



# State of South Dakota

SEVENTY-NINTH SESSION  
LEGISLATIVE ASSEMBLY, 2004

578J0032

HOUSE EDUCATION COMMITTEE ENGROSSED NO.

**HB 1003** - 01/21/2004

Introduced by: Representatives Dykstra, Bartling, Bradford, Deadrick (Thomas), Elliott, Heineman, LaRue, McLaughlin, and Peterson (Jim) and Senators Duxbury and Koskan at the request of the Interim Committee on School District Educational Equality and Organization

1 FOR AN ACT ENTITLED, An Act to allow two or more school districts to include a proposed  
2 excess tax levy in their consolidation plan.

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

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

5 13-6-13. The plan shall contain:

- 6 (1) A map or maps showing the boundaries of the proposed district or districts, the  
7 boundaries of the existing districts involved, the location of existing and proposed  
8 attendance centers and a description of the facilities, and the proposed school bus  
9 routes, if any;
- 10 (2) A legal description of the boundaries of the proposed district or districts;
- 11 (3) Estimates of the school age population within the proposed district or districts;
- 12 (4) The assessed valuation of all taxable property of each existing district and of the  
13 proposed district or districts;
- 14 (5) Outstanding general obligation bonds of any component district, funds in all school



1 accounts and estimated receipts in all accounts in process of collection;

2 (6) If a joint district, the designation of the county of jurisdiction;

3 (7) The official name of the proposed district;

4 (8) A statement with regard to a proposed method of adjustment of assets and liabilities;

5 (9) The proposed number of school board members if a new entity is to be created;

6 (10) A description of the proposed educational program;

7 (11) A reasonably detailed budget showing estimated annual receipts and expenditures for  
8 the operation of the proposed district or districts;

9 (12) A statement recognizing any requests for minor boundary changes;

10 (13) Such additional information as may be necessary to show compliance with the  
11 standards for school districts as adopted by the South Dakota Board of Education.

12 ~~When~~ If the plan proposes the dissolution and annexation of a school district to one or more  
13 school districts, the school board of the receiving district, or districts, shall by resolution express  
14 their acceptance or rejection of all or part of the district to be dissolved as set forth in the  
15 proposed plan.

16 If the school boards of two or more school districts are developing a plan to consolidate, and  
17 two-thirds of the members of each affected school board agree, the plan may also include the  
18 provisions of an excess tax levy authorized in § 10-12-43 if an excess tax levy currently exists  
19 in one or more of the school districts. If the plan is approved by the voters, the proposed excess  
20 tax levy may be applied in the new consolidated school district. If a proposed excess tax levy  
21 is included in the plan, the plan shall state the amount of the proposed excess tax levy. The  
22 proposed excess tax levy may be applied for taxes payable in any of the five years following the  
23 date of reorganization. In addition, each school board involved in the development of the plan  
24 shall announce the inclusion of the proposed excess tax levy in the plan to the taxpayers in the

1 manner set forth in § 10-12-43.

# State of South Dakota

SEVENTY-NINTH SESSION  
LEGISLATIVE ASSEMBLY, 2004

834J0246

HOUSE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **HB 1134** - 01/30/2004

Introduced by: Representatives Murschel, Elliott, and Solum and Senators Brown, Ham-Burr, and Reedy

1 FOR AN ACT ENTITLED, An Act to authorize municipalities to enter into development  
2 agreements.

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

4 Section 1. That § 11-4-1 be amended to read as follows:

5 11-4-1. For the purpose of promoting health, safety, or the general welfare of the community  
6 the governing body of any municipality may regulate and restrict the height, number of stories,  
7 and size of buildings and other structures; the percentage of lot that may be occupied; the size  
8 of the yards, courts, and other open spaces; the density of population; and the location and use  
9 of buildings, structures, and land for trade, industry, residence, flood plain, or other purposes.  
10 A municipality may enter into an agreement with any landowner specifying the conditions under  
11 which the landowner's property may be developed.

12 Section 2. That chapter 9-4 be amended by adding thereto a NEW SECTION to read as  
13 follows:

14 A municipality may enter an agreement with any landowner specifying the conditions under  
15 which the landowner's property may be annexed pursuant to § 9-4-1 or developed.



# State of South Dakota

SEVENTY-NINTH SESSION  
LEGISLATIVE ASSEMBLY, 2004

559J0412

HOUSE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **HB 1149** - 01/30/2004

Introduced by: Representatives Michels, Madsen, McCaulley, Peterson (Bill), and Teupel  
and Senators Bogue, Koskan, and McCracken

1 FOR AN ACT ENTITLED, An Act to repeal the statutory authority relating to district  
2 community centers.

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

4 Section 1. That § 42-1-1 be repealed.

5 ~~—42-1-1. A community center may be created and a community house therein erected,~~  
6 ~~maintained, operated, and managed in any tract of contiguous territory containing not less than~~  
7 ~~sixteen square miles or a population of at least one hundred inhabitants, such territory to be~~  
8 ~~bounded by township or school district lines. Any such community may comprise two or more~~  
9 ~~townships or school districts.~~

10 Section 2. That §§ 42-1-2 to 42-1-15, inclusive be repealed.



# State of South Dakota

SEVENTY-NINTH SESSION  
LEGISLATIVE ASSEMBLY, 2004

229J0277

HOUSE TAXATION COMMITTEE ENGROSSED NO.

