

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

400N0383

HOUSE APPROPRIATIONS COMMITTEE ENGROSSED

NO. **HB 1067** - 02/13/2007

Introduced by: The Committee on Appropriations at the request of the Department of
Tourism and State Development

1 FOR AN ACT ENTITLED, An Act to revise certain reversion provisions regarding an
2 appropriation to the South Dakota Energy Infrastructure Authority.

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

4 Section 1. That section 3 of chapter 12 of the 2006 Session Laws be amended to read as
5 follows:

6 Section 3. Any amount appropriated in this Act not lawfully expended or obligated by
7 June 30, ~~2007~~ 2008, shall revert in accordance with § 4-8-21.



State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

768N0548

SENATE APPROPRIATIONS COMMITTEE

ENGROSSED NO. **HB 1138** - 02/22/2007

Introduced by: Representatives Haverly, Buckingham, Kirkeby, and Peters and Senators Greenfield, Gant, Katus, Napoli, and Olson (Ed)

1 FOR AN ACT ENTITLED, An Act to appropriate money to postsecondary technical institutes
2 for the maintenance and repair of buildings.

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

4 Section 1. There is hereby appropriated from the general fund the sum of three hundred sixty
5 thousand dollars (\$360,000), or so much thereof as may be necessary, to the Department of
6 Education for the maintenance and repair of buildings of postsecondary technical institutes.

7 Section 2. The secretary of the Department of Education shall approve vouchers and the
8 state auditor shall draw warrants to pay expenditures authorized by this Act.

9 Section 3. Any amounts appropriated in this Act not lawfully expended or obligated by
10 June 30, 2008, shall revert in accordance with § 4-8-21.



State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

277N0578

HOUSE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **HB 1139** - 02/05/2007

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

Introduced by: 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 and Senators Knudson, Abdallah, Albers, Dempster, Duenwald, Gant, Garnos, Gray, Hansen (Tom), Hauge, Hunhoff, Lintz, McCracken, McNenny, Olson (Ed), and Smidt (Orville)

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.

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.

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

6 10-50-52. The first thirty million dollars in revenue collected annually pursuant to this
7 chapter shall be deposited in the general fund. All revenue in excess of thirty million dollars
8 collected annually shall be deposited in the tobacco prevention and reduction trust fund. Five
9 million dollars of the revenue deposited annually in the tobacco prevention and reduction trust
10 fund pursuant to this section shall be used to implement the tobacco prevention and reduction
11 program. Thirty-three percent of any revenue deposited in the tobacco prevention and reduction
12 trust fund in excess of five million dollars shall be transferred to the property tax reduction fund.
13 Thirty-three percent of any revenue deposited in the tobacco prevention and reduction trust fund
14 in excess of five million dollars shall be transferred to the education enhancement ~~trust~~ tobacco
15 tax fund. Thirty-four percent of any revenue deposited in the tobacco prevention and reduction
16 trust fund in excess of five million dollars shall be transferred to the health care ~~trust~~ tobacco
17 tax fund.

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

884N0576

HOUSE ENGROSSED NO. **HB 1141** - 02/15/2007

Introduced by: Representatives Buckingham, Hackl, Kirkeby, Miles, Olson (Betty), Weems, and Wick and Senators Napoli, Greenfield, Jerstad, Katus, and Olson (Ed)

1 FOR AN ACT ENTITLED, An Act to create the health and safety facility equity program to
2 assist certain school districts with critical need for capital construction.

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

4 Section 1. There is hereby created within the Department of Education the health and safety
5 facility equity program to assist certain school districts with critical need for capital
6 construction. The program shall be administered by the secretary of education.

7 Section 2. As used in this Act, a school district with critical need for capital construction is
8 one which:

9 (1) Has an urgent need for a new academic building or for a replacement of an academic
10 building due to a catastrophe or due to condemnation by the state fire marshal for
11 structural or health and safety concerns; and

12 (2) Levies taxes at the maximum levels prescribed in § 13-6-7 and still does not have the
13 ability to raise local effort sufficient enough to build or acquire adequate, permanent
14 academic building space.

