

# Senate Daily Reader

Friday, February 02, 2001

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# State of South Dakota

SEVENTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2001

400E0271

HOUSE TRANSPORTATION COMMITTEE  
ENGROSSED NO. **HB 1047** - 01/17/2001

Introduced by: The Committee on Transportation at the request of the Department of  
Revenue

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding leased or rented boats,  
2 to revise certain provisions regarding boat license tags, and to revise certain provisions  
3 regarding the exemptions from the excise tax on boats.

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

5 Section 1. That chapter 32-3A be amended by adding thereto a NEW SECTION to read as  
6 follows:

7 For the purposes of this chapter, any leasing or rental company that operates within the  
8 principal place of business of a dealer, licensed pursuant to chapter 32-7B, is a business separate  
9 from the dealership. A leasing or rental company shall title, license, and tax any leased or rental  
10 boat in a name that is distinct and separate from that of the dealership name as indicated on the  
11 dealer license under chapter 32-7B.

12 Section 2. That § 32-3A-7 be repealed.

13 ~~32-3A-7. The department shall issue boat license tags of a durable material to boat~~  
14 ~~manufacturers and dealers upon application and payment of fifteen dollars for each set of boat~~

1 ~~license tags desired. Each set of boat license tags shall be valid until December thirty-one next~~  
2 ~~following the date of issuance.~~

3 Section 3. That § 32-3A-8 be repealed.

4 ~~— 32-3A-8. Any new or used boat owned by a boat manufacturer or dealer bearing the~~  
5 ~~manufacturer's or dealer's "BD" boat license tags issued pursuant to § 32-3A-7 may only be~~  
6 ~~operated in this state by the boat manufacturer or dealer. The boat license tags shall be displayed~~  
7 ~~as required by § 32-3A-5 and rules promulgated, pursuant to chapter 1-26, by the Department~~  
8 ~~of Game, Fish and Parks Commission. The "BD" boat license tag may only be transferred by the~~  
9 ~~boat manufacturer or dealer from one boat owned by the boat manufacturer or dealer to another~~  
10 ~~boat owned by the same boat manufacturer or dealer. A violation of this section is a Class 1~~  
11 ~~misdemeanor.~~

12 Section 4. That § 32-3A-9 be repealed.

13 ~~— 32-3A-9. Any new or used boat owned by a boat manufacturer or dealer, bearing valid~~  
14 ~~manufacturer's or dealer's BD boat license tags, may be operated in this state by any prospective~~  
15 ~~purchaser for a period not to exceed three days. No boat manufacturer or dealer may issue a~~  
16 ~~manufacturer's or dealer's boat license tag to any boat for any other purpose. A violation of this~~  
17 ~~section is a Class 1 misdemeanor.~~

18 Section 5. That § 32-3A-10 be repealed.

19 ~~— 32-3A-10. If a new or used boat is sold by a boat manufacturer or boat dealer, the boat~~  
20 ~~manufacturer or boat dealer may provide a temporary tag permit to operate the boat in this state~~  
21 ~~for thirty days after the date of sale of the boat or until the time the purchaser receives the~~  
22 ~~licenses from the county treasurer, whichever occurs first. The temporary boat license tags shall~~  
23 ~~be displayed as required by § 32-3A-5 and rules promulgated, pursuant to chapter 1-26, by the~~  
24 ~~department. No dealer may use the permit upon any boat owned by the dealer or for any purpose~~

1 ~~other than for boats sold by the manufacturer or dealer. No person may renew the temporary~~  
2 ~~thirty-day license permit nor change or alter the date or other information thereon. A violation~~  
3 ~~of this section is a Class 1 misdemeanor.~~

4 Section 6. That § 32-7B-13 be amended to read as follows:

5 32-7B-13. If a boat is sold by a licensed dealer, the dealer may provide a temporary thirty-  
6 day license permit which is a permit to operate the boat in this state for a period of thirty days  
7 after the date of sale or until the time the purchaser receives the regular license decals from the  
8 county treasurer, whichever occurs first. The temporary boat license tags shall be displayed as  
9 required by § 32-3A-5 and any rule promulgated, pursuant to chapter 1-26, by the department.  
10 No dealer may use the permit upon any boat owned by the dealer or for any purpose other than  
11 for boats sold by the manufacturer or dealer. No person may renew the temporary thirty-day  
12 license permit nor change or alter the date or other information thereon. A violation of this  
13 section is a Class 1 misdemeanor.

