

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

400H0202

HOUSE COMMERCE COMMITTEE ENGROSSED NO.

HB 1020 - 01/15/2002

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

1 FOR AN ACT ENTITLED, An Act to revise the term of retention of certain records by insurers
2 and to require certain delivery receipts to be forwarded to an insurer.

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

4 Section 1. That § 58-15-8.2 be amended to read as follows:

5 58-15-8.2. An insurance company or fraternal benefit society shall issue policies in this state
6 for which an examination period is required in accordance with one of the following methods:

- 7 (1) If the policy is delivered by an insurance producer, a receipt shall be signed by the
8 policyowner acknowledging delivery of the policy. The receipt shall include the policy
9 number and the date of the delivery;
- 10 (2) If the policy is delivered by mail, it shall be sent by registered or certified mail, return
11 receipt requested, or a certificate of mailing shall be obtained showing the date the
12 policy was mailed to the policyowner. For policy issuances verified by a certificate of
13 mailing, it is presumed that the policy is received by the policyowner ten days from
14 the date of mailing.



1 The receipts and the certificates of mailing described in this section shall be retained by the
2 insurer ~~or insurance producer~~ for ~~three~~ five years. If a producer obtains the delivery receipt, the
3 producer shall forward the signed delivery receipt to the insurer.

4 Section 2. That § 58-15-59.2 be amended to read as follows:

5 58-15-59.2. An insurance company or fraternal benefit society shall issue policies in this state
6 for which an examination period is required in accordance with one of the following methods:

7 (1) If the policy is delivered by an insurance producer, a receipt shall be signed by the
8 policyowner acknowledging delivery of the policy. The receipt shall include the policy
9 number and the date of the delivery;

10 (2) If the policy is delivered by mail, it shall be sent by registered or certified mail, return
11 receipt requested, or a certificate of mailing shall be obtained showing the date the
12 policy was mailed to the policyowner. For policy issuances verified by a certificate of
13 mailing, it is presumed that the policy is received by the policyowner ten days from
14 the date of mailing.

15 The receipts and the certificates of mailing described in this section shall be retained by the
16 insurer ~~or insurance producer~~ for ~~three~~ five years. If a producer obtains the delivery receipt, the
17 producer shall forward the signed delivery receipt to the insurer.

18 Section 3. That § 58-17-11.1 be amended to read as follows:

19 58-17-11.1. An insurance company, nonprofit hospital service plan, medical service
20 corporation, health maintenance organization, or fraternal benefit society shall issue policies in
21 this state for which an examination period is required in accordance with one of the following
22 methods:

23 (1) If the policy is delivered by an insurance producer, a receipt shall be signed by the
24 policyowner acknowledging delivery of the policy. The receipt shall include the policy

1 number and the date of the delivery;

2 (2) If the policy is delivered by mail, it shall be sent by registered or certified mail, return
3 receipt requested, or a certificate of mailing shall be obtained showing the date the
4 policy was mailed to the policyowner. For policy issuances verified by a certificate of
5 mailing, it is presumed that the policy is received by the policyowner ten days from
6 the date of mailing.

7 The receipts and the certificates of mailing described in this section shall be retained by the
8 insurer ~~or insurance producer~~ for ~~three~~ five years. If a producer obtains the delivery receipt, the
9 producer shall forward the signed delivery receipt to the insurer.

10 Section 4. That § 58-28-24.2 be amended to read as follows:

11 58-28-24.2. An insurance company or fraternal benefit society shall issue policies in this state
12 for which an examination period is required in accordance with one of the following methods:

13 (1) If the policy is delivered by an insurance producer, a receipt shall be signed by the
14 policyowner acknowledging delivery of the policy. The receipt shall include the policy
15 number and the date of the delivery;

16 (2) If the policy is delivered by mail, it shall be sent by registered or certified mail, return
17 receipt requested, or a certificate of mailing shall be obtained showing the date the
18 policy was mailed to the policyowner. For policy issuances verified by a certificate of
19 mailing, it is presumed that the policy is received by the policyowner ten days from
20 the date of mailing.

