

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

400H0182 **SENATE EDUCATION COMMITTEE ENGROSSED NO.**
SB 16 - 01/24/2002

Introduced by: The Committee on Education at the request of the Board of Regents

1 FOR AN ACT ENTITLED, An Act to provide that certain postsecondary school information
2 be given to parents and guardians of students in middle schools and high schools.

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

4 Section 1. That chapter 13-28 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 By November first each year, each school district shall provide a list of students by name in
7 grades seven to twelve, inclusive, together with their mailing addresses, to the executive director
8 of the Board of Regents. The board shall use the information to inform the parents and guardians
9 of any such student in any public middle school and high school about the courses needed to
10 prepare for postsecondary-level work and about the benefits of such preparation. However, no
11 school district may forward the name of any student whose parent has directed that the school
12 district not release directory information about the student. The board shall provide a format
13 through which the information may be submitted.

14 Section 2. That chapter 13-53 be amended by adding thereto a NEW SECTION to read as
15 follows:



1 The Board of Regents shall treat all information disclosed pursuant to this Act as confidential
2 and subject to the same restrictions that apply to personally identifiable information involving any
3 student enrolled in the universities or special schools.

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

734H0534

SENATE HEALTH AND HUMAN SERVICES COMMITTEE ENGROSSED NO. **SB 93** - 01/24/2002

Introduced by: Senators Madden, de Hueck, Everist, Greenfield, Ham, Hutmacher, Koskan, McIntyre, Olson (Ed), Staggers, Sutton (Dan), and Whiting and Representatives Peterson (Bill), Adelstein, Begalka, Broderick, Clark, Duenwald, Frost, Heineman, Klaudt, Napoli, Olson (Mel), Pitts, Valandra, and Van Etten

1 FOR AN ACT ENTITLED, An Act to establish certain requirements for genetic testing.

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

3 Section 1. If a genetic test is required or authorized by state law, or performed in the state,
4 the test, shall be performed in a laboratory accredited by: (a) the College of American
5 Pathologists or (b) any accreditation body approved by the United States Secretary of Health and
6 Human Services and which has requirements that are substantially equivalent to or more
7 comprehensive than those of the college, and (c) is enrolled in a proficiency testing program
8 sponsored by the College of American Pathologists or a substantially equivalent, or more
9 comprehensive program.



State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

618H0411

SENATE TRANSPORTATION COMMITTEE

ENGROSSED NO. **SB 124** - 01/24/2002

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

Introduced by: Senators Apa, de Hueck, Dennert, Duxbury, Greenfield, Kleven, Koskan, Madden, McCracken, Olson (Ed), Reedy, and Symens and Representatives Lintz, Abdallah, Broderick, Garnos, Hennies (Thomas), Klaudt, Lange, Madsen, McCaulley, Rhoden, Slaughter, and Sutton (Duane)

1 FOR AN ACT ENTITLED, An Act to repeal certain provisions concerning the county highway
2 system.

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

4 Section 1. That § 31-12-19 be repealed.

5 ~~— 31-12-19. The board of county commissioners shall properly and adequately maintain the full~~
6 ~~maintenance roads on the county highway system within the county by contract or day labor on~~
7 ~~all or different portions of the system as the board of county commissioners deem expedient. The~~
8 ~~board shall maintain any federal-aid system highways according to any agreement made by it in~~
9 ~~consideration of federal aid received for construction and improvement of such highways. The~~
10 ~~board shall, at its first meeting each year, designate which county roads are full maintenance~~
11 ~~roads and which are minimum maintenance roads. The board of county commissioners may not~~
12 ~~designate any county road as minimum maintenance if such road is a school route or mail route.~~



State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

940H0618

SENATE COMMERCE COMMITTEE ENGROSSED NO.

SB 127 - 01/24/2002

Introduced by: Senators Munson, McCracken, and Sutton (Dan) and Representatives Broderick, Olson (Mel), and Solum

1 FOR AN ACT ENTITLED, An Act to establish licensing requirements for providers of certain
2 automated teller machine transaction routing services.

