



# State of South Dakota

EIGHTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2008

400P0314

## SENATE EDUCATION ENGROSSED NO. **HB 1047** - 2/14/2008

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

1 FOR AN ACT ENTITLED, An Act to make an appropriation to assist sparse school districts.

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 two million forty-  
4 three thousand one hundred thirty-eight dollars (\$2,043,138), or so much thereof as may be  
5 necessary, to the Department of Education for the purpose of making the payments in  
6 accordance with § 13-13-79.

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 shall  
10 revert in accordance with § 4-8-21.



# State of South Dakota

EIGHTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2008

400P0391

## SENATE EDUCATION ENGROSSED NO. **HB 1051** - 2/14/2008

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

1 FOR AN ACT ENTITLED, An Act to revise certain provisions related to the payment of  
2 additional funds to consolidated school districts.

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

4 Section 1. That § 13-6-92 be amended to read as follows:

5 13-6-92. If two or more school districts consolidate after July 1, 2001 and ~~prior to~~ on or  
6 before July 1, 2007, the new school district is entitled to an additional three hundred dollars per  
7 average daily membership as defined in § 13-13-10.1, up to a maximum of four hundred average  
8 daily membership from each school district or a prorated portion thereof from a partial school  
9 district as it existed prior to consolidation for the first year after consolidation. If two or more  
10 school districts consolidate after July 1, 2001 and ~~prior to~~ on or before July 1, 2007, the new  
11 school district is entitled to an additional two hundred dollars per average daily membership as  
12 defined in § 13-13-10.1, up to a maximum of four hundred average daily membership from each  
13 school district or a prorated portion thereof from a partial school district as it existed prior to  
14 consolidation for the second year after consolidation. If two or more school districts consolidate  
15 after July 1, 2001 and ~~prior to~~ on or before July 1, 2007, the new school district is entitled to an



1 additional one hundred dollars per average daily membership as defined in § 13-13-10.1, up to  
2 a maximum of four hundred average daily membership from each school district or a prorated  
3 portion thereof from a partial school district as it existed prior to consolidation for the third year  
4 after consolidation.

5 If two or more school districts consolidate after July 1, 2007, ~~the~~ for the first year after  
6 consolidation, each new school district is entitled to ~~an additional six hundred~~ nine hundred  
7 dollars per fall enrollment as defined in § 13-13-10.1, up to a maximum of four hundred fall  
8 enrollment from each school district or a prorated portion thereof from a partial school district  
9 as it existed prior to consolidation for the first year after consolidation for each sending district  
10 student included in the receiving district's fall enrollment for the first year after consolidation,  
11 up to a maximum of four hundred sending district students. If two or more school districts

12 consolidate after July 1, 2007, ~~the~~ for the second year after consolidation, each new school  
13 district is entitled to ~~an additional four hundred~~ six hundred dollars ~~per fall enrollment, up to~~  
14 ~~a maximum of four hundred fall enrollment from each school district or a prorated portion~~  
15 ~~thereof from a partial school district as it existed prior to consolidation for the second year after~~  
16 ~~consolidation~~ for each sending district student included in the receiving district's fall enrollment  
17 for the first year after consolidation, up to a maximum of four hundred sending district students.

18 If two or more school districts consolidate after July 1, 2007, ~~the~~ for the third year after  
19 consolidation, each new school district is entitled to ~~an additional two hundred~~ three hundred  
20 dollars per fall enrollment, up to a maximum of four hundred fall enrollment from each school  
21 district or a prorated portion thereof from a partial school district as it existed prior to  
22 ~~consolidation~~ for the third year after consolidation for each sending district student included  
23 in the receiving district's fall enrollment for the first year after consolidation, up to a maximum  
24 of four hundred sending district students.

1 Section 2. For the purposes of this Act, the following terms mean:

2 (1) "New school district," a school district which is formed as the result of a  
3 consolidation of two or more school districts;

4 (2) "Receiving district," a new school district in which a secondary attendance center was  
5 operated prior to consolidation and is operated after consolidation;

6 (3) "Sending district," a school district which is not a receiving school district whose  
7 land has become part of another school district; and

8 (4) "Sending district student," a student who was included in the current fall enrollment  
9 as defined in § 13-13-10.1 of a sending school district for the school year prior to the  
10 first year the new school district operates.