21 The receipts and the certificates of mailing described in this section shall be retained by the
22 insurer ~~or insurance producer~~ for ~~three~~ five years. If a producer obtains the delivery receipt, the
23 producer shall forward the signed delivery receipt to the insurer.

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

400H0201

HOUSE COMMERCE COMMITTEE ENGROSSED NO.

HB 1021 - 01/15/2002

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

1 FOR AN ACT ENTITLED, An Act to revise the record retention period for certain insurance
2 licensees and registrants.

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

4 Section 1. That § 58-30-127 be amended to read as follows:

5 58-30-127. No managing general agent may place business with an insurer unless there is in
6 force a written contract between the parties which sets forth the responsibilities of each party and
7 specifies the division of common or shared responsibilities. The contract shall contain the
8 following minimum provisions:

9 (1) The insurer may terminate the contract for cause upon written notice to the managing
10 general agent. The insurer may suspend the underwriting authority of the managing
11 general agent during the pendency of any dispute regarding the cause for termination;

12 (2) The managing general agent shall render accounts to the insurer detailing all
13 transactions and remit all funds due under the contract to the insurer on not less than
14 a monthly basis;



- 1 (3) All funds collected for the account of an insurer shall be held by the managing general
2 agent in an escrow account in a bank which is a qualified United States financial
3 institution as defined in § 58-30-139. This account shall be used for all payments on
4 behalf of the insurer. The managing general agent may retain no more than three
5 months estimated claims payments and allocated loss adjustment expenses;
- 6 (4) Separate records of business written by the managing general agent shall be
7 maintained. The insurer shall have access and right to copy all accounts and records
8 related to its business in a form usable by the insurer and the director shall have access
9 to all books, bank accounts, and records of the managing general agent in a form
10 usable to the director. Records shall be retained for ~~three~~ five years or until examined,
11 ~~whichever is later~~;
- 12 (5) The contract may not be assigned in whole or part by the managing general agent;
- 13 (6) Appropriate underwriting guidelines including:
- 14 (a) The maximum annual premium volume;
- 15 (b) The basis of the rates to be charged;
- 16 (c) The types of risks which may be written;
- 17 (d) Maximum limits of liability;
- 18 (e) Applicable exclusions;
- 19 (f) Territorial limitations;
- 20 (g) Policy cancellation provisions; and
- 21 (h) The maximum policy period; and
- 22 (7) Timely transmission of electronic claims files.

23 The insurer may cancel or nonrenew any policy of insurance subject to the applicable laws
24 and regulations concerning the cancellation and nonrenewal of insurance policies.

1 Section 2. That chapter 58-1 be amended by adding thereto a NEW SECTION to read as
2 follows:

3 Any insurer, nonprofit, surgical, dental or hospital plan, a health maintenance organization,
4 or any other person required to be licensed or registered under this title shall retain all books and
5 records that are subject to examination pursuant to chapter 58-3 for a period of not less than five
6 years.

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

400H0213

HOUSE ENGROSSED NO. **HB 1034** - 01/25/2002

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

1 FOR AN ACT ENTITLED, An Act to reduce the legal blood alcohol limits for motor vehicle
2 drivers and boat operators.

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

4 Section 1. That § 32-23-1 be amended to read as follows:

5 32-23-1. ~~A~~ No person may ~~not~~ drive or be in actual physical control of any vehicle while:

- 6 (1) There is ~~0.10~~ 0.08 percent or more by weight of alcohol in ~~his~~ that person's blood as
7 shown by chemical analysis of ~~his~~ that person's breath, blood, or other bodily
8 substance;
- 9 (2) Under the influence of an alcoholic beverage;
- 10 (3) Under the influence of marijuana or any controlled drug or substance to a degree
11 which renders ~~him~~ the person incapable of safely driving; or
- 12 (4) Under the combined influence of an alcoholic beverage and marijuana or any
13 controlled drug or substance to a degree which renders ~~him~~ the person incapable of
14 safely driving.