15 Section 3. Any school district seeking assistance through the health and safety facility equity



1 program shall apply to the secretary of education. The application shall document the district's
2 critical need and include the district's plan to add or replace the academic building.

3 Section 4. There is hereby created the Health and Safety Facility Equity Program Board
4 within the Department of Education. The board shall consist of five members appointed by the
5 Governor. The members shall serve at the pleasure of the Governor. The board shall meet at the
6 call of the secretary of education to review and act upon applications from school districts.
7 When considering whether to approve an application, the board shall take into consideration the
8 following factors:

- 9 (1) If the school district is a sparse district as defined in § 13-13-78;
- 10 (2) If the school district's board has discussed the possibility of reorganizing with the
11 school boards of adjoining school districts, but the adjoining school districts are not
12 interested in reorganization;
- 13 (3) If the plan to add or replace the academic building is adequate to meet the district's
14 needs, but not excessive based on enrollment projections; and
- 15 (4) If the district will likely continue to need the planned academic building ten to twenty
16 years into the future.

17 All applications approved by the Health and Safety Facility Equity Program Oversight Board
18 shall be forwarded to the Department of Education with recommendations.

19 Section 5. The secretary of education shall promulgate rules pursuant to chapter 1-26 to
20 establish application procedures, application timelines, and the procedures and timelines.

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

645N0403

HOUSE ENGROSSED NO. **HB 1145** - 02/12/2007

Introduced by: Representatives Turbiville, Brunner, Burg, Cutler, Davis, DeVries, Faehn, Gilson, Halverson, Hargens, Heineman, Hills, Howie, Juhnke, Kirkeby, Lucas, McLaughlin, Miles, Moore, Novstrup (Al), Olson (Betty), Olson (Russell), Pederson (Gordon), Peters, Pitts, Rausch, Rhoden, Rounds, Sigdestad, Steele, Tidemann, Van Etten, Vanneman, Weems, and Willadsen and Senators Lintz, Albers, Bartling, Dempster, Duenwald, Gant, Garnos, Gray, Greenfield, Hanson (Gary), Koetzle, Maher, McCracken, McNenny, Napoli, Peterson (Jim), Schmidt (Dennis), and Smidt (Orville)

1 FOR AN ACT ENTITLED, An Act to revise certain provisions concerning utility right-of-way
2 maintenance.

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

4 Section 1. That § 21-3-10 be amended to read as follows:

5 21-3-10. ~~For wrongful injury to timber, trees, or underwood upon the land of another, or~~
6 ~~removal thereof, the measure of damages is three times such a sum as would compensate for the~~
7 ~~actual detriment, except where the trespass was casual and involuntary, or committed under the~~
8 ~~belief that the land belonged to the trespasser, or where the wood was taken by the authority of~~
9 ~~highway officers for the purpose of a highway; in which case the damages are a sum equal to~~
10 ~~the actual detriment. The Guide for Plant Appraisal, Ninth Edition, as published by the~~
11 ~~International Society of Arboriculture as of January 1, 2007, shall be used as a guide to measure~~
12 ~~the actual damages for the wrongful injury to trees or plants.~~



State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

806N0453

HOUSE TRANSPORTATION COMMITTEE ENGROSSED NO. **HB 1189** - 02/13/2007

Introduced by: Representatives Willadsen, Cutler, Dykstra, Gilson, Glenski, Hills, Nelson, Rausch, Steele, Street, and Weems and Senators Koetzle, Albers, McCracken, Olson (Ed), Smidt (Orville), and Sutton

1 FOR AN ACT ENTITLED, An Act to require certain children to be in booster seats when in
2 motor vehicles.

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

4 Section 1. That § 32-37-1 be amended to read as follows:

5 32-37-1. Any operator of any passenger vehicle transporting a child under five years of age
6 on the streets and highways of this state shall properly secure the child in a child passenger
7 restraint system according to its manufacturer's instructions. The child passenger restraint
8 system shall meet Department of Transportation Motor Vehicle Safety Standard 213 as in effect
9 ~~January 1, 1981~~ at the time the system was manufactured and not later than January 1, 2006. The
10 requirements of this section are met if the child is under five years of age and is at least forty
11 pounds in weight by securing the child in a ~~seat belt~~ booster seat properly secured by a lap and
12 shoulder belt system. An operator who violates this section commits a petty offense.

