



# State of South Dakota

EIGHTY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 2007

626N0434

## HOUSE ENGROSSED NO. **HB 1160** - 02/07/2007

Introduced by: Representatives Rhoden and Hargens and Senators Gray and Heidepriem

1 FOR AN ACT ENTITLED, An Act to repeal the requirement for physician involvement in the  
2 execution of a sentence of death by eliminating certain specified roles.

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

4 Section 1. That § 23A-27A-34 be amended to read as follows:

5 23A-27A-34. The warden of the penitentiary shall request, by at least two days' previous  
6 notice, the presence of the attorney general, the trial judge before whom the conviction was had  
7 or ~~his~~ the judge's successor in office, the state's attorney and sheriff of the county where the  
8 crime was committed, and not more than ten reputable adult citizens, including at least one  
9 member of the news media, to be selected by the warden at the execution. ~~The warden shall also~~  
10 ~~arrange for the attendance of the prison physician and two other licensed physicians of this state.~~  
11 The warden shall arrange for the attendance of ~~such~~ any prison guards and ~~peace law~~  
12 enforcement officers as he may deem the warden deems proper.

13 Section 2. That § 23A-27A-38 be repealed.

14 ~~— 23A-27A-38. Immediately after the execution a post-mortem examination of the body of the~~  
15 ~~defendant shall be made by the physicians present and they shall report in writing the result of~~  
16 ~~their examination stating the nature thereof and the finding made, which report shall be annexed~~



1 ~~to the return mentioned in § 23A-27A-40 and filed therewith.~~

2 Section 3. That § 23A-27A-39 be amended to read as follows:

3 23A-27A-39. ~~After the post-mortem examination the~~ The body of the defendant, unless  
4 claimed by some relative, shall be interred in a cemetery within the county where the  
5 penitentiary is situated.

6 Section 4. That § 23A-27A-40 be amended to read as follows:

7 23A-27A-40. The warden or prison officer attending the execution and in charge ~~thereof~~  
8 ~~must of the execution shall~~ immediately prepare and sign a certificate and return setting forth  
9 the time, place, and manner ~~thereof~~ of the execution, and that the defendant was ~~then and there~~  
10 executed in conformity to the judgment of the court and the provisions of this chapter. ~~He~~ The  
11 warden or prison officer shall sign the certificate and return and shall also procure the same to  
12 be signed by all the persons present and witnessing the execution and shall ~~thereupon cause file~~  
13 the certificate ~~together with the certificate of the post-mortem examination mentioned in § 23A-~~  
14 ~~27A-38 to be filed~~ within ten days after the execution in the office of the clerk of the court  
15 where the trial and conviction of the defendant ~~was had~~ took place.

# State of South Dakota

EIGHTY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 2007

707N0034

SENATE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **SB 3** - 02/07/2007

Introduced by: Senators Gray, Hunhoff, Koetzle, Olson (Ed), and Peterson (Jim) and Representatives Dennert, Heineman, Pederson (Gordon), and Putnam at the request of the Constitutional Revision Commission

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the circulation and  
2 signing of initiative and referendum petitions and to provide a penalty for violation thereof.

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

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

5 2-1-10. Each person, who circulates and secures signatures to a petition to initiate ~~or submit~~  
6 a constitutional amendment or other measure or to refer legislation to the electors ~~any law~~  
7 ~~pursuant to S.D. Const., Art. III, § 1~~, shall sign a verification ~~of circulator~~ before filing the  
8 petition with the officer in whose office it is by law required to be filed. The verification shall  
9 prescribe that the circulator made reasonable inquiry and, to the best of the circulator's  
10 knowledge, each person signing the petition is a qualified voter of the state in the county  
11 indicated on the signature line and that no state statute regarding the circulation of petitions was  
12 knowingly violated. The State Board of Elections shall prescribe the form for the verification  
13 ~~of circulator~~. The verification ~~of circulator~~ shall be witnessed by a notary public commissioned  
14 in South Dakota or other officer authorized to administer oaths pursuant to § 18-3-1. Any person



1 who falsely swears to the verification provided for in this section is guilty of a Class 1  
2 misdemeanor.