15 Section 2. That § 32-23-7 be amended to read as follows:



1 32-23-7. In any criminal prosecution for a violation of § 32-23-1 relating to driving a vehicle
2 while under the influence of intoxicating liquor, a violation of § 22-16-41, or a violation of
3 § 22-16-42, the amount of alcohol in the defendant's blood at the time alleged as shown by
4 chemical analysis of the defendant's blood, breath, or other bodily substance ~~shall give~~ gives
5 to the following presumptions:

6 (1) If there was at that time five hundredths percent or less by weight of alcohol in the
7 defendant's blood, it ~~shall be~~ is presumed that the defendant was not under the
8 influence of intoxicating liquor;

9 (2) If there was at that time in excess of five hundredths percent but less than ~~ten~~ eight
10 hundredths percent by weight of alcohol in the defendant's blood, such fact ~~shall~~ does
11 not give rise to any presumption that the defendant was or was not under the
12 influence of intoxicating liquor, but such fact may be considered with other competent
13 evidence in determining the guilt or innocence of the defendant;

14 (3) If there was at that time ~~ten~~ eight hundredths percent or more by weight of alcohol
15 in the defendant's blood, it ~~shall be~~ is presumed that the defendant was under the
16 influence of intoxicating liquor.

17 Percent by weight of alcohol in the blood shall be based upon milligrams of alcohol per 1.0
18 cubic centimeters of whole blood or 2100 cubic centimeters of deep lung breath.

19 Section 3. That § 32-23-1.3 be amended to read as follows:

20 32-23-1.3. Any person arrested for driving or being in actual physical control of a vehicle
21 while the weight of alcohol in the blood of the arrested person is ~~0.10~~ 0.08 percent or greater,
22 shall be charged with a violation of § 32-23-1. The charge may be reduced or dismissed only if
23 the prosecuting attorney states the reasons for reduction or dismissal in writing and on the record
24 and files the reasons with the clerk of courts.

1 Section 4. That § 32-12A-44 be amended to read as follows:

2 32-12A-44. No person may drive or be in actual physical control of a commercial motor
3 vehicle while there is between 0.04 and ~~0.10~~ 0.08 percent or more, by weight of alcohol in that
4 person's blood as shown by chemical analysis of that person's breath, blood, or other body
5 substance. Any violation of this section is a Class 2 misdemeanor.

6 Section 5. That § 42-8-45 be amended to read as follows:

7 42-8-45. No person may operate a boat while underway on the public waters of the state
8 while:

- 9 (1) There is ~~0.10~~ 0.08 percent or more by weight of alcohol in his blood as shown by
10 chemical analysis of ~~his~~ that person's breath, blood, or other bodily substance;
- 11 (2) Under the influence of an alcoholic beverage;
- 12 (3) Under the influence of marijuana or any controlled drug or substance to a degree
13 which renders ~~him~~ the person incapable of safely driving or operating such boat; or
- 14 (4) Under the combined influence of an alcoholic beverage and marijuana or any
15 controlled drug or substance to a degree which renders ~~him~~ the person incapable of
16 safely driving or operating such boat.

17 Any violation of this section is a Class 1 misdemeanor.

18 Section 6. That § 42-8-45.4 be amended to read as follows:

19 42-8-45.4. In any criminal prosecution for a violation of § 42-8-45, the amount of alcohol
20 in the defendant's blood at the time alleged as shown by chemical analysis of the defendant's
21 blood, breath, or other bodily substance ~~shall give~~ gives rise to the following presumptions:

- 22 (1) If there was at that time five hundredths percent or less by weight of alcohol in the
23 defendant's blood, it ~~shall be~~ is presumed that the defendant was not under the
24 influence of intoxicating liquor;

1 (2) If there was at that time in excess of five hundredths percent but less than ~~ten~~ eight
2 hundredths percent by weight of alcohol in the defendant's blood, such fact does not
3 give rise to any presumption that the defendant was or was not under the influence of
4 intoxicating liquor, but such fact may be considered with other competent evidence
5 in determining the guilt or innocence of the defendant;

6 (3) If there was at that time ~~ten~~ eight hundredths percent or more by weight of alcohol
7 in the defendant's blood, it ~~shall be~~ is presumed that the defendant was under the
8 influence of intoxicating liquor.