**HB 1177 - 01/29/2004**

Introduced by: Representatives Kraus, Haverly, Hunhoff, McCaulley, Nesselhuf, Novstrup, O'Brien, Smidt, and Van Etten and Senators Dempster, Brown, Kelly, Knudson, Olson (Ed), and Sutton (Dan)

1 FOR AN ACT ENTITLED, An Act to repeal certain provisions prohibiting certain government  
2 purchases and to declare an emergency.

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

4 Section 1. That § 5-18-2.1 be repealed.

5 ~~5-18-2.1. No public corporation may purchase any goods or services from any retailer that~~  
6 ~~meets the definition of a retailer or a retailer maintaining a place of business in the state,~~  
7 ~~pursuant to subdivisions 10-46-1(8) and (9), if the retailer or any affiliate of the retailer fails or~~  
8 ~~refuses to collect and remit the sales and use tax on any sale delivered by any means to a~~  
9 ~~location within this state. The Department of Revenue shall provide a list to public corporations~~  
10 ~~of any retailer that fails to collect and remit the sales and use tax. For the purposes of this~~  
11 ~~section, the term, affiliate, is any person who directly or indirectly owns or controls, is owned~~  
12 ~~or controlled by, or is under common ownership or control with, another person. No public~~  
13 ~~corporation is liable for the breach of any duty required of the public corporation by the~~  
14 ~~provisions of this section if the breach, error, act, or omission is made in good faith. The~~



1 ~~provisions of this section do not apply to any emergency purchase made pursuant to § 5-18-3.1,~~  
2 ~~or to any purchase made pursuant to § 5-18-18.1, 5-18-18.2, or 5-18-9.4, or to any contract for~~  
3 ~~the construction of a new building or the remodeling or addition to an existing building or a~~  
4 ~~contract for any other public improvement which involves the expenditure of twenty-five~~  
5 ~~thousand dollars or more made pursuant to § 5-18-3.~~

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

# State of South Dakota

SEVENTY-NINTH SESSION  
LEGISLATIVE ASSEMBLY, 2004

400J0325

SENATE APPROPRIATIONS COMMITTEE

ENGROSSED NO. **SB 19** - 02/06/2004

Introduced by: The Committee on Appropriations at the request of the Department of  
Agriculture

1 FOR AN ACT ENTITLED, An Act to make an appropriation to the state fair for the repayment  
2 of debt and to declare an emergency.

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 one million three  
5 hundred seventy thousand dollars (\$1,370,000), or so much thereof as may be necessary, to the  
6 state fair for the payment of debt incurred by the state fair.

7 Section 2. The secretary of the Department of Agriculture 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, 2005, shall revert in accordance with § 4-8-21.

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.



# State of South Dakota

SEVENTY-NINTH SESSION  
LEGISLATIVE ASSEMBLY, 2004

572J0542

SENATE COMMERCE COMMITTEE ENGROSSED NO.

**SB 145** - 02/05/2004

Introduced by: Senators Koetzle, Abdallah, and Kloucek and Representatives LaRue, Miles, Nesselhuf, and Thompson

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding pensions allowed  
2 firefighters for impairment caused by cancer.

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

4 Section 1. That § 9-16-3.3 be amended to read as follows:

5 9-16-3.3. A pension ~~may~~ shall be allowed pursuant to § 9-16-3.2 for any condition of  
6 impairment of health caused by primary brain cancer, malignant melanoma, leukemia, multiple  
7 myeloma, non-Hodgkin's lymphoma, bladder cancer, ureter cancer, and kidney cancer resulting  
8 in total or partial disability to an officer or member of a fire department who has served at least  
9 five years, and who, upon entering such service or after employment, successfully passed a  
10 physical examination which failed to reveal any evidence of such condition. This section  
11 pertains solely to pension matters under this chapter and does not restrict a claimant's ability to  
12 file for benefits under chapter 62-8 or change the burden of proof established in § 62-8-12. Any  
13 total disability allowance provided by this section shall be equal to seventy-five percent of the  
14 highest annual compensation earned in any of the previous three years immediately preceding  
15 the date of the disability.



# State of South Dakota

SEVENTY-NINTH SESSION  
LEGISLATIVE ASSEMBLY, 2004

400J0702

## SENATE EDUCATION COMMITTEE ENGROSSED NO. **SB 205** - 02/05/2004

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

1 FOR AN ACT ENTITLED, An Act to provide for the distribution of certain money  
2 appropriated as state aid.

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

4 Section 1. The secretary of the Department of Education shall distribute any money, not to  
5 exceed seven million three hundred seven thousand eight hundred ninety-six dollars  
6 (\$7,307,896), from state aid which is not obligated or expended at the end of the fiscal year.

7 Section 2. For purposes of this Act, average daily membership means average daily  
8 membership as defined in § 13-13-10.1 for school fiscal year 2003.

9 Section 3. Each school district's share of the distribution provided for in section 1 of this Act  
10 is determined according to the following calculations:

11 (1) Divide each school district's average daily membership by the statewide average daily  
12 membership;

13 (2) Multiply the quotient obtained by calculation (1) by the total amount of money  
14 identified for distribution pursuant to section 1 of this Act.

15 Section 4. Any funds from state aid which are unspent at the end of fiscal year 2004 shall



1 be carried over to fiscal year 2005.

2 Section 5. This Act is effective on June 14, 2004.