14 Section 7. That § 32-7B-11 be amended to read as follows:

15 32-7B-11. Any new boat or used boat owned by a licensed dealer, bearing dealer license  
16 plates issued pursuant to § 32-7B-10 may be operated in this state for any purpose, except no  
17 dealer boat license plate may be used on any boat used for lease or rental. The license plate shall  
18 be displayed on or carried in the boat. The license plate is transferable by the dealer from one  
19 boat owned by the dealer to another boat owned by the dealer. Any violation of this section is  
20 a Class 1 misdemeanor.

21 Section 8. That § 32-3A-52 be amended to read as follows:

22 32-3A-52. Exempt from the provisions of ~~this chapter~~ § 32-3A-50 are:

- 23 (1) Any large boat which is the property of the governmental units which are exempted  
24 from motor vehicle registration fees by §§ 32-5-42 and 32-5-42.1;

- 1       (2) Any large boat acquired by inheritance ~~from or bequest of a decedent~~;
- 2       (3) Any large boat previously titled or licensed jointly in the names of two or more  
3       persons and subsequently transferred without consideration to one or more of such  
4       persons;
- 5       (4) Any large boat transferred without consideration between spouses, between a parent  
6       and child, and between siblings;
- 7       (5) Any large boat transferred pursuant to any mergers or consolidations of corporations  
8       or plans of reorganization by which substantially all of the assets of a corporation are  
9       transferred if the large boat was previously titled, licensed, and registered in this state;
- 10      (6) Any large boat transferred by a subsidiary corporation to its parent corporation for  
11      no or nominal consideration or in sole consideration of the cancellation or surrender  
12      of the subsidiary's stock if the large boat was previously titled, licensed, and registered  
13      in this state;
- 14      (7) Any large boat transferred between an individual and a corporation if the individual  
15      and the owner of the majority of the capital stock of the corporation are one and the  
16      same and if the large boat was previously titled and registered in this state;
- 17      (8) Any large boat transferred between a corporation and its stockholders or creditors if  
18      to effectuate a dissolution of the corporation it is necessary to transfer the title from  
19      the corporate entity to the stockholders or creditors and if the large boat was  
20      previously titled and registered in this state;
- 21      (9) Any large boat transferred between an individual and limited or general partnership  
22      if the individual and the owner of the majority interest in the partnership are one and  
23      the same person and if the large boat was previously titled and registered in this state;
- 24      (10) Any large boat transferred to effect a sale of all or substantially all of the assets of the

- 1 business entity if the large boat was previously titled and registered in this state;
- 2 (11) Any large boat acquired by a secured party or lien holder in satisfaction of a debt;
- 3 (12) Any large boat sold or transferred which is eleven or more years old and which is sold  
4 or transferred for one thousand five hundred dollars or less before trade-in;
- 5 (13) Any damaged large boat transferred to an insurance company in the settlement of an  
6 insurance claim;
- 7 (14) Any large boat owned by a former resident of this state who returns to the state and  
8 who had previously paid excise tax to this state on the large boat as evidenced within  
9 the department's records or by submission of other acceptable proof of payment of  
10 such tax;
- 11 (15) Between corporations, both subsidiary and nonsubsidiary, if the individuals who hold  
12 a majority of stock in the first corporation also hold a majority of stock in the second  
13 corporation; but these individuals need not hold the same ratio of stock in both  
14 corporations provided the large boat was previously titled and registered in this state;  
15 and
- 16 (16) Any large boat transferred by a trustor to his trustee or from a trustee to a beneficiary  
17 of a trust.

