

# State of South Dakota

NINETY-FIRST SESSION  
LEGISLATIVE ASSEMBLY, 2016

591X0039

HOUSE BILL NO.     #39    

Introduced by: \_\_\_\_\_

1 FOR AN ACT ENTITLED, An Act to eliminate certain reporting requirements for the county  
2 general fund.

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

4 Section 1. That § 7-21-18.1 be amended to read as follows:

5 7-21-18.1. The total ~~unreserved, undesignated~~ unassigned fund balance of the general fund  
6 may not exceed forty percent of the total amount of all general fund appropriations contained  
7 in the budget for the next fiscal year. ~~The total unreserved, undesignated fund balance of the~~  
8 ~~general fund of the county as of March thirty-first and September thirtieth shall be published in~~  
9 ~~the minutes of the proceedings of the board of county commissioners and reported to the~~  
10 ~~Department of Legislative Audit. The report shall be on forms prescribed by the Department of~~  
11 ~~Legislative Audit.~~



# State of South Dakota

NINETY-FIRST SESSION  
LEGISLATIVE ASSEMBLY, 2016

249X0031

HOUSE BILL NO.     # 31    

Introduced by: \_\_\_\_\_

1 FOR AN ACT ENTITLED, An Act to revise certain provisions concerning property tax  
2 limitations for counties.

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

4 Section 1. That § 10-13-35 be amended to read as follows:

5 10-13-35. This section does not apply to school districts. For taxes payable in 1997, and  
6 each year thereafter, the total amount of revenue payable from taxes on real property within a  
7 taxing district, except a county, excluding the levy pursuant to § 10-13-36, may increase no  
8 more than the lesser of three percent or the index factor, as defined in § 10-13-38, over the  
9 amount of revenue payable from taxes on real property in the preceding year, excluding the  
10 amount of taxes levied pursuant to § 10-13-36. The total amount of revenue payable from taxes  
11 on real property within a county, excluding the levy pursuant to § 10-13-36, may increase no  
12 more than the greater of three percent or the index factor, as defined in § 10-13-38, over the  
13 amount of revenue payable from taxes on real property in the preceding year, excluding the  
14 amount of taxes levied pursuant to § 10-13-36. After applying the index factor, a taxing district  
15 may increase the revenue payable from taxes on real property above the limitations provided by  
16 this section by the percentage increase of value resulting from any improvements or change in



1 use of real property, annexation, minor boundary changes, and any adjustments in taxation of  
2 property separately classified and subject to statutory adjustments and reductions under chapters  
3 10-4, 10-6, 10-6A, and 10-6B, except § 10-6-31.4, only if assessed the same as property of equal  
4 value. A taxing district may increase the revenue it receives from taxes on real property above  
5 the limit provided by this section for taxes levied to pay the principal, interest, and redemption  
6 charges on any bonds issued ~~after January 1, 1997~~, which are subject to referendum, scheduled  
7 payment increases on bonds and for a levy directed by the order of a court for the purpose of  
8 paying a judgment against such taxing district. Any taxing district created after the effective date  
9 of this section is exempt from the limitation provided by this section for a period of two years  
10 immediately following its creation.

# State of South Dakota

NINETY-FIRST SESSION  
LEGISLATIVE ASSEMBLY, 2016

861X0053

HOUSE BILL NO. #53

Introduced by: \_\_\_\_\_

1 FOR AN ACT ENTITLED, An Act to revise the distribution of the revenue from the alcoholic  
2 beverage fund.

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

4 Section 1. That § 35-5-22 be amended to read as follows:

5 35-5-22. ~~Twenty-five percent~~ One-third of all of the revenues deposited in the alcoholic  
6 beverage fund shall revert to the municipalities. ~~The~~ Each municipality's share of ~~each~~  
7 ~~municipality of such~~ the fund shall be determined by the ratio of the population of ~~such~~ each  
8 municipality ~~has~~ to the total population of all the municipalities sharing in the receipts ~~from~~  
9 ~~such tax~~. The Department of Revenue shall make ~~such~~ the reversion by remitting not later than  
10 November first, February first, May first, and August first, of each year to the finance officer  
11 of each ~~such~~ municipality its share of ~~such fund, and the~~ fund. ~~The amount so~~ received by ~~such~~  
12 each municipality shall be deposited in ~~its~~ the municipality's general fund.

