

Senate Daily Reader

Monday, February 12, 2001

Bills Included				
HB 1032	HB 1060	HB 1075	HB 1077	HB 1079
HB 1101	SB 144	SB 146	SB 160	SB 168
SB 210	SB 211	SB 212	SB 234	SB 252

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

400E0315

HOUSE JUDICIARY COMMITTEE ENGROSSED NO. **HB 1032** - 01/16/2001

Introduced by: The Committee on Judiciary at the request of the South Dakota
Commission on Child Support

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to child support.

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

3 Section 1. That § 25-7-6.2 be amended to read as follows:

4 25-7-6.2. The child support obligation shall be established in accordance with the **combined**
5 ~~monthly net income of both parents as provided in the~~ following schedule subject to such
6 revisions or deviations as may be permitted pursuant to §§ 25-7-6.1 to ~~25-7-6.17~~ 25-7-6.18,
7 inclusive. Except as provided in this chapter, the combined monthly net incomes of both parents
8 shall be used in determining the obligation and divided proportionately between the parents based
9 upon their respective net incomes. The noncustodial parent's proportionate share establishes the
10 amount of the child support order.

11 If the obligation using only the noncustodial parent's monthly net income is an obligation
12 within the emboldened areas of the schedule, that amount shall be compared to the noncustodial
13 parent's proportionate share using both parents' monthly net incomes. The lesser amount
14 establishes the noncustodial parent's child support order.

1	Combined						
2	Net						
3	Monthly	One	Two	Three	Four	Five	Six
4	Income	Child	Children	Children	Children	Children	Children
5	0-1,000	50	50	50	50	50	50
6	1,050	74	75	76	77	78	78
7	1,100	119	121	122	123	125	126
8	1,150	164	166	168	170	172	173
9	1,200	209	212	214	216	219	221
10	1,250	254	257	260	263	266	268
11	1,300	299	303	306	309	313	316
12	1,350	322	348	352	356	360	363
13	1,400	333	394	398	402	407	411
14	1,450	344	439	444	449	454	458
15	1,500	355	485	490	495	501	506
16	1,550	366	530	536	542	548	553
17	1,600	378	547	582	588	595	601
18	1,650	389	563	628	635	642	648
19	1,700	400	579	674	681	689	696
20	1,750	411	595	701	728	736	743
21	1,800	422	611	719	774	783	791
22	1,850	434	627	737	815	830	838
23	1,900	443	641	754	833	877	886
24	1,950	452	654	769	849	921	933
25	2,000	460	666	783	866	938	981
26	2,050	469	678	798	882	956	1,023
27	2,100	477	691	813	898	974	1,042
28	2,150	485	703	828	914	991	1,061

1	2,200	494	715	842	931	1,009	1,079
2	2,250	502	728	857	947	1,026	1,098
3	2,300	510	739	870	962	1,043	1,116
4	2,350	515	745	878	970	1,051	1,125
5	2,400	520	752	885	978	1,060	1,134
6	2,450	524	758	892	986	1,068	1,143
7	2,500	529	765	899	993	1,077	1,152
8	2,550	534	771	906	1,001	1,085	1,161
9	2,600	538	778	913	1,009	1,094	1,171
10	2,650	543	784	921	1,017	1,103	1,180
11	2,700	548	791	928	1,025	1,111	1,189
12	2,750	555	800	938	1,037	1,124	1,203
13	2,800	562	810	950	1,050	1,138	1,217
14	2,850	569	820	961	1,062	1,151	1,232
15	2,900	576	830	973	1,075	1,165	1,247
16	2,950	583	840	984	1,088	1,179	1,262
17	3,000	590	850	996	1,100	1,193	1,276
18	3,050	598	860	1,007	1,113	1,207	1,291
19	3,100	605	870	1,019	1,126	1,220	1,306
20	3,150	611	880	1,030	1,138	1,234	1,320
21	3,200	618	889	1,041	1,150	1,247	1,334
22	3,250	624	898	1,052	1,163	1,260	1,348
23	3,300	630	907	1,063	1,175	1,273	1,363
24	3,350	637	917	1,074	1,187	1,287	1,377
25	3,400	643	926	1,085	1,199	1,300	1,391
26	3,450	649	935	1,096	1,211	1,313	1,405
27	3,500	656	944	1,107	1,233	1,326	1,419
28	3,550	662	954	1,118	1,236	1,340	1,433
29	3,600	670	965	1,131	1,249	1,354	1,449

1	3,650	677	975	1,143	1,263	1,369	1,465
2	3,700	685	986	1,155	1,276	1,384	1,480
3	3,750	692	997	1,167	1,290	1,398	1,496
4	3,800	700	1,007	1,180	1,303	1,413	1,512
5	3,850	707	1,018	1,192	1,317	1,428	1,527
6	3,900	715	1,028	1,204	1,330	1,442	1,543
7	3,950	723	1,039	1,216	1,344	1,457	1,559
8	4,000	729	1,049	1,227	1,356	1,470	1,573
9	4,050	736	1,058	1,238	1,369	1,483	1,587
10	4,100	742	1,067	1,249	1,381	1,497	1,601
11	4,150	749	1,077	1,261	1,393	1,510	1,616
12	4,200	755	1,086	1,272	1,405	1,523	1,630
13	4,250	762	1,096	1,283	1,417	1,536	1,644
14	4,300	768	1,105	1,294	1,429	1,549	1,658
15	4,350	775	1,114	1,305	1,442	1,563	1,672
16	4,400	781	1,124	1,316	1,454	1,576	1,686
17	4,450	788	1,133	1,327	1,466	1,589	1,700
18	4,500	794	1,143	1,338	1,478	1,602	1,714
19	4,550	801	1,152	1,349	1,490	1,615	1,729
20	4,600	807	1,161	1,359	1,502	1,628	1,742
21	4,600	812	1,168	1,368	1,512	1,639	1,754
22	4,700	817	1,176	1,377	1,522	1,650	1,765
23	4,750	822	1,183	1,386	1,532	1,661	1,777
24	4,800	826	1,190	1,396	1,542	1,672	1,789
25	4,850	831	1,198	1,405	1,552	1,683	1,800
26	4,900	836	1,205	1,414	1,562	1,694	1,812
27	4,950	841	1,213	1,423	1,572	1,705	1,824
28	5,000	846	1,220	1,432	1,583	1,716	1,836
29	5,050	851	1,228	1,441	1,593	1,727	1,847

1	5,100	856	1,235	1,451	1,603	1,737	1,859
2	5,150	861	1,243	1,460	1,613	1,748	1,871
3	5,200	866	1,250	1,469	1,623	1,759	1,883
4	5,250	871	1,257	1,478	1,633	1,770	1,894
5	5,300	876	1,265	1,487	1,643	1,781	1,906
6	5,350	880	1,272	1,496	1,653	1,792	1,918
7	5,400	885	1,280	1,505	1,663	1,803	1,929
8	5,450	891	1,288	1,516	1,675	1,816	1,943
9	5,500	898	1,298	1,527	1,687	1,829	1,957
10	5,550	904	1,307	1,538	1,699	1,842	1,971
11	5,600	911	1,316	1,549	1,711	1,855	1,985
12	5,650	917	1,326	1,560	1,723	1,868	1,999
13	5,700	923	1,335	1,571	1,735	1,881	2,013
14	5,750	930	1,344	1,582	1,748	1,894	2,027
15	5,800	936	1,353	1,592	1,760	1,907	2,041
16	5,850	943	1,363	1,603	1,772	1,921	2,055
17	5,900	949	1,372	1,614	1,784	1,934	2,069
18	5,950	955	1,381	1,625	1,796	1,947	2,083
19	6,000	962	1,390	1,636	1,808	1,960	2,097
20	6,050	968	1,400	1,647	1,820	1,973	2,111
21	6,100	975	1,409	1,658	1,832	1,986	2,125
22	6,150	981	1,418	1,669	1,844	1,999	2,139
23	6,200	987	1,427	1,680	1,856	2,012	2,153
24	6,250	994	1,437	1,691	1,869	2,026	2,167
25	6,300	1,000	1,446	1,702	1,881	2,039	2,181
26	6,350	1,007	1,455	1,713	1,893	2,052	2,195
27	6,400	1,013	1,465	1,724	1,905	2,065	2,209
28	6,450	1,019	1,474	1,735	1,917	2,078	2,223
29	6,500	1,026	1,483	1,746	1,929	2,091	2,238

1	6,550	1,032	1,492	1,757	1,941	2,104	2,252
2	6,600	1,039	1,502	1,768	1,953	2,117	2,266
3	6,650	1,045	1,511	1,779	1,965	2,130	2,280
4	6,700	1,051	1,520	1,790	1,977	2,144	2,294
5	6,750	1,058	1,529	1,801	1,990	2,157	2,308
6	6,800	1,064	1,539	1,811	2,002	2,170	2,322
7	6,850	1,071	1,548	1,822	2,014	2,183	2,336
8	6,900	1,077	1,557	1,833	2,026	2,196	2,350
9	6,950	1,083	1,567	1,844	2,038	2,209	2,364
10	7,000	1,090	1,576	1,855	2,050	2,222	2,378
11	7,050	1,096	1,585	1,866	2,062	2,235	2,392
12	7,100	1,102	1,594	1,877	2,074	2,248	2,405
13	7,150	1,108	1,602	1,886	2,084	2,259	2,417
14	7,200	1,113	1,610	1,895	2,094	2,270	2,429
15	7,250	1,118	1,617	1,904	2,104	2,281	2,441
16	7,300	1,124	1,625	1,914	2,115	2,292	2,453
17	7,350	1,129	1,633	1,923	2,125	2,303	2,465
18	7,400	1,135	1,641	1,932	2,135	2,315	2,477
19	7,450	1,140	1,649	1,942	2,146	2,326	2,489
20	7,500	1,145	1,657	1,951	2,156	2,337	2,500
21	7,550	1,151	1,664	1,960	2,166	2,348	2,512
22	7,600	1,156	1,672	1,970	2,176	2,359	2,524
23	7,650	1,161	1,680	1,979	2,187	2,370	2,536
24	7,700	1,167	1,688	1,988	2,197	2,381	2,548
25	7,750	1,172	1,696	1,997	2,207	2,393	2,560
26	7,800	1,178	1,704	2,007	2,217	2,404	2,572
27	7,850	1,183	1,712	2,016	2,228	2,415	2,584
28	7,900	1,188	1,719	2,025	2,238	2,426	2,596
29	7,950	1,194	1,727	2,035	2,248	2,437	2,608