9 Percent by weight of alcohol in the blood shall be based upon milligrams of alcohol per 1.0
10 cubic centimeters of whole blood or 2100 cubic centimeters of deep lung breath.

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

167H0116

HOUSE TRANSPORTATION COMMITTEE
ENGROSSED NO. **HB 1067** - 01/26/2002

Introduced by: Representative Napoli and Senator Bogue

1 FOR AN ACT ENTITLED, An Act to establish a fee for the assignment of a vehicle
2 identification number.

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

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

6 The fee for assignment of a vehicle identification number is twenty-five dollars. The fee is
7 payable to the county treasurer's office at the time of application for a rebuilt title. The county
8 treasurer shall forward to the Division of Motor Vehicles the rebuilt title application with the
9 affidavit of rebuilt motor vehicle and the vehicle identification number assignment fee. The rebuilt
10 application may not be processed if the fee is not paid. If the vehicle identification number is not
11 assigned as a result of the inspection of the vehicle, the Division of Motor Vehicles shall refund
12 the fee to the applicant.



State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

337H0143

HOUSE JUDICIARY COMMITTEE ENGROSSED NO.

HB 1081 - 01/18/2002

Introduced by: Representatives Madsen, Abdallah, Bartling, Brown (Jarvis), Davis, Duenwald, Fryslie, Garnos, Gillespie, Hargens, Hennies (Thomas), Holbeck, Hunhoff, Juhnke, Klaudt, Lintz, McCaulley, McCoy, Michels, Monroe, Murschel, Nachtigal, Napoli, Peterson (Bill), Peterson (Jim), Pitts, Rhoden, Sebert, Sutton (Duane), Teupel, and Van Gerpen and Senators Greenfield, Apa, Bogue, Hutmacher, McCracken, Moore, and Olson (Ed)

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the revocation or
2 suspension of driving privileges upon conviction for unlawful sales, purchases, possession,
3 or consumption of alcoholic beverages involving persons under twenty-one years of age.

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

5 Section 1. That § 35-9-7 be amended to read as follows:

6 35-9-7. If the conviction or adjudication for a violation of § 35-9-1.1 or 35-9-2 is for a first
7 offense, the court shall, in addition to any other penalty allowed by law, order the suspension of
8 the ~~defendant's~~ person's driving privileges for a period not less than thirty days and not to exceed
9 one year. However, the court may issue an order permitting the person to operate a motor
10 vehicle for purposes of the person's employment or attendance at school or to court-ordered
11 counseling programs during the hours of the day and the days of the week set forth in the order.
12 The court may also restrict the privilege in ~~such~~ some other manner as it ~~sees~~ the court may see



1 fit for a period not to exceed one year.

2 If the conviction or adjudication for a violation of § 35-9-1.1 or 35-9-2 is for a second or
3 subsequent offense, the court shall, in addition to any other penalty allowed by law, order the
4 suspension of the ~~defendant's~~ person's driving privileges for a period not less than sixty days and
5 not to exceed one year. However, the court may issue an order permitting the person to operate
6 a motor vehicle for purposes of the person's employment or attendance at school or to court-
7 ordered counseling programs during the hours of the day and the days of the week set forth in
8 the order. The court may also restrict the privilege in some other manner as the court may see
9 fit for a period not to exceed one year.