11 Section 3. That chapter 13-6 be amended by adding thereto a NEW SECTION to read as  
12 follows:

13 Notwithstanding the provisions of § 13-6-92, if two or more school districts consolidate  
14 after July 1, 2007, and the secretary of education has issued an order to give effect to the  
15 reorganization plan pursuant to § 13-6-48 no later than July 1, 2008, the new school district is  
16 entitled to an additional six hundred dollars per fall enrollment as defined in § 13-13-10.1, up  
17 to a maximum of four hundred fall enrollment from each school district or a prorated portion  
18 thereof from a partial school district as it existed prior to consolidation for the first year after  
19 consolidation. If two or more school districts consolidate after July 1, 2007, and the secretary  
20 of education has issued an order to give effect to the reorganization plan pursuant to § 13-6-48  
21 no later than July 1, 2008, the new school district is entitled to an additional four hundred  
22 dollars per fall enrollment, up to a maximum of four hundred fall enrollment from each school  
23 district or a prorated portion thereof from a partial school district as it existed prior to  
24 consolidation for the second year after consolidation. If two or more school districts consolidate

1 after July 1, 2007, and the secretary of education has issued an order to give effect to the  
2 reorganization plan pursuant to § 13-6-48 no later than July 1, 2008, the new school district is  
3 entitled to an additional two hundred dollars per fall enrollment, up to a maximum of four  
4 hundred fall enrollment from each school district or a prorated portion thereof from a partial  
5 school district as it existed prior to consolidation for the third year after consolidation.

6 Any school district that receives consolidation incentive payments pursuant to this section  
7 may not receive consolidation incentive payments pursuant to § 13-6-92.

# State of South Dakota

EIGHTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2008

817P0285

## HOUSE ENGROSSED NO. **HB 1090** - 1/28/2008

Introduced by: Representatives Vehle, Dennert, and Elliott and Senator Hansen (Tom) at the request of the Interim Committee on Education for Divorcing Parents, Visitation, and Custody Task Force

1 FOR AN ACT ENTITLED, An Act to require that most records and applications regarding a  
2 child reference the names and addresses of both parents.

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

4 Section 1. That § 25-5-7.3 be amended to read as follows:

5 25-5-7.3. ~~Notwithstanding any other provision of law, access~~ Access to records and  
6 information pertaining to a minor child, including, but not limited to, medical, ~~including~~  
7 ~~counseling~~, dental, ~~including~~ orthodontia, optometric and similar health care, and school  
8 records, ~~may not be denied to a parent because such parent is not the child's primary residential~~  
9 ~~parent shall be made equally available to both parents. Counseling, psychiatric, psychotherapy,~~  
10 and other records subject to confidentiality or privilege shall only be released in accordance with  
11 state and federal law; but, if available to one parent, shall be available to both. The parents shall  
12 make reasonable efforts to ensure that the name and address of the other parent is listed on all  
13 such records.

14 Section 2. That chapter 25-5 be amended by adding thereto a NEW SECTION to read as



1 follows:

2 If either parent enrolls the child in any social, beneficent, religious, or peer group activity,  
3 service, benefit, or program for which written application is required, the enrolling parent shall  
4 provide the name and address of the other parent on, or supplementary to, the application. The  
5 provisions of this section do not apply to any written application for any type of annuity or  
6 insurance.

7 Section 3. That chapter 25-5 be amended by adding thereto a NEW SECTION to read as  
8 follows:

9 The provisions of sections 1 and 2 of this Act do not apply in any case in which a court has:

- 10 (1) Terminated the rights of either parent; or  
11 (2) Restrained either parent, by court order, from contact with the child.

12 Moreover, a court of competent jurisdiction may determine that the application of section  
13 1 or 2, or both, of this Act, is inappropriate under the facts and circumstances of any particular  
14 case.