1	8,000	1,199	1,735	2,044	2,258	2,448	2,620
2	8,050	1,205	1,743	2,053	2,269	2,459	2,632
3	8,100	1,210	1,751	2,062	2,279	2,471	2,643
4	8,150	1,215	1,759	2,072	2,289	2,482	2,655
5	8,200	1,221	1,767	2,081	2,300	2,493	2,667
6	8,250	1,226	1,774	2,090	2,310	2,504	2,679
7	8,300	1,231	1,782	2,100	2,320	2,515	2,691
8	8,350	1,237	1,790	2,109	2,330	2,526	2,703
9	8,400	1,242	1,798	2,118	2,341	2,537	2,715
10	8,450	1,248	1,806	2,128	2,351	2,548	2,727
11	8,500	1,253	1,814	2,137	2,361	2,560	2,739
12	8,550	1,258	1,821	2,146	2,371	2,571	2,751
13	8,600	1,264	1,829	2,155	2,382	2,582	2,763
14	8,650	1,269	2,837	2,165	2,392	2,593	2,775
15	8,700	1,275	1,845	2,174	2,402	2,604	2,786
16	8,750	1,280	1,853	2,183	2,413	2,615	2,798
17	8,800	1,285	1,861	2,193	2,423	2,626	2,810
18	8,850	1,291	1,869	2,202	2,433	2,638	2,822
19	8,900	1,296	1,876	2,211	2,443	2,649	2,834
20	8,950	1,301	1,884	2,221	2,454	2,660	2,846
21	9,000	1,307	1,892	2,230	2,464	2,671	2,858
22	9,050	1,312	1,900	2,239	2,474	2,682	2,870
23	9,100	1,318	1,908	2,248	2,484	2,693	2,882
24	9,150	1,323	1,916	2,258	2,495	2,704	2,894
25	9,200	1,328	1,924	2,267	2,505	2,715	2,906
26	9,250	1,334	1,931	2,276	2,515	2,727	2,918
27	9,300	1,339	1,939	2,286	2,526	2,738	2,929
28	9,350	1,345	1,947	2,295	2,536	2,749	2,941
29	9,400	1,350	1,955	2,304	2,546	2,760	2,953

1	9,450	1,355	1,963	2,313	2,556	2,771	2,965
2	9,500	1,361	1,971	2,323	2,567	2,782	2,977
3	9,550	1,366	1,978	2,332	2,577	2,793	2,989
4	9,600	1,371	1,986	2,341	2,587	2,805	3,001
5	9,650	1,377	1,994	2,351	2,597	2,816	3,013
6	9,700	1,382	2,002	2,360	2,608	2,827	3,025
7	9,750	1,388	2,010	2,369	2,618	2,838	3,037
8	9,800	1,393	2,018	2,379	2,628	2,849	3,049
9	9,850	1,398	2,026	2,388	2,638	2,860	3,060
10	9,900	1,404	2,033	2,397	2,649	2,871	3,072
11	9,950	1,409	2,041	2,406	2,659	2,883	3,084
12	10,000	1,415	2,049	2,416	2,669	2,894	3,096

13 ~~—The child support obligation from the schedule shall be divided proportionately between the~~
14 ~~parents, based upon their respective net incomes. The share of the custodial parent is presumed~~
15 ~~to be spent directly for the benefit of the child. The share of the noncustodial parent establishes~~
16 ~~the amount of the child support order.~~

17 Monthly

18	<u>Net</u>	<u>One</u>	<u>Two</u>	<u>Three</u>	<u>Four</u>	<u>Five</u>	<u>Six</u>
19	<u>Income</u>	<u>Child</u>	<u>Children</u>	<u>Children</u>	<u>Children</u>	<u>Children</u>	<u>Children</u>
20	<u>0-800</u>	<u>100</u>	<u>150</u>	<u>180</u>	<u>200</u>	<u>220</u>	<u>240</u>
21	<u>850</u>	<u>125</u>	<u>175</u>	<u>205</u>	<u>225</u>	<u>245</u>	<u>265</u>
22	<u>900</u>	<u>150</u>	<u>200</u>	<u>230</u>	<u>250</u>	<u>270</u>	<u>290</u>
23	<u>950</u>	<u>175</u>	<u>225</u>	<u>255</u>	<u>275</u>	<u>295</u>	<u>315</u>
24	<u>1,000</u>	<u>200</u>	<u>250</u>	<u>280</u>	<u>300</u>	<u>320</u>	<u>340</u>
25	<u>1,050</u>	<u>225</u>	<u>275</u>	<u>305</u>	<u>325</u>	<u>345</u>	<u>365</u>
26	<u>1,100</u>	<u>250</u>	<u>300</u>	<u>330</u>	<u>350</u>	<u>370</u>	<u>390</u>
27	<u>1,150</u>	<u>275</u>	<u>325</u>	<u>355</u>	<u>375</u>	<u>395</u>	<u>415</u>

1	<u>1,200</u>	<u>291</u>	<u>350</u>	<u>380</u>	<u>400</u>	<u>420</u>	<u>440</u>
2	<u>1,250</u>	<u>302</u>	<u>375</u>	<u>405</u>	<u>425</u>	<u>445</u>	<u>465</u>
3	<u>1,300</u>	<u>313</u>	<u>400</u>	<u>430</u>	<u>450</u>	<u>470</u>	<u>490</u>
4	<u>1,350</u>	<u>324</u>	<u>425</u>	<u>455</u>	<u>475</u>	<u>495</u>	<u>515</u>
5	<u>1,400</u>	<u>336</u>	<u>450</u>	<u>480</u>	<u>500</u>	<u>520</u>	<u>540</u>
6	<u>1,450</u>	<u>347</u>	<u>475</u>	<u>505</u>	<u>525</u>	<u>545</u>	<u>565</u>
7	<u>1,500</u>	<u>358</u>	<u>500</u>	<u>530</u>	<u>550</u>	<u>570</u>	<u>590</u>
8	<u>1,550</u>	<u>369</u>	<u>525</u>	<u>555</u>	<u>575</u>	<u>595</u>	<u>615</u>
9	<u>1,600</u>	<u>380</u>	<u>550</u>	<u>580</u>	<u>600</u>	<u>620</u>	<u>640</u>
10	<u>1,650</u>	<u>391</u>	<u>566</u>	<u>605</u>	<u>625</u>	<u>645</u>	<u>665</u>
11	<u>1,700</u>	<u>402</u>	<u>582</u>	<u>630</u>	<u>650</u>	<u>670</u>	<u>690</u>
12	<u>1,750</u>	<u>413</u>	<u>598</u>	<u>655</u>	<u>675</u>	<u>695</u>	<u>715</u>
13	<u>1,800</u>	<u>424</u>	<u>615</u>	<u>680</u>	<u>700</u>	<u>720</u>	<u>740</u>
14	<u>1,850</u>	<u>436</u>	<u>631</u>	<u>705</u>	<u>725</u>	<u>745</u>	<u>765</u>
15	<u>1,900</u>	<u>447</u>	<u>647</u>	<u>730</u>	<u>750</u>	<u>770</u>	<u>790</u>
16	<u>1,950</u>	<u>458</u>	<u>663</u>	<u>755</u>	<u>775</u>	<u>795</u>	<u>815</u>
17	<u>2,000</u>	<u>469</u>	<u>679</u>	<u>780</u>	<u>800</u>	<u>820</u>	<u>840</u>
18	<u>2,050</u>	<u>480</u>	<u>695</u>	<u>805</u>	<u>825</u>	<u>845</u>	<u>865</u>
19	<u>2,100</u>	<u>491</u>	<u>710</u>	<u>830</u>	<u>850</u>	<u>870</u>	<u>890</u>
20	<u>2,150</u>	<u>499</u>	<u>722</u>	<u>849</u>	<u>875</u>	<u>895</u>	<u>915</u>
21	<u>2,200</u>	<u>508</u>	<u>734</u>	<u>864</u>	<u>900</u>	<u>920</u>	<u>940</u>
22	<u>2,250</u>	<u>516</u>	<u>747</u>	<u>879</u>	<u>925</u>	<u>945</u>	<u>965</u>
23	<u>2,300</u>	<u>524</u>	<u>759</u>	<u>893</u>	<u>950</u>	<u>970</u>	<u>990</u>
24	<u>2,350</u>	<u>533</u>	<u>771</u>	<u>908</u>	<u>975</u>	<u>995</u>	<u>1,015</u>
25	<u>2,400</u>	<u>541</u>	<u>784</u>	<u>923</u>	<u>1,000</u>	<u>1,020</u>	<u>1,040</u>
26	<u>2,450</u>	<u>550</u>	<u>796</u>	<u>937</u>	<u>1,025</u>	<u>1,045</u>	<u>1,065</u>
27	<u>2,500</u>	<u>558</u>	<u>808</u>	<u>952</u>	<u>1,050</u>	<u>1,070</u>	<u>1,090</u>
28	<u>2,550</u>	<u>566</u>	<u>820</u>	<u>966</u>	<u>1,068</u>	<u>1,095</u>	<u>1,115</u>
29	<u>2,600</u>	<u>571</u>	<u>827</u>	<u>973</u>	<u>1,075</u>	<u>1,120</u>	<u>1,140</u>