# State of South Dakota

SEVENTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2001

400E0228

## HOUSE ENGROSSED NO. **HB 1069** - 01/22/2001

Introduced by: The Committee on Education at the request of the Department of  
Education and Cultural Affairs

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to school consolidation.

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

3 Section 1. That § 13-13-1.6 be amended to read as follows:

4 13-13-1.6. If two or more school districts consolidate and at least one of those district's  
5 calculated state aid pursuant to this chapter was zero dollars in the fiscal year immediately  
6 preceding the fiscal year in which the consolidation takes effect, for a period of four years after  
7 consolidation, the newly formed district ~~may opt to~~ shall have its state aid calculated based on  
8 the school districts as they existed prior to consolidation. In years two to four, inclusive, after  
9 the consolidation of two or more school districts, the adjusted average daily memberships and  
10 the local efforts of the former districts ~~may~~ shall be based upon a pro-rata share of the adjusted  
11 average daily membership and local effort of the newly formed district as compared to the  
12 adjusted average daily memberships and the local efforts of the former districts in the first year.  
13 ~~Any district that opts to benefit from this section shall notify the secretary of the Department of~~  
14 ~~Education and Cultural Affairs of its intent to do so as part of its reorganization plan. A district~~  
15 ~~that benefits from this section may not benefit from § 13-13-10.1 or 13-13-1.5 simultaneously,~~

1 ~~or in future years.~~

2 Section 2. That § 13-13-1.7 be amended to read as follows:

3 13-13-1.7. In years five to eight, inclusive, after the consolidation of two or more school  
4 districts ~~that opted to benefit from § 13-13-1.6~~, state aid shall be calculated as follows:

5 (1) Calculate state aid pursuant to § 13-13-73;

6 (2) Notwithstanding the four-year time limit, calculate state aid pursuant to § 13-13-1.6;

7 (3) Subtract the results of subdivision (1) from the results of subdivision (2);

8 (4) Multiply the results of subdivision (3) by eighty percent in the fifth year, sixty percent  
9 in the sixth year, forty percent in the seventh year, and twenty percent in the eighth  
10 year;

11 (5) Add the results of subdivision (1) and the results of subdivision (4).



# State of South Dakota

SEVENTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2001

400E0246

SENATE RETIREMENT LAWS COMMITTEE

ENGROSSED NO. **SB 47** - 01/31/2001

Introduced by: The Committee on Retirement Laws at the request of the South Dakota Retirement System

1 FOR AN ACT ENTITLED, An Act to provide benefit improvements for certain members of the  
2 South Dakota Retirement System, to revise the provisions for the purchase of uncredited  
3 service by members of the system, and to request a plan to discontinue the Alternate A  
4 benefit calculation.

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

6 Section 1. That § 3-12-91 be amended to read as follows:

7 3-12-91. Upon retirement, a member shall receive a normal retirement allowance,  
8 commencing at normal retirement age or thereafter as provided in § 3-12-90, for Class A  
9 credited service, equal to the larger of 1.625% of final compensation for each year of Class A  
10 credited service before July 1, 2002, plus ~~1.3%~~ 1.55% of final compensation for each year of  
11 Class A credited service after July 1, 2002, or 2.325% of final compensation for each year of  
12 Class A credited service before July 1, 2002, plus ~~2.0%~~ 2.25% of final compensation for each  
13 year of Class A credited service after July 1, 2002, less other public benefits. For purposes of this  
14 section, federal military retirement or federal national guard retirement benefits are not other

1 public benefits. Class A credited service includes all credited service under this or any of the  
2 retirement systems consolidated pursuant to § 3-12-46.