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

921H0064

SENATE TRANSPORTATION COMMITTEE ENGROSSED NO. **HB 1091** - 02/05/2002

Introduced by: Representatives Adelstein, Klaudt, and Van Etten and Senators Putnam and
Apa

1 FOR AN ACT ENTITLED, An Act to make compliance with federal selective service
2 requirements a condition of obtaining certain driver licenses.

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

4 Section 1. That chapter 32-12 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 No male United States citizen or immigrant who is at least eighteen years of age but less than
7 twenty-six years of age and who is required to register with the United States Selective Service
8 System may apply for or be issued a driver license, renewal, or duplicate or a nondriver
9 identification card, renewal, or duplicate pursuant to this chapter unless the applicant is
10 registered, or consents to be registered as provided in this section, in compliance with the
11 Military Selective Service Act, 50 U.S.C. App. 453, as amended to January 1, 2002.

12 The Department of Commerce and Regulation shall forward in an electronic format the
13 necessary personal information required for registration of any applicant identified in this section
14 to the United States Selective Service System. The applicant's submission of the application



1 indicates that the applicant has already registered with the Selective Service System or that he
2 is authorizing the department to forward to the Selective Service System the necessary
3 information for such registration. The department shall notify the applicant on the application
4 that his submission of the application serves as his consent to be registered with the Selective
5 Service System if so required by federal law.

6 Section 2. That chapter 32-12A be amended by adding thereto a NEW SECTION to read
7 as follows:

8 No male United States citizen or immigrant who is at least eighteen years of age but less than
9 twenty-six years of age and who is required to register with the United States Selective Service
10 System may apply for or be issued a commercial driver license, renewal, or duplicate pursuant
11 to this chapter unless the applicant is registered, or consents to be registered as provided in this
12 section, in compliance with the Military Selective Service Act, 50 U.S.C. App. 453, as amended
13 to January 1, 2002.

14 The Department of Commerce and Regulation shall forward in an electronic format the
15 necessary personal information required for registration of any applicant identified in this section
16 to the United States Selective Service System. The applicant's submission of the application
17 indicates that the applicant has already registered with the Selective Service System or that he
18 is authorizing the department to forward to the Selective Service System the necessary
19 information for such registration. The department shall notify the applicant on the application
20 that his submission of the application serves as his consent to be registered with the Selective
21 Service System if so required by federal law.

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

876H0401

SENATE JUDICIARY COMMITTEE ENGROSSED NO.

HB 1170 - 02/04/2002

Introduced by: Representatives McCoy, Abdallah, Hennies (Don), Hennies (Thomas), Kooistra, McCaulley, Olson (Mel), and Van Gerpen and Senators Staggers, Volesky, and Whiting

1 FOR AN ACT ENTITLED, An Act to provide certain provisions regarding assaults against law
2 enforcement personnel and to provide a criminal penalty therefor.

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

4 Section 1. Any person who, with the intent to assault, throws, smears, or causes human
5 blood, emesis, mucus, semen, excrement, or human waste to come in contact with a law
6 enforcement officer as defined in subdivision 22-1-2(22), while performing official duties or
7 actions, is guilty of a Class 1 misdemeanor.



State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

528H0299

SENATE JUDICIARY COMMITTEE ENGROSSED NO.

HB 1180 - 02/04/2002

Introduced by: Representatives Monroe, Bartling, Madsen, and Napoli and Senator Apa

1 FOR AN ACT ENTITLED, An Act to increase the amount of the lien that is permitted on the
2 parents of a minor child for whom legal counsel has been provided.

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

4 Section 1. That § 23A-40-11 be amended to read as follows:

5 23A-40-11. A lien, enforceable as provided by this chapter, upon all the property, both real
6 and personal, of any person, including the parents of a minor child, for whom legal counsel or
7 a public defender has been appointed under the provisions of § 23A-40-6, subdivisions
8 23A-40-7(2) and (3), or § 26-7A-31 may be filed. The services rendered and expenses incurred
9 are a claim against the person and that person's estate, enforceable according to law in an amount
10 to be determined by a judge of the circuit court or a magistrate judge and paid by the county or
11 municipality chargeable for them. A lien on the parents of a minor child pursuant to this section
12 may not exceed one thousand five hundred dollars plus an amount equal to any taxable court
13 costs.