1	<u>2,650</u>	<u>576</u>	<u>833</u>	<u>980</u>	<u>1,083</u>	<u>1,145</u>	<u>1,165</u>
2	<u>2,700</u>	<u>580</u>	<u>840</u>	<u>988</u>	<u>1,091</u>	<u>1,170</u>	<u>1,190</u>
3	<u>2,750</u>	<u>585</u>	<u>846</u>	<u>995</u>	<u>1,099</u>	<u>1,191</u>	<u>1,215</u>
4	<u>2,800</u>	<u>590</u>	<u>852</u>	<u>1,002</u>	<u>1,107</u>	<u>1,200</u>	<u>1,240</u>
5	<u>2,850</u>	<u>594</u>	<u>859</u>	<u>1,009</u>	<u>1,115</u>	<u>1,209</u>	<u>1,265</u>
6	<u>2,900</u>	<u>599</u>	<u>865</u>	<u>1,016</u>	<u>1,123</u>	<u>1,217</u>	<u>1,290</u>
7	<u>2,950</u>	<u>604</u>	<u>872</u>	<u>1,023</u>	<u>1,131</u>	<u>1,226</u>	<u>1,312</u>
8	<u>3,000</u>	<u>609</u>	<u>878</u>	<u>1,030</u>	<u>1,139</u>	<u>1,234</u>	<u>1,321</u>
9	<u>3,050</u>	<u>615</u>	<u>888</u>	<u>1,041</u>	<u>1,150</u>	<u>1,247</u>	<u>1,334</u>
10	<u>3,100</u>	<u>622</u>	<u>898</u>	<u>1,053</u>	<u>1,163</u>	<u>1,261</u>	<u>1,349</u>
11	<u>3,150</u>	<u>630</u>	<u>908</u>	<u>1,064</u>	<u>1,176</u>	<u>1,275</u>	<u>1,364</u>
12	<u>3,200</u>	<u>637</u>	<u>918</u>	<u>1,076</u>	<u>1,189</u>	<u>1,288</u>	<u>1,379</u>
13	<u>3,250</u>	<u>644</u>	<u>928</u>	<u>1,087</u>	<u>1,201</u>	<u>1,302</u>	<u>1,393</u>
14	<u>3,300</u>	<u>651</u>	<u>938</u>	<u>1,099</u>	<u>1,214</u>	<u>1,316</u>	<u>1,408</u>
15	<u>3,350</u>	<u>658</u>	<u>948</u>	<u>1,110</u>	<u>1,227</u>	<u>1,330</u>	<u>1,423</u>
16	<u>3,400</u>	<u>665</u>	<u>958</u>	<u>1,122</u>	<u>1,239</u>	<u>1,343</u>	<u>1,438</u>
17	<u>3,450</u>	<u>673</u>	<u>968</u>	<u>1,133</u>	<u>1,252</u>	<u>1,357</u>	<u>1,452</u>
18	<u>3,500</u>	<u>679</u>	<u>977</u>	<u>1,144</u>	<u>1,265</u>	<u>1,371</u>	<u>1,467</u>
19	<u>3,550</u>	<u>686</u>	<u>987</u>	<u>1,155</u>	<u>1,277</u>	<u>1,384</u>	<u>1,481</u>
20	<u>3,600</u>	<u>692</u>	<u>996</u>	<u>1,166</u>	<u>1,289</u>	<u>1,397</u>	<u>1,495</u>
21	<u>3,650</u>	<u>698</u>	<u>1,005</u>	<u>1,177</u>	<u>1,301</u>	<u>1,410</u>	<u>1,509</u>
22	<u>3,700</u>	<u>705</u>	<u>1,014</u>	<u>1,188</u>	<u>1,313</u>	<u>1,423</u>	<u>1,523</u>
23	<u>3,750</u>	<u>711</u>	<u>1,024</u>	<u>1,199</u>	<u>1,325</u>	<u>1,437</u>	<u>1,537</u>
24	<u>3,800</u>	<u>717</u>	<u>1,033</u>	<u>1,210</u>	<u>1,337</u>	<u>1,450</u>	<u>1,551</u>
25	<u>3,850</u>	<u>723</u>	<u>1,042</u>	<u>1,221</u>	<u>1,350</u>	<u>1,463</u>	<u>1,565</u>
26	<u>3,900</u>	<u>730</u>	<u>1,051</u>	<u>1,232</u>	<u>1,362</u>	<u>1,476</u>	<u>1,579</u>
27	<u>3,950</u>	<u>737</u>	<u>1,061</u>	<u>1,244</u>	<u>1,374</u>	<u>1,490</u>	<u>1,594</u>
28	<u>4,000</u>	<u>744</u>	<u>1,072</u>	<u>1,256</u>	<u>1,388</u>	<u>1,505</u>	<u>1,610</u>
29	<u>4,050</u>	<u>752</u>	<u>1,082</u>	<u>1,268</u>	<u>1,401</u>	<u>1,519</u>	<u>1,626</u>

1	<u>4,100</u>	<u>759</u>	<u>1,093</u>	<u>1,281</u>	<u>1,415</u>	<u>1,534</u>	<u>1,641</u>
2	<u>4,150</u>	<u>767</u>	<u>1,104</u>	<u>1,293</u>	<u>1,429</u>	<u>1,549</u>	<u>1,657</u>
3	<u>4,200</u>	<u>774</u>	<u>1,114</u>	<u>1,305</u>	<u>1,442</u>	<u>1,563</u>	<u>1,673</u>
4	<u>4,250</u>	<u>782</u>	<u>1,125</u>	<u>1,317</u>	<u>1,456</u>	<u>1,578</u>	<u>1,688</u>
5	<u>4,300</u>	<u>789</u>	<u>1,136</u>	<u>1,330</u>	<u>1,469</u>	<u>1,593</u>	<u>1,704</u>
6	<u>4,350</u>	<u>797</u>	<u>1,146</u>	<u>1,342</u>	<u>1,483</u>	<u>1,607</u>	<u>1,720</u>
7	<u>4,400</u>	<u>804</u>	<u>1,157</u>	<u>1,354</u>	<u>1,496</u>	<u>1,622</u>	<u>1,735</u>
8	<u>4,450</u>	<u>811</u>	<u>1,166</u>	<u>1,365</u>	<u>1,508</u>	<u>1,635</u>	<u>1,749</u>
9	<u>4,500</u>	<u>817</u>	<u>1,176</u>	<u>1,376</u>	<u>1,520</u>	<u>1,648</u>	<u>1,763</u>
10	<u>4,550</u>	<u>824</u>	<u>1,185</u>	<u>1,387</u>	<u>1,533</u>	<u>1,661</u>	<u>1,778</u>
11	<u>4,600</u>	<u>830</u>	<u>1,194</u>	<u>1,398</u>	<u>1,545</u>	<u>1,674</u>	<u>1,792</u>
12	<u>4,650</u>	<u>837</u>	<u>1,204</u>	<u>1,409</u>	<u>1,557</u>	<u>1,688</u>	<u>1,806</u>
13	<u>4,700</u>	<u>843</u>	<u>1,213</u>	<u>1,420</u>	<u>1,569</u>	<u>1,701</u>	<u>1,820</u>
14	<u>4,750</u>	<u>850</u>	<u>1,222</u>	<u>1,431</u>	<u>1,581</u>	<u>1,714</u>	<u>1,834</u>
15	<u>4,800</u>	<u>856</u>	<u>1,232</u>	<u>1,442</u>	<u>1,593</u>	<u>1,727</u>	<u>1,848</u>
16	<u>4,850</u>	<u>863</u>	<u>1,241</u>	<u>1,453</u>	<u>1,606</u>	<u>1,740</u>	<u>1,862</u>
17	<u>4,900</u>	<u>869</u>	<u>1,251</u>	<u>1,464</u>	<u>1,618</u>	<u>1,754</u>	<u>1,876</u>
18	<u>4,950</u>	<u>876</u>	<u>1,260</u>	<u>1,475</u>	<u>1,630</u>	<u>1,767</u>	<u>1,891</u>
19	<u>5,000</u>	<u>882</u>	<u>1,269</u>	<u>1,486</u>	<u>1,642</u>	<u>1,780</u>	<u>1,905</u>
20	<u>5,050</u>	<u>889</u>	<u>1,279</u>	<u>1,497</u>	<u>1,654</u>	<u>1,793</u>	<u>1,919</u>
21	<u>5,100</u>	<u>895</u>	<u>1,288</u>	<u>1,508</u>	<u>1,666</u>	<u>1,806</u>	<u>1,932</u>
22	<u>5,150</u>	<u>900</u>	<u>1,295</u>	<u>1,517</u>	<u>1,676</u>	<u>1,817</u>	<u>1,944</u>
23	<u>5,200</u>	<u>905</u>	<u>1,303</u>	<u>1,526</u>	<u>1,686</u>	<u>1,828</u>	<u>1,956</u>
24	<u>5,250</u>	<u>910</u>	<u>1,310</u>	<u>1,535</u>	<u>1,696</u>	<u>1,839</u>	<u>1,968</u>
25	<u>5,300</u>	<u>915</u>	<u>1,318</u>	<u>1,544</u>	<u>1,706</u>	<u>1,850</u>	<u>1,979</u>
26	<u>5,350</u>	<u>920</u>	<u>1,325</u>	<u>1,553</u>	<u>1,717</u>	<u>1,861</u>	<u>1,991</u>
27	<u>5,400</u>	<u>925</u>	<u>1,332</u>	<u>1,563</u>	<u>1,727</u>	<u>1,872</u>	<u>2,003</u>
28	<u>5,450</u>	<u>930</u>	<u>1,340</u>	<u>1,572</u>	<u>1,737</u>	<u>1,883</u>	<u>2,014</u>
29	<u>5,500</u>	<u>934</u>	<u>1,347</u>	<u>1,581</u>	<u>1,747</u>	<u>1,894</u>	<u>2,026</u>

1	<u>5,550</u>	<u>939</u>	<u>1,355</u>	<u>1,590</u>	<u>1,757</u>	<u>1,905</u>	<u>2,038</u>
2	<u>5,600</u>	<u>944</u>	<u>1,362</u>	<u>1,599</u>	<u>1,767</u>	<u>1,916</u>	<u>2,050</u>
3	<u>5,650</u>	<u>949</u>	<u>1,370</u>	<u>1,608</u>	<u>1,777</u>	<u>1,927</u>	<u>2,061</u>
4	<u>5,700</u>	<u>954</u>	<u>1,377</u>	<u>1,618</u>	<u>1,787</u>	<u>1,938</u>	<u>2,073</u>
5	<u>5,750</u>	<u>959</u>	<u>1,384</u>	<u>1,627</u>	<u>1,797</u>	<u>1,948</u>	<u>2,085</u>
6	<u>5,800</u>	<u>964</u>	<u>1,392</u>	<u>1,636</u>	<u>1,808</u>	<u>1,959</u>	<u>2,097</u>
7	<u>5,850</u>	<u>969</u>	<u>1,399</u>	<u>1,645</u>	<u>1,818</u>	<u>1,970</u>	<u>2,108</u>
8	<u>5,900</u>	<u>974</u>	<u>1,407</u>	<u>1,654</u>	<u>1,828</u>	<u>1,981</u>	<u>2,120</u>
9	<u>5,950</u>	<u>979</u>	<u>1,414</u>	<u>1,663</u>	<u>1,838</u>	<u>1,992</u>	<u>2,132</u>
10	<u>6,000</u>	<u>984</u>	<u>1,422</u>	<u>1,672</u>	<u>1,848</u>	<u>2,003</u>	<u>2,143</u>
11	<u>6,050</u>	<u>990</u>	<u>1,430</u>	<u>1,683</u>	<u>1,860</u>	<u>2,016</u>	<u>2,157</u>
12	<u>6,100</u>	<u>996</u>	<u>1,440</u>	<u>1,694</u>	<u>1,872</u>	<u>2,029</u>	<u>2,171</u>
13	<u>6,150</u>	<u>1,002</u>	<u>1,449</u>	<u>1,705</u>	<u>1,884</u>	<u>2,042</u>	<u>2,185</u>
14	<u>6,200</u>	<u>1,009</u>	<u>1,458</u>	<u>1,716</u>	<u>1,896</u>	<u>2,055</u>	<u>2,199</u>
15	<u>6,250</u>	<u>1,015</u>	<u>1,468</u>	<u>1,727</u>	<u>1,908</u>	<u>2,068</u>	<u>2,213</u>
16	<u>6,300</u>	<u>1,022</u>	<u>1,477</u>	<u>1,738</u>	<u>1,920</u>	<u>2,081</u>	<u>2,227</u>
17	<u>6,350</u>	<u>1,028</u>	<u>1,486</u>	<u>1,749</u>	<u>1,932</u>	<u>2,094</u>	<u>2,241</u>
18	<u>6,400</u>	<u>1,034</u>	<u>1,495</u>	<u>1,760</u>	<u>1,944</u>	<u>2,108</u>	<u>2,255</u>
19	<u>6,450</u>	<u>1,041</u>	<u>1,505</u>	<u>1,770</u>	<u>1,956</u>	<u>2,121</u>	<u>2,269</u>
20	<u>6,500</u>	<u>1,047</u>	<u>1,514</u>	<u>1,781</u>	<u>1,968</u>	<u>2,134</u>	<u>2,283</u>
21	<u>6,550</u>	<u>1,054</u>	<u>1,523</u>	<u>1,792</u>	<u>1,981</u>	<u>2,147</u>	<u>2,297</u>
22	<u>6,600</u>	<u>1,060</u>	<u>1,532</u>	<u>1,803</u>	<u>1,993</u>	<u>2,160</u>	<u>2,311</u>
23	<u>6,650</u>	<u>1,066</u>	<u>1,542</u>	<u>1,814</u>	<u>2,005</u>	<u>2,173</u>	<u>2,325</u>
24	<u>6,700</u>	<u>1,073</u>	<u>1,551</u>	<u>1,825</u>	<u>2,017</u>	<u>2,186</u>	<u>2,339</u>
25	<u>6,750</u>	<u>1,079</u>	<u>1,560</u>	<u>1,836</u>	<u>2,029</u>	<u>2,199</u>	<u>2,353</u>
26	<u>6,800</u>	<u>1,086</u>	<u>1,569</u>	<u>1,847</u>	<u>2,041</u>	<u>2,212</u>	<u>2,367</u>
27	<u>6,850</u>	<u>1,092</u>	<u>1,579</u>	<u>1,858</u>	<u>2,053</u>	<u>2,226</u>	<u>2,381</u>
28	<u>6,900</u>	<u>1,098</u>	<u>1,588</u>	<u>1,869</u>	<u>2,065</u>	<u>2,239</u>	<u>2,395</u>
29	<u>6,950</u>	<u>1,105</u>	<u>1,597</u>	<u>1,880</u>	<u>2,077</u>	<u>2,252</u>	<u>2,410</u>