13 Section 2. That chapter 35-5 be amended by adding thereto a NEW SECTION to read as  
14 follows:

15 One-third of all of the revenues deposited in the alcoholic beverage fund shall revert to the  
16 counties. Each county's share of the fund shall be determined by the ratio of the population of



1 each county to the total population of all the counties sharing in the receipts. The Department  
2 of Revenue shall make the reversion by remitting not later than November first, February first,  
3 May first, and August first, of each year to the county auditor of each county its share of the  
4 fund. The amount received by each county shall be deposited in the county's general fund.

# State of South Dakota

NINETY-FIRST SESSION  
LEGISLATIVE ASSEMBLY, 2016

327X0051

HOUSE BILL NO.

#51

Introduced by: \_\_\_\_\_

1 FOR AN ACT ENTITLED, An Act to impose an additional tax upon the sale of certain  
2 alcoholic beverages and to distribute the revenue to counties.

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

4 Section 1. There is hereby imposed upon the manufacturers and wholesalers of alcoholic  
5 beverages a tax computed on distilled spirits, wine, and malt beverages purchased, received, or  
6 imported from a distiller, manufacturer, or foreign wholesaler for sale to a retail dealer. The tax  
7 rate for each type of alcoholic beverage is as follows:

8 (1) Upon distilled spirits, as defined in subdivision 35-1-1(6), \$0.05 per ounce;

9 (2) Upon wine, as defined in subdivision 35-1-1(25), \$0.014286 per ounce;

10 (3) Upon malt beverage, as defined in subdivision 35-1-1(8), \$0.004167 per ounce.

11 Section 2. The Department of Revenue shall administer the tax imposed by section 1 of this  
12 Act and shall conform to the administration of the occupational tax imposed under chapter 35-5.  
13 The department shall prescribe forms and promulgate rules, pursuant to chapter 1-26, for the  
14 making of returns and for the ascertainment, assessment, and collection of the tax. The  
15 department shall keep full and accurate records of all moneys received and distributed by the  
16 department under this Act.



1 Section 3. All moneys received and collected by the Department of Revenue, pursuant to  
2 section 1 of this Act, after deducting the amount of refunds made and the amounts necessary to  
3 defray the direct cost of collecting the tax, shall be paid to the counties as provided in section  
4 4 of this Act.

5 Section 4. Each county's share of the payments shall be computed using the following  
6 factors:

7 (1) The percent of the total population of the state who reside in each county based on  
8 the most recent United States census; and

9 (2) The percent of the taxable property valuation of the state associated with each county  
10 as determined by the Department of Revenue.

11 Each county's share of the payments shall be calculated by multiplying the average of the  
12 two factors by the total amount available for distribution to the counties.

13 Section 5. Any payment received by a county pursuant to section 4 of this Act shall be  
14 deposited in the county general fund.

# State of South Dakota

NINETY-FIRST SESSION  
LEGISLATIVE ASSEMBLY, 2016

813X0052

HOUSE BILL NO.   #52  

Introduced by: \_\_\_\_\_

1 FOR AN ACT ENTITLED, An Act to authorize counties to impose sales and use taxes.  
2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. The board of county commissioners may, by ordinance, impose a non-ad valorem  
4 tax at a rate not to exceed one percent in accordance with the provisions of this Act. The tax  
5 shall be levied on the sale, use, storage, and consumption of items taxed under chapters 10-45  
6 and 10-46 within the county, and shall conform in all respects to the state tax on such items with  
7 the exception of the rate.

8 Section 2. Any tax imposed under section 1 of this Act may be referred to a vote of the  
9 people for its approval or disapproval in the same manner as provided in chapter 7-18A.

10 Section 3. Notwithstanding § 7-18A-8, any new ordinance or amendment to an ordinance  
11 enacted under the authority of this Act, and any tax rate affected thereby, may be effective only  
12 on January first or July first of a calendar year. The ordinance or amendment shall be effective  
13 on the earlier of January first or July first following at least ninety days notification by the  
14 county to the secretary of revenue that the ordinance or amendment has been enacted unless the  
15 ordinance or amendment is suspended by operation of a referendum. If an ordinance or  
16 amendment enacted under this Act is referred and the referred ordinance or amendment is



1 approved, the effective date shall be the earlier of January first or July first following at least  
2 ninety days notification by the county to the secretary of revenue that the ordinance or  
3 amendment has been approved notwithstanding § 7-18A-14. Notification of the enactment or  
4 approval of the ordinance shall be in writing and mailed, along with a copy of the ordinance or  
5 amendment, by registered or certified mail to the secretary of revenue.

