

2004 Legislative Session
Signed Revenue and Regulation Bills
12/3/2004

<u>BILL NUMBER</u>	<u>TITLE</u>	<u>DESCRIPTION OF BILL</u>
1003	An Act to allow two or more school districts to include an existing excess tax levy in their consolidation plan.	If an excess tax levy already exists in a school district that plans to consolidate with other districts, that levy can be included in the consolidation plan.
1005	An Act to require counties to determine the unreserved, undesignated general fund balance at certain times of the fiscal year and to publish and report this information.	Requires counties to publish and report their unreserved, undesignated general fund balances as of March 31 and September 30 in their county commission meeting minutes and to the Department of Legislative Audit.
1008	An Act to revise certain municipal and school election deadlines and procedures.	Changes the filing and publication dates for city and school elections and specifies petition and balloting requirements and procedures.
1041	An Act to revise how the sales tax applies to certain payments regarding property leased between members of a controlled group.	Clarifies that sales or use tax must be made on the initial purchase of equipment or on lease payments between members of a controlled group (a collection of businesses related by common ownership).
1042	An Act to authorize the Department of Revenue and Regulation to utilize private collection agencies in the collection of delinquent taxes.	Allows the Department to use private collection agencies to collect on difficult delinquent accounts when all other methods of collection have proved unsuccessful.
1043	An Act to revise the exemptions for certain lending licenses.	Establishes a uniform list of "regulated" financial institutions that will be exempt from licensing. The exemptions are for entities or their subsidiaries that are regulated by either a federal or other state agency.
1044	An Act to revise certain provisions regarding damage disclosure information on certain vehicles coming into the state.	Requires that the SD-issued vehicle title show the previous state and any brand or notations indicated on the title by the previous state.
1045	An Act to revise the time period during which a boat license may be renewed.	Allows boat owners to apply for renewal decals beginning October 1st sted December 1st so people who leave SD for the winter can renew their licenses before they leave.
1046	An Act to revise certain provisions regarding the titling and registering of a vehicle by a dealer on behalf of a customer.	Clarifies that if an application for title and registration is filed by a dealer on behalf of a customer that the application be filed in the customer's county of residence.

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1047	An Act to revise certain provisions regarding creditable health insurance coverage.	Amends definition of "creditable coverage" to meet federal requirements by allowing individual health benefit plans (unless excepted benefits) to be considered creditable coverage.
1048	An Act to revise certain requirements regarding workers compensation insurance.	Clarifies that cancellation notice for nonpayment of premiums must be sent at least 10 days prior to cancellation. Also says employers with 5 or less employees and at least \$5,000 in premiums don't have to have a safety inspection by the insurer.
1049	An Act to establish the definition of a payday loan and to establish limitations on such transactions.	Sets the definition of a "payday loan" and clarifies that such loans are subject to the \$500 and four renewal limits in current statute.
1051	An Act to revise the requirements for utilization review and grievance procedures.	Clarifies what medical providers can review disputed claims and that grievance procedures in chapter 58-17C don't apply to medicare supplement policies.
1052	An Act to revise the premium tax on certain small life insurance policies.	Changes the premium tax rate for life policies with a face value of \$7,000 or less (excluding credit life policies) from 2.5% to 1.25%.
1054	An Act to revise the allowable share provision of the escrow fund for tobacco litigation.	Clarifies the circumstances under which monies in the escrow fund for tobacco litigation can be released from escrow.
1061	An Act to revise the state trunk highway system in Brown County.	Removes a section of State Highway 37 in Brown County from the state trunk highway system.
1081	An Act to revise the local effort levy and effort factor for the purposes of calculating the payment of state aid to special education.	Changes the local effort levy and the effort factor from \$1.30 to \$1.25 for calculating payment of state aid to special education.
1087	An Act to revise the property tax levies for the general fund of a school district.	Annual bill to set the maximum property tax levies for the general fund of school districts for taxes payable in 2005 and each year after.
1098	An Act to revise certain provisions relating to referendums in county road districts.	Clarifies the procedures under which a referendum vote may be held in a county road district.