1	<u>7,000</u>	<u>1,111</u>	<u>1,607</u>	<u>1,891</u>	<u>2,089</u>	<u>2,265</u>	<u>2,424</u>
2	<u>7,050</u>	<u>1,118</u>	<u>1,616</u>	<u>1,902</u>	<u>2,102</u>	<u>2,278</u>	<u>2,438</u>
3	<u>7,100</u>	<u>1,124</u>	<u>1,625</u>	<u>1,913</u>	<u>2,114</u>	<u>2,291</u>	<u>2,452</u>
4	<u>7,150</u>	<u>1,130</u>	<u>1,634</u>	<u>1,924</u>	<u>2,126</u>	<u>2,304</u>	<u>2,466</u>
5	<u>7,200</u>	<u>1,137</u>	<u>1,644</u>	<u>1,935</u>	<u>2,138</u>	<u>2,317</u>	<u>2,480</u>
6	<u>7,250</u>	<u>1,143</u>	<u>1,653</u>	<u>1,946</u>	<u>2,150</u>	<u>2,331</u>	<u>2,494</u>
7	<u>7,300</u>	<u>1,150</u>	<u>1,662</u>	<u>1,957</u>	<u>2,162</u>	<u>2,344</u>	<u>2,508</u>
8	<u>7,350</u>	<u>1,156</u>	<u>1,671</u>	<u>1,968</u>	<u>2,174</u>	<u>2,357</u>	<u>2,522</u>
9	<u>7,400</u>	<u>1,162</u>	<u>1,681</u>	<u>1,979</u>	<u>2,186</u>	<u>2,370</u>	<u>2,536</u>
10	<u>7,450</u>	<u>1,169</u>	<u>1,690</u>	<u>1,989</u>	<u>2,198</u>	<u>2,383</u>	<u>2,550</u>
11	<u>7,500</u>	<u>1,175</u>	<u>1,699</u>	<u>2,000</u>	<u>2,210</u>	<u>2,396</u>	<u>2,564</u>
12	<u>7,550</u>	<u>1,182</u>	<u>1,709</u>	<u>2,011</u>	<u>2,223</u>	<u>2,409</u>	<u>2,578</u>
13	<u>7,600</u>	<u>1,188</u>	<u>1,718</u>	<u>2,022</u>	<u>2,235</u>	<u>2,422</u>	<u>2,592</u>
14	<u>7,650</u>	<u>1,194</u>	<u>1,727</u>	<u>2,033</u>	<u>2,247</u>	<u>2,435</u>	<u>2,606</u>
15	<u>7,700</u>	<u>1,201</u>	<u>1,736</u>	<u>2,044</u>	<u>2,259</u>	<u>2,449</u>	<u>2,620</u>
16	<u>7,750</u>	<u>1,207</u>	<u>1,746</u>	<u>2,055</u>	<u>2,271</u>	<u>2,462</u>	<u>2,634</u>
17	<u>7,800</u>	<u>1,214</u>	<u>1,755</u>	<u>2,066</u>	<u>2,283</u>	<u>2,475</u>	<u>2,648</u>
18	<u>7,850</u>	<u>1,220</u>	<u>1,764</u>	<u>2,077</u>	<u>2,295</u>	<u>2,488</u>	<u>2,662</u>
19	<u>7,900</u>	<u>1,226</u>	<u>1,772</u>	<u>2,087</u>	<u>2,306</u>	<u>2,500</u>	<u>2,675</u>
20	<u>7,950</u>	<u>1,231</u>	<u>1,780</u>	<u>2,096</u>	<u>2,316</u>	<u>2,511</u>	<u>2,687</u>
21	<u>8,000</u>	<u>1,237</u>	<u>1,788</u>	<u>2,105</u>	<u>2,327</u>	<u>2,522</u>	<u>2,699</u>
22	<u>8,050</u>	<u>1,242</u>	<u>1,796</u>	<u>2,115</u>	<u>2,337</u>	<u>2,533</u>	<u>2,710</u>
23	<u>8,100</u>	<u>1,247</u>	<u>1,804</u>	<u>2,124</u>	<u>2,347</u>	<u>2,544</u>	<u>2,722</u>
24	<u>8,150</u>	<u>1,253</u>	<u>1,812</u>	<u>2,133</u>	<u>2,357</u>	<u>2,555</u>	<u>2,734</u>
25	<u>8,200</u>	<u>1,258</u>	<u>1,820</u>	<u>2,143</u>	<u>2,368</u>	<u>2,567</u>	<u>2,746</u>
26	<u>8,250</u>	<u>1,263</u>	<u>1,827</u>	<u>2,152</u>	<u>2,378</u>	<u>2,578</u>	<u>2,758</u>
27	<u>8,300</u>	<u>1,269</u>	<u>1,835</u>	<u>2,161</u>	<u>2,388</u>	<u>2,589</u>	<u>2,770</u>
28	<u>8,350</u>	<u>1,274</u>	<u>1,843</u>	<u>2,171</u>	<u>2,398</u>	<u>2,600</u>	<u>2,782</u>
29	<u>8,400</u>	<u>1,280</u>	<u>1,851</u>	<u>2,180</u>	<u>2,409</u>	<u>2,611</u>	<u>2,794</u>

1	<u>8,450</u>	<u>1,285</u>	<u>1,859</u>	<u>2,189</u>	<u>2,419</u>	<u>2,622</u>	<u>2,806</u>
2	<u>8,500</u>	<u>1,290</u>	<u>1,867</u>	<u>2,198</u>	<u>2,429</u>	<u>2,633</u>	<u>2,818</u>
3	<u>8,550</u>	<u>1,296</u>	<u>1,874</u>	<u>2,208</u>	<u>2,440</u>	<u>2,644</u>	<u>2,830</u>
4	<u>8,600</u>	<u>1,301</u>	<u>1,882</u>	<u>2,217</u>	<u>2,450</u>	<u>2,656</u>	<u>2,842</u>
5	<u>8,650</u>	<u>1,307</u>	<u>1,890</u>	<u>2,226</u>	<u>2,460</u>	<u>2,667</u>	<u>2,853</u>
6	<u>8,700</u>	<u>1,312</u>	<u>1,898</u>	<u>2,236</u>	<u>2,470</u>	<u>2,678</u>	<u>2,865</u>
7	<u>8,750</u>	<u>1,317</u>	<u>1,906</u>	<u>2,245</u>	<u>2,481</u>	<u>2,689</u>	<u>2,877</u>
8	<u>8,800</u>	<u>1,323</u>	<u>1,914</u>	<u>2,254</u>	<u>2,491</u>	<u>2,700</u>	<u>2,889</u>
9	<u>8,850</u>	<u>1,328</u>	<u>1,922</u>	<u>2,263</u>	<u>2,501</u>	<u>2,711</u>	<u>2,901</u>
10	<u>8,900</u>	<u>1,333</u>	<u>1,929</u>	<u>2,273</u>	<u>2,511</u>	<u>2,722</u>	<u>2,913</u>
11	<u>8,950</u>	<u>1,339</u>	<u>1,937</u>	<u>2,282</u>	<u>2,522</u>	<u>2,734</u>	<u>2,925</u>
12	<u>9,000</u>	<u>1,344</u>	<u>1,945</u>	<u>2,291</u>	<u>2,532</u>	<u>2,745</u>	<u>2,937</u>
13	<u>9,050</u>	<u>1,350</u>	<u>1,953</u>	<u>2,301</u>	<u>2,542</u>	<u>2,756</u>	<u>2,949</u>
14	<u>9,100</u>	<u>1,355</u>	<u>1,961</u>	<u>2,310</u>	<u>2,552</u>	<u>2,767</u>	<u>2,961</u>
15	<u>9,150</u>	<u>1,360</u>	<u>1,969</u>	<u>2,319</u>	<u>2,563</u>	<u>2,778</u>	<u>2,973</u>
16	<u>9,200</u>	<u>1,366</u>	<u>1,977</u>	<u>2,329</u>	<u>2,573</u>	<u>2,789</u>	<u>2,984</u>
17	<u>9,250</u>	<u>1,371</u>	<u>1,984</u>	<u>2,338</u>	<u>2,583</u>	<u>2,800</u>	<u>2,996</u>
18	<u>9,300</u>	<u>1,377</u>	<u>1,992</u>	<u>2,347</u>	<u>2,594</u>	<u>2,812</u>	<u>3,008</u>
19	<u>9,350</u>	<u>1,382</u>	<u>2,000</u>	<u>2,356</u>	<u>2,604</u>	<u>2,823</u>	<u>3,020</u>
20	<u>9,400</u>	<u>1,387</u>	<u>2,008</u>	<u>2,366</u>	<u>2,614</u>	<u>2,834</u>	<u>3,032</u>
21	<u>9,450</u>	<u>1,393</u>	<u>2,016</u>	<u>2,375</u>	<u>2,624</u>	<u>2,845</u>	<u>3,044</u>
22	<u>9,500</u>	<u>1,398</u>	<u>2,024</u>	<u>2,384</u>	<u>2,635</u>	<u>2,856</u>	<u>3,056</u>
23	<u>9,550</u>	<u>1,403</u>	<u>2,031</u>	<u>2,394</u>	<u>2,645</u>	<u>2,867</u>	<u>3,068</u>
24	<u>9,600</u>	<u>1,409</u>	<u>2,039</u>	<u>2,403</u>	<u>2,655</u>	<u>2,878</u>	<u>3,080</u>
25	<u>9,650</u>	<u>1,414</u>	<u>2,047</u>	<u>2,412</u>	<u>2,665</u>	<u>2,889</u>	<u>3,092</u>
26	<u>9,700</u>	<u>1,420</u>	<u>2,055</u>	<u>2,422</u>	<u>2,676</u>	<u>2,901</u>	<u>3,104</u>
27	<u>9,750</u>	<u>1,425</u>	<u>2,063</u>	<u>2,431</u>	<u>2,686</u>	<u>2,912</u>	<u>3,116</u>
28	<u>9,800</u>	<u>1,430</u>	<u>2,071</u>	<u>2,440</u>	<u>2,696</u>	<u>2,923</u>	<u>3,127</u>
29	<u>9,850</u>	<u>1,436</u>	<u>2,079</u>	<u>2,449</u>	<u>2,707</u>	<u>2,934</u>	<u>3,139</u>

