



# State of South Dakota

SEVENTY-NINTH SESSION  
LEGISLATIVE ASSEMBLY, 2004

883J0635

## SENATE ENGROSSED NO. **HB 1142** - 02/18/2004

Introduced by: Representative Madsen and Senator Knudson

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the election of the  
2 venue for an administrative appeal.

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

4 Section 1. That § 1-26-31.1 be amended to read as follows:

5 1-26-31.1. The venue of the appeal is as follows:

6 (1) If the appellant is a resident of this state, to the circuit court for the county of ~~his~~ the  
7 appellant's residence or to the circuit court for Hughes County, as ~~he~~ the appellant  
8 may elect;

9 (2) If the appellant is a nonresident or a foreign corporation, to the circuit court for the  
10 county of appellant's principal place of business in South Dakota or to the circuit  
11 court for Hughes County as the appellant may elect; or

12 (3) The parties may stipulate for venue in any county in the state, and the circuit court  
13 for such county shall thereupon hear the appeal.

14 Appeals from a single administrative action may not proceed in more than one county. If  
15 multiple appeals of a single action are filed in more than one county, the appeals shall be  
16 consolidated and heard in the county in which the appeal is first filed. If more than one appeal



- 1 is first filed on the same date and a stipulation among the parties as to venue cannot be reached,
- 2 the venue of the appeal is in the circuit court for Hughes County.

# State of South Dakota

SEVENTY-NINTH SESSION  
LEGISLATIVE ASSEMBLY, 2004

427J0472

SENATE JUDICIARY COMMITTEE ENGROSSED NO.

**HB 1176** - 02/13/2004

Introduced by: Representatives Madsen, Gillespie, McCaulley, Michels, and Weems and  
Senators Albers and Schoenbeck

1 FOR AN ACT ENTITLED, An Act to revise the definition of criminal pedophilia.

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

3 Section 1. That § 22-22-30.1 be amended to read as follows:

4 22-22-30.1. Criminal pedophilia is any act of sexual penetration accomplished with a victim

5 less than thirteen years of age by any person twenty-six years of age or older ~~under any~~

6 ~~circumstances not constituting incest as defined in subdivision 22-22-1(6).~~ Criminal pedophilia

7 is a Class 1 felony. If any person is convicted of criminal pedophilia, the court shall impose a

8 minimum sentence of twenty-five years for a first offense. If any person is convicted for a

9 second offense, the factual basis for which occurred after the date of the first conviction, the

10 court shall impose a sentence of life without parole.



# State of South Dakota

SEVENTY-NINTH SESSION  
LEGISLATIVE ASSEMBLY, 2004

480J0658

## SENATE ENGROSSED NO. **HB 1221** - 02/18/2004

Introduced by: Representative Wick and Senator Kelly

1 FOR AN ACT ENTITLED, An Act to require certain publishers to provide electronic versions  
2 of textbooks suitable for conversion into Braille and to declare an emergency.

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

4 Section 1. Upon request, a publisher of a textbook that is adopted for instructional use by  
5 a school district shall furnish the South Dakota State Library with an electronic version of the  
6 textbook if the textbook is for a literary subject; or, if the textbook is for a nonliterary subject,  
7 such as natural sciences, computer science, mathematics, or music, an electronic version shall  
8 be furnished if the technology is available to convert the textbook directly to a format  
9 compatible with Braille translation software. The publisher shall provide the electronic file to  
10 the requesting agency within sixty days of receiving written notice that the file is needed. The  
11 cost of the electronic publisher's file may not exceed the cost of a print copy of the same title.  
12 Legacy materials are exempt from the requirements of this section. For purposes of this section,  
13 the term, legacy, means images and graphics requiring release and permission from another  
14 source other than the publisher. The Department of Education shall oversee the process  
15 established in this section to ensure that the textbooks and electronic files arrive by the start of  
16 the school year.



1           Section 2. Whereas, this Act is necessary for the immediate preservation of the public peace,  
2 health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force and  
3 effect from and after its passage and approval.

