

# Senate Daily Reader

Thursday, February 01, 2001

Bills Included				
HB 1027	HB 1029	HB 1059	SB 125	SB 152

# State of South Dakota

SEVENTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2001

400E0283

HOUSE HEALTH AND HUMAN SERVICES  
COMMITTEE ENGROSSED NO. **HB 1027** -  
01/19/2001

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

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

1 FOR AN ACT ENTITLED, An Act to repeal the composition requirements of the Board of  
2 Vocational Rehabilitation.

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

4 Section 1. That § 1-36A-5 be amended to read as follows:

5 1-36A-5. There is hereby created a Board of Vocational Rehabilitation. ~~The board shall be~~  
6 ~~composed of no more than twelve members appointed by the Governor, of which a majority shall~~  
7 ~~be persons who are individuals with disabilities. Each member of the board shall be appointed~~  
8 ~~to serve a term of three years. No member of the board may serve more than two consecutive~~  
9 ~~full terms. No more than seven members of the board may be of the same political party.~~

# State of South Dakota

SEVENTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2001

400E0280

HOUSE HEALTH AND HUMAN SERVICES  
COMMITTEE ENGROSSED NO. **HB 1029** -  
01/19/2001

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

1 FOR AN ACT ENTITLED, An Act to allow for a change in the composition of the Board of  
2 Service to the Blind and Visually Impaired and to repeal certain functions of the board.

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

4 Section 1. That § 28-10-25 be amended as follows:

5 28-10-25. There is hereby created a Board of Service to the Blind and Visually Impaired. ~~The~~  
6 ~~board shall be composed of no more than twelve members appointed by the Governor, of which~~  
7 ~~a majority shall be persons who are blind or severely visually impaired. Each member of the~~  
8 ~~board shall be appointed to serve a term of three years. No member of the board may serve more~~  
9 ~~than two consecutive full terms. No more than seven members of the board may be of the same~~  
10 ~~political party.~~

11 Section 2. That § 28-10-26 be repealed.

12 ~~—28-10-26. The board of service to the blind and visually impaired may promulgate rules for~~  
13 ~~the division of service to the blind and visually impaired in accordance with chapter 1-26 except~~  
14 ~~for those functions reserved to the department of human services by §§ 28-10-21 and 28-10-19.~~

1 ~~The board may advise the director of service to the blind and visually impaired in the~~  
2 ~~development of state plans, policy related to the expenditure of federal and state funds and the~~  
3 ~~coordination of planning and service delivery to individuals involved in vocational rehabilitation~~  
4 ~~and independent living services. The board may serve as an advocate for all individuals who are~~  
5 ~~blind and visually impaired needing vocational rehabilitation and independent living services~~  
6 ~~within the state. The board may prepare an annual written report to the Governor.~~

# State of South Dakota

SEVENTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2001

400E0188

HOUSE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **HB 1059** - 01/19/2001

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

1 FOR AN ACT ENTITLED, An Act to continue a surcharge on certain hunting licenses and to  
2 continuously appropriate the money for certain purposes.

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

4 Section 1. That chapter 41-2 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 The Game, Fish and Parks Commission shall impose a surcharge in the amount of five dollars  
7 on each classification of hunting licenses issued by the Department of Game, Fish and Parks with  
8 the exception of resident predator/varmint licenses, migratory bird certification permits, youth  
9 deer licenses, and youth small game licenses. Revenue from the surcharge shall be deposited in  
10 a special fund known as the South Dakota sportsmen's access and landowner depredation fund,  
11 which is hereby established. Money in the fund is continuously appropriated for the purposes of  
12 this section. Fifty percent of the money in the fund shall be available to landowners pursuant to  
13 procedures and amounts to be established in rules promulgated by the commission pursuant to  
14 chapter 1-26 for purposes of providing hunting access on the landowners' land and for wildlife

1   depredation and damage management programs. Fifty percent of the money in the fund shall be  
2   available for purposes of acquiring free public hunting access by lease agreement.

3       Section 2. This Act is effective on January 1, 2002.

4       Section 3. This Act is repealed on January 1, 2005.

# State of South Dakota

SEVENTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2001

914E0585

SENATE COMMERCE COMMITTEE ENGROSSED NO.