1	<u>9,900</u>	<u>1,441</u>	<u>2,086</u>	<u>2,459</u>	<u>2,717</u>	<u>2,945</u>	<u>3,151</u>
2	<u>9,950</u>	<u>1,447</u>	<u>2,094</u>	<u>2,468</u>	<u>2,727</u>	<u>2,956</u>	<u>3,163</u>
3	<u>10,000</u>	<u>1,452</u>	<u>2,102</u>	<u>2,477</u>	<u>2,737</u>	<u>2,967</u>	<u>3,175</u>

4 The share of the custodial parent is presumed to be spent directly for the benefit of the child.

5 Section 2. That § 25-7-6.14 be amended to read as follows:

6 25-7-6.14. ~~Unless~~ As used in this section, basic visitation means a parenting plan whereby
7 one parent has physical custody and the other parent has visitation with the child of the parties.

8 In a basic visitation situation, unless the parties otherwise agree and the agreement is approved
9 by the court, the court may, if deemed appropriate under the circumstances, order an abatement
10 of not less than thirty- eight percent nor more than sixty-six percent of the child support if:

- 11 (1) A child spends ten or more days in a month with the obligor; and
- 12 (2) The ~~number of~~ days of visitation and the abatement, ~~percentage or~~ amount are
13 specified in the court order; ~~and~~
- 14 ~~(3) The visitation is actually exercised.~~

15 The court shall allow the abatement to the obligor in the month in which the visitation is
16 exercised, unless otherwise ordered. The abatement shall be pro-rated to the days of visitation.
17 It shall be presumed that the visitation is exercised. If the visitation exercised substantially
18 deviates from the visitation ordered, either party may file a petition for modification without
19 showing any other change in circumstances.

20 As used in this section, shared responsibility means a parenting plan whereby each parent
21 provides a suitable home for the child of the parties, the court order allows the child to spend at
22 least one hundred twenty days in a calendar year in each home, and the parents share the duties,
23 responsibilities, and expenses of parenting. In a shared responsibility situation, unless the parties
24 otherwise agree and the agreement is approved by the court, the court may, if deemed

1 appropriate under the circumstances, order a shared responsibility cross credit. The cross credit
2 shall be calculated by multiplying the combined child support obligation using both parents'
3 monthly net incomes by 1.5 to arrive at a shared custody child support obligation. The shared
4 custody child support obligation shall be apportioned to each parent according to his or her net
5 income. A child support obligation is computed for each parent by multiplying that parent's
6 portion of the shared custody child support obligation by the percentage of time the child spends
7 with the other parent. The respective child support obligations are offset, with the parent owing
8 more child support paying the difference between the two amounts. It shall be presumed that the
9 shared responsibility parenting plan is exercised. If the parenting plan exercised substantially
10 deviates from the parenting plan ordered, either party may file a petition for modification without
11 showing any other change in circumstances.

12 The court shall consider each case individually before granting either the basic visitation or
13 shared responsibility adjustment to insure that the adjustment does not place an undue hardship
14 on the custodial parent or have a substantial negative effect on the child's standard of living.

15 Section 3. That § 25-7-6.7 be amended to read as follows:

16 25-7-6.7. Deductions from monthly gross income shall be allowed as follows:

- 17 (1) Income taxes withheld figured on the basis of two dependent exemptions for a single
18 taxpayer paid monthly rather than actual amount withheld;
- 19 (2) Estimated income taxes payable, prorated monthly;
- 20 (3) FICA taxes withheld from wages or salary;
- 21 (4) Retirement fund amounts withheld or paid directly to an IRS qualified retirement plan,
22 in a reasonable amount, ~~but, in all cases, limited to the amounts deductible for federal~~
23 ~~income tax purposes;~~
- 24 (5) Actual business expenses of an employee, incurred for the benefit of his employer, not

1 reimbursed;

2 (6) Payments made on other support and maintenance orders.

3 Section 4. That chapter 25-7 be amended by adding thereto a NEW SECTION to read as
4 follows:

5 If, at any time, unpaid child support arrearages exist, the court may order the support obligor
6 to pay towards the arrearages such sums as are ordered by the court, in addition to any other
7 remedies of the support obligee.

8 Section 5. That § 25-7-6.3 be amended to read as follows:

9 25-7-6.3. The monthly net income of each parent shall be determined by ~~his~~ the parent's gross
10 income less allowable deductions, as set forth herein. The monthly gross income of each parent
11 includes amounts received from the following sources:

12 (1) Compensation paid to an employee for personal services, whether salary, wages,
13 commissions, bonus, or otherwise designated;

14 (2) Self-employment income including gain, profit, or loss from a business, farm, or
15 profession;

16 (3) Periodic payments from pensions or retirement programs, including social security or
17 veteran's benefits, disability payments or insurance contracts;

18 (4) Interest, dividends, rentals, royalties, or other gain derived from investment of capital
19 assets;

20 (5) Gain or loss from the sale, trade, or conversion of capital assets;

21 (6) Unemployment insurance benefits; and

22 (7) Worker's compensation benefits;

23 (8) Benefits in lieu of compensation including military pay allowances.

24 If the income of the parents is derived from seasonal employment, or received in payments

1 other than regular, recurring payments, such income shall be annualized to determine a monthly
2 average income.

3 Section 6. That § 25-5-18.1 be amended to read as follows:

4 25-5-18.1. The parents of any child are under a legal duty to support their child in
5 accordance with the provisions of § 25-7-6.1, until the child attains the age of eighteen, or until
6 the child attains the age of nineteen if ~~he~~ the child is a full-time student in a secondary school.
7 If it is determined by the court that the child support obligation survives the death of the parent,
8 the amount due may be modified, revoked, or commuted to a lump sum payment by the court,
9 taking into consideration all factors deemed relevant, including the financial resources of the
10 child and the other parent and the needs of the decedent's family.

11 Section 7. That § 25-7-6.10 be amended to read as follows:

12 25-7-6.10. Deviation from the schedule in § 25-7-6.2 shall be considered if raised by either
13 party and made only upon the entry of specific findings based upon any of the following factors:

- 14 (1) The income of a subsequent spouse or contribution of a third party to the income or
15 expenses of that parent but only if the application of the schedule works a financial
16 hardship on either parent;
- 17 (2) Any financial condition of either parent which would make application of the schedule
18 inequitable;
- 19 (3) ~~Whether the federal income tax dependent deduction for such minor child is allocated~~
20 ~~to the benefit of the support obligor or the custodial parent~~ The federal income tax
21 consequences arising from claiming the child as a dependent;
- 22 (4) Any special needs of the child;
- 23 (5) ~~The effect of custody and visitation provisions including whether children share~~
24 ~~substantial amounts of time with each parent;~~

1 —(6) For agreements entered into prior to July 1, 1986, if it is established by clear and
2 convincing evidence, that debts or property were exchanged for child support and it
3 appears equitable to continue such arrangement;

4 ~~(7)~~(6) The effect of agreements between the parents regarding extra forms of support for the
5 direct benefit of the child;

6 ~~(8)~~(7) The obligation of either parent to provide for subsequent natural children or
7 stepchildren. However, an existing support order may not be modified solely for this
8 reason; or

9 ~~(9)~~(8) The voluntary act of either parent which reduces that parent's income.

10 Section 8. That § 25-7-6.13 be amended to read as follows:

11 25-7-6.13. All orders for support entered and in effect prior to July 1, ~~1997~~ 2001, may be
12 modified in accordance with this chapter without requiring a showing of a change in
13 circumstances from the entry of the order.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

400E0190

SENATE JUDICIARY COMMITTEE ENGROSSED NO.

HB 1060 - 02/07/2001

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 revise the method for and the limitations on imposition
2 of various civil damages for unlawfully taking wild animals.

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

4 Section 1. That § 41-1-5.1 be amended to read as follows:

5 41-1-5.1. Any person, other than a minor under the age of sixteen years, who willfully and
6 unlawfully kills, destroys, takes, or possesses in this state any wild animal designated by this
7 section;

8 (1) Without an applicable and valid big game or small game license; or

9 (2) At a time or place when and where taking or possession of such regulated wild animal
10 is prohibited; or

11 (3) In excess of the legal limit of big game if exceeded by one or more; or

12 (4) In excess of the legal daily or possession limit of small game bird or fish if exceeded
13 by two or more;

14 is liable to the state for civil damages, ~~which are,~~

1 The civil damages are five thousand dollars for each elk, mountain lion, or buffalo; ten
2 thousand dollars for each mountain goat or mountain sheep; one thousand dollars for each deer,
3 antelope, or bobcat; two hundred dollars for each turkey; two hundred dollars for each
4 paddlefish; one hundred dollars for each species of small game bird; and fifty dollars for each fish
5 for any species, other than paddlefish, with an established daily limit of less than twenty-five.

6 If a person has taken or is in possession of more than two times the lawful daily or possession
7 limit of a regulated wild animal, such person is liable for twice the damages provided in this
8 section.

9 However, the return uninjured of the ~~big-game~~ wild animal to the place where captured, or
10 to such other place as the Department of Game, Fish and Parks may direct, constitutes a
11 discharge of such damages. ~~However~~ Moreover, the provisions of this section do not apply to
12 any person, who, after providing written notice received by the Department of Game, Fish and
13 Parks, forty-eight hours in advance, takes reasonable actions to protect the person's land,
14 livestock, or crops from serious and extraordinary damages caused by elk, deer, antelope, wild
15 turkey, or mountain lion. Nothing in this section or any other provision of law prevents any
16 person from taking any action necessary to protect the personal safety of that person or any other
17 person who is in immediate danger of harm from a mountain lion or other animal specified in this
18 section.

