

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

109E0010 **HOUSE EDUCATION COMMITTEE ENGROSSED NO.**
HB 1006 - 01/16/2001

Introduced by: Representatives Heineman, Brown (Richard), Juhnke, and Pummel and
Senators Munson, Brosz, Diedrich (Larry), Everist, Hutmacher, McIntyre,
and Reedy at the request of the Interim Education Committee

1 FOR AN ACT ENTITLED, An Act to adjust the use of the capital outlay fund.

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

3 Section 1. That § 13-16-6 be amended to read as follows:

4 13-16-6. The capital outlay fund of the school district is a fund provided by law to meet
5 expenditures ~~of three hundred dollars or more~~ which result in the acquisition or lease of or
6 additions to real property, plant, or equipment. Such an expenditure shall be for land, existing
7 facilities, improvement of grounds, construction of facilities, additions to facilities, remodeling
8 of facilities, or for the purchase or lease of equipment. It may also be used for installment or
9 lease-purchase payments for the purchase of real property, plant or equipment, which have a
10 contracted terminal date not exceeding twenty years from the date of the installment contract or
11 lease-purchase and for the payment of the principal of and interest on capital outlay certificates
12 issued pursuant to § 13-16-6.2.

13 Any purchase of one thousand dollars or less may be paid out of the general fund. The total
14 accumulated unpaid principal balances of such installment contracts and lease-purchase and the

1 outstanding principal amounts of such capital outlay certificates may not exceed three percent
2 of the taxable valuation. The school district shall provide a sufficient levy each year under the
3 provisions of § 13-16-7 to meet the annual installment contract, lease-purchase and capital outlay
4 certificate payments, including interest.

5 A school district which contracts its student transportation may expend from the capital
6 outlay fund an amount not to exceed fifteen percent of the contract amount.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

400E0232

SENATE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **HB 1023** - 01/29/2001

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 the Bureau of Personnel human resource manager.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

400E0195

SENATE JUDICIARY COMMITTEE ENGROSSED NO.

HB 1064 - 01/29/2001

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 clarify the law enforcement authority of conservation
2 officers.

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

4 Section 1. That § 41-15-10 be amended to read as follows:

5 41-15-10. ~~Conservation~~ While performing their lawful duties assigned to them by the
6 Department of Game, Fish and Parks, conservation officers and their supervisors shall have full
7 power and authority to serve and execute all warrants and process of law issued by a court in
8 enforcing the provisions of any law of the state ~~relating to matters under the jurisdiction of the~~
9 ~~Department of Game, Fish and Parks~~ in the same manner as any constable or sheriff may serve
10 and execute the same, ~~or~~ While performing their lawful duties assigned to them by the
11 Department of Game, Fish and Parks, conservation officers and their supervisors have full power
12 and authority to arrest, without a warrant ~~of~~ any person detected in the act of violating any ~~such~~
13 laws of this state which they are authorized to enforce. For the purpose of enforcing the game,
14 fish, parks, and boating laws, ~~they~~ conservation officers and their supervisors may call to their

1 aid any ~~peace~~ law enforcement officer or other persons, and ~~it shall be the duty of~~ all state's
2 attorneys, ~~peace~~ law enforcement officers, and other persons ~~when~~ shall, if called upon, to
3 enforce and aid in enforcing such laws. For purposes of this section the term, "conservation
4 ~~officers" shall be defined to mean those~~ officer, means any game, fish and parks ~~employees~~
5 employee whose duty is the enforcement of the game, fish ~~and,~~ parks, and boating laws of this
6 state.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

400E0300

SENATE COMMERCE COMMITTEE ENGROSSED NO.

SB 39 - 01/25/2001

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

1 FOR AN ACT ENTITLED, An Act to establish standards for disability insurance.

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

3 Section 1. That chapter 58-17 be amended by adding thereto a NEW SECTION to read as
4 follows:

5 For the purposes of this Act, the term, disability insurance, means a policy or certificate of
6 insurance that primarily provides payment to or for the benefit of the policyholder or certificate
7 holder based, in whole or in part, upon lost wages or other earned income or business or financial
8 losses as a result of an inability to work due to sickness, injury, or a combination of sickness and
9 injury.