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1099	An Act to establish a statute of limitations for real estate licensees and their licensed real estate firms for alleged malpractice, mistake, error, and omission.	Sets a three-year statute of limitations for bringing legal action against a real estate licensee or their licensed real estate firm.
1112	An Act to revise the definition of temporary supplemental lots for the purposes of regulating certain vehicle dealers.	Allows a dealer located in a city which covers multiple counties to set up for special events in the county that is within the city but outside of the dealer's county of license.
1118	An Act to authorize banks to enter into debt cancellation and debt suspension contracts and to exempt such contracts from insurance regulations.	Gives statutory authority (previously parity ruling) to banks to enter into debt cancellation and debt suspension contracts.
1122	An Act to revise the procedure for registering a business name.	Changes the filing for sole proprietors to the Sec. of State's office through electric means; previously they had to file in the register of deeds in each county where the business was maintained.
1123	An Act to authorize banks to be organized as limited liability companies.	Allows a bank to have a limited liability company structure instead of a corporate structure and directs the Banking Commission to develop rules to govern banks as LLC's.
1130	An Act to revise certain provisions relating to the transfer on death or pay on death designations of certain security accounts.	Extends the "Transfer on Death" provisions in chapter 29A to investment accounts held in the form of a trust held by a trust company or trust division of a bank.
1134	An Act to authorize municipalities to enter into development agreements.	Allows municipalities to enter into agreements with landowners for the development and annexation of property.
1135	An Act to clarify the procedures for payment of delinquent and subsequent taxes.	Changes the amount a taxpayer must pay to redeem a tax deed on his property; tax deeds are issued when taxpayer hasn't paid taxes in three years.
1142	An Act to revise certain provisions relating to the election of the venue for administrative appeal.	Allows appeals to be heard in appellant's county of residence (if SD resident) or Hughes County; if nonresident, appeal is heard in the county of their principal place of business in SD or Hughes County.
1144	An Act to revise certain fees charged by the Division of Banking and to declare an emergency.	Establishes higher maximum fees for money lender, mortgage lender, mortgage broker, and money order issuer license applications and renewals.

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1146	An Act to authorize the issuance of metal plates with a special designation to a licensed vehicle dealer to enable commercial use of a vehicle under certain conditions.	Allows licensed dealers to obtain a plate that will allow them to act as a motor carrier if they have paid the commercial license fees.
1157	An Act to provide for a limitation of lender environmental liability for cleanup and remediation costs if providing financing for a site participating in a brownfields revitalization and economic development program.	Establishes under what circumstances a lender owner will be liable for environmental/remediation costs at a brownfields site approved by DENR for participation in the state's brownfields program.
1166	An Act to require damage disclosure statements for certain large boats.	Requires a person wanting to register a large boat in South Dakota to submit a damage disclosure statement when applying for a boat title.
1177	An Act to repeal certain provisions prohibiting certain government purchases and to declare an emergency.	Repeals the law that prohibits governments from purchasing goods or services from anyone that doesn't have a sales tax license.
1180	An Act to exempt the gross receipts of certain transportation services from sales and use tax.	Repeals the tax on trucking of products and small package delivery companies. Also exempt are transportation services provided by household moving companies.
1182	An Act to revise certain provisions relating to the use of general occupation tax revenue.	Outlines procedures for hearings concerning the formation of business improvement districts and broadens the use of revenues from the general occupation tax.
1186	An Act to allow first responder decals to be placed on specialty license plates.	Allows first responders (search and rescue, EMT's, etc.) to obtain and utilize the organizational plates process.
1188	An Act to revise certain provisions regarding the franchises of dealers in vehicles, implements, and equipment.	Adds auto, motorcycle, snowmobile, and boat franchises to SDCL 37-5, which provides monetary remedies in farm machinery dealer/franchisor disputes.
1192	An Act to revise the total amount of revenue payable to rural fire protection districts from taxes on real property.	Revises the total amount of revenue payable to rural fire protection districts by allowing the districts to accumulate CPI factor for three years, not to exceed 10%.
1196	An Act to require certain auction agencies to disclose damage statements or damage notations listed on the title.	Requires auction agencies to disclose damage statements or notations listed on the title at the time of the sale.