# State of South Dakota

SEVENTY-NINTH SESSION  
LEGISLATIVE ASSEMBLY, 2004

367J0798

HOUSE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **HJR 1003** - 02/18/2004

Introduced by: Representatives Michels, Adelstein, Bartling, Begalka, Bradford, Buckingham, Burg, Christensen, Craddock, Cutler, Davis, Deadrick (Thomas), Dykstra, Elliott, Engels, Frost, Fryslie, Garnos, Gassman, Glenski, Hackl, Hanson, Hargens, Haverly, Heineman, Hennies, Hundstad, Hunhoff, Juhnke, Klaudt, Konold, Kraus, Kroger, Lange, LaRue, Lintz, Madsen, McCaulley, McCoy, McLaughlin, Miles, Murschel, Novstrup, O'Brien, Olson (Mel), Olson (Ryan), Pederson (Gordon), Peterson (Bill), Peterson (Jim), Putnam, Rave, Rhoden, Rounds, Schafer, Sebert, Sigdestad, Smidt, Solum, Teupel, Valandra, Van Etten, Van Gerpen, Van Norman, Weems, Wick, and Williamson and Senators Moore, Abdallah, Albers, Apa, Brown, de Hueck, Dempster, Dennert, Duenwald, Duniphan, Duxbury, Earley, Greenfield, Ham-Burr, Jaspers, Kelly, Kloucek, Knudson, Koetzle, Koskan, Kurtenbach, LaPointe, McCracken, Nachtigal, Napoli, Olson (Ed), Reedy, Schoenbeck, Sutton (Dan), Sutton (Duane), Symens, and Vitter

1 A JOINT RESOLUTION, Proposing and submitting to the electors at the next general election  
2 amendments to Article VIII of the Constitution of the State of South Dakota to authorize the  
3 provision of certain services to all children of school age.

4 BE IT RESOLVED BY THE SENATE OF THE STATE OF SOUTH DAKOTA, THE HOUSE  
5 OF REPRESENTATIVES CONCURRING THEREIN:

6 Section 1. That at the next general election held in the state, the following amendment to  
7 Article VIII, section 20 of the Constitution of the State of South Dakota, as set forth in section  
8 2 of this Joint Resolution, which is hereby agreed to, shall be submitted to the electors of the  
9 state for approval.



1 Section 2. That Article VIII, section 20 of the Constitution, of the State of South Dakota, be  
2 amended to read as follows:

3 § 20. Notwithstanding the provisions of section 3, Article VI and section 16, Article VIII,  
4 the Legislature may authorize the loaning of nonsectarian textbooks ~~to all~~ and may authorize the  
5 participation in transportation for children of school age.

# State of South Dakota

SEVENTY-NINTH SESSION  
LEGISLATIVE ASSEMBLY, 2004

400J0231

HOUSE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **SB 7** - 02/18/2004

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

Introduced by: The Committee on State Affairs at the request of the Department of Military and Veterans Affairs

1 FOR AN ACT ENTITLED, An Act to revise the tuition privileges available to members of the  
2 national guard at state universities.

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

4 Section 1. That § 33-6-5 be amended to read as follows:

5 33-6-5. Any member of the National Guard of the State of South Dakota ~~who is a resident~~  
6 ~~of the State of South Dakota shall~~ is, upon compliance with all the requirements for admission;  
7 and subject to the provisions of § 33-6-7, ~~be~~ entitled to a benefit as prescribed by this Act to  
8 attend and pursue any undergraduate course or courses in any state educational institution under  
9 the control and management of the Board of Regents ~~upon the payment of only fifty percent of~~  
10 ~~the charges for tuition. In no event shall eligible national guardsmen be entitled to more than~~  
11 ~~four academic years under §§ 33-6-5 to 33-6-8, inclusive. The Board of Regents shall maintain~~  
12 ~~an annual record of the number of participants and the tuition dollar value of such participation.~~  
13 Any resident is entitled to a benefit of fifty percent of the in-state resident tuition to be paid or  
14 otherwise credited by the Board of Regents. Any nonresident is entitled to a benefit of fifty



1 percent of the in-state resident tuition to be paid to the institution by the Department of Military  
2 and Veterans Affairs. The benefits established under §§ 33-6-5 to 33-6-8, inclusive, and the  
3 provisions of this Act may not exceed one hundred twenty-eight credit hours towards a  
4 baccalaureate degree.

5 Section 2. That chapter 33-6 be amended by adding thereto a NEW SECTION to read as  
6 follows:

7 Notwithstanding the provisions of § 13-55-23, eligible national guard members enrolled in  
8 courses under the control and management of the Board of Regents not subsidized by the  
9 general fund are entitled to a benefit of fifty percent of the in-state resident tuition to be paid to  
10 the institution by the Department of Military and Veterans Affairs.

