

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

400N0288 **HOUSE APPROPRIATIONS COMMITTEE ENGROSSED**
NO. HB 1018 - 01/26/2007

Introduced by: The Committee on Agriculture and Natural Resources at the request of the
Department of Agriculture

1 FOR AN ACT ENTITLED, An Act to make an appropriation for the control and suppression
2 of pine beetles in Custer State Park.

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 hundred
5 seventy-five thousand dollars (\$175,000), or so much thereof as may be necessary, to the
6 Department of Agriculture, Division of Resource Conversation and Forestry, for the control and
7 suppression of pine beetles in Custer State Park.

8 Section 2. The secretary of agriculture shall approve vouchers and the state auditor shall
9 draw warrants to pay expenditures authorized by this Act.

10 Section 3. Any amounts appropriated in this Act not lawfully expended or obligated by
11 June 30, 2008, shall revert in accordance with § 4-8-21.



State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

400N0348

HOUSE ENGROSSED NO. **HB 1065** - 02/06/2007

Introduced by: The Committee on Appropriations at the request of the Board of Regents

1 FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to construct multi-use
2 storage facilities at South Dakota State University and to make an appropriation therefor.

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

4 Section 1. The Board of Regents may contract for the planning, site preparations,
5 construction, utilities, equipping, and maintaining of multi-use storage facilities at South Dakota
6 State University at an estimated cost of four hundred fifty thousand dollars.

7 Section 2. There is hereby appropriated from plant sciences service funds the sum of four
8 hundred fifty thousand dollars (\$450,000), or so much thereof as may be necessary, to the Board
9 of Regents to accomplish the purposes of this Act.

10 Section 3. The Board of Regents may accept, transfer, and expend any additional other funds
11 obtained for these purposes from federal sources, gifts, contributions, or any other sources,
12 including funds identified in section 2 of this Act.

13 Section 4. The design and construction shall be under the general supervision of the Bureau
14 of Administration as provided by chapter 5-14.

15 Section 5. The commissioner of the Bureau of Administration and the executive director of
16 the Board of Regents shall approve vouchers and the state auditor shall draw warrants to pay



1 expenditures authorized by this Act.

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

400N0330

SENATE JUDICIARY COMMITTEE ENGROSSED NO.

HB 1068 - 02/12/2007

Introduced by: The Committee on Judiciary at the request of the Office of the Attorney
General

- 1 FOR AN ACT ENTITLED, An Act to revise the criminal penalty for perjury.
- 2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:
- 3 Section 1. That § 22-29-5 be amended to read as follows:
- 4 22-29-5. Perjury:
- 5 (1) If committed in any trial for felony, is a Class 3 felony;
- 6 (2) If committed in any other trial, court proceeding, deposition, or administrative
- 7 proceeding conducted under oath, is a Class 5 felony;
- 8 (3) If committed in any other manner proscribed by law, is a Class 1 misdemeanor.



State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

400N0331

HOUSE ENGROSSED NO. **HB 1069** - 02/06/2007

Introduced by: The Committee on Appropriations at the request of the Office of the Attorney General

1 FOR AN ACT ENTITLED, An Act to increase liquidated court costs and revise how they are
2 allocated.

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

4 Section 1. That § 23-3-52 be amended to read as follows:

5 23-3-52. In addition to any other penalty, assessment, or fine provided by law, there shall
6 be levied liquidated costs in the amount of ~~thirty~~ forty dollars for partial reimbursement to state
7 government and its subdivisions for law enforcement and judicial expenses incurred in
8 providing the personnel, training, and facilities relative to the criminal justice system and to the
9 911 emergency reporting system, on each conviction for the following:

10 (1) Violation of state statutes or regulations having criminal penalties; or

11 (2) Violation of county or municipal ordinances.

12 If a fine is suspended in whole or in part, the liquidated costs for law enforcement and
13 training may not be reduced, except that the judge may waive all or any part of the payment of
14 liquidated costs which would work a hardship on the person convicted or on the person's
15 immediate family.



1 Section 2. That § 23-3-53 be amended to read as follows:

2 23-3-53. After a determination by the court of the amount due, the clerk of courts shall
3 collect the amount due and transmit such amount monthly to the state treasurer. The state
4 treasurer shall place ~~twenty~~ thirty dollars of the ~~thirty~~ forty dollar fee into the law enforcement
5 officers training fund, six dollars of the ~~thirty~~ forty dollar fee into the court appointed attorney
6 and public defender payment fund, two dollars of the ~~thirty~~ forty dollar fee into the court
7 appointed special advocates fund, one dollar of the ~~thirty~~ forty dollar fee into the 911
8 telecommunicator training fund, and one dollar of the ~~thirty~~ forty dollar fee into the abused and
9 neglected child defense fund.