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1202	An Act to create a task force to study state and local government.	Creates a 22-member task force to study the roles of state and local government in South Dakota.
1211	An Act to revise certain provisions regarding the insurance guaranty association.	Clarifies that eligibility for the association can take into account both subsidiaries and affiliates of a company.
1218	An Act to require the Department of Health to provide certain information to the Legislature regarding the funding for tobacco use prevention and reduction programs.	Requires DOH to submit an annual report by October 1st to the Governor and Legislature detailing their progress on tobacco use prevention and reduction programs.
1231	An Act to require that municipalities and counties establish criteria and conditions in the zoning ordinance before authorizing certain conditional uses.	Makes city and county zoning boards specify the approving authority for any conditional use, each category of conditional use that needs board approval, the zoning districts in which conditional use is available, and the criteria for evaluating each conditional use.
1235	An Act to revise certain provisions related to pull-tab dispensing machines	Authorizes fraternal and charitable organizations that can already sell pull-tabs to use a coin-operated or mechanical dispensing device to sell the pull tabs.
1243	An Act to revise certain conditions that must be met before an extension of State Highway 53 in Tripp County is added to the state trunk highway system.	Makes Tripp County responsible for maintaining that portion of the highway until its completed and extends the date of the agreement from December 31, 2007 to December 31, 2010.
1248	An Act to permit counties, in the absence of an organized township, to maintain and improve certain public rights-of-way.	Permits counties and townships to levy a special front foot assessment not to exceed \$.80 per foot to maintain and repair streets and roadways.
1297	An Act to restrict the alienation of public state real property to the federal government.	Specifies the conditions under which the State of South Dakota or a state agency can transfer title of state real property to the federal government without Legislative approval.
1298	An Act to establish one rate for the telephone gross receipts tax and to provide uniform methods to administer the tax.	Sets a rate of 4% for telephone corporations and coops whose annual gross receipts are less than \$50 million and details uniform procedures to administer the tax.
1308	An Act to establish the sales tax on food refund program and to make an appropriation therefor.	Implements a program to be administered through the Department of Social Services to provide quarterly sales tax refunds to people who are at 150% or less of the federal poverty level.

1311	An Act to provide for the regulation of pharmacy benefits management.	Provides that pharmacy benefit managers must be licensed as a TPA, requires full disclosure of all discounts and rebates from drug manufacturers and to covered entities, and restricts a PBM from changing prescriptions to a more expensive drug unless medically advisable.
3	An Act to revise the criteria for congregate housing to be exempt from property taxation.	Clarifies the definition of congregate housing and continuum care; requires facilities seeking the exemption to report to the DOE a list of the health care services they provide and how they satisfy the balanced nutrition program. Also places size limitations on exempt housing.
12	An Act to revise certain provisions concerning when an administrative rule adoption or amendment is complete.	Removes the 10-day waiting requirement once the provisions of SDCL 10-26-4 are met, meaning agency rules can become effective sooner.
17	An Act to revise certain provisions relating to the licensing of commercial drivers.	Updates current statute to reflect that commercial motor vehicle drivers must meet the minimum standards and qualifications as of Jan. 1, 2002 (formerly Jan. 1, 1989).
18	An Act to update certain provisions pertaining to motor carrier safety and transportation of hazardous materials.	Adopts the latest version of Title 49 of the Code of Federal Regulations (as amended Jan. 1, 2004) pertaining to motor carriers and the transportation of hazardous materials.
25	An Act to revise certain provisions regarding the cancellation of automobile insurance policies.	Clarifies that a company must give 20 days prior notice before cancelling a policy that has been in force less than 60 days although the cancellation can be for any reason.
26	An Act to authorize the posting of a cash bond if special fuel containing dye is detected in a motor vehicle.	Sets a civil penalty of \$250 for operating a vehicle with dyed fuel if it's not a qualified vehicle; penalty is \$500 for qualified vehicles.
27	An Act to provide that certain provisions regarding the uniform administration of state taxes apply to certain civil and criminal investigations.	Amends 10-59-1 to include civil and criminal investigations as well as the administration of state taxes.
28	An Act to revise the conditions where the state may enter into compacts with Indian tribes.	Allows the wholesale tax on tobacco products and amusement device tax to be added into compacts between the state and Indian tribes.

