



2025 South Dakota Legislature

House Bill 1043

Introduced by: **Representative Emery**

1 **An Act to require counties and municipalities to provide emergency medical services**
 2 **within their jurisdictions, increase liquidated court costs, and create the**
 3 **emergency medical services fund and make an appropriation therefor.**

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

5 **Section 1. That § 23-3-52 be AMENDED:**

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

- 12 (1) Violation of state statutes or ~~regulations~~ rules having criminal penalties; or
 13 (2) Violation of county or municipal ordinances.

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

18 **Section 2. That § 23-3-53 be AMENDED:**

19 **23-3-53.** After a determination by the court of the amount due, as provided in §
 20 23-3-52, the clerk of courts shall collect the amount due and transmit the amount monthly
 21 to the state treasurer. The state treasurer shall ~~place thirty-seven~~ distribute the fifty-five
 22 dollars in liquidated costs as follows:

- 23 (1) Thirty-seven dollars ~~of the fifty dollar fee~~ into the law enforcement officers training
 24 fund, ~~seven;~~

1 ~~(2) Seven~~ Seven dollars and fifty cents ~~of the fifty dollar fee~~ into the court appointed attorney
2 and public defender payment fund, ~~two;~~

3 ~~(3) Five~~ Five dollars into the emergency medical services fund established in section 5 of
4 this Act;

5 ~~(4) Two~~ Two dollars ~~of the fifty dollar fee~~ into the court appointed special advocates fund,
6 ~~two;~~

7 ~~(5) Two~~ Two dollars and fifty cents ~~of the fifty dollar fee~~ into the 911 telecommunicator
8 training fund, ~~and one~~

9 ~~(6) One~~ One dollar ~~of the fifty dollar fee~~ into the abused and neglected child defense fund.

10 **Section 3. That § 34-11-1 be AMENDED:**

11 **34-11-1.** A county or municipality ~~may:~~

12 ~~(1) Provide~~ shall provide, or contract for the provision of, ambulance services; ~~and~~

13 ~~(2) Contract~~ within its jurisdiction.

14 A county or municipality may contract with another political subdivision or other
15 person ~~for the provision of moneys to support~~ to provide ambulance services.

16 **Section 4. That a NEW SECTION be added to chapter 34-11:**

17 Each county and municipality shall ensure that a minimum level of emergency
18 medical service is available within its jurisdiction for prehospital emergency medical
19 treatment and transport.

20 The department shall promulgate rules, in accordance with chapter 1-26, to
21 establish minimum levels of emergency medical service that must be available within a
22 county and municipality. The rules must address:

23 (1) Response times;

24 (2) Required staff and licensed personnel;

25 (3) Treatment and transport protocols; and

26 (4) Quality assurance standards.

27 **Section 5. That a NEW SECTION be added to chapter 34-11:**

28 There is created in the state treasury the emergency medical services fund.

29 The fund consists of liquidated costs, as provided in § 23-3-53, and all other
30 moneys designated for deposit in the fund. Interest on moneys credited to the fund must
31 remain in the fund.

1 The department shall administer the fund. Expenditures from the fund must be
2 used to provide grants, on an annual basis, to counties and municipalities to supplement
3 funding for any of the following:

4 (1) The operational costs of providing minimum emergency medical services;

5 (2) The purchase of equipment necessary for the provision of minimum emergency
6 medical services;

7 (3) Recruitment of personnel necessary for the provision of minimum emergency
8 medical services; and

9 (4) Training of personnel necessary for the provision of minimum emergency medical
10 services.

11 The emergency medical services fund is continuously appropriated to the
12 department.

13 **Section 6. That a NEW SECTION be added to chapter 34-11:**

14 To be eligible for a grant from the emergency medical services fund, a county or
15 municipality must:

16 (1) Submit an application in the time and manner prescribed by the department, as
17 provided in section 8 of this Act; and

18 (2) Demonstrate that the county or municipality has insufficient moneys or is unable
19 to raise sufficient moneys, to meet the minimum levels of emergency medical
20 services or maintain emergency medical services personnel.

21 **Section 7. That a NEW SECTION be added to chapter 34-11:**

22 In awarding grants pursuant to section 5 of this Act, the department shall prioritize:

23 (1) Counties with a population of five thousand or fewer;

24 (2) Municipalities with a population of one thousand or fewer; and

25 (3) Counties and municipalities that collaborate in the provision of emergency medical
26 services.

27 **Section 8. That a NEW SECTION be added to chapter 34-11:**

28 The department shall promulgate rules, in accordance with chapter 1-26, to
29 establish:

30 (1) An application process for grants from the emergency medical services fund;

31 (2) A timeline for the submission of applications and selection of awardees;

1 (3) Criteria for the approval of applications; and

2 (4) A process for the disbursement of grants.

3 The department shall make the grant application available on its website.

4 **Section 9. That a NEW SECTION be added to chapter 34-11:**

5 On or before August 1, 2026, and on or before August first of each year thereafter,
6 the department shall submit a report to the special committee created by § 4-8A-2, for
7 the previous fiscal year, on:

8 (1) The counties and municipalities that received grants from the emergency medical
9 services fund;

10 (2) The amount of each grant awarded; and

11 (3) The intended use of the grant by the county or municipality.

12 **Section 10.** The state treasurer shall transfer \$1,000,000 from the general fund to the
13 emergency medical services fund created in section 5 of this Act.

14 **Section 11.** This Act is effective beginning June 30, 2025.