



# State of South Dakota

EIGHTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2010

400R0241

## HOUSE EDUCATION ENGROSSED NO. **HB 1021** - 1/20/2010

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

1 FOR AN ACT ENTITLED, An Act to authorize the deposit of federal special education funds  
2 into the capital outlay fund for the purchase of equipment for the purpose of special  
3 education and to declare an emergency.

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

5 Section 1. That § 13-37-8.10 be amended to read as follows:

6 13-37-8.10. Payments from state and local sources received by a school district for special  
7 education, including minimum foundation funds based upon tuition paid for children in need  
8 as provided in chapter 13-37, shall be credited to the special education fund of the school  
9 district. Any payment from federal sources received by a school district for special education  
10 may be credited to either the special education fund or the capital outlay fund for any equipment  
11 purchase for special education approved by the state Department of Education.

12 Section 2. Whereas, this Act is necessary for the support of the state government and its  
13 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in  
14 full force and effect from and after its passage and approval.



# State of South Dakota

EIGHTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2010

400R0295

## SENATE JUDICIARY ENGROSSED NO. **SB 54** 2/2/2010

Introduced by: The Committee on Judiciary at the request of the Department of Corrections

1 FOR AN ACT ENTITLED, An Act to revise certain procedures for the commencement of civil  
2 actions by inmates.

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

4 Section 1. For the purposes of this Act, the term, prisoner, means any person incarcerated  
5 or detained in any facility who is accused of, convicted of, sentenced for, or adjudicated  
6 delinquent for violations of criminal law or the terms of parole, probation, pretrial release, or  
7 diversionary program.

8 Section 2. No civil action may be brought by any prisoner confined to any jail, prison, or  
9 other correctional facility until such administrative remedies or grievance procedures as are  
10 available are exhausted. Compliance with this section does not toll any applicable statutory  
11 notice period or statute of limitations.

12 Section 3. The failure to adopt or adhere to an administrative remedy or grievance procedure  
13 does not constitute the basis for any action or relief.

14 Section 4. No civil action may be brought by a prisoner confined in a jail, prison, or other  
15 correctional facility for mental or emotional injury suffered in custody that is not caused by a



1 physical injury.

2 Section 5. A court shall, on its own motion or on the motion of a party, dismiss any action  
3 brought with respect to prison conditions by a prisoner confined to any jail, prison, or other  
4 correctional facility if the court determines that the action is frivolous, malicious, fails to state  
5 a claim upon which relief can be granted, or seeks relief from a defendant who is immune from  
6 such relief. A court may dismiss an action pursuant to this section without first requiring the  
7 exhaustion of administrative remedies.

8 Section 6. The provisions of this Act do not apply to proceedings pursuant to chapter 21-27  
9 or to any civil action that does not arise from the terms or conditions of a prisoner's  
10 confinement.

# State of South Dakota

EIGHTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2010

400R0366

## SENATE COMMERCE ENGROSSED NO. **SB 57** - 2/2/2010

Introduced by: The Committee on Commerce at the request of the Public Utilities  
Commission

1 FOR AN ACT ENTITLED, An Act to revise the time frames for issuing a decision in certain  
2 electric service area disputes and adequacy of service complaints.

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

4 Section 1. That § 49-34A-59 be amended to read as follows:

5 49-34A-59. Upon the filing of an application under § 49-34A-58 or upon complaint by an  
6 affected utility that the provisions of §§ 49-34A-42 to 49-34A-57, inclusive, have been violated,  
7 the ~~Public Utilities Commission shall hold a hearing, upon notice, within fifteen days after the~~  
8 ~~filing of the application or complaint, and shall render its decision within thirty days after said~~  
9 hearing commission shall, after notice and opportunity for hearing, issue its decision within  
10 sixty days after the filing of the application or complaint. The commission may extend the time  
11 for a decision if requested by a party to the proceeding and the commission finds good cause to  
12 grant the extension.