**SB 125 - 01/30/2001**

Introduced by: Senators Vitter, Albers, Apa, Koetzle, Moore, Olson (Ed), and Putnam and  
Representatives Broderick, Abdallah, Flowers, Holbeck, and Solum

1 FOR AN ACT ENTITLED, An Act to clarify workers' compensation coverage for  
2 uncompensated volunteers and prisoners.

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

4 Section 1. That § 62-1-5.1 be amended to read as follows:

5 62-1-5.1. ~~Volunteer workers~~ Any volunteer worker rendering services in or for any agency,  
6 department, institution, or instrumentality of the state or of any of its political subdivisions,  
7 including ~~but not limited to~~ counties, townships, school districts, or municipalities, whose  
8 services have been duly recommended to the officer or governing body responsible for  
9 employment of personnel for the respective entity and duly appointed thereto by such officers  
10 or governing body, shall for purposes of this title be deemed ~~employees~~ an employee of the state  
11 or the political subdivision, as the case may be. The ~~appointments~~ appointment shall be entered  
12 into the official records or minutes of the entity.

13 In the event of injury or death for the purposes of computing compensation, ~~said~~ a volunteer  
14 uncompensated ~~workers shall be considered to be earning a wage that would entitle them to the~~

1 ~~maximum compensation for death or injury allowable under this title, but in~~ worker's employment  
2 earnings from all sources during the past six months shall be used. In the event the volunteer  
3 uncompensated worker is not otherwise employed, the worker shall be considered to be earning  
4 the state minimum wage over a forty-hour week. The worker's average weekly wage shall be  
5 calculated by one of the methods in §§ 62-4-25 to 62-4-27, inclusive. In no event shall may  
6 payments to volunteer uncompensated workers exceed the maximum limitations for benefits as  
7 set out in this title. No local prisoner, state inmate, or federal inmate providing services to the  
8 state or any of its political subdivisions may be considered a volunteer worker under this section.



# State of South Dakota

SEVENTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2001

471E0527

## SENATE AGRICULTURE AND NATURAL RESOURCES COMMITTEE ENGROSSED NO. **SB 152** - 01/30/2001

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

Introduced by: Senators Bogue, Diedrich (Larry), Diedrich (Elmer), Duxbury, Hainje, Ham, Hutmacher, Kleven, and Symens and Representatives Duenwald, Hansen (Tom), Hanson (Gary), Hargens, Jensen, Klaudt, Lintz, Pitts, and Rhoden

1 FOR AN ACT ENTITLED, An Act to revise certain vaccination and brucellosis testing  
2 provisions related to the importation of livestock.

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

4 Section 1. That § 40-7-20 be repealed.

5 ~~—40-7-20. No person may bring or cause to be brought into this state any female cattle or~~  
6 ~~bison over twelve months of age for dairy or breeding purposes within this state that have not~~  
7 ~~been officially calfhood vaccinated against brucellosis and are negative to the brucellosis test~~  
8 ~~administered within thirty days prior to importation, if such livestock are test-eligible pursuant~~  
9 ~~to rules promulgated by the animal industry board. No person may bring or cause to be brought~~  
10 ~~into this state any livestock that originate in herds or lots if the herd or lot when tested revealed~~  
11 ~~suspects or reactors to a brucellosis test, until the herd or lot has subsequently passed a negative~~  
12 ~~test at least thirty days after the suspect or reactor was removed from the herd or lot in which~~  
13 ~~it originated.~~

1 ~~—No person may acquire any female breeding cattle or bison between twelve and twenty-four~~  
2 ~~months of age that are not officially calfhood vaccinated against brucellosis.~~

3 ~~—"Officially calfhood vaccinated" means that a bovine or bison female animal was vaccinated~~  
4 ~~against brucellosis while from four to twelve months of age, under the supervision of a federal~~  
5 ~~or state veterinary official, with a vaccine approved by the animal industry board, and~~  
6 ~~permanently identified as such a vaccinate and reported at the time of vaccination to the~~  
7 ~~appropriate state or federal agency cooperating in eradication of brucellosis. Any person~~  
8 ~~violating the provisions of this section is guilty of a Class 6 felony.~~

9 Section 2. That § 40-7-20.1 be amended to read as follows:

10 40-7-20.1. The Animal Industry Board shall promulgate rules pursuant to chapter 1-26  
11 concerning:

- 12 (1) The issuance of permits for the disposition for immediate slaughter or for feeding  
13 purposes of animals affected with brucellosis;
- 14 (2) The methodology for inspections, examinations, and testing for brucellosis;
- 15 (3) The methodology and criteria for certifying or recertifying an area brucellosis free;
- 16 (4) Vaccination requirements and procedures for the intrastate sale, loan, lease, and  
17 transportation of breeding animals;
- 18 (5) Livestock importation permits and testing and inspection requirements; ~~and~~
- 19 (6) Quarantine authority and procedures; and
- 20 (7) The vaccination requirements and procedures for the importation of breeding animals.