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

448N0426

HOUSE COMMERCE COMMITTEE ENGROSSED NO.

HB 1129 - 01/29/2007

Introduced by: Representatives Feinstein, Dennert, Engels, Gillespie, Juhnke, Lust, Nygaard,
and Van Norman and Senators Knudson, Katus, and Koetzle

1 FOR AN ACT ENTITLED, An Act to provide for the conversion of certain cooperatives into
2 business corporations.

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

4 Section 1. That chapter 47-1A be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Any cooperative may convert itself into a business corporation by adopting an amendment
7 to its articles by which it elects to become subject to chapter 47-1A, together with changes in
8 its articles required by the chapter and other desirable changes permitted by the chapter. Such
9 amendment shall be adopted, filed, and recorded in the manner provided by the law then
10 applicable to the cooperative. The conversion is effective upon the issuance of the certificate
11 of amendment by the secretary of state.



State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

554N0527

HOUSE TRANSPORTATION COMMITTEE ENGROSSED NO. **HB 1183** - 02/01/2007

Introduced by: Representatives Peters, Ahlers, Dennert, Elliott, Engels, Hackl, Hargens, Hunt, Juhnke, Moore, Novstrup (Al), Pederson (Gordon), Rhoden, Sigdestad, Street, Turbiville, and Weems and Senators Napoli, Bartling, Dempster, Duenwald, Garnos, Hansen (Tom), Hanson (Gary), Hauge, Hundstad, Kloucek, Koetzle, and Turbak

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the use of a
2 transporter license plate.

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

4 Section 1. That § 32-9-57 be amended to read as follows:

5 32-9-57. Any commercial motor carrier located in the state hauling a new trailer with a
6 manufacturer's statement of origin or certificate of title and who has registered with the
7 Department of Revenue and Regulation as a transporter may use a transporter plate upon the
8 streets and highways for in-transit purposes. The fee for a transporter plate is fifty dollars and
9 the fee shall be deposited in the license plate special revenue fund. Any new trailer with bearing
10 a transporter plate may be used ~~to haul other new trailers~~ for a period of ten days. A bill of
11 lading that contains the origin and destination of the new trailer shall accompany each
12 movement. No transporter may use a transporter plate for any other purpose. A violation of this
13 section is a ~~Class 1~~ Class 2 misdemeanor.



State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

400N0368

SENATE APPROPRIATIONS COMMITTEE

ENGROSSED NO. **SB 59** - 02/13/2007

Introduced by: The Committee on Appropriations at the request of the Bureau of Finance and Management

1 FOR AN ACT ENTITLED, An Act to revise the General Appropriations Act for fiscal year
2 2007 regarding appropriations to the Department of Health, the Board of Regents, the
3 Department of Corrections, the Department of Human Services, and the Office of the
4 Attorney General, and to declare an emergency.

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

6 Section 1. That section 8 of chapter 26 of the 2006 Session Laws be amended to read as
7 follows:

8 DEPARTMENT OF HEALTH

9 Correctional Health

10 F.T.E., delete "71.0" and insert "72.0"

11 Adjust all totals accordingly.

12 Tobacco Prevention

13 Operating Expenses, Other Funds, delete "\$0" and insert "\$5,000,000"

14 Adjust all totals accordingly.

15 Section 2. That section 14 of chapter 26 of the 2006 Session Laws be amended to read as



1 follows:

2 BOARD OF REGENTS

3 Regents System Office

4 Personal Services, General Funds, delete "\$3,545,622" and insert "\$3,549,806"

5 Operating Expenses, General Funds, delete "\$4,904,322" and insert "\$4,917,298"

6 Personal Services, Federal Funds, delete "\$72,162" and insert "\$72,246"

7 Operating Expenses, Federal Funds, delete "\$959,532" and insert "\$1,059,532"

8 Personal Services, Other Funds, delete "\$1,300,984" and insert "\$1,302,541"

9 Operating Expenses, Other Funds, delete "\$20,675,344" and insert "\$22,061,274"

10 Adjust all totals accordingly.

11 University of South Dakota Proper

12 Personal Services, General Funds, delete "\$29,131,888" and insert "\$29,167,000"

13 Operating Expenses, General Funds, delete "\$1,438,861" and insert "\$1,510,092"

14 Personal Services, Federal Funds, delete "\$5,563,059" and insert "\$5,569,909"

15 Personal Services, Other Funds, delete "\$28,627,762" and insert "\$28,662,783"

16 Operating Expenses, Other Funds, delete "\$21,930,408" and insert "\$25,429,186"

17 Adjust all totals accordingly.

18 University of South Dakota School of Medicine

19 Personal Services, General Funds, delete "\$16,371,847" and insert "\$16,391,901"

20 Operating Expenses, General Funds, delete "\$681,132" and insert "\$716,517"

21 Personal Services, Federal Funds, delete "\$6,693,515" and insert "\$6,701,577"

22 Personal Services, Other Funds, delete "\$7,850,816" and insert "\$7,860,466"

23 Operating Expenses, Other Funds, delete "\$3,364,795" and insert "\$4,723,075"

24 F.T.E., delete "384.1" and insert "404.1"

1 Adjust all totals accordingly.

2 South Dakota State University Proper

3 Personal Services, General Funds, delete "\$39,244,041" and insert "\$39,291,238"

4 Operating Expenses, General Funds, delete "\$2,976,139" and insert "\$3,073,859"

5 Personal Services, Federal Funds, delete "\$5,961,905" and insert "\$6,169,229"

6 Operating Expenses, Federal Funds, delete "\$12,721,290" and insert "\$13,342,290"

7 Personal Services, Other Funds, delete "\$44,518,427" and insert "\$44,572,920"

8 Operating Expenses, Other Funds, delete "\$46,052,402" and insert "\$47,133,302"

9 Adjust all totals accordingly.

10 Cooperative Extension Service

11 Personal Services, General Funds, delete "\$7,439,145" and insert "\$7,448,153"

12 Operating Expenses, General Funds, delete "\$428,372" and insert "\$439,134"

13 Personal Services, Federal Funds, delete "\$4,802,738" and insert "\$4,808,437"

14 Personal Services, Other Funds, delete "\$577,497" and insert "\$578,188"

15 Adjust all totals accordingly.

16 Agricultural Experiment Station

17 Personal Services, General Funds, delete "\$9,403,701" and insert "\$9,415,097"

18 Operating Expenses, General Funds, delete "\$544,064" and insert "\$562,440"

19 Personal Services, Federal Funds, delete "\$4,950,285" and insert "\$4,956,326"

20 Personal Services, Other Funds, delete "\$3,264,791" and insert "\$3,268,787"

21 Adjust all totals accordingly.

22 South Dakota School of Mines and Technology

23 Personal Services, General Funds, delete "\$11,987,312" and insert "\$12,001,777"

24 Operating Expenses, General Funds, delete "\$1,169,481" and insert "\$1,198,307"

- 1 Personal Services, Federal Funds, delete "\$5,096,162" and insert "\$5,102,447"
- 2 Operating Expenses, Federal Funds, delete "\$9,079,738" and insert "\$9,054,738"
- 3 Personal Services, Other Funds, delete "\$9,285,270" and insert "\$9,296,686"
- 4 Operating Expenses, Other Funds, delete "\$10,268,371" and insert "\$10,260,526"

5 Adjust all totals accordingly.

6 Northern State University

- 7 Personal Services, General Funds, delete "\$9,926,142" and insert "\$9,937,845"
- 8 Operating Expenses, General Funds, delete "\$1,254,723" and insert "\$1,278,050"
- 9 Personal Services, Federal Funds, delete "\$1,311,081" and insert "\$1,312,737"
- 10 Personal Services, Other Funds, delete "\$8,016,320" and insert "\$8,025,883"
- 11 Operating Expenses, Other Funds, delete "\$7,408,249" and insert "\$7,375,532"

12 Adjust all totals accordingly.

13 Black Hills State University

- 14 Personal Services, General Funds, delete "\$7,226,343" and insert "\$7,234,804"
- 15 Operating Expenses, General Funds, delete "\$696,927" and insert "\$721,337"
- 16 Personal Services, Federal Funds, delete "\$4,800,854" and insert "\$4,806,623"
- 17 Personal Services, Other Funds, delete "\$13,400,143" and insert "\$13,416,103"
- 18 Operating Expenses, Other Funds, delete "\$10,952,088" and insert "\$10,882,088"