# State of South Dakota

EIGHTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2008

319P0094

## HOUSE JUDICIARY ENGROSSED NO. **HB 1139** 2/4/2008

Introduced by: Representatives Feinstein, Ahlers, Cutler, Engels, Gillespie, Gosch, Hunt, Lust, and Nygaard and Senators Turbak Berry and Heidepriem

1 FOR AN ACT ENTITLED, An Act to revise certain provisions of the South Dakota Business  
2 Corporations Act regarding the issuance of shares and cumulative voting for directors.

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

4 Section 1. That § 47-1A-621 be amended to read as follows:

5 47-1A-621. The powers granted in this section to the board of directors may be reserved to  
6 the shareholders by the articles of incorporation.

7 ~~No corporation may issue stocks or bonds except for money, labor done, or money or~~  
8 ~~property, tangible or intangible, actually received.~~ The board of directors may authorize shares  
9 to be issued for consideration consisting of any tangible or intangible property or benefit to the  
10 corporation, including cash, promissory notes, services performed, contracts for services to be  
11 performed, or other securities of the corporation. Before the corporation may issue shares, the  
12 board of directors shall determine that the consideration received or to be received for shares  
13 to be issued is adequate. ~~That~~ The determination by the board of directors is conclusive insofar  
14 as the adequacy of consideration for the issuance of shares relates to whether the shares are



1 validly issued, fully paid, and nonassessable. When the corporation receives the consideration  
2 for which the board of directors authorized the issuance of shares, the shares issued therefore  
3 are fully paid and nonassessable.

4 The corporation may place in escrow any shares issued for a contract for future services or  
5 benefits or a promissory note, or make other arrangements to restrict the transfer of the shares,  
6 and may credit distributions in respect of the shares against their purchase price, until the  
7 services are performed, the note is paid, or the benefits received. If the services are not  
8 performed, the note is not paid, or the benefits are not received, the shares escrowed or restricted  
9 and the distributions credited may be cancelled in whole or part.

10 Section 2. That § 47-1A-728 be amended to read as follows:

11 47-1A-728. Unless otherwise provided in the articles of incorporation, directors are elected  
12 by a plurality of the votes cast by the shares entitled to vote in the election at a meeting at which  
13 a quorum is present. Shareholders may cumulate their votes for directors. However,  
14 shareholders may not cumulate their votes for director if the articles of incorporation include  
15 a statement that cumulative voting for directors is not allowed. The right to cumulate votes for  
16 directors means that the shareholders are entitled to multiply the number of votes that they are  
17 entitled to cast by the number of directors for whom they are entitled to vote and cast the  
18 product for a single candidate or distribute the product among two or more candidates.

19 Section 3. The provisions of Section 1 of this Act are effective on the date that Article XVII,  
20 section 8, of the South Dakota Constitution is repealed pursuant to the general election of 2008.

21 Section 4. The provisions of Section 2 of this Act are effective on the date that Article XVII,  
22 section 5, of the South Dakota Constitution is repealed pursuant to the general election of 2008.

# State of South Dakota

EIGHTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2008

318P0459

## HOUSE COMMERCE ENGROSSED NO. **HB 1142** - 2/7/2008

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

Introduced by: Representatives Dreyer, Brunner, Buckingham, Dykstra, Elliott, Gilson, Halverson, Haverly, Heineman, Kirkeby, Krebs, Lust, Miles, Novstrup (Al), Novstrup (David), Olson (Betty), Olson (Russell), Pederson (Gordon), Peters, Rave, Rounds, Tidemann, Wick, and Willadsen and Senators Gant, Abdallah, Dempster, Gray, Hauge, Heidepriem, Katus, Koetzle, Maher, McCracken, Nesselhuf, Olson (Ed), Sutton, and Turbak Berry