6 Section 4. The exemption, definition, administrative, collection, and enforcement provisions  
7 of chapters 10-45 and 10-46 apply to any tax imposed under this Act, where applicable.

8 Section 5. Notwithstanding any other provision of law, gross receipts as defined in this Act  
9 do not include any tax imposed by chapters 10-45, 10-45D, 10-46, 10-52, and 10-52A.

10 Section 6. The Department of Revenue shall administer any tax imposed under this Act. The  
11 department shall keep full and accurate records of all moneys received and distributed under this  
12 Act.

13 Section 7. Each person subjected to any tax under this Act shall keep records and books of  
14 all receipts and sales, together with invoices, bills of lading, copies of bills of sale, and other  
15 pertinent papers and documents. The books, records, papers, and documents are, at all times  
16 during business hours of the day, subject to inspection by the secretary of revenue or the  
17 secretary's agents and employees to determine the amount of tax due. The books and records  
18 shall be preserved for a period of three years unless the secretary of revenue, in writing,  
19 authorized the books and records destruction or disposal at an earlier date.

20 Section 8. All moneys received and collected on behalf of a county by the Department of  
21 Revenue under to this Act shall be distributed to the counties after deducting the amount of  
22 refunds made, the amounts necessary to defray the cost of collecting the tax, and the  
23 administrative expenses incident thereto, the balance shall be paid within thirty days after  
24 collection to the county entitled to the payment.

1 Section 9. The secretary of revenue may promulgate rules, pursuant to chapter 1-26,  
2 concerning:

- 3 (1) Licensing, including bonding and filing license applications;
- 4 (2) The filing of returns and the payment of the tax;
- 5 (3) The application of the tax and exemptions;
- 6 (4) Taxpayer record-keeping requirements; and
- 7 (5) Determining audits.

8 Section 10. Each county imposing a non-ad valorem tax pursuant to this Act may issue  
9 county non-ad valorem tax revenue bonds pursuant to this section and chapter 6-8B in  
10 anticipation of the collection of the taxes. The bonds shall be payable solely from the collections  
11 of the tax imposed by the county under this Act, as determined by the board of county  
12 commissioners. The board of county commissioners shall, in the resolution or ordinance  
13 authorizing the bonds, agree that the county will continue to impose and collect the taxes so  
14 long as the bonds are outstanding. The board of county commissioners shall also pledge so  
15 much of the collections of the taxes as may be necessary to pay the principal premium and  
16 interest on the bonds and to maintain any debt service reserve established for the bonds. The  
17 proceeds of the bonds may be used for land acquisition, capital improvements, and capital asset  
18 acquisition, to establish a debt service reserve fund for the bonds, and to pay not more than one  
19 year's capitalized interest on the bonds.

20 No election is required to authorize the issuance of county non-ad valorem tax revenue  
21 bonds. The bonds shall be issued and sold as provided in chapter 6-8B.

22 Section 11. No tax increase may be levied on materials incorporated in construction work  
23 pursuant to construction contracts bid or entered into on or before the effective date of any tax  
24 imposed pursuant to this Act.

1 Section 12. Any person who holds a license pursuant to this Act or who is a person whose  
2 receipts are subject to the tax imposed by this Act shall, except as otherwise provided in this  
3 section, file a return and pay any tax due to the Department of Revenue on or before the  
4 twentieth day of the month following each monthly period. The return shall be filed on forms  
5 prescribed and furnished by the department.

6 If the person remits the tax by electronic transfer to the state, the person shall file the return  
7 by electronic means on or before the twenty-third day of the month following each monthly  
8 period and remit the tax on or before the second to the last day of the month following each  
9 monthly period.

10 The secretary of revenue may require or allow a person to file a return and pay any tax due  
11 on a basis other than monthly. The return and remittance is due the last day of the month  
12 following the reporting period, or at a time otherwise determined by the secretary.

13 The secretary may grant an extension of not more than five days for filling a return and  
14 remittance.

15 Unless an extension is granted, penalty or interest under § 10-59-6 shall be paid if a return  
16 or remittance is not made on time.

