

# State of South Dakota

EIGHTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2008

723P0108

## HOUSE BILL NO. 1310

Introduced by: Representatives Bradford, Elliott, Gassman, Lucas, Moore, Nygaard, Sigdestad, and Van Norman and Senators Two Bulls, Hanson (Gary), Hundstad, Kloucek, Maher, and Sutton

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