13 Section 2. That § 32-37-1.1 be amended to read as follows:

14 32-37-1.1. Any operator of a passenger vehicle operated on a public street or highway in this



1 state transporting a passenger who is at least five and ~~under~~ less than eight years of age shall
2 assure that the passenger is seated in a booster seat properly secured by a lap and shoulder belt
3 system. If the passenger is less than eight years old and weighs at least eighty pounds or is at
4 least fifty-seven inches in height, a booster seat is not required, but the operator shall ensure that
5 the passenger is wearing a properly adjusted and fastened safety seat belt system as provided in
6 this section. Any operator of a passenger vehicle operated on a public street or highway in this
7 state transporting a passenger who is at least eight and less than eighteen years of age shall
8 assure that the passenger is wearing a properly adjusted and fastened safety seat belt system,
9 required to be installed in the passenger vehicle if manufactured pursuant to Federal Motor
10 Vehicle Safety Standard Number 208 (49 C.F.R. 571.208) as in effect January 1, ~~1989~~ 2006, at
11 all times when the vehicle is in motion. A violation of this section is a petty offense.

12 Section 3. That chapter 32-37 be amended by adding thereto a NEW SECTION to read as
13 follows:

14 For the purposes of this chapter, the term, booster seat, means a backless child passenger
15 restraint system meeting the requirements of Federal Motor Vehicle Safety Standard Number
16 213 (49 C.F.R 571.213), as in effect at the time the system was manufactured and not later than
17 January 1, 2006, or a belt-positioning seat meeting the requirements of Federal Motor Vehicle
18 Safety Standard Number 213 (49 C.F.R 571.213), as in effect at the time the seat was
19 manufactured and not later than January 1, 2006.

20 Section 4. Any person failing to secure a child in a booster seat pursuant to this Act may
21 only be issued a warning ticket.

22 Section 5. Enforcement of booster seat violations by state or local law enforcement agencies
23 shall be accomplished as a secondary action.

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

339N0533

HOUSE ENGROSSED NO. **HB 1196** - 02/05/2007

Introduced by: Representatives Rounds, Boomgarden, Buckingham, Cutler, Engels, Feinstein, Gilson, Lust, Moore, Noem, Novstrup (Al), Olson (Ryan), Peters, Weems, Wick, and Willadsen and Senators McCracken, Abdallah, Albers, Gray, Hoerth, Jerstad, Koetzle, and Schmidt (Dennis)

1 FOR AN ACT ENTITLED, An Act to provide for notice and opportunity to remedy residential
2 construction defects.

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

4 Section 1. Terms used in this Act mean:

- 5 (1) "Action," any civil lawsuit or action in contract or tort for damage or indemnity
6 brought against a construction professional to assert a claim, whether by complaint,
7 counterclaim, or cross-claim, for damage or the loss of use of real or personal
8 property caused by a construction defect. The term does not include a civil action in
9 tort alleging personal injury or wrongful death resulting from a construction defect;
- 10 (2) "Construction defect," a deficiency in or arising out of the supervision, construction,
11 or remodeling of a residence that results from any of the following:
- 12 (a) Defective materials, products, or components used in the construction or
13 remodeling of a residence;
- 14 (b) Violation of the applicable building, plumbing, or electrical codes in effect at



1 the time of the construction or remodeling of a residence; or

2 (c) Failure to construct or remodel a residence in accordance with contract
3 specifications or accepted trade standards;

4 (3) "Construction professional," a builder, contractor, or subcontractor performing or
5 furnishing the supervision of the construction or remodeling of any residence,
6 whether operating as a sole proprietor, partnership, corporation, or other business
7 entity;

8 (4) "Home owner," any person, company, firm, partnership, corporation, or association
9 who contracts with a construction professional for the remodeling, construction, or
10 construction and sale of a residence. The term includes a subsequent purchaser of a
11 residence from any home owner;

12 (5) "Residence," a single-family house or a unit in a multi-unit residential structure in
13 which title to each individual unit is transferred to the owner under a condominium
14 or cooperative system;

15 (6) "Serve" or "service," personal delivery or delivery by certified mail to the last known
16 address of the addressee.