17 Section 13. That § 10-59-1 be amended to read as follows:

18 10-59-1. The provisions of this chapter may only apply to proceedings commenced under  
19 this chapter concerning the taxes, the fees, the surcharges, or the persons subject to the taxes,  
20 fees, or surcharges imposed by, or any civil or criminal investigation authorized by, chapters 10-  
21 33A, 10-39, 10-39A, 10-39B, 10-43, 10-45, 10-45D, 10-46, 10-46A, 10-46B, 10-46E, 10-47B,  
22 10-52, 10-52A, 32-3, 32-3A, 32-5, 32-5B, 32-6B, 32-9, 32-10, 34-45, and 34A-13 and §§ 22-25-  
23 48, 49-31-51, 50-4-13 to 50-4-17, inclusive, sections 1 to 12, inclusive, of this Act, and the  
24 provisions of chapter 10-45B.

# State of South Dakota

NINETY-FIRST SESSION  
LEGISLATIVE ASSEMBLY, 2016

465X0067

HOUSE BILL NO. \_\_\_\_\_

#67

Introduced by: \_\_\_\_\_

1 FOR AN ACT ENTITLED, An Act to revise and repeal certain fees that are established to  
2 compensate counties for services provided by county officials.

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

4 Section 1. That § 3-5-10 be repealed.

5 ~~—3-5-10. The register of deeds shall be entitled to charge and receive a fee of fifty cents for~~  
6 ~~recording each official bond, except the bond of township officers, recorded by him pursuant~~  
7 ~~to this chapter, to be paid by the principal in such bond.~~

8 Section 2. That § 7-10-8 be repealed.

9 ~~—7-10-8. The county auditor is authorized to charge and receive the following fees: for taking~~  
10 ~~and certifying to the acknowledgment of any instrument, twenty-five cents; for administering~~  
11 ~~an oath and certifying to the same, ten cents. All such fees received by the auditor shall be paid~~  
12 ~~into the county treasury and credited to the special salary fund.~~

13 Section 3. That § 7-25-15 be repealed.

14 ~~—7-25-15. The county auditor, county treasurer, and some qualified voter and freeholder of~~  
15 ~~such county appointed by the board of county commissioners, not a member thereof, shall act~~  
16 ~~as a board of auditors to audit accounts of such board of county commissioners in connection~~



1 ~~with the erection of county buildings pursuant to the provisions of §§ 7-25-6 to 7-25-14,~~  
2 ~~inclusive, and such board of auditors shall receive for their services the sum of three dollars~~  
3 ~~each for every day actually and necessarily employed in such capacity to be paid upon the~~  
4 ~~warrant of the board of county commissioners.~~

5 Section 4. That § 32-3-18 be amended to read as follows:

6 32-3-18. Application for a certificate of title shall be made to the ~~secretary~~ county treasurer,  
7 upon a form prescribed by the secretary. The application shall contain a listing of all owners  
8 along with either a South Dakota driver license number or social security number, or, if a  
9 business, the federal employer identification number; the address of the applicant; a full  
10 description of the vehicle with vehicle identification numbers, if any; a statement of applicant's  
11 title and all liens and encumbrances ~~thereon~~ on the vehicle; the county in which the vehicle is  
12 to be kept; and the names and addresses of the holders of all liens, title reservations, and  
13 encumbrances ~~thereon~~ on the vehicle. The application shall be accompanied by a fee of ~~five~~ ten  
14 dollars. Five dollars of the fee shall be remitted to the department and five dollars shall be  
15 deposited in the county general fund. If a certificate of title has previously been issued for the  
16 motor vehicle, trailer, or semitrailer in this state, it shall be accompanied by the certificate of  
17 title duly assigned, unless provided for in this chapter.

18 Section 5. That § 32-3-45 be amended to read as follows:

19 32-3-45. The county treasurer shall charge a fee of ~~five~~ ten dollars for each notation of any  
20 lien on a certificate of title. No fee may be charged for the cancellation of such lien. ~~The lien fee~~  
21 ~~shall be accounted for in the same manner as other fees of their office.~~

22 Section 6. That § 32-3A-15 be amended to read as follows:

23 32-3A-15. The county treasurer may charge the boat owner an administrative fee not to  
24 exceed ~~one dollar~~ three dollars for each boat license sold pursuant to this chapter. The fee shall

1 be deposited in the county general fund.

