

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

86110464

HOUSE BILL NO. 1212

Introduced by: Representatives Begalka, Christensen, Elliott, Fryslie, Hanson, Hargens, Haverly, Koistinen, Kroger, McCaulley, Peterson (Jim), Rhoden, and Van Gerpen and Senators Duenwald, Kloucek, Moore, and Napoli

1 FOR AN ACT ENTITLED, An Act to revise the authority of the Governor in time of disaster,
2 terrorist attack, or emergency.

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

4 Section 1. That § 33-15-8 be amended to read as follows:

5 33-15-8. In the event of disaster, war, act of terrorism as defined in state law, or emergency
6 that is beyond local government capability, the Governor:

- 7 (1) May assume direct operational control over all or any part of the emergency
8 management functions within the state which may affect all or any portion of the state;
- 9 (2) May declare an emergency or disaster to exist in the stricken area and employ
10 emergency management to assist local authorities to affect relief and restoration;
- 11 (3) May call upon and use any facilities, equipment, other nonmedical supplies, and
12 resources available from any source, other than personal or private funds, in order to
13 carry out the purposes of this chapter by contributing to the expense incurred in
14 providing relief in such amounts as ~~he~~ the Governor shall determine. However,
15 nothing in this subdivision may be construed to authorize the taking of private



1 property without the consent of the property owner;

2 (4) May suspend the provisions of any rules of any state agency, if strict compliance with
3 the provisions of the rule would in any way prevent, hinder, or delay necessary action
4 in managing a disaster, war, act of terrorism, or emergency, including fire, flood,
5 earthquake, severe high and low temperatures, tornado storm, wave action, oil spill,
6 or other water or air contamination, epidemic, blight, drought, infestation, explosion,
7 riot, or hostile military or paramilitary action, which is determined by the Governor
8 to require state or state and federal assistance or actions to supplement the recovery
9 efforts of local governments in alleviating the damage, loss, hardship, or suffering
10 caused thereby;

11 (5) May control the ingress and egress in a designated disaster or emergency area, the
12 movement of vehicles upon highways within the area, the movement of persons within
13 the area, and the occupancy of premises within the area;

14 (6) May procure, acquire, store, distribute, and dispense any pharmaceutical agents or
15 medical supplies located within the state as may be reasonable and necessary to
16 respond to the disaster, emergency, or act of terrorism;

17 (7) May appoint and prescribe the duties of such out-of-state health care providers as may
18 be reasonable and necessary to respond to the disaster, emergency, or act of
19 terrorism;

20 (8) May provide for the examination and safe disposal of any dead body as may be
21 reasonable and necessary to respond to the disaster, emergency, or act of terrorism;
22 and

23 (9) May provide for the protection, construction or reconstruction, repair, and
24 maintenance of public or private transportation facilities.

1 The powers granted to the Governor under this section shall remain in effect for a period of
2 six months and may be restored for one or more successive six-month periods by declaration of
3 the Governor that the conditions permitting such powers persist.