17 Section 2. Prior to commencing an action against the construction professional for a
18 construction defect, a home owner shall:

19 (1) Serve on the construction professional a written notice describing the alleged
20 construction defect; and

21 (2) Allow the construction professional, within thirty days after service of the notice, to
22 inspect the alleged construction defect and serve on the home owner a written offer
23 to repair the construction defect or compensate the owner by monetary payment.

24 The home owner may not commence an action against the construction professional for a

1 construction defect until thirty days after the notice is served on the construction professional.
2 If the home owner commences an action against the construction professional without
3 complying with the requirements of this section, the action shall be stayed until the home owner
4 has complied with such requirements. No home owner is required to serve another written
5 notice for any additional defects discovered after the home owner has served an initial written
6 notice of a construction defect pursuant to this section. The provisions of this Act do not apply
7 to the initiation of a counterclaim or cross-claim in any action that is already properly
8 commenced.

9 Section 3. No applicable statute of limitations runs against either party during the thirty-day
10 period after written notice is served pursuant to section 2 of this Act.

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

669N0700 **HOUSE APPROPRIATIONS COMMITTEE ENGROSSED**
NO. HB 1205 - 02/13/2007

Introduced by: Representatives Peters, Dennert, Halverson, Haverly, Kirkeby, Rausch,
Street, and Tidemann and Senators Gant, Napoli, and Smidt (Orville)

1 FOR AN ACT ENTITLED, An Act to provide funds to the state technical institutes.

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

3 Section 1. There is hereby appropriated from the general fund the sum of one dollar (\$1),
4 or so much thereof as may be necessary, to the Department of Education for the purposes of
5 fulfilling the mission of South Dakota technical institutes.

6 Section 2. The secretary of education shall approve vouchers and the state auditor shall draw
7 warrants to pay expenditures authorized by this Act.

8 Section 3. Any amounts appropriated in this Act not lawfully expended or obligated by
9 June 30, 2009, shall revert in accordance with § 4-8-21.



State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

983N0165

HOUSE ENGROSSED NO. **HB 1246** - 02/20/2007

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

Introduced by: Representatives Olson (Ryan), Novstrup (Al), and Weems and Senators Olson (Ed) and Smidt (Orville)

1 FOR AN ACT ENTITLED, An Act to make an appropriation for the costs related to the
2 intensive methamphetamine treatment program in the women's state correctional system.

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

4 Section 1. There is hereby appropriated from the general fund the sum of four hundred
5 ninety five thousand four hundred eighty nine dollars (\$495,489), or so much thereof as may be
6 necessary, six hundred forty thousand dollars (\$640,000) in other fund expenditure authority,
7 or so much thereof as may be necessary, and 6.0 FTEs to the Department of Human Services
8 for costs related to the intensive methamphetamine treatment program in the women's state
9 correctional system.

10 Section 2. There is hereby appropriated from the general fund the sum of ninety-six
11 thousand one hundred fifty-one dollars (\$96,151), or so much thereof as may be necessary, five
12 hundred forty-four thousand one hundred two dollars (\$544,102) in other fund expenditure
13 authority, or so much thereof as may be necessary, and 9.0 FTEs to the Department of
14 Corrections for costs related to the intensive methamphetamine treatment program in the
15 women's state correctional system.



1 Section 3. There is hereby appropriated the sum of fifty one thousand one hundred thirty-six
2 dollars (\$51,136) in other fund expenditure authority, or so much thereof as may be necessary,
3 and 1.0 FTE to the Department of Health for costs related to the intensive methamphetamine
4 treatment program in the women's state correctional system.