2 Section 7. That § 32-3A-25 be amended to read as follows:

3 32-3A-25. The county treasurer shall charge a ~~five~~ ten dollar fee for issuance of a certificate  
4 of title, a transfer of title, or a corrected certificate of title. Five dollars of the fee shall be  
5 remitted to the department and five dollars shall be deposited in the county general fund. If a  
6 certificate of title is lost, stolen, mutilated, destroyed, or becomes illegible, the owner named  
7 in the certificate shall obtain a duplicate by applying to the county ~~register of deeds~~ treasurer.  
8 The applicant shall furnish information the ~~Department of Revenue~~ department requires  
9 concerning the original certificate and the circumstances of its loss, mutilation, or destruction.  
10 Mutilated or illegible certificates shall be returned to the department with the application for a  
11 duplicate. The duplicate certificate of title shall be marked plainly, duplicate, across its face and  
12 mailed or delivered to the applicant or as otherwise directed by the owner. If a lost or stolen  
13 original certificate of title for which a duplicate has been issued is recovered, the original shall  
14 be surrendered promptly to the department for cancellation.

15 A fee of ten dollars shall be paid to the department for each duplicate title issued.

16 Section 8. That § 32-3A-30 be amended to read as follows:

17 32-3A-30. A ~~security interest created in this state in a large boat, and as defined by §§ 32-~~  
18 ~~3A-20 to 32-3A-32, inclusive, on and after March 1, 1992, is not perfected until the security~~  
19 ~~interest is noted on the certificate of title. On or after July 1, 1993, a security interest created in~~  
20 ~~this state on a large boat, as defined in § 42-8-2, exclusive of a motorboat is not perfected until~~  
21 ~~the security interest is noted on the certificate of title. On or after July 1, 1994, a security interest~~  
22 created in this state on a large boat, as defined in § 42-8-2, is not perfected until the security  
23 interest is noted on the manufacturer's statement of origin, on the manufacturer's certificate of  
24 origin, or on the certificate of title. To perfect the security interest, a copy of the security

1 agreement shall be presented along with the manufacturer's statement of origin, the  
2 manufacturer's certificate of origin, or the original title. The secretary of revenue, ~~an agent of~~  
3 ~~the secretary~~, the county treasurer, the register of deeds, or the seller, buyer, owner, or holder  
4 of the manufacturer's statement of origin, the manufacturer's certificate of origin, or the  
5 certificate of title shall note the security interest at any place on the manufacturer's statement of  
6 origin, the manufacturer's certificate of origin, or the certificate of title. If so noted, the lien is  
7 perfected against the creditors of the debtor, is valid against the creditors of the debtor, whether  
8 armed with process or not, and subsequent purchasers and other lien holders or claimants, but  
9 otherwise is not valid against them. The fee for noting the lien is ~~five~~ ten dollars. The fees shall  
10 be credited to the county general fund. The certificate of title shall be presented to the county  
11 treasurer if a lien is to be noted on an existing certificate of title.

12 The owner shall present the certificate of title to the county treasurer when a release  
13 statement is filed.

14 Section 9. That § 32-9-21 be amended to read as follows:

15 32-9-21. Each motor carrier desiring to discontinue using a vehicle as a commercial motor  
16 vehicle, may, on or before the termination of any year as provided in § 32-9-17, return the  
17 commercial motor vehicle plates and certificates to the county treasurer of the county where the  
18 vehicle was registered together with an application for the discontinuance. Upon satisfactory  
19 evidence that the carrier will not further operate the vehicle as a commercial motor vehicle, the  
20 county treasurer shall issue to the person, corporation, or limited liability company, so applying,  
21 a warrant for the amount due for the remaining months of that year less a ~~five~~ ten dollar  
22 administrative fee which shall be retained by the county. The commercial motor vehicle plates  
23 and certificates shall be in the possession of the county treasurer on or before the fifth day of the  
24 month to receive credit for that month.

1 Section 10. That § 7-12-23 be amended to read as follows:

2 7-12-23. ~~Whenever~~ If any person accused of a public offense is taken before a judge in  
3 chambers for the purpose of entering a plea of guilty, and ~~shall receive~~ receives a penitentiary  
4 sentence, the sheriff shall be ~~allowed the same fees and expenses as are provided for in~~  
5 reimbursed pursuant to §§ 7-12-21 and 7-12-22, to be paid as therein provided.