19 Adjust all totals accordingly.

20 Dakota State University

- 21 Personal Services, General Funds, delete "\$7,101,947" and insert "\$7,110,376"
- 22 Operating Expenses, General Funds, delete "\$527,632" and insert "\$534,789"
- 23 Personal Services, Federal Funds, delete "\$742,362" and insert "\$868,317"
- 24 Operating Expenses, Federal Funds, delete "\$1,722,181" and insert "\$1,887,181"

1 Personal Services, Other Funds, delete "\$7,872,030" and insert "\$8,207,516"

2 Operating Expenses, Other Funds, delete "\$6,987,586" and insert "\$7,401,586"

3 Adjust all totals accordingly.

4 South Dakota School for the Deaf

5 Personal Services, General Funds, delete "\$2,975,223" and insert "\$2,979,088"

6 Operating Expenses, General Funds, delete "\$470,856" and insert "\$476,374"

7 Personal Services, Federal Funds, delete "\$51,543" and insert "\$51,610"

8 Personal Services, Other Funds, delete "\$49,072" and insert "\$49,136"

9 Adjust all totals accordingly.

10 South Dakota School for the Blind and Visually Impaired

11 Personal Services, General Funds, delete "\$2,314,367" and insert "\$2,316,989"

12 Operating Expenses, General Funds, delete "\$147,681" and insert "\$152,310"

13 Personal Services, Federal Funds, delete "\$252,284" and insert "\$252,580"

14 Operating Expenses, Federal Funds, delete "\$45,683" and insert "\$75,683"

15 Operating Expenses, Other Funds, delete "\$237,124" and insert "\$265,672"

16 Adjust all totals accordingly.

17 Section 3. That section 16 of chapter 26 of the 2006 Session Laws be amended to read as

18 follows:

19 DEPARTMENT OF CORRECTIONS

20 Administration

21 Operating Expenses, Federal Funds, delete "\$1,820,000" and insert "\$2,193,000"

22 Adjust all totals accordingly.

23 Community Services

24 Personal Services, Other Funds, delete "\$1,557,291" and insert "\$1,842,291"

1 Operating Expenses, Other Funds, delete "\$1,441,478" and insert "\$1,666,478"

2 F.T.E., delete "82.5" and insert "89.3"

3 Adjust all totals accordingly.

4 State Treatment and Rehabilitation Academy

5 Operating Expenses, Other Funds, delete "\$148,000" and insert "\$576,428"

6 Adjust all totals accordingly.

7 Section 4. That section 17 of chapter 26 of the 2006 Session Laws be amended to read as
8 follows:

9 DEPARTMENT OF HUMAN SERVICES

10 SDDC - Redfield

11 Operating Expenses, Other Funds, delete "\$127,902" and insert "\$853,792"

12 Adjust all totals accordingly.

13 Alcohol & Drug Abuse

14 Personal Services, Other Funds, delete "\$3,678" and insert "\$177,095"

15 Operating Expenses, Other Funds, delete "\$264,286" and insert "\$577,915"

16 F.T.E., delete "49.0" and insert "54.0"

17 Adjust all totals accordingly.

18 Human Services Center

19 Operating Expenses, Other Funds, delete "\$254,816" and insert "\$715,332"

20 Adjust all totals accordingly.

21 Section 5. That section 21 of chapter 26 of the 2006 Session Laws be amended to read as
22 follows:

23 ATTORNEY GENERAL

24 Legal Services Program

1 Personal Services, Other Funds, delete "\$395,149" and insert "\$466,261"

2 F.T.E., delete "73.0" and insert "73.6"

3 Adjust all totals accordingly.

4 Criminal Investigation

5 Personal Services, Federal Funds, delete "\$763,103" and insert "\$822,473"

6 Operating Expenses, Federal Funds, delete "\$1,621,636" and insert "\$1,766,636"

7 Operating Expenses, Other Funds, delete "\$555,817" and insert "\$604,192"

8 F.T.E., delete "63.0" and insert "64.2"

9 Adjust all totals accordingly.

10 Section 6. Whereas, this Act is necessary for the support of the state government and its

11 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in

12 full force and effect from and after its passage and approval.