3 Section 2. That § 2-1-6 be amended to read as follows:

4 2-1-6. Every person who is a qualified voter may sign a petition to ~~propose a measure~~  
5 initiate a constitutional amendment or other measure or submit to refer a law. Whoever If a  
6 person, knowing he or she is not a qualified voter of the state, signs a petition for initiation or  
7 referendum of a constitutional amendment or other measure or for referral of legislation, when  
8 he is not a qualified voter of the state, or if any person signs a name other than his or her own,  
9 that person is guilty of a Class 1 misdemeanor.

# State of South Dakota

EIGHTY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 2007

277N0577

SENATE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **SB 104** - 02/09/2007

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

Introduced by: Senators Knudson, Abdallah, Albers, Dempster, Duenwald, Gant, Garnos, Gray, Hansen (Tom), Hauge, Hunhoff, Lintz, McCracken, McNenny, Olson (Ed), and Smidt (Orville) and Representatives Rhoden, Boomgarden, Brunner, Buckingham, Carson, Cutler, Davis, Deadrick, DeVries, Dreyer, Dykstra, Faehn, Gilson, Hackl, Hanks, Haverly, Heineman, Hills, Howie, Hunt, Jerke, Juhnke, Kirkeby, Koistinen, Krebs, Lust, McLaughlin, Nelson, Noem, Novstrup (Al), Novstrup (David), Olson (Betty), Olson (Russell), Olson (Ryan), Pederson (Gordon), Peters, Pitts, Putnam, Rausch, Rave, Rounds, Steele, Tidemann, Turbiville, Van Etten, Vanneman, Vehle, Weems, Wick, and Willadsen

1 FOR AN ACT ENTITLED, An Act to create and provide for the education enhancement  
2 tobacco tax fund and the health care tobacco tax fund.

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

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

6 There is hereby created in the state treasury the education enhancement tobacco tax fund.

7 All moneys in the education enhancement tobacco tax fund are subject to appropriation by the

8 Legislature through the General Appropriations Act or special appropriations acts for education

9 enhancement programs. Any interest earned shall be credited to the fund.

10 Section 2. That chapter 4-5 be amended by adding thereto a NEW SECTION to read as



1 follows:

2 There is hereby created in the state treasury the health care tobacco tax fund. All moneys in  
3 the health care tobacco tax fund are subject to appropriation by the Legislature through the  
4 General Appropriations Act or special appropriations acts for health care related programs. Any  
5 interest earned shall be credited to the fund.

6 Section 3. That § 10-50-52 be amended to read as follows:

7 10-50-52. The first thirty million dollars in revenue collected annually pursuant to this  
8 chapter shall be deposited in the general fund. All revenue in excess of thirty million dollars  
9 collected annually shall be deposited in the tobacco prevention and reduction trust fund. Five  
10 million dollars of the revenue deposited annually in the tobacco prevention and reduction trust  
11 fund pursuant to this section shall be used to implement the tobacco prevention and reduction  
12 program. Thirty-three percent of any revenue deposited in the tobacco prevention and reduction  
13 trust fund in excess of five million dollars shall be transferred to the property tax reduction fund.  
14 Thirty-three percent of any revenue deposited in the tobacco prevention and reduction trust fund  
15 in excess of five million dollars shall be transferred to the education enhancement ~~trust~~ tobacco  
16 tax fund. Thirty-four percent of any revenue deposited in the tobacco prevention and reduction  
17 trust fund in excess of five million dollars shall be transferred to the health care ~~trust~~ tobacco  
18 tax fund.

# State of South Dakota

EIGHTY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 2007

555N0581

SENATE TAXATION COMMITTEE ENGROSSED NO.