6 ~~In all such cases when~~ If a penitentiary sentence is not imposed, ~~he shall be allowed his~~ the  
7 sheriff shall be reimbursed for the actual expenses ~~and four dollars per day for the time~~  
8 ~~necessarily employed in~~ for conveying such the person to and from the judge by the nearest  
9 traveled route, ~~to be paid.~~ This payment shall be made by the county ~~wherein~~ where the alleged  
10 offense was committed.

11 Section 11. That § 7-12-18 be amended to read as follows:

12 7-12-18. The sheriff shall charge and remit the following:

- 13 (1) For serving an order of arrest with commitment or bail bond and return, twenty-five  
14 dollars;
- 15 (2) For serving summons, complaint, warrant of attachment, affidavit, notice and  
16 undertaking in claim and delivery, or injunction, order to show cause, citation, or  
17 other process, and return of the instrument, ~~twenty-five~~ fifty dollars for all such  
18 process or instruments served at the same time upon the same person regardless of  
19 the capacities in which such person is served. However, for all such process or  
20 instruments served upon another such person at approximately the same time at the  
21 same place, ~~five~~ ten dollars;
- 22 (3) For serving subpoena for witness, each person, ~~ten~~ twenty dollars;
- 23 (4) For traveling expenses in a motor vehicle, a ~~minimum~~ mileage allowance of ~~at least~~  
24 ~~three cents over and above the rate set for state employees by the State Board of~~

- 1 ~~Finance but not more than six eight cents above the rate set for state employees by~~  
2 ~~the State Board of Finance, as determined by the board of county commissioners, for~~  
3 ~~each mile actually and necessarily traveled by motor vehicle. For traveling expenses~~  
4 ~~in a private plane, a mileage allowance of ten cents above the rate set for state~~  
5 ~~employees by the State Board of Finance for each mile actually and necessarily~~  
6 ~~traveled by private plane. However, actual cost may be paid for travel by train, bus,~~  
7 ~~plane, or other commercial vehicle;~~
- 8 (5) For serving writ of execution and return of the instrument, whether satisfied or  
9 unsatisfied, ~~thirty-five~~ ninety-five dollars;
- 10 (6) For levying writ of possession, ~~twenty-five~~ fifty dollars. However, if the sale of the  
11 property levied upon is not subsequently held, the actual costs or expenses associated  
12 with levying writ of possession shall be paid;
- 13 (7) For advertisement of sale in newspaper, in addition to printing, twenty-five dollars;
- 14 (8) For posting notices of sale of real property, twenty-five dollars, and mileage;
- 15 (9) For executing writ or order of partition, twenty-five dollars;
- 16 (10) For making deed for land sold on execution or order of sale, ~~fifty~~ one hundred dollars  
17 except no fee is charged when the deed only requires the sheriff's signature;
- 18 (11) In addition to the applicable fees and expenses, a commission of ten percent on all  
19 money received and disbursed by the sheriff on execution or order of sale, order of  
20 attachment, decree or on sale of real property or personal property, ~~for each dollar not~~  
21 ~~exceeding four hundred dollars, eleven cents; for each dollar above four hundred~~  
22 ~~dollars, and not exceeding one thousand dollars, seven cents; for each dollar above~~  
23 ~~one thousand dollars, and not exceeding fifteen thousand dollars, five cents; for each~~  
24 ~~dollar above fifteen thousand dollars, and not exceeding twenty-five thousand~~

1        ~~dollars, three cents.~~ However, in no case may the commission be less than ~~twenty-~~  
 2        ~~five~~ fifty dollars. The commissions shall be included as a part of the cost of  
 3        execution, order of sale, order of attachment, decree, or on sale of real or personal  
 4        property, which shall be paid by the debtor out of the proceeds. However, in ~~all cases~~  
 5        each case of redemption prior to the sale, the sheriff is entitled to the commission as  
 6        stated above, to be paid by the redemptioner as a cost of the redemption;

7        (12) For ~~cases~~ a case in the circuit court, if ~~persons~~ a person, in whose favor an execution  
 8        or order of sale is issued, bid ~~in~~ on the property sold on execution or decree, the  
 9        sheriff or officer making the sale shall receive the following compensation: ~~If~~ if the  
 10       amount for which the property is bid ~~in~~ on is one thousand dollars or less, the sum  
 11       of ~~twenty~~ forty dollars. ~~If, and if~~ the amount for which the property is bid ~~in~~ on is  
 12       more than one thousand dollars, the sum of ~~fifty~~ one hundred dollars;

13       (13) For making a sale of real property under a foreclosure of mortgage by advertisement,  
 14       the same fees as for the sale of real property under a judgment of foreclosure and sale  
 15       of real property; and

16       (14) If personal property is taken by the sheriff on execution or warrant of attachment and  
 17       applied in the satisfaction of the debt without sale, the same percentage on the  
 18       appraised value of the property as in the case of a sale and all additional reasonable  
 19       and necessary costs and expenses incurred in executing the duties of sheriff including  
 20       expenses associated with the removal of property from the premises.