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

466N0446

SENATE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **SB 169** - 02/12/2007

Introduced by: Senators Heidepriem, Bartling, Dempster, Garnos, Gray, Hansen (Tom), Hanson (Gary), Hoerth, Hunhoff, Jerstad, Katus, Kloucek, Knudson, McCracken, Nesselhuf, Olson (Ed), Peterson (Jim), Turbak, and Two Bulls and Representatives Hargens, Ahlers, Bradford, Burg, Elliott, Engels, Gassman, Gillespie, Glenski, Halverson, Lucas, Miles, Nygaard, Sigdestad, Street, and Thompson

1 FOR AN ACT ENTITLED, An Act to provide for the formation of legislative ethics committees
2 and to provide for the adoption of legislative codes of ethics.

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

4 Section 1. That chapter 2-6 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 An ethics committee is established in the Senate and an ethics committee is established in
7 the House of Representatives, each consisting of five members. The president pro tempore of
8 the Senate and speaker of the House of Representatives shall appoint the ethics committee of
9 their respective houses. Each committee shall be composed of five members, not more than
10 three of whom may be from the same political party.

11 Section 2. That chapter 2-6 be amended by adding thereto a NEW SECTION to read as
12 follows:

13 Each ethics committee shall propose, and each house of the Legislature shall adopt, not later



1 than fifteen legislative days after the beginning of the Eighty-third Session of the South Dakota
2 Legislature, a code of ethics and conflict of interest requirements as new chapters in the Senate
3 and House rules and shall consider such recommendations as the ethics committee shall make
4 regarding the procedures to be used by the select committees established pursuant to chapter 8
5 of the Senate rules or chapter 6 of the House rules.

6 Section 3. Each ethics committee appointed pursuant to section 1 of this Act shall terminate
7 after delivery of its report to its respective house.

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

364N0353

SENATE HEALTH AND HUMAN SERVICES

COMMITTEE ENGROSSED NO. **SB 196** - 02/12/2007

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

Introduced by: Senators Hansen (Tom), Hoerth, Hunhoff, Jerstad, and Knudson and Representatives Van Etten, Cutler, Elliott, Faehn, Gilson, Glenski, McLaughlin, Miles, Novstrup (Al), Novstrup (David), Pitts, Rave, Thompson, and Weems

1 FOR AN ACT ENTITLED, An Act to revise the places where smoking is prohibited.

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

3 Section 1. That § 22-36-2 be amended to read as follows:

4 22-36-2. No person may smoke tobacco or carry any lighted tobacco product in any public
5 place or place of employment. This section does not apply to any sleeping room in a lodging
6 establishment as defined in § 34-18-1, ~~to any on-sale licensee pursuant to chapter 35-4~~, to any
7 video lottery licensed establishment pursuant to chapter 42-7A, to any licensee pursuant to
8 chapter 42-7B, or to any tobacco ~~or packaged liquor~~ store if the store is primarily used for the
9 sale of tobacco ~~or alcoholic beverages, or both~~, and the sale of other products is merely
10 incidental.

11 A violation of this section is a petty offense.



State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

400N0766

SENATE APPROPRIATIONS COMMITTEE

ENGROSSED NO. **SB 218** - 02/13/2007

Introduced by: The Committee on Appropriations at the request of the Office of the
Governor

1 FOR AN ACT ENTITLED, An Act to authorize the South Dakota Building Authority to
2 provide for the construction, reconstruction, renovation, and modernization of state park
3 facilities and infrastructure at Custer State Park near Custer for the Department of Game,
4 Fish and Parks, to allow the general fund to temporarily cover the initial construction costs,
5 and to declare an emergency.

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

7 Section 1. It is in the public interest that the South Dakota Building Authority contract for
8 the construction, reconstruction, renovation, and modernization of facilities and related
9 infrastructure at Custer State Park including buildings, fixtures, plumbing, water, sewer, electric
10 facilities, domestic water treatment systems, asbestos removal, electrical upgrades, architectural,
11 engineering, and bonding services, site preparation, construction of facilities and improvements
12 to the outside of the facilities, and landscaping the grounds of the facilities. The construction,
13 reconstruction, renovation, and modernization of facilities and related infrastructure shall
14 address priority needs identified in the Custer State Park Concession Facility Assessment
15 prepared in 2005 and other needs and revenue enhancement opportunities in Custer State Park.



1 The Building Authority may finance this project, including the issuance of revenue bonds not
2 to exceed twelve million dollars, in accordance with this Act and chapter 5-12.

3 Section 2. There is hereby created within the state treasury the Custer State Park
4 improvement fund. The sole purpose of this fund is to facilitate the provisions of this Act.

