

# State of South Dakota

SEVENTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2002

400H0231

SENATE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **SB 14** - 02/01/2002

Introduced by: The Committee on State Affairs at the request of the Department of Human Services

1 FOR AN ACT ENTITLED, An Act to revise certain requirements and responsibilities of the  
2 administrator of the Human Services Center.

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

4 Section 1. That § 27A-4-3 be amended to read as follows:

5 27A-4-3. The secretary of human services shall appoint an administrator of the South Dakota  
6 Human Services Center who shall be a skilled administrator or a South Dakota licensed physician  
7 of accepted skill and ability. ~~Such person must have had experience of at least five years either~~  
8 The person shall have a degree or extensive experience in public or private institutions for the  
9 mentally ill administration, including experience in a mental health setting and shall be of a good  
10 moral character. The administrator shall be the chief executive officer of the South Dakota  
11 Human Services Center. The administrator shall serve at the pleasure of the secretary of human  
12 services.

13 Section 2. That § 23A-27A-22 be amended to read as follows:

14 23A-27A-22. If a defendant confined under sentence of death appears to be mentally



1 incompetent to proceed, the warden having ~~him in~~ custody of the defendant shall forthwith notify  
2 the Governor, who shall appoint a commission of not less than three nor more than five  
3 disinterested duly licensed physicians, one of whom shall be the ~~superintendent~~ medical director  
4 of the Human Services Center or ~~his assistant~~ the director's designee, to examine the defendant  
5 and report to the Governor as to ~~his~~ the defendant's mental condition at the time of the  
6 examination.