21       No fee may be charged in any action under § 25-10-3, 25-10-6, 22-19A-8, or 22-19A-12.

22       The fees established pursuant to this section shall be used for law enforcement purposes.

23       Section 12. That § 14-6-1 be amended to read as follows:

24       14-6-1. Upon order of the presiding judge of the circuit court made and filed in the office

1 of the clerk of courts of any county within the circuit of which such county is a part, the clerk  
2 of courts of such county shall collect in each civil action, proceeding for judicial remedy, and  
3 probate proceeding, as a county lawbook and county law library fee, a sum of ~~two~~ three dollars  
4 in actions commenced pursuant to chapter 15-39 and a sum of ~~five~~ seven dollars in all other  
5 civil actions, proceedings for judicial remedy, and probate proceedings. The clerk shall collect  
6 the fee in the manner in which other fees are collected from the plaintiff or person instituting  
7 ~~such~~ the action or proceeding, at the time of filing the first paper in ~~such~~ the action or  
8 proceeding. However, no surcharge may be collected for any petition or motion to modify final  
9 orders for child support, child custody, child visitation, or spousal support or in any civil action  
10 or proceeding for judicial remedy commenced by the state, a county, a municipality, or a school  
11 district.

12 Section 13. That § 7-31-10 be amended to read as follows:

13 7-31-10. ~~In the event~~ If the parties concerned cannot agree upon ~~such~~ the value of the  
14 improvements to county-owned land, the board of county commissioners shall appoint a board  
15 of appraisal, to view the improvements and determine ~~their~~ the value. The ~~said~~ board of  
16 appraisal shall be composed of three disinterested persons who shall file with the board of  
17 county commissioners an itemized report of ~~such~~ the appraisal, signed by at least two members  
18 of ~~such~~ the board of appraisal. Members of the board of appraisal shall be paid at the state rate  
19 ~~of three dollars per diem and five cents per mile for the miles~~ established pursuant to chapter  
20 3-9 for per diem and mileage necessarily traveled in making ~~such~~ the appraisal. The owner of  
21 the improvements shall deposit a sum with the county treasurer, prior to ~~such~~ the appraisal  
22 sufficient to cover the cost of appraisal as determined by the board of county commissioners.  
23 The board of appraisal ~~to~~ shall be paid from ~~such~~ the deposit and any excess shall be refunded  
24 to ~~such~~ the owner of the improvements.

1 Section 14. That § 48-7A-105 be amended to read as follows:

2 48-7A-105. (a) A statement may be filed in the Office of the Secretary of State. A certified  
3 copy of a statement that is filed in an office in another state may be filed in the Office of the  
4 Secretary of State. Either filing has the effect provided in this chapter with respect to partnership  
5 property located in or transactions that occur in this state.

6 (b) A certified copy of a statement that has been filed in the Office of the Secretary of State  
7 and recorded in the office of the register of deeds has the effect provided for recorded statements  
8 in this chapter. A recorded statement that is not a certified copy of a statement filed in the Office  
9 of the Secretary of State does not have the effect provided for recorded statements in this  
10 chapter.

11 (c) A statement filed by a partnership must be executed by at least two partners. Other  
12 statements must be executed by a partner or other person authorized by this chapter. An  
13 individual who executes a statement as, or on behalf of, a partner or other person named as a  
14 partner in a statement shall personally declare under penalty of perjury that the contents of the  
15 statement are accurate.

16 (d) A person authorized by this chapter to file a statement may amend or cancel the  
17 statement by filing an amendment or cancellation that names the partnership, identifies the  
18 statement, and states the substance of the amendment or cancellation.

19 (e) A person who files a statement pursuant to this section shall promptly send a copy of the  
20 statement to every nonfiling partner and to any other person named as a partner in the statement.  
21 Failure to send a copy of a statement to a partner or other person does not limit the effectiveness  
22 of the statement as to a person not a partner.