1 FOR AN ACT ENTITLED, An Act to authorize additional off-sale retail liquor licenses in  
2 certain municipalities.

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

4 Section 1. That § 35-4-4 be amended to read as follows:

5 35-4-4. No person, corporation, or business entity may ~~be the holder of~~ hold or have an  
6 interest in more than three retail licenses issued under subdivision 35-4-2(3), (4), (6), or (13).  
7 However, a person, corporation, or business entity may hold or have an interest in three  
8 additional retail licenses issued under subdivision 35-4-2(4) if the licensee derives more than  
9 fifty percent of the licensee's annual gross receipts from the sale of food at the location where  
10 the license is held. Any person, corporation, or business entity may hold or have an interest in  
11 additional retail licenses issued under subdivision 35-4-2(3) in municipalities of the first class  
12 if the licensee derives more than fifty percent of the licensee's annual gross receipts from the



1 sale of food, prepared food, and food ingredients at the location where the license is held. Any  
2 such new licensee under subdivision 35-4-2(3) shall sell its alcoholic beverages, other than malt  
3 beverages, in an area which is separated by a physical barrier from the rest of the establishment.  
4 For the purposes of this section, a physical barrier includes a wall or fence erected for the sole  
5 purpose of separating the area in which the alcoholic beverages are sold from the rest of the  
6 establishment. For purposes of this section, location means one contiguous piece of real estate  
7 on which sales are generated by the licensee.

# State of South Dakota

EIGHTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2008

805P0506

## HOUSE COMMERCE ENGROSSED NO. **HB 1210** - 2/4/2008

Introduced by: Representatives Rounds, Boomgarden, Engels, Novstrup (Al), Street, and Willadsen and Senators Napoli, Abdallah, Albers, Gant, Katus, and Turbak Berry

1 FOR AN ACT ENTITLED, An Act to prohibit recyclers, scrap metal dealers, or scrap yard  
2 operators from purchasing certain beer kegs.

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

4 Section 1. No recycler, scrap metal dealer, or scrap yard operator may purchase any metal  
5 beer keg, whether damaged or undamaged, except from the brewer or its authorized  
6 representative, if:

7 (1) The keg is clearly marked as the property of a brewery manufacturer; or

8 (2) The keg's identification markings have been made illegible.

9 A violation of this section is a Class 2 misdemeanor.



# State of South Dakota

EIGHTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2008

660P0130

HOUSE ENGROSSED NO. **HB 1245** - 2/11/2008

Introduced by: Representatives Hargens, Burg, Cutler, Deadrick, Dykstra, Faehn, Feinstein, Gillespie, Gilson, Hackl, Halverson, Heineman, Jerke, Juhnke, Krebs, Moore, Noem, Novstrup (Al), Olson (Russell), Peters, Pitts, Rave, Tidemann, Vanneman, and Willadsen and Senators Hansen (Tom), Albers, Bartling, Dempster, Greenfield, Heidepriem, Hoerth, Hundstad, Hunhoff, Nesselhuf, Olson (Ed), Peterson (Jim), Sutton, and Turbak Berry

1 FOR AN ACT ENTITLED, An Act to clarify certain purposes and characteristics of water  
2 development districts, to revise the boundaries of the Central Plains, East Dakota,  
3 Vermillion Basin, James River, and South Central water development districts, and to revise  
4 provisions related to the board of directors in the affected districts.

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

6 Section 1. That § 46A-3A-2 be amended to read as follows:

7 46A-3A-2. The Central Plains Water Development District is hereby established. The  
8 Central Plains Water Development District includes all of Faulk, ~~Hand~~, Hughes, Hyde, Potter,  
9 and Sully counties and all municipalities that lie wholly or partially within the included area or  
10 that are contiguous to the included area.

11 Section 2. That § 46A-3A-3 be amended to read as follows:

12 46A-3A-3. The East Dakota Water Development District is hereby established. The East  
13 Dakota Water Development District includes all of Minnehaha, Moody, Lake, Kingsbury,



1 Brookings, Hamlin, Deuel, Codington and Grant counties; Grafton, Belleview, Adams, Henden,  
2 Howard, Clearwater, Canova and Vermillion townships in Miner County; Liberty, Nutley,  
3 Kosciusko, Raritan, Grenville, Webster, Racine, Waubay, Rusk, Morton, Central Point,  
4 Highland, Wheatland, and Egeland townships in Day County; and all municipalities that are  
5 wholly or partially within the included area or that are contiguous to the included area.