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30	An Act to revise certain pari-mutuel racing provisions relating to the definition of a racing jurisdiction.	Clarifies the defition of a "racing jurisdiction" as a governmental jurisdiction responsible for the regulation of pari-mutuel racing in that jurisdiction and removes requirement that the jurisdiction be a member of an international racing commissioners association.
31	An Act to clarify certain provisions that levy the fuel excise tax on biodiesel, biodiesel blends, and ethyl alcohol.	Defines when biodiesel is either subject to or not subject to the fuel tax depending on to whom the fuel was sold (treats biodiesel the same as ethyl alcohol for reporting and tax purposes).
32	An Act to authorize the staggered registration of commercial motor vehicles by administrative rules.	Gives the DRR permission to promulgate rules to implement a staggered registration system for commercial and interstate licensed vehicles.
33	An Act to revise certain dates pertaining to references to the Internal Revenue Code.	Annual bill to update current statutes to reflect the latest changes in the Internal Revenue Code.
34	An Act to require health carriers to offer certain deductible options for certain health benefit plans.	Provides that an individual with a guaranteed issue policy be given the option of increasing their deductible in an effort to reduce rising health insurance costs.
35	An Act to revise certain requirements for insurance producers.	Confirms that "insurance producer" means "insurance agent" and clarifies that referral fees can be paid as long as the fee isn't conditioned upon the sale of insurance or related to the amount of commission or premium.
36	An Act to authorize the issuance of group life policies to additional types of groups.	Adds language to current statute so that any group that's eligible for group health insurance is also eligible for group life insurance.
37	An Act to provide for the filing and usage of certain property casualty rates and to exempt certain size risks from rate and form approval.	Allows all property casualty rates to be "file and use" instead of "prior approval" and exempts certain large comercial risks from any rate or form approval requirements.
38	An Act to adopt the Uniform Securities Act, to repeal chapter 47-31A, and to revise certain related provisions.	Repeals SD's current securities statutes and replaces them with the Uniform Securities Act of 2002 to provide better coordination of federal and state securities regulation efforts.
39	An Act to reivse certain provisions regarding prinicipal and home office credits against the insurance premium tax.	Modifies the regional home office credit requirements by requiring that operations be located in one state instead of two and that regional home offices keep records in SD.

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42	An Act to revise certain provisions regarding railroad tax credits and to provide a process for administering the tax credits.	Clarifies under what circumstances a publicly-operated railroad or corporation can claim a credit against the railroad tax and provides procedures for administering the credits.
48	An Act to revise the per student allocation for each disability level for the purposes of calculating the payment of state aid to special education.	Specifies the per student allocation for the six defined levels of disability for calculating the payment of state aid to special education.
49	An Act to make an appropriation to the Department of Education to reimburse certain school districts for consolidation incentives.	Appropriates \$309,418 for the Department of Education to reimburse eligible school districts for consolidation incentives.
59	An Act to revise certain provisions regarding public records kept by state agencies.	Loosens the information restrictions under SD's current "gag laws" and clarifies what information state agencies may and may not disclose to the public.
60	An Act to make certain information kept by a law enforcement agency concerning calls for service available to the public.	Clarifies what information kept by law enforcement agencies can be kept confidential and what information can be made available to the public.
62	An Act to provide a procedure for handling certain complaints regarding open meeting requirements and to create an open meetings commission.	Creates a South Dakota Open Meetings Commission states' attorneys may send certain complaints to regarding open meeting requirements.
63	An Act to provide additional criteria to send a promulgated rule back for further public hearing by the agency.	Adds five more criteria the Rules Review Committee may use when deciding whether to make an agency go back in the process to correct or rewrite a proposed rule.
68	An Act to revise certain provisions relating to the receipt of notice of an appeal in an administrative appeal.	Specifies that a copy of the notice of appeal must be served upon the adverse party, the agency, and the hearing examiner, if any, who rendered the decision.
78	An Act to increase the bond requirements for certain vehicle dealers.	Increases the bonds from \$10,000 to \$25,000 for new and used dealers, and \$2,000 to \$5,000 for motorcycle and snowmobile dealers.
84	An Act to require sellers and lessors of residential property to disclose any knowledge of the existence of prior manufacturing of methamphetamines.	Requires sellers or lessors of a residential property where meth was previously manufactured to make that known on a formal disclosure form.