10 Section 2. That chapter 58-17 be amended by adding thereto a NEW SECTION to read as
11 follows:

12 Any disability insurance policy may include provisions that exclude or reduce benefits if the
13 insured is collecting other benefits under a government program or is eligible to receive benefits
14 under other insurance coverage. If the insured subsequently receives other benefits for a period

1 for which the insurer paid benefits, the insurer may require reimbursement from the insured for
2 any benefits already paid that otherwise would not have been paid. If the insured fails to make
3 timely application for any other insurance coverage or governmental program for which that
4 insured may be eligible, fails to actively and in good faith pursue all appeals procedures if benefits
5 under other insurance or governmental program have been denied, or fails to produce
6 satisfactory evidence that the applications have been made and the appeals pursued, benefits may
7 be reduced or withheld.

8 Section 3. That chapter 58-17 be amended by adding thereto a NEW SECTION to read as
9 follows:

10 No disability insurance policy may require the loss to commence less than thirty days after
11 the date of the accident.

12 Section 4. That chapter 58-17 be amended by adding thereto a NEW SECTION to read as
13 follows:

14 Except for overhead expense, buy-sell coverage or other similar business disability insurance
15 coverage, a disability insurance policy shall meet the following minimum standards:

- 16 (1) Provide that periodic payments that are payable at ages after sixty-two and reduced
17 solely on the basis of age are at least fifty percent of the amounts payable immediately
18 prior to age sixty-two or in the case of an employer group plan that has twenty or
19 more employees, that periodic payments are actuarially equivalent regardless of age;
- 20 (2) Contain an elimination period no greater than:
- 21 (a) Ninety days in the case of coverage providing a benefit of one year or less;
- 22 (b) One hundred eighty days in the case of coverage providing a benefit of more
23 than one year but not greater than two years;
- 24 (c) Three hundred sixty-five days in all other cases during the continuance of

- 1 disability resulting from sickness or injury;
- 2 (d) Three hundred sixty-five days for disability income policies with a benefit
- 3 period of at least two years but less than five years; or
- 4 (e) Seven hundred thirty days for disability income policies with a benefit period
- 5 greater than five years resulting from sickness or injury;
- 6 (3) Provide a maximum benefit period of at least six months for long-term disability
- 7 insurance and at least twelve weeks for short-term disability insurance. However, in
- 8 the case of a policy covering disability arising out of pregnancy, childbirth, or
- 9 miscarriage, the maximum benefit period may be one month, except if the plan is an
- 10 employer plan with fifteen or more employees, then the maximum benefit period for
- 11 pregnancy, childbirth, or miscarriage may not be less than the maximum benefit period
- 12 for other covered disabilities;
- 13 (4) Include no reduction in benefits because of any cost of living increase in social
- 14 security or similar benefits during a benefit period;
- 15 (5) Require only one elimination period if a policy provides total disability benefits and
- 16 partial disability benefits.

17 A long-term disability insurance policy may have longer elimination periods if the policy is

18 issued in conjunction with or supplemental to a limited duration self-insured or other short-term

19 disability policy. The provisions of this section do not apply to an employer plan if at least fifty

20 percent of the covered employee's disability benefits are subject to federal income taxes.

21 Section 5. That chapter 58-17 be amended by adding thereto a NEW SECTION to read as

22 follows:

23 The director may promulgate rules pursuant to chapter 1-26 to protect the insurance-buying

24 public with regard to disability policies or disability income policies. However, the director shall

1 take into account the effect any such rule may have on the availability of coverage. The rules may
2 include:

3 (1) Definition of terms;

4 (2) Permissible exclusions;

5 (3) Return of premium provisions;

6 (4) Terms of renewability;

7 (5) Disclosure requirements;

8 (6) Benefit triggers, if such rules permit the use of activities of daily living as an
9 acceptable benefit trigger; and

10 (7) Limitations, exceptions, and reductions.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

400E0346

SENATE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **SB 57** - 01/29/2001

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

1 FOR AN ACT ENTITLED, An Act to revise certain provisions related to anatomical gifts.

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

3 Section 1. That § 34-26-23.1 be amended to read as follows:

4 34-26-23.1. If a document of gift is attached to or imprinted on a donor's motor vehicle
5 ~~operator's driver license or nondriver identification card~~, the document of gift shall comply with
6 § 34-26-23. If a person is less than eighteen years of age, a document of gift may only be
7 attached to or imprinted on a donor's motor vehicle ~~operator's driver license or nondriver~~
8 identification card if a parent or guardian of the person consents. Revocation, suspension,
9 expiration, or cancellation of the license does not invalidate the anatomical gift.