3 Section 2. That § 3-12-83 be amended to read as follows:

4 3-12-83. A current contributing member of the system may receive credited service by  
5 election to make, or have made on ~~his~~ the member's behalf, contributions, based on the higher  
6 of ~~his~~ the member's current compensation, or ~~his~~ the member's final compensation calculated  
7 as if ~~he~~ the member retired on the date of election, at seventy-five percent of twice the member  
8 rate, for each year of service for which ~~he~~ the member wishes to receive credit, if:

9 (1) The current contributing member of the system could have established credit for any  
10 South Dakota public service by making contributions under this chapter or any prior  
11 law; or

12 (2) The current contributing member was not permitted to establish credit for any South  
13 Dakota public service.

14 The amount of the credited service and the rate of contribution shall be at Class A rates  
15 unless the service for which credit is sought was rendered as a Class B member in which case  
16 Class B rates shall apply. If a participating unit has failed to pay employer or member  
17 contributions to the system on behalf of a member as required under this chapter or under any  
18 predecessor system consolidated pursuant to § 3-12-46, the amount due the system shall be  
19 calculated in accordance with this section.

20 The member rate in effect as of July 1, 2001, shall be used in calculation of the purchase cost  
21 of any service performed prior to July 1, 2002.

22 Section 3. That § 3-12-84 be amended to read as follows:

23 3-12-84. If a current contributing member of this system has other public service for which  
24 ~~he~~ the member is not entitled to retirement benefits from another public retirement system, ~~he~~

1 the member may elect to deposit or have deposited on ~~his~~ the member's behalf an amount equal  
2 to seventy-five percent of twice the Class A rate of contribution multiplied by the higher of ~~his~~  
3 the member's annual compensation at the time of making the election, or ~~his~~ the member's final  
4 compensation calculated as if ~~he~~ the member retired on the date of ~~his~~ the member's election, for  
5 each year of other public service for which ~~he~~ the member wishes to receive credit as a Class A  
6 member.

7 The member rate in effect as of July 1, 2001, shall be used in calculation of the purchase cost  
8 of any service performed prior to July 1, 2002.

9 Section 4. The provisions of this Act are effective on July 1, 2002, only if the provisions of  
10 chapter 23 of the 2000 Session Laws are in effect on that date. If the provisions of chapter 23  
11 of the 2000 Session Laws are repealed, the provisions of this Act are likewise repealed.  
12 However, if repealed, the provisions of this Act are applicable for any time period that increased  
13 contributions pursuant to chapter 23 of the 2000 Session Laws are received by the system.

14 Section 5. The South Dakota Retirement System shall report to the 2002 Legislature a plan  
15 to raise the benefit multiplier to a level which eliminates the need for the Alternate A formula by  
16 July 1, 2004.

# State of South Dakota

SEVENTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2001

636E0367

SENATE TAXATION COMMITTEE ENGROSSED NO.

**SB 101 - 01/31/2001**

Introduced by: Senators Staggers, Apa, and Koetzle and Representatives Teupel, Begalka, Hennies (Don), Kooistra, McCoy, and Monroe

1 FOR AN ACT ENTITLED, An Act to require sales and use tax paid to be deducted from the  
2 gross receipts to determine the contractors' excise tax.

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

4 Section 1. That § 10-46A-4 be amended to read as follows:

5 10-46A-4. For the purpose of this chapter, the term, gross receipts, means the amount  
6 received directly or indirectly in money, credits, property, or other money's worth in  
7 consideration of the performance of realty improvement contracts within this state, without any  
8 deduction on account of the cost of the property sold, the cost of materials used, the cost of  
9 services or labor purchased, amounts paid for interest or discounts or any other expenses  
10 ~~whatsoever, nor may any, except a deduction shall be made by the contractor for any sales or use~~  
11 taxes paid pursuant to chapters 10-45, 10-46, and 10-52. No deduction may be allowed for any  
12 losses. Gross receipts include those materials furnished to the prime contractor or subcontractor  
13 by the owner or the lessee of the realty improvement. For the purposes of measuring the tax  
14 imposed by this chapter, gross receipts include the greater of the cost or fair market value of

1 materials used by a contractor or subcontractor in the performance of a contract regardless of  
2 ~~whether~~ if the contractor or subcontractor owns or furnishes the materials.