6 Section 3. That § 46A-3A-4 be amended to read as follows:

7 46A-3A-4. The James River Water Development District is hereby established. The James  
8 River Water Development District includes all of Brown, Spink, Beadle, Sanborn, Davison,  
9 Edmunds, Hand, Hanson, Hutchinson, Marshall, and Yankton counties; Farmington, Homer,  
10 Independence, Andover, Union, Lynn, Bristol, Kidder, Scotland, Valley, Butler, Oak, Troy, and  
11 York townships in Day County; Redstone, Carthage, Miner, Green Valley, Clinton, Roswell,  
12 Beaver, and Rock Creek townships in Miner County; and Pleasant Valley, Bristol, Belford,  
13 Cooper, Firesteel, Palatine, Plankinton, Hopper, Pleasant Lake, Dudley, and Aurora townships  
14 in Aurora County.

15 Section 4. That § 46A-3A-5 be amended to read as follows:

16 46A-3A-5. The South Central Water Development District is hereby established. The South  
17 Central Water Development District includes all of Charles Mix, Brule, Buffalo, Bon Homme,  
18 Douglas, and Gregory counties; Patten, Lake, White Lake, Eureka, Gales, Crystal Lake,  
19 Washington, Center, and Truro townships in Aurora County; and the portion of Lyman County  
20 south of the White River.

21 Section 5. That chapter 46A-3B be amended by adding thereto a NEW SECTION to read  
22 as follows:

23 For any water development district with boundaries affected by this Act, any director of the  
24 district who is in office on the effective date of this Act shall continue to serve as a director if

1 the director remains a resident of the district. At the first general election after the effective date  
2 of this Act, for any water development district with boundaries affected by this Act, directors  
3 shall be elected for all director positions in the district, regardless of whether or not any  
4 director's term has expired. The directors elected for the district at the general election shall be  
5 elected to serve for staggered terms. Thereafter, directors shall be elected to four-year terms at  
6 each subsequent general election to succeed those directors whose terms expire at the end of the  
7 year in which the election is held.

8 Section 6. That § 46A-3E-1 be amended to read as follows:

9 46A-3E-1. A water development district board of directors may levy taxes, not to exceed  
10 thirty cents per thousand dollars of taxable valuation in the district, for accomplishment of the  
11 purposes of chapters 46A-3A to 46A-3E, inclusive, and chapters 46A-1 and 46A-2. If an area  
12 is included in more than one water development district, that area's tax levy payable to each of  
13 the water development districts shall be determined by multiplying the greater of the  
14 overlapping water development districts' levies by each water development district's taxing  
15 fraction. Each water development district's taxing fraction is determined by dividing that water  
16 development district's proposed tax levy for the overlapped area by the sum of all water  
17 development districts' levies for the overlapped area. For purposes of chapter 10-13, any water  
18 development district for which boundaries are revised under this Act is considered a new taxing  
19 district created on the date specified pursuant to § 46A-3A-1.

20 Section 7. This Act is effective on January 1, 2009.

# State of South Dakota

EIGHTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2008

923P0179

## HOUSE ENGROSSED NO. **HB 1250** - 2/5/2008

Introduced by: Representatives Lucas, Bradford, Elliott, Gassman, Halverson, Nelson, Rave, Street, Van Etten, Van Norman, and Weems and Senators Koetzle, McCracken, Olson (Ed), and Two Bulls

1 FOR AN ACT ENTITLED, An Act to increase the salary for legislators.

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

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

4 2-4-2. The salary of each member of the Legislature is ~~six~~ eight thousand dollars for ~~every~~  
5 each regular legislative session. In addition, each legislator shall receive:

6 (1) Reimbursement to be paid after the legislative session for actual mileage or its  
7 equivalent traveled to and from home not more than once each weekend or between  
8 days of recess during the regular legislative session, at state rates established by the  
9 Board of Finance;

10 (2) Expenses of one hundred ten dollars per day for each day of a regular or special  
11 legislative session as prepaid reimbursement for living expenses, including meals and  
12 lodging, laundry, cleaning and pressing of clothing, and all other uncompensated  
13 expenses as defined in § 2-4-2.1 incident to the performance of legislative services;  
14 and



1       (3)   Five cents once each session for every mile of necessary travel in going to and  
2            returning from the place of meeting of the Legislature by the most usual route.