**SB 173** - 02/09/2007

Introduced by: Senators Knudson, Abdallah, Dempster, Garnos, Gray, Hansen (Tom), Hanson (Gary), Lintz, McCracken, McNenny, Olson (Ed), and Smidt (Orville) and Representatives Rhoden, Brunner, DeVries, Dykstra, Halverson, Hargens, Jerke, Lucas, Noem, Pederson (Gordon), Pitts, Rave, Tidemann, Turbiville, and Vanneman

1 FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the assessment of  
2 real property, to revise certain tax levy limitations for schools, to revise certain provisions  
3 regarding property tax levies for school districts, and to repeal the nonagricultural acreage  
4 classification.

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

6 Section 1. That chapter 10-6 be amended by adding thereto a NEW SECTION to read as  
7 follows:

8 Notwithstanding § 10-6-74, for the taxes payable in 2009, 2010, 2011, 2012, and 2013, the  
9 sales of property on or after November 1, 2006, where the property sells for more than one  
10 hundred fifty percent of its assessed value shall be used to value other real property. However,  
11 for the taxes payable in 2009, 2010, 2011, 2012, and 2013, no property's valuation may increase  
12 more than five percent per year because of these sales. Any such sales shall be used in a sales  
13 ratio study only as allowed in this section.



1 Section 2. Section 1 of this Act and § 10-6-74 are repealed on July 1, 2013.

2 Section 3. That § 10-6-33.24 be amended to read as follows:

3 10-6-33.24. Notwithstanding the provisions of chapter 10-6, agricultural land ~~may~~ shall be  
4 assessed based on its agricultural income value ~~if there are less than fifteen arms-length~~  
5 ~~transactions of agricultural land during the three preceding assessment years.~~ The agricultural  
6 income value of agricultural land shall be determined on the basis of the capitalized annual cash  
7 rent of the agricultural land. The capitalized annual cash rent shall be based on data collected  
8 and analyzed pursuant to § 10-6-33.25. ~~For the purposes of this section, arms-length transactions~~  
9 ~~do not include any agricultural land sales subject to the provisions of § 10-6-33.14, 10-6-33.20,~~  
10 ~~or 10-6-74.~~

11 Section 4. That § 10-6-33.25 be amended to read as follows:

12 10-6-33.25. For the purposes of § 10-6-33.24, the agricultural income value shall be  
13 determined using capitalized annual cash rent. The annual cash rent is the annual cash rent,  
14 excluding the average per acre tax on agricultural land, ~~determined through an analysis of arms-~~  
15 ~~length rental agreements collected within the county in the three years prior to the year for which~~  
16 ~~the agricultural income value is being determined using cash rent information collected pursuant~~  
17 ~~to § 10-6-33.16.~~ The agricultural income value of cropland shall be based on average rents over  
18 a three-year period for cropland under natural conditions. The agricultural income value of  
19 noncropland shall be based on average rents over a three-year period for noncropland under  
20 natural conditions. ~~However, no arms-length rental agreements for irrigated land may be used~~  
21 ~~to determine the annual cash rent pursuant to this section.~~ The annual cash rent shall be  
22 capitalized at ~~seven and three-fourths~~ six and sixteen hundredths percent.

23 ~~— The secretary of revenue and regulation may enter into a contract for the collection of cash~~  
24 ~~rent information by county. Cash rent information shall be adjusted by soil survey statistics, if~~

1 ~~available, and pursuant to § 10-6-33.26.~~

2 However, for the taxes payable in 2009, 2010, and 2011, the total value of agricultural land  
3 within any county may not increase more than fifteen percent in any year.

4 Section 5. That § 10-6-33.16 be amended to read as follows:

5 10-6-33.16. The secretary of revenue and regulation shall specify the cash rent used to  
6 determine the agricultural income value of agricultural land. The secretary of revenue and  
7 regulation may enter into a contract for the collection of cash rent information by county. Cash  
8 rent information shall be adjusted by soil survey statistics if available.