19 Section 2. That § 41-1-5.2 be amended to read as follows:

20 41-1-5.2. The liquidated damages provided for in this chapter and taxable costs may be
21 collected by the Department of Game, Fish and Parks in a civil suit brought by it, in the name of
22 the State of South Dakota, against the person claimed to be liable therefor. Conviction of a
23 criminal offense for the same incident leading to the charges specified in §§ 41-1-5.1 ~~and~~
24 ~~41-1-5.3 to 41-1-5.5, inclusive~~, is prima facie evidence of the defendant's civil liability. Failure

1 to obtain conviction on a criminal charge is not a bar to a separate civil action for such liquidated
2 damages.

3 The department, collecting such liquidated damages and taxable costs, shall deposit them in
4 the Department of Game, Fish and Parks fund. Any other public agency or department of the
5 state, collecting liquidated damages and taxable costs, shall remit the moneys collected, less the
6 agreed collection fee, to the state treasurer who shall deposit them in the Department of Game,
7 Fish, and Parks fund.

8 The judgment and liquidated damages may be collected by an agent. Fees to agents
9 authorized to collect on a judgment under this section may not exceed fifty percent of the total
10 amount collected. With approval of the department, agreed collection fees may be deducted from
11 the moneys collected when remitted or may be paid on warrants drawn by the state auditor on
12 itemized vouchers approved by the secretary of game, fish and parks and submitted
13 simultaneously with the moneys collected.

14 Section 3. That § 41-1-5.3 be repealed.

15 ~~41-1-5.3. Any person, other than a minor under the age of sixteen years, who willfully and~~
16 ~~unlawfully kills, destroys, takes, or possesses any small game bird or wild turkey during a closed~~
17 ~~season or without a license is liable to the state for civil damages of one hundred dollars for each~~
18 ~~small game bird and two hundred dollars for each turkey. However, the provisions of this section~~
19 ~~do not apply to any person, who, after providing written notice received by the Department of~~
20 ~~Game, Fish and Parks, forty-eight hours in advance, takes reasonable actions to protect the~~
21 ~~person's land or crops from serious and extraordinary damages caused by wild turkeys.~~

22 Section 4. That § 41-1-5.4 be repealed.

23 ~~41-1-5.4. Any person, other than a minor under the age of sixteen years, who willfully and~~
24 ~~unlawfully kills, destroys, takes, or possesses five or more small game birds or two or more wild~~

1 turkeys in excess of the legal limit during an open season is liable to the state for civil damages
2 of one hundred dollars per each small game bird and two hundred dollars for each turkey in
3 excess of the legal limit. However, the provisions of this section do not apply to any person,
4 who, after providing written notice received by the Department of Game, Fish and Parks, forty-
5 eight hours in advance, takes reasonable actions to protect the person's land or crops from
6 serious and extraordinary damages caused by wild turkeys.

7 Section 5. That § 41-1-5.5 be repealed.

8 ~~41-1-5.5. Any person, other than a minor under the age of sixteen years, who willfully and~~
9 ~~unlawfully kills, destroys, takes or possesses five or more fish in excess of the daily or possession~~
10 ~~limit for any species with a daily limit less than ten is liable to the state for civil damages of fifty~~
11 ~~dollars per each fish in excess of the legal limit.~~

12 Section 6. That § 41-1-5.6 be amended to read as follows:

13 41-1-5.6. A statement generally outlining the civil liability provisions of §§ 41-1-5.1 to
14 ~~41-1-5.5, inclusive,~~ shall be printed on the reverse of the citation given by an arresting officer at
15 the time of the arrest to the person violating game and fish statutes. Acknowledgment of receipt
16 of the information concerning civil liability by the defendant is to be noted specifically through
17 a specific receipt form to draw attention to civil penalties.

18 No person who has been prosecuted for a criminal offense may be held liable for civil
19 damages pursuant to §§ 41-1-5.1 to ~~41-1-5.5, inclusive,~~ and 41-1-5.2 arising from the same
20 offense or incident if ~~he~~ the person has not received the warnings required in this section.

21 Section 7. That § 41-1-5.8 be repealed.

22 ~~41-1-5.8. If a person has taken or is in possession of more than two times the lawful daily~~
23 ~~or possession limit of a regulated wild animal, the liquidated damages as determined and~~
24 ~~provided for in §§ 41-1-5.1 and 41-1-5.3 to 41-1-5.5, inclusive, shall be doubled.~~

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

367E0176

SENATE JUDICIARY COMMITTEE ENGROSSED NO.

HB 1075 - 02/07/2001

Introduced by: The Committee on Judiciary at the request of the Chief Justice

1 FOR AN ACT ENTITLED, An Act to modify certain procedures for grand jury returns.

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

3 Section 1. That § 23A-5-18 be amended to read as follows:

4 23A-5-18. A quorum of six grand jurors must be present before any evidence or testimony
5 may be received or any other business conducted. An indictment may be found only ~~when~~ if there
6 is probable cause to believe that an offense has been committed and that the defendant
7 committed it. An indictment may be found only upon the concurrence of six or more jurors. The
8 names of only those witnesses examined before the grand jury in relation to the particular
9 indictment shall be listed on that indictment before it is ~~presented to~~ filed with the court. An
10 indictment shall be returned by the grand jury to a circuit judge in open court, or, filed with the
11 clerk of courts, endorsed a true bill.

12 If six grand jurors do not concur in finding an indictment against a defendant who is in
13 custody but who has not had a preliminary hearing, the complaint or information and the certified
14 record of the proceedings before the committing magistrate transmitted to them ~~must~~ shall be
15 returned to the court, with an endorsement thereon, signed by the foreman, that the charge is

- 1 dismissed. The dismissal of the charge does not prevent its being again submitted to a grand jury
- 2 as often as a court may direct, but without such direction it cannot again be submitted.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

367E0180

SENATE JUDICIARY COMMITTEE ENGROSSED NO.

HB 1077 - 02/07/2001

Introduced by: The Committee on Judiciary at the request of the Chief Justice

1 FOR AN ACT ENTITLED, An Act to permit the court to impose certain costs and fees as part
2 of the disposition for a child adjudicated as a child in need of supervision.

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

4 Section 1. That § 26-8B-6 be amended to read as follows:

5 26-8B-6. If a child has been adjudicated as a child in need of supervision, the court shall enter
6 a decree of disposition according to the least restrictive alternative available in keeping with the
7 best interests of the child. The decree shall contain one or more of the following alternatives:

8 (1) The court may place the child on probation or under protective supervision in the
9 custody of one or both parents, guardian, custodian, relative, or another suitable
10 person under conditions imposed by the court;

11 (2) The court may require as a condition of probation that the child report for assignment
12 to a supervised work program, provided the child is not placed in a detention facility
13 and is not deprived of the schooling that is appropriate to the child's age, needs, and
14 specific rehabilitative goals. The supervised work program shall be of a constructive
15 nature designed to promote rehabilitation, shall be appropriate to the age level and

1 physical ability of the child and shall be combined with counseling by a court services
2 officer or other guidance personnel. The supervised work program assignment shall
3 be made for a period of time consistent with the child's best interests, but may not
4 exceed ninety days;

5 (3) If the court finds that the child has violated a valid court order, the court may place
6 the child in a detention facility, for purposes of disposition if:

7 (a) The child is not deprived of the schooling that is appropriate for the child's age,
8 needs, and specific rehabilitative goals;

9 (b) The child had a due process hearing before the order was issued;

10 (c) Before the issuance of such order, a local interagency team, authorized
11 pursuant to § 27A-15-56 shall review the behavior of the child and the
12 circumstances under which such child was brought before the court and made
13 subject to such order; determine the reasons for the behavior that caused such
14 child to be brought before the court and made subject to such order; determine
15 that all dispositions, including treatment, other than placement in a detention
16 facility or the Department of Corrections, have been exhausted or are clearly
17 inappropriate; and submit to the court a written report stating the results of the
18 review and determinations made;

19 (4) The court may require the child to pay for any damage done to property or for
20 medical expenses under conditions set by the court if payment can be enforced
21 without serious hardship or injustice to the child;

22 (5) The court may commit the child to the Department of Corrections for placement in
23 a juvenile correctional facility, foster home, group home, group care center, or
24 residential treatment center pursuant to chapter 26-11A. Prior to placement in a

1 juvenile correctional facility, an interagency team comprised of representatives from
2 the Department of Human Services, Department of Social Services, Department of
3 Education and Cultural Affairs, and the Department of Corrections shall make a
4 written finding that placement at a Department of Corrections facility is the least
5 restrictive placement commensurate with the best interests of the child. Subsequent
6 placement in any other Department of Corrections facility may be authorized without
7 an interagency review;

8 (6) The court may place a child in an alternative educational program;

9 (7) The court may order the child to be examined and treated at the Human Services
10 Center;

11 (8) The court may impose a fine not to exceed five hundred dollars;

12 (9) The court may order the suspension or revocation of the child's driving privilege or
13 restrict the privilege in such manner as it sees fit or as required by § 32-12-52.4;

14 (10) The court may assess or charge the same costs and fees as permitted by §§ 16-2-41,
15 23-3-52, 23A-27-26, and 23A-27-27 against the child, parent, guardian, custodian,
16 or other party responsible for the child.

17 No adjudicated child in need of supervision may be incarcerated in a detention facility except
18 as provided in subdivision (3) or (5) of this section.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

367E0178

SENATE JUDICIARY COMMITTEE ENGROSSED NO.

HB 1079 - 02/07/2001

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

Introduced by: The Committee on Judiciary at the request of the Chief Justice

1 FOR AN ACT ENTITLED, An Act to determine the venue of the offense of underage
2 possession or consumption of alcoholic beverages.

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

4 Section 1. That § 35-9-6 be amended to read as follows:

5 35-9-6. In any arrest, citation, or prosecution, ~~or adjudication~~ arising from a violation of
6 § 35-9-2, if the person is apprehended for:

7 (1) The purchase or attempted purchase of alcoholic beverages, the ~~situs~~ venue is the
8 locality where the purchase or attempted purchase occurred;

9 (2) The possession or consumption of alcoholic beverages, the ~~situs~~ venue is the locality
10 where the person was apprehended or any other locality where the person possessed
11 or consumed any portion of the alcoholic beverages.

12 Section 2. That chapter 35-9 be amended by adding thereto a NEW SECTION to read as
13 follows:

14 In any juvenile adjudication arising from a violation of § 35-9-2, if the person is apprehended

1 for:

2 (1) The purchase or attempted purchase of alcoholic beverages, the venue is the locality
3 where the purchase or attempted purchase occurred or the juvenile's county of
4 residence;

5 (2) The possession or consumption of alcoholic beverages, the venue is the locality where
6 the juvenile was apprehended or any other locality where the juvenile possessed or
7 consumed any portion of the alcoholic beverages or the juvenile's county of residence.