# State of South Dakota

EIGHTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2010

228R0499

SENATE AGRICULTURE AND NATURAL RESOURCES

ENGROSSED NO. **SB 75** - 2/2/2010

Introduced by: Senators Maher, Bartling, Bradford, Garnos, Hanson (Gary), Novstrup (Al), Peterson, Rhoden, and Vehle and Representatives Hoffman, Brunner, Carson, Frerichs, Hamiel, Jensen, McLaughlin, Olson (Betty), Russell, Schrempp, Sly, Sorenson, Street, Verchio, and Wink

1 FOR AN ACT ENTITLED, An Act to define certain terms for livestock identification purposes.

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

3 Section 1. That chapter 40-3 be amended by adding thereto a NEW SECTION to read as  
4 follows:

5 For purposes of §§ 40-3-27 to 40-3-29, inclusive, the term, voluntary, means an informed  
6 act of free choice that is not compelled by legal obligation, fraud, undue influence, compulsion,  
7 coercion, or solicitation by false, misleading, or concealed information.



# State of South Dakota

EIGHTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2010

893R0587

## SENATE EDUCATION ENGROSSED NO. **SB 121** - 2/2/2010

Introduced by: Senators Ahlers, Bartling, Garnos, and Tieszen and Representatives Thompson, Blake, Gosch, Hoffman, Hunhoff (Bernie), Peters, Sorenson, Steele, and Vanderlinde

1 FOR AN ACT ENTITLED, An Act to require the Department of Education to establish certain  
2 programs for children who are deaf and hard-of-hearing.

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

4 Section 1. That § 13-33B-1 be amended to read as follows:

5 13-33B-1. The Department of Education ~~may~~ shall establish a program and policy to be  
6 disseminated to all school districts and other local educational agencies which promote the  
7 education of children who are deaf and hard-of-hearing ~~children~~ and which recognizes the  
8 following:

9 (1) That deafness involves the most basic of human needs, the ability to communicate  
10 with other human beings. Many children who are deaf and hard-of-hearing ~~children~~  
11 use, as their primary communication mode, American sign language, while others  
12 express and receive language through English-based sign language, or orally and  
13 aurally, with or without visual signs or cues. Still others, typically young children  
14 who are deaf and hard-of-hearing ~~children~~, lack any significant language skills. ~~Deaf~~



1 Children who are deaf and hard-of-hearing ~~children~~ require educational programs that  
2 provide appropriate, ongoing, and communicationally accessible educational  
3 opportunities as specified by the individualized education program team. For the  
4 purposes of this chapter, communication mode and language refer to the individual  
5 child's communication mode or language, whether oral, manual, or a combination of  
6 oral and manual. The purpose of this chapter is to promote understanding of  
7 communication needs and not to favor any one particular communication mode or  
8 language over another;

9 (2) That children who are deaf and hard-of-hearing ~~children~~ shall have an education in  
10 which their unique communication mode is respected, utilized, and developed to an  
11 appropriate level of proficiency as specified by the individualized education program  
12 team;

13 (3) That children who are deaf and hard-of-hearing ~~children~~ have an education in which  
14 special education teachers, psychologists, speech therapists, assessors, administrators,  
15 interpreters, and other personnel understand the unique nature of deafness and are  
16 specifically trained to work with children who are deaf and hard-of-hearing ~~children~~  
17 and in which their special education teachers ~~and~~ or interpreters are proficient in the  
18 primary language mode of those children;

19 (4) That children who are deaf and hard-of-hearing ~~children~~ have an education with a  
20 sufficient number of language mode peers who are of the same or approximately the  
21 same age and ability level and with whom the children can communicate directly, or  
22 as appropriate through the use of qualified interpreters;

23 (5) That parents of children who are deaf and hard-of-hearing ~~children~~, people who are  
24 deaf and hard-of- hearing ~~people~~, teachers, and professionals trained in the area of

1 education of the deaf assist in determining the extent, content, and purpose of this  
2 program;

3 (6) That children who are deaf and hard-of-hearing ~~children~~ have direct and appropriate  
4 access to all components of the educational process, including recess, lunch, and  
5 extracurricular social and athletic activities;

6 (7) That children who are deaf and hard-of-hearing ~~children~~ have programs in which  
7 their unique vocational needs are provided for, including appropriate research,  
8 curricula, programs, staff, and outreach;

9 (8) That a determination of the least restrictive environment as used in state and federal  
10 law takes into consideration the unique communication needs of children who are  
11 deaf and hard-of-hearing ~~children~~ as described in this chapter;

12 (9) The Department of Education shall take such steps as are necessary to implement this  
13 section, including, ~~but not limited to,~~ the development of written and other materials,  
14 the dissemination of ~~said~~ the information, and the provision of workshops, symposia,  
15 and other procedures to insure that the local educational agencies understand and  
16 implement the policy of this chapter.