9 Section 6. That § 10-6-33.26 be amended to read as follows:

10 10-6-33.26. The director of equalization shall annually determine the assessed value of  
11 agricultural land as defined by § 10-6-31.3. ~~Any~~ The assessed valued of agricultural land  
12 ~~assessed based on its agricultural income value pursuant to § 10-6-33.24 and 10-6-33.25 may~~  
13 ~~be value~~ adjusted by the following factors:

- 14 (1) The capacity of the land to produce agricultural products as defined in § 10-6-33.2;  
15 and  
16 (2) The location, size, soil survey statistics, terrain, and topographical condition of the  
17 land including the climate, accessibility, and surface obstructions which can be  
18 documented.

19 Section 7. That chapter 10-6 be amended by adding thereto a NEW SECTION to read as  
20 follows:

21 Buildings and structures, other than normally occupied dwellings on agricultural land and  
22 automobile garages or portions of buildings used as automobile garages, which are used  
23 exclusively for agricultural purposes and situated on agricultural land, are hereby specifically  
24 classified for tax purposes as agricultural property and shall be assessed as similar

1 nonagricultural property.

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

4 The agricultural income value for agricultural land as determined § 10-6-33.24 represents  
5 one hundred percent of the market value and that value shall be adjusted to where the median  
6 level of assessment represents eighty-five percent of the market value pursuant to §§ 10-3-41,  
7 10-12-42, and 10-13-37.

8 Section 9. That § 10-6-33.13 be amended to read as follows:

9 10-6-33.13. The secretary of revenue and regulation may promulgate rules pursuant to  
10 chapter 1-26 concerning the:

- 11 (1) Collection and tabulation of information required to determine median appraisal or  
12 sales assessment ratio, and coefficient of dispersion;
- 13 (2) Criteria to be included in a compliance audit of assessment practices; ~~and~~
- 14 (3) Conditions under which a certificate of compliance may be issued to a county;
- 15 (4) Procedures for determining the valuation of agricultural buildings and structures;
- 16 (5) Procedures for determining the valuation of dwellings on agricultural land and  
17 automobile garages or portions of buildings used as automobile garages;
- 18 (6) Application of cropland and noncropland income values;
- 19 (7) Soil classification standards; and
- 20 (8) Procedures for making adjustments to the value of agricultural land pursuant to  
21 §§ 10-6-33.26 and 10-6-33.27.

22 Section 10. That § 13-16-7 be amended to read as follows:

23 13-16-7. The school board of any school district of this state may at its discretion authorize  
24 an annual levy of a tax not to exceed three dollars per thousand dollars of taxable valuation on

1 the taxable valuation of the district for the capital outlay fund for assets as defined by § 13-16-6  
2 or for its obligations under a resolution, lease-purchase agreement, capital outlay certificate, or  
3 other arrangement with the Health and Educational Facilities Authority. Taxes collected  
4 pursuant to such levy may be irrevocably pledged by the school board to the payment of  
5 principal of and interest on installment purchase contracts or capital outlay certificates entered  
6 into or issued pursuant to § 13-16-6 or 13-16-6.2 or lease-purchase agreements or other  
7 arrangement with the Health and Educational Facilities Authority and, so long as any capital  
8 outlay certificates are outstanding, installment agreement payments, lease-purchase agreements,  
9 or other arrangements are unpaid, the school board of any district may be compelled by  
10 mandamus or other appropriate remedy to levy an annual tax sufficient to pay principal and  
11 interest thereon, but not to exceed the three dollars per thousand dollars of taxable valuation in  
12 any year authorized to be levied hereby.