3       For each day's attendance at special sessions, each member, in addition to mileage and  
4   expenses, shall receive a per diem calculated by the director of the Legislative Research Council  
5   equal to the normal daily compensation for the regular session immediately preceding the  
6   special session.

# State of South Dakota

EIGHTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2008

914P0662

## SENATE TRANSPORTATION ENGROSSED NO. **HB 1255** - 2/14/2008

Introduced by: Representatives Krebs, Ahlers, Brunner, Faehn, Rausch, and Steele and  
Senators Sutton, Nesselhuf, and Olson (Ed)

1 FOR AN ACT ENTITLED, An Act to provide for the titling and registration of certain low-  
2 speed vehicles.

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

4 Section 1. That § 32-3-1 be amended by adding thereto a NEW SUBDIVISION to read as  
5 follows:

6 "Low-speed vehicle," a four-wheeled motor vehicle whose speed attainable in one mile is  
7 more than twenty miles per hour and not more than twenty-five miles per hour on a paved level  
8 surface.

9 Section 2. That chapter 32-25 be amended by adding thereto a NEW SECTION to read as  
10 follows:

11 No low-speed vehicle may be operated on any highway where the speed limit is more than  
12 thirty-five miles per hour. Nothing in this section prevents a local government from adopting  
13 more stringent local ordinances governing low-speed vehicle operation.

14 Section 3. That chapter 32-3 be amended by adding thereto a NEW SECTION to read as



1 follows:

2 A low-speed vehicle which meets the requirements of Part 49 Section 571.500 of the Code  
3 of Federal Regulations as amended to January 1, 2008, shall be issued a title. The manufacturer  
4 certificate of origin or vehicle title shall clearly identify the vehicle as a low-speed vehicle. The  
5 department may not issue any vehicle identification number to any homemade low-speed  
6 vehicle or retrofitted golf cart and such vehicles do not qualify as low-speed vehicles in this  
7 state.

8 Section 4. That chapter 32-5 be amended by adding thereto a NEW SECTION to read as  
9 follows:

10 Each low-speed vehicle shall be registered in accordance with § 32-5-5. A license plate shall  
11 be issued indicating that the vehicle is a low-speed vehicle.

12 Section 5. That chapter 32-35 be amended by adding thereto a NEW SECTION to read as  
13 follows:

14 Each low-speed vehicle shall maintain insurance as required by § 32-35-113.

15 Section 6. That chapter 32-12 be amended by adding thereto a NEW SECTION to read as  
16 follows:

17 Any person operating a low-speed vehicle shall hold a valid driver's license.

18 Section 7. That chapter 32-6B be amended by adding thereto a NEW SECTION to read as  
19 follows:

20 Any person engaged in the retail sale of low-speed vehicles shall be licensed as a vehicle  
21 dealer or used vehicle dealer.

# State of South Dakota

EIGHTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2008

419P0706

HOUSE AGRICULTURE AND NATURAL RESOURCES

ENGROSSED NO. **HB 1293** - 2/5/2008

Introduced by: Representatives Hargens, Deadrick, and Rhoden and Senators Heidepriem and Peterson (Jim)

1 FOR AN ACT ENTITLED, An Act to provide for the removal of dead deer from certain  
2 highways.

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

4 Section 1. If the Department of Transportation or the Department of Game, Fish and Parks  
5 receives a report of a dead deer along any highway on the state trunk highway system as  
6 provided by chapter 31-4, the Department of Transportation or the Department of Game, Fish  
7 and Parks, whichever department receives the report, shall provide that the dead deer is removed  
8 within ninety-six hours of the department receiving the report. The cost of the removal of the  
9 dead deer shall be paid from the state highway fund and the Department of Game, Fish and  
10 Parks fund. Fifty percent of the costs shall be paid from the state highway fund and fifty percent  
11 of the costs shall be paid from the Department of Game, Fish and Parks fund.