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

4 Section 1. That chapter 51A-8 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 For purposes of this chapter, the term, automated teller machine transaction routing services,
7 means the routing and processing of transactions initiated by a user of an automated teller
8 machine, whether located at or separate and apart from a bank or branch bank and including a
9 remote service unit or cash dispensing machine, or the operation of a facility or service where
10 the electronic impulses or other indicia of a transaction originating at an automated teller
11 machine are received and are routed, switched, or transmitted to a financial instituion, a data
12 processing center, or similar facility.

13 Section 2. That chapter 51A-8 be amended by adding thereto a NEW SECTION to read as
14 follows:



1 The provisions of sections 1 to 13, inclusive, of this Act do not apply to any bank organized
2 under this title, any national bank, any bank holding company, any savings and loan association
3 organized under the laws of this state or the United States of America, any federal credit union,
4 or any direct or indirect subsidiary of the foregoing.

5 Section 3. That chapter 51A-8 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 No person may provide automated teller machine transaction routing services in this state
8 without obtaining a license from the division. A person will be deemed to provide automated
9 teller machine transaction routing services in this state if it does so directly or if such person
10 provides a substantial portion of the automated teller machine transaction routing services which
11 any other person has contracted to provide in this state. A violation of this section is a Class 2
12 misdemeanor.

13 Section 4. That chapter 51A-8 be amended by adding thereto a NEW SECTION to read as
14 follows:

15 Any person desiring to obtain a license to provide automated teller machine transaction
16 routing services shall apply for a license under oath on forms supplied by the division. The
17 application shall contain the name and address of the applicant; the name and address of all
18 persons directly or indirectly owning, controlling, or holding a beneficial interest of five percent
19 or more of the outstanding securities, ownership units, membership interests, or capital, or any
20 class thereof, of the applicant; the business experience of the applicant; a balance sheet reflecting
21 the assets, liabilities, and net worth of the applicant; and other information as required by the
22 director by rule or order. The applicant shall pay an original license fee as set forth by rules of
23 the commission, promulgated pursuant to chapter 1-26, not to exceed two hundred fifty dollars.
24 Upon receipt of an application, the director shall make an examination and investigation

1 concerning the applicant and any relevant facts and, after review, either deny or grant a license
2 based upon the director's findings.

3 Section 5. That chapter 51A-8 be amended by adding thereto a NEW SECTION to read as
4 follows:

5 Any license shall be renewed on July first. To renew a license, the licensee shall file for
6 renewal by June first. The renewal application shall include a fee not to exceed two hundred fifty
7 dollars as set by the commission, by rule promulgated pursuant to chapter 1-26, and any other
8 information as required by the director by rule or order.

9 Section 6. That chapter 51A-8 be amended by adding thereto a NEW SECTION to read as
10 follows:

11 A person holding a license to provide automated teller machine transaction routing services
12 may not directly or indirectly transfer or assign the license. A person is deemed to have indirectly
13 transferred or assigned the license if it enters into arrangements, whether by subcontract or other
14 means, by which it retains another person to provide all or substantially all of the automated
15 teller machine transaction routing services which such person has agreed to provide in this state.

16 Section 7. That chapter 51A-8 be amended by adding thereto a NEW SECTION to read as
17 follows:

18 The director may, after hearing and upon ten days notice to the licensee, issue a cease and
19 desist order from any practices that do not conform to the requirements set forth in sections 2
20 to 13, inclusive, of this Act or rules adopted by the commission pursuant to chapter 1-26 or any
21 order of the director.

22 Section 8. That chapter 51A-8 be amended by adding thereto a NEW SECTION to read as
23 follows:

24 The director may revoke a license for good cause pursuant to chapter 1-26. An action may

1 also be brought by the attorney general or the director to enjoin a licensee from engaging in, or
2 continuing any violation, or from doing any act in furtherance thereof. In any action, an order
3 or judgment may be entered awarding a temporary or permanent injunction.