3 Section 2. That § 10-46B-4 be amended to read as follows:

4 10-46B-4. For the purpose of this chapter, the term, gross receipts, means the amount  
5 received in money, credits, property, or other money's worth in consideration of the performance  
6 of realty improvement contracts within this state, without any deduction on account of the cost  
7 of the property sold, the cost of materials used, the cost of services or labor purchased, amounts  
8 paid for interest or discounts, or any other expenses ~~whatsoever, nor shall any, except a~~  
9 deduction shall be made by the contractor for any sales or use taxes paid pursuant to chapters  
10 10-45, 10-46, and 10-52. No deduction may be allowed for any losses.

# State of South Dakota

SEVENTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2001

669E0559

SENATE JUDICIARY COMMITTEE ENGROSSED NO.

**SB 105** - 01/31/2001

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

Introduced by: Senator Staggers and Representative Nesselhuf

- 1 FOR AN ACT ENTITLED, An Act to provide for a comprehensive study by the Corrections  
2 Commission of inmate telephone services at Department of Corrections institutions.  
3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:  
4 Section 1. The Corrections Commission shall make a comprehensive study of the provision  
5 of telephone services to the inmates of Department of Corrections institutions and make a report  
6 to the Legislature no later than December 1, 2001.

# State of South Dakota

SEVENTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2001

118E0278

SENATE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **SB 124** - 01/31/2001

Introduced by: Senators Everist, Apa, Brown (Arnold), Dennert, Diedrich (Larry),  
Diedrich (Elmer), Hutmacher, Koetzle, McCracken, McIntyre, Moore,  
Munson, Olson (Ed), Sutton (Dan), and Symens and Representatives  
Richter, Broderick, Brown (Richard), Davis, Duniphan, Elliott, Flowers,  
Hennies (Thomas), Holbeck, Jaspers, Juhnke, Kooistra, Madsen, Michels,  
Murschel, Olson (Mel), Smidt, and Teupel

1 FOR AN ACT ENTITLED, An Act to allow for the deposit of certain funds and for the  
2 repayment of certain contracts relating to energy savings.

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

4 Section 1. If a school district enters into an energy savings contract pursuant to  
5 chapter 1-33B, the school district may deposit the proceeds from any loan related to the energy  
6 savings contract into its general fund or its capital outlay fund. The school district may deposit  
7 money resulting from energy savings pursuant to an energy savings contract into its general fund  
8 or its capital outlay fund. The school district may repay the loan pursuant to an energy savings  
9 contract out of money in its general fund or its capital outlay fund.

# State of South Dakota

SEVENTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2001

914E0585

SENATE COMMERCE COMMITTEE ENGROSSED NO.

**SB 125 - 01/30/2001**

Introduced by: Senators Vitter, Albers, Apa, Koetzle, Moore, Olson (Ed), and Putnam and  
Representatives Broderick, Abdallah, Flowers, Holbeck, and Solum

1 FOR AN ACT ENTITLED, An Act to clarify workers' compensation coverage for  
2 uncompensated volunteers and prisoners.

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

4 Section 1. That § 62-1-5.1 be amended to read as follows:

5 62-1-5.1. ~~Volunteer workers~~ Any volunteer worker rendering services in or for any agency,  
6 department, institution, or instrumentality of the state or of any of its political subdivisions,  
7 including ~~but not limited to~~ counties, townships, school districts, or municipalities, whose  
8 services have been duly recommended to the officer or governing body responsible for  
9 employment of personnel for the respective entity and duly appointed thereto by such officers  
10 or governing body, shall for purposes of this title be deemed ~~employees~~ an employee of the state  
11 or the political subdivision, as the case may be. The ~~appointments~~ appointment shall be entered  
12 into the official records or minutes of the entity.