5 Section 4. The secretary of the Department of Human Services, the secretary of the
6 Department of Corrections, or the secretary of the Department of Health shall approve vouchers
7 and the state auditor shall draw warrants to pay expenditures authorized by this Act.

8 Section 5. Any amounts appropriated in this Act not lawfully expended or obligated by
9 June 30, 2008, shall revert in accordance with § 4-8-21.

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

505N0735 **HOUSE APPROPRIATIONS COMMITTEE ENGROSSED**
NO. HB 1258 - 02/14/2007

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

Introduced by: Representatives Buckingham, Dykstra, Lust, McLaughlin, Nygaard, Pederson (Gordon), Pitts, Rounds, Turbiville, and Van Norman and Senators Duenwald, Greenfield, Katus, McCracken, and Smidt (Orville)

1 FOR AN ACT ENTITLED, An Act to create an intensive methamphetamine treatment program
2 and revise the General Appropriations Act for fiscal year 2007, and to declare an emergency.

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

4 Section 1. The Department of Corrections, the Department of Health, and the Department
5 of Human Services may create a program for the purpose of providing intensive
6 methamphetamine treatment for females in the state correctional system.

7 Section 2. That section 8 of chapter 26 of the 2006 Session Laws be amended to read as
8 follows:

9 DEPARTMENT OF HEALTH

10 Correctional Health

11 F.T.E., delete "71.0" and insert "72.0"

12 Adjust all totals accordingly.

13 Section 3. That section 16 of chapter 26 of the 2006 Session Laws be amended to read as
14 follows:



1 DEPARTMENT OF CORRECTIONS

2 Community Services

3 Personal Services, Other Funds, delete "\$1,557,291" and insert "\$1,842,291"

4 Operating Expenses, Other Funds, delete "\$1,441,478" and insert "\$1,666,478"

5 F.T.E., delete "82.5" and insert "89.3"

6 Adjust all totals accordingly.

7 Section 4. That section 17 of chapter 26 of the 2006 Session Laws be amended to read as
8 follows:

9 DEPARTMENT OF HUMAN SERVICES

10 Alcohol & Drug Abuse

11 Personal Services, Other Funds, delete "\$3,678" and insert "\$177,095"

12 Operating Expenses, Other Funds, delete "\$264,286" and insert "\$577,915"

13 F.T.E., delete "49.0" and insert "54.0"

14 Adjust all totals accordingly.

15 Section 5. Whereas, this Act is necessary for the support of the state government and its
16 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in
17 full force and effect from and after its passage and approval.

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

893N0703

SENATE EDUCATION COMMITTEE ENGROSSED NO.

HB 1266 - 02/22/2007

Introduced by: Representatives Brunner, Buckingham, DeVries, Hackl, Heineman, Howie, Hunt, Novstrup (Al), and Novstrup (David) and Senators Napoli and Lintz

1 FOR AN ACT ENTITLED, An Act to allow a home school student to partially enroll in the
2 student's resident school district or in another school district under certain circumstances and
3 to clarify certain testing requirements for students who are partially enrolled.

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

5 Section 1. That chapter 13-28 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 The resident school district of a child excused from school attendance pursuant to § 13-27-2
8 shall admit that child to a public school in the district upon request from the child's parent or
9 legal guardian. A child enrolled in a school district pursuant to this section may be enrolled in
10 a school of the school district on only a partial basis and shall continue to also receive
11 alternative instruction pursuant to § 13-27-3.

12 Section 2. That chapter 13-13 be amended by adding thereto a NEW SECTION to read as
13 follows:

14 For purposes of state aid to education, a student enrolled pursuant to this Act shall be
15 counted in a school's average daily membership as defined in subdivision 13-13-10.1(1) in a



1 proportion equal to the share of the student's enrollment in the school.

2 Section 3. That § 13-28-41 be amended to read as follows:

3 13-28-41. A school district shall grant a request for a transfer into the district or within the
4 district unless the transfer would result in an inability to provide a quality educational program
5 based on criteria established by the district pursuant to § 13-28-44.