4 Section 9. That chapter 51A-8 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 The director may deny an application for a license, or may revoke the license of an existing
7 licensee, if the director determines that the applicant or the licensee has engaged in any anti-
8 competitive practices or practices which have the purpose or effect of preventing any other
9 provider of automated teller machine transaction routing services from engaging in such business
10 inside or outside of this state.

11 Section 10. That chapter 51A-8 be amended by adding thereto a NEW SECTION to read
12 as follows:

13 A person is not deemed to be providing automated teller machine transaction routing services
14 in this state if such services consist solely of the switching, routing, or processing of a transaction
15 initiated at an automated teller machine in this state with respect to an account maintained at a
16 financial institution whose principal place of business is located outside of this state.

17 Section 11. That chapter 51A-8 be amended by adding thereto a NEW SECTION to read
18 as follows:

19 No person may provide automated teller machine transaction routing services in this state
20 or to an automated teller machine located in this state or receive a license under this Act unless
21 the principal place of business of such person, and the principal place of business of its ultimate
22 parent or controlling person, if any, are located in this state or in another state whose laws allow
23 any person with its principal place of business in this state to provide automated teller machine
24 transaction routing services in that state without any qualifications, conditions, or requirements

1 which are more restrictive than those imposed by this chapter. The director may determine
2 whether the qualifications, conditions, and requirements imposed by the laws of any other state
3 on a person providing automated teller machine transaction routing services are more restrictive
4 than the requirements of this chapter. A violation of this section is a Class 2 misdemeanor.

5 Section 12. That chapter 51A-8 be amended by adding thereto a NEW SECTION to read
6 as follows:

7 A licensee is subject to examination and supervision by the director. The director may require
8 the filing of reports by licensees. The director may charge back to the licensee any cost
9 associated with an examination of the licensee.

10 Section 13. That chapter 51A-8 be amended by adding thereto a NEW SECTION to read
11 as follows:

12 The commission may promulgate rules, pursuant to chapter 1-26, for the management and
13 administration of licensees, to promote fair and equitable competition among providers of
14 automated teller machine transaction routing services, and to determine that other practices or
15 activities are automated teller machine transaction routing services for purposes of this chapter
16 as a result of changes in technology or commercial practices.

17 Section 14. That chapter 51A-8 be amended by adding thereto a NEW SECTION to read
18 as follows:

19 The provisions of sections 1 to 13, inclusive, do not apply to a person engaged in providing
20 automated teller machine transaction routing services in this state on June 30, 2002, if the
21 activities of such person in this state are limited to providing services required in binding
22 contracts in force on June 30, 2002, for the benefit of the persons who are parties to such
23 contracts on such date. Nothing in this section affects the applicability of sections 1 to 13,
24 inclusive, of this Act, to any other activities of a person described in this section or any contracts

- 1 or agreements for automated teller machine transaction routing services entered into after
- 2 June 30, 2002.

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

571H0690

SENATE TRANSPORTATION COMMITTEE ENGROSSED NO. **SB 164** - 01/24/2002

Introduced by: Senator Diedtrich (Elmer) and Representative Frost

1 FOR AN ACT ENTITLED, An Act to require damage disclosure statements for certain large
2 boats.

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

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

6 Upon the sale, assignment, or transfer of a large boat, or if registering a large boat in South
7 Dakota which is titled in another state or jurisdiction, the seller, assignor, or transferor, or person
8 wishing to register in South Dakota a large boat which is titled in another state or jurisdiction
9 shall submit an accurately completed damage disclosure statement when applying for a certificate
10 of title pursuant to § 32-3A-20. The completed damage disclosure statement may be on the back
11 of the certificate of title or on a separate document that has been approved for use by the
12 department. No certificate of title may be issued by the department unless the damage disclosure
13 statement accompanies the application. It is a Class 1 misdemeanor to intentionally falsify any
14 information on the damage disclosure statement. No person is liable to a subsequent owner of
15 a large boat because a prior owner of the large boat failed to disclose that the large boat had