10 Section 2. That § 34-26-23.2 be amended to read as follows:

11 34-26-23.2. Any state or local law enforcement agency, officer, or personnel, that ~~may have~~
12 has access to a decedent's motor vehicle operator's driver license or nondriver identification card,
13 or the information thereon, shall inform, upon request, the decedent's attending physician or
14 nurse, next of kin, the coroner, or any other person having lawful custody of the decedent's body,
15 of ~~any intention of the decedent~~ the decedent's intention, as indicated on the decedent's motor

1 vehicle operator's driver license or nondriver identification card, to make an anatomical gift
2 pursuant to § 34-26-23 or 34-26-23.1. Any state or local law enforcement agency, officer, or
3 personnel shall also inform, upon request, any procurement agency for anatomical gifts, including
4 organs, tissues, and eyes, of such intention of the decedent.

5 Section 3. That chapter 34-26 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 An anatomical gift of all or part of the body under § 34-26-21 made pursuant to §§ 34-26-22
8 to 34-26-23.1, inclusive, is irrevocable by any person other than the donor as provided in section
9 4 of this Act. An anatomical gift does not require the consent or concurrence of any person after
10 the donor's death.

11 Section 4. That chapter 34-26 be amended by adding thereto a NEW SECTION to read as
12 follows:

13 A donor may amend or revoke an anatomical gift only by:

- 14 (1) Removing the designation from the donor's driver license or nondriver identification
15 card;
- 16 (2) An oral statement made by the donor to two persons in the presence of each other or
17 an attorney indicating the donor's intent to revoke the gift;
- 18 (3) Any form of communication made by the donor during a terminal illness or injury
19 addressed to a physician or surgeon; or
- 20 (4) A signed card or document found on the donor's person or in the donor's effects.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

762E0409

SENATE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **SB 100** - 01/29/2001

Introduced by: Senators Hainje and Koetzle and Representatives Murschel and Hennies
(Thomas)

1 FOR AN ACT ENTITLED, An Act to update the references to the building codes.

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

3 Section 1. That § 9-33-4.1 be amended to read as follows:

4 9-33-4.1. ~~Municipalities are hereby authorized to~~ Each municipality may adopt by ordinance
5 those certain building codes ~~known as the Uniform Codes adopted and proposed by the~~
6 ~~International Conference of Building Officials and the whole thereof, except such portions as the~~
7 ~~municipality may delete, modify, or amend, and as so deleted, modified, or amended it shall be~~
8 ~~filed in the office of the city auditor, city finance officer, or town clerk. Additional deletions,~~
9 ~~modifications, and amendments may, from time to time, be made by the governing body, and~~
10 ~~shall be effective upon their adoption and filing with the city auditor, city finance officer, or town~~
11 ~~clerk pursuant to § 11-10-5.~~

12 Section 2. That subdivision (17) of § 7-8-20 be amended to read as follows:

13 (17) To enact by ordinance, for any portion of the county which is zoned, ~~the 1997 Edition~~
14 ~~of the Uniform Building Code as published by the International Conference of~~

1 ~~Building Officials and to amend, modify, or delete any portion of the Uniform~~
2 ~~Building Code before enacting such an ordinance. Such ordinance may not apply to~~
3 ~~mobile or manufactured homes as defined in chapter 32-7A which are constructed in~~
4 ~~compliance with the applicable prevailing standards of the United States Department~~
5 ~~of Housing and Urban Development at the time of construction. The ordinance and~~
6 ~~any further amendments, modifications, or deletions shall be filed with the county~~
7 ~~auditor and shall become effective upon such filing certain building codes pursuant to~~
8 ~~§ 11-10-5.~~

9 Section 3. That § 11-10-5 be amended to read as follows:

10 11-10-5. If the governing body of any local unit of government adopts any ordinance
11 prescribing standards for new construction, such ~~ordinances~~ ordinance shall comply with the
12 ~~1997 Edition of the Uniform~~ 2000 Edition of the International Building Code as published by the
13 ~~International Conference of Building Officials~~ Code Council, Incorporated. The governing body
14 may amend, modify, or delete any portion of the ~~Uniform~~ International Building Code before
15 enacting such an ordinance. Additional deletions, modifications, and amendments to the
16 municipal ordinance may, from time to time, be made by the governing body and are effective
17 upon their adoption and filing with the municipal finance officer. Additional deletions,
18 modifications, and amendments to the county ordinance may, from time to time, be made by the
19 governing body, and are effective upon their adoption and filing with the county auditor. The
20 ordinance may not apply to mobile or manufactured homes as defined in chapter 32-7A which
21 are constructed in compliance with the applicable prevailing standards of the United States
22 Department of Housing and Urban Development at the time of construction.