13 For taxes payable in 2009, the total amount of revenue payable from the levy provided in  
14 this section may not increase more than the lesser of three percent or the index factor, as defined  
15 in § 10-13-38, over the maximum amount of revenue that could have been generated for the  
16 taxes payable in 2008. After applying the index factor, a school district may increase the revenue  
17 payable from taxes on real property above the limitations provided by this section by the  
18 percentage increase of value resulting from any improvements or change in use of real property,  
19 annexation, minor boundary changes, and any adjustments in taxation of real property separately  
20 classified and subject to statutory adjustments and reductions under chapters 10-4, 10-6, 10-6A,  
21 and 10-6B, except § 10-6-31.4, only if assessed the same as property of equal value. A school  
22 district may increase the revenue it receives from taxes on real property above the limit provided  
23 by this section for taxes levied to pay the principal, interest, and redemption charges on any  
24 bonds issued after January 1, 2007, which are subject to referendum, scheduled payment

1 increases on bonds and for a levy directed by the order of a court for the purpose of paying a  
2 judgment against such school district. Any school district created or reorganized after January 1,  
3 2007, is exempt from the limitation provided by this section for a period of two years  
4 immediately following its creation.

5 For taxes payable in 2010, 2011, 2012, and 2013, the total amount of revenue payable from  
6 the levy provided in this section may not increase more than the lesser of three percent or the  
7 index factor, as defined in § 10-13-38, over the maximum amount of revenue that could have  
8 been generated for the taxes payable in 2008 plus any unused index factor from the previous  
9 years. After applying the index factor, a school district may increase the revenue payable from  
10 taxes on real property above the limitations provided by this section by the percentage increase  
11 of value resulting from any improvements or change in use of real property, annexation, minor  
12 boundary changes, and any adjustments in taxation of real property separately classified and  
13 subject to statutory adjustments and reductions under chapters 10-4, 10-6, 10-6A, and 10-6B,  
14 except § 10-6-31.4, only if assessed the same as property of equal value. A school district may  
15 increase the revenue it receives from taxes on real property above the limit provided by this  
16 section for taxes levied to pay the principal, interest, and redemption charges on any bonds  
17 issued after January 1, 2007, which are subject to referendum, scheduled payment increases on  
18 bonds and for a levy directed by the order of a court for the purpose of paying a judgment  
19 against such school district. Any school district created or reorganized after January 1, 2007, is  
20 exempt from the limitation provided by this section for a period of two years immediately  
21 following its creation.

22 For taxes payable in 2009, 2010, 2011, 2012, and 2013, the levy limitation of three dollars  
23 per thousand dollars of taxable valuation does not apply to any school district.

24 Section 11. That § 10-12-31.1 be amended to read as follows:

1        10-12-31.1. Notwithstanding other provision of law, when applying the levies for school  
2 purposes, the county director of equalization of each county shall adjust the level of assessment  
3 in that district so that the level of assessment as indicated by the most recent assessment to sales  
4 ratio as provided for in § 10-11-55 and the most recent ~~assessment to full agricultural land value~~  
5 ~~ratio~~ agricultural income value as provided for in § ~~10-11-57~~ §10-6-33.24 in that district are  
6 equal to eighty-five percent of market value or agricultural income value. The Department of  
7 Revenue and Regulation shall provide the director of equalization of each county all of the  
8 factors of adjustment necessary for the computations required in this section.

9        Section 12. That § 10-6-31.3 be amended to read as follows:

10        10-6-31.3. For tax purposes, land is agricultural land if it meets two of the following three  
11 criteria:

12        (1) At least thirty-three and one-third percent of the total family gross income of the  
13 owner is derived from the pursuit of agriculture as defined in subdivision (2) of this  
14 section or it is a state-owned public shooting area or a state-owned game production  
15 area as identified in § 41-4-8 and it is owned and managed by the Department of  
16 Game, Fish and Parks;