13 In the event of injury or death for the purposes of computing compensation, ~~said~~ a volunteer  
14 uncompensated ~~workers shall be considered to be earning a wage that would entitle them to the~~



1 ~~maximum compensation for death or injury allowable under this title, but in~~ worker's employment  
2 earnings from all sources during the past six months shall be used. In the event the volunteer  
3 uncompensated worker is not otherwise employed, the worker shall be considered to be earning  
4 the state minimum wage over a forty-hour week. The worker's average weekly wage shall be  
5 calculated by one of the methods in §§ 62-4-25 to 62-4-27, inclusive. In no event shall may  
6 payments to volunteer uncompensated workers exceed the maximum limitations for benefits as  
7 set out in this title. No local prisoner, state inmate, or federal inmate providing services to the  
8 state or any of its political subdivisions may be considered a volunteer worker under this section.

# State of South Dakota

SEVENTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2001

935E0499

SENATE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **SB 126** - 01/31/2001

Introduced by: Senators Kleven, Apa, Dennert, Staggers, and Whiting and Representatives  
Van Etten, Brown (Richard), McCoy, Napoli, and Pummel

1 FOR AN ACT ENTITLED, An Act to clarify the survey requirements for sanitary districts.

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

3 Section 1. That § 34A-5-3 be amended to read as follows:

4 34A-5-3. ~~Persons~~ Any person making application for the organization of a sanitary district  
5 shall first cause an accurate ~~survey and~~ map to be made of the territory intended to be embraced  
6 within the limits of such sanitary district, showing the boundaries and area thereof, and the  
7 accuracy thereof shall be verified by the affidavit of ~~the~~ a surveyor. The map may be completed  
8 by reviewing records and legal descriptions at a county register of deeds office.

# State of South Dakota

SEVENTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2001

772E0516

SENATE TAXATION COMMITTEE ENGROSSED NO.

**SB 140** - 01/31/2001

Introduced by: Senators Sutton (Dan), Diedrich (Larry), and Koskan and Representatives Lange, Flowers, Hargens, Kloucek, and Konold

1 FOR AN ACT ENTITLED, An Act to clarify certain provisions relating to the payment of taxes  
2 to municipalities from the revenues of electric cooperatives providing service within a  
3 municipality.

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

5 Section 1. That § 49-34A-45 be amended to read as follows:

6 49-34A-45. A rural electric cooperative serving less than a majority of customers in a  
7 municipality not having a municipally owned system, ~~shall~~ may, at the option of the municipality,  
8 pay in addition to other taxes provided by law, an amount each and every year equal to two  
9 percent of the total gross revenues received by the cooperative for that year from the sale of  
10 power distributed to structures and electric service outlets situated within the municipality.

11 Section 2. That § 49-34A-46 be amended to read as follows:

12 49-34A-46. Any electric utility with facilities within the boundaries of a municipality, as they  
13 exist from time to time, which has a municipally owned electric system serving over fifty percent  
14 of the customers in ~~said~~ the municipality, shall may, at the option of the municipality, pay to the

1 municipality an amount to be agreed upon by the electric supplier and the governing body of the  
2 municipality. If the parties have not agreed on the amount on or before May first following the  
3 calendar year from which the amount is to be paid, the amount to be paid shall be four percent  
4 of the total gross revenue collected by the electric supplier from the sale of power delivered to  
5 structures and electric service outlets situated within the municipality during the year for which  
6 the amount is paid.

