

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

286R0601

SENATE BILL NO. 157

Introduced by: Senators Bradford, Abdallah, Adelstein, Brown, Dempster, Fryslie, Garnos, Gillespie, Gray, Hansen (Tom), Hanson (Gary), Haverly, Heidepriem, Howie, Knudson, Maher, Miles, Novstrup (Al), Olson (Russell), Peterson, Rhoden, Schmidt, Tieszen, Turbak Berry, and Vehle and Representatives Pitts, Blake, Elliott, Engels, Gosch, Hunhoff (Bernie), Iron Cloud III, Jensen, Juhnke, Killer, Kirkeby, Krebs, Lange, Lederman, Lucas, McLaughlin, Olson (Betty), Rausch, Rounds, Schlekeway, Sly, and Van Gerpen

1 FOR AN ACT ENTITLED, An Act to authorize the construction of nursing facilities on
2 American Indian reservations under certain circumstances.

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

4 Section 1. That chapter 34-12 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Notwithstanding the provisions of §§ 34-12-35.4 and 34-12-39.2, a new nursing facility as
7 defined in § 34-12-1.1 may be constructed, operated, and maintained on any American Indian
8 reservation that is wholly or partially located west of the one hundred second meridian if the
9 facility is needed to serve a local population previously unserved through lack of nursing
10 facilities within a forty-five-mile radius. No more than one such nursing facility may be located
11 within the same American Indian reservation, and the number of beds in the nursing facility may
12 not exceed fifty. The nursing facility shall meet the specifications of chapter 34-12 for a licensed



1 nursing facility in order to participate in the medicaid program.

2 Section 2. No state funds may be used for the construction of a nursing facility built pursuant

3 to section 1 of this Act.

4 Section 3. This Act is repealed on June 30, 2012.