

20.119.10 95th Legislative Session 564

2020 South Dakota Legislature

Senate Bill 96**ENROLLED**

AN ACT

ENTITLED An Act to prohibit the denial of benefits based solely on a controlled substance felony.

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

Section 1. That § 28-7A-3 be AMENDED:

28-7A-3. Promulgation of rules.

The department may promulgate rules, in accordance with chapter 1-26, regarding:

1. Assistance eligibility qualifications except as otherwise provided in § 28-7A-4.1, application procedure, and assistance level;
2. Employability assessment, work activities, and supportive services;
3. Conditions of continued eligibility, eligibility time limits, eligibility recertification periods, and exemptions;
4. Program participation requirements, criteria for disqualification, and good cause exemptions;
5. Disqualification for intentional program violation or failure to comply with program requirements;
6. Benefit recovery and recoupment policies and procedures;
7. Methods of distribution and payment of moneys appropriated by the Legislature or received from the federal government for the granting of temporary assistance for needy families;
8. Development of applications, reports, and other forms;
9. Enforcement of child support obligations including distribution of collections, cooperative agreements with courts and law enforcement officials, and such other rules as may be found necessary or desirable to qualify for federal financial participation;
10. Collection, audit, and reporting of facts and statistics relating to the field of public assistance;

11. Compliance with federal reporting and documentation requirements necessary to qualify for federal funds; and
12. Any other standards of operation and administration within the mandate of this chapter, as necessary or desirable to qualify for federal financial participation.

Section 2. That a NEW SECTION be added:

**28-7A-4.1. Exemption--Controlled substance felony--Denial of benefits
—Prohibition.**

As permitted in accordance with 21 U.S.C. § 862a(d)(1)(A), this state exempts itself from the application of 21 U.S.C. § 862a(a)(1).

The department may not deny benefits otherwise available under this chapter to an applicant solely because the applicant has been convicted, under state or federal law, of an offense that is classified as a felony and which has as an element the possession, use, or distribution of a controlled substance, as defined in § 34-20B-3 or 21 U.S.C. § 802.

An Act to prohibit the denial of benefits based solely on a controlled substance felony.

I certify that the attached Act originated in
the: _____

Senate as Bill No. 96

Secretary of the Senate

President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 96

File No. _____

Chapter No. _____

Received at this Executive Office
this _____ day of _____,

2020 at _____ M.

By

for the Governor

The attached Act is hereby

approved this _____ day of

_____, A.D., 2020

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Filed _____, 2020

at _____ o'clock ____ M.

Secretary of State

By

Asst. Secretary of State

Legislative Research Council

500 East Capitol Avenue | Pierre, SD 57501