6 In addition, a school district shall grant a request to admit into the district a child who is a
7 resident of another school district and who is excused from attending school in the resident
8 district pursuant to § 13-27-2, unless admitting the nonresident child would result in an inability
9 to provide a quality educational program based on criteria established by the district pursuant
10 to § 13-28-44.

11 Section 4. If a student is partially enrolled in a school district pursuant to this Act, and the
12 student's enrollment is equal to or greater than fifty percent, that student is required to take any
13 academic achievement test administered by the school district pursuant to § 13-3-55. If a
14 student's partial enrollment in a school district is less than fifty percent, the student is not
15 required to take any academic achievement test administered by the school district pursuant to
16 § 13-3-55.

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

636N0487

HOUSE APPROPRIATIONS COMMITTEE ENGROSSED

NO. **HB 1271** - 02/14/2007

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

Introduced by: Representatives Krebs, Cutler, Deadrick, Elliott, Faehn, Gassman, Gilson, Halverson, Novstrup (Al), Olson (Russell), Turbiville, and Willadsen and Senators Knudson, Dempster, Duenwald, Garnos, Gray, Greenfield, Hansen (Tom), Hoerth, Jerstad, McCracken, Napoli, Nesselhuf, Olson (Ed), Peterson (Jim), and Smidt (Orville)

1 FOR AN ACT ENTITLED, An Act to create a drug court program in the Unified Judicial
2 System and make an appropriation therefor.

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

4 Section 1. The Unified Judicial System may create a drug court program for the purpose of
5 providing intensive, supervised rehabilitation to nonviolent adult felony offenders who abuse
6 controlled substances.

7 Section 2. There is hereby appropriated from the general fund the sum of two hundred
8 twelve thousand one hundred ninety three dollars (\$212,193), or so much thereof as may be
9 necessary, and 3.0 FTEs to the Unified Judicial System for costs related to the drug court
10 program.

11 Section 3. The state court administrator shall approve vouchers and the state auditor shall
12 draw warrants to pay expenditures authorized by this Act.

13 Section 4. Any amounts appropriated in this Act not lawfully expended or obligated by



1 June 30, 2008, shall revert in accordance with § 4-8-21.

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

399N0764 **HOUSE APPROPRIATIONS COMMITTEE ENGROSSED**
NO. HB 1279 - 02/13/2007

Introduced by: Representatives Haverly, Burg, Rausch, and Tidemann and Senators Smidt
(Orville), Apa, Greenfield, and Koetzle

1 FOR AN ACT ENTITLED, An Act to create a task force to study permanent funding options
2 for the state technical institutes, to provide for its composition, and to declare an emergency.

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

4 Section 1. There is hereby established the Technical Institute Funding Task Force. The task
5 force shall consist of the following twenty members:

6 (1) The speaker of the House of Representatives shall appoint four members of the
7 House of Representatives, no more than three of whom may be from one political
8 party;

9 (2) The president pro tempore of the Senate shall appoint four members of the Senate,
10 no more than three of whom may be from one political party;

11 (3) The Executive Board of the Legislative Research Council shall appoint eight private
12 employers or members of the general public representing business and industry from
13 the four technical institute regions, no more than five of whom may be from one
14 political party; and

15 (4) Each president of the four state technical institutes shall serve ex officio.



1 The initial appointments shall be made no later than May 10, 2007. If there is a vacancy on the
2 task force, the vacancy shall be filled in the same manner as the original appointment.

3 Section 2. The task force shall be under the supervision of the Executive Board of the
4 Legislative Research Council and staffed and funded as an interim legislative committee. The
5 Executive Board shall appoint the chair and the vice chair from among the legislators appointed
6 to the commission.

7 Section 3. The task force shall evaluate the current system of technical institute funding and
8 recommend alternative financing and allocation options. Based on these recommendations, the
9 task force shall submit a report and draft legislation to the Executive Board of the Legislative
10 Research Council no later than November 1, 2007.

11 Section 4. Whereas, this Act is necessary for the support of the state government and its
12 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in
13 full force and effect from and after its passage and approval.