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86	An Act to repeal certain outdated provisions concerning the property tax relief program.	Requires new applicants for owner-occupied dwellings to confirm it's their principal residence, lowers levy rates for the state aid formula, and repeals out-of-date statutes.
88	An Act to revise the eligibility qualification for an assessment freeze of single-family dwellings and to declare an emergency.	Raises the income limits for eligibility for the assessment freeze and increases the ceiling of full and true value to \$150,000.
99	An Act to revise certain statutes governing trusts and powers of attorney.	Defines the limits and parameters of power of attorney privileges and clarifies the definitions and limits of trusts.
104	An Act to provide certain economic development incentives in specified areas.	Treats TIF districts created after December 31, 2003 for economic development purposes the same as industrial TIF's for the state aid formula.
113	An Act to provide a procedure for combining the duties of certain township officers.	Provides that the voters of organized townships can combine the duties of clerk and treasurer for efficiency purposes.
123	An Act to revise certain provisions regarding the county wheel tax.	Allows counties to implement a higher wheel tax (more than \$2) but keep their property taxes at the same level.
124	An Act to revise the tax exemption for certain merchandise brought into foreign trade zones.	Requires written documentation showing the property will be shipped outside the U.S. and not returned before exemption is granted.
130	An Act to revise certain provisions relating to farm mutual insurers.	Allows farm mutuals to invest in government-backed securities, provides for a continuous certificate of authority, and exempts farm mutuals from the examination fund if they have \$1 million or less in written premiums.
137	An Act to revise certain provisions related to assets allowed in the determination of the financial condition of an insurer.	Changes the accounting regulations and allows insurers to count a percentage of "good will" as an asset.
148	An Act to repeal and reenact the standard nonforfeiture statute for individual deferred annuities.	Adopts the NAIC model nonforfeiture language including the minimum values under annuity contracts being adopted by using a variable minimum instead of the previous fixed 1.5%.
170	An Act to revise certain penalties for failing to pay certain taxes due.	Lengthens the time period from 30 to 60 days that a person has before the failure to pay tax or file a tax return becomes a misdemeanor.

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172	An Act to revise the conditions for increasing the property tax levy in certain unorganized townships.	Allows the county levy for road maintenance and fire protection to be exempt from current limitations for two years in unorganized areas where townships have been abolished.
192	An Act to require participating providers to provide the same rates to persons who have health savings accounts.	Clarifies that participating providers can't balance bill or charge different rates to those who pay medical bills from health savings accounts vs other types of health insurance.
193	An Act to restrict the investment of insurers in certain investment assets.	Allows insurers to invest a portion of their assets in non-rated municipal debt securities.
194	An Act to exempt certain renter damage guarantee programs from insurance regulation.	Clarifies that non-profit renter damage guarantee programs are not subject to regulation by the Division of Insurance or under SDCL Title 58.
199	An Act to make an appropriation to fund tax refunds for elderly and disabled persons.	Annual bill allocating \$1 million from the state general fund to provide property and sales tax refunds under the Senior and Disabled Citizens Tax Refund Program.
205	An Act to provide for the distribution of certain money appropriated as state aid.	Directs the Department of Education to distribute \$7,307,896 to school districts from state aid not obligated or expended at the end of the fiscal year.
206	An Act to increase the per student allocation in the state aid to education formula.	Sets the per student allocation for state aid to education at \$4,086.56 and defines formulas for computing average daily membership and other like terms.
208	An Act to repeal certain small group health insurance requirements.	Repeals obsolete references to "standard or basic" plans.