5 Section 3. There is hereby appropriated from the general fund an amount not to exceed
6 twelve million dollars (\$12,000,000), or so much thereof as may be necessary, to the Custer
7 State Park improvement fund for the expenditures authorized by this Act. The Custer state park
8 improvement fund shall be invested through the State Investment Council as part of the state
9 cash flow fund. There is hereby appropriated to the Department of Game, Fish and Parks, twelve
10 million dollars (\$12,000,000), or so much thereof as may be necessary, of other fund
11 expenditure authority for expenditures authorized by this Act.

12 Section 4. The entire amount appropriated pursuant to section 3 of this Act, shall be repaid,
13 with interest, to the general fund. The repayment to the general fund shall take no longer than
14 four years from the date of the appropriation of monies from the general fund to the Custer State
15 Park improvement fund as provided in section 3 of this Act, and the interest rate used to
16 calculate the annual repayment amount shall equal the average interest rate earned by the state
17 cash flow fund over the last four quarters as supplied by the Bureau of Finance and
18 Management. Starting on January 1, 2009, the Department of Game, Fish and Parks shall make
19 annual payments to the general fund based upon a twenty year amortization schedule for the
20 outstanding balance due to the general fund.

21 Section 5. To minimize the length of time required to fully reimburse the general fund for
22 the amounts appropriated to the Custer State Park improvement fund, the Department of Game,
23 Fish and Parks shall work with the Building Authority and other departments and agencies of
24 the state to take advantage of every future opportunity to issue tax exempt bonds, up to the

1 maximum amount allowed under §§ 103 and 140 to 150, inclusive, of the Internal Revenue
2 Code for each bond issue. Any additional funds generated from each tax exempt bond issue not
3 required or dedicated to be used by any such other department or agency of the state shall be
4 used to repay the general fund until the total amount appropriated from the general fund
5 pursuant to section 3 of this Act, has been repaid with interest.

6 Section 6. Pursuant to section 4 of this Act, if the Building Authority and the Department
7 of Game, Fish and Parks determine tax exempt bonding opportunities and other sources of
8 repayment are insufficient to repay the total amount appropriated from the general fund, the
9 Department of Game, Fish and Parks shall work with the Building Authority to issue bonds in
10 an amount sufficient to fully repay the remaining amount required to fully restore the general
11 fund.

12 Section 7. If at any point in time before the general fund has been fully repaid, the
13 Legislature determines that the need exists to fully restore the amounts appropriated from the
14 general fund to the Custer State Park improvement fund as provided in section 3 of this Act,
15 then the Department of Game, Fish and Parks shall work with the Building Authority to issue
16 bonds in an amount great enough to fully restore the amounts appropriated from the general
17 fund.

18 Section 8. No indebtedness, bond, or obligation incurred or created under authority of this
19 Act may be or may become a lien, charge, or liability against the State of South Dakota, nor
20 against the property or funds of the State of South Dakota within the meaning of the
21 Constitution or statutes of South Dakota.

22 Section 9. The Building Authority may accept any funds obtained from gifts, contributions,
23 or other sources for the purposes stated in section 1 of this Act.

24 Section 10. The Department of Game, Fish and Parks may make and enter in a lease

1 agreement with the Building Authority and make rental payments under the terms thereof,
2 pursuant to chapter 5-12, from appropriations to be made by the Legislature for the payment of
3 rent to support the construction, completion, furnishing, equipping, payment of revenue bonds
4 issued pursuant to this Act, and repayment of construction costs paid through the funds
5 appropriated from the general fund pursuant to section 3 of this Act. The Custer State Park bond
6 redemption fund as created in § 41-17-22.5 shall pay lease rental amounts to the Building
7 Authority or to restore the general fund, as applicable.

8 Section 11. Upon receipt of payment of the balance of rental payments made under the terms
9 of any lease entered into pursuant to section 10 of this Act, the Building Authority shall convey
10 the leased property improvements in Custer State Park to the Department of Game, Fish and
11 Parks pursuant to § 5-12-15.

12 Section 12. The design and construction of improvements shall be under the general charge
13 and supervision of the Bureau of Administration as provided in § 5-14-2.

14 Section 13. Except as provided in section 3 of this Act, no money from the general fund nor
15 any money appropriated for statewide maintenance and repair may be used to finance the
16 maintenance and repair of the facilities specified in this Act.

17 Section 14. The secretary of the Department of Game, Fish and Parks shall approve
18 vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

19 Section 15. Whereas, this Act is necessary for the support of the state government and its
20 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in
21 full force and effect from and after its passage and approval.