FOR AN ACT ENTITLED, An Act to prohibit certain persons from applying for a hunting,
2 fishing, or trapping license, to provide for an automatic revocation of any license or privilege,
3 and to provide for a penalty for a violation thereof.

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

5 Section 1. That chapter 41-1 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 No person who is subject to an unpaid and unsatisfied judgment in favor of the State of
8 South Dakota for wildlife civil damages as determined in § 41-1-5.1 may purchase, attempt to
9 purchase, or possess any South Dakota hunting, fishing, or trapping license. If any person is in
10 violation of this section, such person's hunting, fishing, or trapping licenses and privileges are
11 automatically revoked without hearing until the judgment is paid in full and satisfied. A violation
12 of this section is a Class 1 misdemeanor.