8 However, no transfer to the juvenile's county of residence may occur unless the state's
9 attorney of the juvenile's county of residence affirmatively consents to the transfer.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

367E0391

HOUSE JUDICIARY COMMITTEE ENGROSSED NO.

HB 1101 - 01/24/2001

Introduced by: Representative Adelstein and Senator Whiting

1 FOR AN ACT ENTITLED, An Act to clarify the discretion of the court to impose sentences
2 concurrently or consecutively.

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

4 Section 1. That § 22-6-6.1 be amended to read as follows:

5 22-6-6.1. If a defendant has been convicted of two or more offenses, regardless of when the
6 offenses were committed or when the judgment or sentence was entered, the judgment or
7 sentence may be that the imprisonment ~~on the subsequent conviction may run concurrently with~~
8 ~~the imprisonment on any prior conviction or the imprisonment for the subsequent offense may~~
9 ~~commence at the expiration of the imprisonment upon any other offense~~ on any of the offenses
10 or convictions may run concurrently or consecutively at the discretion of the court.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

717E0140

SENATE TRANSPORTATION COMMITTEE

ENGROSSED NO. **SB 144** - 02/08/2001

Introduced by: Senators Vitter and Putnam and Representatives Broderick, Bartling,
Pederson (Gordon), Slaughter, and Van Gerpen

1 FOR AN ACT ENTITLED, An Act to require any person who tampers or interferes with certain
2 highway markers, signs, or control devices to be liable for damages.

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

4 Section 1. That § 31-28-23 be amended to read as follows:

5 31-28-23. No person may, without lawful authority, attempt or actually alter, deface, injure,
6 knock down, remove, or in any manner molest or interfere with any official highway marker,
7 sign, guide board, traffic-control device, or any railroad sign or signal, barrier, warning device,
8 or sign erected in connection with highway maintenance or construction activities. A violation
9 of this section is a Class 1 misdemeanor. Any person who violates this section is liable for any
10 damages resulting either directly or as the proximate cause of such act.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

145E0148 **SENATE EDUCATION COMMITTEE ENGROSSED NO.**
SB 146 - 02/08/2001

Introduced by: Senators Brosz, Daugaard, Ham, McCracken, Munson, and Olson (Ed) and
Representatives Garnos, Konold, McCoy, and Solum

1 FOR AN ACT ENTITLED, An Act to require that certain findings and recommendations of the
2 state fire marshal be included in a school board's minutes and to require certain inspections.

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

4 Section 1. The state fire marshal shall provide a written summary of findings and
5 recommendations resulting from school inspections to each member of the school board and to
6 the superintendent or chief administrative officer of a school district. The fire marshal's summary
7 shall be included in the minutes of the school board and shall be published in the same manner
8 as other school board minutes after a public hearing.

9 Section 2. The superintendent or chief administrative officer of a school district shall develop
10 a plan by which to comply with the recommendations of the state fire marshal. The plan shall be
11 included in the minutes of the school board and shall be published in the same manner as other
12 school board minutes.

13 Section 3. The school board who is responsible for implementing the recommendations of
14 the state fire marshal provided for in section 1 of this Act shall do so in a timely manner.

1 Section 4. Each superintendent or chief operating officer of a school district shall provide for
2 the physical inspection of any classroom building completed before 1950 by a licensed state
3 engineer. The inspection provided for by this section shall be completed no later than
4 September 1, 2002. The findings of the inspection shall be included in the minutes of the school
5 board, and shall be published in the same manner as other school board minutes after a public
6 hearing. The results of the inspection shall be filed with the Department of Education and
7 Cultural Affairs.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

400E0736

SENATE EDUCATION COMMITTEE ENGROSSED NO.

SB 160 - 02/08/2001

Introduced by: Senators Brown (Arnold), Everist, and Olson (Ed) and Representatives
McCoy and Peterson (Bill)

1 FOR AN ACT ENTITLED, An Act to prohibit the offering of postsecondary education credit
2 or degree by nonaccredited institutions.

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

4 Section 1. That chapter 13-49 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 No person, Indian tribe, or state may offer postsecondary education credit or degree in South
7 Dakota, or while organized under the laws of South Dakota, unless currently participating in any
8 federal financial assistance program authorized by Title IV of the Higher Education Act of 1965
9 as amended to January 1, 2001. A violation of this section is a Class 1 misdemeanor and subjects
10 the violator to a civil penalty of twenty-five thousand dollars.

11 The provisions of this section do not apply to a religious institution that offers credit or
12 degree solely for the purpose of conferring status or authority within that religion.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

168E0680

SENATE COMMERCE COMMITTEE ENGROSSED NO.

SB 168 - 02/08/2001

Introduced by: Senators Daugaard, Bogue, and de Hueck and Representatives Monroe,
Duenwald, Garnos, and Klautd

1 FOR AN ACT ENTITLED, An Act to revise the provisions for issuing on-sale liquor licenses
2 to resort facilities.

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

4 Section 1. That § 35-4-107 be amended to read as follows:

5 35-4-107. Notwithstanding the provisions of § 35-4-11.1, each county may issue ~~one~~ three
6 resort facility on-sale ~~license for a resort facility constructed after July 1, 1997~~ licenses. For the
7 purposes of this section, a resort facility is a facility located in a county with a population of less
8 than two thousand persons at the time the license is initially issued and, in a bona fide manner,
9 is used and kept open for hosting guests for compensation which has at least ~~sixty~~ thirty rooms
10 that are suitable for lodging and which has facilities for the preparation and serving of food for
11 consumption on the premises. The resort facility license may be issued only if the licensee derives
12 less than thirty-three percent of the licensee's gross receipts from the sale of alcoholic beverages
13 on the premises where the license is held. For the purposes of this section, the term premises
14 means one contiguous piece of real property on which sales are generated by the licensee. This

1 section applies to any resort facility constructed after July 1, 1997.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

624E0549 **SENATE AGRICULTURE AND NATURAL RESOURCES**
COMMITTEE ENGROSSED NO. SB 210 - 02/08/2001

Introduced by: Senators Diedrich (Larry), Daugaard, Hutmacher, Olson (Ed), Reedy, Sutton (Dan), and Symens and Representatives Jaspers, Duenwald, Hanson (Gary), Jensen, and Peterson (Jim)

1 FOR AN ACT ENTITLED, An Act to establish a refundable checkoff program for swine.

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

3 Section 1. Terms used in this Act mean:

4 (1) "Assessment," a per head fee collected on the sale of all varieties of swine in South
5 Dakota;

6 (2) "Commission," the South Dakota Pork Commission;

7 (3) "Participating seller," any person who owns or operates an agricultural producing or
8 growing facility for swine and shares in the profits and risks of loss from such
9 operation, and who produces swine in South Dakota during the current or preceding
10 marketing year, and has not requested a refund from the payment of assessments on
11 swine production under this Act for the past three years;

12 (4) "Purchaser," any person who buys, accepts for shipment, accepts for consignment,
13 brokers, order buys, or otherwise acquires swine from a producer;

14 (5) "Secretary," the secretary of the Department of Agriculture.

1 Section 2. There is hereby established the South Dakota Pork Commission. The commission
2 shall be composed of five members who:

- 3 (1) Are landowning residents of South Dakota;
- 4 (2) Are at least twenty-five years of age and residents of South Dakota;
- 5 (3) Have been actually engaged in raising swine in this state for a period of at least five
6 years;
- 7 (4) Derive a substantial portion of their income from raising swine; and
- 8 (5) Are participating sellers.

9 Section 3. The initial members shall be appointed by the secretary from a list of
10 recommendations submitted to the secretary by the pork producers of the state. The terms of
11 members are three years; the initial appointments shall be for staggered terms. The secretary is
12 an ex officio, nonvoting member of the commission.

13 Section 4. Each successor to the initial members shall be elected by the participating sellers
14 under rules promulgated by the secretary pursuant to chapter 1-26. No member may serve for
15 more than two consecutive elected terms.

16 Section 5. If a member of the commission ceases to be a participating seller or resigns from
17 office before the expiration of the member's term, the secretary shall appoint a successor for the
18 balance of the term of office vacated.

19 Section 6. The commission shall annually elect a chair and a vice chair. A majority of voting
20 members constitutes a quorum. All meetings of the commission shall be called by the chair
21 except that special meetings may be called by three members of the commission. The commission
22 shall adopt procedures for the calling of special meetings.

23 Section 7. The commission may:

- 24 (1) For purposes related to the swine industry, enter into contracts, including loans and

1 grants, and cooperate with any person, any local, state, or national organization,
2 whether public or private, or with any governmental department or agency for the
3 discovery, promotion, development, and expansion of domestic and export markets
4 and industries and for research, protection, education, transportation, and health
5 issues;

6 (2) Expend the funds collected pursuant to this Act and appropriated for its
7 administration;

8 (3) Appoint, employ, discharge, fix compensation for, and prescribe the duties of such
9 personnel as it deems necessary;

10 (4) Accept donations of funds, property, services, or other assistance from public or
11 private sources for the purpose of furthering the objectives of the commission;

12 (5) Lease, purchase, own, maintain, operate, and dispose of equipment and supplies
13 necessary to carry out the provisions of this Act.

14 Section 8. The commission shall promulgate rules pursuant to chapter 1-26 concerning:

15 (1) The procedures for obtaining a declaratory ruling;

16 (2) The procedures for collecting assessments for swine sold to a purchaser and the
17 amount of the assessment in accordance with section 9 of this Act;

18 (3) The procedures for obtaining a refund of the assessment;

19 (4) The procedures for collecting delinquent assessments and assessing penalties;

20 (5) The record-keeping and reporting requirements of purchasers.

21 Section 9. An assessment not to exceed 0.45 percent of the market value of each swine when
22 sold is imposed by the commission upon all swine sold in the state by a South Dakota resident.

23 However the commission may enter into reciprocal agreements with other states that also have
24 a swine checkoff fee to remit the assessment to the state where the swine were grown.

1 Section 10. Any purchaser of swine shall collect the assessment imposed by this Act by
2 deducting the assessment from the purchase prices of all swine subject to the assessment.

3 Section 11. Moneys collected from checkoff fees shall be deposited in a special revolving
4 fund created in the state treasury and are continuously appropriated to the commission.

5 Section 12. Each purchaser shall keep a permanent record for three years of all purchases of
6 swine, which may be examined by the commission at any reasonable time. Each purchaser shall
7 report to the commission stating the seller and quantity of swine. The report and remittance of
8 the assessment shall be made at the times and in the manner prescribed by the commission
9 pursuant to rules promulgated by the commission pursuant to chapter 1-26.

10 Section 13. If a purchaser disputes an assessment made under this Act, the purchaser may
11 appeal to the commission, which shall conduct a hearing and resolve the matter pursuant to the
12 contested case provisions of chapter 1-26. If a purchaser fails to remit the assessment provided
13 in this Act, the commission may enforce collection in any appropriate court within this state.