1 previously been damaged and repaired. This section applies to any large boat with damage in
2 excess of twenty-five percent of the retail value as determined by the Anderson Bugg Outboard
3 Services Blue Book or the National Automobile Dealers Association Marine Guide, in effect at
4 the time of the damage. If the large boat has incurred damages more than once, only those
5 damages which occurred at one time would be considered in determining whether the damages
6 exceeded twenty-five percent of the retail value as determined by the Anderson Bugg Outboard
7 Services Blue Book or the National Automobile Dealers Association Marine Guide, in effect at
8 the time of the damage.

9 Section 2. That chapter 32-3A be amended by adding thereto a NEW SECTION to read as
10 follows:

11 For the purposes of the damage disclosure statement provided by section 1 of this Act,
12 damage is damage to the large boat caused by fire, vandalism, collision, weather, submersion in
13 water, or flood, and does not include normal wear and tear, glass damage, mechanical repairs,
14 or electrical repairs that have not been caused by fire, vandalism, collision, weather, submersion
15 in water, or flood.

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

18 The department shall retain each damage disclosure statement received. The statement shall
19 become part of the title history available to the public pursuant to § 32-3A-38.

20 Section 4. That chapter 32-3A be amended by adding thereto a NEW SECTION to read as
21 follows:

22 The department shall promulgate rules, pursuant to chapter 1-26, to prescribe the format for
23 the damage disclosure statement provided by section 1 of this Act. An area for a damage
24 disclosure statement shall appear on the back of each certificate of title issued by the department.

1 The department may also approve separate documents on which a damage disclosure statement
2 may be submitted. The damage disclosure statement form shall indicate whether the large boat
3 has been damaged such that it cost more than twenty-five percent of the retail value as
4 determined by the Anderson Bugg Outboard Services Blue Book or the National Automobile
5 Dealers Association Marine Guide, in effect at the time of the damages to repair to its
6 predamaged condition and any other damage information the department deems appropriate. If
7 a separate document from the certificate of title contains the damage disclosure statement, the
8 document shall also require the following information: year, make, model, and hull identification
9 number of the large boat.

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

12 The dollar amount of damage to a large boat required to be disclosed pursuant to section 1
13 of this Act shall include the costs necessary to return the damaged large boat to its predamaged
14 condition. Such costs include parts, labor, paint, and hull work done on the damaged large boat.

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

17 Any large boat that is required to be titled pursuant to this chapter and is sold or offered for
18 sale by a boat dealer as defined in § 32-3A-2 shall display a sticker, decal, or notice that discloses
19 damage to the large boat in accordance with the provisions of this Act, as determined by the
20 department in rules promulgated pursuant to chapter 1-26. The rules shall also prescribe the
21 format and construction of the sticker, decal, or notice.

22 Section 7. That chapter 32-3A be amended by adding thereto a NEW SECTION to read as
23 follows:

24 Each certificate of title issued by the department shall contain the following phrase: South

1 Dakota state law requires the disclosure of damage on large boats. This information is available
2 upon written request from the Department of Revenue. Each certificate of title shall also contain
3 on its front a statement as to whether previous damage disclosure statements indicate the large
4 boat had been damaged at one time in excess of twenty-five percent of the retail value as
5 determined by the Anderson Bugg Outboard Services Blue Book or the National Automobile
6 Dealers Association Marine Guide, in effect at the time of the damages as provided by section
7 1 of this Act.

8 Section 8. That § 32-3A-38 be amended to read as follows:

9 32-3A-38. The department may upon written request and receipt of a five dollar fee furnish
10 a person a certified abstract of the title history which shall include any damage disclosure
11 statement of any boat registered under the provisions of this chapter. The abstract may include
12 all documents filed with the department to establish the title history of the boat. The fee shall be
13 deposited in the state motor vehicle fund. Governmental entities and their subdivisions are
14 exempt from this fee requirement.