# State of South Dakota

SEVENTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2001

660E0082

## SENATE HEALTH AND HUMAN SERVICES COMMITTEE ENGROSSED NO. **SCR 2** - 01/22/2001

Introduced by: Senators Albers, Brown (Arnold), Hagen, Hutmacher, and Putnam and  
Representatives Nachtigal, Napoli, and Valandra at the request of Interim  
State-Tribal Relations Committee

1 A CONCURRENT RESOLUTION, Urging the federal government to authorize and fund long-  
2 term health care on Indian reservations.

3 WHEREAS, among all the states in the Northern Plains region, South Dakota has the highest  
4 percentage of its Native American population, sixty-seven percent, living on Indian reservations.  
5 In addition, South Dakota is experiencing a growing elderly population on its Indian  
6 reservations; and

7 WHEREAS, Native Americans are living significantly longer today than they did in the early  
8 1900s. The life expectancy of Native Americans in South Dakota is currently sixty-five. This  
9 increased life expectancy presents new challenges in caring for the elderly and creates the need  
10 for elderly care facilities to provide services that were once provided solely by the family; and

11 WHEREAS, the rate of debilitating diseases, particularly diabetes, on South Dakota Indian  
12 reservations has been increasing over the years. The age-adjusted diabetes mellitus death rate  
13 among Native Americans in South Dakota is 62.6 per 100,000 population, which is five times  
14 higher than the combined rate for all races in the United States; and

1       WHEREAS, Native American culture strongly embraces the extended family in which elders  
2 are considered the source of wisdom, history, and tradition; and

3       WHEREAS, a loss of important cultural traditions for families and tribal members occurs  
4 when elderly Native Americans must seek nursing facility placement off the reservations. This  
5 separation means social and cultural isolation at a time in elders' lives when understanding and  
6 cultural support are most important; and

7       WHEREAS, due to the high percentage of Native American families below poverty level  
8 living on Indian reservations, lack of transportation to visit family members in nonreservation  
9 nursing homes creates a hardship for the elderly and their families; and

10       WHEREAS, the federal government has a long-standing legal and moral obligation to  
11 provide for the health care needs of Native Americans on reservations. This obligation is based  
12 on treaty and federal law; and

13       WHEREAS, the Indian Health Service currently provides primary and acute health care  
14 services, such as physician and hospital care, through federal facilities located on each of the  
15 reservations; and

16       WHEREAS, the Indian Health Service currently does not provide long-term care services,  
17 such as assisted living and nursing home care, on any of South Dakota's Indian reservations; and

18       WHEREAS, the federal government has failed to take responsibility for providing long-term  
19 care services to elderly Native Americans residing on reservations in South Dakota. The federal  
20 government has refused to recognize long-term care for Native Americans as a federal  
21 responsibility and has failed to provide authorization and funding that would enable the Indian  
22 Health Service to provide those needed services; and

23       WHEREAS, the lack of long-term care services has created an undue hardship for  
24 reservation residents and their families creating a growing need for the Indian Health Service to

1 appropriately address the long-term care needs of South Dakota's Native American population:

2       NOW, THEREFORE, BE IT RESOLVED, by the Senate of the Seventy-sixth Legislature  
3 of the State of South Dakota, the House of Representatives concurring therein, that the federal  
4 government is requested to formally take responsibility for long-term care for Native Americans  
5 residing on Indian reservations by providing the necessary authorization and funding to enable  
6 the Indian Health Service to offer long-term care for Native American elders on Indian  
7 reservations. The United States government must live up to its responsibilities by helping to  
8 establish facilities that will allow our Native American elders to spend their final years with  
9 dignity in their own communities and cultural surroundings; and

10       BE IT FURTHER RESOLVED, that copies of this Resolution are to be forwarded to  
11 Senator Tom Daschle, Senator Tim Johnson, and Representative John Thune and that Senator  
12 Daschle, Senator Johnson, and Representative Thune are requested to brief the 2002 South  
13 Dakota Legislature on any progress or developments that have occurred at the national level on  
14 this issue.