14 Section 2. That § 26-7A-32 be amended to read as follows:

15 26-7A-32. There is hereby created a lien, enforceable as provided in chapter 23A-40, upon



1 all the property, both real and personal, of the parents, jointly or severally, of any child involved
2 in proceedings under this chapter or chapter 26-8A, 26-8B, or 26-8C to repay funds paid by the
3 county for a court-appointed attorney for the child's parents or by the county or the state for the
4 child. The county, on behalf of the county or the state, shall have a claim against the parents and
5 their estates, jointly or severally, as provided in chapter 23A-40.

6 However, except in the case of informal adjustment or suspended imposition of adjudication,
7 no lien or claim against the parents of a child may be created or may arise if the child is not
8 adjudicated to be an abused or neglected child, a child in need of supervision or a delinquent
9 child at the completion of the adjudicatory hearing and the proceedings are terminated.

10 The lien and claim on the property of the parents of a child pursuant to this section may not
11 exceed one thousand five hundred dollars plus an amount equal to any taxable court costs. This
12 limit does not apply to any claim or lien against the parents of a child adjudicated to be an abused
13 or neglected child.

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

673H0456

SENATE JUDICIARY COMMITTEE ENGROSSED NO.

HB 1189 - 02/04/2002

Introduced by: Representatives Wick, Abdallah, Adelstein, Brown (Richard), Duniphan, Hennies (Thomas), Holbeck, Hundstad, Jensen, McCaulley, Peterson (Bill), and Smidt and Senators Munson, Greenfield, Koetzle, Koskan, Olson (Ed), and Staggers

1 FOR AN ACT ENTITLED, An Act to establish the crime of air piracy.

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

3 Section 1. That chapter 22-30 be amended by adding thereto a NEW SECTION to read as
4 follows:

5 Any person who obtains physical control of any aircraft registered pursuant to the provisions
6 of chapter 50-11 by means of inflicting or threatening to inflict serious bodily harm or death on
7 any person is guilty of air piracy.

8 A violation of this section that results in the death of any person is a Class B felony. Any
9 other violation of this section is a Class 1 felony.



State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

627H0627

SENATE TAXATION COMMITTEE ENGROSSED NO.

HB 1219 - 02/06/2002

Introduced by: Representative Hennies (Thomas) and Senator Ham

1 FOR AN ACT ENTITLED, An Act to revise the household income threshold and index factor

2 for determining certain freezes on property assessments and to declare an emergency.

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

4 Section 1. That § 10-6A-2 be amended to read as follows:

5 10-6A-2. Any person making an application under the provisions of this chapter is entitled
6 to a real property tax assessment freeze upon the person's single-family dwelling if the following
7 conditions are met:

- 8 (1) Has a household income of less than ~~fourteen thousand dollars~~ fifteen thousand forty-
9 one dollars and twenty-eight cents if the household is a single-member household; or
- 10 (2) Has a household income of less than ~~seventeen thousand five hundred dollars~~ eighteen
11 thousand eight hundred one dollars and fifty-nine cents if the household is a
12 multiple-member household; and
- 13 (3) Has owned a single-family dwelling, in fee or by contract to purchase, for at least one
14 year and has been a resident of South Dakota for at least one year; and
- 15 (4) Has resided for at least two hundred days of the previous calendar year in the



1 single-family dwelling; and

2 (5) Has established a base year.

3 Beginning on January 1, ~~1999~~ 2003, the household income listed in subdivisions (1) and (2)
4 of this section shall increase by the index factor. The index factor is the annual percentage change
5 in the consumer price index for urban wage earners and clerical workers as computed by the
6 Bureau of Labor Statistics of the United States Department of Labor for the year before the year
7 immediately preceding the year of adjustment or ~~three percent~~ the annual percentage change in
8 federal social security payments for the preceding year, whichever is ~~less~~ greater.