17        (2) Its principal use is devoted to the raising and harvesting of crops or timber or fruit  
18 trees, the rearing, feeding, and management of farm livestock, poultry, fish, or  
19 nursery stock, the production of bees and apiary products, or horticulture, all for  
20 intended profit pursuant to subdivision (1) of this section. Agricultural real estate also  
21 includes woodland, wasteland, and pasture land, but only if the land is held and  
22 operated in conjunction with agricultural real estate as defined and it is under the  
23 same ownership;

24        (3) It consists of not less than twenty acres of unplatted land or is a part of a contiguous

1 ownership of not less than eighty acres of unplatted land. The same acreage  
2 specifications apply to platted land, excluding land platted as a subdivision, which  
3 is in an unincorporated area. However, the board of county commissioners may  
4 increase the minimum acre requirement up to one hundred sixty acres.

5 ~~However, for tax purposes, land is not agricultural land if the land is classified pursuant to~~  
6 ~~§ 10-6-33.14 as a nonagricultural acreage.~~

7 Section 13. That § 10-6-33.3 be amended to read as follows:

8 10-6-33.3. Land or improvement on land within an operating unit which is not used incident  
9 to an agricultural pursuit shall be separately listed and assessed ~~and the income therefrom shall~~  
10 ~~not be used in determining the values for the purposes of §§ 10-6-33.1 and 10-6-33.2.~~

11 Section 14. That § 10-6-33.5 be amended to read as follows:

12 10-6-33.5. The assessment, valuation, equalization, and taxation of school and endowment  
13 lands shall be at the same level and on the same basis as lands assessed, valued, and equalized  
14 according to §§ ~~10-6-33.1 to 10-6-33.4~~ §§ 10-6-33.24 to 10-6-33.27, inclusive.

15 Section 15. That § 10-6-33.7 be amended to read as follows:

16 10-6-33.7. Agricultural land in each county shall be divided into the eight classes defined  
17 by the United States Department of Agriculture's soil conservation service as published in its  
18 soil survey for each county. The county director of equalization shall, based on the agricultural  
19 lands soil survey classification, determine a value for each soil type. ~~The value for each soil type~~  
20 ~~shall be determined from sales of similar land based upon its soil survey classification, and as~~  
21 ~~adjusted for the factors contained in subdivision 10-6-33.1(2). The sales used shall be sales of~~  
22 ~~agricultural land that are sold for agricultural purposes.~~

23 Section 16. That §§ 10-6-33.1, 10-6-33.4, 10-6-33.6, 10-6-33.14, 10-6-33.15, 10-6-33.17,  
24 10-6-33.18, 10-6-33.19, 10-6-33.20, and 10-6-33.23 be repealed.

1 Section 17. That § 13-13-72.1 be amended to read as follows:

2 13-13-72.1. Any adjustments in the levies specified in ~~subdivision 13-13-10.1(6)~~ § 10-12-42  
3 made pursuant to §§ 13-13-71 and 13-13-72 shall be based on maintaining the relationship  
4 between statewide local effort as a percentage of statewide local need in the fiscal year  
5 succeeding the fiscal year in which the adjustment is made. In addition to the adjustments in the  
6 levies provided by this section, the levies for nonagricultural property and owner-occupied  
7 single-family dwellings shall also be adjusted as necessary to account for the additional increase  
8 in the total assessed value for nonagricultural property and owner-occupied single-family  
9 dwellings pursuant to section 1 of this Act.

# State of South Dakota

EIGHTY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 2007

961N0637

## SENATE HEALTH AND HUMAN SERVICES COMMITTEE ENGROSSED NO. **SB 187** - 02/09/2007

Introduced by: Senators Nesselhuf, Abdallah, Heidepriem, Jerstad, Katus, Knudson, McCracken, Napoli, and Olson (Ed) and Representatives Halverson, Ahlers, Cutler, Elliott, Engels, Feinstein, Hills, Kirkeby, Lucas, McLaughlin, Nygaard, Street, Thompson, and Van Norman

1 FOR AN ACT ENTITLED, An Act to provide for appropriate emergency health care for rape  
2 survivors and to require health care facilities and the Department of Health to provide  
3 information to rape survivors.