# State of South Dakota

SEVENTY-NINTH SESSION  
LEGISLATIVE ASSEMBLY, 2004

970J0365

HOUSE JUDICIARY COMMITTEE ENGROSSED NO.

**SB 64 - 02/18/2004**

Introduced by: Senators Schoenbeck, de Hueck, and Koskan and Representatives Madsen,  
Garnos, and Juhnke

1 FOR AN ACT ENTITLED, An Act to permit the filing of an allegation of habitual criminality  
2 after arraignment under certain circumstances.

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

4 Section 1. That § 22-7-11 be amended to read as follows:

5 22-7-11. ~~An~~ Any allegation that a defendant is an habitual criminal ~~must~~ shall be filed as  
6 a separate information at the time of, or before, ~~his or her~~ arraignment. However, the court may,  
7 upon motion, permit the separate information to be filed after the arraignment, but no less than  
8 thirty days before the commencement of trial or entry of a plea of guilty or nolo contendere. The  
9 information ~~must~~ shall state the times, places, and specific crimes alleged to be prior convictions  
10 and ~~must~~ shall be signed by the prosecutor. An official court record under seal or a criminal  
11 history together with fingerprints certified by the public official having custody thereof ~~will be~~  
12 is sufficient to be admitted in evidence without further foundation to prove the allegation that  
13 the defendant is an habitual criminal.



# State of South Dakota

SEVENTY-NINTH SESSION  
LEGISLATIVE ASSEMBLY, 2004

574J0759

SENATE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **SB 164** - 02/02/2004

Introduced by: Senators Symens and Bogue and Representatives Peterson (Bill) and Olson  
(Mel)

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the county zoning  
2 laws.

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

4 Section 1. That § 11-2-49 be amended to read as follows:

5 11-2-49. Except as otherwise provided by § 11-2-60, the board shall provide for the  
6 appointment of a board of adjustment, or for the planning and zoning commission to act as a  
7 board of adjustment, and in the regulations and restrictions adopted pursuant to the authority of  
8 this chapter, shall provide that the board of adjustment may ~~approve administrative actions,~~  
9 ~~remedies, and procedures as authorized by § 11-2-53, in appropriate cases and subject to~~  
10 appropriate conditions and safeguards, grant variances to the terms of the ordinance.

11 Section 2. That § 11-2-53 be amended to read as follows:

12 11-2-53. The board of adjustment may:

13 (1) Hear and decide appeals if it is alleged there is error in any order, requirement,  
14 decision, or determination made by an administrative official in the enforcement of  
15 this chapter or of any ordinance adopted pursuant to this chapter; and



- 1       (2) Authorize upon appeal in specific cases such variance from terms of the ordinance  
2           as will not be contrary to the public interest, if, owing to special conditions, a literal  
3           enforcement of the provisions of the ordinance will result in unnecessary hardship  
4           and so that the spirit of the ordinance is observed and substantial justice done; ~~and~~  
5 ~~— (3) — Approve certain conditional uses upon a showing by an applicant that standards and~~  
6           ~~criteria stated in a relevant ordinance enacted pursuant to § 11-2-17.2 will be met.~~

7       Section 3. That § 11-2-58 be amended to read as follows:

8       11-2-58. In exercising the powers mentioned in § 11-2-53, ~~all decisions of the board of~~  
9 ~~adjustment to grant variances or conditional uses or in hearing appeals from any administrative~~  
10 ~~order, requirement, decision, or determination may be appealed to the board of county~~  
11 ~~commissioners in accordance with the county ordinance, and any final decision of the board of~~  
12 ~~adjustment or county commission shall be deemed a final administrative decision not subject~~  
13 ~~to referendum or review. However, any aggrieved person or legal entity has the right to appeal~~  
14 ~~as allowed in § 11-2-61~~ the board of adjustment may, in conformity with the provisions of this  
15 chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or  
16 determination appealed from and may make such order, requirement, decision, or determination  
17 as ought to be made, and to that end has all the powers of the officer from whom the appeal is  
18 taken.

19       Section 4. That § 11-2-59 be amended to read as follows:

20       11-2-59. The concurring vote of two-thirds of the members of the board of adjustment is  
21 necessary to reverse any order, requirement, decision, or determination of any such  
22 administrative official, or to decide in favor of the applicant on any matter upon which it is  
23 required to pass under any such ordinance, or to effect any variation ~~or conditional use~~ in the  
24 ordinance.