9 Section 2. Whereas, this Act is necessary for the support of the state government and its
10 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full
11 force and effect from and after its passage and approval.

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

453H0098

SENATE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **HB 1222** - 02/04/2002

Introduced by: Representative Holbeck and Senators Diedtrich (Elmer), Daugaard, Dennert,
Olson (Ed), and Reedy

1 FOR AN ACT ENTITLED, An Act to provide for the compensation of librarians and library
2 employees.

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

4 Section 1. That § 14-2-40 be amended to read as follows:

5 14-2-40. Each board of public library trustees shall:

- 6 (1) Appoint a librarian to serve at the pleasure of the board. Any paid librarian shall
7 receive any employee benefits provided all other employees of the local governmental
8 unit and shall be compensated at rates determined by the governing body's
9 compensation schedule, if such schedule exists. If no such schedule exists, the salary
10 shall be set by the local governing body;
- 11 (2) Adopt bylaws for the conduct of their business and adopt policies for the selection of
12 public library materials, the governance of the library, and the use of public library
13 services and materials;
- 14 (3) Prepare and submit an annual budget request to its governing body;



- 1 (4) Adopt a final annual budget within those funds certified to it as being appropriated in
- 2 the annual budget of its governing body;
- 3 (5) Meet at least once during each quarter of the year;
- 4 (6) Prepare and submit an annual report to its governing body and to the South Dakota
- 5 State Library on such forms as may be provided by the State Library.

6 Section 2. That § 14-2-42 be amended to read as follows:

7 14-2-42. Each librarian shall:

- 8 (1) Serve as secretary to the board of public library trustees and keep all its records;
- 9 (2) Prepare such reports, budgets, and other documents as are required by the board of
- 10 public library trustees or are required of ~~said~~ the board by its governing body;
- 11 (3) Appoint such staff as are necessary to operate the public library within its budgetary
- 12 limitations. Library employees shall receive any employee benefits provided all other
- 13 employees of the local-governing governmental unit and shall be compensated at rates
- 14 determined by the governing body's compensation schedule. If no such schedule
- 15 exists, the salary shall be set by the library board;
- 16 (4) Select and purchase all public library materials for use by the library in its provision
- 17 of public library services within policies established by the board of public library
- 18 trustees;
- 19 (5) Publish and enforce the policies of the board of public library trustees;
- 20 (6) Execute all contracts and agreements approved by the board of public library trustees;
- 21 (7) Keep an accurate account of the financial transactions of the public library; and
- 22 (8) Carry out any other activities authorized by law that the board of public library
- 23 trustees consider appropriate in the development, improvement, and provision of
- 24 public library services.

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

184H0609

HOUSE JUDICIARY COMMITTEE ENGROSSED NO.

HB 1224 - 01/26/2002

Introduced by: Representatives Hunhoff, Abdallah, Murschel, and Pitts and Senators Daugaard, Craddock, Hutmacher, Madden, and Moore

1 FOR AN ACT ENTITLED, An Act to prohibit interference with the use of communication
2 devices to summon aid to an emergency.

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

4 Section 1. Terms used in this Act mean:

5 (1) "Communication device," any device, including a telephone, cellular telephone,
6 computer, or radio which may be used in an attempt to summon law enforcement, fire
7 department, medical, or other emergency personnel;

8 (2) "Emergency," any situation in which human health or safety is in imminent danger.

9 Section 2. If a person is attempting to summon aid to an emergency or has communicated
10 a desire to summon aid to an emergency, no person may prohibit or interrupt, or attempt to
11 prohibit or interrupt, another person's use of a communication device by either of the following:

12 (1) Using or threatening to use physical force, intimidation, interference, or any other
13 form of violence; or

14 (2) Destroying, disabling, or damaging a communication device.



1 A violation of this section is a Class 1 misdemeanor.