14 Section 14. Within ninety days following the assessment, any seller subject to the assessment
15 provided in this Act may apply to the commission for a refund of the assessment. The refund
16 application shall be accompanied by a copy of the record of the assessment on the sale. The
17 commission shall refund the amount of the assessment collected within sixty days of receiving
18 a valid refund application.

19 Section 15. The commission, to inform the seller, shall develop and disseminate information
20 and instructions relating to the purpose of the swine assessment and manner in which refunds
21 may be claimed, and to this extent shall cooperate with government agencies, state and federal,
22 and private businesses engaged in the purchase of swine.

23 Section 16. If any national promotion, research, or consumer information program that uses
24 an assessment mechanism on the sale of swine and is under the supervision of an agency of the

1 federal government is resumed or established, the collection of assessments under this Act is
2 suspended beginning sixty days after the collection of assessments under the national program
3 begins. If the collection of assessments under this Act remains suspended for more than two
4 years, the commission is dissolved and the assets and liabilities of the commission shall be
5 managed as the Legislature shall determine. If, after the commission has been dissolved, the
6 collection of assessments by the national program ceases for a period of sixty days, new members
7 of the commission shall be appointed and subsequent commission members elected as provided
8 in this Act, and the activities of the commission shall resume.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

400E0724

SENATE TRANSPORTATION COMMITTEE

ENGROSSED NO. **SB 211** - 02/08/2001

Introduced by: Senators Bogue, Brown (Arnold), Duxbury, and Vitter and Representatives Jaspers, Broderick, Brown (Richard), Derby, Koistinen, Peterson (Bill), Richter, and Teupel

1 FOR AN ACT ENTITLED, An Act to restrict the erection or placement of unauthorized signs
2 in any public highway right-of-way.

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

4 Section 1. That chapter 31-28 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 No person may place or maintain any unauthorized sign, signal, marking, or device within
7 any public right-of-way or attach any unauthorized sign, signal, marking, or device to any
8 existing sign or post in a public right-of-way. A violation of this section is a Class 1
9 misdemeanor. In addition to any other penalty provided by law, the court, as a part of the
10 sentence, shall assess the actual costs of removing the unauthorized sign, signal, marking, or
11 device, in an amount of not less than one hundred dollars plus actual legal costs, against any
12 person violating this section.

13 Section 2. That § 31-28-22 be amended to read as follows:

14 31-28-22. Every sign, signal ~~or marking,~~ marking, or device prohibited by §§ 31-28-19 ~~and~~

1 , 31-28-20, and section 1 of this Act is hereby declared to be a public nuisance and the
2 Department of Transportation is hereby empowered to may remove the same or cause it to be
3 removed without notice.

4 Section 3. The Transportation Commission may adopt rules, pursuant to chapter 1-26, to
5 authorize the placement or maintenance of signs, other than official traffic control signs, within
6 state highway right-of-way. The rules may include the following:

- 7 (1) Organization qualifying criteria;
- 8 (2) Application procedures;
- 9 (3) Size, spacing, and location within or over the right-of-way;
- 10 (4) Type of construction materials that can be used; and
- 11 (5) Erection, duration, and removal requirements.

12 The Transportation Commission may not promulgate rules pursuant to this section to
13 authorize any commercial advertising within or over state highway right-of-way or to authorize
14 any sign that is not otherwise authorized by law on or over interstate highway right-of-way.

15 Section 4. The governing body of the local government exercising jurisdiction over public
16 highway right-of-way may, by resolution or ordinance, authorize the placement and maintenance
17 of signs for special events or activities for a limited period of time on or over the right-of-way
18 under its control.

19 Section 5. The Department of Game, Fish and Parks or its designee may mark or sign a state
20 snowmobile trail within any public right-of-way or public land. The Department of Game, Fish
21 and Parks may place signs within any public right-of-way providing directions to a state owned
22 or managed public use area.

23 Section 6. That chapter 31-28 be amended by adding thereto a NEW SECTION to read as
24 follows:

1 Nothing in this chapter may be deemed to limit or encroach upon the practice and activity
2 of a professional licensed pursuant to chapter 36-18A, performing his or her professional duties.

3 Section 7. That chapter 31-28 be amended by adding thereto a NEW SECTION to read as
4 follows:

5 Nothing in this chapter may be deemed to limit or encroach upon the activity of a utility
6 company in the conduct of its business.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

455E0418

SENATE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **SB 212** - 02/08/2001

Introduced by: Senators Apa, de Hueck, Duxbury, Hutmacher, Koetzle, McIntyre, Moore, Olson (Ed), and Reedy and Representatives Madsen, Brown (Richard), Burg, Davis, Garnos, Lange, Nesselhuf, Olson (Mel), Smidt, Teupel, and Wick

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding reduced tuition for
2 certain state employees.

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

4 Section 1. That § 3-20-1 be amended to read as follows:

5 3-20-1. Any employee of the state who has been continuously employed by the state for a
6 period of ~~three years~~ one year may, upon compliance with § 3-20-4 and all of the requirements
7 for admission, attend and pursue any undergraduate or graduate course in any state educational
8 institution under the control and management of the Board of Regents upon the payment of fifty
9 percent of tuition and one hundred percent of required fees. The Board of Regents shall maintain
10 an annual record of the number of participants and the tuition dollar value of such participation.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

714E0465

SENATE EDUCATION COMMITTEE ENGROSSED NO.

SB 234 - 02/08/2001

Introduced by: Senators Sutton (Dan), Brown (Arnold), Daugaard, Hutmacher, and
McCracken and Representatives Garnos and Olson (Mel)

1 FOR AN ACT ENTITLED, An Act to provide for the development and administration of certain
2 standardized academic achievement tests.

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

4 Section 1. That § 13-3-55 be amended to read as follows:

5 13-3-55. Every school district shall administer the same national norm-referenced academic
6 achievement test to all students in grades two, four, eight, and eleven. ~~In addition, and~~ every
7 school district shall administer to all students in grades five and nine an achievement test to
8 assess writing skills. ~~These~~ In addition, every school district shall administer the same criterion-
9 referenced academic achievement test, once in the fall semester and once again in the spring
10 semester, to all students in grades three, six, and ten. The criterion-referenced tests shall be
11 designed by the state. All of the tests shall be provided by the Department of Education and
12 Cultural Affairs and shall assess proficiency in meeting state standards. These The tests shall be
13 administered starting ~~during the 1998-1999~~ in the spring of the 2001-2002 school year. Each
14 state-designed test for each grade level to be tested shall be a single statewide criterion-

1 referenced test, which shall be highly correlated with the state's graduation requirements, course
2 guidelines, and academic content standards. The requirements of this section pertaining to
3 criterion-referenced tests to be administered to students in grades three, six, and ten do not apply
4 to students who are receiving alternative instruction pursuant to § 13-27-3.

5 Section 2. That chapter 13-3 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 The South Dakota Academic Achievement Test Advisory Council is hereby established. The
8 council shall advise the Department of Education and Cultural Affairs, the South Dakota Board
9 of Education, education-related organizations, and other education groups on issues related to
10 statewide academic achievement tests required pursuant to this Act. The council shall meet at
11 least annually with the Department of Education and Cultural Affairs to discuss, develop, and
12 make recommendations concerning testing issues, results, mechanics, and other relevant student
13 achievement test issues in this state. The council shall consist of nine members appointed by the
14 Governor from the following categories:

- 15 (1) Two teachers and one counselor who are members of the South Dakota Education
16 Association;
- 17 (2) One school board member;
- 18 (3) Two school administrators;
- 19 (4) One employee of the Department of Education and Cultural affairs;
- 20 (5) One member of the South Dakota Board of Education; and
- 21 (6) One Parent Teacher Association member.

22 Members of the council shall be appointed for two-year terms, except that five of the
23 members of the initial council shall be appointed to two-year terms, and four of the members of
24 the initial council shall be appointed for one year. All subsequent appointments shall be for terms

1 of two years. Any vacancy on the council that occurs before the incumbent's term has expired
2 shall be filled by appointment to serve the remainder of the unexpired term. The number of terms
3 that a council member may serve is not limited. The council shall receive per diem compensation
4 and allowable expense reimbursement in an amount set pursuant to § 4-7-10.4 for all time
5 actually spent while attending council meetings. The provisions of this section shall be
6 implemented using funds from the normal operating budget of the Department of Education and
7 Cultural Affairs.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

277E0778

SENATE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **SB 252** - 02/08/2001

Introduced by: Senator de Hueck and Representative Garnos

1 FOR AN ACT ENTITLED, An Act to provide for the establishment of the School and Public
2 Lands Paleontology Advisory Council and to prescribe its duties.

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

4 Section 1. The commissioner of school and public lands may establish the School and Public
5 Lands Paleontology Advisory Council to consult with and assist the commissioner in formulating
6 state policy with regard to paleontological activities on school and public lands as well as
7 determining suitable repositories for paleontological specimens recovered from school and public
8 lands. The council shall consist of not more than five state citizens who are knowledgeable in the
9 science of paleontology, whether professional or amateur, and shall be appointed by, and serve
10 at the pleasure of, the commissioner.

11 Section 2. That § 5-1-16 be amended to read as follows:

12 5-1-16. The commissioner of school and public lands ~~shall~~ may promulgate rules pursuant
13 to chapter 1-26 governing the issuance of permits required in § 5-1-15. ~~The rules shall include~~
14 including:

15 (1) Minimum permittee qualifications;

- 1 (2) Duration of permit;
- 2 (3) For excavation permits, coordination with the lessee for entry to the property for the
3 purposes of the permit;
- 4 (4) For excavation permits, research designs that provide for the recovery of the
5 maximum amount of scientific, paleontological, and educational information, in
6 addition to the physical recovery of specimens and the reporting of paleontological
7 information meeting current standards of scientific rigor;
- 8 (5) The need, if any, to submit data obtained in the course of field investigations to the
9 commissioner;
- 10 (6) ~~Proof of consultation with a qualified paleontologist regarding curation of collections;~~
- 11 (7) Fees not to exceed twenty-five dollars for an exploration permit and two hundred fifty
12 dollars for an excavation permit; and
- 13 (8) Permit application forms.

14 Section 3. That § 5-1-17 be amended to read as follows:

15 5-1-17. No person may remove from the state, any specimen from lands under the
16 jurisdiction of the commissioner of school and public lands, without permission from the
17 commissioner, after consultation with the lessee, the School and Public Lands Paleontology
18 Advisory Council, and any other agencies managing other interests in the land.

19 Section 4. That § 5-1-18 be amended to read as follows:

20 5-1-18. Any scientifically significant paleontological collections recovered from lands under
21 the jurisdiction of the commissioner of school and public lands are the property of the state. The
22 repository or curation facility for collections from such lands shall be designated by the
23 commissioner in consultation with a qualified paleontologist and the School and Public Lands
24 Paleontology Advisory Council.