23 The secretary of state may collect a fee for filing or providing a certified copy of a statement.

24 The register of deeds may collect a fee, ~~not to exceed ten dollars,~~ in accordance with

1 subdivisions 7-9-15(1) and (2) for recording a statement filed pursuant to this section.

# State of South Dakota

NINETY-FIRST SESSION  
LEGISLATIVE ASSEMBLY, 2016

714X0050

HOUSE BILL NO. #50

Introduced by: \_\_\_\_\_

1 FOR AN ACT ENTITLED, An Act to revise certain administrative functions regarding county  
2 government.

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

4 Section 1. That § 7-7-2.1 be amended to read as follows:

5 7-7-2.1. The ~~chairman~~ chair of the board of county commissioners ~~at his discretion~~ may  
6 close the courthouse in case of emergency or severe weather ~~and each such closing shall be for~~  
7 ~~no more than one business day~~. The public shall be adequately notified. An emergency for the  
8 purpose of this section is an unforeseen occurrence or combination of circumstances which calls  
9 for immediate action or remedy.

10 Section 2. That § 7-8-24 be amended to read as follows:

11 7-8-24. The board of county commissioners ~~shall have power to~~ may appropriate funds for  
12 the ~~purpose of defraying necessary expense of proper~~ observance of Memorial Day each year.

13 Section 3. That § 7-8-24 be repealed.

14 ~~7-8-24. The board of county commissioners shall have power to appropriate funds for the~~  
15 ~~purpose of defraying necessary expense of proper observance of Memorial Day each year.~~

16 Section 4. That § 7-8-19 be amended to read as follows:



1        7-8-19. The board of county commissioners ~~shall have the power to~~ may preserve order  
2 when sitting as a board ~~and may punish contempts by fines not exceeding five~~ by imposing a  
3 contempt fine not to exceed twenty-five dollars or by imprisonment in the county jail not  
4 ~~exceeding~~ to exceed twenty-four hours. ~~It~~ The board may enforce obedience to all its orders by  
5 attachment or other compulsory process.

6        Section 5. That § 8-4-3 be amended to read as follows:

7        8-4-3. Each person elected or appointed to any township office, shall, within ten days after  
8 receiving notice of election or appointment and before entering upon the discharge of the  
9 officer's duties, take and subscribe an oath or affirmation as required by § 3-1-5. ~~All such~~  
10 ~~official oaths~~ Each oath shall be ~~immediately~~ filed in the office of the county auditor by the last  
11 day of March. No fee may be charged or received by any officer for administering or filing the  
12 ~~official~~ oath, or for filing or recording any township officer's official bond.

13        Section 6. That § 8-10-2 be amended to read as follows:

14        8-10-2. ~~It shall be the duty of the~~ The township clerk, ~~within three days after the board of~~  
15 ~~supervisors has made the levy of taxes, to~~ shall notify the county auditor by the last day or  
16 March of the amount of the taxes levied, ~~who~~ by the board of supervisors. The county auditor  
17 shall enter the ~~same~~ amount on the county tax list to be collected by the county treasurer as  
18 county taxes are collected.

# State of South Dakota

NINETY-FIRST SESSION  
LEGISLATIVE ASSEMBLY, 2016

870X0076

HOUSE BILL NO. # 76

Introduced by: \_\_\_\_\_

1 FOR AN ACT ENTITLED, An Act to require municipalities to reimburse the counties for  
2 certain judicial and law enforcement expenditures.

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

4 Section 1. Beginning on June 1, 2018, and June first of each year thereafter, each county  
5 shall submit to each incorporated municipality within the county the expense for certain judicial  
6 and law enforcement costs as defined in section 2 of this Act. Each municipality shall reimburse  
7 the county based on its pro rata share of the total county population times the total judicial and  
8 law enforcement costs paid by the county in the preceding calendar year. Each municipality shall  
9 reimburse the county by August first each year.

10 The most recent decennial census of the United States Department of Commerce, Bureau  
11 of the Census shall be used to determine the county and municipal population.

12 Section 2. For the purposes of this Act, the term, judicial and law enforcement costs, means  
13 the expenditures made by the county during the preceding calendar year for the judicial system,  
14 public defender, court appointed attorney, abused and neglected child defense, other legal  
15 services, county jail, and juvenile detention. The term does not include the expenditures made  
16 for the state's attorney, sheriff, or county-wide law enforcement.

