

State of South Dakota

EIGHTY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2006

562M0376

HOUSE JUDICIARY COMMITTEE ENGROSSED NO.

HB 1065 - 01/18/2006

Introduced by: Representatives Van Etten, Cutler, Gillespie, Hackl, Haley, Hennies, Hunt, Jensen, Michels, Murschel, O'Brien, Roberts, Sebert, Tornow, and Van Norman and Senators Duenwald, Abdallah, Broderick, Duniphan, Gray, Hanson (Gary), Koskan, Lintz, Moore, and Peterson (Jim)

1 FOR AN ACT ENTITLED, An Act to extend immunity to certain directors, trustees, committee
2 members and officers of certain nonprofit corporations and to members of certain advisory
3 boards.

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

5 Section 1. That § 47-23-2.1 be amended to read as follows:

6 47-23-2.1. No director, trustee, committee member, or officer serving without compensation,
7 other than reimbursement for actual expenses, of any corporation organized under this chapter
8 or under similar laws of another state, and which is exempt from taxation pursuant to Section
9 501(a) of the Internal Revenue Code, 26 U.S.C. Section 501(a) and is listed as an exempt
10 organization in Section 501(c) of the Internal Revenue Code, 26 U.S.C. Section 501(c), ~~as~~
11 ~~amended~~, or any hospital organized pursuant to chapter 34-8, 34-9, or 34-10 is liable, and no
12 cause of action may be brought, for damages resulting from the exercise of judgment or
13 discretion in connection with the duties or responsibilities of such director, trustee, committee
14 member, or officer while acting in ~~his~~ an official capacity as such director, trustee, committee



1 member, or officer, unless the act or omission involved willful or wanton misconduct. The
2 immunity provided by this section applies to any member of an advisory board of any
3 corporation described by this section.