1 Section 5. That § 11-2-60 be amended to read as follows:

2 11-2-60. In lieu of appointing the board of adjustment provided by § 11-2-49, the board of  
3 county commissioners having adopted and in effect a zoning ordinance may act as and perform  
4 all the duties and exercise the powers of the board of adjustment. The chair of the board of  
5 county commissioners is chair of the board of adjustment as so composed. The concurring vote  
6 of at least two-thirds of the members of the board as so composed is necessary to reverse any  
7 order, requirement, decision, or determination of any administrative official, or to decide in  
8 favor of the appellant on any matter upon which it is required to pass under any zoning  
9 ordinance, or to effect any variation ~~or conditional use~~ in the ordinance.

10 Section 6. That § 11-2-61 be amended to read as follows:

11 11-2-61. Any person or ~~legal entity aggrieved by a decision of the board of adjustment or~~  
12 ~~board of county commissioners~~ persons, jointly or severally, aggrieved by any decision of the  
13 board of adjustment, or any taxpayer, or any officer, department, board, or bureau of the county,  
14 may present to a court of record a petition duly verified, setting forth that the decision is illegal,  
15 in whole or in part, specifying the grounds of the illegality. The petition shall be presented to  
16 the court within thirty days after the filing of the decision in the office of the board of  
17 adjustment ~~or the office of the board of county commissioners.~~

18 Section 7. That § 11-2-67 be repealed.

19 ~~11-2-67. Any permit, issued pursuant to this chapter, for a dairy or other animal feeding~~  
20 ~~operation in compliance with such standards and criteria, including any permit for future~~  
21 ~~expansion, shall be a vested compensable property right under the laws of South Dakota, but~~  
22 ~~may be revoked for good cause.~~

23 Section 8. That § 11-2-17.2 be repealed.

24 ~~11-2-17.2. Any board of county commissioners may, by ordinance, referable pursuant to~~

1 ~~chapter 7-18A, adopt, amend, and repeal as many classifications of conditional uses as may be~~  
2 ~~proper and necessary to regulate land development activities. Each ordinance providing for such~~  
3 ~~conditional use shall establish standards and criteria sufficient to enable the board of adjustment~~  
4 ~~to approve or disapprove proposed land development projects and to issue or deny appropriate~~  
5 ~~permits pursuant to §§ 11-2-53 and 11-2-58 to 11-2-60, inclusive. Such standards and criteria~~  
6 ~~shall include both general requirements for all conditional uses and, insofar as practicable,~~  
7 ~~requirements specific to each designated conditional use.~~

# State of South Dakota

SEVENTY-NINTH SESSION  
LEGISLATIVE ASSEMBLY, 2004

570J0498

## SENATE AGRICULTURE AND NATURAL RESOURCES COMMITTEE ENGROSSED NO. **SB 166** - 01/30/2004

Introduced by: Senator Greenfield

1 FOR AN ACT ENTITLED, An Act to revise certain licensing requirements for nonresident  
2 dove hunters.

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

4 Section 1. That § 41-6-17 be amended to read as follows:

5 41-6-17. It is a Class 2 misdemeanor for a nonresident to hunt, take, or kill small game,  
6 other than migratory waterfowl, without a nonresident small game license or in violation of the  
7 conditions of the license or the rules of the Game, Fish and Parks Commission. ~~It~~ However, a  
8 person who possesses a valid early fall Canada goose temporary nonresident waterfowl license  
9 established by the Game, Fish and Parks Commission may hunt, take, or kill mourning dove  
10 without a nonresident small game license during the applicable early fall Canada goose hunting  
11 season and only in the unit permitted for the taking of the Canada geese. Except as otherwise  
12 provided in this section, it is a Class 2 misdemeanor for a nonresident to hunt, take, or kill  
13 mourning dove and snipe without a nonresident small game license and a migratory bird  
14 certification permit, or in violation of the rules of the Game, Fish and Parks Commission. It is  
15 a Class 2 misdemeanor for a nonresident to hunt, take, or kill sandhill crane without a



1 nonresident small game license or nonresident waterfowl license and a migratory bird  
2 certification permit, or in violation of the rules of the Game, Fish and Parks Commission.