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

5 Section 1. Terms used in this Act mean:

- 6 (1) "Emergency contraception," any drug or device approved by the Food and Drug  
7 Administration that can prevent pregnancy after sex;
- 8 (2) "Emergency care," any medical examination or treatment provided by a health care  
9 facility to a rape survivor following an alleged rape;
- 10 (3) "Medically and factually accurate and objective," verified or supported by the weight  
11 of research conducted in compliance with accepted scientific methods and either:  
12 published in peer-reviewed journals; or comprising information that leading  
13 professional organizations and agencies with relevant expertise in the field recognize  
14 as accurate and objective;



1 (4) "Rape," as defined in § 22-22-1;

2 (5) "Rape survivor" or "survivor," any female person who alleges or is alleged to have  
3 been raped and who presents as a patient;

4 (6) "Health care facility," any facility which routinely provides medical care.

5 Section 2. Every health care facility providing emergency care to a rape survivor shall  
6 promptly provide such survivor with medically and factually accurate and objective written and  
7 oral information pursuant to section 3 of this Act, relating to emergency contraception.

8 No health care facility is required to provide emergency contraception to a woman. Nothing  
9 in this Act prevents a health care facility from providing emergency contraception or a  
10 prescription for emergency contraception to a woman.

11 Section 3. The Department of Health shall develop, prepare, and produce medically and  
12 factually accurate and objective informational materials relating to emergency contraception for  
13 distribution to and use in all health care facilities in the state, in quantities sufficient to comply  
14 with the requirements of this Act. The Department of Health may also approve informational  
15 materials from medically recognized sources for the purposes of this Act. Such informational  
16 material shall be in clear and concise language, readily comprehensible, in such varieties and  
17 forms as the Department of Health deems necessary to inform rape survivors in English and  
18 languages other than English. Such materials shall explain the nature of emergency  
19 contraception including its use, safety, efficacy, and availability and will conform to the Food  
20 and Drug Administration's guidelines regarding emergency contraception.

21 Section 4. No health care facility, physician, nurse, or other person, is required to provide  
22 such rape survivor with materials developed and approved pursuant to Section 3 if doing so is  
23 contrary to the religious, moral, or ethical tenets of the health care facility, physician, nurse, or  
24 other person.

1           Section 5. The Department of Health shall respond to complaints about noncompliance with  
2   the provisions of this Act and shall periodically monitor or inspect to determine whether health  
3   care facilities are complying with this Act.

# State of South Dakota

EIGHTY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 2007

970N0652

SENATE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **SB 198** - 02/09/2007

Introduced by: Senators Gant, Apa, Heidepriem, McCracken, Schmidt (Dennis), and Smidt (Orville) and Representatives Willadsen, DeVries, Novstrup (Al), and Weems

1 FOR AN ACT ENTITLED, An Act to provide for an Open Government Commission.

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

3 Section 1. The Executive Board of the Legislative Research Council shall establish an Open  
4 Government Commission during the 2007 legislative interim. The commission shall consist of  
5 seven members. Three members, no more than two from one political party, shall be state  
6 senators selected by the president pro tempore of the Senate. Three members, no more than two  
7 from one political party, shall be state representatives selected by the speaker of the House of  
8 Representatives. One member shall be from the news media selected by the president pro  
9 tempore of the Senate.

10 Section 2. The Open Government Commission shall carefully examine the report of the  
11 Attorney General . Moreover, the commission may, at its discretion, examine any school district,  
12 city, county, and state government entities and their actions, and shall specifically address which  
13 matters should be open to the public and which should not.

14 Section 3. The Open Government Commission shall embody its recommendations for  
15 amendment in draft legislation and submit its recommendations to the Executive Board no later



1 than the Executive Board's final interim meeting.