3 A nonresident small game license, except as otherwise provided in this title and except for  
4 the taking of migratory waterfowl, entitles the licensee to all of the privileges of a resident small  
5 game hunting license for two periods of five consecutive days.

# State of South Dakota

SEVENTY-NINTH SESSION  
LEGISLATIVE ASSEMBLY, 2004

664J0757

HOUSE COMMERCE COMMITTEE ENGROSSED NO.

**SB 183** - 02/12/2004

Introduced by: Senator Schoenbeck and Representatives Hennies, Klaudt, Lintz, Peterson  
(Bill), and Teupel

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to short-term  
2 mortgages.

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

4 Section 1. That § 21-49-14 be amended to read as follows:

5 21-49-14. Real estate mortgages, in any form, including ~~but not limited to~~, open end  
6 mortgages, collateral real estate mortgages, renegotiated rate mortgages, shared appreciation  
7 mortgages, and variable rate mortgages are authorized under the provisions of this chapter. The  
8 provisions of § 7-9-7 ~~shall not be~~ relating to a date due are not applicable to ~~proceedings~~  
9 mortgages under this chapter if the debt secured has no date due.

10 Section 2. The provisions of this Act do not affect the validity of any mortgage recorded  
11 before July 1, 2004.



# State of South Dakota

SEVENTY-NINTH SESSION  
LEGISLATIVE ASSEMBLY, 2004

508J0114

HOUSE JUDICIARY COMMITTEE ENGROSSED NO.

**SB 185** - 02/18/2004

Introduced by: Senators Schoenbeck, Brown, de Hueck, and Vitter and Representatives O'Brien, Cutler, Deadrick (Thomas), McCaulley, and Michels

1 FOR AN ACT ENTITLED, An Act to authorize counties to employ attorneys with specialized  
2 expertise and to validate prior actions in that regard.

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

4 Section 1. That chapter 7-16 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 Notwithstanding any other provision of this chapter, a board of county commissioners may,  
7 if authorized by resolution duly entered upon its minutes, employ an attorney admitted or  
8 licensed in the state for legal services in any civil matter in which specialized expertise is  
9 required. The attorney may act only in those matters specifically delegated by the board of  
10 county commissioners in writing at the time of appointment. The board of county  
11 commissioners shall, by resolution duly entered upon its minutes, set the salary for the attorney  
12 employed pursuant to this section. The employment of an attorney pursuant to this section may  
13 not reduce the salary of the state's attorney or any duly appointed deputy.

14 Section 2. The board of county commissioners may, if authorized by resolution duly entered  
15 upon its minutes, employ its own state's attorney for legal services as described in section 1 of



1 this Act. Notwithstanding § 7-16-23, the state's attorney may be compensated pursuant to the  
2 resolution described in section 1 of this Act in addition to the compensation of the state's  
3 attorney for the performance of other public duties.

4 Section 3. That § 7-16-23 be amended to read as follows:

5 7-16-23. Other than fees for child support enforcement services made upon the request of  
6 the Department of Social Services to a state's attorney under a cooperative agreement with the  
7 board of county commissioners, fees payable upon request of the Department of Social Services  
8 under a cooperative agreement with the board of county commissioners under the Violence  
9 Against Women Act, 42 USC 3796gg et seq. as of January 1, 1997, ~~and~~ fees payable under  
10 contract for representation of the county or its officers in civil cases and administrative  
11 proceedings outside the county pursuant to § 7-16-6, and fees payable under contract for  
12 specialized legal services pursuant to section 1 of this Act, a board of county commissioners  
13 may not give or pay any fees or costs to a state's attorney as part of a salary or in addition to a  
14 salary. However, each board shall participate in the costs of the prosecution and enforcement  
15 by the state's attorney of support obligations against any responsible parent, whether of a civil  
16 or criminal nature, on a fee for service basis with the Department of Social Services. The fee  
17 is paid to the state's attorney in addition to any other compensation of the state's attorney for the  
18 performance of other public duties. A full-time state's attorney, as defined by § 7-16-19, is not  
19 entitled to receive the fees payable for child support enforcement services or services under the  
20 Violence Against Women Act authorized by this section, or fees payable under contract for  
21 specialized legal services pursuant to section 1 of this Act, nor is a full-time state's attorney  
22 entitled to extra compensation for representation of the county or its officers in civil cases and  
23 administrative proceedings outside the county pursuant to § 7-16-6.

24 Section 4. That chapter 7-16 be amended by adding thereto a NEW SECTION to read as

1 follows:

2 Any contracts for legal services made by a board of county commissioners prior to July 1,  
3 2004, are hereby validated, legalized, and cured, notwithstanding any errors, omissions, or  
4 informalities.

# State of South Dakota

SEVENTY-NINTH SESSION  
LEGISLATIVE ASSEMBLY, 2004

400J0702

## SENATE EDUCATION COMMITTEE ENGROSSED NO. **SB 205** - 02/05/2004

Introduced by: The Committee on Education at the request of the Governor

1 FOR AN ACT ENTITLED, An Act to provide for the distribution of certain money  
2 appropriated as state aid.

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

4 Section 1. The secretary of the Department of Education shall distribute any money, not to  
5 exceed seven million three hundred seven thousand eight hundred ninety-six dollars  
6 (\$7,307,896), from state aid which is not obligated or expended at the end of the fiscal year.

7 Section 2. For purposes of this Act, average daily membership means average daily  
8 membership as defined in § 13-13-10.1 for school fiscal year 2003.

9 Section 3. Each school district's share of the distribution provided for in section 1 of this Act  
10 is determined according to the following calculations:

11 (1) Divide each school district's average daily membership by the statewide average daily  
12 membership;

13 (2) Multiply the quotient obtained by calculation (1) by the total amount of money  
14 identified for distribution pursuant to section 1 of this Act.

15 Section 4. Any funds from state aid which are unspent at the end of fiscal year 2004 shall



1 be carried over to fiscal year 2005.

2 Section 5. This Act is effective on June 14, 2004.

# State of South Dakota

SEVENTY-NINTH SESSION  
LEGISLATIVE ASSEMBLY, 2004

679J0799

HOUSE APPROPRIATIONS COMMITTEE ENGROSSED

NO. **SB 217** - 02/18/2004

Introduced by: Senators Symens, Brown, Jaspers, Kurtenbach, and Moore and  
Representatives Dykstra, Begalka, O'Brien, Olson (Mel), Peterson (Jim),  
Putnam, and Smidt

1 FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to construct a  
2 thermophylic anaerobic manure digestion system for the South Dakota Agricultural  
3 Experiment Station, to make an appropriation therefor, and to declare an emergency.

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

5 Section 1. The Board of Regents may contract for the construction, completion, furnishing,  
6 equipping, and maintaining of, including heating, air conditioning, plumbing, water, sewer,  
7 electric facilities, architectural and engineering services, asbestos abatement, and such other  
8 services as may be required to construct a thermophylic anaerobic manure digestion system for  
9 the South Dakota Agricultural Experiment Station the operates on its livestock research units  
10 near the South Dakota State University campus, located at Brookings, in Brookings County, at  
11 an estimated cost of one million seven hundred fifty thousand dollars.

12 Section 2. There is hereby appropriated one million seven hundred fifty thousand dollars  
13 (\$1,750,000) from federal funds awarded to the South Dakota Agricultural Experiment Station  
14 for the purpose of constructing the facility described in section 1 of this Act.



1 Section 3. The Board of Regents may accept, transfer, and expend any funds obtained for  
2 these purposes from federal sources, gifts, contributions, or any other source, all of which shall  
3 be deemed appropriated to the project authorized by this Act.

4 Section 4. The design and construction of the facilities approved by this Act shall be under  
5 the general supervision of the Bureau of Administration as provided in § 5-14-2. The  
6 commissioner of the Bureau of Administration and the executive director of the Board of  
7 Regents shall approve vouchers and the state auditor shall draw warrants to pay expenditures  
8 authorized by this Act.

9 Section 5. If it is determined that research conducted at the thermophylic anaerobic manure  
10 digestion system may have commercially valuable applications, and to the extent permitted  
11 under the terms of any grants or agreements funding such research, the Board of Regents will  
12 enter into an agreement with the Department of Tourism and State Development through its  
13 program for commercialization that will structure the assistance to be provided in the  
14 commercialization of the property.

15 Section 6. Notwithstanding the provisions of § 13-51-2, no general fund dollars, no  
16 educational facilities fund dollars, or any money appropriated for statewide maintenance and  
17 repair, may be used to finance the maintenance and repair of the facilities in this Act.

18 Section 7. Whereas, this Act is necessary for the support of the state government and its  
19 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in  
20 full force and effect from and after its passage and approval.